

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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SENATE BILL 1163*

Short Title: Dry-Cleaning Solvent Cleanup Amends.

(Public)

Sponsors: Senator Clodfelter.

Referred to: Finance.

April 15, 1999

A BILL TO BE ENTITLED

1 AN ACT TO REPEAL THE REQUIREMENT THAT OWNERS AND OPERATORS
2 OF DRY-CLEANING FACILITIES ESTABLISH AND MAINTAIN FINANCIAL
3 RESPONSIBILITY FOR LEGAL LIABILITY FOR CONTAMINATION, TO
4 PHASE IN A PRIVILEGE TAX ON DRY-CLEANING AND LAUNDRY
5 BUSINESSES BASED ON GROSS RECEIPTS, TO PHASE OUT STATE AND
6 LOCAL SALES TAXES ON DRY-CLEANING SERVICES, AND TO MAKE
7 OTHER AMENDMENTS TO THE DRY-CLEANING SOLVENT CLEANUP ACT
8 OF 1997.
9

10 The General Assembly of North Carolina enacts:

11
12 **PART I. REPEAL REQUIREMENT THAT OWNERS AND**
13 **OPERATORS OF DRY-CLEANING FACILITIES ESTABLISH**
14 **AND MAINTAIN FINANCIAL RESPONSIBILITY FOR LEGAL**
15 **LIABILITY FOR CONTAMINATION**
16

17 Section 1.1. G.S. 143-215.104B(b)(20), 143-215.104E, 143-215.104F(b)(3),
18 143-215.104F(d)(3), 143-215.104F(g), 143-215.104J(a)(5), 143-215.104P(a)(1), and
19 Section 3 of S.L. 1997-392 are repealed.

20 Section 1.2. G.S. 143-215.104F(f) reads as rewritten:

1 "(f) Financial Responsibility Requirements. – Each potentially responsible person
2 who petitions the Commission to enter into a dry-cleaning solvent assessment agreement
3 or dry-cleaning solvent remediation agreement shall accept written responsibility in the
4 amount specified in this section for the assessment or remediation of the dry-cleaning
5 solvent contamination identified in the petition. If two or more potentially responsible
6 persons petition the Commission jointly, the requirements below shall be the aggregate
7 requirements for the financial responsibility of all potentially responsible persons who are
8 party to the petition. Unless an alternative arrangement is agreed to by co-petitioners, the
9 financial responsibility requirements of this section shall be apportioned equally among
10 the co-petitioners. ~~The requirements in this subsection shall be in addition to any insurance or
11 other financial responsibility, including deductibles or retentions, established pursuant to G.S.
12 143-215.104E.~~

13 Facility or Abandoned Site Where Release Occurred	Costs
14	
15 Dry-cleaning facilities owned by persons who employ 16 fewer than five full-time employees, or the 17 equivalent, in activities related to dry-cleaning 18 operations during the preceding calendar year	\$5,000 <u>\$10,000</u>
19	
20 Dry-cleaning facilities owned by persons who employ 21 at least five but fewer than 10 full-time employees, 22 or the equivalent, in activities related to 23 dry-cleaning operations during the preceding calendar 24 year	\$10,000 <u>\$15,000</u>
25	
26 Dry-cleaning facilities owned by persons who employ 10 27 or more full-time employees, or the equivalent, in 28 activities related to dry-cleaning operations during 29 the preceding calendar year	\$15,000 <u>\$20,000</u>
30	
31 Wholesale distribution facilities	\$25,000 <u>\$30,000</u>
32	
33 Abandoned dry-cleaning facility sites	\$50,000."

34 PART II. PHASE IN OF PRIVILEGE TAX ON DRY-CLEANING
35 AND LAUNDRY BUSINESSES BASED ON GROSS RECEIPTS;
36 PHASE OUT OF STATE AND LOCAL SALES TAXES ON DRY-
37 CLEANING SERVICES
38

39 Section 2.1. Chapter 105 of the General Statutes is amended to add a new
40 Article to read:

41 "ARTICLE 5F.
42 "PRIVILEGE TAX ON DRY-CLEANING AND LAUNDRY BUSINESSES.
43 "§ 105-187.50. Definitions.

