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Short Title: Solid Waste Amendments.

(Public)

Sponsors:

Referred to:

April 12, 1995

A BILL TO BE ENTITLED

AN ACT TO REVISE THE SOLID WASTE MANAGEMENT ACT OF 1989 AND
RELATED STATUTES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 130A-290(a)(5) is repealed.

Sec. 2. G.S. 130A-290(a) is amended by adding a new subdivision to read:

"(13a) 'Industrial solid waste' means solid waste generated by manufacturing or industrial processes that is not hazardous waste."

Sec. 3. G.S. 130A-290(a)(18a) reads as rewritten:

"(18a) 'Municipal solid waste' means any solid waste resulting from the operation of residential, commercial, industrial, governmental, or institutional establishments that would normally be collected, processed, and disposed of through a public or private solid waste management service. Municipal solid waste does not include hazardous waste, sludge, industrial waste managed in a solid waste management facility

1 owned and operated by the generator of the industrial waste for
2 management of that waste, or solid waste from mining or agricultural
3 operations."

4 Sec. 4. G.S. 130A-290(a)(24) reads as rewritten:

5 "(24) '~~Recovered materials' means those materials which have~~ material' means a
6 material that has known recycling potential, can be feasibly recycled,
7 and ~~have~~ has been diverted or removed from the solid waste stream for
8 sale, use, or ~~reuse by separation, collection, or processing.~~ reuse. In order
9 to qualify as a recovered material, a material must meet the
10 requirements of G.S. 130A-309.05(c)."

11 Sec. 5. G.S. 130A-290(a)(35) reads as rewritten:

12 "(35) 'Solid waste' means any hazardous or nonhazardous garbage, refuse or
13 sludge from a waste treatment plant, water supply treatment plant or air
14 pollution control facility, domestic sewage and sludges generated by the
15 treatment thereof in sanitary sewage collection, treatment and disposal
16 systems, and other material that is either discarded or is being
17 accumulated, stored or treated prior to being discarded, or has served its
18 original intended use and is generally discarded, including solid, liquid,
19 semisolid or contained gaseous material resulting from industrial,
20 institutional, commercial and agricultural operations, and from
21 community activities. The term does not include:

- 22 a. Fecal waste from fowls and animals other than ~~humans;~~ humans.
23 b. Solid or dissolved material in:
24 1. Domestic sewage and sludges generated by treatment
25 thereof in sanitary sewage collection, treatment and
26 disposal systems which are designed to discharge effluents
27 to the surface ~~waters;~~ waters.
28 2. Irrigation return ~~flows;~~ and flows.
29 3. Wastewater discharges and the sludges incidental to and
30 generated by treatment which are point sources subject to
31 permits granted under Section 402 of the Water Pollution
32 Control Act, as amended (P.L. 92-500), and permits
33 granted under G.S. 143-215.1 by the Environmental
34 Management Commission. However, any sludges that
35 meet the criteria for hazardous waste under RCRA shall
36 also be a solid waste for the purposes of this ~~Article;~~
37 Article.
38 c. Oils and other liquid hydrocarbons controlled under Article 21A
39 of Chapter 143 of the General Statutes. However, any oils or
40 other liquid hydrocarbons that meet the criteria for hazardous
41 waste under RCRA shall also be a solid waste for the purposes of
42 this ~~Article;~~ Article.

- 1 d. Any source, special nuclear or byproduct material as defined by
2 the Atomic Energy Act of 1954, as amended (42 U.S.C. § 2011).
3 e. Mining refuse covered by the North Carolina Mining Act, G.S.
4 74-46 through 74-68 and regulated by the North Carolina Mining
5 Commission (as defined under G.S. 143B-290). However, any
6 specific mining waste that meets the criteria for hazardous waste
7 under RCRA shall also be a solid waste for the purposes of this
8 Article.

9 f. Recovered material."

10 Sec. 6. G.S. 130A-294(a)(3) reads as rewritten:

- 11 "(3) Develop and adopt rules to establish standards for qualification as a
12 ~~waste~~-'recycling, reduction or resource recovering facility' or as ~~waste~~
13 'recycling, reduction or resource recovering equipment' for the purpose
14 of special tax classifications or treatment, and to certify as qualifying
15 those applicants which meet the established standards. The standards
16 shall be developed to qualify only those facilities and equipment
17 exclusively used in the actual waste recycling, reduction or resource
18 recovering process and shall exclude any incidental or supportive
19 facilities and equipment;"

20 Sec. 7. G.S. 130A-294(b) reads as rewritten:

21 "(b) The Commission shall adopt and the Department shall enforce rules to
22 implement a comprehensive statewide solid waste management program. The rules shall
23 be consistent with applicable State and federal law; and shall be designed to protect the
24 public health, safety, and welfare; preserve the environment; and provide for the greatest
25 possible conservation of cultural and natural resources. Rules for the establishment,
26 location, operation, maintenance, use, discontinuance, recordation, post-closure care of
27 solid waste management facilities also shall be based upon recognized public health
28 practices and procedures, including applicable epidemiological research and studies;
29 hydrogeological research and studies; sanitary engineering research and studies; and
30 current technological development in equipment and methods. The rules shall not apply
31 to the management of solid waste that is generated by an individual or individual family
32 or household unit on the individual's property and is disposed of on the individual's
33 property.

34 The Commission ~~may~~shall adopt rules for financial responsibility to ensure the
35 availability of sufficient funds for closure and post-closure maintenance and monitoring
36 at solid waste management facilities, and for any corrective action the Department may
37 require during the active life of a facility or during the closure and post-closure periods.
38 The rules may permit demonstration of financial responsibility through the use of a letter
39 of credit, insurance, surety, trust agreement, financial test, or guarantee by corporate
40 parents or third parties who can pass the financial test. The rules shall require that an
41 owner or operator of a privately owned solid waste management facility demonstrate
42 financial responsibility by a method or combinations of methods that will ensure that
43 sufficient funds for closure, post-closure maintenance and monitoring, and any corrective

1 action that the Department may require will be available during the active life of the
2 facility, at closure, and for a period of not less than 30 years after closure even if the
3 owner or operator becomes insolvent or ceases to reside, be incorporated, do business, or
4 maintain assets in the State."

5 Sec. 8. G.S. 130A-309.04 reads as rewritten:

6 **"§ 130A-309.04. State solid waste management policy and goals.**

7 (a) It is the policy of the State to promote methods of solid waste management that
8 are alternatives to disposal in landfills and to assist units of local government with solid
9 waste management. In furtherance of this State policy, there is established a hierarchy of
10 methods of managing solid waste, in descending order of preference:

- 11 (1) Waste reduction at the source;
- 12 (2) Recycling and reuse;
- 13 (3) Composting;
- 14 (4) Incineration with energy production; ~~recovery;~~
- 15 (5) Incineration for volume reduction; without energy recovery;
- 16 (6) Disposal in landfills.

17 (b) It is the policy of the State to encourage research into innovative solid waste
18 management methods and products and to encourage regional solid waste management
19 projects.

20 (c) It is the goal of this State to reduce the municipal solid waste stream, primarily
21 through source reduction, reuse, recycling, and composting, ~~on a per capita basis, on the~~
22 ~~following schedule:~~ by forty percent (40%) on a per capita basis by 30 June 2001.

