

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 1222*
Committee Substitute Favorable 5/4/89

Short Title: Superfund Authorization.

(Public)

Sponsors:

Referred to:

April 12, 1989

1 A BILL TO BE ENTITLED
2 AN ACT TO CLARIFY STATE AGENCY AUTHORITY WITH RESPECT TO THE
3 FEDERAL SUPERFUND PROGRAM.

4 The General Assembly of North Carolina enacts:

5 Section 1. Article 9 of Chapter 130A of the General Statutes is amended by
6 adding a new Part to read:

7 **“PART 4. SUPERFUND PROGRAM.**

8 **“§ 130A-310.20. Definitions.**

9 Unless a different meaning is required by the context, the following definitions shall
10 apply throughout this Part:

11 (1) ‘CERCLA/SARA’ or ‘Superfund’ means the Comprehensive
12 Environmental Response, Compensation, and Liability Act of 1980,
13 Pub. L. No. 96-510, 94 Stat. 2767, 42 U.S.C. § 9601 et seq., as
14 amended, and the Superfund Amendments and Reauthorization Act of
15 1986, Pub. L. No. 99-499, 100 Stat. 1613, as amended.

16 **“§ 130A-310.21. Administration of the Superfund program.**

17 The Department shall maintain an appropriate administrative subunit within the solid
18 waste management unit authorized by G.S. 130A-291 to carry out those activities in
19 which the State is authorized to engage under CERCLA/SARA.

20 **“§ 130A-310.22. Contracts authorized.**

21 (a) The Department is authorized to enter into contracts and cooperative
22 agreements with the United States and to engage in any activity otherwise authorized by
23 law to identify, investigate, evaluate, and clean up any site or facility covered by

1 CERCLA/SARA including but not limited to performing preliminary assessments, site
2 investigations, remedial investigations, and feasibility studies; preparation of records of
3 decision; conducting emergency response, remedial, and removal actions; and engaging
4 in enforcement activities in accordance with the provisions of CERCLA/SARA.

5 (b) The Department may make all assurances required by federal law or
6 regulation including but not limited to assuring that the State will assume responsibility
7 for the operation and maintenance of any remedial action for the anticipated duration of
8 the remedial action; assuring that the State will provide its share of the cost of any
9 remedial action at a site or facility which was privately owned or operated; assuring that
10 the State will provide its share of the cost of any removal, remedial planning, and
11 remedial action at a site or facility owned or operated by the State or a political
12 subdivision of the State; assuring the availability of off-site treatment, storage, or
13 disposal capacity needed to effectuate a remedial action; assuring that the State will take
14 title to, acquire an interest in, or accept transfer of any interest in real property needed to
15 effectuate a remedial action; assuring that the State has adequate capacity to meet the
16 assurances required by CERCLA/SARA (42 U.S.C. § 9604(b)(9)); assuring access to
17 the facility and any adjacent property including the securing of any right-of-way or
18 easement needed to effectuate a remedial action; and assuring that the State will satisfy
19 all federal, State, and local requirements for permits and approvals necessary to
20 effectuate a remedial action.

21 (c) Each contract entered into by the Department under this section shall stipulate
22 that all obligations of the State are subject to the availability of funds. Neither this
23 section nor any contract entered into under authority of this section shall be construed to
24 obligate the General Assembly to make any appropriation to implement this Part or any
25 contract entered into under this section. The Department shall implement this Part and
26 any contract entered into under this section from funds otherwise available or
27 appropriated to the Department for such purpose."

28 Sec. 2. G.S. 146-22.1(14) reads as rewritten:

29 "(14) Lands necessary for the construction of hazardous waste facilities as
30 defined in G.S. ~~130-166.16(5)~~—130A-290(5), inactive hazardous
31 substance or waste disposal sites as defined in G.S. 130A-310(3),
32 Superfund sites as described in G.S. 130A-310.22, and lands
33 necessary for the construction of low-level radioactive waste
34 facilities as defined in G.S. 104E-5(9b)."

35 Sec. 3. This act shall not be construed to invalidate any action taken by the
36 State with regard to the administration of the Superfund program prior to the effective
37 date of this act.

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