

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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HOUSE BILL 244
Committee Substitute Favorable 3/14/17
Committee Substitute #2 Favorable 4/20/17

Short Title: Enhanced Rqmts./Composting Facilities.

(Public)

Sponsors:

Referred to:

March 6, 2017

A BILL TO BE ENTITLED

AN ACT TO (1) REQUIRE A FIVE-HUNDRED-FOOT BUFFER BETWEEN SOLID WASTE MANAGEMENT FACILITIES AND SCHOOLS, ATHLETIC FIELDS, AND COMMUNITY FACILITIES HOSTING OUTDOOR ACTIVITIES; (2) REQUIRE THE ADOPTION OF RULES TO REDUCE ODOR EMISSIONS FROM COMPOSTING FACILITIES; AND (3) PROVIDE FOR PUBLIC NOTICE OF PERMITS FOR SUCH FACILITIES.

The General Assembly of North Carolina enacts:

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

"§ 130A-294. **Solid waste management program.**

(a) The Department is authorized and directed to engage in research, conduct investigations and surveys, make inspections and establish a statewide solid waste management program. In establishing a program, the Department shall have authority to:

...

- (4) a. Develop a permit system governing the establishment and operation of solid waste management facilities. A landfill with a disposal area of 1/2 acre or less for the on-site disposal of land clearing and inert debris is exempt from the permit requirement of this section and shall be governed by G.S. 130A-301.1. Demolition debris from the decommissioning of manufacturing buildings, including electric generating stations, that is disposed of on the same site as the decommissioned buildings, is exempt from the permit requirement of this section and rules adopted pursuant to this section and shall be governed by G.S. 130A-301.3. The Department shall not approve an application for a new permit, major permit modification, or a substantial amendment to a permit for a sanitary landfill, excluding demolition landfills as defined in the rules of the Commission, except as provided in subdivisions (3) and (4) of subsection (b1) of this section. No permit shall be granted for a solid waste management facility having discharges that are point sources until the Department has referred the complete plans and specifications to the Commission and has received advice in writing that the plans and specifications are approved in accordance with the provisions of G.S. 143-215.1. In any case where the Department denies a permit for a solid waste management facility, it shall state in writing the reason for denial and



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1 shall also state its estimate of the changes in the applicant's proposed
 2 activities or plans that will be required for the applicant to obtain a
 3 permit.

4 ...

5 c. The Department shall deny an application for a permit for a solid
 6 waste management facility if the Department finds that:

7 ...

8 3. Construction or operation of the facility would result in
 9 significant damage to ecological systems, natural resources,
 10 cultural sites, recreation areas, or historic sites of more than
 11 local significance. These areas include, but are not limited to,
 12 national or State parks or forests; wilderness areas; historic
 13 sites; recreation areas; segments of the natural and scenic
 14 rivers system; wildlife refuges, preserves, and management
 15 areas; areas that provide habitat for threatened or endangered
 16 species; primary nursery areas and critical fisheries habitat
 17 designated by the Marine Fisheries Commission; and
 18 Outstanding Resource Waters designated by the Commission.

19 ...

20 c1. The Department shall require a buffer of at least 500 feet between the
 21 outermost boundary of any new solid waste management facility and
 22 the outermost boundary of any property on which any of the
 23 following are located: (i) a school and associated athletic fields or (ii)
 24 community facilities hosting outdoor activities.

25"

26 **SECTION 2.** G.S. 130A-309.11 reads as rewritten:

27 **"§ 130A-309.11. Compost standards and applications.**

28 ...

29 (b) The Commission shall adopt rules to establish standards for the production of
 30 compost. Rules shall be adopted not later than 24 months after the initiation of rule making.
 31 Such rules shall include:

- 32 (1) Requirements necessary to produce hygienically safe compost products for
 33 varying applications.
- 34 (2) A classification scheme for compost based on:
 - 35 a. The types of waste composted, including at least one type containing
 36 only yard trash;
 - 37 b. The maturity of the compost, including at least three degrees of
 38 decomposition for fresh, semi-mature, and mature; and
 - 39 c. The levels of organic and inorganic constituents in the compost.

40 (3) Requirements necessary to substantially reduce and minimize fugitive
 41 emissions and offensive odors from the composting facility that will
 42 adversely affect the general health and safety of persons beyond the facility's
 43 boundary. These requirements shall not apply to composting activities
 44 occurring at a bona fide farm operation for which composting is not the
 45 operation's primary source of income.

46 ...

47 (f) The Department shall not issue or renew a permit for the construction, operation,
 48 expansion, or modification of a solid waste management facility that will produce compost
 49 from solid waste or solid waste co-composted with other wastes without first providing public
 50 notice of the proposed permit or renewal in the following manner:

- 1 (1) A notice and summary of the draft permit shall be published weekly for a
2 period of three consecutive weeks in a newspaper having general circulation
3 in the county or counties where the site is located.
- 4 (2) Notice of the draft permit shall be given by first-class mail to persons who
5 have requested such notice. Such notice shall include a summary of the draft
6 permit and state the locations where a copy of the draft permit is available
7 for inspection. The Department shall maintain a mailing list of persons who
8 request notice pursuant to this section.
- 9 (3) Notice of the draft permit shall be given by electronic mail to persons who
10 have requested such notice. Such notice shall include a summary of the draft
11 permit and state the locations where a copy of the written declaration is
12 available for inspection. The Department shall maintain a mailing list of
13 persons who request notice pursuant to this section.

14 The requirements of this subsection shall not apply to composting activities occurring at a
15 bona fide farm operation for which composting is not the operation's primary source of
16 income."

17 **SECTION 3.** This act becomes effective October 1, 2017.