1 The definitions set out in G.S. 105-164.3 apply to this Article, except that the term
2 'sale' does not include lease or rental.

3 **"§ 105-187.51. Tax imposed.**

4 (a) A privilege tax is imposed on every person engaged in the business of
5 operating a dry-cleaning, pressing, or hat-blocking establishment, or laundry, or any
6 similar business, or engaged in the business of soliciting cleaning, pressing, hat-blocking,
7 or laundering business for any of these businesses at a rate of two percent (2%) of the
8 gross receipts of the business.

9 (b) The tax imposed by this section does not apply to gross receipts derived from
10 services performed for resale by a retailer that pays the tax on the total gross receipts
11 derived from the services. The tax imposed by this section does not apply to receipts
12 derived from coin or token operated washing machines, extractors, and dryers.

13 **"§ 105-187.52. Administration.**

14 Except as otherwise provided in this Article, the tax imposed by this Article shall be
15 collected and administered in the same manner as the State sales tax imposed by Article 5
16 of this Chapter.

17 **"§ 105-187.53. Use of tax proceeds.**

18 The Secretary shall deposit the taxes collected under this Article, less the allowance to
19 the Department of Revenue for their administrative expenses, in the Dry-Cleaning
20 Solvent Cleanup Fund established by G.S. 143-215.104C. The Secretary may retain the
21 cost of collection by the Department, not to exceed two hundred twenty-five thousand
22 dollars (\$225,000) a year as reimbursement to the Department."

23 Section 2.2. G.S. 105-187.51(a), as enacted by Section 2.1 of this act, reads as
24 rewritten:

25 "(a) A privilege tax is imposed on every person engaged in the business of
26 operating a dry-cleaning, pressing, or hat blocking establishment, or laundry, or any
27 similar business, or engaged in the business of soliciting cleaning, pressing, hat blocking,
28 or laundering business for any of these businesses at a rate of ~~two~~three percent ~~(2%)~~(3%)
29 of the gross receipts of the business."

30 Section 2.3. G.S. 105-187.51(a), as enacted by Section 2.1 of this act and as
31 amended by Section 2.2 of this act, reads as rewritten:

32 "(a) A privilege tax is imposed on every person engaged in the business of
33 operating a dry-cleaning, pressing, or hat blocking establishment, or laundry, or any
34 similar business, or engaged in the business of soliciting cleaning, pressing, hat blocking,
35 or laundering business for any of these businesses at a rate of ~~three~~four percent ~~(3%)~~
36 (4%) of the gross receipts of the business."

37 Section 2.4. G.S. 105-164.4(a)(4) reads as rewritten:

38 "(4) Every person engaged in the business of ~~operating a dry cleaning,~~
39 ~~pressing, or hat blocking establishment, a laundry, or any similar~~
40 ~~business, engaged in the business of renting clean linen or towels or~~
41 ~~wearing apparel, or any similar business, or engaged in the business of~~
42 ~~soliciting cleaning, pressing, hat blocking, laundering or linen rental~~
43 ~~business for any of these businesses, is considered a retailer under this~~

1 Article. A tax at the general rate of tax is levied on the gross receipts
2 derived by these retailers from services rendered in engaging in any of
3 the occupations or businesses named in this subdivision. ~~The tax~~
4 ~~imposed by this subdivision does not apply to receipts derived from~~
5 ~~coin or token-operated washing machines, extractors, and dryers.~~—The
6 tax imposed by this subdivision does not apply to gross receipts derived
7 from services performed for resale by a retailer that pays the tax on the
8 total gross receipts derived from the services."

9 Section 2.5. G.S. 105-164.4(a) is amended by adding a new subdivision to
10 read:

11 "(4d) Every person engaged in the business of operating a dry-cleaning,
12 pressing, or hat-blocking establishment, or laundry, or any similar
13 business, or engaged in the business of soliciting cleaning, pressing,
14 hat-blocking, or laundering for any of these businesses, is considered
15 a retailer under this Article. A tax at a rate of three percent (3%) is
16 levied on the gross receipts derived by these retailers from services
17 rendered in engaging in any of the occupations or businesses named
18 in this subdivision. The tax imposed by this subdivision does not
19 apply to receipts derived from coin or token-operated washing
20 machines, extractors, and dryers. The tax imposed by this
21 subdivision does not apply to gross receipts derived from services
22 performed for resale by a retailer that pays the tax on the total gross
23 receipts derived from the services."

