

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 304

Short Title: Data on Aboveground Tanks.

(Public)

Sponsors: Senators Odom, Plexico, Dannelly, and Winner.

Referred to: Appropriations

March 6, 1995

A BILL TO BE ENTITLED

1 AN ACT TO PROVIDE FOR THE COLLECTION OF INFORMATION REGARDING
2 THE POPULATION OF ABOVEGROUND STORAGE TANKS FOR OIL AND
3 HAZARDOUS SUBSTANCES, TO IDENTIFY THOSE RELEASES AND SPILLS
4 OF OIL OR HAZARDOUS SUBSTANCES THAT ARE REPORTED THAT
5 INVOLVE ABOVEGROUND STORAGE TANKS, TO DESIGNATE A CENTRAL
6 CLEARINGHOUSE FOR THE COLLECTION OF DATA REGARDING
7 ABOVEGROUND STORAGE TANKS, TO PROVIDE FOR THE SUBSEQUENT
8 STUDY OF ISSUES CONCERNING ABOVEGROUND STORAGE TANKS IN
9 LIGHT OF THIS DATA, AND TO APPROPRIATE FUNDS FOR THESE
10 PURPOSES.
11

12 The General Assembly of North Carolina enacts:

13 Section 1. G.S. 143-215.85 reads as rewritten:

14 "§ 143-215.85. **Required notice.**

15 Every person owning or having control over oil or other substances discharged in any
16 circumstances other than pursuant to a rule adopted by the Commission, a regulation of
17 the U. S. Environmental Protection Agency, or a permit required by G.S. 143-215.1 or
18 the Federal Water Pollution Control Act, upon notice that such discharge has occurred,
19 shall immediately notify the Department, or any of its agents or employees, of the nature,
20 location and time of the ~~discharge and of discharge;~~ the measures which are being taken or

1 are proposed to be taken to contain and remove the ~~discharge.~~ discharge; whether the
2 reported discharge involves an aboveground storage tank and, if so, the capacity of the
3 tank, the contents of the tank, the volume of the substance discharged or, if the volume of
4 the substance discharged cannot be determined, an estimate of the volume of the
5 substance discharged and a description of how this estimate was determined; and a
6 description of the circumstances that caused the discharge. Upon containing the
7 discharge, the person owning or having control over the oil or the substance discharged
8 shall notify the the Department of the date the discharge was contained. The agent or
9 employee of the Department receiving the notification shall immediately notify the
10 Secretary or such member or members of the permanent staff of the Department as the
11 Secretary may designate. If the discharged substance of which the Department is notified
12 is a pesticide regulated by the North Carolina Pesticide Board, the Department shall
13 immediately inform the Chairman of the Pesticide Board. Removal operations under this
14 Article of substances identified as pesticides defined in G.S. 143-460 shall be coordinated
15 in accordance with the Pesticide Emergency Plan adopted by the North Carolina Pesticide
16 Board; provided that, in instances where entry of such hazardous substances into waters
17 of the State is imminent, the Department may take such actions as are necessary to
18 physically contain or divert such substance so as to prevent entry into the surface waters."

19 Sec. 2. The Department of Environment, Health, and Natural Resources shall
20 computerize all reports of discharges received pursuant to G.S. 143-215.85, as amended
21 by Section 1 of this act, and shall provide these reports to the Division of Emergency
22 Management, Department of Crime Control and Public Safety.

23 Sec. 3. The Groundwater Section, Division of Environmental Management,
24 Department of Environment, Health, and Natural Resources, shall, when receiving
25 reports of releases of substances with a potential pollution impact in accordance with
26 rules and standards adopted by the Department pursuant to G.S. 143-214.1, request and
27 record the following additional information: whether the reported release involves an
28 aboveground storage tank and, if so, the capacity of the tank, the contents of the tank, the
29 volume of the substance released, or, if the volume of the substance released cannot be
30 determined, an estimate of the volume of the substance released and a description of how
31 this estimate was determined; a description of the circumstances that caused the release;
32 and a statement to indicate whether the release was contained and, if so, the date the
33 release was contained. The Department of Environment, Health, and Natural Resources
34 shall computerize all these reports of releases and provide the reports to the Division of
35 Emergency Management, Department of Crime Control and Public Safety.

36 Sec. 4. The Division of Emergency Management, Department of Crime
37 Control and Public Safety, shall, when receiving reports of spills or releases of oil or
38 hazardous substances pursuant to the Superfund Amendments and Reauthorization Act of
39 1986, Pub. L. 99-499, 100 Stat. 1613 (codified as amended in scattered sections of 42
40 U.S.C.), request and record the following additional information: whether the reported
41 spill involves an aboveground storage tank and, if so, the capacity of the tank, the
42 contents of the tank, the volume of the substance spilled, or, if the volume of the
43 substance spilled cannot be determined, an estimate of the volume of the substance

1 spilled and a description of how this estimate was determined; a description of the
2 circumstances that caused the spill; and a statement to indicate whether the spill was
3 contained and, if so, the date the spill was contained.

4 Sec. 5. The Division of Emergency Management, Department of Crime
5 Control and Public Safety, shall be the central clearinghouse for information concerning
6 aboveground storage tanks. It shall establish a computerized data bank regarding
7 aboveground storage tanks from all the reports it receives concerning the release of oil or
8 hazardous substances as these reports are amended by Sections 1 through 4 of this act and
9 from the information it receives on Tier Two, Emergency and Hazardous Chemical
10 Inventory forms pursuant to Section 312 of Title III of the Superfund Amendments and
11 Reauthorization Act of 1986, as amended, 42 U.S.C. § 11022.

12 Sec. 6. The Department of Environment, Health, and Natural Resources and
13 the Department of Crime Control and Public Safety jointly shall study issues relating to
14 the regulation of aboveground storage tanks and shall assist the Environmental Review
15 Commission in assessing the current regulation of aboveground storage tanks and in
16 determining whether it is necessary or desirable to develop any legislative proposals to
17 improve the regulation of aboveground storage tanks. In conducting this study, the
18 departments shall consider the data regarding aboveground storage tanks compiled by the
19 Division of Emergency Management under Section 5 of this act, existing and anticipated
20 regulation of aboveground storage tanks in this and other states and by the federal
21 government, and any other relevant information. In conducting this study, the
22 departments shall consider the advisability of the Department of Environment, Health,
23 and Natural Resources adopting all or portions of the National Spill Prevention Control
24 and Countermeasures program authorized by the Federal Water Pollution Control Act of
25 1948, 33 U.S.C. § 1321, as amended, as a State program and the advisability of the
26 Department of Environment, Health, and Natural Resources having joint authority to
27 enforce the National Spill Prevention Control and Countermeasures program or providing
28 joint response efforts. The departments shall make a preliminary report of their findings
29 and recommendations to the Environmental Review Commission on or before April 1,
30 1997, and shall make a final report on or before October 1, 1997.

31 Sec. 7. There is appropriated from the General Fund to the Department of
32 Crime Control and Public Safety the sum of fifty thousand dollars (\$50,000) for the
33 1995-96 fiscal year to implement this act.

34 Sec. 8. This act becomes effective July 1, 1995.