

GENERAL ASSEMBLY OF NORTH CAROLINA  
1985 SESSION

CHAPTER 738  
HOUSE BILL 945

AN ACT TO AMEND THE SOLID WASTE LAW.

The General Assembly of North Carolina enacts:

Section 1. G.S. 130A-290(18)(d) is hereby rewritten to read as follows:

"Any source, special nuclear or byproduct material as defined by the Atomic Energy Act of 1954, as amended (42 U.S.C. § 2011)."

Sec. 2. G.S. 130A-294(c) is hereby amended by adding a new subdivision to read as follows:

"(1a) Establishing criteria for hazardous constituents, identifying the characteristics of hazardous constituents and listing particular hazardous constituents;"

Sec. 3. G.S. 130A-294(c)(10) is hereby amended on the fifth line after the word "measures" and before the parenthesis by adding "through the use of a letter of credit, insurance, surety, trust agreement, financial test, or financial test and corporate guarantee."

Sec. 4. Article 9 of Chapter 130A of the General Statutes is amended by adding the following new sections at the end thereof:

"§ 130A-308. **Continuing releases at permitted facilities.**— Standards adopted under G.S. 130A-294(c) shall require, and a permit issued after November 8, 1984, shall require corrective action for all releases of hazardous waste or constituents from any solid waste management unit at a treatment, storage, or disposal facility seeking a permit under G.S. 130A-294(c), regardless of the time at which waste was placed in such unit. Permits issued under G.S. 130A-294(c) which implement Section 3005 of the Federal Act (42 U.S.C. § 6925) shall contain schedules of compliance for such corrective action (where such corrective action cannot be completed prior to issuance of the permit) and assurances of financial responsibility for completing such corrective action. Notwithstanding any other provision of this section, this section shall apply only to units, facilities, and permits that are covered by Section 3004(u) of the Federal Act (42 U.S.C. Section 6924)(u)). Notwithstanding the foregoing, corrective action authorized elsewhere in this Chapter shall not be limited by this section.

"§ 130A-309. **Corrective actions beyond facility boundary.**— Standards adopted under G.S. 130A-294(c) shall require that corrective action be taken beyond the facility boundary where necessary to protect human health and the environment unless the owner or operator of the facility concerned demonstrates to the satisfaction of the Department that, despite the owner or operator's best efforts, the owner or operator was unable to obtain the necessary permission to undertake such action. Such standards shall take effect upon adoption and shall apply to:

a. all facilities operating under permits issued under 130A- 294(c); and  
b. all landfills, surface impoundments, and waste pile units (including any new units, replacements of existing units or lateral expansions of existing units) which receive hazardous waste after July 26, 1982. Pending adoption of such rules, the Department shall issue corrective action orders for facilities referred to in a. and b., on a case-by-case basis, consistent with the purposes of this section. Notwithstanding any other provision of this section, this section shall apply only to units, facilities, and permits that are covered by Section 3004(v) of the Federal Act (42 U.S.C. Section 6924(v)). Notwithstanding the foregoing, corrective action authorized elsewhere in this Chapter shall not be limited by this section."

Sec. 5. G.S. 130A-304 is hereby amended by deleting the phrase "processes, operations, style of work, or apparatus."

Sec. 6. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 12th day of July, 1985.