

GENERAL ASSEMBLY OF NORTH CAROLINA
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SENATE BILL DRS35337-RIz-29 (01/07)

Short Title: Repeal Yard Waste Permitting Rqmts. (Public)

Sponsors: Senators Wade, Brock, and B. Jackson (Primary Sponsors).

Referred to:

A BILL TO BE ENTITLED

AN ACT TO REPEAL SOLID WASTE PERMITTING REQUIREMENTS FOR YARD WASTE, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

The General Assembly of North Carolina enacts:

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

"§ 130A-290. Definitions.

(a) Unless a different meaning is required by the context, the following definitions shall apply throughout this Article:

...

(45) "Yard trash" means solid waste ~~consisting solely of vegetative matter~~ resulting from landscaping ~~maintenance~~ and yard maintenance, including brush, grass, tree limbs, and similar vegetative material.

(46) "Yard waste" means yard trash and land-clearing debris, including stumps, limbs, leaves, grass, and untreated wood."

SECTION 2. G.S. 130A-294 is amended by adding a new subsection to read:

"(v) Yard waste diverted from the waste stream or collected as source separated material is not subject to a solid waste permit for transfer, treatment, processing, storage, or disposal in a permitted solid waste management facility. Operators of facilities where yard waste is subject to transfer, treatment, processing, storage, or disposal shall, however, do all of the following:

(1) Submit a notification of the yard waste facility to the Department on a prescribed form, signed and notarized by the owner of the land on which the facility is located, as well as the operator of the facility, if different from the owner of the land.

(2) File the notification form submitted pursuant to subdivision (1) of this subsection for recordation in the Register of Deeds' Office. The Register of Deeds shall index the notification in the grantor index under the name of the owner of the land in the county or counties in which the land is located. A copy of the recorded notification, affixed with the Register's seal and the date, and the book and page number of recording shall be sent to the Department.

(3) Comply with all other federal, State, or local laws, ordinances, rules, regulations, or orders, including zoning, flood plain, and wetland restrictions, sedimentation and erosion control requirements, and mining regulations. Nothing in this subsection shall be construed as limiting the authority of any local government to manage the transfer, treatment, processing, storage, or disposal of yard waste."



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1 **SECTION 3.(a)** Definitions. – "Treatment and Processing Facilities Rule" means 15A
2 NCAC 13B .0300 (Treatment and Processing Facilities) for purposes of this section and its
3 implementation.

4 **SECTION 3.(b)** Treatment and Processing Facilities Rule. – Until the effective date
5 of the revised permanent rule that the Commission for Public Health is required to adopt pursuant
6 to Section 3(d) of this act, the Commission and the Department of Environmental Quality shall
7 implement the Treatment and Processing Facilities Rule and any other rule in Chapter 15A of the
8 North Carolina Administrative Code that requires a solid waste permit for the transfer, treatment,
9 processing, storage, or disposal of yard waste, as provided in Section 3(c) of this act.

10 **SECTION 3.(c)** Implementation. – Notwithstanding any provision of the Treatment
11 and Processing Facilities Rule or any other rule in Chapter 15A of the North Carolina
12 Administrative Code that requires a solid waste permit for the transfer, treatment, processing,
13 storage, or disposal of yard waste, the Commission shall not require a solid waste permit for the
14 transfer, treatment, processing, storage, or disposal of yard waste.

15 **SECTION 3.(d)** Additional Rule-Making Authority. – The Commission shall adopt a
16 rule to replace or modify the Treatment and Processing Facilities Rule and any other rule in
17 Chapter 15A of the North Carolina Administrative Code that requires a solid waste permit for the
18 transfer, treatment, processing, storage, or disposal of yard waste. Notwithstanding
19 G.S. 150B-19(4), the rule adopted by the Commission pursuant to this section shall be
20 substantively identical to the provisions of Section 3(c) of this act. Rules adopted pursuant to this
21 section are not subject to G.S. 150B-21.9 through G.S. 150B-21.14. The rule adopted pursuant to
22 this section shall become effective, as provided in G.S. 150B-21.3(b1), as though 10 or more
23 written objections had been received, as provided by G.S. 150B-21.3(b2).

24 **SECTION 3.(e)** Effective Date. – Section 3(c) of this act expires when permanent
25 rules to replace Section 3(c) of this act have become effective, as provided by Section 3(d) of this
26 act.

27 **SECTION 4.** This act becomes effective July 1, 2017, and applies to the transfer,
28 treatment, processing, storage, or disposal of yard waste occurring on or after that date.