24 Section 2.6. G.S. 105-164.4(a)(4d), as enacted by Section 2.5 of this act, reads
25 as rewritten:

26 "(4d) Every person engaged in the business of operating a dry-cleaning,
27 pressing, or hat-blocking establishment, or laundry, or any similar
28 business, or engaged in the business of soliciting cleaning, pressing,
29 hat-blocking, or laundering for any of these businesses, is considered
30 a retailer under this Article. A tax at a rate of ~~three~~ two percent (~~3%~~
31 2%) is levied on the gross receipts derived by these retailers from
32 services rendered in engaging in any of the occupations or
33 businesses named in this subdivision. The tax imposed by this
34 subdivision does not apply to receipts derived from coin or token-
35 operated washing machines, extractors, and dryers. The tax imposed
36 by this subdivision does not apply to gross receipts derived from
37 services performed for resale by a retailer that pays the tax on the
38 total gross receipts derived from the services."

39 Section 2.7. G.S. 105-164.4(a)(4d), as enacted by Section 2.5 of this act and as
40 amended by Section 2.6 of this act, reads as rewritten:

41 "(4d) Every person engaged in the business of operating a dry-cleaning,
42 pressing, or hat-blocking establishment, or laundry, or any similar
43 business, or engaged in the business of soliciting cleaning, pressing,

1 hat-blocking, or laundering for any of these businesses, is considered
2 a retailer under this Article. A tax at a rate of ~~two-one~~ percent (~~2%~~)
3 (1%) is levied on the gross receipts derived by these retailers from
4 services rendered in engaging in any of the occupations or
5 businesses named in this subdivision. The tax imposed by this
6 subdivision does not apply to receipts derived from coin or token-
7 operated washing machines, extractors, and dryers. The tax imposed
8 by this subdivision does not apply to gross receipts derived from
9 services performed for resale by a retailer that pays the tax on the
10 total gross receipts derived from the services."

11 Section 2.8. G.S. 105-164.4(a)(1d) reads as rewritten:

12 "d. Sales to ~~commercial laundries or to pressing and dry cleaning~~
13 business establishments identified in G.S. 105-164.4(a)(4) of
14 machinery used in the direct performance of the laundering or the
15 pressing and cleaning service and of parts and accessories
16 thereto."

17 Section 2.9. G.S. 105-164.13(10) reads as rewritten:

18 "(10) Sales to ~~commercial laundries or to pressing and dry cleaning~~
19 establishments—business establishments identified in G.S. 105-
20 164.4(a)(4) of articles or materials used for the identification of
21 garments being laundered or dry cleaned, wrapping paper, bags,
22 hangers, starch, soaps, detergents, cleaning fluids and other
23 compounds or chemicals applied directly to the garments in the
24 direct performance of the laundering or the pressing and cleaning
25 service."

26 Section 2.10. G.S. 105-259(b)(20) reads as rewritten:

27 "(20) To furnish to the Environmental Management Commission
28 information concerning whether a person who is requesting
29 certification of a dry-cleaning facility or wholesale distribution
30 facility from the Commission is liable for ~~privilege tax delinquent~~
31 taxes under Article 5D or Article 5F of this Chapter."

32 Section 2.11. G.S. 105-467 reads as rewritten:

33 **"§ 105-467. Scope of sales tax.**

34 (a) The sales tax that may be imposed under this Article is limited to a tax at the
35 rate of one percent (1%) of the following:

- 36 (1) The sales price of tangible personal property subject to the general rate
37 of sales tax imposed by the State under G.S. 105-164.4(a)(1) and
38 (a)(4b).
39 (2) The gross receipts derived from the lease or rental of tangible personal
40 property when the lease or rental of the property is subject to the general
41 rate of sales tax imposed by the State under G.S. 105-164.4(a)(2).

