

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 1631
Second Edition Engrossed 7/27/90

Short Title: Haz. Waste Facility Inspectors Req.

(Public)

Sponsors: Senator Royall.

Referred to:

July 27, 1990

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE RESIDENT INSPECTORS AT COMMERCIAL
3 HAZARDOUS WASTE FACILITIES.

4 The General Assembly of North Carolina enacts:

5 Section 1. Part 2 of Article 9 of Chapter 130A of the General Statutes is
6 amended by adding a new section to read:

7 "**§ 130A-295.02. Resident inspectors required at commercial hazardous waste**
8 **facilities; recovery of costs for same.**

9 (a) The Division shall employ full-time resident inspectors for each commercial
10 hazardous waste facility located within the State. Such inspectors shall be employed
11 and assigned so that at least one inspector is on duty at all times during which any
12 component of the facility is in operation, is undergoing any maintenance or repair, or is
13 undergoing any test or calibration. Resident inspectors shall be assigned to commercial
14 hazardous waste management facilities so as to protect the public health and the
15 environment, to monitor all aspects of the operation of such facilities, and to assure
16 compliance with all laws and rules administered by the Division and by any other
17 division of the Department. Such inspectors may also enforce laws or rules
18 administered by any other agency of the State pursuant to an appropriate memorandum
19 of agreement entered into by the Secretary and the chief administrative officer of such
20 agency. The Division may assign additional resident inspectors to a facility depending
21 upon the quantity and toxicity of waste managed at a facility, diversity of types of waste
22 managed at the facility, complexity of management technologies utilized at the facility,
23 the range of components which are included at the facility, operating history of the

1 facility, and other factors relative to the need for on-site inspection and enforcement
2 capabilities. The Division, in consultation with other divisions of the Department, shall
3 define the duties of each resident inspector and shall determine whether additional
4 resident inspectors are needed at a particular facility to meet the purposes of this
5 section.

6 (b) The Division shall establish requirements pertaining to education, experience,
7 and training for resident inspectors so as to assure that such inspectors are fully
8 qualified to serve the purposes of this section. The Division shall provide its resident
9 inspectors with such training, equipment, facilities, and supplies as may be necessary to
10 fulfill the purposes of this section.

11 (c) As a condition of its permit, the owner or operator of each commercial
12 hazardous waste facility located within the State shall provide and maintain such
13 appropriate and secure offices and laboratory facilities as the Department may require
14 for the use of the resident inspectors required by this section.

15 (d) Resident inspectors assigned to a commercial hazardous waste facility shall
16 have unrestricted access to all operational areas of such facility at all times.

17 (e) No commercial hazardous waste facility shall be operated, undergo any
18 maintenance or repair, or undergo any testing or calibration unless an inspector
19 employed by the Division is present at the facility.

20 (f) The requirements of this section are intended to enhance the ability of the
21 Department to protect the public health and the environment by providing the
22 Department with the authority and resources necessary to maintain a rigorous inspection
23 and enforcement program at commercial hazardous waste management facilities. The
24 requirements of this section are intended to be supplementary to other requirements
25 imposed on hazardous waste facilities. This section shall not be construed to relieve
26 either the owner or the operator of any such facility or the Department from any other
27 requirement of law or to require any unnecessary duplication of reporting or monitoring
28 requirements.

29 (g) For the purpose of enforcing the laws and rules enacted or adopted for the
30 protection of the public health and the environment, resident inspectors employed
31 pursuant to this section may be commissioned as special peace officers as provided in
32 G.S. 113-28.1. The provisions of Article 1A of Chapter 113 of the General Statutes
33 shall apply to resident inspectors commissioned as special peace officers pursuant to
34 this subsection.

35 (h) The Department shall determine the full cost of the employment and
36 assignment of resident inspectors at each commercial hazardous waste facility located
37 within the State. Such costs shall include, but are not limited to, costs incurred for
38 salaries, benefits, travel, training, equipment, supplies, telecommunication and data
39 transmission, offices and other facilities other than those provided by the owner or
40 operator, and administrative expenses. The Department shall establish and revise as
41 necessary a schedule of fees to be assessed on the users of each such facility to recover
42 the actual cost of the resident inspector program at that facility. The operator of each
43 such facility shall serve as the collection agent for such fees, shall account to the
44 Department on a monthly basis for all fees collected, and shall deposit with the

- 1 Department all funds collected pursuant to this section within 15 days following the last
- 2 day of the month in which such fees are collected."
- 3 Sec. 2. This act shall become effective 1 January 1991.