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LEGISLATIVE RESEARCH COMMISSION

DEVELOPMENT OF A STATE STRATEGY FOR THE MANAGEMENT OF SOLID WASTE AND INFECTIOUS WASTES



REPORT TO THE
1989 GENERAL ASSEMBLY
OF NORTH CAROLINA
1990 SESSION

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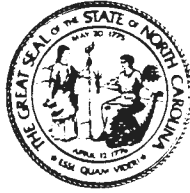
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STATE OF NORTH CAROLINA
LEGISLATIVE RESEARCH COMMISSION
STATE LEGISLATIVE BUILDING
RALEIGH 27611



May 21, 1990

TO THE MEMBERS OF THE 1989 GENERAL ASSEMBLY (1990 SESSION):

The Legislative Research Commission herewith submits to you for your consideration its final report on solid waste and infectious wastes. The report was prepared by the Legislative Research Commission's Committee on the Development of a State Strategy for the Management of Solid Waste and Infectious Wastes pursuant to Section 2.1(2) of Chapter 802 of the 1989 Session Laws.

Respectfully submitted,

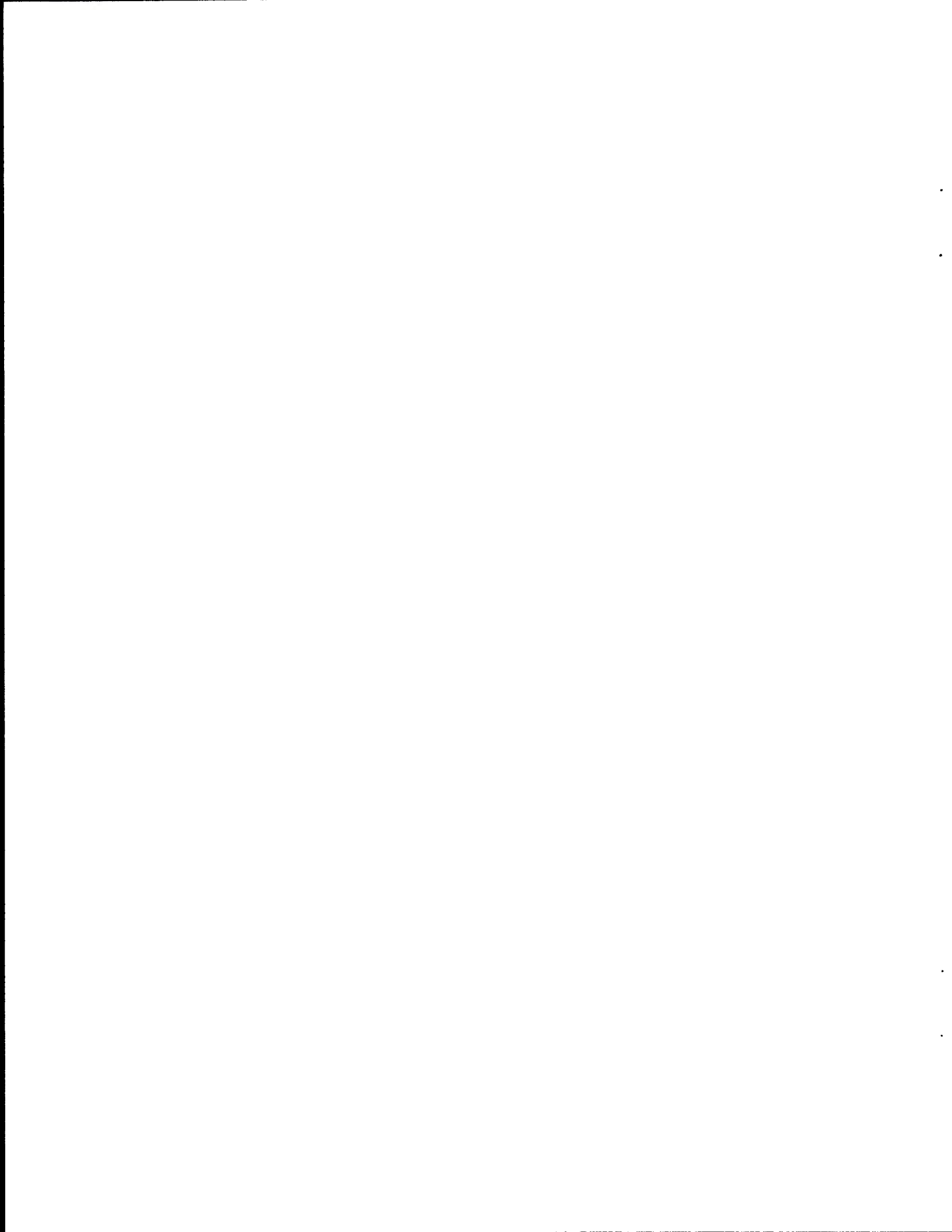
A handwritten signature in cursive script, appearing to read "J. Mavretic".

Josephus L. Mavretic
Speaker

A handwritten signature in cursive script, appearing to read "Henson P. Barnes".

Henson P. Barnes
President Pro Tempore

Cochairmen
Legislative Research Commission



1989-1990

LEGISLATIVE RESEARCH COMMISSION

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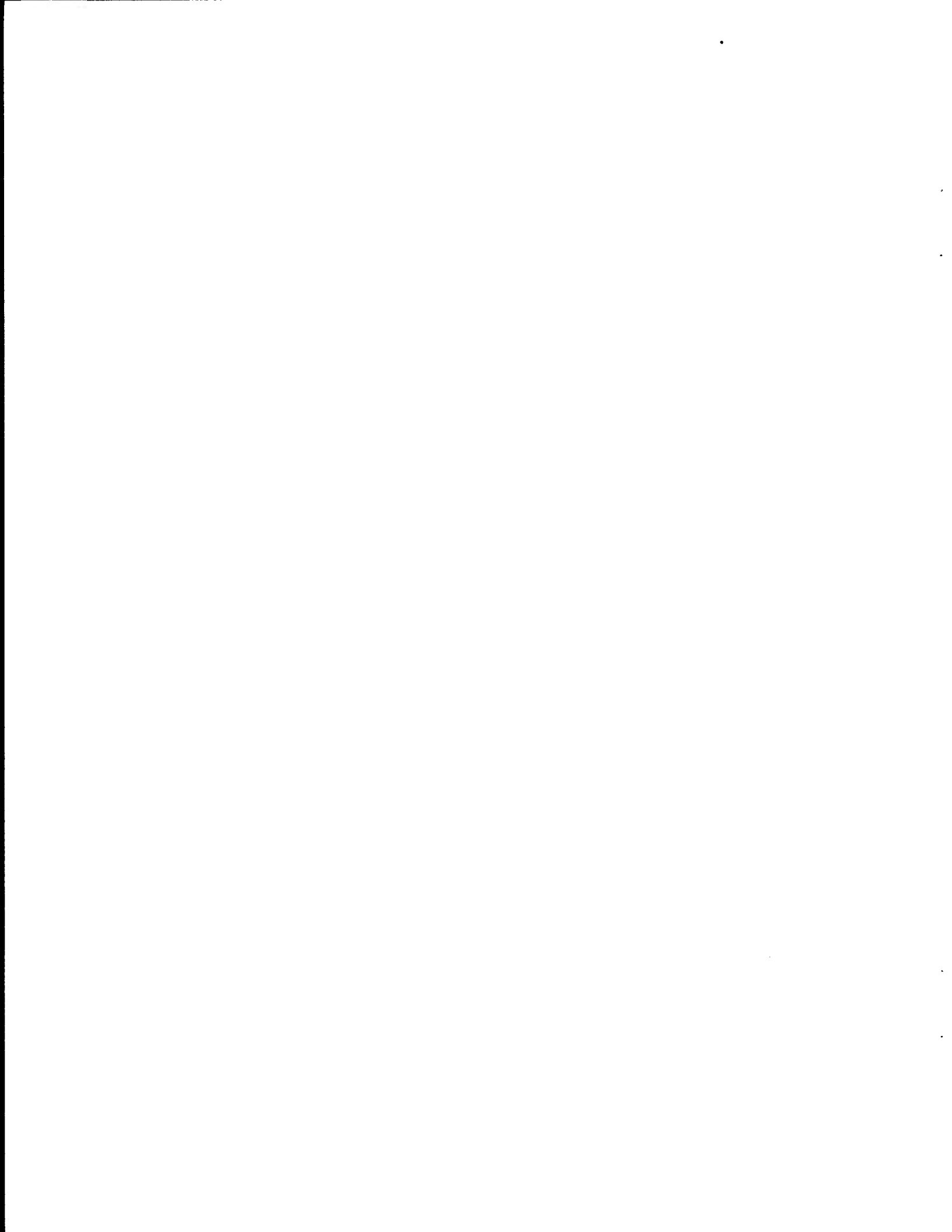
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Senator Russell G. Walker



PREFACE

The Legislative Research Commission, established by Article 6B of Chapter 120 of the General Statutes, is a general purpose study group. The Commission is co-chaired by the Speaker of the House and the President Pro Tempore of the Senate and has five additional members appointed from each house of the General Assembly. Among the Commission's duties is that of making or causing to be made, upon the direction of the General Assembly, "such studies of and investigations into governmental agencies and institutions and matters of public policy as will aid the General Assembly in performing its duties in the most efficient and effective manner" (G.S. 120-30.17(1)).

At the direction of the 1989 General Assembly, the Legislative Research Commission has undertaken studies of numerous subjects. These studies were grouped into broad categories and each member of the Commission was given responsibility for one category of study. The Co-chairs of the Legislative Research Commission, under the authority of G.S. 120-30.10(b) and (c), appointed committees consisting of members of the General Assembly and the public to conduct the studies. Co-chairs, one from each house of the General Assembly, were designated for each committee.

