

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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HOUSE BILL 576
PROPOSED COMMITTEE SUBSTITUTE H576-PCS40518-RI-9

Short Title: Allow Aerosolization of Leachate.

(Public)

Sponsors:

Referred to:

April 6, 2017

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE THE DEPARTMENT OF ENVIRONMENTAL QUALITY TO
3 APPROVE AEROSOLIZATION AS AN ACCEPTABLE METHOD FOR DISPOSAL OF
4 LEACHATE AND WASTEWATER FROM A MUNICIPAL SOLID WASTE LANDFILL
5 AND PROVIDE THAT AEROSOLIZATION OF LEACHATE OR WASTEWATER
6 THAT RESULTS IN EFFLUENT-FREE PRODUCTION OR A ZERO-LIQUID
7 DISCHARGE DOES NOT CONSTITUTE A DISCHARGE THAT REQUIRES A
8 PERMIT.

9 The General Assembly of North Carolina enacts:

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

11 "§ 130A-294. Solid waste management program.

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

15 ...

16 (4) a. Develop a permit system governing the establishment and operation
17 of solid waste management facilities. A landfill with a disposal area
18 of 1/2 acre or less for the on-site disposal of land clearing and inert
19 debris is exempt from the permit requirement of this section and shall
20 be governed by G.S. 130A-301.1. Demolition debris from the
21 decommissioning of manufacturing buildings, including electric
22 generating stations, that is disposed of on the same site as the
23 decommissioned buildings, is exempt from the permit requirement of
24 this section and rules adopted pursuant to this section and shall be
25 governed by G.S. 130A-301.3. The Department shall not approve an
26 application for a new permit, major permit modification, or a
27 substantial amendment to a permit for a sanitary landfill, excluding
28 demolition landfills as defined in the rules of the Commission, except
29 as provided in subdivisions (3) and (4) of subsection (b1) of this
30 section. No permit shall be granted for a solid waste management
31 facility having discharges that are point sources until the Department
32 has referred the complete plans and specifications to the Commission
33 and has received advice in writing that the plans and specifications
34 are approved in accordance with the provisions of G.S. 143-215.1. In
35 any case where the Department denies a permit for a solid waste
36 management facility, it shall state in writing the reason for denial and



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- 1 shall also state its estimate of the changes in the applicant's proposed
2 activities or plans that will be required for the applicant to obtain a
3 permit.
- 4 b. Repealed by Session Laws 2007-550, s. 1(a), effective August 1,
5 2007.
- 6 c. The Department shall deny an application for a permit for a solid
7 waste management facility if the Department finds that:
- 8 1. Construction or operation of the proposed facility would be
9 inconsistent with or violate rules adopted by the Commission.
 - 10 2. Construction or operation of the proposed facility would
11 result in a violation of water quality standards adopted by the
12 Commission pursuant to G.S. 143-214.1 for waters, as
13 defined in G.S. 143-213.
 - 14 3. Construction or operation of the facility would result in
15 significant damage to ecological systems, natural resources,
16 cultural sites, recreation areas, or historic sites of more than
17 local significance. These areas include, but are not limited to,
18 national or State parks or forests; wilderness areas; historic
19 sites; recreation areas; segments of the natural and scenic
20 rivers system; wildlife refuges, preserves, and management
21 areas; areas that provide habitat for threatened or endangered
22 species; primary nursery areas and critical fisheries habitat
23 designated by the Marine Fisheries Commission; and
24 Outstanding Resource Waters designated by the Commission.
 - 25 4. Construction or operation of the proposed facility would
26 substantially limit or threaten access to or use of public trust
27 waters or public lands.
 - 28 5. The proposed facility would be located in a natural hazard
29 area, including a floodplain, a landslide hazard area, or an
30 area subject to storm surge or excessive seismic activity, such
31 that the facility will present a risk to public health or safety.
 - 32 6. There is a practical alternative that would accomplish the
33 purposes of the proposed facility with less adverse impact on
34 public resources, considering engineering requirements and
35 economic costs.
 - 36 7. The cumulative impacts of the proposed facility and other
37 facilities in the area of the proposed facility would violate the
38 criteria set forth in sub-sub-subdivisions 2. through 5. of this
39 sub-subdivision.
 - 40 8. Construction or operation of the proposed facility would be
41 inconsistent with the State solid waste management policy
42 and goals as set out in G.S. 130A-309.04 and with the State
43 solid waste management plan developed as provided in
44 G.S. 130A-309.07.
 - 45 9. The cumulative impact of the proposed facility, when
46 considered in relation to other similar impacts of facilities
47 located or proposed in the community, would have a
48 disproportionate adverse impact on a minority or low-income
49 community protected by Title VI of the federal Civil Rights
50 Act of 1964. This subdivision shall apply only to the extent
51 required by federal law.

- 1 d. Management of land clearing debris burned in accordance with 15A
- 2 NCAC 02D.1903 shall not require a permit pursuant to this section.
- 3 e. For the purpose of the disposal of leachate and wastewater collected
- 4 from a sanitary landfill for the disposal of municipal solid waste,
- 5 except those permitted for the disposal of coal combustion residuals,
- 6 the Department shall approve aerosolization of such leachate and
- 7 wastewater as an acceptable method of disposal. Aerosolization of
- 8 leachate or wastewater that results in effluent-free production or a
- 9 zero-liquid discharge does not constitute a discharge that requires a
- 10 permit under either Article 21 or Article 21B of Chapter 143 of the
- 11 General Statutes.

12"

13 **SECTION 2.** This act is effective when it becomes law.