

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 644  
Committee Substitute Favorable 5/5/89

Short Title: Clarify Inactive Haz. Sites Law.

(Public)

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Sponsors:

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Referred to:

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March 16, 1989

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THE DEFINITION OF "RESPONSIBLE PARTY" WITHIN  
THE MEANING OF THE STATUTES REGARDING INACTIVE HAZARDOUS  
WASTE SITES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 130A-310.7(a) reads as rewritten:

"(a) Notwithstanding any other provision or rule of law, and subject only to the  
defenses set forth in this subsection, any person who:

(1) Discharges or deposits; or

(2) Contracts or arranges for any discharge or deposit; or

(3) Accepts for discharge or ~~deposit~~ deposit; or

(4) Transports or arranges for transport for the purpose of discharge or  
deposit

any hazardous substance; the result of which discharge or deposit is the existence of an  
inactive hazardous substance or waste disposal site, shall be considered a responsible  
~~party; except that the following shall not be considered a responsible party: an party.~~ Neither  
an innocent landowner who is a bona fide purchaser of the inactive hazardous substance  
or waste disposal site without knowledge or without a reasonable basis for knowing that  
hazardous substance or waste disposal had occurred ~~or~~, nor a person whose interest or  
ownership in the inactive hazardous substance or waste disposal site is based on or  
derived from a security interest in the ~~property.~~ property shall be considered a  
responsible party. A responsible party shall be directly liable to the State for any or all  
of the reasonably necessary expenses of developing and implementing a remedial action

1 program for such site. The Secretary shall bring an action for reimbursement of the  
2 ~~Carolina Clean Drinking Water~~ Inactive Hazardous Sites Cleanup Fund in the name of the  
3 State in the superior court of the county in which the site is located to recover such sum  
4 and the cost of bringing the action. The State must show that a danger to the public  
5 health or the environment existed and that the State complied with the provisions of this  
6 Part."

7           Sec. 2. This act is effective upon ratification.