

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 111

Environment & Natural Resources Committee Substitute Adopted 5/8/89

Short Title: State Solid Waste Policy.

(Public)

Sponsors:

Referred to:

February 6, 1989

A BILL TO BE ENTITLED

AN ACT TO REQUIRE THE DEPARTMENT OF HUMAN RESOURCES TO COMPLETE THE DEVELOPMENT OF A STATE COMPREHENSIVE SOLID WASTE MANAGEMENT PROGRAM BY JANUARY 1, 1991, AND TO ESTABLISH A STATE SOLID WASTE MANAGEMENT POLICY.

The General Assembly of North Carolina enacts:

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

"§ 130A-294. Solid waste management program.

(a) The Department is authorized and directed to engage in research, conduct investigations and surveys, make inspections and establish a ~~statewide-comprehensive~~ solid waste management ~~program-program~~ for the State. In establishing a program, the Department shall have authority to:

- (1) Develop a comprehensive program for implementation of safe and sanitary practices for management of solid waste;
- (2) Advise, consult, cooperate and contract with other State agencies, units of local government, the federal government, industries and individuals in the formulation and carrying out of a solid waste management program;
- (3) Develop and adopt rules to establish standards for qualification as a waste 'recycling, reduction or resource recovering facility' or as waste 'recycling, reduction or resource recovering equipment' for the purpose of special tax classifications or treatment, and to certify as qualifying those applicants which meet the established standards. The

1 standards shall be developed to qualify only those facilities and
2 equipment exclusively used in the actual waste recycling, reduction or
3 resource recovering process and shall exclude any incidental or
4 supportive facilities and equipment;

- 5 (4) Develop a permit system governing the establishment and operation of
6 solid waste management facilities. No permit shall be granted for a
7 sanitary landfill, excluding demolition landfills as defined in the rules
8 of the Commission for Health Services, without the Department
9 receiving the prior approval for such permit from the county where it
10 is to be located, except if it is to be located within the corporate limits
11 or extraterritorial jurisdiction under Article 19 of Chapter 160A of the
12 General Statutes, of a city as defined in G.S. 160A-1(2), from the city
13 where it is to be located or whose jurisdiction it is in. No permit shall
14 be granted for a solid waste management facility having discharges
15 which are point sources until the Department has referred the complete
16 plans and specifications to the Environmental Management
17 Commission and has received advice in writing that the plans and
18 specifications are approved in accordance with the provisions of G.S.
19 143-215.1. In any case where the Department denies a permit for a
20 solid waste management facility, it shall state in writing the reason for
21 denial and shall also state its estimate of the changes in the applicant's
22 proposed activities or plans which will be required for the applicant to
23 obtain a permit.

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

- 32 (4a) No permit shall be granted for any public or private sanitary landfill to
33 receive solid nonradioactive waste generated outside the boundaries of
34 North Carolina to be deposited, unless such waste has previously been
35 inspected by the solid waste regulatory agency of that nation, state or
36 territory, characterized in detail as to its contents and certified by that
37 agency to be noninjurious to health and safety. The Commission shall
38 adopt rules to implement this subsection;

- 39 (5a) Designate a geographic area within which the collection,
40 transportation, storage and disposal of all solid waste generated within
41 said area shall be accomplished in accordance with a solid waste
42 management plan. Such designation may be made only after the
43 Department has received a request from the unit or units of local
44 government having jurisdiction within said geographic area that such

1 designation be made and after receipt by the Department of a solid
2 waste management plan which shall include:

