

GENERAL ASSEMBLY OF NORTH CAROLINA
1991 SESSION

CHAPTER 375
HOUSE BILL 620

AN ACT TO REQUIRE THE RECYCLING OF LEAD-ACID BATTERIES AND TO
OTHERWISE REGULATE THE DISPOSAL OF LEAD-ACID BATTERIES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 130A-309.10(f) reads as rewritten:

"(f) In accordance with the following schedule, no person shall knowingly dispose of the following special wastes in landfills:

- (1) ~~Lead acid batteries, after 1 January 1991. Lead acid batteries also shall not be disposed of in any waste-to-energy facility after 1 January 1991. To encourage proper collection and recycling, all persons who sell lead acid batteries at retail shall accept used lead acid batteries as trade ins for new lead acid batteries.~~
- (2) Used oil, after 1 October 1990.
- (3) Yard trash, after 1 January 1993, except in landfills classified for such use under rules adopted by the Commission. Yard trash that is source separated from solid waste may be accepted at a solid waste disposal area where the area provides and maintains separate yard trash composting facilities.
- (4) White goods, after 1 January 1991."

Sec. 2. Article 9 of Chapter 130A of the General Statutes is amended by adding a new Part to read:

"Part 2C. Lead-Acid Batteries.

"§ 130A-309.70. Landfilling and incineration of lead-acid batteries prohibited; delivery for recycling.

(a) No person shall knowingly place or dispose of a used lead-acid battery in a landfill, incinerator, or in any waste-to-energy facility. Any person may deliver a lead-acid battery to a battery retailer or wholesaler, or to a secondary lead smelter, or to a collection or recycling facility authorized under this Chapter or by the United States Environmental Protection Agency.

(b) No battery retailer shall knowingly place or dispose of a used lead-acid battery in a landfill, incinerator, or waste-to-energy facility. Any battery retailer may deliver a used lead-acid battery to the agent of a battery wholesaler or a secondary lead smelter, to a battery manufacturer for delivery to a secondary lead smelter, or to a collection or recycling facility authorized under this Chapter or by the United States Environmental Protection Agency.

(c) Any person who knowingly places or disposes of a lead-acid battery in violation of this section shall be assessed a civil penalty of not more than fifty dollars (\$50.00) per violation. Each battery improperly disposed of shall constitute a separate violation.

"§ 130A-309.71. Retailers required to accept lead-acid batteries for recycling; posting of notice required.

(a) A person who sells or offers for sale lead-acid batteries at retail in this State shall accept from customers, at the point of transfer or sale, used lead-acid batteries of the type and in a quantity at least equal to the number of new batteries purchased, if offered by customers.

(b) A person who sells or offers for sale lead-acid batteries at retail in this State shall post written notice which must be at least 8 1/2 inches by 11 inches in size and must contain the universal recycling symbol and the following language:

- (1) 'It is illegal to improperly dispose of a motor vehicle battery or other lead-acid battery.'
- (2) 'Recycle your used batteries.'
- (3) 'State law requires us to accept used motor vehicle batteries or other lead-acid batteries for recycling in exchange for new batteries purchased.'

(c) Any person who fails to post the notice required by subsection (b) of this section after receiving a written warning from the Department to do so shall be assessed a civil penalty of not more than fifty dollars (\$50.00) per day for each day the person fails to post the required notice.

"§ 130A-309.72. Wholesalers required to accept lead-acid batteries.

(a) No person selling new lead-acid batteries at wholesale shall refuse to accept from customers at the point of transfer, used lead-acid batteries of the type and in a quantity at least equal to the number of new batteries purchased, if offered by customers. A person accepting batteries in transfer from a battery retailer shall be allowed a period not to exceed 90 days to remove batteries from the retail point of collection.

(b) Any person who violates this section shall be assessed a civil penalty of fifty dollars (\$50.00) per violation. Each battery refused by a wholesaler or not removed from the retail point of collection within 90 days shall constitute a separate violation.

"§ 130A-309.73. Inspections of battery retailers authorized; construction of this Part.

(a) The Department may inspect any place, building, or premise subject to the provisions of G.S. 130A-309.71. The Department may issue warnings to persons who fail to comply with the provisions of this Part.

(b) The provisions of this Part shall not be construed to prohibit any person who does not sell lead-acid batteries from collecting and recycling such batteries."

Sec. 3. This act shall not be construed to obligate the General Assembly to make any appropriation to implement the provisions of this act. The Department of Environment, Health, and Natural Resources shall implement the provisions of this act from funds otherwise appropriated or available to the Department.

Sec. 4. This act becomes effective 1 October 1991.

In the General Assembly read three times and ratified this the 24th day of June, 1991.

James C. Gardner
President of the Senate

Daniel Blue, Jr.
Speaker of the House of Representatives