- 23 (1) ~~Twenty five percent (25%) by 30 June 1993.~~
- 24 (2) ~~Forty percent (40%) by 30 June 2001.~~

25 (c1) To measure progress toward the municipal solid waste reduction ~~goals~~ goal in a
26 given year, comparison shall be made between the amount by weight of the municipal
27 solid waste that, during the baseline year and the given year, is received at municipal
28 solid waste management facilities and is:

- 29 (1) Disposed of in a landfill;
- 30 (2) Incinerated;
- 31 (3) Converted to tire-derived fuel; or
- 32 (4) Converted to refuse-derived fuel.

33 (c2) Comparison shall be between baseline and given years beginning on 1 July and
34 ending on 30 June of the following year. The baseline year shall be the year beginning 1
35 July 1991 and ending 30 June 1992. However, a unit of local government may use an
36 earlier baseline year if it demonstrates to the satisfaction of the Department that it has
37 sufficient data to support the use of the earlier baseline year.

38 (c3) ~~If a unit of local government is unable to meet the municipal solid waste~~
39 ~~reduction goal established in subdivision (2) of subsection (c) of this section and if the~~
40 ~~unit of local government demonstrates to the satisfaction of the Department that it has~~
41 ~~considered all reasonably available options to reduce its municipal solid waste stream~~
42 ~~through source reduction, reuse, recycling, and composting and that it has made a good~~
43 ~~faith effort and done everything technologically and economically feasible to meet the~~

1 goal, for the purpose of calculating progress of the unit of local government toward the
2 goal, ten percent (10%) of the amount by weight of the municipal solid waste stream that
3 is converted to tire derived fuel or refuse derived fuel may be added to the amount that is
4 diverted from the municipal solid waste stream through source reduction, reuse,
5 recycling, and composting.

6 (d) In furtherance of the State's solid waste management policy, each State agency
7 shall develop a solid waste management plan ~~which~~ that is consistent with the solid waste
8 management policy of the State.

9 (d1) It is the policy of the State to obtain, to the extent practicable, economic
10 benefits from the recovery from solid waste and reuse of material and energy resources.
11 In furtherance of this policy, it is the goal of the State to foster partnerships between the
12 public and private sectors that strengthen the supply of, and demand for, recyclable and
13 reusable materials and that foster opportunities for economic development from the
14 recovery and reuse of materials.

15 ~~(e) Each county, either individually or in cooperation with others, shall, in~~
16 ~~cooperation with its municipalities, develop a comprehensive county solid waste~~
17 ~~management plan and submit the plan to the Department for approval. County solid waste~~
18 ~~management plans shall be updated and submitted for approval at least once every two~~
19 ~~years. A county solid waste management plan shall be consistent with the State's~~
20 ~~comprehensive solid waste plan. In counties where a municipality operates the major~~
21 ~~solid waste disposal facility, the comprehensive solid waste plan may be prepared by the~~
22 ~~municipality, with the approval of the county and in cooperation with the other~~
23 ~~municipalities. Each county's comprehensive solid waste management plan shall include~~
24 ~~provisions which address the State's waste reduction goals. Each county's plan shall take~~
25 ~~into consideration facilities and other resources for management of solid waste which~~
26 ~~may be available through private enterprise. This section shall be construed to encourage~~
27 ~~the involvement and participation of private enterprise in solid waste management. The~~
28 ~~Department shall develop a form designed to elicit pertinent information regarding a~~
29 ~~county's solid waste management plan. The Department shall provide assistance in the~~
30 ~~preparation of county plans upon request.~~

31 ~~(f) Any unit of local government that does not participate in a county solid waste~~
32 ~~management plan shall prepare a plan in accordance with the provisions of subsection (e)~~
33 ~~of this section."~~

34 Sec. 9. G.S. 130A-309.05 reads as rewritten:

35 "**§ 130A-309.05. Regulated wastes; certain exclusions.**

36 (a) Notwithstanding other provisions of this Article, the following waste shall be
37 regulated pursuant to this Part:

38 (1) Medical waste; and

39 (2) Ash generated by a solid waste management facility from the burning of
40 solid waste.

41 (b) Ash generated by a solid waste management facility from the burning of solid
42 waste shall be disposed of in a properly designed solid waste disposal area that complies
43 with standards developed by the Department for the disposal of the ash. The Department

1 shall work with solid waste management facilities ~~which that~~ burn solid waste to identify
2 and develop methods for recycling and reusing incinerator ash or treated ash.

3 (c) ~~Recovered materials are material is not subject to the provisions of this Part if:~~
4 regulation as solid waste under this Article. In order for a material that would otherwise
5 be regulated as solid waste to qualify as a recovered material, the Department may
6 require any person who owns or has control over the material to demonstrate that the
7 material meets the requirements of this subsection. In order to protect public health and
8 the environment, the Commission may adopt rules to implement this subsection. In order
9 to qualify as a recovered material:

10 (1) A majority of the recovered ~~materials material~~ at a facility ~~are shall~~ be
11 sold, used, or reused within one year;

12 (2) The recovered ~~materials material~~ or the products or by-products of
13 operations that process recovered ~~materials are material~~ shall not be
14 discharged, deposited, injected, dumped, spilled, leaked, or placed into
15 or upon any land or water so that the products or by-products or any
16 constituent thereof may enter other lands or be emitted into the air or
17 discharged into any waters including groundwaters, or otherwise enter
18 the environment or pose a threat to public health and safety; and

19 (3) The recovered ~~materials are material~~ shall not be a hazardous waste and
20 or have not been recovered from solid waste which is defined as hazardous
21 waste under G.S. 130A-290. a hazardous waste."

22 Sec. 10. G.S. 130A-309.06 reads as rewritten:

23 "**§ 130A-309.06. Additional powers and duties of the Department.**

24 (a) In addition to other powers and duties set forth in this Part, the Department
25 shall:

26 (1) Develop a comprehensive solid waste management plan consistent with
27 this ~~Part by 1 March 1991. Part.~~ The plan shall be developed in
28 consultation with units of local government and shall be updated at least
29 every three years. In developing the State solid waste management
30 plan, the Department shall hold public hearings around the State and
31 shall give notice of these public hearings to all units of local
32 government and regional planning agencies.

33 (2) Provide guidance for the orderly collection, transportation, storage,
34 separation, processing, recovery, recycling, and disposal of solid waste
35 throughout the State.

36 (3) Encourage coordinated local activity for solid waste management within
37 a common geographical area.

38 (4) Provide planning, technical, and financial assistance to units of local
39 government and State agencies for reduction, recycling, reuse, and
40 processing of solid waste and for safe and environmentally sound solid
41 waste management and disposal.

