

April 3, 2003

**S 908. GROUNDWATER PROTECTION ACT. TO PROTECT GROUNDWATER AS A CURRENT AND FUTURE WATER RESOURCE AND TO ENCOURAGE REDEVELOPMENT OF BROWNFIELDS SITES.** Amends GS 130A-310.3 to require owner or responsible party to submit to Sec'y of Environment & Natural Resources an assessment plan with respect to an inactive hazardous substance or waste disposal site and, upon notice from Sec'y, develop and implement a remedial action plan for the site. Following completion of remedial action plan, responsible party will not be required to perform remedial action for same release pursuant to GS Ch. 143 Art., 21 or 21A, unless Dep't of Environment and Natural Resources (DENR) makes a later determination as provided in GS 130A-310.7(c). Revises definitions of responsible party and innocent landowner under GS 130A-310.7 and provides that responsible party is directly liable to State of NC for any damage to natural resources resulting from discharge, release, or deposit of hazardous substances, including damages based on replacement value of contaminated groundwater. Establishes new nonreverting Groundwater Mitigation and Environmental Response Fund consisting of groundwater mitigation fee payments made to DENR, state appropriations, and other specified monies. Fund may be used to pay cost of assessing or remediating environmental contamination at sites where responsible party cannot be identified or located, or where responsible party is unable to pay costs of assessment or remediation, and where there is not another dedicated source of state or federal funds to undertake remediation or assessment or remediation at sites where responsible party fails to comply with GS 130A-310.1 or 130A-310.3 provisions of alternative drinking water for others affected by environmental contamination, administration of Brownfields Property Reuse Act, or other specified purposes . Enacts new GS 143B-279.12 governing use of private environmental consulting and engineering firms by responsible parties who enter into agreements with Sec'y to implement voluntary remedial action plans. Makes additional statutory changes for purposes indicated in title. Effective July 1, 2003.

**Intro. by Hartsell.**

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| Ref. to | GS 105, 130A, 143B |
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