The study of solid waste and infectious wastes was authorized by Section 2.1(2) of Chapter 802 of the 1989 Session Laws. That act states that the Commission may consider S.J.R. 112, Senate Bill 1214, and House Bill 1045 in determining the nature, scope and aspects of the study. The relevant portions of Chapter 802 and S.J.R. 112, Senate Bill 1214, and House Bill 1045 are included in Appendix A. The Legislative Research Commission grouped this study in its Government Regulation area under the direction of Senator Robert L. Martin. The Committee is chaired by Senator Lura Tally and Representative Harry C. Grimmer. The full membership of the Committee is listed in Appendix B of this report. A committee notebook containing the committee

minutes and all information presented to the committee will be filed in the Legislative Library after the Committee submits its final report to the Legislative Research Commission for transmittal to the 1991 General Assembly.

BACKGROUND

North Carolina has joined the ranks of a growing number of states that are facing the challenge presented by shrinking landfill space and mounting solid waste disposal costs. In 1987 the General Assembly authorized the Legislative Research Commission "to study long-term solutions to the management of solid waste in North Carolina." Based on the findings and recommendations of that study committee, the Legislative Research Commission recommended seven pieces of legislation to the 1989 General Assembly. Representative Joe Hackney introduced a bill during the 1989 Session, HB 1225, to completely revise solid waste legislation in North Carolina.

The 1989 General Assembly enacted a bill which consisted of Representative Hackney's bill and SB 831 (the Scrap Tire Disposal Act introduced by Senator James Speed) rolled into SB 111, the Committee's bill to develop a State comprehensive solid waste management program and to establish a State solid waste management policy. This enacted Senate Bill 111, Chapter 784 of the 1989 Session Laws, constitutes the most significant legislation on solid waste management enacted in North Carolina to date. SB 111 establishes a hierarchy of solid waste management methods, in descending order of preference, as follows:

- (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.

At least 25% of the total waste stream is to be recycled by January 1, 1993. The State is required to develop a State comprehensive solid waste management plan by March 1,

1991. Each county must develop a comprehensive county solid waste management plan that meets the approval of the Department of Environment, Health, and Natural Resources and that is consistent with the State's comprehensive solid waste plan. Further, local governments are required to initiate a recycling program by July 1, 1991 to assist in meeting the State's 25% recycling goal. Recycling and other alternatives to landfilling are emphasized.

The 1989 General Assembly enacted other legislation regarding solid waste. SB 115, enacted as Chapter 756 of the 1989 Session Laws, created the North Carolina Solid Waste Management Revolving Loan Fund. The 1989 General Assembly appropriated funds sufficient to add eight positions to the staff of the Solid Waste Section in the 1989-90 fiscal year and five positions in the 1990-91 fiscal year. The 1989 General Assembly authorized the Solid Waste Section of the Department of Environment, Health, and Natural Resources to conduct a statewide waste stream analysis and to draft a recommended solid waste management plan. (Section 34 of Chapter 754 of the 1989 Session Laws, as amended by Section 28 of Chapter 799 of the 1989 Session Laws.) (See Appendix D.)

The 1989 General Assembly authorized this study to continue the study of solid waste management in North Carolina and to develop a State strategy for the management of both solid waste and infectious wastes. (See Appendix A.)

Three bills that were recommended by the former solid waste committee passed the Senate and are awaiting further consideration during the 1990 Session of the 1989 General Assembly. They are Senate Bills 58, 113, and 114. (See Appendices F, G, H.)

COMMITTEE PROCEEDINGS

The Study Committee on the Development of a State Strategy for the Management of Solid Waste and Infectious Wastes met on five occasions prior to the 1990 Session of the 1989 General Assembly: December 14, 1989; January 11, 1990; February 8, 1990; March 8, 1990; and April 5, 1990. The Committee is indebted to those persons who appeared to testify before the Committee and those who attended meetings on a regular basis. Appendix C lists the persons who appeared before the Committee.

The following issues were addressed during the Committee's deliberations:

Progress in implementing Senate Bill 111

The Committee heard from all but one of the State agencies that is assigned responsibilities under Senate Bill 111: The Department of Environment, Health, and Natural Resources, "DEHNR"; the Department of Economic and Community Development, "DECD"; the Department of Administration, "DOA"; and the Department of State Transportation, "DOT".

SB 111 imposes, by far, the greatest number of new responsibilities on the Solid Waste Section within DEHNR. SB 111 imposed the following additional responsibilities on the Solid Waste Section:

- (1) To develop a comprehensive solid waste management plan by March 1, 1991;
- (2) To provide additional technical assistance;
- (3) To develop a recycling and resource recovery directory;
- (4) To educate the public by providing workshops and developing descriptive literature regarding recycling;

- (5) To prepare yearly status reports regarding each new program:
- (6) To develop composting standards;
- (7) To develop rules regulating municipal incinerator ashe;
- (8) To develop rules to regulate medical waste;
- (9) To administer the Solid Waste Management Trust Fund;
- (10) To develop standards for facility operator certification;
- (11) To develop rules and administer financial responsibility requirements for solid waste facilities;
- (12) To develop standards and guidance document for local government recycling programs;
- (13) To develop rules for counties to determine the full cost of solid waste management; and
- (14) To administer the North Carolina Scrap Tire Disposal Program and the used oil programs.

The Solid Waste Section has begun to develop rules to administer the Scrap Tire Disposal Act and rules regarding municipal incinerator ashe. The Solid Waste Section hoped to have the Solid Waste Management Trust Fund operational by March 1, 1990. The staff looks forward to the challenge presented by SB 111, but severe staff shortages hinder its progress.

DECD was directed, under SB 111, to assist and encourage recycling in the following manner:

- (1) To identify and analyze present and potential markets for recyclable materials in this State, other states, and foreign countries and to develop and distribute that information to business, industry, and local governments.
- (2) To investigate and report on potential markets for composted materials.

(3) To submit an annual report to the General Assembly beginning March, 1991, assessing the recycling industry and recyclable material markets in the State, and identifying the manner in which composted materials can be effectively marketed.

The development of markets for recycled goods is recognized as essential to the success of recycling. DECD will modify various ongoing activities within the Department to accommodate the Department's responsibilities to expand recycling markets. Further, the Department will use the directory of industrial and commercial recyclers in the State completed by the Pollution Prevention Pays Program as a data base for a market study.

DOA was directed, under SB 111, to establish a program for the collection of all recyclable aluminum and waste paper products generated in State offices throughout the State and to review existing procurement procedures and specifications for the purchase of paper products to determine the feasibility of using paper and paper products with recycled content. The Governor appointed a 16-member task force chaired by Secretary Lofton to accomplish these mandates plus additional matters related to recycling. The task force will report to the General Assembly by May 1, 1990.

On January 1, 1991, DOT is required to report to the General Assembly its recommendations regarding the use of recyclable materials in highway construction. DOT is also participating in the Governor's task force on recycling.

The North Carolina Association of County Commissioners and the North Carolina League of Municipalities told the Committee that the initial reaction to SB 111 at the local level has been cautious, but nonetheless very positive. In many instances, implementation of SB 111 at the local level cannot proceed until the State develops the program created in SB 111. Many local governments are considering regionalizing in order to benefit from economies of scale. The counties seek clarification from the General Assembly on several points. They want to know if they have the authority to

charge fees. Further, SB 111 contains two definitions of waste stream. In the future, local governments might want to request the General Assembly to roll back certain of the effective dates or deadlines set out in SB 111; however, the Association of County Commissioners did not request a roll back of dates at this time.

Staff needs of the Solid Waste Section

The Committee was repeatedly told from groups of diverse interests that the Solid Waste Section was sorely understaffed. Last session the Solid Waste Section requested funds to expand its staff by 50 positions over the course of the 1989-91 biennium. These positions were needed to bring the permitting, oversight, enforcement, and technical assistance functions of the Branch up to par. The 1989 General Assembly appropriated funds for eight positions in the 1989-90 fiscal year and five more positions in the 1990-91 fiscal year.

Since SB 111 was enacted, the responsibilities of the Solid Waste Section have increased dramatically. Many of the duties of local governments emanate from programs that first have to be developed by the Solid Waste Section. Accordingly, local governments often cannot begin to fulfill their duties under a particular program mandated in SB 111 until the Solid Waste Section first develops the program and promulgates the rules to administer the program. SB 111 cannot be implemented, permitting cannot proceed in a timely manner, and requests for technical assistance cannot be answered quickly unless the Section has the manpower it needs to accomplish these tasks. Edythe McKinney of DEHNR reported to the Committee that 100 additional positions are needed during the course of the next three years to fulfill the obligations the Solid Waste Section has under the law. The Committee finds the staff

needs of the Solid Waste Section are pressing and critical; this issue is the Committee's highest priority for the 1990 Session.

Statewide Waste Stream Analysis

The 1989 General Assembly reallocated \$500,000 in stripper well settlement funds to design and implement a statewide waste stream analysis and to use this waste stream analysis to develop a recommended State comprehensive solid waste management plan. (Section 34 of Chapter 754 of the 1989 Session Laws, as amended by Section 28 of Chapter 799 of the 1989 Session Laws. See Appendix D.) The law further provides that these funds are to be matched before April 30, 1990, by an equal amount of funds from the private sector. Ms. Edythe McKinney, Assistant Secretary, DEHNR, informed the Committee at its second meeting that private industry had committed no matching funds. At its fourth meeting, she advised the Committee that the United States Department of Energy, "US DOE," had denied the State's proposal to use funds from the Energy Overcharge Account for the purpose of conducting a waste stream analysis. Mr. Doug Culbreth, Director, Energy Division, DECD, suggested that the proposal be rewritten to include a strong recycling component and resubmitted to the US DOE. Mr. Culbreth explained to the Committee that petroleum overcharge funds resulted from litigation regarding violations of federal price controls and allocation controls imposed during the national oil shortage in the 1970's. Forty-seven million dollars in petroleum overcharge funds have come to North Carolina from settlement of the Exxon case. The settlement agreement specifies that these funds can only be used for purposes that are deemed by the US DOE to be energy-related. The US DOE has indicated that it considers recycling to be energy-related.

