

GENERAL ASSEMBLY OF NORTH CAROLINA
1991 SESSION

CHAPTER 281
SENATE BILL 377

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

The General Assembly of North Carolina enacts:

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

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

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

"(e) For any removal or remedial action conducted entirely on-site under this Part, to the extent that a permit would not be required under 42 U.S.C. § 9621(e) for a removal or remedial action conducted entirely on-site under CERCLA/SARA, the Secretary may grant a waiver from any State law or rule that requires that an environmental permit be obtained from the Department. The Secretary shall not waive any requirement that a permit be obtained unless the owner, operator, or other responsible party has entered into an agreement with the Secretary to implement a voluntary remedial action plan under G.S. 130A-310.9(b). Prior to granting a permit waiver, the Secretary shall invite public participation in the development of the remedial action plan in the manner set out in G.S. 130A-310.4."

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

§ 130A-310.13. Short title.

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

Sec. 4. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 13th day of June, 1991.

James C. Gardner
President of the Senate

Daniel Blue, Jr.
Speaker of the House of Representatives