

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 228*

Short Title: Inactive Haz. Sites Info.

(Public)

Sponsors: Representatives Hackney; Mosley and Culp.

Referred to: Environment.

February 17, 1997

A BILL TO BE ENTITLED

1
2 AN ACT TO CLARIFY THE DUTY OF AN OWNER, OPERATOR, OR OTHER
3 RESPONSIBLE PARTY OF AN INACTIVE HAZARDOUS SUBSTANCE OR
4 WASTE DISPOSAL SITE TO NOTIFY THE DEPARTMENT OF
5 ENVIRONMENT, HEALTH, AND NATURAL RESOURCES OF THE
6 EXISTENCE OF THE SITE, TO REQUIRE OWNERS, OPERATORS, AND
7 OTHER RESPONSIBLE PARTIES TO FURNISH INFORMATION REGARDING
8 THE SITE, AND TO SIMPLIFY THE INACTIVE HAZARDOUS SUBSTANCE
9 OR WASTE DISPOSAL SITE INVENTORY, AS RECOMMENDED BY THE
10 ENVIRONMENTAL REVIEW COMMISSION.

11 The General Assembly of North Carolina enacts:

12 Section 1. G.S. 130A-310.1 reads as rewritten:

13 "**§ 130A-310.1. Identification, inventory, and monitoring of inactive hazardous**
14 **substance or waste disposal sites. sites; duty of owners, operators, and**
15 **responsible parties to provide information and access; remedies.**

16 (a) ~~Within six months of July 1, 1987, the~~ The Department shall develop and
17 implement a program for locating, cataloguing, and monitoring all inactive hazardous
18 substance or waste disposal sites in North Carolina. The Secretary shall compile and
19 maintain an inventory of all ~~such~~ inactive hazardous substance or waste disposal sites
20 based on information submitted by owners, operators, and responsible parties, and on

1 data obtained directly by the Secretary. ~~The inventory shall include~~ Secretary shall
2 maintain records of any evidence of contamination to the air, surface water, groundwater,
3 surface or subsurface soils, or waste ~~streams.~~ streams for inventoried sites. ~~The inventory~~
4 ~~shall indicate~~ records shall include all available information on the extent of any actual
5 damage or potential danger to public health or to the environment resulting from ~~such~~ the
6 contamination.

7 (b) ~~Within six months of July 1, 1987, the~~ The Commission shall develop and make
8 available a format and checklist for submission of data relevant to inactive hazardous
9 substance or waste disposal sites. ~~Within 90 days thereafter, each~~ of the date on which an
10 owner, operator, or responsible party knows or should know of the existence of an
11 inactive hazardous substance or waste disposal site, the owner, operator, or responsible
12 party shall submit to the Secretary all such-site data as that is known or readily available
13 to him. ~~the owner, operator, or responsible party.~~ The owner, operator, or responsible
14 party shall certify under oath that, to the best of his knowledge and belief, such ~~the~~ data is
15 complete and accurate.

16 (c) Whenever the Secretary determines that there is a release, or substantial threat
17 of a release, into the environment of a hazardous substance from an inactive hazardous
18 substance or waste disposal site, the Secretary may, in addition to any other powers he
19 may have, order any responsible party to conduct ~~such~~ any monitoring, testing, analysis,
20 and reporting ~~as that~~ the Secretary deems reasonable and necessary to ascertain the nature
21 and extent of any hazard posed by the site. Written notice of any order issued pursuant to
22 this section shall be given to all persons subject to the order as set out in G.S. 130A-
23 310.3(c). The Secretary, prior to the entry of any ~~such~~ order, shall solicit the cooperation
24 of the responsible party.

25 (d) If a person fails to submit data as required in subsection (b) of this section or
26 violates the requirements or schedules in an order issued pursuant to subsection (c) of this
27 section, the Secretary may institute an action for injunctive relief, irrespective of all other
28 remedies at law, in the superior court of the county where the violation occurred or where
29 a defendant resides.

30 (e) Whenever a person ordered to take any action pursuant to this section is unable
31 or fails to do so, or if the Secretary, after making a reasonable attempt, is unable to locate
32 any responsible party, the Secretary may take ~~such~~ the action. The cost of any action by
33 the Secretary pursuant to this section may be paid from the Inactive Hazardous Sites
34 Cleanup Fund, subject to a later action for reimbursement pursuant to G.S. 130A-310.7.
35 The provisions of subdivisions (a)(1) to (a)(3) of G.S.130A-310.6 shall apply to any
36 action taken by the Secretary pursuant to this section.

37 (f) Upon reasonable notice, the Secretary may require any person to furnish to the
38 Secretary any information, document, or record in that person's possession or under that
39 person's control that relates to:

- 40 (1) The identification, nature, and quantity of material that has been or is
41 generated, treated, stored, or disposed of at an inactive hazardous
42 substance or waste disposal site or that is transported to an inactive
43 hazardous substance or waste disposal site.

1 (2) The nature and extent of a release or threatened release of a hazardous
2 substance or hazardous waste at or from an inactive hazardous
3 substance or waste disposal site.

4 (3) Information relating to the ability of a person to pay for or to perform a
5 cleanup.

6 (g) A person who is required to furnish any information, document, or record
7 under subsection (f) of this section shall either allow the Secretary to inspect and copy all
8 information, documents, and records or shall copy and furnish to the Secretary all
9 information, documents, and records at the expense of the person.

10 (h) To collect information to administer this Part, the Secretary may subpoena the
11 attendance and testimony of witnesses and the production of documents, records, reports,
12 answers to questions, and any other information that the Secretary deems necessary.
13 Witnesses shall be paid the same fees and mileage that are paid to witnesses in
14 proceedings in the General Court of Justice. In the event that a person fails to comply
15 with a subpoena issued under this subsection, the Secretary may seek enforcement of the
16 subpoena in the superior court in any county where the inactive hazardous substance or
17 waste disposal site is located, in the county where the person resides, or in the county
18 where the person has his or her principal place of business.

19 (i) A person who owns or has control over an inactive hazardous substance or
20 waste disposal site shall grant the Secretary access to the site at reasonable times. If a
21 person fails to grant the Secretary access to the site, the Secretary may obtain an
22 administrative search and inspection warrant as provided by G.S. 15-27.2."

23 Section 2. This act is effective when it becomes law.