Other points of view regarding the waste stream analysis were expressed. The findings of Dr. Rathje, an archaeologist who has made a career of sampling landfills across the nation, were reported to the Committee by Stephen Alexander from the Council for Solid Waste Solutions. Dr. Rathje's research indicates that the composition of municipal landfills varies little from one area of the country to another. Accordingly, a statewide waste stream analysis would not be necessary. Data based on national norms is already available and, according to this position, would provide sufficient information to aid the development of a State solid waste management plan.

The consensus of the Committee was in favor of conducting a statewide waste stream analysis. The Committee focused its attention on means to fund the study other than stripper well funds. It was suggested that the interest that had accrued to date from the Solid Waste Loan Fund could be used to fund the waste stream analysis. It was suggested that the private sector match could be replaced by a 50-50 local government match and that these funds could be used for grants to assist local governments in carrying out waste stream analyses. A third proposal was to direct the Solid Waste Section to develop uniform standards for local studies, thereby eliminating the need to conduct one statewide analysis.

The Committee decided that the proposal to use stripper well funds should be rewritten to include a strong recycling component and resubmitted to the US DOE. The US DOE should reach a decision by early May 1990. The Committee decided to leave a recommendation to the General Assembly regarding a waste stream analysis out of its interim report.

Recycling

North Carolina is now one of twenty-seven states with comprehensive recycling legislation. SB 111 establishes a 25% recycling goal by January 1, 1993. By July 1, 1991, each local government should have initiated a recycling program. Before SB 111 was enacted, 34 counties had access to a recycling program, 28 counties had minimal recycling programs, and 38 counties offered their citizens no opportunity to recycle. Since SB 111 was enacted, over 40 new recycling programs have been implemented. The leaders in recycling are the affluent urban counties. Eight counties provide curbside collection programs. Curbside recycling programs alone cannot accomplish the 25% State recycling goal. The Committee heard again and again that the long term success of recycling depends on the accessibility of markets for the goods recycled. Many local governments are looking to regional recycling programs.

Composting

Senate Bill 111 lists composting as the third most desirable method in the hierarchy of methods of solid waste management. DEHNR is directed to initiate rule making by March 1, 1990, to establish standards for the production of compost. All State agencies are required to procure compost products when they can be substituted, at no additional expense, for regular soil amendment products.

Tom Glendinning, President of Wastek, told the Committee that it is theoretically possible to compost 90% of a local government's waste stream. In North Carolina, Morganton and Valdese produce sludge compost. Wilmington is conducting a pilot study. Composting can reduce the volume of waste entering a landfill by 50-70%.

At present, composting and compost use are not widely accepted. Further research is warranted. Composting is much less expensive than incineration. When tipping fees or the operating costs of landfills exceed the costs of producing compost,

savings are realized separate from the the proceeds from selling the compost product. The Solid Waste Section, working with the North Carolina Association of County Commissioners and the North Carolina League of Municipalities, is trying to educate people about composting. Mr. Paul Crissman, Deputy Director of DEHNR, asked the Committee to consider incentives to local government to develop the use of composted material. Dr. Robert Rubin, with the North Carolina Agricultural Extension Service, stated that heavy metals in compost can be managed and a safe product produced. Markets for compost should be explored and incentives to use and manufacture compost should be established.

Financing Solid Waste Management

SB 111 was enacted with no provision for financing solid waste management programs at the State or local level. The Solid Waste Loan Fund, created in SB 115, received an appropriation of \$5,000,000 for the 1989-90 fiscal year. The Solid Waste Management Trust Fund, created in SB 111, received \$300,000 for the 1989-90 fiscal year. Many states are committing much more from their general fund for solid waste management.

The Committee was repeatedly urged to consider funding as one of the most important issues before the Committee. The following means of financing solid waste management were presented to the Committee:

- (1) A user fee in the form of a tipping fee surcharge;
- (2) A product tax in the form of an advance disposal fee, as featured in the 1986 Florida legislation; and
- (3) Petroleum overcharge funds, again a source of funds used by Florida for various solid waste management projects.

One advantage of the surcharge is that it is regarded as an incentive for the public to reduce waste and recycle. Florida levies its advanced disposal fee at the point of sale; other states are considering levying the fee against the manufacturer.

State procurement policy

Local government representatives, representatives of local recycling programs, and environmental groups strongly recommended to the Committee that the State take the initiative in encouraging recycling by establishing a State procurement policy. Procurement policies grant a price preference to encourage the purchase of products with recycled content. Procurement policies stimulate markets for recycled goods and encourage private investment in processing and producing recycled products.

Carry-over bills

The North Carolina Association of County Commissioners and the North Carolina League of Municipalities urged the Committee to endorse the three bills that the former Solid Waste Committee recommended to the 1989 General Assembly. The reasons which led to their earlier recommendation still exist. These bills, Senate Bills 58, 113 and 114, passed the Senate and will be eligible for further consideration by the 1990 Session this summer.

Other Issues

Any issues that were discussed by the Committee that are not included in this report will appear in the final report to the 1991 General Assembly, along with a summary of each of the Committee's meetings.

COMMITTEE FINDINGS AND RECOMMENDATIONS

RECOMMENDATION #1: THE GENERAL ASSEMBLY SHOULD APPROPRIATE ONE MILLION DOLLARS FOR THE 1990-91 FISCAL YEAR TO ESTABLISH AND SUPPORT TWENTY ADDITIONAL POSITIONS IN THE SOLID WASTE SECTION, SOLID WASTE MANAGEMENT DIVISION, DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES.

(See Legislative Proposal #1, Appendix E.)

Findings: Prior to the enactment of Senate Bill 111, the Solid Waste Section was understaffed and unable to keep up with demands for issuing permits and providing technical assistance. Prior to the enactment of Senate Bill 111, the Solid Waste Section requested fifty additional staff positions. The 1989 General Assembly appropriated funds for only thirteen positions over the course of the biennium.

With the enactment of Senate Bill 111, the responsibilities of the Solid Waste Section have expanded greatly. The Solid Waste Section needs one hundred additional positions over the course of the next three fiscal years to keep up with its former workload and the additional duties imposed by recently enacted legislation. The ability to implement Senate Bill 111 will be seriously jeopardized unless the Solid Waste Section receives \$1,000,000 for the 1990-91 fiscal year to add twenty positions to its staff.

RECOMMENDATION #2: THE GENERAL ASSEMBLY SHOULD ENACT SENATE BILL 58, WHICH DESIGNATES THE SOLID WASTE SECTION AS

THE CENTRAL CLEARINGHOUSE FOR INFORMATION REGARDING SOLID WASTE MANAGEMENT. (See Legislative Endorsement #1, Appendix F.)

Findings: Confusion exists as to where to go in State government to get information regarding solid waste management. Four different State agencies: the Solid Waste Section, the Department of Economic and Community Development, the Pollution Prevention Pays Program, and the Department of State Transportation are involved in some significant aspect of solid waste management. Each agency provides some level of information or technical assistance. The Solid Waste Section, Solid Waste Management Division, the Department of Environment, Health, and Natural Resources should be designated as the central clearinghouse for information regarding solid waste management.

RECOMMENDATION #3: THE GENERAL ASSEMBLY SHOULD ENACT SENATE BILL 113, WHICH CLARIFIES THE AUTHORITY OF COUNTIES AND CITIES TO ADOPT ORDINANCES REGARDING LOCAL SOLID WASTE MANAGEMENT. (See Legislative Endorsement #2, Appendix G.)

Findings: Although counties and cities already have broad authority to enact ordinances that regulate solid waste, the General Assembly should make it clear that counties and cities have the authority to enact specific ordinances by expressly authorizing counties and cities to enact ordinances that:

- (1) Require source separation prior to collection;
- (2) Require participation in a recycling program which is approved by the governing board;
- (3) Require the county or city landfill to accept for disposal only

solid waste that was generated in the geographic area which the landfill was permitted to serve.

RECOMMENDATION #4: THE GENERAL ASSEMBLY SHOULD ENACT SENATE BILL 114, WHICH PROVIDES THAT A COUNTY LANDFILL HAS CONDITIONAL AUTHORITY TO CHARGE A MUNICIPALITY LOCATED IN THE COUNTY A SOLID WASTE DISPOSAL FEE. (See Legislative Endorsement #4. Appendix H.)

Findings: Presently a county is prohibited from charging a municipality located in the county a solid waste disposal fee when the county landfill is financed from county-wide taxes. The Committee finds no need for a blanket prohibition that may, at times, unduly burden county landfills. A more equitable approach would be to allow the county landfill to charge municipalities a solid waste disposal fee whenever the landfill also charges:

- (1) Non-municipal residents;
- (2) Private corporations; or
- (3) Individuals who have contracted with the county to collect solid waste.

APPENDIX A

GENERAL ASSEMBLY OF NORTH CAROLINA
1989 SESSION
RATIFIED BILL

CHAPTER 802
SENATE BILL 231

AN ACT TO AUTHORIZE STUDIES BY THE LEGISLATIVE RESEARCH COMMISSION. TO CREATE AND CONTINUE VARIOUS COMMITTEES AND COMMISSIONS. TO MAKE APPROPRIATIONS THEREFOR, AND TO DIRECT VARIOUS STATE AGENCIES TO STUDY SPECIFIED ISSUES.

The General Assembly of North Carolina enacts:

PART I. TITLE

Section 1. This act shall be known as "The Studies Act of 1989."

...

PART II.-----LEGISLATIVE RESEARCH COMMISSION

Sec. 2.1. The Legislative Research Commission may study the topics listed below. Listed with each topic is the 1989 bill or resolution that originally proposed the issue or study and the name of the sponsor. The Commission may consider the original bill or resolution in determining the nature, scope and aspects of the study. The topics are:

...

- (2) Development of a State Strategy for the Management of Solid Waste (S.J.R. 112 - Speed, S.B. 1214 - Basnight) and Infectious Wastes (H.B. 1045 - Diggs),

...

