

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

S

2

SENATE BILL 1003

Environment and Natural Resources Committee Substitute Adopted 5/13/93

Short Title: Public Hearing/Landfill Permits.

(Public)

Sponsors:

Referred to:

April 29, 1993

A BILL TO BE ENTITLED

1 AN ACT TO REQUIRE THAT A PUBLIC HEARING BE HELD PRIOR TO THE
2 APPROVAL OF AN APPLICATION FOR A NEW PERMIT, THE RENEWAL OF
3 A PERMIT, OR A SUBSTANTIAL AMENDMENT TO A PERMIT FOR A
4 SANITARY LANDFILL.
5

6 The General Assembly of North Carolina enacts:

7 Section 1. G.S. 130A-294(a)(4) reads as rewritten:

8 "(4) a. Develop a permit system governing the establishment and
9 operation of solid waste management facilities. No application for a
10 new permit, the renewal of a permit, or a substantial amendment to a
11 permit shall be granted for a sanitary landfill, excluding demolition
12 landfills as defined in the rules of the Commission for Health Services,
13 without the Department receiving the prior approval for ~~such~~ the new
14 permit, renewal of the permit, or substantial amendment to the permit
15 from the county where it is to be located, except if it is to be located
16 within the corporate limits or extraterritorial jurisdiction under Article
17 19 of Chapter 160A of the General Statutes, of a city as defined in G.S.
18 160A-1(2), from the city where it is to be located or whose jurisdiction
19 it is in. No permit shall be granted for a solid waste management
20 facility having discharges which are point sources until the Department
21 has referred the complete plans and specifications to the
22 Environmental Management Commission and has received advice in
23 writing that the plans and specifications are approved in accordance

1 with the provisions of G.S. 143-215.1. In any case where the
2 Department denies a permit for a solid waste management facility, it
3 shall state in writing the reason for denial and shall also state its
4 estimate of the changes in the applicant's proposed activities or plans
5 which will be required for the applicant to obtain a permit.

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

15 ♦ Sec. 2. G.S. 130A-294 is amended by adding a new subsection to read:

16 "(b1)

17 (1) For purposes of this subsection and subdivision (4) of
18 subsection (a) of this section, a 'substantial amendment' means
19 either:

20 a. An increase of ten percent (10%) or more in:

21 1. The population of the geographic area to be served by
22 the sanitary landfill;

23 2. The quantity of solid waste to be disposed of
24 in the sanitary landfill; or

25 3. The geographic area to be served by the sanitary landfill.

26 b. A change in the categories of solid waste to be disposed of in
27 the sanitary landfill or any other change to the application for a
28 permit or to the permit for a sanitary landfill that the
29 Commission or the Department determines to be substantial.

30 (2) Within 10 days after receiving an application for a permit, for the
31 renewal of a permit, or for a substantial amendment to a permit for a
32 sanitary landfill, the Department shall notify the clerk of the board of
33 commissioners of the county or counties in which the sanitary landfill
34 is proposed to be located or is located and, if the sanitary landfill is
35 proposed to be located or is located within a city, the clerk of the
36 governing board of the city, that the application has been filed and
37 shall file a copy of the application with the clerk. Prior to the issuance
38 of a permit, the renewal of a permit, or a substantial amendment to a
39 permit, the board of commissioners of the county or counties in which
40 the sanitary landfill is proposed to be located or is located or, if the
41 sanitary landfill is proposed to be located or is located in a city, the
42 governing board of the city shall conduct a public hearing when
43 sufficient public interest exists. The board of commissioners of the
44 county or counties in which the sanitary landfill is proposed to be
located or is located or, if the sanitary landfill is proposed to be located

1 or is located in a city, the governing board of the city shall provide
2 adequate notice to the public of the public hearing and shall specify the
3 procedure to be followed at the public hearing."

4 Sec. 3. This act is effective upon ratification and applies to any application
5 for a permit, the renewal of a permit, or a substantial amendment to a permit filed on or
6 after the date this act becomes effective.