North Carolina Department of Environment and Natural Resources
Division of Waste Management
Superfund Section
Inactive Hazardous Sites Branch

Chapter 130A, Article 9, Part 3 of the North Carolina General Statutes establishes a program for protection of the public from inactive hazardous substance or waste disposal sites. The program provides for the identification, evaluation, and cleanup of any site contaminated with hazardous substances that might pose a threat to public health or the environment. The Department of Environment and Natural Resources' Division of Waste Management is responsible for implementing this program.

By state law, within 90 days of the date on which an owner, operator, or responsible party knows or should know of the existence of an inactive hazardous substance or waste disposal site, the owner, operator, or responsible party must submit to the Division all site data that is known or readily available to the owner, operator, or responsible party. Please refer to the General Instructions to determine if you must notify.

Any person who has information concerning a possible inactive hazardous substance or waste disposal site is also encouraged to fill out the notification form. If you have any questions regarding the notification process, please contact the Inactive Hazardous Sites Branch at (919) 707-8200. Thank you for your cooperation.

Any person subject to the notification requirements set out in North Carolina General Statutes 130A-310.1(b) shall complete and submit a site notification form to:

Inactive Hazardous Sites Branch Head
N.C. Division of Waste Management
217 West Jones Street
Raleigh, NC 27603

NOTIFICATION OF AN INACTIVE HAZARDOUS SUBSTANCE OR WASTE DISPOSAL SITE

GENERAL INSTRUCTIONS

WHO MUST NOTIFY

Each owner, operator, or responsible party is required to notify the Inactive Hazardous Sites Branch (Branch) within 90 days of discovery of each inactive hazardous substance or waste disposal site. The form must be completed to comply with notification requirements. The following persons MUST NOTIFY the Branch of the existence of an inactive hazardous substance or waste disposal site regardless of whether such notification is solicited by the Branch:

- ❑ Any person who previously owned or operated a site where a hazardous substance or waste was treated, stored or disposed.
- ❑ Any person who presently owns or operates a site where a hazardous substance or waste was treated, stored or disposed.
- ❑ Any person who discharged or deposited, who contracted or arranged for discharges or deposits, or who accepted for discharge or deposit any hazardous substance or waste at an inactive hazardous substance or waste disposal site.
- ❑ Any person who transported or arranged for transport for the purpose of discharge or deposit of any hazardous substance or waste at an inactive hazardous substance or waste disposal site.

Additionally, persons, so solicited by the Branch, MUST COMPLETE THE FORM and supply all site data in their possession regarding: (1) the nature and extent of any release, or threatened release, of a hazardous substance or hazardous waste; and (2) the identification, nature and quantity of materials in question that have been or are generated, treated, stored, or disposed of at an inactive hazardous substance or waste disposal site or that is transported to such a site.

Persons required to notify include individuals, and private, public, and government entities.

WHO IS NOT REQUIRED TO NOTIFY

An owner, operator or responsible party is NOT REQUIRED to notify if:

- ❑ The site is a hazardous waste facility currently operating under a Part B permit under RCRA.
- ❑ The site is a hazardous waste facility currently operating in interim status under RCRA.

HAZARDOUS SUBSTANCE OR WASTE SUBJECT TO NOTIFICATION

All releases of hazardous substances or material containing hazardous substances, regardless of quantity or concentration, are subject to this notification requirement. Hazardous substances are defined by Section 101(14) of CERCLA, 42 USC Section 9601(14).

WASTE THAT IS NOT SUBJECT TO NOTIFICATION

The following wastes are not subject to notification under North Carolina General Statutes Section 130A-310.1:

- ❑ Petroleum, including crude oil or any fraction thereof, which is not otherwise specifically listed or designated as a hazardous substance under subparagraphs (A) through (F) of CERCLA Section 101(14).
- ❑ Natural gas, natural gas liquids, liquified natural gas, or synthetic gas usable for fuel (or mixtures of natural gas and such synthetic gas).

WHEN TO FILE

The notification of an inactive hazardous substance or waste disposal site must be submitted **within 90 days** of the date on which an owner, operator, or responsible party knows or should have known of the existence of such a site.

WHERE TO FILE

Notification should be sent to: Inactive Hazardous Sites Branch Head

Superfund Section
NC Division of Waste Management
217 West Jones Street
Raleigh, NC 27603

For additional information, contact:

Superfund Section (919) 707-8200
Monday-Friday 8:00AM-5:00PM

AVAILABILITY OF INFORMATION TO THE PUBLIC

Information submitted in a "Notification of an Inactive Hazardous Substance or Waste Disposal Site" will be made available to the public for inspection and review, to the extent provided by the North Carolina Public Records Act. Any claim of confidentiality must be substantiated in writing. The North Carolina Department of Environment and Natural Resources will take action on any claim of confidentiality in accordance with the North Carolina General Statutes.

DEFINITIONS

CERCLA: The Comprehensive Environmental Response, Compensation, and Liability Act of 1980, Pub. L. 96-510.94. Stat. 2767, 42 USC 9601 *et.seq.*, as amended.

DISPOSAL: The discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste, hazardous substance or hazardous waste into or on any land or water so that the solid waste, hazardous substance, hazardous waste, or any constituent thereof, may enter the environment, be emitted into the air, or discharged into any waters, including groundwaters.

FACILITY: (A) any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, or aircraft; or (B) any site or area where a hazardous substance or waste has been deposited, stored, disposed of, placed, or otherwise come to be located.

HAZARDOUS SUBSTANCE: Any element, compound, mixture, solution, or substance designated as a hazardous substance by CERCLA/SARA.

HAZARDOUS WASTE: Waste listed or identified as hazardous pursuant to 40 CFR, Part 261, codified at 15A NCAC 13A .0006.

INACTIVE HAZARDOUS SUBSTANCE or ***WASTE DISPOSAL SITE (SITE)***: Any facility as defined in CERCLA/SARA. Such sites do not include hazardous waste facilities that are permitted or in interim status under RCRA (42 USC Section 6901 *et.seq.*).

INTERIM STATUS: RCRA status authorized under Section 3005(e) or RCRA [42 USC Section 6925(e)] and granted by the State of North Carolina after a RCRA Part A permit application is filed, but before approval of the final RCRA Part B permit.

RCRA: The Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976.

RESPONSIBLE PARTY: Any person who (1) discharges or deposits; (2) contracts or arranges for any discharge or deposit; (3) transports or arranges for transport for the purpose of discharge or deposit; or (4) accepts for discharge or deposit any hazardous substance, the result of which discharge or deposit is the existence of an inactive hazardous substance or waste disposal site.

None of the following are responsible parties: (1) an innocent landowner who is a bona fide purchaser of an inactive hazardous substance or waste disposal site without knowledge or without reasonable basis for knowing that hazardous substance or waste disposal had occurred, or (2) a person whose interest or ownership in the inactive hazardous substance or waste disposal site is based on or derived from a security interest in the property.

SARA: The Superfund Amendments and Reauthorization Act of 1986, Pub. L 99-499, 100 Stat. 1613, 42 USC Section 9601 *et.seq*. as amended.

SURFACE IMPOUNDMENT or ***IMPOUNDMENT***: A facility or part of a facility which is a natural topographic depression, manmade excavation, or diked area formed primarily of earthen materials (although it may be lined with manmade materials), which is designed to hold an accumulation of sludges, liquid wastes, or wastes containing free liquids, and which is not an injection well. Examples of surface impoundments are holding, storage, settling and aeration pits, ponds and lagoons.