

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 224\*

Short Title: Inactive Haz. Sites/Property Use Restrict.

(Public)

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Sponsors: Representatives Weatherly; Brown, Culp, Dickson, Fox, McCombs, Mitchell, Thompson, Tolson, and G. Wilson.

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Referred to: Environment.

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February 17, 1997

A BILL TO BE ENTITLED

1 AN ACT TO AUTHORIZE THE SECRETARY OF ENVIRONMENT, HEALTH, AND  
2 NATURAL RESOURCES TO APPROVE THE IMPOSITION OF RESTRICTIONS  
3 ON INACTIVE HAZARDOUS SUBSTANCE OR WASTE DISPOSAL SITES, AS  
4 RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.  
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6 The General Assembly of North Carolina enacts:

7 Section 1. G.S. 130-310.3 is amended by adding a new subsection to read:

8 "(f) In order to reduce or eliminate the endangerment of public health or the  
9 environment posed by an inactive hazardous substance or waste disposal site, the  
10 Secretary may approve, in accordance with standards set out in rules adopted pursuant to  
11 Chapter 150B of the General Statutes, the imposition of restrictions on the current or  
12 future use of property comprising any part of the site. The restrictions shall be included  
13 in a remedial action program approved by the Secretary and agreed to by the landowner.  
14 Activities on, over, or under the land, including, but not limited to, building, filling,  
15 grading, excavating, or mining may be restricted. Any restriction approved by the  
16 Secretary on the current or future use of the site may be enforced by any and all  
17 responsible parties. Such restrictions may also be enforced by the Department or by any  
18 unit of local government having jurisdiction over any part of the site. A restriction shall

1 not be declared unenforceable on account of lack of privity of estate or contract or lack  
2 of benefit to particular land."

3 Section 2. G.S. 130A-310.8(a) reads as rewritten:

4 "(a) After determination by the Department of the existence and location of an  
5 inactive hazardous substance or waste disposal site, the owner of the real property on  
6 which the site is located, within 180 days after official notice to him to do so, shall  
7 submit to the Department a survey plat of areas designated by the Department which has  
8 been prepared and certified by a professional land surveyor, and entitled 'NOTICE OF  
9 INACTIVE HAZARDOUS SUBSTANCE OR WASTE DISPOSAL SITE'. The Notice  
10 shall include a legal description of the site that would be sufficient as a description in an  
11 instrument of conveyance, shall meet the requirements of G.S. 47-30 for maps and plats,  
12 and shall identify:

13 (1) The location and dimensions of the disposal areas with respect to  
14 permanently surveyed ~~benchmarks; and benchmarks.~~

15 (2) The type, location, and quantity of hazardous substances disposed of on  
16 the site, to the best of the owner's knowledge.

17 (3) Any restrictions approved by the Department on the current or future  
18 use of the site. Where an Inactive Hazardous Substance or Waste  
19 Disposal Site is located on more than one parcel or tract of land, a  
20 composite map or plat showing all such sites may be recorded."

21 Section 3. G.S. 130A-310.8(b) reads as rewritten:

22 "(b) After the Department approves and certifies the Notice, the owner of the site  
23 shall file the certified copy of the Notice in the register of deeds' office in the county or  
24 counties in which the land is ~~located.~~ located within 30 days of the owner's receipt of the  
25 Department's approval of the Notice."

26 Section 4. G.S. 130A-310.9(b) reads as rewritten:

27 "(b) The Secretary may enter into an agreement with an owner, operator, or other  
28 responsible party which provides for implementation of a voluntary remedial action  
29 program in accordance with a remedial action plan approved by the Department.  
30 Investigations, evaluations, and voluntary remedial actions are subject to the provisions  
31 of G.S. 130A-310.1(c), 130A-310.1(d), 130A-310.3(d), 130A-310.3(f), 130A-310.5,  
32 130A-310.8, and any other requirement imposed by the Department. A voluntary  
33 remedial action and all documents that relate to the voluntary remedial action shall be  
34 fully subject to inspection and audit by the Department. At least 30 days prior to entering  
35 into any agreement providing for the implementation of a voluntary remedial action  
36 program, the Secretary shall mail notice of the proposed agreement as provided in G.S.  
37 130A-310.4(c)(2). Sites undergoing voluntary remedial actions shall be so identified as a  
38 separate category in the inventory of sites maintained pursuant to G.S. 130A-310.1 but  
39 shall not be included on the Inactive Hazardous Waste Sites Priority List required by G.S.  
40 130A-310.2."

41 Section 5. This act is effective when it becomes law.