

GENERAL ASSEMBLY OF NORTH CAROLINA
1993 SESSION

CHAPTER 273
SENATE BILL 1164

AN ACT TO CONFORM THE MEANS BY WHICH SOLID WASTE
MANAGEMENT FACILITIES MAY DEMONSTRATE FINANCIAL
RESPONSIBILITY TO THE REQUIREMENTS OF FEDERAL LAW.

The General Assembly of North Carolina enacts:

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

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

The Commission may adopt rules for financial responsibility to ensure the availability of sufficient funds for closure and post-closure maintenance and monitoring at solid waste management facilities, and for any corrective action the Department may require during the active life of a facility or during the closure and post-closure periods. The rules may permit demonstration of financial responsibility through the use of a letter of credit, insurance, surety, trust agreement, financial test, or guarantee by corporate parents or third parties who can pass the financial test. ~~Financial responsibility rules shall not apply to solid waste management facilities operated by local government.~~"

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 5th day of July, 1993.

Dennis A. Wicker
President of the Senate

Daniel Blue, Jr.
Speaker of the House of Representatives