

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 147

Short Title: Incinerator/MRF Permit Condition.

(Public)

Sponsors: Representatives Hackney, Grimmer, DeVane, and Michaux.

Referred to: Environment.

February 21, 1991

A BILL TO BE ENTITLED

1 AN ACT TO REQUIRE THE DEPARTMENT OF ENVIRONMENT, HEALTH, AND
2 NATURAL RESOURCES TO CONDITION THE ISSUANCE OF A PERMIT
3 FOR AN INCINERATOR AND A MATERIALS RECOVERY FACILITY UPON
4 A FINDING THAT A SUFFICIENT WASTE STREAM IS AVAILABLE TO
5 SUPPORT THE FACILITY.
6

7 The General Assembly of North Carolina enacts:

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

9 "(4) Develop a permit system governing the establishment and operation of
10 solid waste management facilities. No permit shall be granted for a
11 sanitary landfill, excluding demolition landfills as defined in the rules
12 of the Commission for Health Services, without the Department
13 receiving the prior approval for such permit from the county where it
14 is to be located, except if it is to be located within the corporate limits
15 or extraterritorial jurisdiction under Article 19 of Chapter 160A of the
16 General Statutes, of a city as defined in G.S. 160A-1(2), from the city
17 where it is to be located or whose jurisdiction it is in. No permit shall
18 be granted for a solid waste management facility having discharges
19 which are point sources until the Department has referred the complete
20 plans and specifications to the Environmental Management
21 Commission and has received advice in writing that the plans and
22 specifications are approved in accordance with the provisions of G.S.
23 143-215.1. No permit shall be granted for an incinerator and a
24 materials recovery facility unless the Department states in writing that

1 it has found that a sufficient waste stream will be available to support
2 the facility. In any case where the Department denies a permit for a
3 solid waste management facility, it shall state in writing the reason for
4 denial and shall also state its estimate of the changes in the applicant's
5 proposed activities or plans which will be required for the applicant to
6 obtain a permit.

7 The issuance of permits for sanitary landfills operated by local
8 governments is exempt from the environmental impact statements
9 required by Article 1 of Chapter 113A of the General Statutes, entitled
10 the North Carolina Environmental Policy Act of 1971. All sanitary
11 landfill permits issued to local governments prior to July 1, 1984, are
12 hereby validated notwithstanding any failure to provide environmental
13 impact statements pursuant to the North Carolina Environmental
14 Policy Act of 1971;".

15 Sec. 2. This act becomes effective October 1, 1991.