

GENERAL ASSEMBLY OF NORTH CAROLINA  
1993 SESSION

CHAPTER 473  
SENATE BILL 1003

AN ACT TO REQUIRE THAT A PUBLIC HEARING BE HELD PRIOR TO THE APPROVAL OF AN APPLICATION FOR A NEW PERMIT, THE RENEWAL OF A PERMIT, OR A SUBSTANTIAL AMENDMENT TO A PERMIT FOR A SANITARY LANDFILL.

The General Assembly of North Carolina enacts:

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

- "(4) a. Develop a permit system governing the establishment and operation of solid waste management facilities. No application for a new permit, the renewal of a permit, or a substantial amendment to a permit shall be granted for a sanitary landfill, excluding demolition landfills as defined in the rules of the Commission for Health Services, without the Department receiving the prior approval for such the new permit, renewal of the permit, or substantial amendment to the permit from the county where it is to be located, except if it is to be located within the corporate limits or extraterritorial jurisdiction under Article 19 of Chapter 160A of the General Statutes, of a city as defined in G.S. 160A-1(2), from the city where it is to be located or whose jurisdiction it is in. No permit shall be granted for a solid waste management facility having discharges which are point sources until the Department has referred the complete plans and specifications to the Environmental Management 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 which will be required for the applicant to obtain a permit.
- b. The issuance of permits for sanitary landfills operated by local governments is exempt from the environmental impact statements required by Article 1 of Chapter 113A of the General Statutes, entitled the North Carolina Environmental Policy Act of 1971. All sanitary landfill permits issued to local

governments prior to July 1, 1984, are hereby validated notwithstanding any failure to provide environmental impact statements pursuant to the North Carolina Environmental Policy Act of 1971;".

Sec. 2. G.S. 130A-294 is amended by adding a new subsection to read:

- "(b1) (1) For purposes of this subsection and subdivision (4) of subsection (a) of this section, a 'substantial amendment' means either:
- a. An increase of ten percent (10%) or more in:
    - 1. The population of the geographic area to be served by the sanitary landfill;
    - 2. The quantity of solid waste to be disposed of in the sanitary landfill; or
    - 3. The geographic area to be served by the sanitary landfill.
  - b. A change in the categories of solid waste to be disposed of in the sanitary landfill or any other change to the application for a permit or to the permit for a sanitary landfill that the Commission or the Department determines to be substantial.
- (2) Within 10 days after receiving an application for a permit, for the renewal of a permit, or for a substantial amendment to a permit for a sanitary landfill, the Department shall notify the clerk of the board of commissioners of the county or counties in which the sanitary landfill is proposed to be located or is located and, if the sanitary landfill is proposed to be located or is located within a city, the clerk of the governing board of the city, that the application has been filed and shall file a copy of the application with the clerk. Prior to the issuance of a permit, the renewal of a permit, or a substantial amendment to a permit, the board of commissioners of the county or counties in which the sanitary landfill is proposed to be located or is located or, if the sanitary landfill is proposed to be located or is located in a city, the governing board of the city shall conduct a public hearing when sufficient public interest exists. The board of commissioners of the county or counties in which the sanitary landfill is proposed to be located or is located or, if the sanitary landfill is proposed to be located or is located in a city, the governing board of the city shall provide adequate notice to the public of the public hearing and shall specify the procedure to be followed at the public hearing."

Sec. 3. This act is effective upon ratification and applies to any application for a permit, the renewal of a permit, or a substantial amendment to a permit filed on or after the date this act becomes effective.

In the General Assembly read three times and ratified this the 23rd day of July, 1993.

---

Dennis A. Wicker  
President of the Senate

---

Daniel Blue, Jr.  
Speaker of the House of Representatives