

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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SENATE DRS75037-LD-23 (02/23)

Short Title: No LUST Cleanup Under Certain Circumstances.

(Public)

Sponsors: Senator East.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE THAT NO CLEANUP WILL BE REQUIRED FOR ANY
3 DISCHARGE OR RELEASE FROM A PETROLEUM UNDERGROUND STORAGE
4 TANK WHEN A PUBLIC WATER SYSTEM IS AVAILABLE TO THOSE AFFECTED
5 BY THE DISCHARGE OR RELEASE AND NO SURFACE WATERS ARE LOCATED
6 WITHIN ONE THOUSAND FEET OF THE DISCHARGE OR RELEASE.

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** G.S. 143-215.94V(b) reads as rewritten:

9 "(b) The Commission shall adopt rules to establish a risk-based approach for the
10 assessment, prioritization, and cleanup of discharges and releases from petroleum underground
11 storage tanks. The rules shall address, at a minimum, the circumstances where site-specific
12 information should be considered, criteria for determining acceptable cleanup levels, and the
13 acceptable level or range of levels of risk to human health and the environment. No cleanup
14 shall be required when a public water system is available to those affected by the discharge or
15 release and no surface waters are located within 1,000 feet of the discharge or release. As used
16 in this subsection, the following definitions apply:

17 (1) Affected by the discharge or release. – Reside at an occupied dwelling that is
18 located 1,500 feet or less from the discharge or release or are employed at,
19 attend, or visit any of the following facilities when the facility is located
20 2,500 feet or less from the discharge or release: business; school; hospital;
21 church; outdoor recreational facility; national park; State park, as defined in
22 G.S. 113-44.9; historic property acquired by the State pursuant to G.S. 121-9
23 or listed in the North Carolina Register of Historic Places pursuant to
24 G.S. 121-4.1; or child care center, as defined in G.S. 110-86, that is licensed
25 under Article 7 of Chapter 110 of the General Statutes.

26 (2) Public water system. – Defined in G.S. 130A-313."

27 **SECTION 2.** This act is effective when it becomes law and applies to assessments
28 that are begun on or after that date.

