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## Bill Filed to Make Site-Specific, Risk-Based Clean-Up Standards Universally Available in Cleaning Up Contaminated Sites in North Carolina

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A bill (House Bill 45) was filed on February 7th, and referred to the House Environment committee the next day. The purpose House Bill 45 is to make site-specific, risk-based clean up standards universally available in cleaning up contaminated industrial sites, provided certain criteria are met. The idea of having universal, risk-based clean up standards is not new; it's a subject that has been debated for some time. However, we believe the situation is different now, and that there is a very good chance that some bill for making site-specific, risk-based cleanup standards universally available in North Carolina will become law during this session of the General Assembly.

Under current law, site-specific, risk-based clean-up standards are available under some State environmental programs, such as the leaking underground tank program, but not available for other contaminated sites. The result is inconsistencies in what clean-up standards apply at different sites. For instance, under current law, risk-based standards apply to a petroleum leak from an underground tank, but they don't apply to a petroleum

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leak from an above-ground tank. Under the bill in its current form, risk-based standards would not be available on any site where the contamination has migrated off-site. Fees would apply to any responsible party seeking application of site-specific, risk-based standards for a site, based upon the acreage of contamination.

Anyone who is a potentially responsible party for a contaminated site in North Carolina for which such standards are not currently available should monitor the progress of this bill. Any questions or requests for a copy of this bill should be directed to Keith Johnson, 919-783-1013 or [kjohnson@poyners.com](mailto:kjohnson@poyners.com), or David Barnes 919-783-2812 or [dbarnes@poyners.com](mailto:dbarnes@poyners.com).



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