

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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SENATE BILL 918

Agriculture/Environment/Natural Resources Committee Substitute Adopted 4/28/97

Short Title: Notice of Hazardous Discharge.

(Public)

Sponsors:

Referred to:

April 17, 1997

A BILL TO BE ENTITLED

AN ACT TO AMEND THE DUTY OF PERSONS WHO DISCHARGE OIL OR ANY HAZARDOUS SUBSTANCE TO REPORT THE DISCHARGE TO THE DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES.

The General Assembly of North Carolina enacts:

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

"§ 143-215.85. Required notice.

(a) Every person owning or having control over a reportable quantity of oil or other substances discharged in any circumstances other than pursuant to a rule adopted by the Commission, a regulation of the U. S. Environmental Protection Agency, or a permit required by G.S. 143-215.1 or the Federal Water Pollution Control Act, upon notice that such discharge has occurred, shall immediately notify the Department, or any of its agents or employees, of the nature, location and time of the discharge and of the measures which are being taken or are proposed to be taken to contain and remove the discharge. The agent or employee of the Department receiving the notification shall immediately notify the Secretary or such member or members of the permanent staff of the Department as the Secretary may designate. If the discharged substance of which the Department is notified is a pesticide regulated by the North Carolina Pesticide Board, the Department shall immediately inform the Chairman of the Pesticide Board. Removal

1 operations under this Article of substances identified as pesticides defined in G.S. 143-
2 460 shall be coordinated in accordance with the Pesticide Emergency Plan adopted by the
3 North Carolina Pesticide Board; provided that, in instances where entry of such
4 hazardous substances into waters of the State is imminent, the Department may take such
5 actions as are necessary to physically contain or divert such substance so as to prevent
6 entry into the surface waters.

7 (b) Any person who owns or has control over oil or other hazardous substance that
8 is discharged and who is not required to notify the Department of the discharge under
9 subsection (a) of this section shall comply with the removal and restoration provisions of
10 G.S. 143-215.84.

11 (c) As used in subsection (a) of this section, 'reportable quantity' means:

12 (1) Any amount of oil discharged into the waters of the State;

13 (2) Five gallons or more of oil discharged in any manner that makes it
14 reasonably likely for any amount of the oil to reach the waters of the
15 State; or

16 (3) Any amount of a hazardous substance discharged in a quantity equal to
17 or greater than the reportable quantity, as defined in federal regulations
18 adopted pursuant to 33 U.S.C. § 1321(b)(2)(A), including Part 302 of 40
19 Code of Federal Regulations (1 July 1996 Edition), and in comparable
20 rules adopted by the Commission."

21 Section 2. This act is effective when it becomes law.