

NORTH CAROLINA GENERAL ASSEMBLY
1979 SESSION

CHAPTER 1135
HOUSE BILL 1626

AN ACT TO PERMIT CERTAIN COUNTIES, CITIES AND TOWNS TO ENTER
INTO LONG-TERM CONTRACTS FOR DISPOSAL OF SOLID WASTE.

Whereas, the Boards of County Commissioners of the counties listed in Section 6 of this act, and the Councils of many of the cities and towns located in such counties, have become increasingly concerned about the costs of collection and disposal of solid waste generated by private businesses and homes. The labor and transportation costs to pick up solid waste and transport them to an incinerator or landfill are skyrocketing. Land costs for landfills, as with all land costs, are rising rapidly. Indications are that labor, transportation and land costs will continue to spiral. Environmental regulations relating to disposal of solid waste, although certainly beneficial to our citizens, add substantial cost to the process of solid waste disposal. Material additional expenditures must be incurred in the immediate future to prevent leaching in many landfills. Public opposition to landfills is growing; and

Whereas, the Boards of County Commissioners in the counties listed in Section 6 of this act, and the councils of many of the cities and towns located in such counties, have been advised that one new and very significant innovation in solid waste disposal is the "waste to energy" technology and equipment which has already been implemented in several areas of the United States. This technology and equipment converts solid waste (garbage) into energy in the form of steam. A waste to energy system is usually owned and operated either by a governmental unit that can utilize the steam energy or by a private person, firm or corporation that harnesses the steam for use in a manufacturing process; and

Whereas, the disposition of solid waste is a public purpose and is a vitally important public service; and

Whereas, the utilization of the new waste to energy technology would be economically and socially beneficial to the counties, cities, and towns and to the people of North Carolina; and

Whereas, a very substantial capital investment is required by a private person, firm or corporation to purchase and install a waste to energy system; and

Whereas, a private person, firm or corporation will not expend the large amounts of capital required to purchase and install a waste to energy system unless the private person, firm or corporation can be assured of an adequate long-term supply of solid waste from a municipality for the waste to energy system under the terms of an enforceable long-term contract; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. The Boards of County Commissioners on behalf of counties and city councils on behalf of cities and towns are hereby authorized to enter into contracts with any private person, firm or corporation to dispose of by sale or otherwise, solid waste generated within their geographic boundaries or brought into their geographic boundaries. Without intending to limit the provisions which may be included in such contracts, the contracts may specifically include provisions for:

- (1) payment by the county, city or town of a fee or other charge to the private person, firm or corporation to accept and dispose of the solid waste;
- (2) periodic increases or adjustments in the fees or other charges to be paid by the counties, cities or towns to the private person, firm or corporation;
- (3) warranties from the counties, cities or towns with respect to the quantity of the solid waste it will deliver and transfer to the private person, firm or corporation and warranties relating to the content or quality of the solid waste;
- (4) legal and equitable title to the solid waste passing to the private person, firm or corporation upon delivery of the solid waste to the private person, firm or corporation; and
- (5) a long term of duration up to a period of 60 years.

Sec. 2. As used in this act, the term "solid waste" shall include but not be limited to trash, debris, garbage, litter, discarded cans or receptacles or any other type of waste or garbage material whatsoever.

Sec. 3. Counties, cities and towns may enter into long-term contracts as described in Section 1 of this act notwithstanding the provisions of G.S. 153A-136 limiting a franchise granted by a Board of County Commissioners for the collection and disposal of solid waste to a term of no more than seven years and notwithstanding the provisions of G.S. 160A-319 limiting a franchise granted by a city for the collection and disposal of solid waste to a term of no more than 60 years.

Sec. 4. The Department of Human Resources must approve all contracts entered into pursuant to this act before such contract may become effective.

Sec. 5. Approval of any contract under this act by the Board of County Commissioners or City Council shall be governed by G.S. 153A-46 as to counties or by G.S. 160A-76 as to cities and towns.

Sec. 6. This act shall apply only to Beaufort County, Craven County, Edgecombe County, Hyde County, Lenoir County, Martin County, Pamlico County, Pitt County, Washington County, Wilson County, and to any and all incorporated cities and towns situated within the foregoing counties.

Sec. 7. This act shall become effective July 1, 1980.

In the General Assembly read three times and ratified, this the 19th day of June, 1980.