

**GENERAL ASSEMBLY OF NORTH CAROLINA**

**SESSION 1997**

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HOUSE BILL 1483\*  
Committee Substitute Favorable 8/20/98

Short Title: Expedite Low Risk LUST Cleanup Closures.

(Public)

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Sponsors:

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Referred to:

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May 25, 1998

1 A BILL TO BE ENTITLED  
2 AN ACT TO EXPEDITE THE CLOSURE OF LOW RISK LEAKING PETROLEUM  
3 UNDERGROUND STORAGE TANK CLEANUPS BY ALLOWING THE COST  
4 OF OBTAINING THE ADDITIONAL INFORMATION REQUIRED TO ASSESS  
5 THE RISK OF RELEASES REPORTED PRIOR TO THE EFFECTIVE DATE OF  
6 THE RISK ASSESSMENT RULES TO BE PAID FROM THE COMMERCIAL  
7 FUND OR THE NONCOMMERCIAL FUND UNDER CERTAIN  
8 CIRCUMSTANCES, TO PROVIDE THAT THE COST OF CONNECTING THIRD  
9 PARTIES TO PUBLIC WATER SYSTEMS MAY BE PAID FROM THE  
10 COMMERCIAL FUND OR THE NONCOMMERCIAL FUND UNDER CERTAIN  
11 CIRCUMSTANCES, TO MAKE LANDOWNERS ELIGIBLE FOR  
12 REIMBURSEMENT OF CLEANUP COSTS FROM THE NONCOMMERCIAL  
13 FUND UNDER CERTAIN CIRCUMSTANCES, TO AUTHORIZE THE  
14 ENVIRONMENTAL MANAGEMENT COMMISSION TO REQUIRE THAT  
15 ASSESSMENT AND CLEANUP TASKS AND COSTS BE PREAPPROVED  
16 BEFORE WORK PROCEEDS, TO MAKE PETROLEUM COMMERCIAL  
17 UNDERGROUND STORAGE TANK OPERATING PERMITS SUBJECT TO  
18 ADDITIONAL FEDERAL REQUIREMENTS APPLICABLE IN 1998, TO  
19 PROVIDE FOR ASSIGNMENT OF PAYMENTS FROM THE COMMERCIAL

1 FUND AND THE NONCOMMERCIAL FUND, TO ESTABLISH A DE MINIMIS  
2 REPORTING REQUIREMENT FOR PETROLEUM UNDERGROUND STORAGE  
3 TANK SPILLS AND OVERFILLS OF LESS THAN TWENTY-FIVE GALLONS  
4 THAT ARE CLEANED UP WITHIN TWENTY-FOUR HOURS, TO PROVIDE  
5 THAT FEDERAL LIMITATIONS ON LENDER LIABILITY APPLY TO THE  
6 LEAKING PETROLEUM UNDERGROUND STORAGE TANK CLEANUP  
7 PROGRAM, TO PROVIDE THAT RULES APPLICABLE TO COMMERCIAL  
8 UNDERGROUND STORAGE TANKS DO NOT APPLY TO CERTAIN TANKS,  
9 AND TO MAKE RELATED CONFORMING AND TECHNICAL AMENDMENTS.

10 The General Assembly of North Carolina enacts:

11 Section 1. Cost of obtaining additional information required to assess risk of releases  
12 reported prior to effective date of risk assessment rules payable from the Commercial  
13 Fund or the Noncommercial Fund under certain circumstances. – (a) The definitions set  
14 out in G.S. 143-212 and G.S. 143-215.94A apply to this section.

15 (b) Subject to the requirements and limitations of this section, an owner, operator,  
16 or landowner may elect to have the Commercial Fund or the Noncommercial Fund, as  
17 appropriate, pay or reimburse the cost of obtaining the additional information needed by  
18 the Commission and the Department to assess the risk to human health and the  
19 environment posed by a discharge or release from a petroleum underground storage tank  
20 under rules adopted by the Commission pursuant to G.S. 143-215.94V without paying the  
21 costs for which the owner, operator, or landowner would otherwise be responsible under  
22 subsections (b) or (b1) of G.S. 143-215.94B or G.S. 143-215.94E(c1).

23 (c) The Department shall pay on behalf of, or reimburse a cost paid by, an owner,  
24 operator, or landowner only if:

25 (1) The owner, operator, or landowner meets all the requirements of Part  
26 2A of Article 21A of the General Statutes that establish eligibility for  
27 payment or reimbursement of costs other than the requirement that the  
28 owner, operator, or landowner pay the costs for which the owner,  
29 operator, or landowner is otherwise responsible under subsections (b) or  
30 (b1) of G.S. 143-215.94B or G.S. 143-215.94E(c1).

