

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

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HOUSE BILL 244  
Committee Substitute Favorable 3/14/17  
PROPOSED COMMITTEE SUBSTITUTE H244-PCS30367-RI-5

Short Title: Enhanced Rqmts./Composting Facilities.

(Public)

Sponsors:

Referred to:

March 6, 2017

1 A BILL TO BE ENTITLED  
2 AN ACT TO (1) REQUIRE A FIVE-HUNDRED-FOOT BUFFER BETWEEN SOLID  
3 WASTE MANAGEMENT FACILITIES AND SCHOOLS, ATHLETIC FIELDS, AND  
4 COMMUNITY FACILITIES HOSTING OUTDOOR ACTIVITIES; (2) REQUIRE THE  
5 ADOPTION OF RULES TO REDUCE ODOR EMISSIONS FROM COMPOSTING  
6 FACILITIES; AND (3) PROVIDE FOR PUBLIC NOTICE OF PERMITS FOR SUCH  
7 FACILITIES.

8 The General Assembly of North Carolina enacts:

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

10 "§ 130A-294. Solid waste management program.

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

14 ...

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



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shall also state its estimate of the changes in the applicant's proposed activities or plans that will be required for the applicant to obtain a permit.

...

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

...

3. Construction or operation of the facility would result in significant damage to ecological systems, natural resources, cultural sites, recreation areas, or historic sites of more than local significance. These areas include, but are not limited to, national or State parks or forests; wilderness areas; historic sites; recreation areas; segments of the natural and scenic rivers system; wildlife refuges, preserves, and management areas; areas that provide habitat for threatened or endangered species; primary nursery areas and critical fisheries habitat designated by the Marine Fisheries Commission; and Outstanding Resource Waters designated by the Commission.

...

c1. The Department shall require a buffer of at least 500 feet between the outermost boundary of any new solid waste management facility and the outermost boundary of any property on which any of the following are located: (i) a school and associated athletic fields or (ii) community facilities hosting outdoor activities.

...."

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

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

...

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

- (1) Requirements necessary to produce hygienically safe compost products for varying applications.
- (2) A classification scheme for compost based on:
  - a. The types of waste composted, including at least one type containing only yard trash;
  - b. The maturity of the compost, including at least three degrees of decomposition for fresh, semi-mature, and mature; and
  - c. The levels of organic and inorganic constituents in the compost.

(3) Requirements necessary to substantially reduce and minimize fugitive emissions and offensive odors from the composting facility that will adversely affect the general health and safety of persons beyond the facility's boundary. These requirements shall not apply to composting activities occurring at a bona fide farm operation for which composting is not the operation's primary source of income.

...

(f) The Department shall not issue or renew a permit for the construction, operation, expansion, or modification of a solid waste management facility that will produce compost from solid waste or solid waste co-composted with other wastes without first providing public notice of the proposed permit or renewal in the following manner:

- 1           (1) A notice and summary of the draft permit shall be published weekly for a  
2           period of three consecutive weeks in a newspaper having general circulation  
3           in the county or counties where the site is located.
- 4           (2) Notice of the draft permit shall be given by first-class mail to persons who  
5           have requested such notice. Such notice shall include a summary of the draft  
6           permit and state the locations where a copy of the draft permit is available  
7           for inspection. The Department shall maintain a mailing list of persons who  
8           request notice pursuant to this section.
- 9           (3) Notice of the draft permit shall be given by electronic mail to persons who  
10          have requested such notice. Such notice shall include a summary of the draft  
11          permit and state the locations where a copy of the written declaration is  
12          available for inspection. The Department shall maintain a mailing list of  
13          persons who request notice pursuant to this section.

14          The requirements of this subsection shall not apply to composting activities occurring at a  
15          bona fide farm operation for which composting is not the operation's primary source of  
16          income."

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