

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 1097  
Committee Substitute Favorable 5/9/91

Short Title: Eng. Barriers/Haz. Waste Landfills.

(Public)

Sponsors:

Referred to:

April 24, 1991

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR MORE STRINGENT REQUIREMENTS ON HAZARDOUS WASTE LANDFILLS BY REQUIRING ALL WASTE BE PLACED IN CONTAINERS PRIOR TO DISPOSAL AND TO AMEND THE GENERAL STATUTES CONCERNING RESIDENT INSPECTOR RULES AT SPECIAL PURPOSE COMMERCIAL HAZARDOUS WASTE FACILITIES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 130A-294(c) is amended by adding a new subdivision to read:

"(19) All waste shall be packed in containers for disposal, except as the Commission shall provide for by rule. For purposes of this section, the term 'container' means any portable device into which waste is placed for storage, transportation, treatment, disposal, or other handling, and includes the first enclosure which encompasses the waste. The Commission shall adopt standards for the design and construction of containers for disposal. Standards for containers may vary for different types of waste. The standards for disposal containers may supplement or duplicate any of the performance or engineering standards for hazardous waste disposal facilities required under State or federal law, however, the performance or engineering standards for hazardous waste disposal facilities are separate and cumulative, and the performance or engineering standards for hazardous waste disposal facilities and containers may not substitute for or replace one another."

1           Sec. 2. G.S. 130A-295.02(j) reads as rewritten:

2           "(j) The Commission ~~may~~ shall adopt rules establishing reasonable times and  
3 frequencies for the presence of a resident inspector on less than a full-time basis at  
4 special purpose commercial hazardous waste ~~facilities which manage limited quantities of~~  
5 ~~hazardous waste.~~ facilities pursuant to this section. For purposes of this subsection,  
6 special purpose commercial hazardous waste facilities include: a facility which manages  
7 limited quantities of hazardous waste; a facility which limits its hazardous waste  
8 management activities to reclamation or recycling, including energy or materials  
9 recovery or a facility which stores hazardous waste primarily for use at such facilities;  
10 or a facility which is determined to be low risk under rules adopted by the Commission  
11 pursuant to this subsection. ~~Rules providing for resident inspectors on less than a full-time~~  
12 basis shall be based on such factors as the smallness of the facility, Rules adopted pursuant  
13 to this subsection shall establish classifications of special purpose hazardous waste  
14 facilities based on factors including, but not limited to, the size of the facility, the type  
15 of treatment or storage being performed, the nature and volume of waste being treated,  
16 treated or stored, the uniformity, similarity, or lack of diversity of the waste streams, the  
17 predictability of the nature of the waste streams and their treatability, whether the  
18 facility utilizes automated monitoring or safety devices which adequately perform  
19 functions that would otherwise be performed by a resident inspector, the fact that  
20 reclamation or recycling is being performed at the facility and the compliance history of  
21 the facility and its operator. Such rules shall specify a minimum number of inspections  
22 during such times as the facility is in operation, undergoing any maintenance or repair,  
23 or undergoing any test or calibration. Commercial hazardous waste facilities that utilize  
24 hazardous waste as a fuel source shall be inspected a minimum of 40 hours per week.  
25 Special purpose commercial hazardous waste facilities shall be subject to inspection at  
26 all times. The Department shall keep records of all inspections and shall certify that the  
27 resident inspectors have complied with this requirement."

28           Sec. 3. This act is effective upon ratification.