

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 869\*

Short Title: Superfund Authorization.

(Public)

Sponsors: Senators Tally; Sherron, Ward, and Taft.

Referred to: Environment and Natural Resources.

April 12, 1989

A BILL TO BE ENTITLED

AN ACT TO CLARIFY STATE AGENCY AUTHORITY WITH RESPECT TO THE  
FEDERAL SUPERFUND PROGRAM.

The General Assembly of North Carolina enacts:

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

**“PART 4. SUPERFUND PROGRAM.**

**"§ 130A-310.20. Definitions.**

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

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

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

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

**"§ 130A-310.22. Contracts authorized.**

(a) The Department is authorized to enter into contracts and cooperative  
agreements with the United States and to engage in any activity otherwise authorized by  
law to identify, investigate, evaluate, and clean up any site or facility covered by  
CERCLA/SARA including but not limited to performing preliminary assessments, site

1 investigations, remedial investigations, and feasibility studies; preparation of records of  
2 decision; conducting emergency response, remedial, and removal actions; and engaging  
3 in enforcement activities in accordance with the provisions of CERCLA/SARA.

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

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

27 Sec. 2. This act shall not be construed to invalidate any action taken by the  
28 State with regard to the administration of the Superfund program prior to the effective  
29 date of this act.

30 Sec. 3. This act is effective upon ratification.