

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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HOUSE BILL 1194*

Short Title: Envir. Justice/Repurposing Existing Landfill. (Public)

Sponsors: Representatives Adams and Harrison (Primary Sponsors).
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to: Environment, if favorable, Judiciary.

May 30, 2012

A BILL TO BE ENTITLED

AN ACT TO ENSURE THAT A PERMITTEE OR TRANSFEREE OF AN EXISTING SOLID WASTE MANAGEMENT FACILITY (1) CANNOT CIRCUMVENT THE CLOSURE REQUIREMENTS FOR THE FACILITY AND (2) CANNOT CIRCUMVENT ANY COMPONENT OF THE PERMIT PROCESS FOR A NEW PERMIT OR A SUBSTANTIAL AMENDMENT TO A PERMIT WHEN SUBSTANTIAL ENERGY-PRODUCING ACTIVITIES ARE ADDED TO THE ACTIVITIES CONDUCTED AT THE FACILITY AND THE FACILITY IS LOCATED IN A MINORITY OR LOW-INCOME COMMUNITY PROTECTED BY TITLE VI OF THE FEDERAL CIVIL RIGHTS ACT.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 130A-290(A)(2) reads as rewritten:

"(2) 'Closure' means the cessation of operation ~~of~~ of, or an eighty-five percent (85%) or greater reduction in the acceptance of waste during a continuous one-year period at, a solid waste management facility and the act of securing the facility so that it will pose no significant threat to human health or the environment."

SECTION 2. G.S. 130A-294(a)(4)c. reads as rewritten:

"(4) c. The Department shall deny an application for a permit for a solid waste management facility if the Department finds that:

...

10. The cumulative impact of an existing facility for which a new permit or a substantial amendment to a permit is submitted seeking to add substantial energy-producing activities to be conducted at the facility, when considered in relation to other similar impacts of the same or other facilities located or proposed in the community, would have a disproportionate adverse impact on a minority or low-income community protected by Title VI of the federal Civil Rights Act of 1964, unless a majority of the residents of the community sign a petition inviting the facility to be located in the community."

SECTION 3. G.S. 130A-294(a1) reads as rewritten:

"(a1) A permit for a solid waste management facility may be transferred only with the approval of the Department. Prior to approving any transfer, the Department shall determine whether the transferee will add any substantial energy-producing activities to be conducted at



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1 the facility after such transfer and, if so, prior to approving the transfer, require the transferee to
2 obtain a new permit or a substantial amendment to a permit."

3 **SECTION 4.** G.S. 130A-294(b1)(1) reads as rewritten:

4 "(1) For purposes of this subsection and subdivision (4) of subsection (a) of this
5 section, a "substantial amendment" means ~~either~~any one or more of the
6 following:

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

- 8 1. The population of the geographic area to be served by the
9 sanitary landfill;
- 10 2. The quantity of solid waste to be disposed of in the sanitary
11 landfill; or
- 12 3. The geographic area to be served by the sanitary landfill.

13 b. A change in the categories of solid waste to be disposed of in the
14 sanitary landfill or any other change to the application for a permit or
15 to the permit for a sanitary landfill that the Commission or the
16 Department determines to be substantial.

17 c. An addition of substantial energy-producing activities to be
18 conducted at the facility."

19 **SECTION 5.** This act is effective when it becomes law and applies to any new or
20 amended permits that are issued on or after that date.