

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 1238

Short Title: More Recycling at Large Events and Venues. (Public)

Sponsors: Representatives Tarleton; and Harrison.

Referred to: Commerce, Small Business, and Entrepreneurship, if favorable, Environment and Natural Resources, if favorable, Finance.

April 9, 2009

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2 A BILL TO BE ENTITLED
3 AN ACT TO FACILITATE SOLID WASTE REDUCTION, REUSE, AND RECYCLING
4 PROGRAMS AT LARGE VENUES AND LARGE EVENTS.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. Part 2A of Article 9 of Chapter 130A of the General Statutes is
7 amended by adding a new section to read:

8 **"§ 130A-309.09E. Responsibility to provide recycling at large public events and large**
9 **public venues.**

10 (a) As used in this section, the following definitions apply:

11 (1) Individual. – A person who works at, or attends, a large venue or large event,
12 or a customer who is seated or served at the large venue or large event.

13 (2) Large event. – An event that charges an admission price, or is operated by a
14 unit of local government, and serves an average of more than 500
15 individuals per day of operation of the event, including, but not limited to, a
16 public, nonprofit, or privately owned park, parking lot, golf course, street
17 system, or other open space when being used for an event, including, but not
18 limited to, a sporting event or a flea market.

19 (3) Large venue. – A venue facility that annually seats or serves an average of
20 more than 500 individuals within the grounds of the venue facility per day of
21 operation of the venue facility. A site under common ownership or control
22 that includes more than one large venue that is contiguous with other large
23 venues in the site is a single large venue.

24 (4) Operator. – The person or entity that sponsors the local event or that has
25 control of the premises of the venue facility under the terms of a lease or
26 otherwise.

27 (5) Venue facility. – A facility that is open to or attracts the public. Venue
28 facility includes a public, nonprofit, or privately owned or operated stadium,
29 amphitheater, arena, hall, amusement park, conference or civic center, zoo,
30 aquarium, airport, racetrack, horse track, performing arts center, fairground,
31 museum, theater, or other public attraction facility.

32 (b) The Department shall:

33 (1) Make available one or more model ordinances that are suitable for
34 modification by a unit of local government and that may be adopted by a
35 unit of local government to facilitate solid waste reduction, reuse, and



- 1 recycling programs at large venues and large events in accordance with the
2 requirements of this section.
- 3 (2) While developing the model ordinance under subdivision (1) of this
4 subsection, consult with representatives of the North Carolina League of
5 Municipalities, the North Carolina Association of County Commissioners,
6 recyclers, private and public solid waste services and appropriate personnel
7 involved with the operation and management of large venues and large
8 events.
- 9 (3) Post information on the Department's Internet Web site on the solid waste
10 reduction, reuse, and recycling programs for implementation by operators of
11 large venues and large events to decrease solid waste and increase diversion
12 of recyclable materials.
- 13 (4) Post information on the Department's Internet Web site for local agencies
14 with examples of solid waste reduction, reuse, and recycling programs.
- 15 (c) The unit of local government shall:
- 16 (1) When issuing a permit to an operator of a large venue or large event, provide
17 information to the operator on programs that can be implemented to reduce,
18 reuse, and recycle solid waste materials generated at the venue or event and
19 provide contact information about where solid waste materials may be
20 donated, recycled, or composted. This information may include providing
21 information directing the operator of the large venue or large event to the
22 Department's Web site or any other appropriate Web site included by the
23 unit of local government, direct mailings, brochures, or other relevant
24 literature.
- 25 (2) Beginning October 1, 2010, and annually thereafter, provide the Department
26 with an estimate and description of the top ten percent (10%) of large venues
27 and large events within its jurisdiction, based upon amount of solid waste
28 generated, as submitted by operators of large venues and large events
29 pursuant to subsection (e) of this section. To the extent that the information
30 is readily available to the unit of local government, the information shall
31 include the name, location, and a brief description of the venue or event, a
32 brief description of the types of wastes generated, types, and estimated
33 amount of materials disposed and diverted, by weight, and existing solid
34 waste reduction, reuse, and recycling programs that the operator of the large
35 venue or large event utilizes to reduce, reuse, and recycle the solid waste.
36 This information shall be reported to the Department as a part of the unit of
37 local government's annual report submitted pursuant to G.S. 130A-309.09A.
- 38 (d) The Department shall evaluate the solid waste reduction, reuse, and recycling rates
39 and implementation of waste reduction, reuse, and recycling plans in the top ten percent (10%)
40 of large venues and large events as reported by each unit of local government pursuant to
41 subdivision (2) of subsection (c) of this section. If the Department, upon reviewing this
42 information, determines that less than seventy-five percent (75%) of the solid waste reduction,
43 reuse, and recycling plans for the large venues and large events have been prepared or
44 implemented to meet their waste reduction, reuse, and recycling rates developed pursuant to
45 subsection (f) of this section, according to the schedule determined pursuant to subdivision (2)
46 of subsection (f) of this section, the Department shall recommend to the General Assembly
47 those statutory changes needed to require operators of large venues and large events to
48 implement waste reduction, reuse, and recycling plans.
- 49 (e) On or before July 1, 2010, and annually thereafter, each operator of a large venue or
50 large event shall submit to the unit of local government written documentation of waste
51 reduction, reuse, recycling, and diversion programs, if any, implemented at the large venue or

1 large event and the type and weight of materials diverted and disposed at that large venue or
2 large event. If the operator of a large venue or large event cannot implement a program as
3 provided in the solid waste reduction, reuse, and recycling plan, the operator shall include a
4 brief explanation for the delay as part of its report to the unit of local government.

5 (f) On or before July 1, 2010, and every even-numbered year thereafter, the operator of
6 a large venue or large event shall meet with recyclers and with the solid waste enterprise that
7 provides solid waste handling services to the large venue or large event, whether by an
8 exclusive franchise with the unit of local government, or by a permit, contract, or nonexclusive
9 franchise, to determine the solid waste reduction, reuse, and recycling programs that are
10 appropriate for the large venue or large event. In determining feasible solid waste reduction,
11 reuse, and recycling programs, the operator may do any of the following:

12 (1) Develop solid waste reduction, reuse, and recycling rates and a solid waste
13 reduction, reuse, and recycling plan that would achieve those solid waste
14 reduction, reuse, and recycling rates.

15 (2) Determine a time line for implementation of the solid waste reduction, reuse,
16 and recycling plan and solid waste reduction, reuse, and recycling rates.

17 (g) The Department shall provide technical assistance and tools to implement this
18 section to the extent feasible under existing financial resources. This technical assistance may
19 include model documents, training, research on solid waste management best practices, cost
20 reduction, and innovative products to assist local agencies and operators of large venues and
21 large events to develop and implement effective solid waste reduction, reuse, and recycling
22 plans and rates.

23 (h) A unit of local government may charge and collect a fee from an operator of a large
24 venue or large event in order to recover the unit of local government's estimated costs incurred
25 in complying with this section."

26 **SECTION 2.** This act becomes effective October 1, 2009.