



CHAPTER 143  
ARTICLE 21A - OIL POLLUTION AND HAZARDOUS SUBSTANCES CONTROL

N.C.G.S. § 143-215.94G.

Authority of the Department to engage in cleanups; actions for fund reimbursement.

| SOURCE                                                                   | LAST AMENDMENT IN THIS TEXT    | RETRIEVED                    | SOURCE FINGERPRINT                                                     |
|--------------------------------------------------------------------------|--------------------------------|------------------------------|------------------------------------------------------------------------|
| General Statutes of North Carolina, as published by the General Assembly | No amendment history on record | 21 September 2026, 06:40 UTC | 90dd7274d70505242bcf5a43 - c2f99a4aba6b532a4d65b5dc - 46616fd2c300c9e5 |

- § 143-215.94G(a)

If there is a discharge or release of petroleum from any of the following, the Department may use staff, equipment, or materials under its control or provided by other cooperating federal, State, or local agencies and may contract with any agent or contractor it deems appropriate to investigate a release, to develop and implement a cleanup plan, to provide interim alternative sources of drinking water to third parties, and to pay the initial costs for providing permanent alternative sources of drinking water to third parties:
- (1)

Repealed by Session Laws 2025-25, s. 21(d), effective June 26, 2025.
- (2)

An underground storage tank whose owner or operator cannot be identified or located.
- (3)

An underground storage tank whose owner or operator fails to proceed as required by G.S. 143-215.94E(a).
- (4)

A commercial underground storage tank taken out of operation prior to 1 January 1974 if, when the discharge or release is discovered, neither the owner nor operator owns or leases the land on which the underground storage tank is located.
- § 143-215.94G(-a1)

Every State agency shall provide to the Department to the maximum extent feasible any staff, equipment, and materials that are available and useful to the development and implementation of a cleanup program.

- § 143-215.94G(-a2)** The cost of any action authorized under subsection (a) of this section shall be paid, to the extent funds are available, from the following sources in the order listed:
- (1) Any funds to which the State is entitled under any federal program providing for the cleanup of petroleum discharges or releases from underground storage tanks, including, but not limited to, the Leaking Underground Storage Tank Trust Fund established pursuant to 26 U.S.C. §4081 and 42 U.S.C. §6991b(h).
  - (2) The Commercial Fund.
- § 143-215.94G(-a3)** Expired October 1, 2011, pursuant to Session Laws 2001-442, s. 8, as amended by Session Laws 2008-195, s. 11.
- § 143-215.94G(b)** Whenever the discharge or release of a petroleum product is from a commercial underground storage tank, the Department may supervise the cleanup of environmental damage required by G.S. 143-215.94E(a). If the owner or operator elects to have the Commercial Fund reimburse or pay for any costs allowed under subsection (b) or (b1) of G.S. 143-215.94B, the Department shall require the owner or operator to submit documentation of all expenditures claimed for the purposes of establishing that the owner or operator has spent the amounts required to be paid by the owner or operator pursuant to and in accordance with G.S. 143-215.94E(b). The Department shall allow credit for all expenditures that the Department determines to be reasonable and necessary. The Department shall not pay for any costs for which the Commercial Fund was established until the owner or operator has paid the amounts specified in G.S. 143-215.94E(b).
- § 143-215.94G(c)** The Secretary shall keep a record of all expenses incurred for the services of State personnel and for the use of the State's equipment and material.
- § 143-215.94G(d)** The Secretary shall seek reimbursement through any legal means available for the following:
- (1) Any costs not authorized to be paid from the Commercial Fund.
  - (2) The amounts provided for in G.S. 143-215.94B(b) or G.S. 143-215.94B(b1) required to be paid for by the owner or operator pursuant to G.S. 143-215.94E(b) if the owner or operator of a commercial underground storage tank is later identified or located.

- (3) The amounts provided for in G.S. 143-215.94B(b) or G.S. 143-215.94B(b1) required to be paid for by the owner or operator pursuant to G.S. 143-215.94E(b) if the owner or operator of a commercial underground storage tank failed to proceed as required by G.S. 143-215.94E(a).
- (3a) The amounts provided for by G.S. 143-215.94B(b)(5) required to be paid by the owner or operator to third parties for the cost of providing interim alternative sources of drinking water to third parties and the initial cost of providing permanent alternative sources of drinking water to third parties.
- (4) Any funds due under G.S. 143-215.94E(g).
- (5) Any funds to which the State is entitled under any federal program providing for the cleanup of petroleum discharges or releases from underground storage tanks.
- (6) The amounts provided for in G.S. 143-215.94B(b5).

