

restrictions on the current or future use of real property on such a site shall only be allowed as provided if the Department has determined that the requirements of G.S. 143-215.104AA or G.S. 130A-310.73A, as applicable-applicable, have been satisfied for the site.

...."

SECTION 18.(b) G.S. 143B-279.11 reads as rewritten:

"§ 143B-279.11. Recordation of residual petroleum from underground or aboveground storage tanks or other sources.

...
(h) ~~Except with respect to land contaminated from a discharge or release of petroleum from an underground storage tank, the provisions of this section shall only apply~~ With respect to sites contaminated by the discharge or release of petroleum from an aboveground storage tank, or another petroleum source, from which contamination has migrated to off-site properties, as that term is defined under G.S. 130A-310.65(3a), in compliance with the provisions of this section shall only apply if the Department has determined that the requirements of G.S. 143-215.104AA or G.S. 130A-310.73A, as applicable-applicable, have been satisfied for the site."

SECTION 18.(c) This section becomes effective retroactively to October 4, 2017.

MODIFY OTHER REQUIREMENTS FOR UNDERGROUND STORAGE TANKS (USTS)

SECTION 19.(a) Definitions. – "General Requirements Applicable to Performance Standards for UST System or UST System Component Installation or Replacement Rule" means 15A NCAC 2N .0901 (General Requirements) for purposes of this section and its implementation.

SECTION 19.(b) General Requirements Applicable to Performance Standards for UST System or UST System Component Installation or Replacement Rule. – Until the effective date of the revised permanent rule that the Environmental Management Commission is required to adopt pursuant to subsection (d) of this section, the Commission shall implement the General Requirements Applicable to Performance Standards for UST System or UST System Component Installation or Replacement Rule, as provided in subsection (c) of this section.

SECTION 19.(c) Implementation. – Notwithstanding subsection (n) of the General Requirements Applicable to Performance Standards for UST System or UST System Component Installation or Replacement Rule, the Commission shall not require overfill prevention equipment to be checked annually for operability, proper operating condition and proper calibration in accordance with the manufacturer's written guidelines, but shall instead require such equipment to be checked for these purposes once every three years as provided for under federal law.

SECTION 19.(d) Additional Rule-Making Authority. – The Commission shall adopt a rule to amend the General Requirements Applicable to Performance Standards for UST System or UST System Component Installation or Replacement Rule consistent with subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission pursuant to this section shall be substantively identical to the provisions of subsection (c) of this section. Rules adopted pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of the General Statutes. Rules adopted pursuant to this section shall become effective as provided in G.S. 150B-21.3(b1) as though 10 or more written objections had been received as provided by G.S. 150B-21.3(b2).

SECTION 19.(e) Sunset. – This section expires when permanent rules adopted as required by subsection (d) of this section become effective.

SECTION 19.1.(a) Definitions. – For purposes of this section and its implementation, "UST Rules" means Subchapter 2N (Underground Storage Tanks) of 15A NCAC.

SECTION 19.1.(b) UST Rules. – Until the effective date of the revised permanent rule that the Environmental Management Commission is required to adopt pursuant to subsection (d) of this section, the Commission shall implement the UST Rules, as provided in subsection (c) of this section.

SECTION 19.1.(c) Implementation. – Notwithstanding any prohibition under the UST Rules, or guidance adopted by the Department of Environmental Quality thereunder, the Department shall allow owners or operators of USTs to use all test methods and testing equipment that are approved by the United States Environmental Protection Agency, including the use of a Testable Drop Tube, for required testing of UST equipment.

SECTION 19.1.(d) Additional Rule-Making Authority. – The Commission shall adopt a rule to amend the UST Rules consistent with subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission pursuant to this section shall be substantively identical to the provisions of subsection (c) of this section. Rules adopted pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of the General Statutes. Rules adopted pursuant to this section shall become effective as provided in G.S. 150B-21.3(b1) as though 10 or more written objections had been received as provided by G.S. 150B-21.3(b2).

SECTION 19.1.(e) Sunset. – This section expires when permanent rules adopted as required by subsection (d) of this section become effective.

EXPAND EXEMPTIONS FOR CERTAIN LOCAL GOVERNMENTS' AUTHORITY TO ENACT FLOW CONTROL

SECTION 20.(a) G.S. 130A-291(c) reads as rewritten:

"(c) Except as provided in subsections (d) and (e) of this section, a unit of local government may, by ordinance, franchise, business license, contract, or otherwise, require that all solid waste generated within the geographic area and placed in the waste stream for disposal be delivered to the permitted solid waste management facility or facilities serving the geographic area only under one of the following conditions:

- (1) If the unit of local government has debt associated with solid waste management facilities and equipment outstanding on September 1, 2017, the unit of local government may adopt and enforce such an ordinance until the date that such debt has matured.
- (2) If the unit of local government incurs debt after September 1, 2017, and the issuance of the debt will be conditioned upon the unit of local government requiring that all waste collected within the county be disposed of within the landfill, for expansion of a landfill or construction of a new landfill after all necessary approvals for issuance of the debt have been obtained from the Local Government Commission in compliance with Chapter 159 of the General Statutes, including the demonstration of need and cost required by G.S. 159-211, the unit of local government may adopt and enforce such an ordinance until the date the debt associated with expansion of the landfill, or construction of the new landfill, has matured.
- (3) If the unit of local government is a party to an exclusive franchise agreement with a private entity governing the management or disposal of waste within the jurisdiction in effect on September 1, 2017, the unit of local government may adopt and enforce such an ordinance until the date that such franchise has expired.
- (4) If the unit of local government purchased or otherwise acquired title to property between January 1, 2006, and September 1, 2017, with the specific intent of adding the property to an existing landfill for the disposal of municipal solid waste, which landfill (i) is contiguous to the property