- 1 (3) The gross receipts derived from the rental of any room or other
2 accommodations subject to the general rate of sales tax imposed by the
3 State under G.S. 105-164.4(a)(3).
4 (4) The gross receipts derived from services rendered by ~~laundries, dry~~
5 ~~cleaners, and other businesses~~ business establishments subject to the
6 ~~general rate of sales tax imposed by the State under G.S. 105-164.4(a)(4).~~
7 G.S. 105-164.4(a)(4) and G.S. 105-164.4(a)(4d).
8 (5) The sales price of food that is not otherwise exempt from tax pursuant to
9 G.S. 105-164.13 but would be exempt from the State sales and use tax
10 pursuant to G.S. 105-164.13 if it were purchased under the Food Stamp
11 Program, 7 U.S.C. § 51.

12 (b) The sales tax authorized by this Article does not apply to sales that are taxable
13 by the State under G.S. 105-164.4 but are not specifically included in this section.

14 (c) The State exemptions and exclusions contained in G.S. 105-164.13 and the
15 State refund provisions contained in G.S. 105-164.14 apply to the local sales and use tax
16 authorized to be levied and imposed under this Article. A taxing county may not allow
17 an exemption, exclusion, or refund that is not allowed under the State sales and use tax.

18 (d) The local sales tax authorized to be imposed and levied under this Article
19 applies to taxable transactions by retailers whose place of business is located within the
20 taxing county. For the purpose of this Article, the situs of a transaction is the location of
21 the retailer's place of business."

22 Section 2.12. G.S. 105-467(a)(4), as amended by Section 2.11 of this act,
23 reads as rewritten:

24 "(4) The gross receipts derived from services rendered by business
25 establishments subject to the sales tax imposed by the State under ~~G.S.~~
26 ~~105-164.4(a)(4) and G.S. 105-164.4(a)(4d).~~ G.S. 105-164.4(a)(4)."

27 Section 2.13. G.S. 143-215.104C(b) reads as rewritten:

28 "(b) Sources of Revenue. – The following revenue is credited to the Fund:

29 (1) Dry-cleaning solvent taxes collected under Article 5D of Chapter 105 of
30 the General Statutes.

31 (1a) Taxes collected pursuant to Article 5F of Chapter 105 of the General
32 Statutes.

33 (2) Recoveries made pursuant to G.S. 143-215.104N and G.S. 143-
34 215.104O.

35 (3) Gifts and grants made to the Fund."

36 Section 2.14. G.S. 143-215.104C(b), as amended by Section 2.13 of this act,
37 reads as rewritten:

38 "(b) Sources of Revenue. – The following revenue is credited to the Fund:

39 (1) ~~Dry-cleaning solvent taxes collected under Article 5D of Chapter 105 of~~
40 ~~the General Statutes.~~

41 (1a) Taxes collected pursuant to Article 5F of Chapter 105 of the General
42 Statutes.

1 (2) Recoveries made pursuant to G.S. 143-215.104N and G.S. 143-
2 215.104O.
3 (3) Gifts and grants made to the Fund."
4 Section 2.15. G.S. 143-215.104C(b), as amended by Sections 2.13 and 2.14 of
5 this act, reads as rewritten:

6 "(b) Sources of Revenue. – The following revenue is credited to the Fund:

7 ~~(1a) Taxes collected pursuant to Article 5F of Chapter 105 of the General~~
8 ~~Statutes.~~

9 (2) Recoveries made pursuant to G.S. 143-215.104N and G.S. 143-
10 215.104O.

11 (3) Gifts and grants made to the Fund."

12 Section 2.16. G.S. 143-215.104F(d)(2) reads as rewritten:

13 "(2) The petitioner is an owner or operator of the facility described in the
14 petition and the petitioner owed delinquent taxes under Article 5D or
15 Article 5F of Chapter 105 of the General Statutes at the time the dry-
16 cleaning solvent contamination was discovered."

17 Section 2.17. G.S. 143-215.104J(a)(4) reads as rewritten:

18 "(4) The payment of taxes assessed to the facility under Article 5D or Article
19 5F of Chapter 105 of the General Statutes is delinquent."

