

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE BILL 1959

Short Title: Bernard Allen Clean Well Water Funds. (Public)

Sponsors: Representatives Justice, Farmer-Butterfield (Primary Sponsors); Carney, Cleveland, Faison, Glazier, Harrison, Langdon, Luebke, and Underhill.

Referred to: Appropriations.

May 8, 2007

A BILL TO BE ENTITLED

AN ACT TO RENAME THE EMERGENCY DRINKING WATER FUND THE BERNARD ALLEN CLEAN WELL WATER FUND, TO ESTABLISH A REPORTING REQUIREMENT UNDER THE BERNARD ALLEN CLEAN WELL WATER FUND, AND TO APPROPRIATE FUNDS TO THE BERNARD ALLEN CLEAN WELL WATER FUND.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 87-98 reads as rewritten:

"§ 87-98. ~~Emergency Drinking Water Fund.~~The Bernard Allen Clean Well Water Fund.

(a) ~~The Emergency Drinking Water Fund~~Bernard Allen Clean Well Water Fund is established within the Department. Monies in the Fund shall not revert.

(b) The Fund may be used to pay for notification, to the extent practicable, of persons aged 18 and older who reside in any dwelling unit, and the senior official in charge of any business, at which drinking water is supplied from a private drinking water well that is located within 1,500 feet of, and at risk from, known groundwater contamination. The senior official in charge of the business shall take reasonable measures to notify all employees of the business of the groundwater contamination, including posting a notice of the contamination in a form and at a location that is readily accessible to the employees of the business. The funds may also be used to cover the costs of testing private drinking water wells for ~~contamination and~~contamination, whether from a known or unknown source of contamination; for repair or replacement of defective or contaminated wells; and for the provision of alternative drinking water supplies to persons whose drinking water well is contaminated.

(c) The Department shall disburse monies from the Fund based on financial need and on the risk to public health posed by groundwater contamination and shall give priority to the provision of services under this section to instances when an alternative source of funds is not available. The funds shall not be used for remediation of

1 groundwater contamination. Nothing in this section expands, contracts, or modifies the
2 obligation of responsible parties under Article 9 or 10 of Chapter 130A of the General
3 Statutes, this Article, or Article 21A of this Chapter to assess contamination, identify
4 receptors, or remediate groundwater or soil contamination.

5 (d) The Department shall establish criteria by which the Department is to
6 evaluate applications and disburse funds from this Fund and may adopt any rules
7 necessary to implement this section.

8 (e) No later than November 1 of each year, the Department shall submit a report
9 to the Environmental Review Commission on the implementation of the Bernard Allen
10 Clean Well Water Fund, including a summary of applications to and expenditures from
11 the Fund as well as an estimate of the well water remediation needs of the State."

12 **SECTION 2.** Initial Report. – The first report required by G.S. 87-98(e), as
13 enacted by Section 1 of this act, shall be submitted no later than November 1, 2007.

14 **SECTION 3.** Appropriation. – There is appropriated from the General Fund
15 to the Bernard Allen Clean Well Water Fund the sum of ten million dollars
16 (\$10,000,000) for fiscal year 2007-2008.

17 **SECTION 4.** Effective Dates. – This act becomes effective July 1, 2007.