

GENERAL ASSEMBLY OF NORTH CAROLINA
1987 SESSION

CHAPTER 848
SENATE BILL 375

AN ACT TO REQUIRE OPERATORS AND THEIR PARENT CORPORATIONS TO
BE RESPONSIBLE FOR COSTS AND LIABILITIES ARISING FROM THE
OPERATION OF COMMERCIAL HAZARDOUS WASTE TREATMENT
FACILITIES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 130A-294(j) reads as rewritten:

"(j) The Commission may adopt rules for financial responsibility (including requirements for sufficient availability of funds for facility closure and postclosure monitoring and corrective measures, and for potential liability of sudden and nonsudden accidental occurrences), which may permit the use of insurance, financial tests, third-party guarantees by persons who can pass the financial test, guarantees by corporate parents who can pass the financial test, irrevocable letters of credit, trust, surety bonds, or any other financial device, or any combination of the foregoing, shown to provide protection equivalent to the financial protection that would have been provided by insurance if insurance were the only mechanism used. Any direct or indirect parent corporation or other parent entity of the operator of a commercial hazardous waste treatment facility shall be deemed to be a guarantor of payment by the operator for closure, monitoring, and corrective measures and for liability incurred by the operator arising from the operation of the commercial hazardous waste treatment facility. The Department may provide a copy of any filing to meet the financial responsibility requirements to the State Treasurer, who shall review the filing and provide written comments on the equivalency of protection provided by the filing, including recommended changes."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 14th day of August, 1987.