

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 787

Short Title: Permits/Waste Reduction Plans.

(Public)

Sponsors: Representatives Redwine; and Bowman.

Referred to: Environment.

April 7, 1993

A BILL TO BE ENTITLED

1 AN ACT TO AUTHORIZE THE DEPARTMENT OF ENVIRONMENT, HEALTH,
2 AND NATURAL RESOURCES TO DENY A PERMIT FOR A SANITARY
3 LANDFILL OR A SOLID WASTE INCINERATOR TO AN APPLICANT THAT
4 DOES NOT SUBMIT AN APPROVED WASTE REDUCTION PLAN.
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6 The General Assembly of North Carolina enacts:

7 Section 1. G.S. 130A-294(a) reads as rewritten:

8 "(a) The Department is authorized and directed to engage in research, conduct
9 investigations and surveys, make inspections and establish a statewide solid waste
10 management program. In establishing a program, the Department shall have authority
11 to:

- 12 (1) Develop a comprehensive program for implementation of safe and
13 sanitary practices for management of solid waste;
- 14 (2) Advise, consult, cooperate and contract with other State agencies, units
15 of local government, the federal government, industries and
16 individuals in the formulation and carrying out of a solid waste
17 management program;
- 18 (3) Develop and adopt rules to establish standards for qualification as a
19 waste 'recycling, reduction or resource recovering facility' or as waste
20 'recycling, reduction or resource recovering equipment' for the purpose
21 of special tax classifications or treatment, and to certify as qualifying
22 those applicants which meet the established standards. The standards
23 shall be developed to qualify only those facilities and equipment
24 exclusively used in the actual waste recycling, reduction or resource

1 recovering process and shall exclude any incidental or supportive
2 facilities and equipment;

- 3 (4) Develop a permit system governing the establishment and operation of
4 solid waste management facilities. No permit shall be granted for a
5 sanitary landfill, excluding demolition landfills as defined in the rules
6 of the Commission for Health Services, without the Department
7 receiving the prior approval for such permit from the county where it
8 is to be located, except if it is to be located within the corporate limits
9 or extraterritorial jurisdiction under Article 19 of Chapter 160A of the
10 General Statutes, of a city as defined in G.S. 160A-1(2), from the city
11 where it is to be located or whose jurisdiction it is in. No permit shall
12 be granted for a solid waste management facility having discharges
13 which are point sources until the Department has referred the complete
14 plans and specifications to the Environmental Management
15 Commission and has received advice in writing that the plans and
16 specifications are approved in accordance with the provisions of G.S.
17 143-215.1. If the applicant does not submit a waste reduction plan that
18 is approved by the Department, the Department may deny a permit for
19 a sanitary landfill or a facility that disposes of solid waste by
20 incineration, unless the Department has not provided guidelines for the
21 county comprehensive solid waste management plan under G.S. 130A-
22 309.04 to the county in which the facility is located. In any case where
23 the Department denies a permit for a solid waste management facility,
24 it shall state in writing the reason for denial and shall also state its
25 estimate of the changes in the applicant's proposed activities or plans
26 which will be required for the applicant to obtain a permit.

27 The issuance of permits for sanitary landfills operated by local
28 governments is exempt from the environmental impact statements
29 required by Article 1 of Chapter 113A of the General Statutes, entitled
30 the North Carolina Environmental Policy Act of 1971. All sanitary
31 landfill permits issued to local governments prior to July 1, 1984, are
32 hereby validated notwithstanding any failure to provide environmental
33 impact statements pursuant to the North Carolina Environmental
34 Policy Act of 1971;

- 35 (4a) No permit shall be granted for any public or private sanitary landfill to
36 receive solid non-radioactive waste generated outside the boundaries
37 of North Carolina to be deposited, unless such waste has previously
38 been inspected by the solid waste regulatory agency of that nation,
39 state or territory, characterized in detail as to its contents and certified
40 by that agency to be non-injurious to health and safety. The
41 Commission shall adopt rules to implement this subsection.

- 42 (5) Repealed by Session Laws 1983, c. 795, s. 3.

- 43 (5a) Designate a geographic area within which the collection,
44 transportation, storage and disposal of all solid waste generated within

1 said area shall be accomplished in accordance with a solid waste
2 management plan. Such designation may be made only after the
3 Department has received a request from the unit or units of local
4 government having jurisdiction within said geographic area that such
5 designation be made and after receipt by the Department of a solid
6 waste management plan which shall include:

- 7 a. The existing and projected population for such area;
- 8 b. The quantities of solid waste generated and estimated to be
9 generated in such area;
- 10 c. The availability of sanitary landfill sites and the environmental
11 impact of continued landfill of solid waste on surface and
12 subsurface waters;
- 13 d. The method of solid waste disposal to be utilized and the energy
14 or material which shall be recovered from the waste; and
- 15 e. Such other data that the Department may reasonably require.

16 (5b) Authorize units of local government to require by ordinance, that all
17 solid waste generated within the designated geographic area that is
18 placed in the waste stream for disposal be collected, transported, stored
19 and disposed of at a permitted solid waste management facility or
20 facilities serving such area. The provisions of such ordinance shall not
21 be construed to prohibit the source separation of materials from solid
22 waste prior to collection of such solid waste for disposal, or prohibit
23 collectors of solid waste from recycling materials or limit access to
24 such materials as an incident to collection of such solid waste;
25 provided such prohibitions do not authorize the construction and
26 operation of a resource recovery facility unless specifically permitted
27 pursuant to an approved solid waste management plan. If a private
28 solid waste landfill shall be substantially affected by such ordinance
29 then the unit of local government adopting the ordinance shall be
30 required to give the operator of the affected landfill at least two years
31 written notice prior to the effective date of the proposed ordinance.

32 (5c) Except for the authority to designate a geographic area to be serviced
33 by a solid waste management facility, delegate authority and
34 responsibility to units of local government to perform all or a portion
35 of a solid waste management program within the jurisdictional area of
36 the unit of local government; provided that no authority over or control
37 of the operations or properties of one local government shall be
38 delegated to any other local government.

39 (5d) Require that an annual report of the implementation of the solid waste
40 management plan within the designated geographic area be filed with
41 the Department.

42 (6) The Department is authorized to charge and collect fees from operators
43 of hazardous waste disposal facilities. The fees shall be used to
44 establish a fund sufficient for each individual facility to defray the

1 anticipated costs to the State for monitoring and care of the facility
2 after the termination of the period during which the facility operator is
3 required by applicable State and federal statutes, regulations or rules to
4 remain responsible for post-closure monitoring and care. In
5 establishing the fees, consideration shall be given to the size of the
6 facility, the nature of the hazardous waste and the projected life of the
7 facility.

8 (7) Establish and collect annual fees from generators and transporters of
9 hazardous waste, and from storage, treatment, and disposal facilities
10 regulated under this Article as provided in G.S. 130A-294.1."

11 Sec. 2. This act becomes effective July 1, 1993, and applies to applications
12 for permits submitted on or after that date.