

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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SENATE BILL 1638*

Short Title: Encourage Voluntary Remediation.

(Public)

Sponsors: Senators Blackmon; and Carpenter.

Referred to: Environment and Natural Resources.

June 1, 1994

A BILL TO BE ENTITLED

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

24 (1) Repealed by Session Laws 1983 (Regular Session, 1984), c. 1022, s. 5.

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- 9 (5) Repealed by Session Laws 1989 (Regular Session, 1990), c. 1075, s. 1.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

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

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