31 (2) The discharge or release was reported as required by G.S. 143-215.85  
32 prior to 2 January 1998.

33 (3) The owner, operator, or landowner has complied with 15A NCAC  
34 2N.0704.

35 (4) The Department determines that additional work is necessary under 15A  
36 NCAC 2L.0115(c)(4) to classify the risk to human health and the  
37 environment posed by the discharge or release.

38 (5) The Department approves the additional work and the cost of the  
39 additional work before the owner, operator, or landowner proceeds with  
40 the additional work.

41 (d) The Department shall pay or reimburse claims under this section in the  
42 order in which the claims are received. The total of all costs paid or  
43 reimbursed under this section in any calendar month shall not exceed

1 twenty percent (20%) of the total of all monies paid to the Commercial  
2 Fund from all sources during the previous calendar month.

- 3 (e) Costs paid or reimbursed from the Commercial Fund or the  
4 Noncommercial Fund under this section shall not be credited toward  
5 costs for which the owner, operator, or landowner is responsible under  
6 subsections (b) or (b1) of G.S. 143-215.94B or G.S. 143-215.94E(c1).

7 Section 2. Department may pay the cost of connecting third parties to public  
8 water system from the Commercial Fund under certain circumstances. – G.S. 143-  
9 215.94B is amended by adding a new subsection to read:

10 "(b3) For purposes of subsections (b) and (b1) of this section, the cleanup of  
11 environmental damage includes connection of a third party to a public water system if the  
12 Department determines that connection of the third party to a public water system is a  
13 cost-effective measure, when compared to other available measures, to reduce risk to  
14 human health or the environment. A payment or reimbursement under this subsection is  
15 subject to the requirements and limitations of this section. This subsection shall not be  
16 construed to limit any right or remedy available to a third party under any other provision  
17 of law. This subsection shall not be construed to require a third party to connect to a  
18 public water system. Except as provided by this subsection, connection to a public water  
19 system does not constitute cleanup under Part 2 of this Article, G.S. 143-215.94E, G.S.  
20 143-215.94V, any other applicable statute, or at common law."

21 Section 3. Department may pay the cost of connecting third parties to public  
22 water system from the Noncommercial Fund under certain circumstances. – G.S. 143-  
23 215.94D is amended by adding a new subsection to read:

24 "(b3) For purposes of subsection (b1) of this section, the cleanup of environmental  
25 damage includes connection of a third party to a public water system if the Department  
26 determines that connection of the third party to a public water system is a cost-effective  
27 measure, when compared to other available measures, to reduce risk to human health or  
28 the environment. A payment or reimbursement under this subsection is subject to the  
29 requirements and limitations of this section. This subsection shall not be construed to  
30 limit any right or remedy available to a third party under any other provision of law. This  
31 subsection shall not be construed to require a third party to connect to a public water  
32 system. Except as provided by this subsection, connection to a public water system does  
33 not constitute cleanup under Part 2 of this Article, G.S. 143-215.94E, G.S. 143-215.94V,  
34 any other applicable statute, or at common law."

35 Section 4. **Landowners eligible for reimbursement of cleanup cost from**  
36 **Noncommercial Fund under certain circumstances.** – Section 9 of Chapter 648 of the  
37 1995 Session Laws (1996 Regular Session) reads as rewritten:

38 "Sec. 9. Sections 1 and 7 of this act become effective 30 days after the date this act is  
39 ratified and expires on the date that a temporary or permanent rule adopted under G.S.  
40 143-215.94V(b) become effective as provided in G.S. 150B-21.3. Section 2 of this  
41 act becomes effective 1 January 1997. Section 3 of this act becomes effective upon  
42 ratification, applies retroactively to any discharge or release that is discovered and  
43 reported on or after 1 January 1992 and before 1 October 1997, and expires on 1 October

1 1997-1992. Section 4 of this act is effective upon ratification. Sections 5, 6, 8, and 9 of  
2 this act become effective upon ratification."