Sec. 2.2. Legislative Activity Between Legislative Sessions and Procedures to Shorten the Legislative Session. The Legislative Research Commission may study the procedures of this State's, other states' and other legislative bodies' practices and procedures regulating legislative and study activity and may make recommendations as to changes in law, procedures and rules that will lead to greater efficiency in the

legislative process while safeguarding the rights of all members of the General Assembly and of the citizens in this State's legislative process.

...

Sec. 2.4. Committee Membership. For each Legislative Research Commission Committee created during the 1989-1991 biennium, the Cochairmen of the Commission each shall appoint a minimum of seven members.

Sec. 2.5. Reporting Dates. For each of the topics the Legislative Research Commission decides to study under this act or pursuant to G.S. 120-30.17(1), the Commission may report its findings, together with any recommended legislation, to the 1990 Session of the 1989 General Assembly or the 1991 General Assembly, or both.

Sec. 2.6. Bills and Resolution References. The listing of the original bill or resolution in this Part is for reference purposes only and shall not be deemed to have incorporated by reference any of the substantive provisions contained in the original bill or resolution.

Sec. 2.7. Funding. From the funds available to the General Assembly, the Legislative Services Commission may allocate additional monies to fund the work of the Legislative Research Commission.

...

PART XXV.-----EFFECTIVE DATE

Sec. 25.1. This act shall become effective July 1, 1989.

In the General Assembly read three times and ratified this the 12th day of August, 1989.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

S

1

SENATE JOINT RESOLUTION 112

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

Referred to: Rules.

February 6, 1989

1 A JOINT RESOLUTION TO CONTINUE THE WORK OF THE LEGISLATIVE
2 RESEARCH COMMISSION'S COMMITTEE ON SOLID WASTE
3 MANAGEMENT.

4 Whereas, the 1987 Session of the General Assembly authorized the
5 Legislative Research Commission Section 2.1(37) of Chapter 873 of the 1987 Session
6 Laws, to study the management of solid waste in North Carolina; and

7 Whereas, the Solid Waste Management Study Committee has determined
8 that North Carolina faces a crisis in solid waste management in the immediate future;
9 and

10 Whereas, much remains to be done to plan, develop, and implement a
11 comprehensive solid waste management program in North Carolina; and

12 Whereas, the Legislative Research Commission's Committee on Solid
13 Waste Management as begun under Section 2.1(37) of Chapter 873 of the 1987
14 Session Laws should be an ongoing study and should continue to examine the entire
15 range of solid waste management issues;

16 Now, therefore, be it resolved by the Senate, the House of Representatives
17 concurring:

18 Section 1. The Legislative Research Commission, as structured by Article
19 6B of Chapter 120 of the General Statutes, may continue the study of solid waste

1 management issues in North Carolina and the means to finance and implement a
2 comprehensive solid waste management program in North Carolina that will address
3 the need to wisely manage solid waste so as not to jeopardize the quality of North
4 Carolina's air and water or the health of its citizens. This Committee shall ascertain
5 whether the State is meeting its solid waste management goals, receive reports from
6 counties, and determine whether the counties are achieving any solid waste
7 management goals set for them by the General Assembly.

8 Sec. 2. The Commission shall report its findings and recommendations,
9 including recommendations for needed legislation, to the 1991 General Assembly and
10 may submit an interim report to the 1989 General Assembly (1990 Regular Session).

11 Sec. 3. This resolution is effective upon ratification.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1989

S

1

SENATE BILL 1214

Short Title: Solid Waste Management Commission.

(Public)

Sponsors: Senator Basnight.

Referred to: Environment and Natural Resources.

May 8, 1989

- 1 A BILL TO BE ENTITLED
2 AN ACT TO CREATE THE SOLID WASTE MANAGEMENT COMMISSION.
3 The General Assembly of North Carolina enacts:
4 Section 1. Article 9 of Chapter 130A of the General Statutes is amended
5 by adding a new Part to read:
6 "Part 2A. Solid Waste Management Commission.
7 "§ 130A-309.1. Legislative findings; purpose.
8 The General Assembly finds that:
9 (1) North Carolina confronts a crisis in solid waste management due to
10 the shortage of landfill space, the stricter federal regulations that
11 are drastically more expensive to implement, and the present
12 knowledge that landfills threaten the groundwater of this State;
13 (2) More effective and responsive management of solid waste is
14 necessary to protect the public health and safety, to protect the
15 environment, and to protect the long term economic well-being of
16 the State;
17 (3) The interests of the State are inextricably connected to the proper
18 voluntary management of solid waste by the units of local

1 government. It is in the best interests of the State and its citizens
2 to develop long-term State policies and programs;

3 (4) It should be the policy of the State to promote methods of solid
4 waste management that are alternatives to disposal in landfills and
5 to assist units of local government with solid waste management;
6 and

7 (5) The State should assume a leadership role in the area of
8 comprehensive solid waste management.

9 It is the purpose of this Part to:

10 (1) Advance cooperation and coordination among units of local
11 government, State agencies, the private sector, and the general
12 public;

13 (2) Confront the present and future problems of solid waste
14 management in a timely manner to divert a crisis; and

15 (3) Develop a 20-year comprehensive plan for solid waste management
16 in North Carolina.

17 **"§ 130A-309.2. Solid Waste Management Commission; membership.**

18 (a) The Solid Waste Management Commission is created. The composition of the
19 Commission shall be as follows:

20 (1) Two members from State government: the State Health Director
21 and the Director of the Environmental Management Division of
22 the Department of Natural Resources and Community
23 Development, serving ex officio as voting members;

24 (2) Two members of the General Assembly: one Senator appointed by
25 the President Pro Tempore of the Senate and one Representative
26 appointed by the Speaker of the House of Representatives, selected
27 in part for their demonstrated concern in the area of solid waste
28 management;

29 (3) Four representatives of local government: two appointed by the
30 President Pro Tempore of the Senate and two appointed by the
31 Speaker of the House of Representatives, selected for their
32 experience and demonstrated concern in the area of solid waste
33 management;

34 (4) Two persons who have had experience working with community-
35 based recycling programs: one appointed by the President Pro

- 1 Tempore of the Senate and one appointed by the Speaker of the
2 House of Representatives;
3 (5) Two representatives of private industry: one appointed by the
4 President Pro Tempore of the Senate and one appointed by the
5 Speaker of the House of Representatives;
6 (6) Two representatives of environmental interest groups: one
7 appointed by the President Pro Tempore of the Senate and one
8 appointed by the Speaker of the House of Representatives; and
9 (7) One member from the field of higher education or research who
10 has demonstrated an expertise and specialized knowledge on the
11 subject of solid waste or solid waste management.

12 (b) The President Pro Tempore of the Senate shall designate one member as
13 cochairman and the Speaker of the House of Representatives shall designate one
14 member as cochairman.

15 (c) All appointments shall not expire for the duration of the Commission. When
16 a vacancy occurs in the membership of the Commission the vacancy shall be filled by
17 the same appointing officer who made the initial appointment.

18 (d) Members of the Commission who are State employees shall receive travel
19 expenses as set forth in G.S. 138-6. The other Commission members shall receive per
20 diem and travel expenses as set forth in G.S. 138-5.

21 (e) A majority of the Commission shall constitute a quorum for the transaction of
22 business.

23 **"§ 130A-309.3. Powers and duties of the Commission.**

24 (a) The Solid Waste Management Commission shall:

- 25 (1) Develop a comprehensive solid waste management plan that is
26 designed to address solid waste management in North Carolina for
27 the next 20 years, that will protect the air and water quality of the
28 State, that will distribute the burdens of such a plan in an
29 equitable manner, taking all interests into account;
30 (2) Hire a nationally renowned consultant in the area of solid waste
31 management who has demonstrated an ability to develop a long-
32 range solid waste management plan on a statewide basis and to
33 develop legislation to implement such a solid waste management
34 plan; and

1 (3) Submit a final report of its findings, the 20-year solid waste
2 management plan, and any recommended legislation to the
3 General Assembly on or before the first day of the next session of
4 the General Assembly after the plan has been finalized, but no
5 later than March 1, 1993, by filing the report with the President
6 Pro Tempore of the Senate and the Speaker of the House of
7 Representatives. Upon filing its final report, the Commission shall
8 terminate.

9 (b) The Commission, while in the discharge of official duties, may exercise all the
10 powers provided for under the provisions of G.S. 120-19, and G.S. 120-19.1 through
11 G.S. 120-19.4. The Commission shall meet at least once every two months upon the
12 joint call of the cochairmen. The Commission may meet in the Legislative Building
13 or the Legislative Office Building.

14 (c) The Commission may contract for professional, clerical, or consultant services
15 as provided by G.S. 120-32.02. The Legislative Services Commission, through the
16 Legislative Administrative Officer, shall assign professional staff to assist in the work
17 of the Commission. The House of Representatives and the Senate's Supervisor of
18 Clerks shall assign clerical staff to the Commission, upon the direction of the
19 Legislative Services Commission. The expenses relating to clerical employees shall
20 be borne by the Commission."

21 Sec. 2. There is appropriated from the General Fund to the General
22 Assembly the sum of \$75,000 for the 1989-90 fiscal year and the sum of \$75,000 for
23 the 1990-91 fiscal year for the expenses of the Solid Waste Management Commission.

24 Sec. 3. This act shall become effective July 1, 1989.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

H

2

HOUSE BILL 1045*
Committee Substitute Favorable 5/10/89

Short Title: Infectious Waste Control.

(Public)

Sponsors:

Referred to:

April 6, 1989

1 A BILL TO BE ENTITLED
2 AN ACT TO ESTABLISH AN INFECTIOUS WASTE STUDY COMMISSION TO
3 STUDY THE NEED FOR THE STATE TO REGULATE BIOMEDICAL AND
4 INFECTIOUS WASTE.

