

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013**

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SENATE BILL 580

Short Title: Expedite Cleanup of Orphan Landfill Sites. (Public)

Sponsors: Senators Tarte (Primary Sponsor); J. Davis and Goolsby.

Referred to: Agriculture/Environment/Natural Resources.

April 4, 2013

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH A PILOT PUBLIC-PRIVATE PARTNERSHIP FOR THE
REMEDICATION OF PRE-1983 LANDFILLS.

The General Assembly of North Carolina enacts:

SECTION 1. Legislative findings. – The General Assembly makes the following findings regarding the remediation of pre-1983 landfills:

- (1) Despite a dedicated source of revenue and a considerable fund balance, the Department of Environment and Natural Resources has made little progress in cleanup of these landfill sites.
- (2) The Department has had statutory authorization and adopted rules for voluntary remedial actions for sites in the State Inactive Hazardous Sites program with oversight by consultants and engineers approved by the Department as Registered Environmental Consultants since 1997.
- (3) Qualified private firms should be given the opportunity to demonstrate they can remediate pre-1983 landfill sites under Department oversight more quickly and less expensively than a traditional remedial action developed and conducted by the Department.

SECTION 2. G.S. 130A-310.6 reads as rewritten:

"§ 130A-310.6. State action upon default of responsible parties or when no responsible party can be located.

...

(c) The Secretary shall use funds allocated to the Department under G.S. 130A-295.9(1) to assess pre-1983 landfills, to determine the priority for remediation of pre-1983 landfills, and to develop and implement a remedial action plan for each pre-1983 landfill that requires remediation, remediation, and to implement a public-private partnership for cleanup of pre-1983 landfills pursuant to section 2 of this act. Environmental and human health risks posed by a pre-1983 landfill may be mitigated using a risk-based approach for assessment and remediation.

...

(e) The Secretary shall develop and implement remedial action plans for pre-1983 landfills in the order of their priority determined as provided in subsection (c) of this section, section, except as provided in section 2 of this act. The Secretary shall not develop or implement a remedial action plan for a pre-1983 landfill unless the Secretary determines that sufficient funds will be available from the Inactive Hazardous Sites Cleanup Fund to pay the costs of development and implementation of a remedial action plan for that pre-1983 landfill."



1 **SECTION 3.** The Division of Solid Waste of the Department of Environment and
2 Natural Resources shall develop and present to the Environmental Management Commission
3 for approval no later than October 1, 2013, a plan for a pilot public-private partnership for
4 cleanup of no less than nine pre-1983 landfill sites. The plan shall include the following:

- 5 (1) Sites selected by the Department and approved by the Environmental
6 Management Commission shall be representative of the types of sites
7 included within the Department's list of identified pre-1983 landfills. For
8 purposes of this subdivision, "representative" means that if all landfill sites
9 identified were sorted into a matrix of nine categories with the degree of risk
10 to groundwater and human receptors (grouped into categories of low,
11 medium, and high) being three columns and size of site (grouped into
12 categories of small, medium, and large) being three rows, the nine sites
13 chosen for the pilot program would include one site in each category. The
14 Department shall select the nine sites no later than October 1, 2013.
- 15 (2) The Department shall issue a request for proposal no later than November
16 15, 2013, and shall award contracts for remediation no later than March 1,
17 2014.
- 18 (3) The Department shall not impose any requirements on consultants
19 undertaking remediation under this section that are more stringent than those
20 set forth in the Department's rules for "Voluntary Remedial Action
21 Oversight by Registered Environmental Consultants," codified at 15A
22 NCAC 13C .0300.
- 23 (4) The Department shall report to the Environmental Review Commission and
24 the Joint Legislative Commission on Governmental Operations no later than
25 May 15, 2014, on the implementation of this act. The Department shall
26 continue to report as set forth in this subdivision every six months until all
27 nine sites have received a "no further action" determination from the
28 Department, or until all active site remediation activities other than periodic
29 monitoring and reporting have been completed to the satisfaction of the
30 Department, whichever occurs first. The final report provided by the
31 Department under this subdivision shall also include a recommendation as to
32 whether the pilot public-private partnership created by this act has achieved
33 cost or time savings and whether the program should be continued and
34 expanded.

35 **SECTION 4.** The Revisor of Statutes shall change the reference to "this act" in
36 G.S. 130A-310.6, as amended by Section 2 of this act, to the Session Law number assigned to
37 this act.

38 **SECTION 5.** This act is effective when it becomes law.