

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

S

1

SENATE BILL 1575

Short Title: Moratorium Imposed on New Landfills/Funds. (Public)

Sponsors: Senators Jenkins; Albertson and Purcell.

Referred to: Agriculture/Environment/Natural Resources.

May 18, 2006

A BILL TO BE ENTITLED

1 AN ACT TO IMPOSE A MORATORIUM ON THE CONSIDERATION OF PERMIT
2 APPLICATIONS AND ISSUANCE OF PERMITS FOR THE CONSTRUCTION
3 OF NEW LANDFILLS IN THE STATE AND TO DIRECT THE
4 ENVIRONMENTAL REVIEW COMMISSION TO STUDY ISSUES RELATED
5 TO SOLID WASTE DISPOSAL IN ORDER TO PROTECT PUBLIC HEALTH
6 AND THE ENVIRONMENT.
7

8 The General Assembly of North Carolina enacts:

9 **SECTION 1.** Definitions. – The definitions set forth in G.S. 130A-290 apply
10 throughout this act.

11 **SECTION 2.(a)** Moratorium Established. – There is hereby established a
12 moratorium on consideration of applications for a permit and on the issuance of permits
13 for new landfills in the State. The purposes of this moratorium are to allow the State to
14 study solid waste disposal issues in order to protect public health and the environment.
15 The Department of Environment and Natural Resources shall not consider a permit
16 application nor issue a permit for a new landfill for the disposal of construction or
17 demolition waste, municipal solid waste, or industrial solid waste for a period beginning
18 on 1 July 2006 and ending on 1 January 2008.

19 **SECTION 2.(b)** Exceptions. – The moratorium established by subsection (a)
20 of this section shall not prohibit consideration of an application for or issuance of:

- 21 (1) A modification of a permit for an existing permitted landfill.
- 22 (2) A permit to expand an existing permitted landfill if the proposed
23 facility boundary will provide no more than five years of disposal
24 capacity.
- 25 (3) A modification of a permit to reflect a transfer of ownership of an
26 existing permitted landfill.
- 27 (4) A modification of a permit to provide for a substantial change to the
28 waste stream described in a permit in effect as of 1 May 2006 for an
29 existing landfill.

1 (5) A permit for a sanitary landfill used only to dispose of waste generated
2 by a coal-fired generating unit that is owned or operated by an
3 investor-owned utility subject to the requirements of
4 G.S. 143-215.107D.

5 (6) A permit for a sanitary landfill determined to be necessary by the
6 Secretary in order to respond to an imminent hazard to public health or
7 a natural disaster.

8 **SECTION 3.(a)** Study. – The Environmental Review Commission, with the
9 assistance of the Division of Waste Management of the Department of Environment and
10 Natural Resources, shall study issues related to solid waste. The Commission shall
11 specifically study measures concerning:

12 (1) Financial responsibility requirements for solid waste landfills,
13 including the application of requirements to limited liability companies
14 and other business entity structures of applicants seeking solid waste
15 landfill permits.

16 (2) Application of franchise requirements and local government approval
17 for solid waste landfill permits, including adequacy of public notice
18 and comment, community studies, and site designations prior to local
19 government approval.

20 (3) Siting, design, and operational requirements for landfills for the
21 disposal of construction or demolition waste, municipal solid waste, or
22 industrial solid waste that are proposed in areas susceptible to flooding
23 from natural disasters, areas with high water tables, and other
24 environmentally sensitive areas.

25 (4) Traffic considerations for proposed landfills.

26 (5) Regulatory oversight and staffing for permitting and compliance of
27 solid waste landfills, and inspection of waste containers on barges,
28 railways, and trucks.

29 (6) Compliance with statutory prohibitions on disposal of certain types of
30 solid waste and measures to prevent disposal of hazardous waste in
31 solid waste and construction and demolition landfills.

32 (7) Ways to reduce the amount of solid waste disposed of within North
33 Carolina landfills, including statewide tipping fees, bans on the
34 disposal of certain types of waste in landfills, more aggressive
35 recycling requirements, and enhanced regulatory requirements for
36 landfills and other solid waste management facilities.

37 **SECTION 3.(b)** Subcommittee. – In order to facilitate the conduct of this
38 study, the Cochairs of the Environmental Review Commission may establish a
39 subcommittee of the Commission. The subcommittee of the Commission may include
40 nonlegislative members who have special knowledge, interest, or expertise in various
41 aspects of solid waste management, appointed in consultation with the President Pro
42 Tempore of the Senate and the Speaker of the House of Representatives.

1 **SECTION 3.(c)** Report. – The Commission shall report its findings, together
2 with any recommended legislation, to the 2007 Regular Session of the 2007 General
3 Assembly upon its convening.

4 **SECTION 4.** There is appropriated from the General Fund to the
5 Environmental Review Commission the sum of twenty thousand dollars (\$20,000) for
6 the 2006-2007 fiscal year to defray the expenses of the study authorized by Section 3 of
7 this act.

8 **SECTION 5.** Section 4 of this act becomes effective 1 July 2006. Sections
9 1, 2, 3, and 5 of this act are effective when this act becomes law.