

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

FILED SENATE
May 26, 2022
S.B. 830
PRINCIPAL CLERK

S

D

SENATE BILL DRS45551-MHa-172

Short Title: PFAS Firefighting Foam Replacement.

(Public)

Sponsors: Senators deViere and Lee (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE FUNDS FOR REPLACEMENT AND DISPOSAL OF
3 FIREFIGHTING FOAM CONTAINING PFAS.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. Article 21A of Chapter 143 of the General Statutes is amended by
6 adding a new Part to read:

7 "Part 8. Firefighting Foam Replacement Fund.

8 "§ 143-215.104CC. Definitions.

9 The following definitions apply in this Part:

- 10 (1) Class B firefighting foam. – Any foam designed for flammable liquid fires.
11 (2) Eligible fire department. – A fire department certified by the Department of
12 Insurance that (i) serves a local government, (ii) is located in a county defined
13 as development tier one areas under G.S. 143B-437.08, and (iii) consists
14 entirely of volunteer members, with the exception that the unit may have paid
15 members to fill the equivalent of six full-time positions.
16 (3) Eligible local government. – A county, city, town, fire protection district, or
17 other special purpose district that provides firefighting services.
18 (4) PFAS chemicals. – A class of fluorinated organic chemicals containing at least
19 one fully fluorinated carbon atom.

20 "§ 143-215.104DD. Fund established.

21 (a) Fund Established; Purpose. – The Firefighting Foam Replacement Fund (Fund) is
22 established as a special fund in the Department. The Fund is composed of appropriations from
23 the General Assembly and other funding made available to the Department from federal
24 government programs, the State, or other public and private sources. The Fund shall be used, as
25 available, to provide financial support to eligible fire departments to replace stocks of Class B
26 firefighting foam containing PFAS chemicals with foam that does not contain PFAS chemicals.

27 (b) Grants. – An eligible fire department or an eligible local government may apply for a
28 grant from the Fund. The Department shall specify the form and contents of the application,
29 including procedures for the submission of applications electronically, and shall require as a
30 condition of funding that grant recipients document and report in a manner as the Department
31 may specify the quantity of PFAS containing foam replaced. The amount of a grant under this
32 section shall not exceed one hundred thousand dollars (\$100,000). An eligible fire department
33 and an eligible local government may not receive grants for replacement of the same stocks of
34 Class B firefighting foam containing PFAS chemicals.

35 (c) Rulemaking. – The Department may issue rules to implement the requirements of this
36 Article.



1 (d) Reports. – The Department shall report on the grants made from the Fund no later
2 than February 1 of each year following a year in which a grant from the Fund was made and shall
3 provide a copy to the Joint Legislative Oversight Committee on Agriculture and Natural and
4 Economic Resources and the Fiscal Research Division of the Legislative Services Office of the
5 General Assembly. The report shall include the number of applications, the total amount
6 requested, the total amount awarded, and a list of the recipients, including the amount received
7 by each."

8 **SECTION 2.** There is appropriated from the General Fund to the Department of
9 Environmental Quality the sum of five million dollars (\$5,000,000) in nonrecurring funds for the
10 2022-2023 fiscal year. These funds shall be allocated to the Firefighting Foam Replacement Fund
11 established by G.S. 143-215.104DD, as enacted by Section 1 of this act, and used for the grant
12 program established by this act.

13 **SECTION 3.** This act becomes effective July 1, 2022.