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

12 (5b) Authorize units of local government to require by ordinance, that all
13 solid waste generated within the designated geographic area that is
14 placed in the waste stream for disposal be collected, transported, stored
15 and disposed of at a permitted solid waste management facility or
16 facilities serving such area. The provisions of such ordinance shall not
17 be construed to prohibit the source separation of materials from solid
18 waste prior to collection of such solid waste for disposal, or prohibit
19 collectors of solid waste from recycling materials or limit access to
20 such materials as an incident to collection of such solid waste;
21 provided such prohibitions do not authorize the construction and
22 operation of a resource recovery facility unless specifically permitted
23 pursuant to an approved solid waste management plan. If a private
24 solid waste landfill shall be substantially affected by such ordinance
25 then the unit of local government adopting the ordinance shall be
26 required to give the operator of the affected landfill at least two years
27 written notice prior to the effective date of the proposed ordinance;

28 (5c) Except for the authority to designate a geographic area to be serviced
29 by a solid waste management facility, delegate authority and
30 responsibility to units of local government to perform all or a portion
31 of a solid waste management program within the jurisdictional area of
32 the unit of local government; provided that no authority over or control
33 of the operations or properties of one local government shall be
34 delegated to any other local government;

35 (5d) Require that an annual report of the implementation of the solid waste
36 management plan within the designated geographic area be filed with
37 the Department;

38 (6) The Department is authorized to charge and collect fees from
39 operators of hazardous waste landfill facilities. The fees shall be used
40 to establish a fund sufficient for each individual facility to defray the
41 anticipated costs to the State for monitoring and care of the facility
42 after the termination of the period during which the facility operator is
43 required by applicable State and federal statutes, regulations or rules to
44 remain responsible for post-closure monitoring and care. In

1 establishing the fees, consideration shall be given to the size of the
2 facility, the nature of the hazardous waste and the projected life of the
3 facility;
4 (7) Establish and collect annual fees from generators and transporters of
5 hazardous waste, and from storage, treatment, and disposal facilities
6 regulated under this Article as provided in G.S. 130A-294.1."

7 Sec. 2. Part 2 of Article 9 of Chapter 130A of the General Statutes is
8 amended by adding a new section to read:

9 "**§ 130A-293.1. Declaration of policy; plans required.**

10 (a) This section shall apply to solid waste other than hazardous waste and
11 sludges.

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

16 (1) Waste volume reduction at the source;

17 (2) Recycling and reuse;

18 (3) Composting;

19 (4) Incineration with energy production;

20 (5) Incineration for volume reduction;

21 (6) Disposal in landfills.

22 (c) It is the policy of the State to encourage research into innovative solid waste
23 management methods and products and to encourage regional solid waste management
24 projects.

25 (d) It is the policy of this State that at least twenty-five percent (25%) of the total
26 waste stream be recycled by January 1, 1993;

27 (e) In furtherance of the State's solid waste management policy, each State
28 agency shall develop a solid waste management plan for any waste which it generates
29 which is consistent with the solid waste management policy of the State.

30 (f) Each county shall, in cooperation with its municipalities, develop a
31 comprehensive county solid waste management plan and submit the plan to the
32 Department for approval. County solid waste management plans shall be updated and
33 submitted for approval at least once every two years. A county solid waste management
34 plan shall be consistent with the State's comprehensive solid waste plan. In counties
35 where a municipality operates the major solid waste disposal facility, the comprehensive
36 solid waste plan may be prepared by the municipality, with the approval of the county
37 and in cooperation with the other municipalities. Each county's comprehensive solid
38 waste management plan shall include provisions which address the State's recycling
39 goal. Each county's plan shall take into consideration facilities and other resources for
40 management of solid waste which may be available through private enterprise. This
41 section shall not be construed to discourage or limit the participation of private
42 enterprise in solid waste management. The Department shall develop a form designed
43 to elicit pertinent information regarding a county's solid waste management plan. The
44 Department shall provide assistance in the preparation of county plans upon request."

1 Sec. 3. The Department shall develop a comprehensive solid waste
2 management plan consistent with G.S. 130A-293.1 by January 1, 1991. Each county
3 shall develop a comprehensive solid waste management plan consistent with G.S.
4 130A-293.1 and submit its plan to the Department of Human Resources for approval by
5 January 1, 1992.

6 Sec. 4. This act is effective upon ratification.