

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 1961\*  
Committee Substitute Favorable 6/8/94

Short Title: Encourage Voluntary Remediation.

(Public)

Sponsors:

Referred to:

June 1, 1994

1 A BILL TO BE ENTITLED  
2 AN ACT TO ENCOURAGE THE VOLUNTARY REMEDIATION OF  
3 CONTAMINATED SITES, AS RECOMMENDED BY THE ENVIRONMENTAL  
4 REVIEW COMMISSION.

5 Whereas, the General Assembly of North Carolina recognizes the importance  
6 of protecting the environment of this State, as well as the health and safety of its  
7 inhabitants and employees; and

8 Whereas, man's past activities, even those that were legal and proper at the  
9 time, have resulted in the contamination of land, surface water, groundwater, and other  
10 media within North Carolina; and

11 Whereas, the number of such contaminated sites exceeds the abilities of  
12 North Carolina and federal officials to manage in an expeditious fashion; and

13 Whereas, the expeditious cleanup of such contaminated sites is in the best  
14 interests of the State of North Carolina and its citizens and environment, in that it more  
15 quickly removes or reduces any threat to public health or the environment while often  
16 lowering the total costs of such actions; and

17 Whereas, more contaminated sites could be cleaned up more expeditiously  
18 and effectively by allowing the Department of Environment, Health, and Natural  
19 Resources to utilize independent outside consultants to oversee such work; Now,  
20 therefore,

21 The General Assembly of North Carolina enacts:

22 Section 1. G.S. 130A-29(c) reads as rewritten:

23 "(c) The Commission shall adopt rules:

- 1 (1) Repealed by Session Laws 1983 (Regular Session, 1984), c. 1022, s. 5.  
2 (2) Establishing standards for approving sewage-treatment devices and  
3 holding tanks for marine toilets as provided in G.S. 75A-6(o);  
4 (3) Establishing specifications for sanitary privies for schools where  
5 water-carried sewage facilities are unavailable as provided in G.S.  
6 115C-522;  
7 (4) Establishing requirements for the sanitation of local confinement  
8 facilities as provided in Part 2 of Article 10 of Chapter 153A of the  
9 General Statutes;  
10 (5) Repealed by Session Laws 1989 (Regular Session, 1990), c. 1075, s. 1.  
11 (5a) Establishing eligibility standards for participation in Department  
12 reimbursement programs;  
13 (6) Requiring proper treatment and disposal of sewage and other waste  
14 from chemical and portable toilets; and  
15 (7) Establishing statewide health outcome objectives and delivery  
16 standards. standards; and  
17 (8) Allowing the Department to select and hire private environmental  
18 consulting and engineering firms to implement and oversee voluntary  
19 remedial actions by owners, operators, or other responsible parties  
20 under G.S 130A-310.3(b). Rules adopted pursuant to this subdivision  
21 shall:  
22 a. Require that any responsible party that chooses to use an  
23 environmental consulting or engineering firm for a voluntary  
24 remedial action reimburse the Department for work performed  
25 by the firm;  
26 b. Specify the standards applicable to private environmental  
27 consulting and engineering firms, including the procedures for  
28 identifying and choosing firms;  
29 c. Describe the standards and procedures governing charges by  
30 private environmental consulting and engineering firms and the  
31 reimbursement of those charges; and  
32 d. Describe the financial assurances to be required of a responsible  
33 party that chooses to utilize this method of overseeing a  
34 remedial action."

35 Sec. 2. Article 1 of Chapter 130A is amended by adding a new section to  
36 read:

37 **"§ 130A-26.2. Penalties for false reporting.**

38 Any person who knowingly makes any false statement, representation, or  
39 certification in any application, record, report, plan, or other document filed or required  
40 to be maintained under rules adopted under G.S. 130A-29(c)(8), or who falsifies,  
41 tampers with, or knowingly renders inaccurate any recording or monitoring device or  
42 method required to be operated or maintained under Article 9 shall be guilty of a Class 2  
43 misdemeanor which may include a fine not to exceed ten thousand dollars (\$10,000)."

1           Sec. 3. The Environmental Review Commission may study, in cooperation  
2 with personnel designated by the Secretary of Environment, Health, and Natural  
3 Resources, the possible implementation of a program that would utilize licensed site  
4 professionals to oversee voluntary and other remedial actions by responsible parties in  
5 lieu of oversight by State personnel, the procedures and standards that would govern the  
6 designation and licensing of licensed site professionals, the functions of licensed site  
7 professionals, and the weight to be accorded by a State agency to any work overseen  
8 and approved by a licensed site professional.

9           Sec. 4. Sections 1 and 2 of this act become effective January 1, 1995,  
10 provided that the Department of Environment, Health, and Natural Resources may  
11 implement rules prior to that date. Section 3 of this act is effective upon ratification.