3 Section 5. Environmental Management Commission may require that  
4 assessment and cleanup tasks and costs be preapproved before work proceeds. – G.S.  
5 143-215.94E is amended by adding a new subsection to read:

6 "(e2) The Commission may require an owner, operator, or landowner to obtain  
7 approval from the Department before proceeding with any task that will result in a cost  
8 that is eligible to be paid or reimbursed under G.S. 143-215.94B(b), 143-215.94B(b1), or  
9 143-215.94D(b1). The Commission shall specify by rule those tasks for which  
10 preapproval is required. The Department shall deny any request for payment or  
11 reimbursement of the cost of any task for which preapproval is required if the owner,  
12 operator, or landowner failed to obtain preapproval of the task. The Department shall pay  
13 or reimburse the cost of a task for which preapproval is not required only if the cost is  
14 eligible to be paid under G.S. 143-215.94B(b), 143-215.94B(b1), or 143-215.94D(b1)  
15 and if the Department determines that the cost is reasonable and necessary. The  
16 Commission shall adopt rules governing reimbursement of necessary and reasonable  
17 costs. In all cases, the Department shall require an owner, operator, or landowner to  
18 submit documentation sufficient to establish that a cost is eligible to be paid or  
19 reimbursed under this Part before the Department pays or reimburses the cost."

20 Section 6. Petroleum commercial underground storage tank operating permits  
21 subject to additional federal requirements applicable in 1998. – G.S. 143-215.94U(a)  
22 reads as rewritten:

23 "(a) The owner or operator of each petroleum commercial underground storage  
24 tank shall annually obtain an operating permit from the Department for the facility at  
25 which the tank is located. The Department shall issue an operating permit only if the  
26 owner or operator:

- 27 (1) Has notified the Department of the existence of all tanks as required by  
28 40 Code of Federal Regulations § 280.22 (1 July 1994 Edition) or 42  
29 U.S.C. § 6991a, if applicable, at the facility;
- 30 (2) Has paid all fees required under G.S. 143-215.94C for all commercial  
31 petroleum underground storage tanks located at the facility;
- 32 (3) Complies with applicable release ~~detection-detection, spill and overfill~~  
33 protection, and corrosion protection requirements set out in rules  
34 adopted pursuant to this Chapter, notifies the Department of the method  
35 or combination of methods of leak ~~detection-detection, spill and overfill~~  
36 protection, and corrosion protection in use, and certifies to the  
37 Department that all applicable release ~~detection-detection, spill and~~  
38 overfill protection, and corrosion protection requirements are being met  
39 for all petroleum underground storage tanks located at the facility;
- 40 (4) If applicable, complies with the Stage I vapor control requirements set  
41 out in 15A North Carolina Administrative Code 2D.0928, effective 1  
42 March 1991, notifies the Department of the method or combination of  
43 methods of vapor control in use, and certifies to the Department that all

1 Stage I vapor control requirements are being met for all petroleum  
2 underground storage tanks located at the facility; and

- 3 (5) Has substantially complied with the air quality, groundwater quality,  
4 and underground storage tank standards applicable to any activity in  
5 which the applicant has previously engaged and has been in substantial  
6 compliance with federal and State laws, regulations, and rules for the  
7 protection of the environment. In determining substantial compliance,  
8 the compliance history of the owner or operator and any parent,  
9 subsidiary, or other affiliate of the owner, operator, or parent may be  
10 considered."

11 Section 7. **Assignment of payments from the Commercial Fund and the**  
12 **Noncommercial Fund.** – G.S. 143-3.3 is amended by adding a new subsection to read:

13 "(1) Assignment of Payments From the Underground Storage Tank Cleanup Funds.  
14 – This section does not apply to an assignment of any claim for payment or  
15 reimbursement from the Commercial Leaking Petroleum Underground Storage Tank  
16 Cleanup Fund established by G.S. 143-215.94B or the Noncommercial Leaking  
17 Petroleum Underground Storage Tank Cleanup Fund established by G.S. 143-215.94D."

18 Section 8. De minimis reporting requirement for petroleum underground storage  
19 tanks spills and overfills of less than 25 gallons that are cleaned up within 24 hours. – (a)

20 G.S. 143-215.94E(a) reads as rewritten:

21 "(a) Upon a determination that a discharge or release of petroleum from an  
22 underground storage tank has occurred, the owner or operator of the underground storage  
23 tank shall notify the Department pursuant to G.S. 143-215.85. The owner or operator of  
24 the underground storage tank shall immediately undertake to collect and remove the  
25 discharge or release and to restore the area affected in accordance with the requirements  
26 of this Article."

