

May 17, 2006

**S 1564. AMEND SOLID WASTE FRANCHISE STATUTES.** Filed 5/17/06. *TO AMEND THE STATUTES GOVERNING SOLID WASTE FRANCHISE AGREEMENTS IN ORDER TO ENSURE THAT SANITARY LANDFILL FRANCHISES ARE AWARDED AND RENEWED ONLY AFTER ADEQUATE PUBLIC NOTICE OF THE LOCATION OF A PROPOSED SITE AND AFTER PUBLIC PARTICIPATION IN THE DECISION TO AWARD THE FRANCHISE; TO CLARIFY THAT LOCAL GOVERNMENTS MAY, BUT ARE NOT REQUIRED, TO AWARD SOLID WASTE FRANCHISES; AND TO ENSURE THAT SOLID WASTE FRANCHISES ARE CONSISTENT WITH LOCAL SOLID WASTE MANAGEMENT PLANS AND ARE SUBJECT TO LOCAL GOVERNMENT OVERSIGHT AND REGULATION OF RATES AND FEES, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.* Amends GS 130A-294, the sanitary landfill permitting statute, to require a public hearing before a local government issues a franchise or other contract for construction or operation of a sanitary landfill. Requires at least 30 days' public notice of the hearing; the notice must include the proposed location of the landfill. At the time of the public notice, the franchise applicant must provide the local governing board and the public a copy of a conceptual facility plan for the landfill. Sets out required elements to be included in the conceptual facility plan. Requires an awarded franchise to detail how the franchise will be consistent with the local solid waste management plan, including waste reduction, reuse, and recycling; the procedures for governmental oversight of fees and rates to be charged by the facility; and an exact description of the boundaries of the proposed landfill site and its size in acres. Clarifies that awarding of a franchise is permissive, rather than mandatory, for a local government.

**Intro. by Clodfelter.**

GS 130A

July 11, 2006

**S 1564. AMEND SOLID WASTE FRANCHISE STATUTES.** Filed 5/17/06. Senate committee substitute makes the following changes to 1st edition. Reorders bill sections. Recodifies GS 130A-294(b1)(3) as GS 130A-294(b1)(2) (franchises) and amends it to allow local governments to adopt franchise ordinances under GS 153A-136 or GS 160A-319 at any time (was, prior to the submittal of the application for a new permit, renewal of a permit, or substantial amendment to a permit). Modifies proposed GS 130A-294(b1)(2)e. to clarify that a franchise granted for a sanitary landfill include the procedures for governmental oversight and regulation of the fees and rates for waste generated in the jurisdiction of the franchising authority. Modifies proposed GS 130A-294(b1)(2)f. to provide that a franchise granted for a sanitary landfill must include a facility plan for the sanitary landfill that contains specified information.

Adds new subdivision to GS 130A-294(b1) authorizing a local government to award a preliminary franchise and sets required contents of the preliminary franchise. Recodifies GS 130A-294(b1)(2) as GS 130A-294(b1)(3) (public hearing) and amends it to (1) delete requirement that the Department of Environmental and Natural Resources notify the clerk of the board or boards of county commissioners of the county or counties in which the sanitary landfill is proposed to be located within 10 days after receiving the application; and (2) require that the notice of the public hearing must include a summary of all the information required to be included in the franchise and that a copy of the application for the franchise be provided to the public library closest to the proposed site.

Makes conforming changes to the effective date and provides that the act does not affect any franchise awarded as of the date the act becomes law unless the franchise provides for a final vote of the governing board of the local government on the franchise and the final vote occurs on or after November 1, 2006.

July 19, 2006

**S 1564. AMEND SOLID WASTE FRANCHISE STATUTES.** Filed 5/17/06. House committee substitute makes the following changes to 2nd edition. Adds language to the long title to set out the details of the bill's effective date.

September 14, 2006

**SL 2006-256 (S 1564). AMEND SOLID WASTE FRANCHISE STATUTES.** AN ACT TO AMEND THE STATUTES GOVERNING SANITARY LANDFILL FRANCHISE ORDINANCES AND AGREEMENTS TO CLARIFY THAT LOCAL GOVERNMENTS MAY, BUT ARE NOT REQUIRED TO, AWARD SANITARY LANDFILL FRANCHISES; TO PROVIDE FOR THE AWARD OF PRELIMINARY FRANCHISES AS WELL AS FRANCHISES AND TO SPECIFY THE INFORMATION TO BE INCLUDED THEREIN; TO ENSURE THAT SANITARY LANDFILL FRANCHISES ARE AWARDED ONLY AFTER ADEQUATE PUBLIC NOTICE AND OPPORTUNITY FOR PUBLIC PARTICIPATION IN THE DECISION TO AWARD THE FRANCHISE; TO PROVIDE THAT FRANCHISES ARE AWARDED ONLY AFTER PUBLIC NOTICE OF THE LOCATION OF THE PROPOSED SANITARY LANDFILL; TO ENSURE THAT SANITARY LANDFILL FRANCHISES ARE CONSISTENT WITH LOCAL SOLID WASTE MANAGEMENT PLANS AND ARE SUBJECT TO LOCAL GOVERNMENT OVERSIGHT AND REGULATION OF RATES AND FEES; AND TO PROVIDE THAT THIS ACT IS EFFECTIVE WHEN IT BECOMES LAW AND APPLIES TO ANY APPLICATION FOR A PRELIMINARY FRANCHISE OR FRANCHISE THAT IS FILED WITH A LOCAL GOVERNMENT ON OR AFTER THAT DATE AND THAT THIS ACT DOES NOT AFFECT ANY FRANCHISE THAT HAS BEEN AWARDED AS OF THE DATE ON WHICH THIS ACT BECOMES EFFECTIVE UNLESS THE FRANCHISE PROVIDES FOR A FINAL VOTE OF THE GOVERNING BOARD OF THE LOCAL GOVERNMENT ON THE FRANCHISE AND THE FINAL VOTE OCCURS ON OR AFTER 1 NOVEMBER 2006, IN WHICH CASE THE PROVISIONS OF G.S. 130A-294(B1), AS AMENDED BY THIS ACT, APPLY, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION. Summarized in *Daily Bulletin* 5/17/06, 7/11/06, and 7/19/06. Enacted August 23, 2006. Effective August 23, 2006.