

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 952

Short Title: Reduce Hazardous Waste.

(Public)

Sponsors: Senators Tally; Daughtry, Hunt of Moore, Marvin, Odom, Plyler, Sherron, Staton, Taft, Walker, Ward, and Winner.

Referred to: Environment and Natural Resources.

April 19, 1989

A BILL TO BE ENTITLED
AN ACT TO FACILITATE THE REDUCTION OF HAZARDOUS WASTE AND
AIR AND WATER DISCHARGES IN NORTH CAROLINA TO PROTECT
HUMAN HEALTH AND THE ENVIRONMENT.

The General Assembly of North Carolina enacts:

Section 1. Article 9 of Chapter 130A of the General Statutes is amended by adding a new Part to read:

"PART 4.

"HAZARDOUS WASTE REDUCTION ACT.

"§ 130A-310.15. Definitions. Unless the context indicates otherwise, as used in this

Part:

- (1) 'Comprehensive hazardous waste reduction plan' means a plan which is prepared annually by the Department of Human Resources to determine the amount of hazardous waste being generated and projected in North Carolina, the potential for waste prevention and reduction by types of industry, and an assessment of the need and scope of hazardous waste treatment and disposal facilities.
- (2) 'Hazardous waste' means all nonproduct hazardous outputs from an industrial operation into all environmental media, even though the outputs may be within permitted or licensed limits.
- (3) 'Hazardous waste treatment facility' means a facility which is established to recover, recycle, detoxify, minimize, or store hazardous waste.

- 1 (4) 'Recycling' means the reuse of a waste as an effective substitute for a
2 commercial product or as an ingredient or feedstock in an industrial
3 process, the reclamation of useful constituent fractions within a waste
4 material, and the removal of contaminants from a waste to allow it to
5 be reused.
- 6 (5) 'Source reduction' means the elimination of waste at the source,
7 usually within a process, including process modifications, feedstock
8 substitutions, improvements in feedstock purity, housekeeping and
9 management practices, increases in the efficiency of machinery and
10 recycling within the process, or any action that reduces the toxicity and
11 amount of the waste existing from the production process.
- 12 (6) 'Waste audit' means an evaluation process at a facility, which
13 examines the opportunities and potentials for implementing process
14 modifications, material substitutions, or more efficient management
15 practices with respect to particular waste streams generated within the
16 facility.
- 17 (7) 'Waste exchange' means the provision or sale of waste generated by
18 one company to another company that can use the waste material
19 untreated or can use the waste material while subjecting it to a minimal
20 amount of treatment prior to reuse.
- 21 (8) 'Waste minimization' includes any source reduction or recycling
22 activity undertaken by a generator that results in:
23 a. The reduction of the volume or quantity of hazardous waste;
24 b. The reduction of the toxicity of hazardous waste; or
25 c. Both,
26 as long as the reduction is consistent with the goal of minimizing
27 present and future threats to human health and the environment.
- 28 (9) 'Waste prevention' means in-plant practices that avoid or eliminate the
29 generation of hazardous waste.
- 30 (10) 'Waste Prevention and Reduction Plan' means a plan prepared by
31 hazardous waste generators, which delineates by waste stream a
32 method for the prevention and reduction of waste generation.
- 33 (11) 'Waste reduction' means in-plant practices such as recycling,
34 exchange, or detoxification, which reduce the amount of waste that
35 must be treated and disposed of off-site.
- 36 (12) 'Waste reduction standards' means regulations adopted by the
37 Commission for Health Services, which specify targets for goals over
38 specified periods of time for:
39 a. The reduction of the volume or quantity; and
40 b. The reduction of the toxicity
41 of specific waste streams within industry sectors, as well as the criteria
42 for process modifications, feedstock substitutions, best management
43 practices, and feasible technological innovations for meeting waste
44 reduction goals within specific waste streams and industry sectors.

1 **"§ 130A-310.16. Legislative findings; purpose.**

2 The General Assembly finds that the timely development of a comprehensive
3 hazardous waste reduction plan for the prevention and reduction of hazardous waste is
4 essential to determine the scope and need for an off-site hazardous waste treatment
5 facility.

6 The General Assembly further finds that it is essential to ensure that the State fulfills
7 its responsibilities under SARA, the Superfund Amendments and Reauthorization Act
8 of 1986, Pub. L. No. 99-499, 100 Stat. 1613, as amended, to provide for the availability
9 of adequate capacity for the management of hazardous waste by putting in place a
10 comprehensive hazardous waste reduction plan. This plan should encourage source
11 reduction and on-site treatment of hazardous waste and should reduce reliance on out-
12 of-State and off-site treatment and disposal facilities. Hazardous waste that is generated
13 should be minimized, treated on-site, stored and disposed of so as to protect human
14 health and the environment. The State should aid industry in meeting the goals and
15 policies of this Part through technical assistance.

16 It is the intent of the General Assembly that the Capacity Assurance Plan (CAP), as
17 required under SARA, should reflect the State's primary commitment to waste
18 minimization through a combination of technical assistance, economic incentives,
19 education, and mandatory waste reduction regulations.

20 The General Assembly declares it to be the policy of North Carolina that, wherever
21 feasible, the generation of hazardous waste is to be prevented or reduced as
22 expeditiously as possible.

23 It is the purpose of this Part to prevent and reduce the generation of hazardous waste
24 in North Carolina. The State's goal is to reduce the volume and toxicity of hazardous
25 waste that is generated or shipped off-site by North Carolina facilities by thirty percent
26 (30%) and to reduce the volume of permitted air and water discharges which are
27 regulated under the Clean Water and Clean Air Act by the Division of Environmental
28 Management in the Department of Natural Resources and Community Development by
29 thirty percent (30%).