- 1 (5) Cooperate with appropriate federal ~~ageneies~~—agencies, local
2 governments, and private organizations in carrying out the provisions of
3 this Part.
- 4 (6) Promote and assist the development of solid waste reduction, recycling,
5 and resource recovery programs ~~which~~—that preserve and enhance the
6 quality of the air, water, and other natural resources of the State.
- 7 (7) Maintain a directory of recycling and resource recovery systems in the
8 State and provide assistance with matching recovered materials with
9 markets.
- 10 (8) Manage a program of grants for programs for recycling and special
11 waste management, and for programs ~~which~~—that provide for the safe and
12 proper management of solid waste.
- 13 (9) Provide for the education of the general public and the training of solid
14 waste management professionals to reduce the production of solid
15 waste, to ensure proper processing and disposal of solid waste, and to
16 encourage recycling and solid waste reduction.
- 17 (10) Develop descriptive literature to inform units of local government of
18 their solid waste management responsibilities and opportunities.
- 19 ~~(11) Conduct at least one workshop each year in each region served by a~~
20 ~~council of governments.~~
- 21 (12) Provide and maintain recycling bins for the collection and recycling of
22 newspaper, aluminum cans, glass containers, and recyclable plastic
23 beverage containers at the North Carolina Zoological Park.
- 24 (13) Identify, based on reports required under G.S. 130A-309.14 and any
25 other relevant information, those materials in the municipal solid waste
26 stream that are marketable in the State or any portion thereof and that
27 should be recovered from the waste stream prior to treatment or
28 disposal.
- 29 (14) Identify and analyze, with assistance from the Department of Commerce
30 pursuant to G.S. 130A-309.14, components of the State's recycling
31 industry and present and potential markets for recyclable materials in
32 this State, other states, and foreign countries.

33 (b) The Department may refuse to issue a permit to an applicant who by past
34 conduct in this State has repeatedly violated related statutes, rules, orders, or permit terms
35 or conditions relating to any solid waste management facility and who is deemed by the
36 Department to be responsible for the violations. For the purpose of this subdivision, an
37 applicant includes the owner or operator of the facility, or, if the owner or operator is a
38 business entity, the parent of the subsidiary corporation, a partner, a corporate officer or
39 director, or a stockholder holding more than fifty percent (50%) of the stock of the
40 corporation.

41 (c) The Department shall prepare by 1 ~~May~~—March of each year a report on the
42 status of solid waste management efforts in the State. The scope of the report shall be

1 determined by the resources available to the Department for its preparation and, to the
2 extent possible, shall include:

- 3 (1) A comprehensive analysis, to be updated in each report, of solid waste
4 generation and disposal in the State projected for the 20-year period
5 beginning on 1 July 1991.
- 6 (2) The total amounts of solid waste ~~generated, recycled, recycled and~~
7 disposed of and the methods of solid waste recycling and disposal used
8 during the calendar year prior to the year in which the report is
9 published.
- 10 (3) An evaluation of the development and implementation of local solid
11 waste management programs and county and municipal recycling
12 programs.
- 13 (4) An evaluation of the success of each county or group of counties in
14 meeting the municipal solid waste reduction goal established in G.S.
15 130A-309.04.
- 16 (5) Recommendations concerning existing and potential programs for solid
17 waste reduction and recycling that would be appropriate for units of
18 local government and State agencies to implement to meet the
19 requirements of this Part.
- 20 (6) An evaluation of the markets for recycled materials and the success of
21 State, local, and private industry efforts to enhance the markets for ~~such~~
22 these materials.
- 23 (7) Recommendations to the Governor and the ~~General Assembly~~
24 Environmental Review Commission to improve the management and
25 recycling of solid waste in the ~~State.~~ State, including any proposed
26 legislation to implement the recommendations.

27 (d) ~~The Department of Environment, Health, and Natural Resources shall prepare by~~
28 ~~March 1, 1994, and every other year thereafter, a report assessing the recycling industry and~~
29 ~~recyclable materials markets in the State.~~ State every two years, and shall submit the
30 report to the Environmental Review Commission on or before 1 March of even-numbered
31 years. The report shall include information on progress in recycling polystyrene in the
32 State."

33 Sec. 11. G.S. 130A-309.07 reads as rewritten:

34 "**§ 130A-309.07. State solid waste management plan.**

35 The State solid waste management plan shall include, at a minimum:

- 36 (1) Procedures ~~and requirements to ensure~~ encourage cooperative efforts in
37 solid waste management by counties and municipalities and groups of
38 counties and municipalities where appropriate, including the
39 establishment of joint agencies pursuant to G.S. 160A-462.
- 40 (2) Provisions for the continuation of existing effective regional resource
41 recovery, recycling, and solid waste management facilities and
42 programs.

- 1 (3) Planning guidance and technical assistance to counties and
2 municipalities to aid in meeting the municipal solid waste reduction
3 goals established in G.S. 130A-309.04.
- 4 (4) Planning guidance and technical assistance to counties and
5 municipalities to assist the development and implementation of ~~recycling~~
6 solid waste reduction programs.
- 7 (5) Technical assistance to counties and municipalities in determining the
8 full cost for solid waste management as required in G.S. 130A-309.08.
- 9 (6) Planning guidance and technical assistance to counties and
10 municipalities to assist the development and implementation of
11 programs for alternative disposal, processing, or recycling of the solid
12 wastes prohibited from disposal in landfills pursuant to G.S. 130A-
13 309.10 and for special wastes.
- 14 (7) A public education program, to be developed in cooperation with the
15 Department of Public Instruction, units of local government, other State
16 agencies, and business and industry organizations, to inform the public
17 of the need for and the benefits of recycling solid waste and reducing
18 the amounts of solid and hazardous waste generated and disposed of in
19 the State. The public education program shall be implemented through
20 public workshops and through the use of brochures, reports, public
21 service announcements, and other materials.
- 22 (8) Provisions to encourage partnerships between the public and private
23 sectors that strengthen the supply of, and demand for, recyclable
24 materials and that foster opportunities for economic development from
25 the recovery and reuse of materials."

26 Sec. 12. G.S. 130A-309.08 reads as rewritten:

27 "**§ 130A-309.08. Determination of cost for solid waste management; local solid**
28 **waste management fees.**

29 (a) ~~Within one year of the effective date of this section or within one year after~~
30 ~~rules are adopted by the Commission, whichever occurs later, each~~ Each county and each
31 municipality shall annually determine the full cost for solid waste management within the
32 service area of the county or municipality for a ~~one-year period as specified by rules~~
33 ~~adopted by the Commission, and shall update the full cost determination every year~~
34 ~~thereafter, the preceding year.~~ The Commission shall establish by rule the method for
35 units of local government to use in calculating full cost. ~~Rule making shall be initiated~~
36 ~~and at least one public hearing shall be held by 1 March 1990. In developing the rule, the~~
37 ~~Commission shall examine the feasibility of the use of an enterprise fund process by units~~
38 ~~of local government in operating their solid waste management systems.~~

39 (b) ~~Within one year after the completion of the cost determination required by subsection~~
40 ~~(a) of this section, each~~ Each municipality shall establish a system to inform, no less than
41 once a year, residential and nonresidential users of solid waste management services
42 within the municipality's service area of the user's share, on an average or individual
43 basis, of the full cost for solid waste management as determined pursuant to subsection

1 (a) of this section. Counties shall provide the information required of municipalities only
2 to residential and nonresidential users of solid waste management services within the
3 county's service area that are not served by a municipality. Municipalities shall include
4 costs ~~charges~~ charged to them or to persons contracting with them for disposal of solid
5 waste in the full cost information provided to residential and nonresidential users of solid
6 waste management services. Counties and municipalities are encouraged to operate their
7 solid waste management systems through use of an enterprise fund.

8 (c) For purposes of this section, 'service area' means the area in which the county
9 or municipality provides, directly or by contract, solid waste management services. The
10 provisions of this section shall not be construed to require a person operating under a
11 franchise contract or other agreement to collect or dispose of solid waste within the
12 service area of a county or municipality to make the calculations or to establish a system
13 to provide the information required under this section, unless such person agrees to do so
14 as part of such franchise contract or other agreement.

