

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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HOUSE BILL 244
PROPOSED COMMITTEE SUBSTITUTE H244-PCS40212-MH-1

Short Title: Public Participation/Composting Facilities. (Public)

Sponsors:

Referred to:

March 6, 2017

1 A BILL TO BE ENTITLED
2 AN ACT TO BROADEN THE SCOPE OF IMPACTS TO BE CONSIDERED IN SOLID
3 WASTE MANAGEMENT FACILITY PERMITTING, TO PROVIDE FOR NOTICE
4 AND PUBLIC HEARING FOR COMPOSTING FACILITIES, AND TO REDUCE ODOR
5 EMISSIONS FROM THOSE FACILITIES.

6 The General Assembly of North Carolina enacts:

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

8 "§ 130A-294. Solid waste management program.

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

12 ...

13 (4) a. Develop a permit system governing the establishment and operation
14 of solid waste management facilities. A landfill with a disposal area
15 of 1/2 acre or less for the on-site disposal of land clearing and inert
16 debris is exempt from the permit requirement of this section and shall
17 be governed by G.S. 130A-301.1. Demolition debris from the
18 decommissioning of manufacturing buildings, including electric
19 generating stations, that is disposed of on the same site as the
20 decommissioned buildings, is exempt from the permit requirement of
21 this section and rules adopted pursuant to this section and shall be
22 governed by G.S. 130A-301.3. The Department shall not approve an
23 application for a new permit, major permit modification, or a
24 substantial amendment to a permit for a sanitary landfill, excluding
25 demolition landfills as defined in the rules of the Commission, except
26 as provided in subdivisions (3) and (4) of subsection (b1) of this
27 section. No permit shall be granted for a solid waste management
28 facility having discharges that are point sources until the Department
29 has referred the complete plans and specifications to the Commission
30 and has received advice in writing that the plans and specifications
31 are approved in accordance with the provisions of G.S. 143-215.1. In
32 any case where the Department denies a permit for a solid waste
33 management facility, it shall state in writing the reason for denial and
34 shall also state its estimate of the changes in the applicant's proposed
35 activities or plans that will be required for the applicant to obtain a
36 permit.



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1 ...
 2 c. The Department shall deny an application for a permit for a solid
 3 waste management facility if the Department finds that:

4 ...
 5 3. Construction or operation of the facility would result in
 6 significant damage to ecological systems, natural resources,
 7 cultural sites, recreation areas, or historic sites of more than
 8 local significance. These areas include, but are not limited to,
 9 national or State parks or forests; wilderness areas; historic
 10 sites; recreation areas; school grounds or athletic fields;
 11 existing community facilities hosting outdoor activities;
 12 segments of the natural and scenic rivers system; wildlife
 13 refuges, preserves, and management areas; areas that provide
 14 habitat for threatened or endangered species; primary nursery
 15 areas and critical fisheries habitat designated by the Marine
 16 Fisheries Commission; and Outstanding Resource Waters
 17 designated by the Commission.

18"

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

20 **"§ 130A-309.11. Compost standards and applications.**

21 ...
 22 (b) The Commission shall adopt rules to establish standards for the production of
 23 compost. Rules shall be adopted not later than 24 months after the initiation of rule making.
 24 Such rules shall include:

- 25 (1) Requirements necessary to produce hygienically safe compost products for
 26 varying applications.
- 27 (2) A classification scheme for compost based on:
 - 28 a. The types of waste composted, including at least one type containing
 29 only yard trash;
 - 30 b. The maturity of the compost, including at least three degrees of
 31 decomposition for fresh, semi-mature, and mature; and
 - 32 c. The levels of organic and inorganic constituents in the compost.
- 33 (3) Requirements necessary to substantially reduce and minimize fugitive
 34 emissions and offensive odors from the composting facility that will
 35 adversely affect the general health, safety, and welfare of persons beyond the
 36 facility's boundary.

37 ...
 38 (f) The Department shall not issue or renew a permit for the construction, operation,
 39 expansion, or modification of a solid waste management facility that will produce compost
 40 from solid waste or solid waste co-composted with other wastes without first conducting a
 41 public information hearing in the county where the proposed facility is to be located. The
 42 Department shall give notice of the public information hearing at least 15 days and no more
 43 than 30 days prior to the hearing by publication on the Department's Web site, by publication in
 44 a daily or weekly local newspaper of general circulation, and by any other method deemed
 45 necessary or appropriate by the Division to give actual notice of the activities to persons
 46 potentially affected. No permit shall be issued or renewed less than 90 days following the
 47 public information hearing required by this subsection."

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