

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 717

Short Title: LUST Cleanup Cost Recovery Waiver/Hosp.

(Public)

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Sponsors: Representatives Flaherty and G. Thompson.

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Referred to: Environment.

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April 1, 1993

A BILL TO BE ENTITLED

1 AN ACT TO AUTHORIZE THE SECRETARY OF ENVIRONMENT, HEALTH,  
2 AND NATURAL RESOURCES TO WAIVE REIMBURSEMENT OF COSTS  
3 FOR CLEANUP OF LEAKING PETROLEUM UNDERGROUND STORAGE  
4 TANKS AT PUBLIC HOSPITALS.  
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6 The General Assembly of North Carolina enacts:

7 Section 1. G.S. 143-215.94G is amended by adding a new subsection to read:

8 "(g) The Secretary may waive reimbursement under subdivisions (1), (3), and (5)  
9 of subsection (d) of this section of all or any part of the costs of developing and  
10 implementing a cleanup plan for a discharge or release of petroleum from an  
11 underground storage tank that is owned or operated by a public hospital, as defined by  
12 G.S. 131E-48. With respect to a discharge or release from a commercial underground  
13 storage tank owned or operated by a public hospital that was discovered and reported  
14 prior to 1 January 1993, the Secretary may grant a waiver under this subsection without  
15 regard to whether the annual operating fee imposed by G.S. 143-215.94C was paid. In  
16 order to request a waiver under this subsection, a public hospital shall make a specific  
17 written request to the Secretary setting out the reasons for the requested waiver. The  
18 public hospital shall provide the Secretary with all financial and other information  
19 necessary to determine whether a waiver should be granted. The Secretary shall grant a  
20 waiver under this subsection only if the Secretary finds that the public hospital has  
21 cooperated fully with the Department in developing and implementing the cleanup plan  
22 and that reimbursement of cleanup costs would render the public hospital insolvent or  
23 would otherwise result in an extreme hardship to the hospital."

24 Sec. 2. This act is effective upon ratification.