

GENERAL ASSEMBLY OF NORTH CAROLINA
1993 SESSION

CHAPTER 290
SENATE BILL 59

AN ACT TO PROHIBIT THE DISPOSAL OF CERTAIN CLASSES OF
RECYCLABLE SOLID WASTE IN LANDFILLS OR BY INCINERATION.

The General Assembly of North Carolina enacts:

Section 1. G.S. 130A-309.10 reads as rewritten:

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

(a) ~~After 1 January 1990, no~~ No beverage shall be sold or offered for sale within the State in a beverage container designed and constructed so that the container is opened by detaching a metal ring or tab.

(b) ~~After 1 October 1991, no~~ No person shall distribute, sell, or offer for sale in this State, any product packaged in a container or packing material manufactured with fully halogenated chlorofluorocarbons (CFC). Producers of containers or packing material manufactured with chlorofluorocarbons (CFC) are urged to introduce alternative packaging materials which are environmentally compatible.

(c) (1) ~~After 1 January 1991, no~~ No plastic bag shall be provided at any retail outlet to any retail customer to use for the purpose of carrying items purchased by that customer unless the bag is composed of material which is recyclable. Notice of recyclability shall be printed on each bag purchased by the ~~retailer after 1 January 1991, retailer.~~

(2) It is the goal of the State ~~that, that~~ by 1 January 1993, at least twenty-five percent (25%) of the plastic bags provided at retail outlets in the State to retail customers for carrying items purchased by the customer be recycled.

(d) (1) ~~After 1 October 1991, no~~ No person shall distribute, sell, or offer for sale in this State any polystyrene foam product which is to be used in conjunction with food for human consumption unless such product is composed of material which is recyclable.

(2) ~~After 1 October 1, 1997~~, no person shall distribute, sell, or offer for sale in this State any polystyrene foam product that is to be used in conjunction with food for human consumption unless the Secretary certifies that at least twenty-five percent (25%) of such products are being recycled. This subdivision does not apply to any polystyrene foam product containing at least twenty-five percent (25%) polystyrene derived from products that have been collected for

recycling after those products have served the purpose for which they were manufactured.

(e) ~~After 1 July 1991, no~~ No person shall distribute, sell, or offer for sale in this State any plastic container product unless the product has a molded label indicating the plastic resin used to produce the plastic container product. The code shall consist of a number placed within three triangulated arrows and letters placed below the triangulated arrows. The three arrows shall form an equilateral triangle with the common point of each line forming each angle of the triangle at the midpoint of each arrow and rounded with a short radius. The arrowhead of each arrow shall be at the midpoint of each side of the triangle with a short gap separating the arrowhead from the base of the adjacent arrow. The triangle formed by the three arrows curved at their midpoints shall depict a clockwise path around the code number. The label shall appear on the bottom of the plastic container product and be clearly visible. Plastic beverage containers having a capacity of less than 16 fluid ounces, nonsolid food liquid containers having a capacity of less than 16 fluid ounces, and rigid plastic containers having a capacity of less than eight fluid ounces are exempt from the requirements of this subsection. The numbers and letters shall be as follows:

- (1) For polyethylene terephthalate, the letters 'PETE' and the number 1.
- (2) For high density polyethylene, the letters 'HDPE' and the number 2.
- (3) For vinyl, the letter 'V' and the number 3.
- (4) For low density polyethylene, the letters 'LDPE' and the number 4.
- (5) For polypropylene, the letters 'PP' and the number 5.
- (6) For polystyrene, the letters 'PS' and the number 6.
- (7) For any other, including multi-material containers, the letters 'OTHER' and the number 7.

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

- (1) Repealed by Session Laws 1991, c. 375, s. 1, effective October 1, 1991.
- (2) ~~Used oil, oil, after 1 October 1990.~~
- (3) Yard trash, ~~after 1 January 1993,~~ except in landfills classified for such use under rules adopted by the Commission. Yard trash that is source separated from solid waste may be accepted at a solid waste disposal area where the area provides and maintains separate yard trash composting facilities.
- (4) ~~White goods, goods, after 1 January 1991.~~
- (5) Antifreeze (ethylene glycol).
- (6) Aluminum cans, after July 1, 1994.

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

- (1) Antifreeze (ethylene glycol) used solely in motor vehicles, after July 1, 1994.
- (2) Aluminum cans, after July 1, 1994.

- (3) Steel cans, unless the steel is recoverable at the end of the incineration process, after July 1, 1994.
- (4) White goods, after July 1, 1994.

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

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

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

Sec. 2. This act becomes effective July 1, 1993.

In the General Assembly read three times and ratified this the 7th day of July, 1993.

Dennis A. Wicker
President of the Senate

Daniel Blue, Jr.
Speaker of the House of Representatives