

Withdrawn



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 729

AMENDMENT NO. A4
(to be filled in by
Principal Clerk)

S729-ARI-204 [v.1]

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Comm. Sub. [YES]
Amends Title [YES]
Second Edition

Date _____, 2014

Senator Stein

1 moves to amend the bill on page 2, line 46,
2 by rewriting that line to read:

3

4 "FOR VARIOUS STUDIES; (27) AMEND COMPLIANCE BOUNDARY PROVISIONS;
5 AND (28) PROVIDE RESOURCES FOR";

6

7 and on page 18, line 47, through page 19, line 6,
8 by rewriting those lines to read:

9

10 "(3) Low-risk impoundments shall be closed as soon as practicable, but no later
11 than December 31, 2029. A proposed closure plan for such impoundments
12 must be submitted as soon as practicable, but no later than December 31,
13 2018. Such impoundments shall be dewatered. The Department shall require
14 such sites to comply with the closure and post-closure requirements
15 established by Section .1627 of Subchapter B of Chapter 13 of Title 15A of
16 the North Carolina Administrative Code. Specifically, the owner of an
17 impoundment shall: (i) install and maintain a cap system; (ii) install and
18 maintain a leachate collection system; (iii) install and maintain a
19 groundwater monitoring system; (iv) establish financial assurance that will
20 ensure that sufficient funds are available for closure pursuant to this
21 subdivision, post-closure maintenance and monitoring, any corrective action
22 that the Department may require, and to satisfy any potential liability for
23 sudden and nonsudden accidental occurrences arising from the
24 impoundment, and subsequent costs incurred by the Department in response
25 to an incident, even if the owner becomes insolvent or ceases to reside, be
26 incorporated, do business, or maintain assets in the State; and (v) conduct
27 post-closure care for a period of 30 years, which period may be increased by
28 the Department upon a determination that a longer period is necessary to
29 protect public health, safety, and welfare; the environment; and natural
30 resources, or decreased upon a determination that a shorter period is
31 sufficient to protect public health, safety, and welfare; the environment; and
32 natural resources. The Department may require implementation of any other



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measure it deems necessary to protect public health, safety, and welfare; the environment; and natural resources, including imposition of institutional controls that are sufficient to protect public health, safety, and welfare; the environment; and natural resources. If, during the post-closure care period, groundwater monitoring at the impoundment shows contaminants to be present in groundwater in exceedance of groundwater quality standards beyond the compliance boundary of the impoundment, the impoundment shall be closed in any manner allowed pursuant to subdivision (1) of this subsection, as soon as practicable, but no later than 2 years after detection of such exceedance.";

and on page 44, lines 31 and 32,
by inserting between those lines:

"PART IX. AMEND COMPLIANCE BOUNDARY PROVISIONS

SECTION 15.(a) G.S. 143-215.1 reads as rewritten:

"§ 143-215.1. Control of sources of water pollution; permits required.

...

(i) Any person subject to the requirements of this section who is required to obtain an individual permit from the Commission for a disposal system under the authority of G.S. 143-215.1 or Chapter 130A of the General Statutes shall have a compliance boundary as may be established by rule or permit for various categories of disposal systems and beyond which groundwater quality standards may not be exceeded. ~~The location of the compliance boundary shall be established at the property boundary, except as otherwise established by the Commission. Multiple contiguous properties under common ownership and permitted for use as a disposal system shall be treated as a single property with regard to determination of a compliance boundary under this subsection. Nothing in this subsection shall be interpreted to require a revision to an existing compliance boundary previously approved by rule or permit.~~

(j) ~~When operation of a disposal system permitted under this section results in an exceedance of the groundwater quality standards adopted in accordance with G.S. 143-214.1, the Commission shall require that the exceedances within the compliance boundary be remedied through cleanup, recovery, containment, or other response only when any of the following conditions occur:~~

(1) ~~A violation of any water quality standard in adjoining classified waters of the State occurs or can be reasonably predicted to occur considering hydrogeological conditions, modeling, or any other available evidence.~~

(2) ~~An imminent hazard or threat to the environment, public health, or safety exists.~~

(3) ~~A violation of any standard in groundwater occurring in the bedrock, including limestone aquifers in Coastal Plain sediments, unless it can be demonstrated that the violation will not adversely affect, or have the potential to adversely affect, a water supply well.~~

(k) ~~Where operation of a disposal system permitted under this section results in exceedances of the groundwater quality standards at or beyond the compliance boundary~~

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1 ~~established under subsection (i) of this section, exceedances shall be remedied through cleanup,~~
2 ~~recovery, containment, or other response as directed by the Commission."~~
3 **SECTION 15.(b)** Section 46(b) of S.L. 2013-413 is repealed."
4
5 and by renumbering the remaining Parts and sections accordingly.

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____