

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 111

Short Title: State Solid Waste Policy.

(Public)

Sponsors: Senators Speed; Barker, Block, Bryan, Cobb, Daniel, Guy, Hardin, Hunt of Moore, Martin of Guilford, Odom, Smith, Swain, Taft, Tally, and Ward.

Referred to: Environment and Natural Resources.

February 6, 1989

A BILL TO BE ENTITLED

AN ACT TO REQUIRE THE DEPARTMENT OF HUMAN RESOURCES TO COMPLETE THE DEVELOPMENT OF A STATE COMPREHENSIVE SOLID WASTE MANAGEMENT PROGRAM BY JANUARY 1, 1991, AND TO ESTABLISH A STATE SOLID WASTE MANAGEMENT POLICY.

The General Assembly of North Carolina enacts:

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

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

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

- (1) Develop a comprehensive program for implementation of safe and sanitary practices for management of solid waste;
- (2) Advise, consult, cooperate and contract with other State agencies, units of local government, the federal government, industries and individuals in the formulation and carrying out of a solid waste management program;
- (3) Develop and adopt rules to establish standards for qualification as a waste 'recycling, reduction or resource recovering facility' or as waste 'recycling, reduction or resource recovering equipment' for the purpose of special tax classifications or treatment, and to certify as qualifying those applicants which meet the established standards. The

1 standards shall be developed to qualify only those facilities and
2 equipment exclusively used in the actual waste recycling, reduction or
3 resource recovering process and shall exclude any incidental or
4 supportive facilities and equipment;

- 5 (4) Develop a permit system governing the establishment and operation of
6 solid waste management facilities. No permit shall be granted for a
7 sanitary landfill, excluding demolition landfills as defined in the rules
8 of the Commission for Health Services, without the Department
9 receiving the prior approval for such permit from the county where it
10 is to be located, except if it is to be located within the corporate limits
11 or extraterritorial jurisdiction under Article 19 of Chapter 160A of the
12 General Statutes, of a city as defined in G.S. 160A-1(2), from the city
13 where it is to be located or whose jurisdiction it is in. No permit shall
14 be granted for a solid waste management facility having discharges
15 which are point sources until the Department has referred the complete
16 plans and specifications to the Environmental Management
17 Commission and has received advice in writing that the plans and
18 specifications are approved in accordance with the provisions of G.S.
19 143-215.1. In any case where the Department denies a permit for a
20 solid waste management facility, it shall state in writing the reason for
21 denial and shall also state its estimate of the changes in the applicant's
22 proposed activities or plans which will be required for the applicant to
23 obtain a permit.

24 The issuance of permits for sanitary landfills operated by local
25 governments is exempt from the environmental impact statements
26 required by Article 1 of Chapter 113A of the General Statutes, entitled
27 the North Carolina Environmental Policy Act of 1971. All sanitary
28 landfill permits issued to local governments prior to July 1, 1984, are
29 hereby validated notwithstanding any failure to provide environmental
30 impact statements pursuant to the North Carolina Environmental
31 Policy Act of 1971;

- 32 (4a) No permit shall be granted for any public or private sanitary landfill to
33 receive solid nonradioactive waste generated outside the boundaries of
34 North Carolina to be deposited, unless such waste has previously been
35 inspected by the solid waste regulatory agency of that nation, state or
36 territory, characterized in detail as to its contents and certified by that
37 agency to be noninjurious to health and safety. The Commission shall
38 adopt rules to implement this subsection;

- 39 (5a) Designate a geographic area within which the collection,
40 transportation, storage and disposal of all solid waste generated within
41 said area shall be accomplished in accordance with a solid waste
42 management plan. Such designation may be made only after the
43 Department has received a request from the unit or units of local
44 government having jurisdiction within said geographic area that such

1 designation be made and after receipt by the Department of a solid
2 waste management plan which shall include:

- 3 a. The existing and projected population for such area;
- 4 b. The quantities of solid waste generated and estimated to be
5 generated in such area;
- 6 c. The availability of sanitary landfill sites and the environmental
7 impact of continued landfill of solid waste on surface and
8 subsurface waters;
- 9 d. The method of solid waste disposal to be utilized and the energy
10 or material which shall be recovered from the waste; and
- 11 e. Such other data that the Department may reasonably require;