15 (d) ~~In order to assist in achieving the municipal solid waste reduction goal and the~~
16 ~~recycling provisions of G.S. 130A-309.09B, a county or a municipality which owns or~~
17 ~~operates a solid waste management facility may charge solid waste disposal fees which~~
18 ~~may vary based on a number of factors, including the amount, characteristics, and form~~
19 ~~of recyclable materials present in the solid waste that is brought to the county's or the~~
20 ~~municipality's facility for processing or disposal. A county may charge fees for the~~
21 ~~collection, processing, or disposal of solid waste as provided in Article 15 of Chapter~~
22 ~~153A of the General Statutes. A city may charge fees for the collection, processing, or~~
23 ~~disposal of solid waste as provided in Article 16 of Chapter 160A of the General Statutes.~~

24 (e) ~~In addition to all other fees required or allowed by law, a county or a~~
25 ~~municipality, at the discretion of its governing board, may impose a fee for the services~~
26 ~~the county or municipality provides with regard to the collection, processing, or disposal~~
27 ~~of solid waste, to be used for developing and implementing a recycling program.~~

28 (f) ~~This section does not prohibit a county, municipality, or other person from~~
29 ~~providing grants, loans, or other aid to low income persons to pay part or all of the costs~~
30 ~~of such persons' solid waste management services."~~

31 Sec. 13. G.S. 130A-309.09A reads as rewritten:

32 **"§ 130A-309.09A. Local government solid waste responsibilities.**

33 (a) ~~The governing board of a designated local government shall provide for the~~
34 ~~operation of solid waste disposal facilities to meet the needs of all incorporated and~~
35 ~~unincorporated areas designated to be served by the facility. each unit of local~~
36 ~~government shall assess local solid waste collection services and disposal capacity and~~
37 ~~shall determine the adequacy of collection services and disposal capacity to meet local~~
38 ~~needs and to protect human health and the environment. Each unit of local government~~
39 ~~shall implement programs and take other actions that it determines are necessary to~~
40 ~~address deficiencies in service or capacity required to meet local needs and to protect~~
41 ~~human health and the environment. Pursuant to this section and notwithstanding any~~
42 ~~other provision of this Chapter, designated local governments A unit of local government~~
43 ~~may adopt ordinances governing the disposal disposal, in facilities which they operate~~

1 that it operates, of solid waste generated outside of the area designated to be served by
2 such the facility. Such ordinances shall not be construed to apply to privately operated
3 disposal facilities located within the boundaries of a designated the unit of local
4 government. In accordance with this section, municipalities are responsible for collecting
5 and transporting solid waste from their jurisdictions to a solid waste disposal facility
6 operated by the municipality or county, any other municipality or county, or by any other
7 person. Counties and municipalities may charge reasonable fees for the handling and
8 disposal of solid waste at their facilities. The fees charged to municipalities without
9 facilities at a solid waste management facility specified by the county shall not be greater
10 than the fees charged to other users of the facility except as provided in G.S. 130A-
11 309.08(d). Solid waste management fees collected on a countywide basis shall be used to
12 fund solid waste management services provided throughout the county.

13 (b) Each unit of local government, either individually or in cooperation with one
14 or more other units of local government, shall participate in the development and
15 implementation of a solid waste management plan designed to meet the waste reduction
16 goals set out in G.S. 130A-309.04 within the geographic area covered by the plan.

17 Each unit of local government, either individually or in cooperation with other units
18 of local government, shall develop a 10-year comprehensive solid waste management
19 plan. Units of local government shall make a good-faith effort to achieve the State's forty
20 percent (40%) municipal solid waste reduction goal and to comply with the State's
21 comprehensive solid waste management plan. Each unit of local government shall
22 develop its solid waste management plan with public participation, including, at a
23 minimum, one advertised public meeting. The Department shall assist units of local
24 government in the preparation of the plan required by this subsection if the unit of local
25 government requests assistance. Each plan shall be updated at least every three years. In
26 order to assure compliance with this subsection, each unit of local government shall
27 provide the Department with a copy of its current plan upon request by the Department.
28 Each plan shall:

- 29 (1) Evaluate the solid waste stream in the geographic area covered by the
30 plan.
- 31 (2) Include a goal for the reduction of municipal solid waste on a per capita
32 basis by 30 June 2001 and a goal for the further reduction of municipal
33 solid waste by 30 June 2006. The solid waste reduction goals shall be
34 determined by the unit or units of local government that prepare the
35 plan, and shall be determined so as to assist the State, to the maximum
36 extent practical, to achieve the State's forty percent (40%) municipal
37 solid waste reduction goal as set out in G.S. 130A-309.04(c).
- 38 (3) Be designed to achieve the solid waste reduction goals established by
39 the plan.
- 40 (4) Include a description of the process by which the plan was developed,
41 including provisions for public participation in the development of the
42 plan.

- 1 (5) Include an assessment of current programs and a description of intended
2 actions with respect to the following solid waste management methods:
3 a. Reduction at the source.
4 b. Collection.
5 c. Recycling and reuse.
6 d. Composting and mulching.
7 e. Incineration with energy recovery.
8 f. Incineration without energy recovery.
9 g. Transfer outside the geographic area covered by the plan.
10 h. Disposal.
11 (6) Include an assessment of current programs and a description of intended
12 actions with respect to:
13 a. Education with the community and through the schools.
14 b. Management of special wastes.
15 c. Prevention of illegal disposal and management of litter.
16 d. Purchase of recycled materials and products manufactured with
17 recycled materials.
18 (7) Include a description and assessment of the full cost of solid waste
19 management, including the costs of collection, disposal, waste
20 reduction, and other programs, and of the methods of financing those
21 costs.
22 (8) Consider the use of facilities and other resources for management of
23 solid waste that may be available through private enterprise.
24 (e) ~~The Department may reduce or modify the municipal solid waste reduction~~
25 ~~goal that a unit of local government is required to attempt to achieve pursuant to~~
26 ~~subsection (b) of this section if the unit of local government demonstrates to the~~
27 ~~Department that:~~
28 (1) ~~The achievement of the goal would have an adverse effect on the~~
29 ~~financial obligations of the unit of local government incurred prior to 1~~
30 ~~October 1989 that are directly related to a waste to energy facility~~
31 ~~owned or operated by or on behalf of a unit of local government; and~~
32 (2) ~~The unit of local government cannot remove normally combustible~~
33 ~~materials from solid waste that is to be processed at a waste to energy~~
34 ~~facility permitted prior to 1 July 1991 because of the need to maintain a~~
35 ~~sufficient amount of solid waste to ensure the financial viability of the~~
36 ~~facility. The goal may not be waived entirely and may be reduced or~~
37 ~~modified only to the extent necessary to alleviate the adverse effects of~~
38 ~~achieving the goal on the financial viability of a unit of local~~
39 ~~government's waste to energy facility. Nothing in this subsection shall~~
40 ~~exempt a unit of local government from developing and implementing a~~
41 ~~reeycling program pursuant to this Part.~~
42 (d) In order to assess the progress in meeting the goals-goal set out in G.S. 130A-
43 309.04, each county, ~~either individually or in cooperation with one or more other~~

1 ~~counties, shall, by 1 December 1991 and each year thereafter, unit of local government~~
2 ~~shall report to the Department on the solid waste management programs and recycling~~
3 ~~waste reduction activities within the county or the geographic area covered by the~~
4 ~~county's solid waste management plan. within the unit of local government by 1~~
5 ~~September of each year. This report by the county must~~ At a minimum, the report shall
6 include:

