

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007**

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BILL DRAFT 2007-RIz-25 [v.1] (05/14)

**(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)
5/19/2008 11:15:18 AM**

Short Title: Amend Bernard Allen Emer. Drinking Water Fnd. (Public)

Sponsors: .

Referred to:

A BILL TO BE ENTITLED
AN ACT TO AMEND THE BERNARD ALLEN MEMORIAL EMERGENCY
DRINKING WATER FUND TO ALLOW FOR PAYMENT OF ADDITIONAL
NOTIFICATION AND TESTING.

The General Assembly of North Carolina enacts:

SECTION 1.

"§ 87-98. Bernard Allen Memorial Emergency Drinking Water Fund.

(a) The Bernard Allen Memorial Emergency Drinking Water Fund is established under the control and direction of the Department. The Fund shall be a nonreverting, interest-bearing fund consisting of monies appropriated by the General Assembly or made available to the Fund from any other source and investment interest credited to the Fund.

(b) The Fund may be used to pay for notification, to the extent practicable, of persons aged 18 and older who reside in any dwelling unit, and the senior official in charge of any business, at which drinking water is supplied from a private drinking water well or improved spring that is located within 1,500 feet of, and at risk from, known groundwater contamination. The senior official in charge of the business shall take reasonable measures to notify all employees of the business of the groundwater contamination, including posting a notice of the contamination in a form and at a location that is readily accessible to the employees of the business. The Fund may also be used by the Department ~~to~~ to: (i) pay the costs of testing of private drinking water wells and improved springs for suspected contamination up to once every three years upon request by a person who uses the well and for the temporary or permanent provision of alternative drinking water supplies to persons whose drinking water well or improved spring is contaminated, and (ii) pay for additional notification and testing where an initial set of well tests identifies a larger range of contamination.

1 Under this subsection, an alternative drinking water supply includes the repair or
2 replacement of a contaminated well or the connection to a public water supply.

3 (c) The Department shall disburse monies from the Fund based on financial need
4 and on the risk to public health posed by groundwater contamination and shall give
5 priority to the provision of services under this section to instances when an alternative
6 source of funds is not available. The Fund shall not be used for remediation of
7 groundwater contamination. Nothing in this section expands, contracts, or modifies the
8 obligation of responsible parties under Article 9 or 10 of Chapter 130A of the General
9 Statutes, this Article, or Article 21A of this Chapter to assess contamination, identify
10 receptors, or remediate groundwater or soil contamination. The Fund shall not be used
11 to provide alternative water supply to households with incomes greater than three
12 hundred percent (300%) of the current federal poverty level. The Fund shall not be used
13 to provide alternative drinking water supplies unless the concentration of one or more
14 contaminants in the private drinking water well or improved spring exceeds the
15 Maximum Contaminant Level, or the federal drinking water action level as defined in
16 40 Code of Federal Regulations § 141.1 through § 141.571 (1 July 2006) and 40 Code
17 of Federal Regulations § 143.3 (1 July 2006). The Fund shall not be used to provide
18 temporary water supplies in any calendar quarter until all needs for permanent
19 replacement water supplies that have been identified in that calendar quarter have been
20 met through hookups to public water supplies, repair, or replacement of contaminated
21 wells. In disbursing monies from the Fund, preference shall be given to providing
22 permanent replacement water supplies by connection to public water supplies and repair
23 or replacement of contaminated wells over the provision of temporary water supplies.

24 (d) The Department shall establish criteria by which the Department is to
25 evaluate applications and disburse monies from this Fund and may adopt any rules
26 necessary to implement this section.

27 (e) The Department, in consultation with the Commission for Public Health and
28 local health departments, shall report no later than 1 October of each year to the
29 Environmental Review Commission, the House of Representatives and Senate
30 Appropriations Subcommittees on Natural and Economic Resources, and the Fiscal
31 Research Division of the General Assembly on the implementation of this section. The
32 report shall include the purpose and amount of all expenditures from the Fund during
33 the prior fiscal year, a discussion of the benefits and deficiencies realized as a result of
34 the section, and may also include recommendations for any legislative action."

35 **SECTION 2.** This act is effective when it becomes law.