

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

S

2

SENATE BILL 377*

Environmental and Natural Resources Committee Substitute Adopted 5/2/91

Short Title: Amend. Inactive Sites Prgm. Reg.

(Public)

Sponsors:

Referred to:

March 28, 1991

A BILL TO BE ENTITLED

1 AN ACT TO ALLOW DISCRETION BY THE SECRETARY OF ENVIRONMENT,
2 HEALTH, AND NATURAL RESOURCES AS TO WHETHER TO SEEK
3 FEDERAL APPROVAL OF ANY INACTIVE HAZARDOUS SUBSTANCE OR
4 WASTE DISPOSAL SITE CLEANUP AND AS TO WHETHER
5 ENVIRONMENTAL PERMITS ARE REQUIRED FOR CLEANUPS
6 CONDUCTED ENTIRELY ON-SITE.
7

8 The General Assembly of North Carolina enacts:

9 Section 1. G.S. 130A-310.3(d) reads as rewritten:

10 "(d) In any inactive hazardous substance or waste disposal site remedial action
11 program implemented hereunder, the Secretary shall ascertain the most nearly
12 applicable cleanup standard as would be applied under CERCLA/SARA, and ~~shall~~ may
13 seek federal approval of any such program to insure concurrent compliance with federal
14 standards. State standards may exceed and be more comprehensive than such federal
15 standards. The Secretary shall assure concurrent compliance with applicable standards
16 set by the Environmental Management Commission."

17 Sec. 2. G.S. 130A-310.3 is amended by adding a new subsection to read:

18 "(e) For any removal or remedial action conducted entirely on-site under this Part,
19 to the extent that a permit would not be required under 42 U.S.C. § 9621(e) for a
20 removal or remedial action conducted entirely on-site under CERCLA/SARA, the
21 Secretary may grant a waiver from any State law or rule that requires that an
22 environmental permit be obtained from the Department. The Secretary shall not waive
23 any requirement that a permit be obtained unless the owner, operator, or other

1 responsible party has entered into an agreement with the Secretary to implement a
2 voluntary remedial action plan under G.S. 130A-310.9(b). Prior to granting a permit
3 waiver, the Secretary shall invite public participation in the development of the remedial
4 action plan in the manner set out in G.S. 130A-310.4."

5 Sec. 3. Part 3 of Article 9 of Chapter 130A of the General Statutes is
6 amended by adding a new section to read:

7 **"§ 130A-310.13. Short title.**

8 This Part shall be known and may be cited as the Inactive Hazardous Sites Response
9 Act of 1987."

10 Sec. 4. This act is effective upon ratification.