- 7 (1) ~~A description of public education programs on recycling; recycling.~~
- 8 (2) ~~The amount of solid waste received at municipal solid waste~~
9 ~~management facilities, by type of solid waste; waste.~~
- 10 (3) ~~The amount and type of materials from the solid waste stream that were~~
11 ~~recycled; recycled.~~
- 12 (4) ~~The percentage of the population participating in various types of~~
13 ~~recycling activities instituted; instituted.~~
- 14 (5) ~~The annual reduction in municipal solid waste, measured as provided in~~
15 ~~G.S. 130A-309.04; 130A-309.04.~~
- 16 (6) ~~A description of the recycling activities attempted, their success rates,~~
17 ~~the perceived reasons for failure or success, and the recycling activities~~
18 ~~which are ongoing and most successful; and~~ Information regarding
19 programs and other actions implemented as part of the local
20 comprehensive solid waste management plan.
- 21 (7) ~~In its first report, a description of any recycling activities implemented prior to~~
22 ~~1 July 1991. A statement of the costs of solid waste management~~
23 ~~programs implemented by the unit of local government and the methods~~
24 ~~of financing those costs.~~

25 (e) ~~Any municipality that does not participate in the preparation of a county report~~
26 ~~shall prepare its own report in accordance with the provisions of subsection (d) of this~~
27 ~~section.~~

28 (f) ~~On and after 1 July 1991, each~~ Each operator of a municipal solid waste management
29 facility shall weigh all solid waste when it is received.

30 (g) A unit of local government that is a collector of municipal solid waste shall not
31 knowingly collect for disposal, and the owner or operator of a municipal solid waste
32 management facility that is owned or operated by a unit of local government shall not
33 knowingly dispose of, any type or form of municipal solid waste that is generated within
34 the boundaries of a unit of local government that by ordinance:

- 35 (1) Prohibits generators or collectors of municipal solid waste from
36 disposing of that type or form of municipal solid waste.
- 37 (2) Requires generators or collectors of municipal solid waste to recycle
38 that type or form of municipal solid waste."

39 Sec. 14. G.S. 130A-309.09B reads as rewritten:

40 "**§ 130A-309.09B. Local government recycling-waste reduction programs.**

41 (a) ~~Each designated unit of local government shall initiate a recyclable materials~~
42 ~~recycling program by 1 July 1991. Counties and municipalities are encouraged to form~~
43 ~~cooperative arrangements for implementing recycling programs. establish and maintain a~~

1 solid waste reduction program that will enable the unit of local government to meet the
2 local solid waste reduction goals established pursuant to G.S. 130A-309.09A(b)(2). The
3 following requirements shall apply:

4 (1) ~~Construction and demolition debris must be separated from the solid~~
5 ~~waste stream and segregated in separate locations at a solid waste~~
6 ~~disposal facility or other permitted site. Demolition debris consisting of~~
7 ~~used asphalt or used asphalt mixed with dirt, sand, gravel, rock,~~
8 ~~concrete, or similar nonhazardous material may be used as fill and need~~
9 ~~not be disposed of in a permitted landfill or solid waste disposal facility,~~
10 ~~provided that such demolition debris may not be placed in the waters of~~
11 ~~the State or at or below the seasonal high water table.~~

12 (2) Repealed by Session Laws 1991, c. 621, s. 8.

13 (3) Units of local government are encouraged to separate marketable
14 plastics, glass, metal, and all grades of paper for recycling prior to final
15 disposal and are further encouraged to recycle yard trash and other
16 organic solid waste into compost available for agricultural and other
17 acceptable uses.

18 (b) To the maximum extent practicable, units of local government should
19 participate in the preparation and implementation of joint ~~reeycling~~-waste reduction and
20 solid waste management programs, whether through joint agencies established pursuant
21 to G.S. 153A-421, G.S. 160A-462, or any other means provided by law. Nothing in a
22 county's solid waste management or ~~reeycling~~-waste reduction program shall affect the
23 authority of a municipality to franchise or otherwise provide for the collection of solid
24 waste generated within the boundaries of the municipality.

25 (e) ~~In the development and implementation of a curbside recyclable materials~~
26 ~~collection program, a county or municipality shall enter into negotiations with a~~
27 ~~franchisee who is operating to exclusively collect solid waste within a service area of a~~
28 ~~county or municipality to undertake curbside recyclable materials collection~~
29 ~~responsibilities for a county or municipality. If the county or municipality and the~~
30 ~~franchisee fail to reach an agreement within 60 days from the initiation of negotiations,~~
31 ~~the county or municipality may solicit proposals from other persons to undertake curbside~~
32 ~~recyclable materials collection responsibilities for the county or municipality as it may~~
33 ~~require. Upon the determination of the lowest responsible proposals, the county or~~
34 ~~municipality may undertake, or enter into a written agreement with the person who~~
35 ~~submitted the lowest responsible proposal to undertake, the curbside recyclable materials~~
36 ~~collection responsibilities for the county or municipality, notwithstanding the exclusivity~~
37 ~~of any franchise agreement for the collection of solid waste within a service area of the~~
38 ~~county or municipality.~~

39 (d) ~~In developing and implementing recycling programs, counties and~~
40 ~~municipalities shall give consideration to the collection, marketing, and disposition of~~
41 ~~recyclable materials by persons engaged in the business of recycling on either a for-profit~~
42 ~~or nonprofit basis. Counties and municipalities are encouraged to use for-profit and~~
43 ~~nonprofit organizations in fulfilling their responsibilities under this Part.~~

1 (e) ~~A county or county and the municipalities within the county's or counties'~~
2 ~~boundaries may jointly develop a recycling program, provided that the county and each~~
3 ~~municipality must enter into a written agreement to jointly develop a recycling program.~~
4 ~~If a municipality does not participate in jointly developing a recycling program with the~~
5 ~~county within which it is located, the county may require the municipality to provide~~
6 ~~information on recycling efforts undertaken within the boundaries of the municipality in~~
7 ~~order to determine whether the goals for municipal solid waste reduction are being~~
8 ~~achieved.~~

9 (f) A county or counties and its or their municipalities may jointly determine,
10 through a joint agency established pursuant to G.S. 153A-421 or G.S. 160A-462, which
11 local governmental agency shall administer a solid waste management or recycling-waste
12 reduction program.

