

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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SENATE BILL 1003

Short Title: Changes Affecting Landfill Permits.

(Public)

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Sponsors: Senators Shaw; Tally, Odom, Sands, and Plyler.

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Referred to: Environment and Natural Resources.

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April 29, 1993

A BILL TO BE ENTITLED

1 AN ACT TO PROHIBIT, WITHIN FIVE YEARS OF FILING AN APPLICATION  
2 FOR A NEW OR EXISTING PERMIT FOR A SANITARY LANDFILL, A  
3 SUBSTANTIAL CHANGE TO ANY DOCUMENT THAT AFFECTS THE  
4 APPLICATION OR PERMIT UNDER CONSIDERATION AND TO REQUIRE A  
5 PUBLIC HEARING FOR A NEW PERMIT, A PERMIT RENEWAL, AND A  
6 SUBSTANTIAL AMENDMENT TO AN EXISTING APPLICATION OR  
7 PERMIT FOR A SANITARY LANDFILL.  
8

9 The General Assembly of North Carolina enacts:

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

11 "(4) Develop a permit system governing the establishment and operation of  
12 solid waste management facilities. No ~~permit-permit, or substantial~~  
13 amendment or substantial change to a permit, an application for a  
14 permit, or any other document that affects the application or permit  
15 under consideration shall be granted for a sanitary landfill, excluding  
16 demolition landfills as defined in the rules of the Commission for  
17 Health Services, without the Department receiving the prior approval  
18 for ~~such permit-the permit, or the substantial amendment or substantial~~  
19 change to a permit, an application for a permit, or any other document  
20 that affects the application or permit under consideration from the  
21 county where it is to be located, except if it is to be located within the  
22 corporate limits or extraterritorial jurisdiction under Article 19 of  
23 Chapter 160A of the General Statutes, of a city as defined in G.S.  
24 160A-1(2), from the city where it is to be located or whose jurisdiction

1 it is in. No substantial amendment or substantial change to a permit,  
2 an application for a permit, or any other document that affects the  
3 application or permit under consideration for a sanitary landfill shall  
4 be granted within five years after the applicant filed the application for  
5 a permit that is under consideration. No permit shall be granted for a  
6 solid waste management facility having discharges which are point  
7 sources until the Department has referred the complete plans and  
8 specifications to the Environmental Management Commission and has  
9 received advice in writing that the plans and specifications are  
10 approved in accordance with the provisions of G.S. 143-215.1. In any  
11 case where the Department denies a permit for a solid waste  
12 management facility, it shall state in writing the reason for denial and  
13 shall also state its estimate of the changes in the applicant's proposed  
14 activities or plans which will be required for the applicant to obtain a  
15 permit. For purposes of this section, a 'substantial amendment or  
16 substantial change' means an increase of ten percent (10%) or more in:

17 a. The population of the geographic area to be served by the  
18 landfill;

19 b. The quantity of solid waste to be disposed of in the landfill; or

20 c. The size of the geographic area to be served by the landfill.

21 A substantial amendment or substantial change also means a change  
22 in the categories of solid waste to be disposed of in the landfill or any  
23 other amendment or change the Department determines is substantial.

24 The issuance of permits for sanitary landfills operated by local  
25 governments is exempt from the environmental impact statements  
26 required by Article 1 of Chapter 113A of the General Statutes, entitled  
27 the North Carolina Environmental Policy Act of 1971. All sanitary  
28 landfill permits issued to local governments prior to July 1, 1984, are  
29 hereby validated notwithstanding any failure to provide environmental  
30 impact statements pursuant to the North Carolina Environmental  
31 Policy Act of 1971;".

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

34 "(a1) Within 10 days of receiving an application for a permit, for a renewal of a  
35 permit, or for a substantial amendment to an existing application or permit for a sanitary  
36 landfill, the Department shall notify the clerk of the board of commissioners of the  
37 county or counties in which the landfill is proposed to be located or is located and, if the  
38 landfill is proposed to be located or is located within a city, the clerk of the governing  
39 board of the city, that the application has been filed, and shall file a copy of the  
40 application with the clerk. Prior to the issuance of a permit, a renewal of a permit, or an  
41 amendment of an existing permit, a public hearing shall be conducted in the county, or  
42 in one of the counties in which the sanitary landfill is proposed to be located or is  
43 located when sufficient public interest exists. The public shall be notified of the

1 hearing. The public hearing shall be in accordance with Chapter 150B of the General  
2 Statutes."  
3           Sec. 3. This act is effective upon ratification and applies to any application  
4 for a new permit, a permit renewal, or an amendment to a permit filed on or after that  
5 date.