

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 1100
PROPOSED COMMITTEE SUBSTITUTE H1100-PCS50569-TA-7

Short Title: Stormwater Control BMP's for Compost/Mulch.

(Public)

Sponsors:

Referred to:

April 7, 2009

A BILL TO BE ENTITLED

1 AN ACT TO DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL
2 RESOURCES TO ESTABLISH STORMWATER CONTROL BEST MANAGEMENT
3 PRACTICES FOR COMPOSTING OPERATIONS AND MULCH OPERATIONS FOR
4 THE PURPOSE OF PROTECTING WATER QUALITY.
5

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** No later than October 1, 2012, the Department of Environment and
8 Natural Resources shall establish stormwater control best management practices for
9 composting operations and for mulch operations that are permitted by the Division of Water
10 Quality of the Department of Environment and Natural Resources and for composting
11 operations and for mulch operations that are permitted by the Division of Waste Management
12 of the Department of Environment and Natural Resources. These best management practices
13 shall be developed for the purpose of protecting water quality by controlling and containing
14 stormwater that is associated with these operations and by reducing the pollutant levels of
15 untreated leachate from these operations so that the runoff or leachate qualifies as stormwater
16 rather than wastewater and by reducing the opportunities for such runoff. In developing these
17 best management practices, the Department of Environment and Natural Resources shall
18 review best management practices adopted by other states and any similar federal programs.
19 The Department of Environment and Natural Resources shall consult with, and take
20 recommendations from, a group of stakeholders that includes the North Carolina Association of
21 County Commissioners, the North Carolina League of Municipalities, the Agricultural
22 Extension Service of North Carolina State University, the North Carolina Chapter of the United
23 States Composting Council, the North Carolina Chapter of the American Water Works
24 Association-Water Environment Federation, the North Carolina Pumper Group, the North
25 Carolina Chapter of the Solid Waste Association of America, the North Carolina Septic Tank
26 Association, and the North Carolina Forestry Association. These best management practices
27 shall address the site size of an operation, the type of compost or mulch production method
28 employed, and the quantity and water quality of the stormwater or wastewater associated with
29 an operation. These best management practices shall also take into account at least all of the
30 following considerations:

- 31 (1) Identification of the types of composting operations and mulch operations
32 that are subject to a permit requirement and the specific permit that is
33 required for each type.



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- 1 (2) Proper maintenance of, and appropriate containment protocols for,
2 composting operations and mulch operations.
- 3 (3) Any other appropriate stormwater reduction techniques for composting
4 operations and mulch operations.
- 5 (4) Prior to its adopting under this section, the cost and benefits of each best
6 management practice.
- 7 (5) Any other issues deemed pertinent by the Department and the stakeholders.
- 8 **SECTION 2.** Until October 1, 2012, when the best management practices under
9 Section 1 of this act become effective, any composting operations and mulch operations shall
10 be allowed to continue to operate according to the current operation's approved site size and as
11 to the operation's current method of producing compost or mulch. This section also applies to
12 new and pending applications for permits during this period of time.
- 13 **SECTION 3.** This act is effective when it becomes law.