

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 1991

CHAPTER 932  
SENATE BILL 145

AN ACT TO CHANGE THE REQUIREMENT THAT TWENTY-FIVE PERCENT OF PLASTIC BAGS BE RECYCLED TO A GOAL, TO EXTEND THE DATE ON WHICH TWENTY-FIVE PERCENT OF CERTAIN POLYSTYRENE FOAM PRODUCTS MUST BE RECYCLED, TO AUTHORIZE COUNTIES TO INCLUDE FEES FOR SUBSURFACE DISCHARGE WASTEWATER MANAGEMENT SYSTEMS AND SERVICES ON PROPERTY TAX BILLS, AND TO ALLOW REGIONAL SOLID WASTE MANAGEMENT AUTHORITIES TO MANAGE NONHAZARDOUS SLUDGES ON THE SAME BASIS AS INDIVIDUAL UNITS OF LOCAL GOVERNMENT.

The General Assembly of North Carolina enacts:

Section 1. G.S. 130A-309.10(c) reads as rewritten:

- "(c) (1) After 1 January 1991, no plastic bag shall be provided at any retail outlet to any retail customer to use for the purpose of carrying items purchased by that customer unless the bag is composed of material which is recyclable. Notice of recyclability shall be printed on each bag purchased by the retailer after 1 January 1991.
- (2) ~~After 1 January 1993, no plastic bag shall be provided at any retail outlet to any retail customer to use for the purpose of carrying items purchased by that customer unless the Secretary certifies that not less than twenty five percent (25%) of such bags are being recycled. It is the goal of the State that, by 1 January 1993, at least twenty-five percent (25%) of the plastic bags provided at retail outlets in the State to retail customers for carrying items purchased by the customer be recycled.~~"

Sec. 2. G.S. 130A-309.10(d) reads as rewritten:

- "(d) (1) After 1 October 1991, no person shall distribute, sell, or offer for sale in this State any polystyrene foam product which is to be used in conjunction with food for human consumption unless such product is composed of material which is recyclable.
- (2) After 1 October ~~1993, 1997,~~ no person shall distribute, sell, or offer for sale in this State any polystyrene foam product ~~which that~~ is to be used in conjunction with food for human consumption unless the Secretary certifies that ~~not less than~~ at least twenty-five percent (25%) of such products are being recycled. This subdivision does not apply to any polystyrene foam product containing at least twenty-five percent

(25%) polystyrene derived from products that have been collected for recycling after those products have served the purpose for which they were manufactured."

Sec. 3. G. S. 153A-277(a) reads as rewritten:

"(a) A county may establish and revise from time to time schedules of rents, rates, fees, charges, and penalties for the use of or the services furnished by a public enterprise. Schedules of rents, rates, fees, charges, and penalties may vary for the same class of service in different areas of the county and may vary according to classes of service, and different schedules may be adopted for services provided outside of the county. A county may include a fee relating to subsurface discharge wastewater management systems and services on the property tax bill for the real property where the system for which the fee is imposed is located."

Sec. 4. G.S. 153A-421 reads as rewritten:

**"§ 153A-421. Definitions; applicability; creation of authorities.**

(a) Unless a different meaning is required by the context, terms relating to the management of solid waste used in this Article have the same meaning as in G.S. 130A-2 and in G.S. 130A-290. As used in this Article, the term 'solid waste' means nonhazardous solid waste, that is, solid waste as defined in G.S. 130A-290 but not including hazardous ~~waste or sludge.~~ waste.

(b) This Article shall not be construed to authorize any authority created pursuant to this Article to regulate or manage hazardous ~~wastes or sludge.~~ waste. An authority created under this Article may manage sludges, other than a sludge that is a hazardous waste, under rules of the Commission for Health Services and criteria established by the Department of Environment, Health, and Natural Resources for the management of sludge.

(c) Any two or more units of local government may create a regional solid waste management authority by adopting substantially identical resolutions to that effect in accordance with the provisions of this Article. The resolutions creating a regional solid waste management authority and any amendments thereto are referred to in this Article as the 'charter' of the regional solid waste management authority. Units of local government which participate in the creation of a regional solid waste management authority are referred to in this Article as 'members'.

(d) As used in G.S. 153A-427(a)(24), the term 'transferred' means placed at or delivered to any (i) place normally and customarily used by the authority for the collection of solid waste, (ii) other place agreed upon by the generator or owner of recyclable materials and the authority, or (iii) facility owned, operated, or designated by the authority."

Sec. 5. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 14th day of July, 1992.

James C. Gardner  
President of the Senate

Daniel Blue, Jr.  
Speaker of the House of Representatives