§ 130A-310.9. Voluntary remedial actions; limitation of liability; agreements; 
implementation and oversight by private engineering and consulting firms.

(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 dollars ($1,000) 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.

(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.

(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.

(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).)