

GENERAL ASSEMBLY OF NORTH CAROLINA
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HOUSE BILL DRH40147-MH-36 (02/07)

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

Sponsors: Representatives Howard, McElraft, McGrady, and Setzer (Primary Sponsors).

Referred to:

A BILL TO BE ENTITLED

AN ACT TO BROADEN THE SCOPE OF IMPACTS TO BE CONSIDERED IN SOLID WASTE MANAGEMENT FACILITY PERMITTING, TO PROVIDE FOR NOTICE AND PUBLIC HEARING FOR COMPOSTING FACILITIES, AND TO REDUCE ODOR EMISSIONS FROM THOSE FACILITIES.

The General Assembly of North Carolina enacts:

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

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

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

...

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

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- 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; school grounds or athletic fields; existing community facilities hosting outdoor activities; 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.
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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, safety, and welfare of persons beyond the facility's boundary.

(f) The Department shall not issue 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 conducting a public information hearing in the county where the proposed facility is to be located. The public information hearing shall be advertised as a legal notice for two consecutive weeks in a newspaper located within the county or, if no newspaper is published in the county, in a newspaper located in adjoining county in closest proximity to the site of the proposed modified facility. The notice shall run no more than 25 days and no less than 10 days before the public information hearing. No permit shall be issued less than 90 days following the public hearing required by this subsection."

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