13 (g) ~~A unit of local government that enters into an agreement with one or more~~
14 ~~other units of local government to develop and operate a recycling program shall provide~~
15 ~~periodic written progress reports to the units of local government concerning the~~
16 ~~implementation of the recycling program."~~

17 Sec. 15. G.S. 130A-309.09C(g) reads as rewritten:

18 "(g) In addition to any other penalties provided by law, a unit of local government
19 that does not comply with the requirements of G.S. 130A-309.09A(b) and G.S. 130A-
20 309.09B(a) shall not be eligible for grants from the Solid Waste Management Trust Fund,
21 the Scrap Tire Disposal Account, or the White Goods Management Account and the
22 Department may notify the State Treasurer to withhold payment of all or a portion of funds
23 payable to the unit of local government by the Department from the General Fund or by the
24 Department from any other State fund, to the extent not pledged to retire bonded indebtedness,
25 unless the unit of local government demonstrates that good faith efforts to meet the requirements
26 of G.S. 130A-309.09A(b) and G.S. 130A-309.09B(a) have been made or that the funds are being
27 or will be used to finance the correction of a pollution control problem that spans jurisdictional
28 boundaries shall not receive the proceeds of the scrap tire disposal tax imposed by Article
29 5B of Chapter 105 of the General Statutes or the proceeds of the white goods disposal tax
30 imposed by Article 5C of Chapter 105 of the General Statutes to which the unit of local
31 government would otherwise be entitled. The Secretary shall notify the Secretary of
32 Revenue to withhold payment of these funds to any unit of local government that fails to
33 comply with the requirements of G.S. 130A-309.09A(b) and G.S. 130A-309.09B(a).
34 Proceeds of the scrap tire disposal tax that are withheld pursuant to this subsection shall
35 be credited to the Scrap Tire Disposal Account and may be used as provided in G.S.
36 130A-309.63. Proceeds of the white goods disposal tax that are withheld pursuant to this
37 subsection shall be credited to the White Goods Management Account and may be used
38 as provided in G.S. 130A-309.83."

39 Sec. 16. G.S. 130A-309.09D reads as rewritten:

40 "**§ 130A-309.09D. Responsibilities of generators of municipal solid waste owners**
41 **and operators of privately owned municipal solid waste management**
42 **facilities, facilities and collectors of municipal solid waste.**

1 (a) ~~The A generator of municipal solid waste shall not knowingly dispose of, a~~
2 ~~collector of municipal solid waste shall not knowingly collect for disposal, and the owner~~
3 ~~or operator of a privately owned or operated municipal solid waste management facility~~
4 ~~shall operate the facility in a manner which is consistent with the State solid waste management~~
5 ~~plan and with the solid waste management plans that have been adopted by those units of local~~
6 ~~government served by the facility and approved by the Department. not knowingly dispose of,~~
7 ~~any type or form of municipal solid waste that is generated within the boundaries of a~~
8 ~~unit of local government that by ordinance:~~

9 (1) Prohibits generators or collectors of municipal solid waste from
10 disposing of that type or form of municipal solid waste.

11 (2) Requires generators or collectors of municipal solid waste to recycle
12 that type or form of municipal solid waste.

13 (b) ~~On or before 1 August 1992 and each year thereafter, August,~~ the owner or
14 operator of a privately owned ~~municipal~~ solid waste management facility shall report to
15 the Department, for the previous year beginning 1 July and ending 30 June, the amount
16 by weight of the solid waste that was received at the facility and disposed of in a landfill,
17 incinerated, or converted to fuel. To the maximum extent practicable, ~~such the~~ reports
18 shall indicate by weight the county of origin of all solid waste. The owner or operator
19 shall transmit a copy of the report to the county in which the facility is located and to
20 each county from which solid waste originated.

21 (c) A generator of industrial solid waste that owns and operates an industrial solid
22 waste facility for the management of industrial solid waste generated by that generator
23 shall develop a 10-year waste management plan. The plan shall be updated at least every
24 three years. In order to assure compliance with this subsection, each generator to which
25 this subsection applies shall provide the Department with a copy of its current plan upon
26 request by the Department. Each generator to which this subsection applies shall file a
27 report on its implementation of the plan required by this subsection with the Department
28 by 1 August of each year. A generator to which this subsection applies may provide the
29 Department with a copy of a current plan prepared pursuant to an ordinance adopted by a
30 unit of local government or prepared for any other purpose if the plan meets the
31 requirements of this subsection. The plan shall have the following components:

32 (1) A waste reduction goal established by the generator.

33 (2) Options for the management and reduction of wastes evaluated by the
34 generator.

35 (3) A waste management strategy, including plans for waste reduction and
36 waste disposal, for the 10-year period covered by the plan."

37 Sec. 17. G.S. 130A-309.10 reads as rewritten:

38 **"§ 130A-309.10. Prohibited acts relating to packaging; coded labeling of plastic**
39 **containers required; disposal of certain solid wastes in landfills or by**
40 **incineration prohibited.**

41 (a) No beverage shall be sold or offered for sale within the State in a beverage
42 container designed and constructed so that the container is opened by detaching a metal
43 ring or tab.

1 (b) No person shall distribute, sell, or offer for sale in this State, any product
2 packaged in a container or packing material manufactured with fully halogenated
3 chlorofluorocarbons (CFC). Producers of containers or packing material manufactured
4 with chlorofluorocarbons (CFC) are urged to introduce alternative packaging materials
5 ~~which that~~ are environmentally compatible.

6 (c) (1) No plastic bag shall be provided at any retail outlet to any
7 retail customer to use for the purpose of carrying items purchased by
8 that customer unless the bag is composed of material ~~which that~~ is
9 recyclable. ~~Notice of recyclability shall be printed on each bag purchased~~
10 ~~by the retailer.~~

11 (2) It is the goal of the State that at least twenty-five percent (25%) of the
12 plastic bags provided at retail outlets in the State to retail customers for
13 carrying items purchased by the customer be recycled.

14 (d) (1) No person shall distribute, sell, or offer for sale in this State
15 any polystyrene foam product ~~which that~~ is to be used in conjunction
16 with food for human consumption unless ~~such the~~ product is
17 composed of material ~~which that~~ is recyclable.

18 (2) Repealed by Session Laws 1995, c. 321, s. 1.

19 (e) No person shall distribute, sell, or offer for sale in this State any rigid plastic
20 ~~container product container, including a plastic beverage container unless the product~~
21 ~~container has a molded label indicating the plastic resin used to produce the plastic~~
22 ~~container product container.~~ The code shall consist of a number placed within three
23 triangulated arrows and letters placed below the triangulated arrows. The three arrows
24 shall form an equilateral triangle with the common point of each line forming each angle
25 of the triangle at the midpoint of each arrow and rounded with a short radius. The
26 arrowhead of each arrow shall be at the midpoint of each side of the triangle with a short
27 gap separating the arrowhead from the base of the adjacent arrow. The triangle formed
28 by the three arrows curved at their midpoints shall depict a clockwise path around the
29 code number. The label shall appear on or near the bottom of the plastic container product
30 and be clearly visible. Plastic beverage containers—A container having a capacity of less
31 than 16 eight fluid ounces, ounces or more than five gallons nonsolid food liquid containers
32 having a capacity of less than 16 fluid ounces, and rigid plastic containers having a capacity of
33 less than eight fluid ounces are is exempt from the requirements of this subsection. The
34 numbers and letters shall be as follows:

35 (1) For polyethylene terephthalate, the letters 'PETE' and the number 1.

36 (2) For high density polyethylene, the letters 'HDPE' and the number 2.

37 (3) For vinyl, the letter 'V' and the number 3.

38 (4) For low density polyethylene, the letters 'LDPE' and the number 4.

39 (5) For polypropylene, the letters 'PP' and the number 5.

40 (6) For polystyrene, the letters 'PS' and the number 6.

41 (7) For any other, ~~including multi-material containers,~~ the letters 'OTHER' and
42 the number 7.

1 (f) ~~In accordance with the following schedule, no~~ No person shall knowingly dispose
2 of the following solid wastes in landfills:

3 (1) ~~Repealed by Session Laws 1991, c. 375, s. 1.~~

4 (2) ~~Used oil.~~

5 (3) ~~Yard trash, except in landfills classified for such use approved for the~~
6 disposal of yard trash under rules adopted by the Commission. Yard
7 trash that is source separated from solid waste may be accepted at a
8 solid waste disposal area where the area provides and maintains separate
9 yard trash composting facilities.