20 21 PART III. AMENDMENTS TO DRY-CLEANING SOLVENT 22 CLEANUP ACT

23
24 Section 3.1. G.S. 143-215.104F, as amended by Sections 1.1, 1.2, and 2.16 of
25 this act, reads as rewritten:

26 "**§ 143-215.104F. Requirements for certification, assessment agreements, and**
27 **remediation agreements.**

28 (a) Any person petitioning for certification of a facility or abandoned site pursuant
29 to G.S. 143-215.104G, for a dry-cleaning solvent assessment agreement pursuant to G.S.
30 143-215.104H, or for a dry-cleaning solvent remediation agreement pursuant to G.S. 143-
31 215.104I, shall meet the requirements set out in this section and any other applicable
32 requirements of this Part.

33 (b) Requirements for Potentially Responsible Persons Generally. – Every
34 petitioner shall provide the Commission with:

35 (1) Information necessary for the Commission to determine the priority
36 ranking of the facility or abandoned site described in the petition.

37 (2) Information necessary to demonstrate the person's ability to incur the
38 response costs specified in subsection (f) of this section.

39 (4) Information necessary to demonstrate that the petitioner, and any parent,
40 subsidiary, or other affiliate of the petitioner has substantially complied
41 with:

42 a. The terms of any dry-cleaning solvent assessment agreement,
43 dry-cleaning solvent remediation agreement, brownfields

1 agreement, or other similar agreement to which the petitioner or
2 any parent, subsidiary, or other affiliate of the petitioner has been
3 a party.

4 b. The requirements applicable to any remediation in which the
5 petitioner has previously engaged.

6 c. Federal and state laws, regulations, and rules for the protection of
7 the environment.

8 (5) Evidence demonstrating that a release of dry-cleaning solvent has
9 occurred at the facility or abandoned site and that the release has
10 resulted in dry-cleaning solvent contamination.

11 (c) Requirement for Property Owners. – In addition to the information required by
12 subsection (b) of this section, a petitioner who is the owner of the property on which the
13 dry-cleaning solvent contamination identified in the petition is located shall provide the
14 Commission a written agreement authorizing the Commission or its agent to have access
15 to the property for purposes of determining whether assessment or remediation activities
16 are being conducted in compliance with this Part and any assessment agreement or
17 remediation agreement.

18 (c1) The costs of providing information required by this section shall not be
19 reimbursable from the Fund.

20 (d) The Commission shall reject any petition made pursuant to this Part in any of
21 the following circumstances:

22 (1) The petitioner is an owner or operator of the facility described in the
23 petition and the facility was not being operated in compliance with
24 minimum management practices adopted by the Commission pursuant
25 to G.S. 143-215.104D(b)(2) at the time the contamination was
26 discovered.

27 (2) The petitioner is an owner or operator of the facility described in the
28 petition and the petitioner owed delinquent taxes under Article 5D of
29 Chapter 105 of the General Statutes at the time the dry-cleaning solvent
30 contamination was discovered.

31 (e) The Commission may reject any petition made pursuant to this Part in any of
32 the following circumstances:

33 (1) The petitioner fails to provide the information required by subsection
34 (b) of this section.

35 (2) The petitioner falsified any information in its petition that was material
36 to the determination of the priority ranking, the nature, scope and extent
37 of contamination to be assessed or remediated, or the appropriate means
38 to contain and remediate the contaminants.

39 (f) Financial Responsibility Requirements. – Each potentially responsible person
40 who petitions the Commission to enter into a dry-cleaning solvent assessment agreement
41 or dry-cleaning solvent remediation agreement shall accept written responsibility in the
42 amount specified in this section for the assessment or remediation of the dry-cleaning
43 solvent contamination identified in the petition. If two or more potentially responsible

1 persons petition the Commission jointly, the requirements below shall be the aggregate
2 requirements for the financial responsibility of all potentially responsible persons who are
3 party to the petition. Unless an alternative arrangement is agreed to by co-petitioners, the
4 financial responsibility requirements of this section shall be apportioned equally among
5 the co-petitioners.

6 Facility or Abandoned Site Where Release Occurred Costs

7
8 Dry-cleaning facilities owned by persons who employ fewer
9 than five full-time employees, or the equivalent, in
10 activities related to dry-cleaning operations during
11 the preceding calendar year \$10,000

12
13 Dry-cleaning facilities owned by persons who employ at
14 least five but fewer than 10 full-time employees, or the
15 equivalent, in activities related to dry-cleaning
16 operations during the preceding calendar year \$15,000

17
18 Dry-cleaning facilities owned by persons who employ
19 10 or more full-time employees, or the equivalent, in
20 activities related to dry-cleaning operations during
21 the preceding calendar year \$20,000

22
23 Wholesale distribution facilities \$30,000

24
25 Abandoned dry-cleaning facility sites \$50,000.

