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SENATE BILL DRS45551-MHa-172

Short Title: PFAS Firefighting Foam Replacement. (Public)

Sponsors: Senators deViere and Lee (Primary Sponsors).

Refereed to:

A BILL TO BE ENTITLED
AN ACT TO PROVIDE FUNDS FOR REPLACEMENT AND DISPOSAL OF
FIREFIGHTING FOAM CONTAINING PFAS.

The General Assembly of North Carolina enacts:

SECTION 1. Article 21A of Chapter 143 of the General Statutes is amended by
adding a new Part to read:


§ 143-215.104CC. Definitions.
The following definitions apply in this Part:

(1) Class B firefighting foam. – Any foam designed for flammable liquid fires.

(2) Eligible fire department. – A fire department certified by the Department of
Insurance that (i) serves a local government, (ii) is located in a county defined
as development tier one areas under G.S. 143B-437.08, and (iii) consists
entirely of volunteer members, with the exception that the unit may have paid
members to fill the equivalent of six full-time positions.

(3) Eligible local government. – A county, city, town, fire protection district, or
other special purpose district that provides firefighting services.

(4) PFAS chemicals. – A class of fluorinated organic chemicals containing at least
one fully fluorinated carbon atom.

§ 143-215.104DD. Fund established.
(a) Fund Established; Purpose. – The Firefighting Foam Replacement Fund (Fund) is
established as a special fund in the Department. The Fund is composed of appropriations from
the General Assembly and other funding made available to the Department from federal
government programs, the State, or other public and private sources. The Fund shall be used, as
available, to provide financial support to eligible fire departments to replace stocks of Class B
firefighting foam containing PFAS chemicals with foam that does not contain PFAS chemicals.
(b) Grants. – An eligible fire department or an eligible local government may apply for a
grant from the Fund. The Department shall specify the form and contents of the application,
including procedures for the submission of applications electronically, and shall require as a
condition of funding that grant recipients document and report in a manner as the Department
may specify the quantity of PFAS containing foam replaced. The amount of a grant under this
section shall not exceed one hundred thousand dollars ($100,000). An eligible fire department
and an eligible local government may not receive grants for replacement of the same stocks of
Class B firefighting foam containing PFAS chemicals.
(c) Rulemaking. – The Department may issue rules to implement the requirements of this
Article.
(d) Reports. – The Department shall report on the grants made from the Fund no later than February 1 of each year following a year in which a grant from the Fund was made and shall provide a copy to the Joint Legislative Oversight Committee on Agriculture and Natural and Economic Resources and the Fiscal Research Division of the Legislative Services Office of the General Assembly. The report shall include the number of applications, the total amount requested, the total amount awarded, and a list of the recipients, including the amount received by each."

SECTION 2. There is appropriated from the General Fund to the Department of Environmental Quality the sum of five million dollars ($5,000,000) in nonrecurring funds for the 2022-2023 fiscal year. These funds shall be allocated to the Firefighting Foam Replacement Fund established by G.S. 143-215.104DD, as enacted by Section 1 of this act, and used for the grant program established by this act.

SECTION 3. This act becomes effective July 1, 2022.