27 (b) G.S. 143-215.94E is amended by adding a new subsection to read:

28 "(a1) If a spill or overfill associated with a petroleum underground storage tank  
29 results in a release of petroleum to the environment of 25 gallons or more or causes a  
30 sheen on nearby surface water, the owner or operator of the petroleum underground  
31 storage tank shall immediately clean up the spill or overfill, report the spill or overfill to  
32 the Department within 24 hours of the spill or overfill, and begin to restore the area  
33 affected in accordance with the requirements of this Article. The owner or operator of a  
34 petroleum underground storage tank shall immediately clean up a spill or overfill of less  
35 than 25 gallons of petroleum that does not cause a sheen on nearby surface water. If a  
36 spill or overfill of less than 25 gallons of petroleum cannot be cleaned up within 24 hours  
37 of the spill or overfill or causes a sheen on nearby surface water, the owner or operator of  
38 the petroleum underground storage tank shall immediately notify the Department."

39 Section 9. **Federal limitations on lender liability apply.** – G.S. 143-  
40 215.94L(b) reads as rewritten:

41 "(b) This Part shall be administered by the Department consistent with the  
42 provisions of Title VI, § 601 of the Hazardous and Solid Waste Amendments of 1984,  
43 Pub. L. No. 98-616, 42 U.S.C. § 6991 ~~et seq.~~, et seq., as amended. The provisions of 40

1 Code of Federal Regulations Part 280, Subpart I – Lender Liability (1 July 1997 Edition)  
2 apply to this Part and Part 2B of this Article."

3 Section 10. Rules applicable to commercial underground storage tanks do not  
4 apply to certain tanks. – G.S. 143-215.94T reads as rewritten:

5 "**§ 143-215.94T. Adoption and implementation of regulatory program.**

6 (a) The Commission shall adopt, and the Department shall implement and enforce,  
7 rules relating to underground storage tanks as provided by G.S. 143-215.3(a)(15) and  
8 G.S. 143B-282(2)h. ~~Such~~ These rules shall include standards and requirements  
9 applicable to both existing and new underground storage tanks and tank systems, may  
10 include different standards and requirements based on tank capacity, tank location, tank  
11 age, and other relevant factors, and shall include, at a minimum, standards and  
12 requirements for:

- 13 (1) Design, construction, and installation, including monitoring ~~systems;~~  
14 systems.
- 15 (2) Notification to the Department, inspection, and ~~registration;~~ registration.
- 16 (3) Recordation of tank ~~location;~~ location.
- 17 (4) Modification, retrofitting, and ~~upgrading;~~ upgrading.
- 18 (5) General operating ~~requirements;~~ requirements.
- 19 (6) Release ~~detection;~~ detection.
- 20 (7) Release reporting, investigation, and ~~confirmation;~~ confirmation.
- 21 (8) Corrective ~~action;~~ action.
- 22 (9) ~~Repair;~~ Repair.
- 23 (10) ~~Closure; and~~ Closure.
- 24 (11) Financial responsibility.

25 (b) Rules adopted pursuant to subsection (a) of this section that apply only to  
26 commercial underground storage tanks shall not apply to any:

- 27 (1) Farm or residential underground storage tank of 1,100 gallons or less  
28 capacity used for storing motor fuel for noncommercial purposes.
- 29 (2) Underground storage tank of 1,100 gallons or less capacity used for  
30 storing heating oil for consumptive use on the premises where stored.
- 31 (3) Underground storage tank of more than 1,100 gallon capacity used for  
32 storing heating oil for consumptive use on the premises where stored by  
33 four or fewer households."

34 Section 11. **Conforming and technical changes.** – (a) G.S. 143-215.94D(b1)  
35 reads as rewritten:

36 "(b1) The Noncommercial Fund shall be used for the payment of the costs of:

- 37 (1) The cleanup of environmental damage as required by G.S. 143-  
38 215.94E(a); and ~~143-215.94E(a).~~
- 39 (2) Compensation to third parties for bodily injury and property damage in  
40 excess of one hundred thousand dollars (\$100,000) per occurrence.
- 41 (3) Reimbursing the State for damages or other costs incurred as a result of  
42 a loan from the Loan Fund. The per occurrence limit does not apply to  
43 reimbursements to the State under this subdivision."

