

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 131

Short Title: Limit Proximity of Waste Facilities.

(Public)

Sponsors: Senators Bryan, Johnson of Wake, Barker; Cochrane, Ezzell, Smith, Tally, and Walker.

Referred to: Environment and Natural Resources.

February 7, 1989

A BILL TO BE ENTITLED

AN ACT TO PROHIBIT THE PERMITTING OF A LOW-LEVEL RADIOACTIVE WASTE FACILITY OR A HAZARDOUS WASTE FACILITY WITHIN THIRTY-FIVE MILES OF, OR IN THE SAME COUNTY OF, ANY OTHER FACILITY THAT STORES, TREATS, OR DISPOSES OF HIGH-LEVEL RADIOACTIVE WASTE; A LOW-LEVEL RADIOACTIVE WASTE FACILITY; OR HAZARDOUS WASTE FACILITY.

The General Assembly of North Carolina enacts:

Section 1. Chapter 104E of the General Statutes is amended by adding a section to read:

**"§ 104E-10.4. Limitation for low-level radioactive facilities.**

(a) No low-level radioactive waste facility may be permitted within 35 miles of, or in the same county of:

- (1) Any facility for the storage, treatment, or disposal of high-level radioactive waste; or
- (2) Any low-level radioactive waste facility; or
- (3) Any commercial hazardous waste facility that accepts hazardous waste from the general public for treatment;

unless the board of county commissioners of the county in which the proposed facility is to be located officially approves.

(b) As used in this section, the term:

- (1) 'High-level radioactive waste' has the same meaning as in the Nuclear Waste Policy Act of 1982, 42 U.S.C. 10101(12), as amended; and

1           (2) 'Hazardous waste facility' has the same meaning as in G.S. 130A-  
2           290(5).

3           (c) This section shall apply to any person who applies for a license or an  
4 amendment to a license to operate a low-level radioactive waste facility, and who is in  
5 the business of storing, treating, or disposing of the low-level radioactive waste of  
6 another person. This section does not apply to a person who stores, treats, or disposes  
7 of the low-level radioactive waste that it generates.

8           (d) A facility is deemed to be currently located in a county upon the issuance of  
9 any license by the Department of Human Resources that authorizes:

10           (1) Engineering or architectural studies,

11           (2) Construction, or

12           (3) Operation

13 of such facility."

14           Sec. 2. Chapter 130A of the General Statutes is amended by adding a section  
15 after G.S. 130A-295.1 to read:

16 **"§ 130A-295.2. Additional limitation on permits for hazardous waste facilities.**

17           (a) In addition to the provisions of G.S. 130A-294(h), no hazardous waste facility  
18 may be permitted within 35 miles of, or in the same county of:

19           (1) Any facility for the storage, treatment, or disposal of high-level  
20 radioactive waste; or

21           (2) Any low-level radioactive waste facility; or

22           (3) Any commercial hazardous waste facility that accepts hazardous waste  
23 from the general public for treatment;

24 unless the board of county commissioners of the county in which the proposed  
25 hazardous waste facility is to be located officially approves.

26           (b) As used in this section, the term:

27           (1) 'High-level radioactive waste' has the same meaning as in the Nuclear  
28 Waste Policy Act of 1982, 42 U.S.C. 10101(12), as amended; and

29           (2) 'Low-level radioactive waste facility' has the same meaning as in G.S.  
30 104E-5(9b).

31           (c) This section shall apply to any person who applies for a draft permit or a  
32 permanent permit to establish or operate a commercial hazardous waste facility that  
33 accepts hazardous waste from the general public for treatment.

34           (d) A facility is deemed to be currently located in a county upon the issuance of  
35 any permit by the Department of Human Resources that authorizes:

36           (1) Engineering or architectural studies,

37           (2) Construction, or

38           (3) Operation

39 of such facility."

40           Sec. 3. This act is effective upon ratification.