10 (4) ~~White goods.~~

11 (5) ~~Antifreeze (ethylene glycol).~~

12 (6) ~~Aluminum cans, after July 1, 1994. cans.~~

13 (7) Whole scrap tires, as provided in G.S. 130A-309.58(b). The prohibition
14 against landfilling whole tires applies to all whole pneumatic rubber
15 coverings, but does not apply to whole solid rubber coverings.

16 (8) Lead-acid batteries, as provided in G.S. 130A-309.70.

17 (f1) ~~In accordance with the following schedule, no~~ No person shall knowingly dispose
18 of the following solid wastes by incineration in an incinerator for which a permit is
19 required under this Article:

20 (1) ~~Antifreeze (ethylene glycol) used solely in motor vehicles, after July 1,~~
21 1994. vehicles.

22 (2) ~~Aluminum cans, after July 1, 1994. cans.~~

23 (3) ~~Steel cans, unless the steel is recoverable at the end of the incineration~~
24 process, after July 1, 1994.

25 (4) ~~White goods, after July 1, 1994. goods.~~

26 (5) Lead-acid batteries, as provided in G.S. 130A-309.70.

27 (f2) ~~Provided that this subsection~~ Subsection (f1) of this section shall not apply to
28 solid waste incinerated in an incinerator solely owned and operated by the generator of
29 the solid waste; and provided further that this subsection waste. Subsection (f1) of this
30 section shall not apply to antifreeze (ethylene glycol) which that cannot be recycled or
31 reclaimed to make it usable as antifreeze in a motor vehicle.

32 (g) ~~Prior to the effective dates specified in this section, the Department shall~~
33 ~~identify and assist in developing alternative disposal, processing, or recycling options for~~
34 ~~the solid waste identified in this section.~~

35 (h) The accidental or occasional disposal of small amounts of prohibited solid
36 waste by landfill or incineration shall not be construed as a violation of subsection (f) or
37 (f1) of this section."

38 Sec. 18. G.S. 130A-309.11 reads as rewritten:

39 "**§ 130A-309.11. Compost standards and applications.**

40 (a) In order to protect the State's land and water resources, compost produced,
41 utilized, or disposed of by the composting process at solid waste management facilities in
42 the State must meet criteria established by the Department.

1 (b) ~~Within six months after the effective date of this section, the Department shall initiate~~
2 ~~rule making.~~ The Commission shall adopt rules to establish standards for the production of
3 compost. Rules shall be adopted not later than 24 months after the initiation of rule
4 making. Such rules shall include:

5 (1) Requirements necessary to produce hygienically safe compost products
6 for varying applications.

7 (2) A classification scheme for compost based on:

8 a. The types of waste composted, including at least one type
9 containing only yard trash;

10 b. The maturity of the compost, including at least three degrees of
11 decomposition for fresh, semi-mature, and mature; and

12 c. The levels of organic and inorganic constituents in the compost.

13 (c) The compost classification scheme shall address:

14 (1) Methods for measurement of the compost maturity.

15 (2) Particle sizes.

16 (3) Moisture content.

17 (4) Average levels of organic and inorganic constituents, including heavy
18 metals, for such classes of compost as the Department establishes, and
19 the analytical methods to determine those levels.

20 (d) ~~Within six months after the effective date of this section, the Department shall initiate~~
21 ~~rule making.~~ The Commission shall adopt rules to prescribe the allowable uses and
22 application rates of compost. Rules shall be adopted not later than 24 months after the
23 initiation of rule making. Such rules shall be based on the following criteria:

24 (1) The total quantity of organic and inorganic constituents, including
25 heavy metals, allowed to be applied through the addition of compost to
26 the soil per acre per year.

27 (2) The allowable uses of compost based on maturity and type of compost.

28 (e) If compost is produced which does not meet the criteria prescribed by the
29 Department for agricultural and other use, the compost must be reprocessed or disposed
30 of in a manner approved by the Department, unless a different application is specifically
31 permitted by the Department."

32 Sec. 19. G.S. 130A-309.25(c) reads as rewritten:

33 "(c) A person may not perform the duties of an operator of a solid waste
34 management facility after 1 January ~~1996, 1998,~~ unless he has completed an operator
35 training course approved by the Department. An owner of a solid waste management
36 facility may not employ any person to perform the duties of an operator unless ~~such the~~
37 person has completed an approved solid waste management facility operator training
38 course."

39 Sec. 20. G.S. 130A-309.26(b) reads as rewritten:

40 "(b) It is the intent of the General Assembly to protect the public health by
41 establishing standards for the safe packaging, storage, treatment, and disposal of medical
42 waste. The Commission shall adopt and the Department shall enforce rules for the
43 packaging, storage, treatment, and disposal of:

- 1 (1) Medical waste at facilities where medical waste is generated;
- 2 (2) Medical waste from the point at which the waste is transported from the
- 3 facility where it was generated;
- 4 (3) On-site and off-site ~~incineration~~ treatment of medical waste; and
- 5 (4) The off-site transport, storage, treatment or disposal of medical waste."

6 Sec. 21. G.S. 130A-309.53(7) reads as rewritten:

- 7 "(7) 'Tire' means a continuous solid or pneumatic rubber covering that
- 8 encircles the wheel of a ~~vehicle and is subject to the tax imposed by Article~~
- 9 ~~5B of Chapter 105~~ vehicle. Bicycle tires and other tires for vehicles
- 10 propelled by human power are not subject to the provisions of this Part."

11 Sec. 22. G.S. 130A-309.58(b) reads as rewritten:

12 "(b) The Commission may adopt rules approving other permissible methods of

13 scrap tire disposal. Landfilling of whole scrap tires is prohibited. The prohibition against

14 landfilling whole tires applies to all whole pneumatic rubber coverings, but does not

15 apply to whole solid rubber coverings."

16 Sec. 23. G.S. 130A-309.63(e) reads as rewritten:

17 "(e) Reports. – The Department shall ~~make quarterly reports~~ report annually on the

18 Scrap Tire Disposal Account to the Environmental Review Commission. The report shall

19 be submitted by 1 October of each year for the fiscal year ending the preceding 30 June.

20 The report shall show the beginning and ending balances in the Account for the reporting

21 period, the amount credited to the Account during the ~~quarter, reporting period,~~ and the

22 amount of revenue used for grants and to clean up nuisance tire collection sites. A

23 quarterly report shall be filed within 60 days after the end of a calendar quarter."

24 Sec. 24. G.S. 130A-309.83 reads as rewritten:

25 "**§ 130A-309.83. (Repealed effective July 1, 1999) White Goods Management**

26 **Account.**

27 (a) The White Goods Management Account is established within the Department.

28 The Account consists of revenue credited to the Account from the proceeds of the white

29 goods disposal tax imposed by Article 5C of Chapter 105 of the General Statutes.

30 (b) The Department shall use revenue in the Account to make grants to units of

31 local government to assist them in managing discarded white goods. To administer the

32 grants, the Department shall establish procedures for applying for a grant and the criteria

33 for selecting among grant applicants. The criteria shall include the financial ability of a

34 unit to manage white goods, the severity of a unit's white goods management problem,

35 and the effort made by a unit to manage white goods within the resources available to it.