12 (5b) Authorize units of local government to require by ordinance, that all
13 solid waste generated within the designated geographic area that is
14 placed in the waste stream for disposal be collected, transported, stored
15 and disposed of at a permitted solid waste management facility or
16 facilities serving such area. The provisions of such ordinance shall not
17 be construed to prohibit the source separation of materials from solid
18 waste prior to collection of such solid waste for disposal, or prohibit
19 collectors of solid waste from recycling materials or limit access to
20 such materials as an incident to collection of such solid waste;
21 provided such prohibitions do not authorize the construction and
22 operation of a resource recovery facility unless specifically permitted
23 pursuant to an approved solid waste management plan. If a private
24 solid waste landfill shall be substantially affected by such ordinance
25 then the unit of local government adopting the ordinance shall be
26 required to give the operator of the affected landfill at least two years
27 written notice prior to the effective date of the proposed ordinance;

28 (5c) Except for the authority to designate a geographic area to be serviced
29 by a solid waste management facility, delegate authority and
30 responsibility to units of local government to perform all or a portion
31 of a solid waste management program within the jurisdictional area of
32 the unit of local government; provided that no authority over or control
33 of the operations or properties of one local government shall be
34 delegated to any other local government;

35 (5d) Require that an annual report of the implementation of the solid waste
36 management plan within the designated geographic area be filed with
37 the Department;

38 (6) The Department is authorized to charge and collect fees from
39 operators of hazardous waste landfill facilities. The fees shall be used
40 to establish a fund sufficient for each individual facility to defray the
41 anticipated costs to the State for monitoring and care of the facility
42 after the termination of the period during which the facility operator is
43 required by applicable State and federal statutes, regulations or rules to
44 remain responsible for post-closure monitoring and care. In

- 1 establishing the fees, consideration shall be given to the size of the
2 facility, the nature of the hazardous waste and the projected life of the
3 facility;
- 4 (7) Establish and collect annual fees from generators and transporters of
5 hazardous waste, and from storage, treatment, and disposal facilities
6 regulated under this Article as provided in G.S. 130A-294.1."

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

9 **"§ 130A-290.1. Findings; declaration of policy.**

10 (a) The General Assembly finds:

- 11 (1) North Carolina confronts a crisis in solid waste management due to the
12 shortage of landfill space, the stricter federal regulations that are
13 drastically more expensive to implement, and the present knowledge
14 that landfills threaten the groundwater of this State.
- 15 (2) More effective and responsive management of solid waste is necessary
16 to protect the public health and safety, to protect the environment, and
17 to protect the long term economic well-being of the State.
- 18 (3) The interests of the State are inextricably connected to the proper
19 voluntary management of solid waste by the units of local government.
20 It is in the best interests of the State and its citizens to develop a State
21 policy and programs that serve to assist units of local government
22 seeking solutions to their solid waste problems.

23 (b) The policy of the State is to promote methods of solid waste management that
24 are alternatives to disposal in landfills and to assist units of local government with solid
25 waste management. In furtherance of this State policy, there is established a hierarchy
26 of methods of managing solid waste, in descending order of preference:

- 27 (1) Waste volume reduction at the source;
28 (2) Recycling and reuse;
29 (3) Composting;
30 (4) Incineration with energy production;
31 (5) Incineration for volume reduction;
32 (6) Disposal in landfills.

33 It is also the policy of the State to encourage research into innovative solid waste
34 management methods and products and to encourage regional solid waste projects.

35 (c) In furtherance of the State's solid waste policy, the State shall:

- 36 (1) Establish the minimum statewide goal of recycling twenty-five percent
37 (25%) of the total waste stream by January 1, 1993;
38 (2) Require State agencies to develop a plan to participate in meeting the
39 State's recycling goal;
40 (3) Require the State to give preference to the purchase of products with
41 recycled content; and
42 (4) Require each county, in cooperation with its municipalities, to develop
43 a comprehensive county solid waste management program and submit
44 that program to the State for approval by January 1, 1992. The State

1 comprehensive solid waste program, required under the provisions of
2 G.S. 130A-294(a), shall provide a framework for a county
3 comprehensive solid waste program.

4 In counties where a municipality operates the major solid waste disposal facility, the
5 comprehensive solid waste program may be prepared by the municipality, with the
6 agreement of the county and in cooperation with the other municipalities. Each county's
7 comprehensive solid waste management program shall include provisions which
8 address the county's plan for accomplishing the State's recycling goal.

9 (d) The State shall develop a form designed to elicit pertinent information
10 regarding a county's proposal for its solid waste management program. A county shall
11 complete this form and submit it to the State, which shall notify the county whether the
12 proposal has been approved."

13 Sec. 3. The Department of Human Resources shall complete the
14 development of the State comprehensive solid waste program in Section 1 of this act by
15 January 1, 1991.

16 Sec. 4. This act shall become effective October 1, 1989.