30 **"§ 130A-310.17. Comprehensive hazardous waste reduction plan.**

31 The Solid Waste Management Section of the Department of Human Resources, in
32 conjunction with the Pollution Prevention Pays Program in the Division of
33 Environmental Management of the Department of Natural Resources and Community
34 Development, shall develop a comprehensive hazardous waste reduction plan. The plan
35 shall specify:

- 36 (1) A standard protocol for conducting an annual waste audit at all
37 NPDES-permitted and all waste-generating facilities under RCRA, the
38 Resource Conservation and Recovery Act of 1976, Pub. L. No. 94-
39 580, 90 Stat. 2795, 42 U.S.C. §6901, as amended, that receive either
40 discharge permits from the Division of Environmental Management
41 under G.S. 143-215 for point discharges to air and water or hazardous
42 waste management permits from the Department of Human Resources
43 under G.S. 130A-294;

- 1 (2) A standardized format for the elements and components of a facility-
2 specific hazardous waste reduction plan based on the results of the
3 annual waste audit;
- 4 (3) Performance standards for reduction of specific waste streams in
5 individual industrial classifications; and
- 6 (4) A compliance evaluation procedure which is based on the development
7 of waste minimization ratios for each industry group and waste stream,
8 considering total product use, end-of-process waste output, best
9 management practices, and economically feasible process
10 modifications.

11 **"§ 130A-310.18. Annual waste audits.**

12 Each generator of hazardous waste that is regulated by RCRA shall perform an
13 annual waste audit to evaluate its potential for waste prevention and reduction. These
14 annual audits shall form the basis for a generator to prepare a Waste Prevention and
15 Reduction Plan to be submitted to the appropriate permitting agencies under the RCRA
16 permit program on an annual basis or at the time of reapplication for a new permit.

17 **"§ 130A-310.19. Hazardous waste reduction standards.**

18 (a) The Commission for Health Services shall adopt waste reduction standards
19 for waste prevention and waste reduction according to the types of industry which are
20 permitted as generators of hazardous waste under RCRA.

21 (b) The Environmental Management Commission shall adopt waste reduction
22 standards for waste prevention and reduction according to the types of industry based on
23 Standard Industrial Classifications (SIC Code).

24 **"§ 130A-310.20. Waste Prevention and Reduction Plan.**

25 (a) All facilities permitted under RCRA shall develop a Waste Prevention and
26 Reduction Plan. The Department shall review the facility's Waste Prevention and
27 Reduction Plan. If the Plan of a facility does not meet the waste reduction standards
28 adopted by the Commission for Health Services, the Department may not issue a permit
29 to that facility.

30 (b) All generators of hazardous waste which have waste minimization
31 certification under Section 3002(b) of RCRA for the off-site shipment of hazardous
32 waste shall develop a Waste Prevention and Reduction Plan. The Department shall
33 review the generator's Waste Prevention and Reduction Plan. If the Plan does not meet
34 the waste reduction standards adopted by the Commission for Health Services, the
35 Department may not issue a permit to ship waste off-site.

36 (c) All generators required to have a discharge and nondischarge permit for air,
37 surface, and groundwater shall develop a Waste Prevention and Reduction Plan. The
38 Division of Environmental Management shall review the facility's Waste Prevention
39 and Reduction Plan. If the Plan of a generator does not meet the waste reduction
40 standards adopted by the Environmental Management Commission, the Division of
41 Environmental Management may not issue a discharge or nondischarge permit to that
42 generator.

43 (d) Any facility which applies to the Environmental Management Commission
44 for a variance or a Special Order of Consent (SOC) under G.S. 143-215.2 shall include a

1 waste audit analysis that assures the use of the best available technology in reducing the
2 volume and toxicity of the permitted air or water discharge."

3 Sec. 2. G.S. 143B-470.1 through G.S. 143B-470.6 is repealed.

4 Sec. 3. Part 2 of Article 9 of Chapter 130A of the General Statutes is
5 amended by adding a new section to read:

6 **"§ 130A-294.1. Hazardous waste and hazardous waste residue disposal.**

7 No hazardous waste may be disposed of in a landfill. The residues of hazardous
8 waste that have been reduced and treated to the extent feasible shall be stored in a
9 monitored, retrievable aboveground facility. As used in this section, 'monitored,
10 retrievable aboveground facility' means a facility to store hazardous waste residue above
11 the surface of the earth."

12 Sec. 4. Article 21 of Chapter 143 of the General Statutes is amended by
13 adding a new section to read:

14 **"§143-215.10. Waste Prevention and Reduction Plan.**

15 (a) The Environmental Management Commission shall adopt waste reduction
16 standards for waste prevention and waste reduction according to the provisions of Part 4
17 of Article 9 of Chapter 130A of the General Statutes.

18 (b) In addition to the provisions of this Article, all generators required to have a
19 discharge and nondischarge permit for surface and groundwater shall comply with the
20 provisions of Part 4 of Article 9 of Chapter 130A of the General Statutes regarding the
21 development of a Waste Prevention and Reduction Plan."

22 Sec. 5. Article 21B of Chapter 143 of the General Statutes is amended by
23 adding a new section to read:

24 **"§ 143-215.108A. Waste Prevention and Reduction Plan.**

25 (a) The Environmental Management Commission shall adopt waste reduction
26 standards for waste prevention and waste reduction according to the provisions of Part 4
27 of Article 9 of Chapter 130A of the General Statutes.

28 (b) In addition to the provisions of this Article, all generators required to have an
29 air discharge and nondischarge permit shall comply with the provisions of Part 4 of
30 Article 9 of Chapter 130A of the General Statutes regarding the development of a Waste
31 Prevention and Reduction Plan."

32 Sec. 6. This act shall become effective January 1, 1990.