

GENERAL ASSEMBLY OF NORTH CAROLINA
1993 SESSION

CHAPTER 250
HOUSE BILL 663

AN ACT TO DELINEATE THE RESPONSIBILITIES OF THE DEPARTMENT OF COMMERCE AND THE DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES REGARDING THE DEVELOPMENT OF THE STATE'S RECYCLING INDUSTRY AND MARKETS FOR RECYCLABLE MATERIALS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 130A-309.14(b) reads as rewritten:

"(b) The Department of Commerce shall assist and encourage the recycling industry in the State. Assistance and encouragement of the recycling industry shall include:

- (1) ~~Identifying and analyzing in cooperation with the Department, Assisting the Department in the identification and analysis, by the Department pursuant to G.S. 130A-309.06, of components of the State's recycling industry and present and potential markets for recyclable materials in this State, other states, and foreign countries;~~
- (2) Providing information on the availability and benefits of using recycled materials to businesses and industries in the State, and
- (3) Distributing any material prepared in implementing this section to the public, businesses, industries, units of local government, or other organizations upon request."

Sec. 2. G.S. 130A-309.14(c) reads as rewritten:

~~"(c) By 1 March 1991, and every other year thereafter, the Department of Commerce shall prepare a report assessing the recycling industry and recyclable materials markets in the State."~~

Sec. 3. G.S. 130A-309.06 reads as rewritten:

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

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

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

- (2) Provide guidance for the orderly collection, transportation, storage, separation, processing, recovery, recycling, and disposal of solid waste throughout the State.
- (3) Encourage coordinated local activity for solid waste management within a common geographical area.
- (4) Provide planning, technical, and financial assistance to units of local government and State agencies for reduction, recycling, reuse, and processing of solid waste and for safe and environmentally sound solid waste management and disposal.
- (5) Cooperate with appropriate federal agencies and private organizations in carrying out the provisions of this Part.
- (6) Promote and assist the development of solid waste reduction, recycling, and resource recovery programs which preserve and enhance the quality of the air, water, and other natural resources of the State.
- (7) Maintain a directory of recycling and resource recovery systems in the State and provide assistance with matching recovered materials with markets.
- (8) Manage a program of grants for programs for recycling and special waste management, and for programs which provide for the safe and proper management of solid waste.
- (9) Provide for the education of the general public and the training of solid waste management professionals to reduce the production of solid waste, to ensure proper processing and disposal of solid waste, and to encourage recycling and solid waste reduction.
- (10) Develop descriptive literature to inform units of local government of their solid waste management responsibilities and opportunities.
- (11) Conduct at least one workshop each year in each region served by a council of governments.
- (12) Provide and maintain recycling bins for the collection and recycling of newspaper, aluminum cans, glass containers, and recyclable plastic beverage containers at the North Carolina Zoological Park.
- (13) Identify, based on reports required under G.S. 130A-309.14 and any other relevant information, those materials in the municipal solid waste stream that are marketable in the State or any portion thereof and that should be recovered from the waste stream prior to treatment or disposal.
- (14) Identify and analyze, with assistance from the Department of Commerce pursuant to G.S. 130A-309.14, components of the State's recycling industry and present and potential markets for recyclable materials in this State, other states, and foreign countries.

(b) The Department may refuse to issue a permit to an applicant who by past conduct in this State has repeatedly violated related statutes, rules, orders, or permit terms or conditions relating to any solid waste management facility and who is deemed

by the Department to be responsible for the violations. For the purpose of this subdivision, an applicant includes the owner or operator of the facility, or, if the owner or operator is a business entity, the parent of the subsidiary corporation, a partner, a corporate officer or director, or a stockholder holding more than fifty percent (50%) of the stock of the corporation.

(c) ~~The Department shall prepare by 1 May 1991, and every year thereafter, of each year~~ a report on the status of solid waste management efforts in the State. The scope of the report shall be determined by the resources available to the Department for its preparation and, to the extent possible, shall include:

- (1) A comprehensive analysis, to be updated in each report, of solid waste generation and disposal in the State projected for the 20-year period beginning on 1 July 1991.
- (2) The total amounts of solid waste generated, recycled, and disposed of and the methods of solid waste recycling and disposal used during the calendar year prior to the year in which the report is published.
- (3) An evaluation of the development and implementation of local solid waste management programs and county and municipal recycling programs.
- (4) An evaluation of the success of each county or group of counties in meeting the municipal solid waste reduction goal established in G.S. 130A-309.04.
- (5) Recommendations concerning existing and potential programs for solid waste reduction and recycling that would be appropriate for units of local government and State agencies to implement to meet the requirements of this Part.
- (6) An evaluation of the markets for recycled materials and the success of State, local, and private industry efforts to enhance the markets for such materials.
- (7) Recommendations to the Governor and the General Assembly to improve the management and recycling of solid waste in the State.

(d) The Department of Environment, Health, and Natural Resources shall prepare by March 1, 1994, and every other year thereafter, a report assessing the recycling industry and recyclable materials markets in the State."

Sec. 4. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 30th day of June, 1993.

Dennis A. Wicker
President of the Senate

Daniel Blue, Jr.
Speaker of the House of Representatives