1 (b) G.S. 143-215.94E(e) reads as rewritten:

2 "(e) When ~~the owner or operator~~ an owner, operator, or landowner pays the costs  
3 described in G.S. 143-215.94B(b), 143-215.94B(b1), or 143-215.94D(b1) resulting from  
4 a discharge or release of petroleum from an underground storage tank, the ~~owner or~~  
5 ~~operator~~ owner, operator, or landowner may seek reimbursement from the appropriate  
6 fund for any costs ~~he~~ that the owner, operator, or landowner may elect to have either the  
7 Commercial Fund or the Noncommercial Fund pay in accordance with subsections ~~(b)~~  
8 ~~and (c)-(b), (b1), (c), and (c1)~~ of this section. ~~The Department shall reimburse the owner or~~  
9 ~~operator for all costs he may elect to have the appropriate fund pay that the Department~~  
10 ~~determines to be reasonable and necessary and for which appropriate documentation is~~  
11 ~~submitted.~~ The Department may contract for any services necessary to evaluate any claim  
12 for reimbursement or compensation from either the Commercial Fund or the  
13 Noncommercial Fund, may contract for any expert witness or consultant services  
14 necessary to defend any decision to pay or deny any claim for reimbursement, and may  
15 pay the cost of these services from the fund against which the claim is made; provided  
16 that in any fiscal year the Department shall not expend from either fund more than one  
17 percent (1%) of the unobligated balance of the fund on 30 June of the previous fiscal  
18 year. The cost of contractual services to evaluate a claim or for expert witness or  
19 consultant services to defend a decision with respect to a claim shall be included as costs  
20 under G.S. 143-215.94B(b) and G.S. 143-215.94D(b1). 143-215.94B(b), 143-215.94B(b1),  
21 and 143-215.94D(b1). ~~The Commission shall adopt rules governing reimbursement of~~  
22 ~~necessary and reasonable costs.~~ An owner or operator whose claim for reimbursement is  
23 denied may appeal a decision of the Department as provided in Article 3 of Chapter 150B  
24 of the General Statutes. If the owner or operator is eligible for reimbursement under this  
25 section and the cleanup extends beyond a period of three months, the owner or operator  
26 may apply to the Department for interim reimbursements to which he is entitled under  
27 this section on a quarterly basis. If the Department fails to notify an owner or operator of  
28 its decision on a claim for reimbursement under this subsection within 90 days after the  
29 date the claim is received by the Department, the owner or operator may elect to consider  
30 the claim to have been denied, and may appeal the denial as provided in Article 3 of  
31 Chapter 150B of the General Statutes."

32 (c) G.S. 143-215.94V reads as rewritten:

33 **"§ 143-215.94V. Standards for petroleum underground storage tank cleanup.**

34 (a) Legislative findings and intent.

35 (1) The General Assembly finds that:

- 36 a. The goals of the underground storage tank program are to protect  
37 human health and the environment. Maintaining the solvency of  
38 the Commercial Fund and the Noncommercial Fund is essential  
39 to these goals.
- 40 b. The sites at which discharges or releases from underground  
41 storage tanks occur vary greatly in terms of complexity, soil  
42 types, hydrogeology, other physical and chemical characteristics,  
43 current and potential future uses of groundwater, and the degree

- 1 of risk that each site may pose to human health and the  
2 environment.
- 3 c. Risk-based corrective action is a process that recognizes this  
4 diversity and utilizes an approach where assessment and  
5 remediation activities are specifically tailored to the conditions  
6 and risks of a specific site.
- 7 d. Risk-based corrective action gives the State flexibility in  
8 requiring different levels of cleanup based on scientific analysis  
9 of different site characteristics, and allowing no action or no  
10 further action at sites that pose little risk to human health or the  
11 environment.
- 12 e. A risk-based approach to the cleanup of environmental damage  
13 can adequately protect human health and the environment while  
14 preventing excessive or unproductive cleanup efforts, thereby  
15 assuring that limited resources are directed toward those sites that  
16 pose the greatest risk to human health and the environment.
- 17 (2) The General Assembly intends:
- 18 a. To direct the Commission to adopt rules that will provide for  
19 risk-based assessment and cleanup of discharges and releases  
20 from petroleum underground storage tanks. These rules are  
21 intended to combine groundwater standards that protect current  
22 and potential future uses of groundwater with risk-based analysis  
23 to determine the appropriate cleanup levels and actions.
- 24 b. That these rules apply to all discharges or releases that are  
25 reported on or after the date the rules become effective in order  
26 to ascertain whether cleanup is necessary, and if so, the  
27 appropriate level of cleanup.
- 28 c. That these rules may be applied to any discharge or release that  
29 has been reported at the time the rules become effective at the  
30 discretion of the Commission.
- 31 d. That these rules and decisions of the Commission and the  
32 Department in implementing these rules facilitate the completion  
33 of more cleanups in a shorter period of time.
- 34 e. That neither the Commercial Fund nor the Noncommercial Fund  
35 be used to clean up sites where the Commission has determined  
36 that a discharge or release poses a degree of risk to human health  
37 or the environment that is no greater than the acceptable level of  
38 risk established by the Commission.
- 39 ~~f. That until rules implementing a risk based approach to~~  
40 ~~assessment and cleanup are adopted, the Commission implement~~  
41 ~~the foregoing principles to the maximum extent possible under~~  
42 ~~existing rules.~~