5 Whereas, the biomedical community generates waste contaminated with
6 pathogenic organisms capable of transmitting disease to health care and waste
7 management workers who may be exposed to this material; and

8 Whereas, improperly managed infectious waste poses a potential threat to
9 public health when untreated or when incompletely treated and discarded as general
10 solid waste; and

11 Whereas, infectious waste also contributes to environmental degradation
12 through improper treatment and disposal technologies; and

13 Whereas, infectious waste constitutes an environmental, health, and
14 aesthetic problem that may not be adequately controlled by existing State regulation;
15 and

16 Whereas, careful management of the infectious waste stream is necessary
17 and desirable to protect the public and individuals who may be exposed to potential

1 pathogens and to minimize environmental degradation caused by inadequate
2 treatment or inappropriate disposal methods; Now, therefore,

3 The General Assembly of North Carolina enacts:

4 Section 1. The Infectious Waste Study Commission is created. The
5 Commission shall study issues concerning the need to regulate infectious waste
6 including the need for legislation to:

7 (1) Require generators of infectious waste to register with the
8 Department of Human Resources;

9 (2) Develop a manifest based tracking system designed to require
10 persons who generate, transport, store, treat, or dispose of
11 infectious waste to keep records of the infectious waste;

12 (3) Develop standards to control the storage, transportation, treatment,
13 and disposal of infectious waste;

14 (4) Require that persons who transport infectious waste obtain a
15 permit from the Department of Human Resources after meeting
16 standards developed to insure that only qualified personnel and
17 vehicles are used to transport infectious waste;

18 (5) Require that persons who operate infectious waste treatment and
19 disposal facilities obtain a permit from the Department of Human
20 Resources after meeting standards developed to insure that only
21 qualified personnel, equipment, and facilities are allowed to treat
22 and dispose of infectious waste: and

23 (6) Make other requirements as necessary to protect the public from
24 the potential health threat of improperly managed infectious waste.

25 Sec. 2. The Commission shall consist of 12 members. The Speaker of
26 the House of Representatives shall appoint three members. The President of the
27 Senate shall appoint three members. The President Pro Tempore of the Senate shall
28 appoint three members. The Governor shall appoint three members, one of whom
29 shall be an employee of the Department of Human Resources whose duties include
30 solid and infectious waste management and disposal. Initial appointments shall be
31 made within 30 days following adjournment of the 1989 Session of the General
32 Assembly. Vacancies shall be filled by the official who made the initial appointment
33 using the same criteria as provided by this section. The President Pro Tempore of
34 the Senate and the Speaker of the House of Representatives shall each appoint a

1 cochair of the Commission from their appointees. The cochairs shall call the first
2 meeting and preside at alternate meetings.

3 Sec. 3. Commission members shall receive subsistence and travel
4 expenses as provided in G.S. 120-3.1, 138-5, and 138-6, as applicable.

5 Sec. 4. The Commission may solicit, employ, or contract for professional,
6 technical, or clerical assistance, and may purchase or contract for the materials and
7 services it needs. Subject to the approval of the Legislative Services Commission, the
8 professional and clerical staff of the Legislative Services Office shall be available to
9 the Commission, and the Commission may meet in the Legislative Building or the
10 Legislative Office Building.

11 Sec. 5. The Commission shall submit a written report of its findings and
12 recommendations to the 1990 General Assembly. The Commission shall terminate
13 upon the filing of the report.

14 Sec. 6. There is appropriated from the General Fund to the General
15 Assembly the sum of fifteen thousand dollars (\$15,000) for fiscal year 1989-90 to
16 implement this act.

17 Sec. 7. This act is effective upon ratification.



APPENDIX B

MEMBERSHIP OF LRC COMMITTEE ON THE DEVELOPMENT OF A STATE STRATEGY FOR THE MANAGEMENT OF SOLID WASTE AND INFECTIOUS WASTES

SOLID WASTE MANAGEMENT

LRC Member in Charge:

Sen. Robert L. 'Bob' Martin
P.O. Box 387
Bethel, NC 27812
(919)825-4361

Members

President Pro Tem's Appointments Speaker's Appointments

Sen. Lura S. Tally
Co-Chair
3100 Tallywood Drive
Fayetteville, NC 28303
(919)484-4868

Rep. Harry C. Grimmer
Co-Chair
4000 High Ridge Road
Charlotte, NC 28226
(704)847-8823

Sen. Richard E. Chalk, Jr.
427 Wright Street
High Point, NC 27262
(919)883-0444

Rep. Daniel H. 'Danny' DeVane
P.O. Drawer 500
Raeford, NC 28376-0500
(919)875-2528

Sen. J. Richard Conder
1401 Carolina Drive
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(919)997-5551

Rep. David H. Diamont
P.O. Box 784
Pilot Mountain, NC 27041
(919)368-4591

Mr. Charles H. Edwards
P.O. Box 295
Lewiston Woodville, NC 27849
(919)348-2332

Rep. Lawrence E. 'Larry' Diggs
5001 Matthews - Mint Hill Road
Charlotte, NC 28212
(704)545-4966

Sen. James C. 'Jim' Johnson, Jr.
247 Church Street, NE
Concord, NC 28025
(704)784-8404

Rep. Joe Hackney
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Chapel Hill, NC 27514
(919)929-0323

Sen. James D. 'Jim' Speed
Route 6, Box 542
Louisburg, NC 27549
(919)853-2167

Rep. Bradford V. 'Brad' Ligon
Route 12, Box 460
Salisbury, NC 28144
(704)279-3059

Sen. Thomas F. 'Tom' Taft
P.O. Box 566
Greenville, NC 27835
(919)752-2000

Rep. H. M. 'Mickey' Michaux, Jr.
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APPENDIX C

PERSONS WHO APPEARED BEFORE THE COMMITTEE

- Mr. J. Gordon Layton, Chief, Solid Waste Section, Solid Waste Management Division, Department of Health, Environment, and Natural Resources.
- Mr. William L. Meyer, Director, Solid Waste Management Division, Department of Health, Environment, and Natural Resources.
- Mr. Ed Regan, Assistant Director, North Carolina Association of County Commissioners.
- Mr. Ellis Hankins, General Counsel, North Carolina League of Municipalities.
- Mr. James S. Lofton, Secretary, Department of Administration.
- Mr. James T. Broyhill, Secretary, Department of Economic and Community Development.
- Ms. Edythe McKinney, Assistant Secretary, Environmental Protection, Department of Environment, Health and Natural Resources.
- Mr. George Teague, Moore & Van Allen, Attorneys for the Chemical Industry Council of N. C.
- Mr. Stephen Alexander, Regional Manager, The Council for Solid Waste Solutions, Annapolis, Maryland.
- Mr. Ran Coble, Executive Director, N. C. Center for Public Policy Research.
- Mr. Cary Saul, Deputy Director of Engineering, Mecklenburg County.
- Mr. Blair L. Pollock, Solid Waste Planner, Carrboro, Chapel Hill, and Orange County.
- Mr. T. H. Glendinning, President, Wastek, Pittsboro, North Carolina.
- Ms. Cassandra (Sandi) Maurer, President, North Carolina Recycling Association, Raleigh, North Carolina.
- Mr. Steven J. Levitas, Director, N. C. Environmental Defense Fund.
- Mr. Paul Crissman, Deputy Director, Solid Waste

Management Division, Department of Environment,
Health, and Natural Resources.

Dr. A. Robert Rubin, Associate Professor and Extension
Specialist, North Carolina State University.

Dr. Michael P. Levi, Associate State Leader CRD/NR,
North Carolina State University.

Mr. James T. Sughrue, Legislative Liaison and Assistant
Secretary of External Affairs, Department of State
Transportation.

Ms. Fran Preston, Vice President, Retail Merchants
Association.

Mr. Doug Culbreth, Director, Energy Division, Department
of Economic and Community Development.

Mr. Bill Holman, Lobbyist, Conservation Council of N.C.
and N. C. Chapter of the Sierra Club.

APPENDIX D

GENERAL ASSEMBLY OF NORTH CAROLINA
1989 SESSION
RATIFIED BILL

CHAPTER 754
SENATE BILL 1042

AN ACT TO MAKE APPROPRIATIONS TO PROVIDE CAPITAL IMPROVEMENTS FOR STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, EXCEPT FOR AID TO CERTAIN GOVERNMENTAL AND NONGOVERNMENTAL ENTITIES.

The General Assembly of North Carolina enacts:

-----TITLE/PURPOSES

Section 1. This act shall be known as the "Capital Improvement Appropriations Act of 1989".

An outline of the provisions of the act follows this section. The outline shows the heading "-----CONTENTS/INDEX-----" and it lists by general category the descriptive captions for the various sections and groups of sections that make up the act.

-----CONTENTS/INDEX-----

(This outline is designed for reference only, and the outline and the corresponding entries throughout the act in no way limit, define, or prescribe the scope or application of the text of the act.)

-----TITLE/PURPOSES	1
PART I.-----PROCEDURES FOR DISBURSEMENTS	3
PART II.-----CAPITAL IMPROVEMENTS/GENERAL FUND	3
PART III.-----CAPITAL IMPROVEMENTS/GENERAL FUND/STATE AID	10
PART IV.-----CAPITAL IMPROVEMENTS/HIGHWAY FUND	11
PART V.-----NONRECURRING OPERATING APPROPRIATIONS/GENERAL FUND	13
PART VI.-----NONRECURRING OPERATING APPROPRIATIONS/HIGHWAY FUND	14
PART VII.-----NONRECURRING STATE AID APPROPRIATIONS/GENERAL FUND	14
PART VIII.-----SPECIAL PROVISIONS	15
---AREA MENTAL HEALTH CENTER RESERVE	16
---UNC CONSTRUCTION FUNDS/RESTRICTED RESERVE	16
---NEWBOLT-WHITE HOUSE/STATE LAND	16
---COMMUNITY COLLEGE CAPITAL FUNDS/PERMANENT	16
---EXPANDED FOCUSED INDUSTRIAL TRAINING PROGRAM	16
---UNC EXTENSION FEES/CHARGES REVIEW	17
---VETERANS CEMETERIES FUNDS	17
---STATE ACCOUNTING SYSTEM PROJECT FUNDS	17

City of Goldsboro's sewer system, improvements to the Cherry Hospital and O'Berry Center water system, and expansion of the city sewer system required as a result of the connection.

