

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 620

Second Edition Engrossed 5/9/91

Senate Environment & Natural Resources Committee Substitute Adopted 6/13/91

Short Title: Recycle Lead-Acid Batteries.

(Public)

Sponsors:

Referred to:

April 8, 1991

A BILL TO BE ENTITLED

AN ACT TO REQUIRE THE RECYCLING OF LEAD-ACID BATTERIES AND TO OTHERWISE REGULATE THE DISPOSAL OF LEAD-ACID BATTERIES.

The General Assembly of North Carolina enacts:

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

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

(1) ~~Lead acid batteries, after 1 January 1991. Lead acid batteries also shall not be disposed of in any waste to energy facility after 1 January 1991. To encourage proper collection and recycling, all persons who sell lead acid batteries at retail shall accept used lead acid batteries as trade-ins for new lead acid batteries.~~

(2) Used 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, after 1 January 1991."

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

**"PART 2C. LEAD-ACID BATTERIES.**

1 **"§ 130A-309.70. Landfilling and incineration of lead-acid batteries prohibited;**  
2 **delivery for recycling.**

3 (a) No person shall knowingly place or dispose of a used lead-acid battery in a  
4 landfill, incinerator, or in any waste-to-energy facility. Any person may deliver a lead-  
5 acid battery to a battery retailer or wholesaler, or to a secondary lead smelter, or to a  
6 collection or recycling facility authorized under this Chapter or by the United States  
7 Environmental Protection Agency.

8 (b) No battery retailer shall knowingly place or dispose of a used lead-acid  
9 battery in a landfill, incinerator, or waste-to-energy facility. Any battery retailer may  
10 deliver a used lead-acid battery to the agent of a battery wholesaler or a secondary lead  
11 smelter, to a battery manufacturer for delivery to a secondary lead smelter, or to a  
12 collection or recycling facility authorized under this Chapter or by the United States  
13 Environmental Protection Agency.

14 (c) Any person who knowingly places or disposes of a lead-acid battery in  
15 violation of this section shall be assessed a civil penalty of not more than fifty dollars  
16 (\$50.00) per violation. Each battery improperly disposed of shall constitute a separate  
17 violation.

18 **"§ 130A-309.71. Retailers required to accept lead-acid batteries for recycling;**  
19 **posting of notice required.**

20 (a) A person who sells or offers for sale lead-acid batteries at retail in this State  
21 shall accept from customers, at the point of transfer or sale, used lead-acid batteries of  
22 the type and in a quantity at least equal to the number of new batteries purchased, if  
23 offered by customers.

24 (b) A person who sells or offers for sale lead-acid batteries at retail in this State  
25 shall post written notice which must be at least 8 1/2 inches by 11 inches in size and  
26 must contain the universal recycling symbol and the following language:

27 (1) 'It is illegal to improperly dispose of a motor vehicle battery or other  
28 lead-acid battery.'

29 (2) 'Recycle your used batteries.'

30 (3) 'State law requires us to accept used motor vehicle batteries or other  
31 lead-acid batteries for recycling in exchange for new batteries  
32 purchased.'

33 (c) Any person who fails to post the notice required by subsection (b) of this  
34 section after receiving a written warning from the Department to do so shall be assessed  
35 a civil penalty of not more than fifty dollars (\$50.00) per day for each day the person  
36 fails to post the required notice.

37 **"§ 130A-309.72. Wholesalers required to accept lead-acid batteries.**

38 (a) No person selling new lead-acid batteries at wholesale shall refuse to accept  
39 from customers at the point of transfer, used lead-acid batteries of the type and in a  
40 quantity at least equal to the number of new batteries purchased, if offered by  
41 customers. A person accepting batteries in transfer from a battery retailer shall be  
42 allowed a period not to exceed 90 days to remove batteries from the retail point of  
43 collection.

1 (b) Any person who violates this section shall be assessed a civil penalty of fifty  
2 dollars (\$50.00) per violation. Each battery refused by a wholesaler or not removed  
3 from the retail point of collection within 90 days shall constitute a separate violation.

4 **"§ 130A-309.73. Inspections of battery retailers authorized; construction of this**  
5 **Part.**

6 (a) The Department may inspect any place, building, or premise subject to the  
7 provisions of G.S. 130A-309.71. The Department may issue warnings to persons who  
8 fail to comply with the provisions of this Part.

9 (b) The provisions of this Part shall not be construed to prohibit any person who  
10 does not sell lead-acid batteries from collecting and recycling such batteries."

11 Sec. 3. This act shall not be construed to obligate the General Assembly to  
12 make any appropriation to implement the provisions of this act. The Department of  
13 Environment, Health, and Natural Resources shall implement the provisions of this act  
14 from funds otherwise appropriated or available to the Department.

15 Sec. 4. This act becomes effective 1 October 1991.