**§ 143-215.94G(e)** In the event that a civil action is commenced to secure reimbursement pursuant to subdivisions (1) through (4) of subsection (d) of this section, the Secretary may recover, in addition to any amount due, the costs of the action, including but not limited to reasonable attorneys' fees and investigation expenses. Any monies received or recovered as reimbursement shall be paid into the Commercial Fund or other source from which the expenditures were made.

**§ 143-215.94G(f)** Repealed by Session Laws 2015-241, s. 14.16A(f), effective December 31, 2016.

**§ 143-215.94G(g)** If the Department paid or reimbursed costs that are not authorized to be paid or reimbursed under G.S. 143-215.94B as a result of a misrepresentation by an agent that acted on behalf of an owner, operator, or landowner, the Department shall first seek reimbursement, pursuant to subdivision (1) of subsection (d) of this section, from the agent of monies paid to or retained by the agent.

**§ 143-215.94G(h)** The Department shall take administrative action to recover costs or bring a civil action pursuant to subdivision (1) of subsection (d) of this section to seek reimbursement of costs in accordance with the following time limits:

- (1) The Department shall take administrative action to recover costs or bring a civil action to seek reimbursement of costs that are not authorized to be paid from the Commercial Fund under subdivision (1), (2), or (3) of G.S. 143-215.94B(d) within five years after payment.
- (2) The Department shall take administrative action to recover costs or bring a civil action to seek reimbursement of costs other than those described in subdivision (1) of this subsection within three years after payment.
- (3) Notwithstanding the time limits set out in subdivisions (1) and (2) of this subsection, the Department may take administrative action to recover costs or bring a civil action to seek reimbursement of costs paid as a result of fraud or misrepresentation at any time.

§ 143-215.94G(i)

An administrative action or civil action that is not commenced within the time allowed by subsection (h) of this section is barred.

§ 143-215.94G(j)

Except with the consent of the claimant, the Department shall not withhold payment or reimbursement of costs that are authorized to be paid from the Commercial Fund in order to recover any other costs that are in dispute unless the Department is authorized to withhold payment by a final decision in a contested case under Article 3 of Chapter 150B of the General Statutes or by an order or final decision of a court. (1987 (Reg. Sess., 1988), c. 1035, s. 1; 1989, c. 652. ss. 9, 16; 1991, c. 538, ss. 8, 23; 1993, c. 400, s. 15; c. 402, s. 4; 1995, c. 377, s. 9; 2001-442, s. 3; 2008-195, ss. 3, 11; 2012-200, s. 13(c); 2015-241, s. 14.16A(f); 2025-25, ss. 21(d), 24(l).)

END OF SECTION TEXT

APPARATUS FOLLOWS — DERIVED, NOT ENACTED

APPARATUS II  
9 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. 143-215.94E(a) | (a)(3)     | <i>"fails to proceed as required by"</i>    |
| G.S. 143-215.94B    | (b)        | <i>"under subsection (b) or (b1) of"</i>    |
| G.S. 143-215.94E(b) | (b)        | <i>"pursuant to and in accordance with"</i> |
| G.S. 143-215.94B(b) | (d)(2)     | <i>"The amounts provided for in"</i>        |

|                        |         |                                                 |
|------------------------|---------|-------------------------------------------------|
| G.S. 143-215.94B(b1)   | (d)(2)  | <i>"provided for in G.S. 143-215.94B(b) or"</i> |
| G.S. 143-215.94B(b)(5) | (d)(3a) | <i>"The amounts provided for by"</i>            |
| G.S. 143-215.94E(g)    | (d)(4)  | <i>"Any funds due under"</i>                    |
| G.S. 143-215.94B(b5)   | (d)(6)  | <i>"The amounts provided for in"</i>            |
| G.S. 143-215.94B(d)    | (h)(1)  | <i>"subdivision (1), (2), or (3) of"</i>        |

APPARATUS III

Citation

FULL SECTION  
N.C. Gen. Stat. § 143-215.94G (2026).

PINPOINT  
N.C. Gen. Stat. § 143-215.94G(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.

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