Requested by: Representatives Hackney, Redwine

-----SOLID WASTE MANAGEMENT TRUST FUND/WASTE STREAM ANALYSIS

Sec. 34. Of the funds allocated from the Special Reserve for Oil Overcharge Funds to the North Carolina Housing Trust Fund in Section 2 of Chapter 841 of the 1987 Session Laws, the sum of \$500,000 shall be reallocated to the Department of Commerce for the 1989-90 fiscal year to be used for a waste stream analysis by the Department of Human Resources. These funds shall be matched on a one-to-one basis by private entities by April 30, 1990. These funds shall be used to conduct "waste stream" research in North Carolina counties. This research shall be contracted out by the Secretary of the Department of Human Resources on a competitive bid basis to an organization or firm that responds successfully to a "request for proposals" (RFP) issued at the direction and approval of the Secretary of the Department of Human Resources. The RFP shall be issued by the Secretary and awarded no later than December 31, 1989. A final report shall be issued to the Secretary of the Department of Human Resources and the General Assembly at the convening of the Regular Session 1991. The Secretary shall appoint a special advisory panel, composed of representatives from organizations participating in the matching grants program, to comment on contractors' response to the RFP. The Secretary, however, shall have final responsibility for awarding the contract.

The RFP shall contain provisions for quarterly progress reports to be issued by the contractor to the Secretary, who shall also make provisions for distributing reports to private entities participating in the matching grants provision. Reports to the appropriate committees of the General Assembly shall be determined by the President Pro Tempore of the Senate and the Speaker of the House of Representatives.

The waste stream analysis research study, at a minimum, shall include scientific and statistically significant sampling of solid waste material in each of North Carolina's 120 landfills; or, it shall be determined to contain sufficient statistically reliable data to project, at a sixty percent (60%) confidence level, the content and volume of any existing North Carolina landfill or other properly permitted solid waste disposal facility. Based on these specific findings, additional written outcomes of this waste stream analysis shall be the following:

- (1) Recommended solid waste disposal policies, appropriate for local governments, that are considered practicable, as well as "state-of-the-art"; that evaluate the financial impact and energy avoidance of recycling and alternative methods of solid waste disposal, including incineration and waste-to-energy options; that are consistent with contractor's findings; that contain specific procedures for monitoring market demand for recyclable goods; that identify potential domestic and foreign markets; that propose collection, storage, and transportation strategies, for both single-county and multi-county collection, recycling, treatment, and disposal; and that identify all relevant operating costs, capital costs, and revenues derived through the sale of recycled waste stream components and energy, related to their implementation;
- (2) A recommended solid waste management plan, based upon the policies recommended in subdivision (1) of this section, for the State of North Carolina, including policies the State may consider

to provide incentives for recycling facilities to locate in North Carolina; that suggest future strategies the State might consider to insure that its investments produce measurable reductions in solid waste, offer economic alternatives to traditional landfills, and provide increased technical assistance to cities and counties:

- (3) The plan, as recommended, shall contain a year-by-year determination of all relevant operating and capital costs, and propose recommended appropriations and/or financing mechanisms needed for the number of years required for its full implementation;
- (4) Finally, the plan shall contain a specific evaluation component which shall describe criteria for measuring progress and results against the plan, and which shall be understood clearly by the general public.

The North Carolina Housing Finance Agency shall transfer the funds reallocated by this subsection to the Department of Human Resources no later than September 1, 1989.

The Department of Commerce shall submit comprehensive annual reports to the General Assembly by May 5, 1990, and January 31, 1991, which detail the use of all funds received in the Stripper Well Litigation that were used or expended by State agencies. Any State department or agency that has received oil overcharge funds shall provide all information requested by the Department of Commerce for the purpose of preparing this report.

Requested by: Representatives B. Ethridge, Redwine

---PETROLEUM OVERCHARGE ATTORNEY FEES

Sec. 35. (a) Unless prohibited by federal law, rule, or regulation or preexisting settlement agreement, no later than October 1, 1989, the North Carolina Attorney General shall direct the withdrawal of all funds received in the cases of United States v. Exxon and Stripper Well that are held in accounts or reserves located out-of-State for payment of attorney fees and reasonable expenses incurred in connection with oil overcharge litigation authorized by the Attorney General. The Attorney General shall deposit these funds, and all funds to be received from petroleum overcharge funds in the future for attorney fees and reasonable expenses, into the Special Reserve for Oil Overcharge Funds.

(b) All attorney fees and reasonable expenses incurred in connection with oil overcharge litigation shall be paid by the State Treasurer from petroleum overcharge funds that have been received by this State and deposited into the Special Reserve for Oil Overcharge Funds.

(c) Notwithstanding any other provision of law, the Attorney General may authorize the payment of attorney fees and reasonable expenses from the Special Reserve for Oil Overcharge Funds without further action of the General Assembly and funds are hereby appropriated from the Special Reserve for Oil Overcharge Funds for the 1989-90 fiscal year and for the 1990-91 fiscal year for that purpose.

Requested by: Senator Martin of Pitt, Representatives B. Ethridge, Redwine

---FORESTRY RESOURCES REGIONAL HEADQUARTERS

Sec. 36. The Department of Natural Resources and Community Development, Division of Forest Resources, may use receipts to construct a regional headquarters facility on the Division's present county headquarters site in Buncombe County. Notwithstanding any other provision of law to the contrary, the Department may use force account construction and labor not to exceed the value of one hundred fifty thousand dollars (\$150,000).

GENERAL ASSEMBLY OF NORTH CAROLINA
1989 SESSION
RATIFIED BILL

CHAPTER 799
SENATE BILL 1309

AN ACT TO MAKE MISCELLANEOUS CHANGES TO THE STATE BUDGET
FOR THE 1989-90 FISCAL YEAR AND FOR PAST FISCAL YEARS.

The General Assembly of North Carolina enacts:

Section 1. From the funds appropriated to the Office of State Budget and Management in Section 4 of Chapter 754 of the 1989 Session Laws, the Capital Improvement Appropriations Act of 1989, to the Reserve for Repairs and Renovations, \$2,777,160 is allocated as follows:

	<u>1989-90</u>
DEPARTMENT OF AGRICULTURE	
Division of Marketing - Grant-in-aid for a poultry marketing sales promotion.	\$ 25,000 State Aid
DEPARTMENT OF HUMAN RESOURCES	
Division of Aging - Equal grants to the four regional Alzheimer's Chapters located in Charlotte, Winston-Salem, Raleigh, and Asheville.	50,000 State Aid
Western Carolina Center	
a. To construct an addition to the wheelchair shop.	105,160 Capital Improvements
b. To construct a roof over the outdoor recreation center.	20,000 Capital Improvements
c. To replace the air conditioning cooling towers. Funds will match an Exxon grant dollar-for-dollar.	200,000 Capital Improvements
DEPARTMENT OF CULTURAL RESOURCES	
1. Grant-in-Aid to Arts - N.C. Shakespeare Festival - Grant for touring metropolitan and rural communities throughout the State to present major Shakespearean	

streets on the Butner lands, extend water and sewer service on the Butner lands, and repair storm drains on the Butner lands."

Requested by: Senator Marvin

----SIMPLIFY CLERKS OF SUPERIOR COURT SALARY SCHEDULE

Sec. 27. (a) G.S. 7A-101(a) as rewritten by Section 32 of Chapter 752, Session Laws of 1989, reads as rewritten:

"(a) The clerk of superior court is a full-time employee of the State and shall receive an annual salary, payable in equal monthly installments, based on the population of the county, as determined by the population projections of the Office of State Budget and Management for the year preceding the first year of each biennial budget, according to the following schedule:

Population	Annual Salary	
	1989-90	1990-91
Less than 30,000	\$ 38,472	40,788
30,000 to Less than 99,999	\$ 44,256	46,920
100,000 to 199,999	50,016	53,028
200,000 and above	57,072	60,504

When a county changes from one population group to another, the salary of the clerk shall be changed to the salary appropriate for the new population group on July 1 of the first year of each biennial budget, except that the salary of an incumbent clerk shall not be decreased by any change in population group during his continuance in office."

(b) From funds appropriated to the Judicial Department in the certified budget for the 1989-91 biennium, the Administrative Officer of the Courts may use up to three hundred thirty-two thousand six hundred twenty-five dollars (\$332,625) in fiscal year 1989-90 and up to three hundred thirty-three thousand eight hundred eighty-two dollars (\$333,882) in fiscal year 1990-91 to meet the additional current operating expenses necessary to increase the salaries and benefits of clerks of superior court in counties with a population of less than 30,000 as required by subsection (a) of this section.

Requested by: Representative Redwine

----WASTE STREAM ANALYSIS

Sec. 28. Section 34 of the Capital Improvement Appropriations Act of 1989 reads as rewritten:

"Requested by: Representatives Hackney, Redwine

----~~SOLID WASTE MANAGEMENT TRUST FUND~~ WASTE STREAM ANALYSIS

Sec. 34. Of the funds allocated from the Special Reserve for Oil Overcharge Funds to the North Carolina Housing Trust Fund in Section 2 of Chapter 841 of the 1987 Session Laws, the sum of \$500,000 shall be reallocated to the Department of Commerce for the 1989-90 fiscal year to be used for a waste stream analysis by the Department of ~~Human Resources~~ Environment, Health, and Natural Resources. ~~These funds shall be matched on a one-to-one basis by private entities by April 30, 1990.~~ These funds shall be used to conduct 'waste stream' research in North Carolina counties. This research shall be contracted out by the Secretary of the Department of ~~Human Resources~~ Environment, Health, and Natural Resources on a competitive bid basis to an organization or firm that responds successfully to a 'request for proposals' (RFP) issued at the direction and approval of the Secretary of the Department of ~~Human Resources~~ Environment, Health, and Natural Resources. The RFP shall be issued by the Secretary and awarded no later than December 31,

1989. The RFP shall contain provisions for quarterly progress reports to be issued by the contractor to the Secretary, who shall also make provisions for distributing reports to private entities participating in the matching grants provision. Reports to the appropriate committees of the General Assembly shall be determined by the President Pro Tempore of the Senate and the Speaker of the House of Representatives.

