

15A NCAC 13C .0307 DEPARTMENTAL AUDITS AND INSPECTIONS

(a) The Department may conduct random or targeted audits of any REC, remediating party, response action or site that is subject to this Section.

(b) During Departmental audits of voluntary remedial actions, the Department may:

- (1) request that the person who has performed the response action provide a written explanation or other supporting evidence, to demonstrate compliance with this Section and other applicable requirements;
- (2) request that the person who has performed the response action or who is the subject of the audit appear at one of the Department's offices for an interview to provide an oral explanation or other evidence to demonstrate compliance with this Section and other applicable requirements. Any person requested to appear for an interview may be accompanied by an attorney or other representative;
- (3) visit a site or other location to determine whether an REC, remediating party, response action, or site is in compliance with this Section and other applicable requirements;
- (4) investigate, take samples at a site, and inspect records, conditions, equipment, or practices material to the response action or property related to the site; or
- (5) take any other action to determine whether response actions have been performed in compliance with this Section and the requirements of Part 9 of Article 9 of Chapter 130A of the General Statutes.

(c) In order to participate in the voluntary remedial action program governed by this Section, remediating parties shall provide financial assurance by paying an annual administrative fee. The fee shall be set by the Department based on the expected cost of auditing voluntary remedial actions and shall be used to offset that cost. Remediating parties who pay this fee shall also annually pay any shortfall or be reimbursed any remainder not expended by the Department annually.

(d) Based on audit findings, the Department may terminate a site's eligibility for voluntary remedial action under the REC program, disqualify an RSM or REC from work on a site or from the program or take other applicable enforcement action.

*History Note: Authority G.S. 130A-310.9(b); 130A-310.12(b);
Eff. April 1, 1997;
Readopted Eff. July 1, 2020.*