



CHAPTER 130A

ARTICLE 9 - SOLID WASTE MANAGEMENT

N.C.G.S. § 130A-310.9.

Voluntary remedial actions; limitation of liability; agreements; implementation and oversight by private engineering and consulting firms.

SOURCE	LAST AMENDMENT IN THIS TEXT	RETRIEVED	SOURCE FINGERPRINT
General Statutes of North Carolina, as published by the General Assembly	S.L. 2009-451, s. 13.3C(a) — seventh act in the lineage	21 September 2026, 03:03 UTC	85a7f35480b8dd62c58e25bf - d101f4d02997764a75ef268d - 2ed1fe690d2f14fc

§ 130A-310.9(a) No one owner, operator, or other responsible party who voluntarily participates in the implementation of a remedial action program under G.S. 130A-310.3 or G.S. 130A-310.5 may be required to pay in excess of five million dollars (\$5,000,000) for the cost of implementing a remedial action program at a single inactive hazardous substance or waste disposal site. The owner, operator, or other responsible party who voluntarily participates in the implementation of a remedial action program under G.S. 130A-310.3 or G.S. 130A-310.5 shall be required to pay in addition to the cost of implementing the remedial action program a fee of one thousand one hundred eighty-six dollars (\$1,186) to be used for the Department's cost of monitoring and enforcing the remedial action program. The limitation of liability contained in this subsection applies to the cost of implementing the program and to the fee under this subsection. The limitation of liability contained in this subsection does not apply to the cost of developing the remedial action plan.

§ 130A-310.9(b) The Secretary may enter into an agreement with an owner, operator, or other responsible party that provides for implementation of a voluntary remedial action program in accordance with a remedial action plan approved by the Department. Investigations, evaluations, and voluntary remedial actions are subject to the provisions of G.S. 130A-310.1(c), 130A-310.1(d), 130A-310.3(d), 130A-310.3(f),

130A-310.5, 130A-310.8, and any other requirement imposed by the Department. A voluntary remedial action and all documents that relate to the voluntary remedial action shall be fully subject to inspection and audit by the Department. At least 30 days prior to entering into any agreement providing for the implementation of a voluntary remedial action program, the Secretary shall mail notice of the proposed agreement as provided in G.S. 130A-310.4(c)(2). Sites undergoing voluntary remedial actions shall be so identified as a separate category in the inventory of sites maintained pursuant to G.S. 130A-310.1 but shall not be included on the Inactive Hazardous Waste Sites Priority List required by G.S. 130A-310.2.

§ 130A-310.9(c)

The Department may approve a private environmental consulting and engineering firm to implement and oversee a voluntary remedial action by an owner, operator, or other responsible party. An owner, operator, or other responsible party who enters into an agreement with the Secretary to implement a voluntary remedial action may hire a private environmental consulting or engineering firm approved by the Department to implement and oversee the voluntary remedial action. A voluntary remedial action that is implemented and overseen by a private environmental consulting or engineering firm shall be implemented in accordance with all federal and State laws, regulations, and rules that apply to remedial actions generally and is subject to rules adopted pursuant to G.S. 130A-310.12(b). The Department may revoke its approval of the oversight of a voluntary remedial action by a private environmental consulting or engineering firm and assume direct oversight of the voluntary remedial action whenever it appears to the Department that the voluntary remedial action is not being properly implemented or is not being adequately overseen. The Department may require the owner, operator, other responsible party, or private environmental consulting or engineering firm to take any action necessary to bring the voluntary remedial action into compliance with applicable requirements.

END OF SECTION TEXT

APPARATUS FOLLOWS — DERIVED, NOT ENACTED

APPARATUS I
7 ACTS

Amendment lineage

The State prints this history as a single parenthetical at the foot of the section. It is reproduced verbatim in the colophon and unpacked below in order of enactment.



Nº	YEAR	ACT	CHARACTER
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01	1987	c. 574, s. 2	ENACTED
02	1989	c. 286, s. 7	AMENDED
03	1989	1993 (Reg. Sess., 1994), c. 598, s. 1	AMENDED
04	1995	c. 327, s. 2	AMENDED
05	1997	S.L. 1997-394, s. 3	AMENDED
06	2007	S.L. 2007-107, s. 1.1(g)	AMENDED
07	2009	S.L. 2009-451, s. 13.3C(a)	AMENDED

APPARATUS II
7 AUTHORITIES

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-310.3	(a)	<i>"of a remedial action program under"</i>
G.S. 130A-310.5	(a)	<i>"action program under G.S. 130A-310.3 or"</i>
G.S. 130A-310.1(c)	(b)	<i>"are subject to the provisions of"</i>
G.S. 130A-310.4(c)(2)	(b)	<i>"the proposed agreement as provided in"</i>
G.S. 130A-310.1	(b)	<i>"inventory of sites maintained pursuant to"</i>
G.S. 130A-310.2	(b)	<i>"Waste Sites Priority List required by"</i>
G.S. 130A-310.12(b)	(c)	<i>"subject to rules adopted pursuant to"</i>

APPARATUS III

Citation

FULL SECTION

N.C. Gen. Stat. § 130A-310.9 (2009).

PINPOINT

N.C. Gen. Stat. § 130A-310.9(a) (2009).

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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HISTORY PARENTHETICAL, AS PRINTED BY THE STATE

(1987, c. 574, s. 2; 1989, c. 286, s. 7; 1993 (Reg. Sess., 1994), c. 598, s. 1; 1995, c. 327, s. 2; 1997-394, s. 3; 2007-107, s. 1.1(g); 2009-451, s. 13.3C(a).)

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