

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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HOUSE BILL 1099*
Committee Substitute Favorable 5/26/05

Short Title: Brownfields Property Reuse Act Amendments.

(Public)

Sponsors:

Referred to:

April 4, 2005

A BILL TO BE ENTITLED

AN ACT TO AMEND THE BROWNFIELDS PROPERTY REUSE ACT OF 1997.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 130A-310.31(b)(3) reads as rewritten:

"(3) "Brownfields property" or "brownfields site" means abandoned, idled, or underused property at which expansion or redevelopment is hindered by actual environmental contamination or the possibility of environmental contamination and that is or may be subject to remediation under any State remedial program other than Part 2A of Article 21A of Chapter 143 of the General Statutes or that is or may be subject to remediation under the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended (~~42 U.S.C. § 9601 et seq.~~) (42 U.S.C. § 9601, et seq.) except for a site listed on the National Priorities List pursuant to 42 U.S.C. § 9605."

SECTION 2. G.S. 130A-310.31(b)(5) reads as rewritten:

"(5) "Unrestricted use standards" when used in connection with "cleanup", "remediated", or "remediation" means ~~that cleanup or remediation of contamination~~ complies with contaminant concentrations for each environmental medium that are considered acceptable for all uses and that comply with generally applicable standards, guidance, or established methods governing the contaminants that are established by statute or adopted, published, or implemented by the Environmental Management Commission, the Commission, or the Department instead of the risk-based standards established by the Commission pursuant to this Part. ~~site-specific contaminant levels established pursuant to this Part.~~"

SECTION 3. G.S. 130A-310.31(b)(10) reads as rewritten:

"(10) "Prospective developer" means any person ~~who desires~~ with a bona fide, demonstrable desire to either buy or sell a brownfields property

1 for the purpose of developing or redeveloping that brownfields
2 property and who did not cause or contribute to the contamination at
3 the brownfields property."

4 **SECTION 4.** G.S. 130A-310.34(b) reads as rewritten:

5 "(b) Publication of the approved summary of the Notice of Intent in the North
6 Carolina Register and publication in a newspaper of general circulation shall begin a
7 public comment period of at least ~~60~~30 days from the later date of publication. During
8 the public comment period, members of the public, residents of the community in which
9 the brownfields property is located, and local governments having jurisdiction over the
10 brownfields property may submit comment on the proposed brownfields agreement,
11 including methods and degree of remediation, future land uses, and impact on local
12 employment."

13 **SECTION 5.** G.S. 130A-310.34(c) reads as rewritten:

14 "(c) Any person who desires a public meeting on a proposed brownfields
15 agreement shall submit a written request for a public meeting to the Department within
16 ~~30~~21 days after the public comment period begins. The Department shall consider all
17 requests for a public meeting and shall hold a public meeting if the Department
18 determines that there is significant public interest in the proposed brownfields
19 agreement. If the Department decides to hold a public meeting, the Department shall, at
20 least ~~30~~15 days prior to the public meeting, mail written notice of the public meeting to
21 all persons who requested the public meeting and to any other person who had
22 previously requested notice. The Department shall also direct the prospective developer
23 to publish, at least ~~30~~15 days prior to the date of the public meeting, a notice of the
24 public meeting at least one time in a newspaper having general circulation in such
25 county where the brownfields property is located. In any county in which there is more
26 than one newspaper having general circulation, the Department shall direct the
27 prospective developer to publish a copy of the notice in as many newspapers having
28 general circulation in the county as the Department in its discretion determines to be
29 necessary to assure that the notice is generally available throughout the county. The
30 Department shall prescribe the form and content of the notice to be published. The
31 Department shall prescribe the procedures to be followed in the public meeting. The
32 Department shall take detailed minutes of the meeting. The minutes shall include any
33 written comments, exhibits, or documents presented at the meeting."

34 **SECTION 6.** G.S. 130A-310.37(c) reads as rewritten:

35 "(c) The Department shall not enter into a brownfields agreement for a
36 ~~brownfields site that is identified by the United States Environmental Protection Agency~~
37 ~~as a federal Superfund site pursuant to 40 Code of Federal Regulations, Part 300 (1 July~~
38 ~~1996 Edition).~~ site listed on the National Priorities List pursuant to 42 U.S.C. § 9605."

39 **SECTION 7.** This act becomes effective 1 January 2006.