

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 706
Committee Substitute Favorable 5/4/89

Short Title: Amend Haz. Waste Remedial Fund.

(Public)

Sponsors:

Referred to:

March 20, 1989

A BILL TO BE ENTITLED

AN ACT TO AMEND G.S. 130A-306, WHICH ESTABLISHED THE HAZARDOUS WASTE SITE REMEDIAL FUND.

The General Assembly of North Carolina enacts:

Section 1. G.S. 130A-306 reads as rewritten:

"§ 130A-306. ~~Hazardous Waste Site Remedial~~ Emergency Response Fund.

There is established under the control and direction of the Department, an Emergency ~~Hazardous Site Remedial~~ Response Fund which shall be a nonreverting fund consisting of any money appropriated for such purpose by the General Assembly or available to it from grants, fees, charges, and other money paid to or recovered by or on behalf of the Department pursuant to this Article, except fees specifically designated by this Article for some other use or purpose. The Emergency Response Fund shall be treated as a special trust fund and shall be credited with interest by the State Treasurer pursuant to G.S. 147-69.2 and G.S. 147-69.3. The Fund shall be used to defray expenses incurred by the Department in developing and implementing an emergency hazardous waste remedial ~~program~~ plan and to reimburse any federal, State or local agency and any agent or contractor for expenses incurred in developing and implementing such a ~~program~~ plan that has been approved by the Department. These funds shall be used upon a determination that ~~no sufficient~~ funds or corrective action ~~can~~ cannot be obtained from other sources without incurring a delay that would significantly increase the threat to life or risk of ~~irreparable~~ damage to the environment. ~~In no event shall this Fund~~ This Fund may not exceed two hundred thousand dollars (\$200,000). five hundred thousand dollars (\$500,000); money in excess of five hundred thousand dollars

1 (\$500,000) shall be deposited in the Inactive Hazardous Sites Cleanup Fund. The
2 Secretary is authorized to take the necessary action to recover ~~the abatement~~ all costs
3 incurred by the State for site investigation and the development and implementation of
4 an emergency hazardous waste remedial plan, including attorney's fees and other
5 expenses of bringing the cost recovery action from the responsible party or parties. The
6 provisions of G.S. 130A-310.7 shall apply to actions to recover costs under this section
7 except that: (i) reimbursement shall be to the Emergency Response Fund and (ii) the
8 State need not show that it has complied with the provisions of Part 3 of this Article."

9 Sec. 2. This act shall become effective October 1, 1989.