

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

H

2

HOUSE BILL 1388  
Committee Substitute Favorable 5/11/09

Short Title: Brownfields Property Notifications.

(Public)

Sponsors:

Referred to:

April 13, 2009

A BILL TO BE ENTITLED

AN ACT TO EXPAND THE PUBLIC NOTICE REQUIREMENT REGARDING A  
PROSPECTIVE DEVELOPER'S INTENT TO REDEVELOP A BROWNFIELDS  
PROPERTY.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 130A-310.34 reads as rewritten:

**"§ 130A-310.34. Public notice and community involvement.**

(a) A prospective developer who desires to enter into a brownfields agreement shall notify the public and the community in which the brownfields property is located of planned remediation and redevelopment activities. The prospective developer shall submit a Notice of Intent to Redevelop a Brownfields Property and a summary of the Notice of Intent to the Department. The Notice of Intent shall provide, to the extent known, a legal description of the location of the brownfields property, a map showing the location of the brownfields property, a description of the contaminants involved and their concentrations in the media of the brownfields property, a description of the intended future use of the brownfields property, any proposed investigation and remediation, and a proposed Notice of Brownfields Property prepared in accordance with G.S. 130A-310.35. Both the Notice of Intent and the summary of the Notice of Intent shall state the time period and means for submitting written comment and for requesting a public meeting on the proposed brownfields agreement. The summary of the Notice of Intent shall include a statement as to the public availability of the full Notice of Intent. After approval of the Notice of Intent and summary of the Notice of Intent by the Department, the prospective developer shall provide a copy of the Notice of Intent to all local governments having jurisdiction over the brownfields property. The prospective developer shall publish the summary of the Notice of Intent in a newspaper of general circulation serving the area in which the brownfields property is located and shall file a copy of the summary of the Notice of Intent with the Codifier of Rules, who shall publish the summary of the Notice of Intent in the North Carolina Register. located. The prospective developer shall also conspicuously post a copy of the summary of the Notice of Intent at the brownfields site-property, and the prospective developer shall mail or deliver a copy of the summary to each owner of property contiguous to the brownfields property. The prospective developer shall submit documentation of the public notices to the Department prior to the Department entering into a brownfields agreement.

(b) Publication of the approved summary of the Notice of Intent ~~in the North Carolina Register and publication~~ in a newspaper of general ~~circulation~~ circulation, posting the summary at the brownfields property, and mailing or delivering the summary to each owner of property contiguous to the brownfields property shall begin a public comment period of at least 30 days from the later latest date of publication, posting, and mailing or delivering. During



\* H 1 3 8 8 - V - 2 \*

1 the public comment period, members of the public, residents of the community in which the  
2 brownfields property is located, and local governments having jurisdiction over the brownfields  
3 property may submit comment on the proposed brownfields agreement, including methods and  
4 degree of remediation, future land uses, and impact on local employment.

5 (c) Any person who desires a public meeting on a proposed brownfields agreement  
6 shall submit a written request for a public meeting to the Department within 21 days after the  
7 public comment period begins. The Department shall consider all requests for a public meeting  
8 and shall hold a public meeting if the Department determines that there is significant public  
9 interest in the proposed brownfields agreement. If the Department decides to hold a public  
10 meeting, the Department shall, at least 15 days prior to the public meeting, mail written notice  
11 of the public meeting to all persons who requested the public meeting and to ~~any other person~~  
12 ~~who had previously requested notice.~~ each owner of property contiguous to the brownfields  
13 property. The Department shall also direct the prospective developer to publish, at least 15 days  
14 prior to the date of the public meeting, a notice of the public meeting at least one time in a  
15 newspaper having general circulation in such county where the brownfields property is located.  
16 In any county in which there is more than one newspaper having general circulation, the  
17 Department shall direct the prospective developer to publish a copy of the notice in as many  
18 newspapers having general circulation in the county as the Department in its discretion  
19 determines to be necessary to assure that the notice is generally available throughout the  
20 county. The Department shall prescribe the form and content of the notice to be published. The  
21 Department shall prescribe the procedures to be followed in the public meeting. The  
22 Department shall take detailed minutes of the meeting. The minutes shall include any written  
23 comments, exhibits, or documents presented at the meeting.

24 (d) Prior to entering into a brownfields agreement, the Department shall take into  
25 account the comment received during the comment period and at the public meeting if the  
26 Department holds a public meeting. The Department shall incorporate into the brownfields  
27 agreement provisions that reflect comment received during the comment period and at the  
28 public meeting to the extent practical. The Department shall give particular consideration to  
29 written comment that is supported by valid scientific and technical information and analysis  
30 and to written comment from the units of local government that have taxing jurisdiction over  
31 the brownfields property."

32 **SECTION 2.** This act becomes effective October 1, 2009, and applies to Notices of  
33 Intent to Redevelop a Brownfields Property and summaries of Notices of Intent submitted on or  
34 after that date.