

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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SENATE BILL 1564*

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

Sponsors: Senator Clodfelter.

Referred to: Agriculture/Environment/Natural Resources.

May 18, 2006

A BILL TO BE ENTITLED

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

14 The General Assembly of North Carolina enacts:

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

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

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

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

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

43 a. A statement of the population to be served, including a
44 description of the geographic area.

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

14 **SECTION 3.** This act is effective when it becomes law and applies to

15 applications for franchise awards or renewals pending on or after that date.