GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

H 3

HOUSE BILL 1961*

Committee Substitute Favorable 6/8/94 Committee Substitute #2 Favorable 6/14/94

Short Title: Encourage Voluntary Remediation.	(Public)
Sponsors:	
Referred to:	

June 1, 1994

A BILL TO BE ENTITLED

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AN ACT TO ENCOURAGE THE VOLUNTARY REMEDIATION OF CONTAMINATED SITES, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

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

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

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

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

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

- 21 The General Assembly of North Carolina enacts:
- Section 1. G.S. 130A-29(c) reads as rewritten:

1	"(c)	The C	The Commission shall adopt rules:			
2		(1)	Repe	ealed by Session Laws 1983 (Regular Session, 1984), c. 1022, s. 5.		
3		(2)	_	olishing standards for approving sewage-treatment devices and		
4			holdi	ing tanks for marine toilets as provided in G.S. 75A-6(o);		
5		(3)		plishing specifications for sanitary privies for schools where		
6		. ,		r-carried sewage facilities are unavailable as provided in G.S.		
7				C-522;		
8		(4)	Estal	olishing requirements for the sanitation of local confinement		
9		. ,		ties as provided in Part 2 of Article 10 of Chapter 153A of the		
10				eral Statutes;		
11		(5)	Repe	ealed by Session Laws 1989 (Regular Session, 1990), c. 1075, s. 1.		
12		(5a)	_	plishing eligibility standards for participation in Department		
13		` /		bursement programs;		
14		(6)		iring proper treatment and disposal of sewage and other waste		
15		. ,	_	chemical and portable toilets; and		
16		(7)		olishing statewide health outcome objectives and delivery		
17		. ,		ards. standards; and		
18		<u>(8)</u>		wing the Department to select and hire private environmental		
19				ulting and engineering firms to implement and oversee voluntary		
20				dial actions by owners, operators, or other responsible parties		
21				r G.S 130A-310.9(b). Rules adopted pursuant to this subdivision		
22			shall	•		
23			<u>a.</u>	Require that any responsible party that chooses to use an		
24				environmental consulting or engineering firm for a voluntary		
25				remedial action reimburse the Department for work performed		
26				by the firm;		
27			<u>b.</u>	Specify the standards applicable to private environmental		
28				consulting and engineering firms, including the procedures for		
29				identifying and choosing firms;		
30			<u>c.</u>	Require that remedial action implemented and overseen under		
31				this paragraph, and documents relating to such action, be fully		
32				subject to audit and inspection by the Department;		
33			<u>d.</u>	Describe the standards and procedures governing charges by		
34				private environmental consulting and engineering firms and the		
35				reimbursement of those charges; and		
36			<u>e.</u>	Describe the financial assurances to be required of a responsible		
37				party that chooses to utilize this method of overseeing a		
38				remedial action."		
39		Sec.	2. Ar	ticle 1 of Chapter 130A is amended by adding a new section to		
40	read:			-		

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

Any person who knowingly makes any false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under Article 9, rules adopted under Article 9, or G.S. 130A-29(c)(8),

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or who falsifies, tampers with, or knowingly renders inaccurate any recording or monitoring device or method required to be operated or maintained under Article 9, rules adopted under Article 9, or G.S. 130A-29(c)(8) shall be guilty of a Class 2 misdemeanor which may include a fine not to exceed ten thousand dollars (\$10,000)."

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

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Sec. 4. Sections 1 and 2 of this act become effective January 1, 1995, provided that the Commission for Health Services may initiate rule making prior to that date. Section 3 of this act is effective upon ratification.