~~A final report shall be issued to the Secretary of the Department of Human Resources and the General Assembly at the convening of the Regular Session 1991. These funds shall be matched on a one-to-one basis by private entities by April 30, 1990.~~ The Secretary shall appoint a special advisory panel, composed of representatives from local units of government and organizations participating in the matching grants program, to comment on contractors' response responses to the RFP. Panel members from local units of government shall be appointed so as to ensure that all regions of the State are equally represented. The Secretary, however, shall have final responsibility for awarding the contract.

~~The RFP shall contain provisions for quarterly progress reports to be issued by the contractor to the Secretary, who shall also make provisions for distributing reports to private entities participating in the matching grants provision. Reports to the appropriate committees of the General Assembly shall be determined by the President Pro Tempore of the Senate and the Speaker of the House of Representatives.~~

~~The~~ At a minimum, the waste stream analysis research study, at a minimum, shall include scientific and statistically significant sampling of solid waste material in each of North Carolina's 120 landfills; or, it shall be determined to the study shall contain sufficient statistically reliable data to project, at a sixty percent (60%) an eighty percent (80%) confidence level, the content and volume of any all existing North Carolina landfill landfills or other properly permitted solid waste disposal facility facilities. Based on these specific findings, additional written outcomes of this waste stream analysis shall be the following:

- (1) Recommended solid waste disposal policies, appropriate for regions or local governments, units of government, that are considered practicable, as well as 'state-of-the-art'; that evaluate the financial impact and energy avoidance of recycling and alternative methods of solid waste disposal, including incineration and waste-to-energy options; that are consistent with contractor's findings; that contain specific procedures for monitoring market demand for recyclable goods; that identify potential domestic and foreign markets; that propose collection, storage, and transportation strategies, for both single county and multi county regions, and for multi-county and single-county collection, recycling, treatment, and disposal; and that identify all relevant operating costs, capital costs, and revenues derived through the sale of recycled waste stream components and energy, related to their implementation;
- (2) A recommended solid waste management plan, based upon the policies recommended in subdivision (1) of this section, for the State of North Carolina, or regions therein, including policies the State may consider to provide incentives for recycling facilities to locate in North Carolina; that suggest future strategies the State might consider to insure-ensure that its investments produce measurable reductions in solid waste, offer economic alternatives to traditional landfills, and provide increased technical assistance to cities and counties; regions, counties, and cities;

- (3) The plan, as recommended, shall contain a year-by-year determination of all relevant operating and capital costs, and propose recommended appropriations and/or financing mechanisms needed for the number of years required for its full implementation;
- (4) Finally, the plan shall contain a specific evaluation component which shall describe criteria for measuring progress and results against the plan, and which shall be understood clearly by the general public.

The North Carolina Housing Finance Agency shall transfer the funds reallocated by this subsection to the Department of ~~Human Resources~~ Economic and Community Development no later than September 1, 1989.

The Department of Commerce shall submit comprehensive annual reports to the General Assembly by May 5, 1990, and January 31, 1991, which detail the use of all funds received in the Stripper Well Litigation that were used or expended by State agencies. Any State department or agency that has received oil overcharge funds shall provide all information requested by the Department of Commerce for the purpose of preparing this report. A final report of the waste stream analysis shall be issued by the contractor to the Secretary of the Department of Environment, Health, and Natural Resources and the General Assembly at the convening of the Regular Session 1991."

Requested by: Senator Ward

-----ALLOCATION OF BASIC EDUCATION PROGRAM ENHANCEMENT TEACHERS

Sec. 29. No school unit shall receive from funds appropriated in the continuation budget fewer Basic Education Program Enhancement Teachers in 1989-90 than it received in 1988-89.

Requested by: Representative Diamont

-----CELEBRATION '91 ACTIVITIES

Sec. 30. The Department of Commerce may continue for the 1989-91 biennium the development and implementation of Celebration '91 activities, a series of activities and events which are scheduled to occur across the State in 1991 to demonstrate local history and heritage.

Requested by: Senator Plyler

-----MOTOR FUELS TAX COLLECTION COSTS

Sec. 31. (a) Section 17 of Chapter 652 of the 1989 Session Laws reads as rewritten:

"Sec. 17. All sums collected on kerosene and motor fuel pursuant to ~~G.S. 119-18 that are not~~ G.S. 119-18, other than funds allotted by the Office of State Budget and Management to administer and enforce the provisions of Chapter 119 and funds retained by the Department of Revenue for the cost of collection of taxes under Subchapter V of Chapter 105 of the General Statutes shall be credited to the Commercial Leaking Petroleum Underground Storage Tank Cleanup Fund and the Noncommercial Leaking Underground Petroleum Storage Tank Cleanup Fund as certified on a monthly basis as follows: one-half ($\frac{1}{2}$) shall be credited to the Commercial Fund and one-half ($\frac{1}{2}$) shall be credited to the Noncommercial Fund unless the balance in the Commercial Fund exceeds fifteen million dollars (\$15,000,000), and in that event, all such funds shall be credited to the Noncommercial Fund until the balance of the Commercial Fund falls below five



APPENDIX E
GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1989

H

D

89-LDY-240
(THIS IS A DRAFT AND NOT READY FOR INTRODUCTION)

Short Title: Solid Waste Staff Funds.

(Public)

Sponsors: Rep.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO APPROPRIATE FUNDS TO ESTABLISH AND SUPPORT TWENTY
3 ADDITIONAL POSITIONS IN THE SOLID WASTE SECTION, SOLID WASTE
4 MANAGEMENT DIVISION, DEPARTMENT OF ENVIRONMENT, HEALTH, AND
5 NATURAL RESOURCES.
6 The General Assembly of North Carolina enacts:
7 Section 1. There is appropriated from the General Fund
8 to the Solid Waste Section, Solid Waste Management Division,
9 Department of Environment, Health, and Natural Resources the sum
10 of \$1,000,000 for the 1990-91 fiscal year to establish and
11 support twenty additional positions in the Solid Waste Section.
12 Sec. 2. This act shall become effective July 1, 1990.



APPENDIX F
GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1989

S

2

SENATE BILL 58
Second Edition Engrossed 2/28/89

Short Title: Solid Waste Clearinghouse.

(Public)

Sponsors: Senators Hunt of Moore; and Speed.

Referred to: Environment and Natural Resources.

January 26, 1989

1 A BILL TO BE ENTITLED
2 AN ACT THAT DESIGNATES THE SOLID WASTE BRANCH IN THE
3 DEPARTMENT OF HUMAN RESOURCES TO SERVE AS THE CENTRAL
4 CLEARINGHOUSE FOR INFORMATION REGARDING SOLID WASTE
5 MANAGEMENT.
6 The General Assembly of North Carolina enacts:
7 Section 1. G.S. 130A-291(a) reads as rewritten:
8 "**§ 130A-291. Solid Waste Unit in Department of Human Resources.**
9 (a) For the purpose of promoting and preserving an environment that is conducive
10 to public health and welfare, and preventing the creation of nuisances and the
11 depletion of our natural resources, the Department of Human Resources shall
12 maintain an appropriate administrative unit to promote sanitary processing,
13 treatment, disposal, and statewide management of solid waste and the greatest
14 possible recycling and recovery of resources, and the Department shall employ and
15 retain such qualified personnel as may be necessary to effect such purposes. This
16 administrative unit shall be designated to serve as the central clearinghouse for
17 information regarding solid waste management. From funds appropriated in the
18 continuation budget for this administrative unit, this clearinghouse shall maintain

1 information regarding solid waste research and planning, solid waste management
2 practices, markets for recyclable materials, and intergovernmental cooperation. It is
3 the purpose and intent of the State to be and remain cognizant not only of its
4 responsibility to authorize and establish the statewide solid waste management
5 program, but also of its responsibility to monitor and supervise, through the
6 Department of Human Resources, the activities and operations of units of local
7 government implementing a permitted solid waste management facility serving a
8 specified geographic area in accordance with a solid waste management plan."

9 Sec. 2. This act shall become effective July 1, 1989.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

S

2

SENATE BILL 113

Environment & Natural Resources Committee Substitute Adopted 5/8/89

Short Title: Solid Waste Ordinances.

(Public)

Sponsors:

Referred to:

February 6, 1989

1 A BILL TO BE ENTITLED
2 AN ACT TO CLARIFY THE AUTHORITY OF COUNTIES AND CITIES TO
3 ADOPT ORDINANCES REGULATING LOCAL SOLID WASTE
4 MANAGEMENT.

5 The General Assembly of North Carolina enacts:

6 Section 1. G.S.153A-136 reads as rewritten:

7 "§ 153A-136. Regulation of solid wastes.

8 (a) A county may by ordinance regulate the storage, collection, transportation,
9 use, disposal, and other disposition of solid wastes. Such an ordinance may:

- 10 (1) Regulate the activities of persons, firms, and corporations, both
11 public and private.
- 12 (2) Require each person wishing to commercially collect or dispose of
13 solid wastes to secure a license from the county and prohibit any
14 person from commercially collecting or disposing of solid wastes
15 without a license. A fee may be charged for a license.
- 16 (3) Grant a franchise to one or more persons for the exclusive right to
17 commercially collect or dispose of solid wastes within all or a
18 defined portion of the county and prohibit any other person from

1 commercially collecting or disposing of solid wastes in that area.
2 The board of commissioners may set the terms of any franchise,
3 except that no franchise may be granted for a period exceeding
4 seven years, nor may any franchise by its terms impair the
5 authority of the board of commissioners to regulate fees as
6 authorized by this section.

