

ADOPTED



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 97

AMENDMENT NO. A58
(to be filled in by
Principal Clerk)

H97-AMH-17 [v.10]

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Amends Title [NO]
H97-PCS10387-SVxf-25

Date _____, 2015

Representative Bryan

1 moves to amend the bill on page 166, line 44, by inserting after that line a new special
2 provision to read:

3 **"ENVIRONMENTAL ASSESSMENT TESTING**

4 **SECTION 14.19.(a)** G.S. 143-215.94B is amended by adding a new subsection to
5 read:

6 "(j) In order to be eligible for reimbursement from the Commercial Fund for testing
7 associated with soil and groundwater assessment, the owner, operator, landowner, or a
8 representative of the owner, operator, or landowner must have submitted a contamination
9 assessment plan and cost estimate to the Department for authorization prior to beginning
10 assessment activities. The Department shall not authorize any assessment activity unless the
11 least-cost method is proposed for the assessment activity."

12 **SECTION 14.19.(b)** G.S. 143-215.94D is amended by adding a new subsection to
13 read:

14 "(i) In order to be eligible for reimbursement from the Noncommercial Fund for testing
15 associated with soil and groundwater assessment, the owner, operator, landowner, or a
16 representative of the owner, operator, or landowner must have submitted a contamination
17 assessment plan and cost estimate to the Department for authorization prior to beginning
18 assessment activities. The Department shall not authorize any assessment activity unless the
19 least-cost method is proposed for the assessment activity."

20 **SECTION 14.19.(c).** The Department of Environment and Natural Resources shall
21 develop an informal dispute resolution process that allows an owner, operator or landowner
22 eligible for reimbursement (including a representative of an owner, operator, or landowner) to
23 work with the Department to resolve least cost methodology disputes arising in the
24 contamination assessment plan approval process. The process shall include all of the following:

- 25 (1) Utilization of best practice benchmarks for assessment methodologies.
- 26 (2) A written procedure that is available on the Department's website and upon
27 request to an owner, operator, landowner, or representative.

28 **SECTION 14.19.(d)** The Department of Environment and Natural Resources shall
29 review and revise its procedures for reimbursement of soil and groundwater assessment, and, in
30 particular, whether the rate tables and the Department's procedures for compiling and updating
31 the tables facilitate the use of the most cost effective methods for soil and groundwater



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- 1 assessment. The Department shall report its findings and recommendations, including any
2 proposed legislation, to the Environmental Review Commission no later than May 1, 2016.".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

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and vote information, is available in the
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