

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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SENATE BILL 371

Short Title: Pre-Regulatory Landfill Moratorium. (Public)

Sponsors: Senator Wells (Primary Sponsor).

Referred to: Rules and Operations of the Senate

March 27, 2019

1 A BILL TO BE ENTITLED
2 AN ACT TO IMPOSE A PARTIAL MORATORIUM ON COLLECTION OF THE SOLID
3 WASTE DISPOSAL TAX UNTIL COMPLETION OF THE CURRENT PILOT STUDY
4 AND DIGITIZATION OF RECORDS.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** Notwithstanding G.S. 130A-295.9 and G.S. 130A-310.11, of the funds
7 credited to the Inactive Hazardous Sites Cleanup Fund under subdivision (1) of G.S. 105-187.63,
8 the following amounts in nonrecurring funds are instead appropriated for the 2019-2020 and
9 2020-2021 fiscal year as provided in this section:

- 10 (1) One million dollars (\$1,000,000) to the Department of Environmental Quality,
11 to contract for the digitization and addition to databases and inventories
12 maintained by the Department all remaining sites known to the Division of
13 Waste Management as containing any waste or contamination over which the
14 Department has responsibility under applicable law and rules and for which
15 the Department maintains files only in a non-electronic format.
- 16 (2) Eighteen million one hundred thousand dollars (\$18,100,000) to complete
17 work on the four sites overseen by the Division under the current
18 pre-regulatory landfill pilot program.
- 19 (3) After the purposes set forth in subdivisions (1) and (2) of this section have
20 been spent or encumbered for those purposes, the Department may use any
21 remaining funds credited the Inactive Hazardous Sites Cleanup Fund during
22 fiscal years 2019-2020 and 2020-2021 to fund administrative expenses related
23 to hazardous and solid waste management.

24 **SECTION 2.(a)** G.S. 105-187.61(a) reads as rewritten:

25 "(a) Tax Rate. – An excise tax is imposed on the disposal of municipal solid waste and
26 construction and demolition debris in any landfill permitted pursuant to Article 9 of Chapter
27 130A of the General Statutes at a rate of ~~two dollars (\$2.00)~~ one dollar (\$1.00) per ton of waste.
28 An excise tax is imposed on the transfer of municipal solid waste and construction and demolition
29 debris to a transfer station permitted pursuant to Article 9 of Chapter 130A of the General Statutes
30 for disposal outside the State at a rate of ~~two dollars (\$2.00)~~ one dollar (\$1.00) per ton of waste."

31 **SECTION 2.(b)** G.S. 105-187.63 reads as rewritten:

32 "**§ 105-187.63. Use of tax proceeds.**

33 From the taxes received pursuant to this Article, the Secretary may retain the costs of
34 collection, not to exceed two hundred twenty-five thousand dollars (\$225,000) a year, as
35 reimbursement to the Department. The Secretary must credit or distribute taxes received pursuant
36 to this Article, less the cost of collection, on a quarterly basis as follows:



1 (1) ~~Fifty percent (50%) to the Inactive Hazardous Sites Cleanup Fund established~~
2 ~~by G.S. 130A-310.11.~~

3 (2) ~~Thirty-seven and one-half percent (37.5%)~~ Seventy-five percent (75%) to
4 cities and counties in the State on a per capita basis, using the most recent
5 annual estimate of population certified by the State Budget Officer. One-half
6 of this amount must be distributed to cities, and one-half of this amount must
7 be distributed to counties. For purposes of this distribution, the population of
8 a county does not include the population of a city located in the county.

9 A city or county is excluded from the distribution under this subdivision
10 if it does not provide solid waste management programs and services and is
11 not responsible by contract for payment for these programs and services. The
12 Department of Environmental Quality must provide the Secretary with a list
13 of the cities and counties that are excluded under this subdivision. The list
14 must be provided by May 15 of each year and applies to distributions made in
15 the fiscal year that begins on July 1 of that year.

16 Funds distributed under this subdivision must be used by a city or county
17 solely for solid waste management programs and services.

18 (3) ~~Twelve and one-half percent (12.5%)~~ Twenty-five percent (25%) to the
19 General Fund."

20 **SECTION 2.(c)** This section becomes effective July 1, 2021, and expires on the first
21 day of the first fiscal quarter beginning no less than 180 days following the date the Department
22 of Environmental Quality has provided a final report to the Joint Legislative Oversight
23 Committee on Agriculture and Natural and Economic Resources and the Fiscal Research
24 Division regarding the completion and outcomes of the four-site pilot program for closure of
25 pre-regulatory landfill sites.

26 **SECTION 3.** Except as otherwise provided, this act is effective July 1, 2019.