

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 2340

Short Title: Limits on Siting Waste Facilities.

(Public)

Sponsors: Representatives Green; Church and J. Crawford.

Referred to: Rules.

June 6, 1990

A BILL TO BE ENTITLED

AN ACT TO PROTECT THE CITIZENS OF NORTH CAROLINA BY ENSURING THAT A LOW-LEVEL RADIOACTIVE WASTE FACILITY, AN AUTHORIZED HAZARDOUS WASTE FACILITY, AND A PCB LANDFILL ARE ADEQUATELY SPACED.

The General Assembly of North Carolina enacts:

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

"(h) Rules adopted by the Commission shall be subject to the following requirements:

(2) Hazardous waste shall be treated prior to disposal in North Carolina.

The Commission shall determine the extent of waste treatment required before hazardous waste can be disposed of in a hazardous waste disposal facility.

(3) Any hazardous waste disposal facility hereafter constructed in this State shall meet, at the minimum, the standards of construction imposed by federal regulations adopted under the RCRA at the time the permit is issued.

(4) No hazardous waste disposal facility or polychlorinated biphenyl disposal facility shall be located within 25 miles of any other hazardous waste disposal facility or polychlorinated biphenyl disposal facility.

(5) No hazardous waste facility operated pursuant to Chapter 130B of the General Statutes shall be located within 25 miles of a polychlorinated biphenyl landfill facility.

- 1           (5a) No polychlorinated biphenyl landfill facility shall be located in a  
2           county in which a low-level radioactive waste facility operated  
3           pursuant to Chapter 104G of the General Statutes or a hazardous waste  
4           facility operated pursuant to Chapter 130B of the General Statutes is  
5           located, or within 25 miles outward from the boundaries of such  
6           county. No county shall have more than one of these facilities within  
7           25 miles of its boundaries.
- 8           (6) The following will not be disposed of in a hazardous waste disposal  
9           facility: ignitables as defined in the RCRA, polyhalogenated  
10          biphenyls of 50 ppm or greater concentration, and free liquids whether  
11          or not containerized.
- 12          (7) Facilities for disposal or long-term storage of hazardous waste shall  
13          have at a minimum the following: a leachate collection and removal  
14          system above an artificial impervious liner of at least 30 mils in  
15          thickness, a minimum of five feet of clay or clay-like liner with a  
16          maximum permeability of  $1.0 \times 10^{-7}$  centimeters per second (cm/sec)  
17          below said artificial liner, and a leachate detection system immediately  
18          below the clay or clay-like liner.
- 19          (8) Hazardous waste shall not be stored at a hazardous waste treatment  
20          facility for over 90 days prior to treatment or disposal.
- 21          (9) The Commission shall consider any hazardous waste treatment process  
22          proposed to it, if the process lessens treatment cost or improves  
23          treatment over then current methods or standards required by the  
24          Commission."

25          Sec. 2. G.S. 130B-11(c) reads as rewritten:

26          "(c) In addition to any other site selection criteria adopted by the Commission, the  
27          following criteria shall apply to the selection of sites for hazardous waste treatment  
28          facilities:

- 29          (1) A site shall be accessible to the Interstate Highway System by a  
30          highway having not less than two travel lanes in each direction (four-  
31          lane highway).
- 32          (2) In evaluating potential sites, the Commission shall give preference to  
33          those sites which minimize the travel distance between the site and the  
34          Interstate Highway System.
- 35          (3) A site shall not be located in or on wetlands, existing State or national  
36          parks or forests, existing historical sites, and existing wildlife refuges.
- 37          (4) A site shall not be located in or on land on which a fish hatchery is  
38          located, Indian reservations, or federal military reservations.
- 39          (5) A site shall not be located in a county in which a polychlorinated  
40          biphenyl landfill facility or a low-level radioactive facility operated  
41          pursuant to Chapter 104G of the General Statutes is located, or within  
42          25 miles outward from the boundaries of such county. No county shall  
43          have more than one of these facilities within 25 miles of its  
44          boundaries."

1           Sec. 3. G.S. 104G-9 is amended by adding a new subsection to read:

2           "(b1) In addition to any other site selection criteria adopted by the Authority, a site  
3 shall not be located in a county in which a polychlorinated biphenyl landfill facility or a  
4 hazardous waste facility operated pursuant to Chapter 103B of the General Statutes is  
5 located, or within 25 miles outward from the boundaries of such county. No county  
6 shall have more than one of these facilities within 25 miles of its boundaries."

7           Sec. 4. There is appropriated from the General Fund to the North Carolina  
8 Hazardous Waste Management Commission the sum of \$10,000 for the 1990-91 fiscal  
9 year to be used for the Commission to revise its rules, procedures, and site selection  
10 process so that they are consistent with the provisions of this act.

11           Sec. 5. There is appropriated from the General Fund to the North Carolina  
12 Low-level Radioactive Waste Management Authority the sum of \$10,000 for the 1990-  
13 91 fiscal year to be used for the Authority to revise its rules, procedures, and site  
14 selection process so that they are consistent with the provisions of this act.

15           Sec. 6. Sections 4 and 5 of this act shall become effective July 1, 1990. The  
16 remaining sections are effective upon ratification. ♦