GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1989

SENATE BILL 111

Short Title: State Solid Waste Policy.  

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

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

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

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

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

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

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

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

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

(6) The Department is authorized to charge and collect fees from operators of hazardous waste landfill facilities. The fees shall be used to establish a fund sufficient for each individual facility to defray the anticipated costs to the State for monitoring and care of the facility after the termination of the period during which the facility operator is required by applicable State and federal statutes, regulations or rules to remain responsible for post-closure monitoring and care. In
establishing the fees, consideration shall be given to the size of the facility, the nature of the hazardous waste and the projected life of the facility;

(7) Establish and collect annual fees from generators and transporters of hazardous waste, and from storage, treatment, and disposal facilities regulated under this Article as provided in G.S. 130A-294.1.

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

§ 130A-290.1. Findings; declaration of policy.

(a) The General Assembly finds:

(1) North Carolina confronts a crisis in solid waste management due to the shortage of landfill space, the stricter federal regulations that are drastically more expensive to implement, and the present knowledge that landfills threaten the groundwater of this State.

(2) More effective and responsive management of solid waste is necessary to protect the public health and safety, to protect the environment, and to protect the long term economic well-being of the State.

(3) The interests of the State are inextricably connected to the proper voluntary management of solid waste by the units of local government. It is in the best interests of the State and its citizens to develop a State policy and programs that serve to assist units of local government seeking solutions to their solid waste problems.

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

(1) Waste volume reduction at the source;

(2) Recycling and reuse;

(3) Composting;

(4) Incineration with energy production;

(5) Incineration for volume reduction;

(6) Disposal in landfills.

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

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

(1) Establish the minimum statewide goal of recycling twenty-five percent (25%) of the total waste stream by January 1, 1993;

(2) Require State agencies to develop a plan to participate in meeting the State's recycling goal;

(3) Require the State to give preference to the purchase of products with recycled content; and

(4) Require each county, in cooperation with its municipalities, to develop a comprehensive county solid waste management program and submit 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
16 Sec. 4. This act shall become effective October 1, 1989.