

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005**

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**HOUSE BILL 2192\***

Short Title: Amend Solid Waste Franchise Statutes. (Public)

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Sponsors: Representatives Harrison, Gibson, Goodwin, Faison (Primary Sponsors);  
Adams, Alexander, Fisher, Glazier, Haire, Insko, Luebke, Martin,  
McLawnhorn, Underhill, Weiss, and Womble.

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Referred to: Environment and Natural Resources.

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May 18, 2006

A BILL TO BE ENTITLED

1 AN ACT TO AMEND THE STATUTES GOVERNING SOLID WASTE  
2 FRANCHISE AGREEMENTS IN ORDER TO ENSURE THAT SANITARY  
3 LANDFILL FRANCHISES ARE AWARDED AND RENEWED ONLY AFTER  
4 ADEQUATE PUBLIC NOTICE OF THE LOCATION OF A PROPOSED SITE  
5 AND AFTER PUBLIC PARTICIPATION IN THE DECISION TO AWARD THE  
6 FRANCHISE; TO CLARIFY THAT LOCAL GOVERNMENTS MAY, BUT ARE  
7 NOT REQUIRED TO, AWARD SOLID WASTE FRANCHISES; AND, TO  
8 ENSURE THAT SOLID WASTE FRANCHISES ARE CONSISTENT WITH  
9 LOCAL SOLID WASTE MANAGEMENT PLANS AND ARE SUBJECT TO  
10 LOCAL GOVERNMENT OVERSIGHT AND REGULATION OF RATES AND  
11 FEES, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW  
12 COMMISSION.  
13

14 The General Assembly of North Carolina enacts:

15 **SECTION 1.** G.S. 130A-294(b1)(2) reads as rewritten:

16 "(2) Within 10 days after receiving an application for a permit, for the  
17 renewal of a permit, or for a substantial amendment to a permit for a  
18 sanitary landfill, the Department shall notify the clerk of the board of  
19 commissioners of the county or counties in which the sanitary landfill  
20 is proposed to be located or is located and, if the sanitary landfill is  
21 proposed to be located or is located within a city, the clerk of the  
22 governing board of the city, that the application has been filed and  
23 shall file a copy of the application with the clerk. Prior to the award or  
24 renewal of a franchise for construction or operation of a sanitary  
25 landfill or the entry of any host agreement or other contract providing  
26 for issuance of a franchise for a sanitary landfill, the issuance of a  
27 permit, the renewal of a permit, or a substantial amendment to a

1           ~~permit~~, the board of commissioners of the county or counties in which  
2           the sanitary landfill is proposed to be located or is located or, if the  
3           sanitary landfill is proposed to be located or is located in a city, the  
4           governing board of the city shall conduct a public ~~hearing~~ ~~when~~  
5           ~~sufficient public interest exists.~~ hearing. The board of commissioners  
6           of the county or counties in which the sanitary landfill is proposed to  
7           be located or is located or, if the sanitary landfill is proposed to be  
8           located or is located in a city, the governing board of the city shall  
9           provide ~~adequate notice~~ at least 30 days' notice to the public of the  
10          public ~~hearing~~ hearing. The notice shall include the proposed location  
11          of any proposed solid waste facilities governed by the proposed  
12          franchise or permit, and shall specify the procedure to be followed at  
13          the public hearing. At the time public notice of the public hearing is  
14          given, the applicant for a franchise shall provide a copy of a  
15          conceptual facility plan for development of the sanitary landfill to the  
16          governing board. The applicant shall also provide a copy of the plan to  
17          the public library closest to the proposed landfill site to be made  
18          available for inspection and copying by the public. The notice of  
19          public hearing shall state where the facility plan may be reviewed and  
20          copied by the public. The conceptual facility plan shall include the  
21          boundaries of the proposed facility, proposed development of the site  
22          in five-year operational phases, the boundaries of the area, final  
23          elevations and capacity of all waste disposal units, and shall show the  
24          location of soil borrow areas, leachate facilities, and all other facilities  
25          and infrastructure, including ingress and egress to the facility. The  
26          conceptual facility plan shall also include a description of  
27          environmental controls, the types of waste to be disposed of at the  
28          facility, the area and population to be served by the landfill, the  
29          amount of waste to be received per day in tons, the total waste disposal  
30          capacity of the landfill in tons, the projected useful life of the landfill,  
31          and a description of any other waste management activities to be  
32          conducted at the facility."

33       **SECTION 2.** G.S. 130A-294(b1)(3) reads as rewritten:

34       "(3) An applicant for a new permit, the renewal of a permit, or a substantial  
35       amendment to a permit for a sanitary landfill shall obtain, prior to  
36       applying for a permit, a franchise for the operation of the sanitary  
37       landfill from each local government having jurisdiction over any part  
38       of the land on which the sanitary landfill and its appurtenances are  
39       located or to be located. A local government ~~shall~~ may adopt a  
40       franchise ordinance under G.S. 153A-136 or G.S. 160A-319 prior to  
41       the submittal by an applicant of an application for a new permit, the  
42       renewal of a permit, or a substantial amendment to a permit for a  
43       sanitary landfill. A franchise granted for a sanitary landfill shall  
44       include:

- 1 a. A statement of the population to be served, including a  
2 description of the geographic area.
- 3 b. A description of the volume and characteristics of the waste  
4 stream.
- 5 c. A projection on the useful life of the landfill.
- 6 d. An explanation of how the franchise will be consistent with the  
7 jurisdiction's solid waste management plan required under  
8 G.S. 130A-309.09A, including provisions for waste reduction,  
9 reuse, and recycling.
- 10 e. The procedures to be followed for governmental oversight and  
11 regulation of the fees and rates to be charged by facilities  
12 subject to the franchise.
- 13 f. An exact description of the boundaries of the proposed site for  
14 the landfill and its appurtenances for which the franchise is  
15 issued and the number of acres the site covers."

16 **SECTION 3.** This act is effective when it becomes law and applies to  
17 applications for franchise awards or renewals pending on or after that date.