26
27 (h) The amounts specified in subsection (f) of this section shall be the total amount
28 for which a petitioner or group of petitioners shall be required to accept written
29 responsibility with respect to a single contamination site."

30 Section 3.2. G.S. 143-215.104I(a)(1) and G.S. 143-215.104H(b)(1) are
31 repealed.

32 Section 3.3. G.S. 143-215.104N(a) reads as rewritten:

33 "(a) Reimbursement. – To the extent monies are available in the Fund for
34 reimbursement of response ~~costs~~, costs and appropriate documentation has been
35 submitted, the Commission shall reimburse any person responsible for implementing
36 assessment and remediation activities at a contamination site associated with a certified
37 facility or a certified abandoned site pursuant to a dry-cleaning solvent assessment
38 agreement or dry-cleaning solvent remediation agreement for the following assessment
39 and remediation response costs:

- 40 (1) Costs of assessment with respect to dry-cleaning solvent contamination.
41 (2) Costs of treatment or replacement of potable water supplies affected by
42 the contamination.

- 1 (3) Costs of remediation of affected soil, groundwater, surface waters,
2 bedrock or other rock formations, or buildings.
3 (4) Monitoring of the contamination.
4 (5) Inspection and supervision of activities described in this subsection.
5 (6) Reasonable costs of restoring property as nearly as practicable to the
6 conditions that existed prior to activities associated with assessment and
7 remediation conducted pursuant to this Part.
8 (7) Other activities reasonably required to protect public health and the
9 environment."

10 Section 3.4. G.S. 143-215.104O reads as rewritten:

11 **"§ 143-215.104O. Remediation of uncertified sites.**

12 (a) In the event the owner or operator of a facility or the current owner of an
13 abandoned site cannot be identified or located, unreasonably refuses to enter into either
14 an assessment agreement or remediation agreement or cannot be made to comply with the
15 provisions of an assessment agreement or remediation agreement between the petitioner
16 and the Commission, the Commission may direct the Department or a private contractor
17 engaged by the Commission to use staff, equipment, or materials under the control of the
18 Department or contractor or provided by other cooperating federal, State, or local
19 agencies to develop and implement a plan for abatement of an imminent hazard, or to
20 provide interim alternative sources of drinking water to third parties affected by dry-
21 cleaning solvent contamination resulting from a release at the facility or abandoned site.
22 The cost of any of these actions shall be paid from the Fund. The Department or private
23 contractor shall keep a record of all expenses incurred for personnel and for the use of
24 equipment and materials and all other expenses of developing and implementing the
25 remediation plan.

26 (b) The Commission shall request the Attorney General to commence a civil
27 action to secure reimbursement of costs incurred under this ~~subsection~~-section.

28 (c) In the event a civil action is commenced pursuant to this Part to recover monies
29 paid from the Fund, the Commission may recover, in addition to any amount due, the
30 costs of the action, including reasonable attorneys' fees and investigation expenses. Any
31 monies received or recovered as reimbursement shall be paid into the Fund or other
32 source from which the expenditures were made."

33 Section 3.5. G.S. 143-215.104G(a) reads as rewritten:

34 "(a) A potentially responsible party may petition the Commission to certify a
35 facility or abandoned site where a release of dry-cleaning solvent ~~is believed to have~~has
36 occurred. The Commission shall certify the facility or abandoned site if the petitioner
37 meets the applicable requirements of G.S. 143-215.104F. Upon its decision to certify a
38 facility or abandoned site, the Commission shall inform the petitioner of its decision and
39 of the initial priority ranking of the facility or site."

