

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 1359*

Short Title: Unlined Landfills/Temporary Extension.

(Public)

Sponsors: Representatives Russell, Mercer; and Sharpe.

Referred to: Health and Environment.

May 24, 1996

A BILL TO BE ENTITLED

**AN ACT TO AUTHORIZE THE CONTINUED OPERATION OF CERTAIN
UNLINED MUNICIPAL SOLID WASTE LANDFILLS, AS RECOMMENDED BY
THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT
COMMITTEE.**

The General Assembly of North Carolina enacts:

Section 1. (a) A person who holds a permit for an existing municipal solid waste landfill that is not designed and constructed with a liner and leachate collection system may continue to receive municipal solid waste for disposal in that landfill after 1 January 1998 and until 1 January 2003 in order to establish improved final contours of that landfill if the permittee has implemented a solid waste reduction and recycling program that is determined by the Department of Environment, Health, and Natural Resources, in accordance with subsections (c1) and (c2) of G.S. 130A-309.04, to have reduced the amount of solid waste eligible for disposal at that landfill and the Department approves an amended transition plan pursuant to this act.

(b) Waste received at a municipal solid waste landfill that is authorized to continue operation under this act shall be disposed of in a vertical expansion within the perimeter of the area in which waste had been disposed of as of 9 October 1991. The quantity of municipal solid waste received at a municipal solid waste landfill that is authorized to continue operation under this act shall not exceed the quantity of municipal solid waste

1 received in the landfill between 1 July 1991 and 30 June 1996. The Department of
2 Environment, Health, and Natural Resources shall not approve an amended transition
3 plan that provides for the receipt of waste in excess of the quantity authorized by this
4 subsection.

5 (c) A permittee who is authorized to continue operation of a landfill under this act
6 shall, when closing the landfill, install a cap system that:

7 (1) Contains a composite liner consisting of two components, a compacted
8 clay liner and a geomembrane liner.

9 (2) After the waste has settled, will have final contours such that no part of
10 the cap system will have a slope of less than five percent (5%) or more
11 than twenty-five percent (25%).

12 (3) Covers all contiguous areas used for waste disposal, including
13 contiguous areas within the landfill that were used for waste disposal
14 prior to 9 October 1991.

15 (4) Complies with rules adopted by the Commission for Health Services.

16 (d) The vertical expansion of the municipal solid waste landfill shall comply with
17 all applicable federal laws and regulations.

18 (e) A permittee who is authorized to continue operation of a landfill under this
19 act shall prepare an amended transition plan, including a closure plan for the landfill, that
20 complies with this act. In preparing the amended transition plan, the permittee shall
21 comply with the public notice and participation requirements of G.S. 130A-294(b)(2) as
22 though the amended transition plan were a substantial amendment to the permit and with
23 all other requirements applicable to transition plans under Article 9 of Chapter 130A of
24 the General Statutes and rules adopted under that Article. The closure plan shall be
25 submitted to the Department for approval prior to 1 January 1997.

26 (f) A permittee who is authorized to continue operation of a landfill under this
27 act shall implement and maintain a program to minimize the amount of household
28 hazardous waste, as defined in 40 Code of Federal Regulations § 261.4(b)(1) (1 July 1995
29 Edition), that is generated by households served by the landfill and disposed of in the
30 landfill. The program shall, at a minimum:

31 (1) Provide a facility for the collection and management of household
32 hazardous waste that accepts household hazardous waste at least once a
33 month and that meets all applicable federal and State requirements.

34 (2) Include a public education component to encourage members of the
35 public to make use of the household hazardous waste program and to
36 comply with all federal and State laws, regulations, and rules relating to
37 the disposal of household hazardous waste.

38 (g) A permittee who is authorized to continue operation of a landfill under this
39 act shall also comply with the requirements of G.S. 130A-309.09B.

40 Sec. 2. This act is effective upon ratification and expires on 1 January 2003.