7 (4) Regulate the fees, if any, that may be charged by licensed or
8 franchised persons for collecting or disposing of solid wastes.

9 (4a) Require the source separation of materials from solid waste prior
10 to collection of the solid waste for disposal.

11 (4b) Require participation in a recycling program which has been
12 approved by the board of commissioners.

13 (5) Include any other proper matter.

14 (b) Any ordinance adopted pursuant to this section shall be consistent with and
15 supplementary to any regulations adopted by the Department of Human Resources."

16 Sec. 2. G.S. 160A-192 reads as rewritten:

17 "**§ 160A-192. Regulation of trash and garbage.**

18 (a) ~~A city may by ordinance regulate the disposal of solid wastes within the city,~~
19 ~~and may require the owners or occupants of houses and other buildings to place solid~~
20 ~~waste in specified places or receptacles for the convenience of city collection and~~
21 ~~disposal, and may impose charges for such collection and disposal.~~ A city may by
22 ordinance regulate the collection and disposal of solid waste within the city. An
23 ordinance may:

24 (1) Require the owners or occupants of houses and other buildings to
25 place solid waste in specified places or receptacles for the
26 convenience of city collection and disposal;

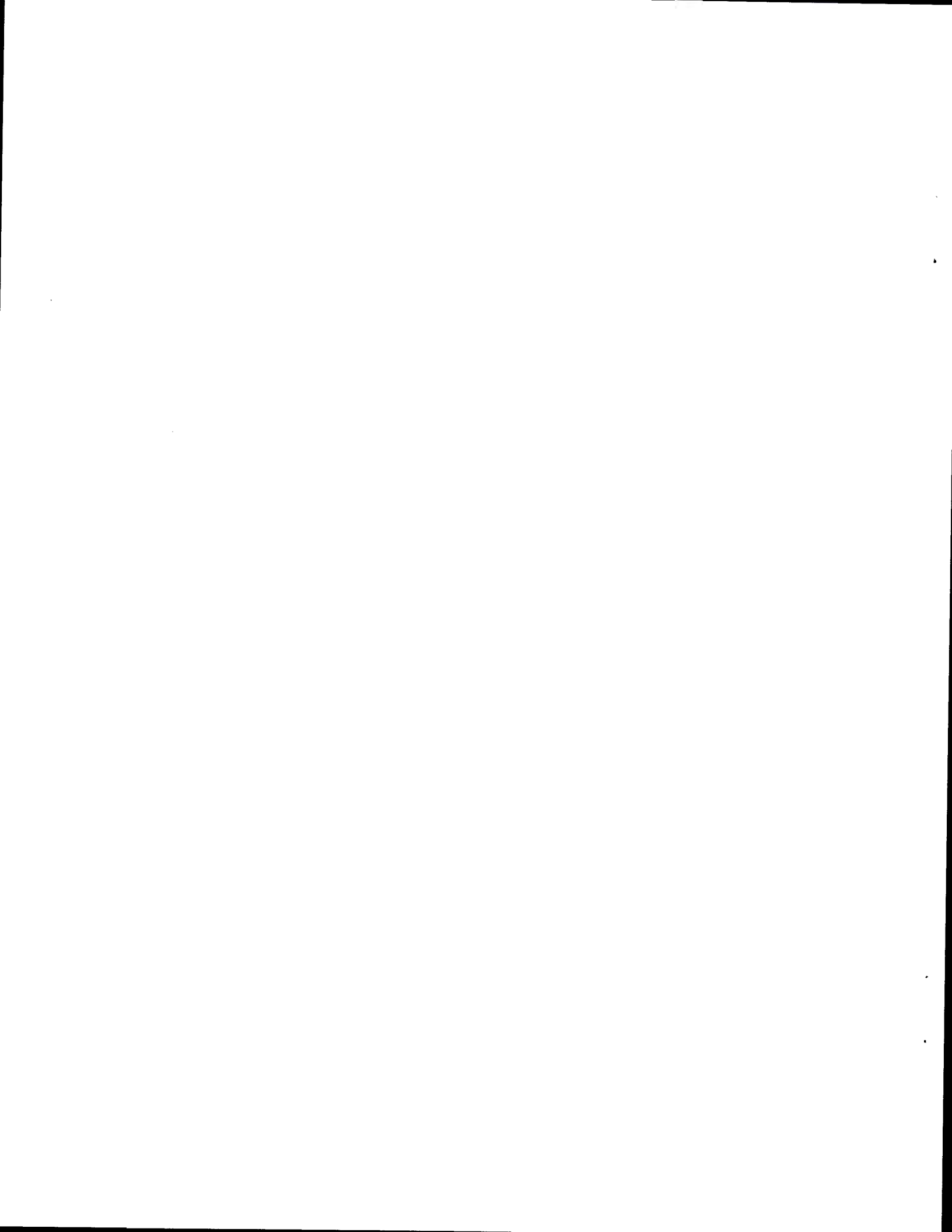
27 (2) Impose charges for such collection and disposal;

28 (3) Require the source separation of materials from solid waste prior
29 to collection of the solid waste for disposal.

30 (4) Require participation in a recycling program which has been
31 approved by the governing board.

32 (b) Any two or more cities, counties, sanitary districts, or any combination thereof,
33 are authorized to enter into contracts and agreements for the joint ownership,
34 construction, operation and maintenance of solid waste collection and disposal
35 systems and facilities. In operating such systems and facilities, the participating units

- 1 may exercise jointly any power that they might exercise individually with respect to
- 2 solid waste collection and disposal systems and facilities."
- 3 Sec. 3. This act is effective upon ratification.



**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1989**

S

2

**SENATE BILL 114
Second Edition Engrossed 4/24/89**

Short Title: **Landfill Disposal Fees.**

(Public)

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

Referred to: **Local Government.**

February 6, 1989

1 **A BILL TO BE ENTITLED**
2 **AN ACT TO PROVIDE THAT A COUNTY LANDFILL THAT IS A PUBLIC**
3 **ENTERPRISE HAS CONDITIONAL AUTHORITY TO CHARGE A**
4 **MUNICIPALITY LOCATED IN THAT COUNTY A SOLID WASTE**
5 **DISPOSAL FEE.**
6 **The General Assembly of North Carolina enacts:**
7 **Section 1. G.S. 153A-292 reads as rewritten:**
8 **"§ 153A-292. County collection and disposal; tax levy.**
9 **The board of county commissioners of any county is hereby empowered to**
10 **establish and operate garbage, refuse, and solid waste collection and disposal**
11 **facilities, or either, in areas outside of incorporated cities and towns where, in its**
12 **opinion, the need for such facilities exists. The board may by ordinance regulate the**
13 **use of such garbage, refuse, and solid waste disposal facilities; the nature of the solid**
14 **wastes disposed of therein; and the method of disposal. Ordinances so adopted may**
15 **be enforced by any law-enforcement officer having jurisdiction, which shall include,**
16 **but not be limited to, officers of the county sheriff's department, county police**
17 **department and the State Highway Patrol. The board may contract with any**
18 **municipality, individual, or privately owned corporation to collect and dispose, or**

1 collect or dispose, of garbage, refuse, and solid waste in any such area provided no
2 county shall be authorized by this Article to levy a disposal fee upon any
3 municipality located in that county which uses the county disposal facility, its
4 contractors if the board of commissioners levy a countywide tax on property which
5 provides in part for financing such disposal facilities or its residents unless the county
6 also levies a similar disposal fee that is clearly designated as a disposal fee upon non-
7 municipal county residents, or upon privately owned corporations or individuals
8 which have contracted with the board to collect solid waste, so that municipal
9 residents are treated equitably. In the disposal of garbage, refuse, and solid waste, the
10 board may use any vacant land owned by the county, or it may acquire suitable sites
11 for such purpose. The board may make appropriations to carry out the activities
12 herein authorized. The board may impose fees for the use of disposal facilities, and in
13 the event it shall provide for the collection of garbage, refuse, and solid waste, it may
14 charge fees for such collection service sufficient in its opinion to defray the expense
15 of collection. Counties and municipalities therein are authorized to establish and
16 operate joint collection and disposal facilities, or either of these, upon such terms as
17 the governing bodies may determine. Such agreement shall be in writing and
18 executed by the governing body of the participating units of local government.

19 The board of commissioners of each county is hereby authorized to levy taxes for
20 the special purpose of carrying out the authority conferred by this section, in addition
21 to the rate of tax allowed by the Constitution for general purposes, and the General
22 Assembly hereby gives its special approval for such tax levies.

23 The board of county commissioners may use any vacant land owned by the county,
24 and it may acquire by purchase or condemnation suitable land for the disposal sites,
25 and in the event condemnation of said lands is necessary, the procedure used shall be
26 that set forth in Chapter 40A of the North Carolina General Statutes.

27 The board may impose fees for the use of the disposal site, and if the county
28 provides for collection services, it shall charge fees sufficient to defray the expense of
29 collection.

30 The board of commissioners of each county is authorized to levy taxes for the
31 special purpose of carrying out the authority conferred by this section, in addition to
32 the rate of tax allowed by the Constitution for general purposes, and the General
33 Assembly hereby gives its special approval for such tax levies. The board of
34 commissioners is authorized to make appropriations from these tax funds, and from
35 nonrevenue funds which may be available. Provided that the county board of

1 commissioners may authorize the erection of a gate across a state or
2 county-maintained highway leading directly to a sanitary landfill or garbage disposal
3 site which is operated by the county. The gate may be erected at or in close
4 proximity to the boundary of the landfill or garbage disposal site. The cost of the
5 erection of the gate and its maintenance is to be borne by the county, and the gate
6 shall be closed upon authority of the county commissioners."

7 Sec. 2. This act shall become effective October 1, 1989.

