



# HOUSE BILL 770: Noncommercial USTs/Rule-Making Report.

2017-2018 General Assembly

<b>Committee:</b>	House Floor	<b>Date:</b>	April 23, 2017
<b>Introduced by:</b>	Reps. K. Hall, McElraft, B. Turner, Harrison	<b>Prepared by:</b>	Jennifer McGinnis Committee Counsel
<b>Analysis of:</b>	Second Edition		

**OVERVIEW:** *House Bill 770 would require the Environmental Management Commission (EMC) to: (i) adopt temporary rules to reflect modifications to requirements for assessment and corrective action in response to discharges and releases from petroleum underground storage tanks (USTs), which were enacted by the General Assembly in 2015; and (ii) report on the status of this rulemaking process to the Fiscal Research Division and the chairs of the Joint Legislative Oversight Committee on Agriculture and Natural and Economic Resources no later than December 31, 2017.*

**CURRENT LAW:** Section 14.16B of S.L. 2015-241 (2015 Appropriations Act) directed the Department to amend several rules pertaining to risk-based assessment and corrective action for USTs to do the following:

- "(1) Not require a responsible party to take immediate action or initial abatement actions with respect to a discharge or release from a noncommercial underground storage tank until such time as the Department has classified the risk posed by the discharge or release, except for those actions determined by the Department to be necessary to protect public health, safety, and welfare and the environment, and to mitigate any fire, explosion, or vapor hazard.
- (2) Notify the responsible party that no cleanup, no further cleanup, or no further action will be required by the Department if the risk posed by a discharge or release from a noncommercial underground storage tank is determined by the Department to be low risk, without requiring soil remediation pursuant to 15A NCAC 02L .0408. The Department may, however, reclassify the risk if it later determines that the discharge or release poses an unacceptable risk or a potentially unacceptable risk to human health or the environment."

In addition, the Department was directed to implement these provisions, in advance of rulemaking, as soon as the legislation became law.

**BILL ANALYSIS:** The bill directs the EMC to adopt temporary rules implementing Section 14.16B of S.L. 2015-241 no later than October 1, 2017, and provides that the temporary rules will remain in effect until permanent rules are adopted, and have become effective. The bill also requires the EMC to report on the status of such rulemaking to the Fiscal Research Division and the chairs of the Joint Legislative Oversight Committee on Agriculture and Natural and Economic Resources no later than December 31, 2017.

**EFFECTIVE DATE:** This bill would be effective when it becomes law.

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