40 Section 3.6. Section 7 of S.L. 1997-392 reads as rewritten:

41 "Section 7. (a) Any person who undertakes assessment or remediation of dry-
42 cleaning solvent contamination pursuant to ~~an~~a notice of violation or enforcement action
43 by the Department of ~~Environment, Health, Environment~~Environment and Natural Resources during the

1 period beginning 1 October 1997 and ~~1 January 1999~~ ending 30 June 2000 may, on or
2 after ~~1 January 1999~~ 30 June 2000 seek reimbursement from the Dry-Cleaning Solvent
3 Cleanup Fund for any costs exceeding fifty thousand dollars (\$50,000). The Commission
4 shall reimburse costs if it finds that the costs incurred were (i) appropriately documented
5 and reasonably necessary to assess or remediate the dry-cleaning solvent contamination;
6 (ii) for any of the activities described in subdivisions (1) through (7) of G.S. 143-
7 215.104N(a); (iii) not subject to any of the limitations in subdivisions (4) ~~or (5)~~ through
8 (9) of G.S. 143-215.104N(b); and (iv) not reimbursable from pollution and remediation
9 legal liability insurance; ~~and (v) required by a specific order of the Department of Environment,~~
10 ~~Health, and Natural Resources issued on or after 30 June 1996.~~ insurance. No reimbursement
11 may be paid pursuant to this section for dry-cleaning solvent contamination that did not
12 result from operations at a dry-cleaning or wholesale distribution facility.

13 (b) Any person who, as of ~~1 January 1999~~, 30 June 2000, is undertaking assessment
14 or remediation of dry-cleaning solvent contamination shall be eligible to petition the
15 Commission to enter into a dry-cleaning solvent assessment agreement or dry-cleaning
16 solvent remediation agreement with respect to the contamination. In calculating the
17 required financial contribution of parties to any agreement, the Commission shall
18 determine the cost of any unreimbursed assessment or remediation activity undertaken by
19 the parties with respect to the contamination site prior to ~~1 January 1999~~ 30 June 2000 and
20 shall credit the amount toward any applicable financial responsibility limits established in
21 G.S. 143-215.104F."
22

23 **PART IV. MISCELLANEOUS PROVISIONS AND** 24 **EFFECTIVE DATES** 25

26 Section 4.1. Section 5 of S.L. 1997-392 reads as rewritten:

27 "Section 5. This act constitutes a recent act of the General Assembly within the
28 meaning of G.S. 150B-21.1. The Environmental Management Commission may adopt
29 temporary rules to implement this act until ~~1 January 1999~~ 30 June 2000." ♦

30 Section 4.2. The headings to the Parts of this act are a convenience to the
31 reader and are for reference only. The headings do not expand, limit, or define the text of
32 this act.

33 Section 4.3. If any section or provision of this act is declared unconstitutional
34 or invalid by the courts, the unconstitutional or invalid section or provision does not
35 affect the validity of this act as a whole or any part of this act other than the part declared
36 to be unconstitutional or invalid.

37 Section 4.4. The sections of this act become effective and expire on the dates
38 specified in the following table:

39 <u>Section</u>	<u>Effective Date</u>	<u>Expiration Date</u>
40 Section 1.1	1 April 1998	
41 Section 1.2	1 April 1998	
42 Section 2.1	1 July 2000	
43 Section 2.2	1 July 2001	

1	Section 2.3	1 July 2002	1 July 2010
2	Section 2.4	1 July 2000	
3	Section 2.5	1 July 2000	
4	Section 2.6	1 July 2001	
5	Section 2.7	1 July 2002	1 July 2010
6	Section 2.8	1 July 2003	
7	Section 2.9	1 July 2003	
8	Section 2.10	1 July 2000	1 July 2010
9	Section 2.11	1 July 2000	
10	Section 2.12	1 July 2003	
11	Section 2.13	1 July 2000	
12	Section 2.14	1 January 2010	
13	Section 2.15	1 July 2010	
14	Section 2.16	1 July 2000	1 July 2010
15	Section 2.17	1 July 2000	1 July 2010
16	Section 3.1	When this act becomes law	
17	Section 3.2	When this act becomes law	
18	Section 3.3	When this act becomes law	
19	Section 3.4	When this act becomes law	
20	Section 3.5	When this act becomes law	
21	Section 3.6	When this act becomes law	
22	Section 4.1	When this act becomes law	
23	Section 4.2	When this act becomes law	
24	Section 4.3	When this act becomes law	
25	Section 4.4	When this act becomes law.	