36 (c) A unit of local government is not eligible for a grant unless its costs of

37 managing white goods for a six-month period preceding the date the unit files an

38 application for a grant exceeded the amount the unit received during that period from the

39 proceeds of the white goods disposal tax under G.S. 105-187.24. The Department shall

40 determine the six-month period to be used in determining who is eligible for a grant. A

41 grant to a unit may not exceed the unit's unreimbursed cost for the six-month period.

42 (d) If a unit of local government anticipates that its costs of managing white goods

43 during a six-month period will exceed the amount the unit will receive during that period

1 because the unit will make a capital expenditure for the management of white goods or
2 because the unit will incur other costs resulting from improvements to that unit's white
3 goods management program, the unit may request that the Department make an advance
4 determination that the costs are eligible to be paid by a grant from the White Goods
5 Management Account and that there will be sufficient funds available in the Account to
6 cover those costs. If the Department determines that the costs are eligible for
7 reimbursement and that funds will be available, the Department shall reserve funds for
8 that unit of local government in the amount necessary to reimburse allowable costs. The
9 Department shall notify the unit of its determination and fund availability within 60 days
10 of the request from the unit of local government. This subsection applies only to capital
11 expenditures for the management of white goods and to costs resulting from
12 improvements to a unit's white goods management program."

13 Sec. 25. G.S. 130A-309.85 reads as rewritten:

14 **"§ 130A-309.85. (Effective until July 1, 1999) Department to submit annual report**
15 **on the management of white goods.**

16 The Department shall ~~make an annual report~~ annually to the Environmental Review
17 Commission concerning the management of white goods. The report shall be submitted
18 by 1 October ~~1 of each year, shall cover year for~~ the fiscal year ending on the preceding
19 ~~June 30, and 30 June.~~ The report shall include the following information:

- 20 (1) The amount of taxes collected and distributed under G.S. 105-187.24
21 during the period covered by the report.
- 22 (2) The cost to each county of managing white goods during the period
23 covered by the report.
- 24 (3) The beginning and ending balances of the White Goods Management
25 Account for the period covered by the report and a list of grants made
26 from the Account for the period.
- 27 (4) Any other information the Department considers helpful in
28 understanding the problem of managing white goods."

29 Sec. 26. G.S. 130A-309.85 reads as rewritten:

30 **"§ 130A-309.85. (Effective July 1, 1999) Department to submit annual report on the**
31 **management of white goods.**

32 The Department shall ~~make an annual report~~ annually to the Environmental Review
33 Commission concerning the management of white goods. The report shall be submitted
34 by 1 October ~~1 of each year, shall cover year for~~ the fiscal year ending on the preceding
35 ~~June 30, and 30 June.~~ The report shall include the cost to each county of managing white
36 goods during the period covered by the report, the additional fees on white goods
37 collected by each county during the period covered by the report, and any other
38 information the Department considers helpful in understanding the problem of managing
39 white goods."

40 Sec. 27. G.S. 153A-292 reads as rewritten:

41 **"§ 153A-292. County collection and disposal facilities.**

42 (a) The board of county commissioners of any county may establish and operate
43 solid waste collection and disposal facilities in areas outside the corporate limits of a city.

1 The board may by ordinance regulate the use of a disposal facility provided by the
2 county, the nature of the solid wastes disposed of in a facility, and the method of
3 disposal. The board may contract with any city, individual, or privately owned
4 corporation to collect and dispose of solid waste in the area. Counties and cities may
5 establish and operate joint collection and disposal facilities. A joint agreement shall be in
6 writing and executed by the governing bodies of the participating units of local
7 government.

8 (b) The board of county commissioners may impose a fee for the collection of
9 solid waste. The fee may not exceed the costs of collection.

10 The board of county commissioners may impose a fee for the use of a disposal facility
11 provided by the county. The fee for use may not exceed the cost of operating the facility
12 and may be imposed only on those who use the facility. The fee for use may vary based
13 on the amount, characteristics, and form of recyclable materials present in solid waste
14 brought to the facility for disposal. A county may not impose a fee for the use of a
15 disposal facility on a city located in the county or a contractor or resident of the city
16 unless the fee is based on a schedule that applies uniformly throughout the county.

17 The board of county commissioners may impose a fee for the availability of a disposal
18 facility provided by the county. A fee for availability may not exceed the cost of
19 providing the facility and may be imposed on all improved property in the county that
20 benefits from the availability of the facility. A county may not impose an availability fee
21 on property whose solid waste is collected by a county, a city, or a private contractor for
22 a fee if the fee imposed by a county, a city, or a private contractor for the collection of
23 solid waste includes a charge for the availability and use of a disposal facility provided
24 by the county. Property served by a private contractor who disposes of solid waste
25 collected from the property in a disposal facility provided by a private contractor is not
26 considered to benefit from a disposal facility provided by the county and is not subject to
27 a fee imposed by the county for the availability of a disposal facility provided by the
28 county.

29 In determining the costs of providing and operating a disposal facility, a county may
30 consider solid waste management costs incidental to a county's handling and disposal of
31 solid waste at its disposal facility, including the costs of the methods of solid waste
32 management specified in G.S. 130A-309.04(a) of the Solid Waste Management Act of
33 1989. A fee for the availability or use of a disposal facility may be based on the
34 combined costs of the different disposal facilities provided by the county.

35 (c) The board of county commissioners may use any suitable vacant land owned
36 by the county for the site of a disposal facility, subject to the permit requirements of
37 Article 9 of Chapter 130A of the General Statutes. If the county does not own suitable
38 vacant land for a disposal facility, it may acquire suitable land by purchase or
39 condemnation. The board may erect a gate across a highway that leads directly to a
40 disposal facility operated by the county. The gate may be erected at or in close proximity
41 to the boundary of the disposal facility. The county shall pay the cost of erecting and
42 maintaining the gate.

43 (d), (e) Repealed by Session Laws 1991, c. 652, s. 1.

1 (f) This section does not prohibit a county from providing aid to low-income
2 persons to pay all or part of the cost of solid waste management services for those
3 persons."

4 Sec. 28. G.S. 160A-314 is amended by adding a new subsection to read:

5 "(a2) A fee for the use of a disposal facility provided by the city may vary based on
6 the amount, characteristics, and form of recyclable materials present in solid waste
7 brought to the facility for disposal. This section does not prohibit a city from providing
8 aid to low-income persons to pay all or part of the cost of solid waste management
9 services for those persons."

10 Sec. 29. Section 2 of Chapter 321 of the 1995 Session Laws is repealed.

11 Sec. 30. (a) Each unit of local government shall adopt a resolution approving the
12 comprehensive solid waste management plan required by G.S. 130A-309.09A(b), as
13 amended by Section 13 of this act, and shall begin implementation of the plan by 1 July
14 1997. Units of local government that prepared a solid waste management plan pursuant
15 to G.S. 130A-309.09A(b) prior to the date this act becomes effective may, in lieu of
16 developing a new plan, update their existing plan to meet the requirements of G.S. 130A-
17 309.09A(b), as amended by Section 13 of this act.

18 (b) A generator of industrial waste who is required to develop a solid waste
19 management plan by G.S. 130A-309.09D(c), as enacted by Section 16 of this act, is not
20 required to complete the plan until 1 July 1997, and is not required to file a report on the
21 implementation of the plan with the Department of Environment, Health, and Natural
22 Resources until 1 August 1998.

23 Sec. 31. This act becomes effective 1 October 1996.