



CHAPTER 130A
ARTICLE 9 - SOLID WASTE MANAGEMENT

N.C.G.S. § 130A-310.32.

Brownfields agreement.

SOURCE General Statutes of North Carolina, as published by the General Assembly	LAST AMENDMENT IN THIS TEXT No amendment history on record	RETRIEVED 21 September 2026, 03:03 UTC	SOURCE FINGERPRINT 115467182796b8b6bd79ca3c - 9b304bf706e156dd8ef5a835 - 7e63dc720b3289f9
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- § 130A-310.32(a) The Department may, in its discretion, enter into a brownfields agreement with a prospective developer who satisfies the requirements of this section. A prospective developer shall provide the Department with any information necessary to demonstrate that:
- (1) The prospective developer, and any parent, subsidiary, or other affiliate of the prospective developer has substantially complied with:
 - a.The terms of any brownfields agreement or similar agreement to which the prospective developer or any parent, subsidiary, or other affiliate of the prospective developer has been a party.
 - b.The requirements applicable to any remediation in which the applicant has previously engaged.
 - c.Federal and state laws, regulations, and rules for the protection of the environment.
 - (2) As a result of the implementation of the brownfields agreement, the brownf - ields property will be suitable for the uses specified in the agreement while fully protecting public health and the environment instead of being remediated to unrestricted use standards.
 - (3) There is a public benefit commensurate with the liability protection provided under this Part.
 - (4) The prospective developer has or can obtain the financial, managerial, and technical means to fully implement the brownfields agreement and assure the safe use of the brownfields property.

- (5) The prospective developer has complied with or will comply with all applicable procedural requirements.

§ 130A-310.32(b) In negotiating a brownfields agreement, parties may rely on land-use restrictions that will be included in a Notice of Brownfields Property required under G.S. 130A-310.35. A brownfields agreement may provide for remediation standards that are based on those land-use restrictions.

§ 130A-310.32(c) A brownfields agreement shall contain a description of the brownfields property that would be sufficient as a description of the property in an instrument of conveyance and, as applicable, a statement of:

- (1) Any remediation to be conducted on the property, including:
 - a. A description of specific areas where remediation is to be conducted.
 - b. The remediation method or methods to be employed.
 - c. The resources that the prospective developer will make available.
 - d. A schedule of remediation activities.
 - e. Applicable remediation standards.
 - f. A schedule and the method or methods for evaluating the remediation.
- (2) Any land-use restrictions that will apply to the brownfields property.
- (3) The desired results of any remediation or land-use restrictions with respect to the brownfields property.
- (4) The guidelines, including parameters, principles, and policies within which the desired results are to be accomplished.
- (5) The consequences of achieving or not achieving the desired results.

§ 130A-310.32(d) Any failure of the prospective developer or the prospective developer's agents and employees to comply with the brownfields agreement constitutes a violation of this Part by the prospective developer. (1997-357, s. 2; 2001-384, s. 11.)

END OF SECTION TEXT

APPARATUS FOLLOWS — DERIVED, NOT ENACTED

Authorities referenced

Every G.S. cross-reference appearing in the text of this section, in order of first appearance. Nothing is characterized; the operative language is quoted from the section itself.

REFERENCE	APPEARS IN	OPERATIVE LANGUAGE IN THIS SECTION
G.S. 130A-310.35	(b)	"Notice of Brownfields Property required under"

APPARATUS III

Citation

FULL SECTION

N.C. Gen. Stat. § 130A-310.32 (2026).

PINPOINT

N.C. Gen. Stat. § 130A-310.32(a) (2026).

Pinpoint keys are set in the left margin of the text rather than line numbers; subsection designators are stable across editions and paper sizes, line numbers are not.

COLOPHON

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