

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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SENATE BILL 918

Short Title: Notice of Hazardous Discharge.

(Public)

Sponsors: Senators Phillips; Ballance, Blust, Dalton, Foxx, Garwood, Gulley, Hartsell, Horton, Hoyle, Jenkins, Kinnaird, Lee, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, Miller, Rand, Rucho, Shaw of Cumberland, Warren, Weinstein, and Wellons.

Referred to: Agriculture/Environment/Natural Resources.

April 17, 1997

A BILL TO BE ENTITLED

AN ACT TO AMEND THE DUTY OF PERSONS WHO DISCHARGE OIL OR ANY HAZARDOUS SUBSTANCE TO REPORT THE DISCHARGE TO THE DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 143-215.85 reads as rewritten:

"§ 143-215.85. Required notice.

(a) Every person owning or having control over ~~oil or other substances discharged~~ in any circumstances

(1) Any amount of oil discharged into the waters of the State;

(2) Discharged oil in the amount of five gallons or more that is reasonably likely to reach the waters of the State; or

(3) Any hazardous substance discharged in an amount greater than the reportable quantity, as defined in 33 U.S.C. § 1321(b)(2)(A);

other than pursuant to a rule adopted by the Commission, a regulation of the U. S. Environmental Protection Agency, or a permit required by G.S. 143-215.1 or the Federal Water Pollution Control Act, upon notice that such discharge has occurred, shall immediately notify the Department, or any of its agents or employees, of the nature,

1 location and time of the discharge and of the measures which are being taken or are  
2 proposed to be taken to contain and remove the discharge. The agent or employee of the  
3 Department receiving the notification shall immediately notify the Secretary or such  
4 member or members of the permanent staff of the Department as the Secretary may  
5 designate. If the discharged substance of which the Department is notified is a pesticide  
6 regulated by the North Carolina Pesticide Board, the Department shall immediately  
7 inform the Chairman of the Pesticide Board. Removal operations under this Article of  
8 substances identified as pesticides defined in G.S. 143-460 shall be coordinated in  
9 accordance with the Pesticide Emergency Plan adopted by the North Carolina Pesticide  
10 Board; provided that, in instances where entry of such hazardous substances into waters  
11 of the State is imminent, the Department may take such actions as are necessary to  
12 physically contain or divert such substance so as to prevent entry into the surface waters.

13 (b) Any person who owns or has control over oil or other hazardous substance that  
14 is discharged and who is not required under subsection (a) of this section to notify the  
15 Department of the discharge shall comply with the removal and restoration provisions of  
16 G.S. 143-215.84."

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