

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

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HOUSE BILL 1564

Short Title: Inactive Hazardous Sites Amendments. (Public)

Sponsors: Representatives Hackney; and Blue.

Referred to: Environment and Natural Resources.

June 6, 2002

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE INACTIVE HAZARDOUS SITES RESPONSE ACT OF
3 1987 AND PROVIDE THE DEPARTMENT OF ENVIRONMENT AND
4 NATURAL RESOURCES WITH EXPLICIT AUTHORITY TO ASSESS A
5 PENALTY FOR A VIOLATION INVOLVING A VOLUNTARY REMEDIAL
6 ACTION UNDER THE INACTIVE HAZARDOUS SITES PROGRAM
7 CONDUCTED BY A PRIVATE ENVIRONMENTAL CONSULTING OR
8 ENGINEERING FIRM, AS RECOMMENDED BY THE ENVIRONMENTAL
9 REVIEW COMMISSION.

10 The General Assembly of North Carolina enacts:

11 **SECTION 1.** G.S. 130A-22(a) reads as rewritten:

12 "(a) The Secretary of Environment and Natural Resources may impose an
13 administrative penalty on a person who violates Article 9 of this Chapter, rules adopted
14 by the Commission pursuant to Article 9, or any order issued under Article 9. Each day
15 of a continuing violation shall constitute a separate violation. The penalty shall not
16 exceed five thousand dollars (\$5,000) per day in the case of a violation involving
17 nonhazardous waste. The penalty shall not exceed twenty-five thousand dollars
18 (\$25,000) per day in the case of a first violation involving hazardous waste as defined in
19 G.S. 130A-290 or involving the disposal of medical waste as defined in G.S. 130A-290
20 in or upon water in a manner that results in medical waste entering waters or lands of
21 the State; and shall not exceed fifty thousand dollars (\$50,000) per day for a second or
22 further violation involving the disposal of medical waste as defined in G.S. 130A-290 in
23 or upon water in a manner that results in medical waste entering waters or lands of the
24 State. The penalty shall not exceed twenty-five thousand dollars (\$25,000) per day for a
25 violation involving a voluntary remedial action implemented pursuant to G.S. 130A-
26 310.9(c) or a violation of the rules adopted pursuant to G.S. 130A-310.12(b). If a person
27 fails to pay a civil penalty within 60 days after the final agency decision or court order
28 has been served on the violator, the Secretary of Environment and Natural Resources
29 shall request the Attorney General to institute a civil action in the superior court of any

1 county in which the violator resides or has his or its principal place of business to
2 recover the amount of the assessment. Such civil actions must be filed within three
3 years of the date the final agency decision or court order was served on the violator."

4 **SECTION 2.** G.S. 130A-310.3(e) reads as rewritten:

5 "(e) For any removal or remedial action conducted entirely on-site under this Part,
6 to the extent that a permit would not be required under 42 U.S.C. § 9621(e) for a
7 removal or remedial action conducted entirely on-site under CERCLA/SARA, the
8 Secretary may grant a waiver from any State law or rule that requires that an
9 environmental permit be obtained from the Department. The Secretary shall not waive
10 any requirement that a permit be obtained unless the removal or remediation action is
11 being conducted pursuant to G.S. 130A-310.5 or G.S. 130A-310.6, or unless the owner,
12 operator, or other responsible party has entered into an agreement with the Secretary to
13 implement a voluntary remedial action plan under G.S. 130A-310.3 or G.S.
14 130A-310.9(b). ~~Prior to granting a permit waiver, Except for removal or remediation~~
15 actions conducted pursuant to G.S. 130A-310.5 by a responsible party or the State, the
16 Secretary shall invite public participation in the development of the remedial action plan
17 in the manner set out in G.S. 130A-310.4."

18 **SECTION 3.** This act is effective when it becomes law.