

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021**

S

2

**SENATE BILL 60
Agriculture, Energy, and Environment Committee Substitute Adopted 4/27/21**

Short Title: Disapprove Various Solid Waste Rule Changes. (Public)

Sponsors:

Referred to:

February 8, 2021

1 A BILL TO BE ENTITLED
2 AN ACT TO REVISE CERTAIN RULES RELATED TO SOLID WASTE MANAGEMENT
3 FACILITIES ADOPTED BY THE ENVIRONMENTAL MANAGEMENT
4 COMMISSION.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.(a)** Definitions. – For purposes of this section and its implementation,
7 "Solid Waste Landfill Rules" means the following rules as adopted by the North Carolina
8 Environmental Management Commission (EMC) on July 9, 2020, and approved by the Rules
9 Review Commission on October 15, 2020:

10 15A NCAC 13B .0533 (General Application Requirements and Processing for
11 C&DLF Facilities)

12 15A NCAC 13B .0535 (Application Requirements for C&DLF Facilities)

13 15A NCAC 13B .0543 (Closure and Post-Closure Requirements for C&DLF
14 Facilities)

15 15A NCAC 13B .0544 (Monitoring Plans and Requirements for C&DLF Facilities)

16 15A NCAC 13B .0545 (Assessment and Corrective Action Program for C&DLF
17 Facilities and Units)

18 15A NCAC 13B .1603 (General Application Requirements and Processing)

19 15A NCAC 13B .1617 (Application Requirements for MSWLF Facilities)

20 15A NCAC 13B .1627 (Closure and Post-Closure Requirements for MSWLF
21 Facilities)

22 15A NCAC 13B .1631 (Groundwater Monitoring Systems)

23 15A NCAC 13B .1632 (Groundwater Sampling and Analysis Requirements)

24 15A NCAC 13B .1633 (Detection Monitoring Program)

25 15A NCAC 13B .1634 (Assessment Monitoring Program)

26 15A NCAC 13B .1635 (Assessment of Corrective Measures)

27 15A NCAC 13B .1636 (Selection of Remedy)

28 15A NCAC 13B .1637 (Implementation of the Corrective Action Program)

29 **SECTION 1.(b)** Solid Waste Landfill Rules. – Notwithstanding G.S. 150B-21.3, the
30 Solid Waste Landfill Rules shall become effective when this act becomes effective, except that
31 the EMC and the Department of Environmental Quality (Department) shall implement the Solid
32 Waste Landfill Rules as provided in Section 1(c) until the effective date of the revised permanent
33 rules that the EMC is required to adopt pursuant to Section 1(d).

34 **SECTION 1.(c)** Implementation. – The Solid Waste Landfill Rules shall be
35 implemented subject to all of the following requirements:



