

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 708

Committee Substitute Favorable 4/19/95

Senate Agriculture/Environment/Natural Resources Committee Substitute Adopted
6/13/95

Short Title: Monitor Compliance Data Electronically.

(Public)

Sponsors:

Referred to:

March 30, 1995

A BILL TO BE ENTITLED

1 AN ACT TO AMEND THE GENERAL STATUTES TO AUTHORIZE THE
2 DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES
3 TO ELECTRONICALLY MONITOR AND RECORD COMPLIANCE DATA OFF-
4 SITE FROM SPECIAL PURPOSE COMMERCIAL HAZARDOUS WASTE
5 FACILITIES THAT USE HAZARDOUS WASTE AS A FUEL AND TO CLARIFY
6 THE CIRCUMSTANCES UNDER WHICH A PRIVATE ENVIRONMENTAL
7 CONSULTING OR ENGINEERING FIRM MAY BE EMPLOYED TO
8 IMPLEMENT AND OVERSEE A VOLUNTARY REMEDIAL ACTION.
9

10 The General Assembly of North Carolina enacts:

11 Section 1. G.S. 130A-295.02(j) reads as rewritten:

12 "(j) For purposes of this subsection, special purpose commercial hazardous waste
13 facilities include: a facility that manages limited quantities of hazardous waste; a facility
14 that limits its hazardous waste management activities to reclamation or recycling,
15 including energy or materials recovery or a facility that stores hazardous waste primarily
16 for use at such facilities; or a facility that is determined to be low risk under rules adopted
17 by the Commission pursuant to this subsection. The Commission shall adopt rules

1 establishing reasonable times and frequencies for the presence of a resident inspector on
2 less than a full-time basis at special purpose commercial hazardous waste facilities.
3 Rules adopted pursuant to this subsection shall establish classifications of special purpose
4 hazardous waste facilities based on factors including, but not limited to, the size of the
5 facility, the type of treatment or storage being performed, the nature and volume of waste
6 being treated or stored, the uniformity, similarity, or lack of diversity of the waste
7 streams, the predictability of the nature of the waste streams and their treatability,
8 whether the facility utilizes automated monitoring or safety devices that adequately
9 perform functions that would otherwise be performed by a resident inspector, the fact that
10 reclamation or recycling is being performed at the facility, and the compliance history of
11 the facility and its operator. Special purpose commercial hazardous waste facilities shall
12 be subject to inspection at all times during which the facility is in operation, undergoing
13 any maintenance or repair, or undergoing any test or calibration. Rules adopted pursuant
14 to this subsection shall specify a minimum number of inspections during such times as
15 the facility is subject to inspection. Special purpose commercial hazardous waste
16 facilities that utilize hazardous waste as a fuel source shall be inspected a minimum of 40
17 hours per ~~week.~~week, unless compliance data for these facilities can be electronically
18 monitored and recorded off-site by the Department. The Department, considering the
19 benefits provided by electronic monitoring, shall determine the number of hours of on-
20 site inspection required at these facilities. The Department shall maintain records of all
21 inspections at special purpose commercial hazardous waste facilities. Such records shall
22 contain sufficient detail and shall be arranged in a readily understandable format so as to
23 facilitate determination at any time as to whether the special purpose commercial
24 hazardous waste facility is in compliance with the requirements of this subsection and of
25 rules adopted pursuant to this subsection."

26 Sec. 2. G.S. 130A-310.9(c) reads as rewritten:

27 "(c) The Department may ~~select and hire~~approve a private environmental consulting
28 and engineering ~~firms~~firm to implement and oversee ~~a voluntary remedial action by~~
29 ~~owners, operators, or other responsible parties.~~action by an owner, operator, or other
30 responsible party. An owner, operator, or other responsible party that chooses to use who
31 enters into an agreement with the Secretary to implement a voluntary remedial action
32 may hire a private environmental consulting or engineering firm ~~shall reimburse the~~
33 ~~Department for the cost of all work performed by the firm.~~approved by the Department to
34 implement and oversee the voluntary remedial action. A voluntary remedial action that is
35 implemented and overseen by a private environmental consulting or engineering firm
36 shall be implemented in accordance with all federal and State laws, regulations, and rules
37 that apply to remedial actions generally and is subject to rules adopted pursuant to G.S.
38 130A-310.12(b). The Department may revoke its approval of the oversight of a
39 voluntary remedial action by a private environmental consulting or engineering firm and
40 assume direct oversight of the voluntary remedial action whenever it appears to the
41 Department that the voluntary remedial action is not being properly implemented or is
42 not being adequately overseen. The Department may require the owner, operator, other
43 responsible party, or private environmental consulting or engineering firm to take any

1 action necessary to bring the voluntary remedial action into compliance with applicable
2 requirements."

3 Sec. 3. G.S. 130A-310.12(b) reads as rewritten:

4 "(b) The Commission shall adopt rules governing the selection and use of private
5 environmental ~~engineering and consulting and engineering~~ firms to implement and oversee
6 voluntary remedial actions by owners, operators, or other responsible parties under G.S.
7 130A-310.9(c). Rules adopted under this subsection shall specify:

8 (1) Standards applicable to private environmental consulting and
9 engineering firms.

10 (2) ~~Procedures for identifying and choosing firms. Criteria and procedures for~~
11 approval of firms by the Department.

12 (3) ~~Standards and procedures governing charges by private environmental~~
13 ~~consulting and engineering firms and the reimbursement of those~~
14 ~~charges. Requirements and procedures under which the Department~~
15 monitors and audits a voluntary remedial action to ensure that the
16 voluntary remedial action complies with applicable federal and State
17 law, regulations, and under which the owner, operator, or other
18 responsible party reimburses the Department for the cost of monitoring
19 and auditing the voluntary remedial action.

20 (4) ~~Financial-Any financial~~ assurances ~~to~~ that may be required of an owner,
21 operator, or other responsible party that chooses to implement a voluntary
22 remedial action under G.S. 130A-310.9(e)-party.

23 (5) Requirements for the preparation, maintenance, and public availability
24 of work plans and records, reports of data collection including sampling,
25 sample analysis, and other site testing, and other records and reports that
26 are consistent with the requirements applicable to remedial actions
27 generally."

28 Sec. 4. This act is effective upon ratification.