1 (b) The Commission shall adopt rules to establish a risk-based approach for the  
2 assessment, prioritization, and cleanup of discharges and releases from petroleum  
3 underground storage tanks. The rules shall address, at a minimum, the circumstances  
4 where site-specific information should be considered, criteria for determining acceptable  
5 cleanup levels, and the acceptable level or range of levels of risk to human health and the  
6 environment.

7 (c) The Commission may require an owner or operator or a landowner eligible for  
8 payment or reimbursement under G.S. 143-215.94E(b1)-subsections (b), (b1), (c), and (c1)  
9 of G.S. 143-215.94E to provide information necessary to determine the degree of risk to  
10 human health and the environment that is posed by a discharge or release from a  
11 petroleum underground storage tank.

12 (d) If the Commission concludes that a discharge or release poses a degree of risk  
13 to human health or the environment that is no greater than the acceptable level of risk  
14 established by the Commission, the Commission shall notify ~~the~~an owner, operator, or  
15 landowner who ~~makes the determination~~provides the information required by subsection  
16 (c) of this section that no cleanup, further cleanup, or further action will be required  
17 unless the Commission later determines that the discharge or release poses an  
18 unacceptable level of risk or a potentially unacceptable level of risk to human health or  
19 the environment.

20 (e) If the Commission concludes under subsection (d) of this section that no  
21 cleanup, no further cleanup, or no further action will be required, the Department shall  
22 not pay or reimburse any costs otherwise payable or reimbursable under this Article from  
23 either the Commercial or Noncommercial Fund, other than reasonable and necessary to  
24 conduct the risk assessment required by this section, unless:

- 25 (1) Cleanup is ordered or damages are awarded in a finally adjudicated  
26 judgment in an action against the owner or landowner.
- 27 (2) Cleanup is required or damages are agreed to in a consent judgment  
28 approved by the Department prior to its entry by the court.
- 29 (3) Cleanup is required or damages are agreed to in a settlement agreement  
30 approved by the Department prior to its execution by the parties.
- 31 (4) The payment or reimbursement is for costs that were incurred prior to or  
32 as a result of notification of a determination by the Commission that no  
33 cleanup, no further cleanup, or no action is required.
- 34 (5) The payment or reimbursement is for costs that were incurred as a result  
35 of a later determination by the Commission that the discharge or release  
36 poses a threat or potential threat to human health or the environment as  
37 provided in subsection (d) of this section.

38 (f) This section shall not be construed to limit the authority of the Commission to  
39 require investigation, initial response, and abatement of a discharge or release pending a  
40 determination by the Commission under subsection (d) of this section as to whether  
41 cleanup, further cleanup, or further action will be required.

1 (g) Subsections (c) through (e) of this section apply only to assessments and  
2 cleanups in progress or begun on or after ~~the date on which the rules adopted by the~~  
3 ~~Commission pursuant to subsection (b) of this section become effective.~~ 2 January 1998."

4 Section 12. **Temporary rules authorized.** – Notwithstanding G.S. 150B-  
5 21.1(a)(2) and 26 NCAC 2C.0102(11), the Environmental Management Commission may  
6 adopt temporary rules to implement this act until 1 October 1999.

7 Section 13. **Headings for convenience only.** – The headings to the sections of  
8 this act are intended as a convenience to the reader and are for reference only. The  
9 headings do not expand, limit, or define the text of this act.

10 Section 14. **Effective dates.** – Sections 1, 2, and 3 and subsection (c) of  
11 Section 11 of this act are effective retroactively to 2 January 1998 except that subdivision  
12 (5) of subsection (c) of Section 1 of this act is effective when this act becomes law.  
13 Section 1 of this act expires 1 October 1999. Section 4 of this act is effective  
14 retroactively to 1 October 1997. Section 5 and subsection (b) of Section 11 of this act  
15 become effective 1 January 1999. Section 6 of this act becomes effective 22 December  
16 1998. Section 7 of this act is effective retroactively to 30 June 1988. Sections 8, 9, 10,  
17 12, 13, 14 and subsection (a) of Section 11 of this act are effective when this act becomes  
18 law.