- 1 (1) One hundred eighty days prior to beginning closure of the final permitted
2 landfill unit, an owner or operator of a construction and demolition debris
3 landfill facility (C&DLF) or a municipal solid waste landfill facility
4 (MSWLF) shall submit to the Department's Division of Waste Management
5 (Division) a notice of intent to close the final unit (notice of closure), in
6 writing, and place a copy of the notice of closure in the facility's operating
7 record. The notice of closure shall include the anticipated date that the facility
8 will cease waste acceptance and a statement identifying the plans that were
9 incorporated into the permit that the owner or operator will comply with
10 during the closure and post-closure care period. The notice of closure shall
11 include the dates that the plans were incorporated into the facility's permit and
12 the file identification numbers that were assigned by the Division to the files
13 containing these plans. If the owner or operator determines that updates or
14 revisions to the plans are necessary, the owner or operator shall submit any
15 changes to the plans to the Division as a permit modification.
- 16 (2) An owner and operator of a C&DLF or MSWLF shall not be required to
17 submit a permit application for the Division to issue a permit for closure and
18 post-closure care of a landfill. The Division shall issue a permit for closure
19 and post-closure care that incorporates the plans identified in the notice of
20 closure submitted pursuant to subdivision (1) of this subsection. Owners or
21 operators that closed all waste disposal units at the landfill prior to the date
22 this bill becomes law shall not be required to submit a notice of closure
23 pursuant to subdivision (1) of this subsection. If a closure and post-closure
24 care permit has not already been issued for these facilities prior to the date this
25 bill becomes law, the Division shall issue a permit for closure and post-closure
26 care that incorporates the plans for closure and post-closure care that were
27 included in the most recent permit to operate issued for the facility.
- 28 (3) An application for an amendment to a permit for a C&DLF or MSWLF
29 submitted solely for a change in ownership or corporate structure shall include
30 all of the following information:
- 31 a. A description of the proposed ownership change including affected
32 facilities and associated permit numbers, the schedule for the proposed
33 change in ownership or corporate structure, and contact name and
34 information for the proposed or new owner or operator.
- 35 b. Any changes to the facility name, property owner, facility operator, or
36 billing contact names and contact information.
- 37 c. If the property owner has changed or will change as a part of the
38 change to ownership or corporate structure, a copy of the recorded
39 property deed for the new property owner.
- 40 d. For an applicant that is not a federal, State, or local government, an
41 organization chart showing the ownership structure of the proposed or
42 new owner or operator, which shall be a business entity registered with
43 the North Carolina Secretary of State.
- 44 e. An environmental compliance history for the applicant in accordance
45 with G.S. 130A-295.3(b).
- 46 f. Any documentation that the Division may request in order to
47 determine compliance with requirements for financial responsibility
48 that must be established by the proposed or new owner or operator
49 pursuant to G.S. 130A-295.2 and Section .1800 of Subchapter B of
50 Chapter 13 of Title 15A of the North Carolina Administrative Code,

- 1 including an executed financial assurance mechanism for, by, or from
- 2 the proposed or new owner or operator.
- 3 g. Any updates to the cost estimates required to be submitted in
- 4 accordance with Section .1800 of Subchapter B of Chapter 13 of Title
- 5 15A of the North Carolina Administrative Code.
- 6 h. Any potential modifications to be made by the proposed or new owner
- 7 or operator to the plans incorporated into the facility's permit, or any
- 8 potential modifications to be made to the facility's permit to correct
- 9 any information included in the plans that has changed due to the
- 10 change in ownership or corporate structure, such as the owner or
- 11 operator names and contact information.
- 12 i. For any plans for which no changes or corrections are to be made, a
- 13 statement that the proposed or new owner or operator shall continue to
- 14 comply with the plans incorporated into the existing facility permit,
- 15 which shall be identified in the statement by the date the plans were
- 16 incorporated, and the file identification number assigned by the
- 17 Division to the file containing the incorporated plan.
- 18 j. Copies of any federal, State, or local government permits or approvals
- 19 required for the facility under law, which have been revised as a result
- 20 of the proposed change in ownership or corporate structure, or a
- 21 statement that these permits or approvals have not changed.
- 22 k. Any additional information that the Division may request that is
- 23 necessary for compliance with the requirements of this section and the
- 24 requirements of Subchapter B of Chapter 13 of Title 15A of the North
- 25 Carolina Administrative Code.

26 (4) All references to "interim maximum allowable concentrations" and "IMACs"

27 shall be eliminated from the Solid Waste Landfill Rules.

28 **SECTION 1.(d)** Additional Rulemaking Authority. – The EMC shall adopt rules to

29 amend the Solid Waste Landfill Rules to be consistent with Section 1(c). Notwithstanding

30 G.S. 150B-19(4), the rules adopted by the EMC pursuant to this section shall be substantively

31 identical to the provisions of Section 1(c). Rules adopted pursuant to this section are not subject

32 to Part 3 of Article 2A of Chapter 150B of the General Statutes. Rules adopted pursuant to this

33 section shall become effective as provided in G.S. 150B-21.3(b1), as though 10 or more written

34 objections had been received as provided in G.S. 150B-21.3(b2).

35 **SECTION 1.(e)** Sunset. – This section expires when permanent rules adopted as

36 required by Section 1(d) become effective.

37 **SECTION 2.** This act is effective when it becomes law.