

**GENERAL ASSEMBLY OF NORTH CAROLINA**

**SESSION 1993**

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**SENATE BILL 1164**

Short Title: Solid Waste Financial Assurance Reqs.

(Public)

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Sponsors: Senator Tally.

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Referred to: Rules Suspended; Passed 1st; Referred to Environment and Natural Resources.

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May 12, 1993

A BILL TO BE ENTITLED

1 AN ACT TO CONFORM THE MEANS BY WHICH SOLID WASTE  
2 MANAGEMENT FACILITIES MAY DEMONSTRATE FINANCIAL  
3 RESPONSIBILITY TO THE REQUIREMENTS OF FEDERAL LAW.  
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5 The General Assembly of North Carolina enacts:

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

7 "(b) The Commission shall adopt and the Department shall enforce rules to  
8 implement a comprehensive statewide solid waste management program. The rules  
9 shall be consistent with applicable State and federal law; and shall be designed to  
10 protect the public health, safety, and welfare; preserve the environment; and provide for  
11 the greatest possible conservation of cultural and natural resources. Rules for the  
12 establishment, location, operation, maintenance, use, discontinuance, recordation, post-  
13 closure care of solid waste management facilities also shall be based upon recognized  
14 public health practices and procedures, including applicable epidemiological research  
15 and studies; hydrogeological research and studies; sanitary engineering research and  
16 studies; and current technological development in equipment and methods. The rules  
17 shall not apply to the management of solid waste that is generated by an individual or  
18 individual family or household unit on the individual's property and is disposed of on  
19 the individual's property.

20 The Commission may adopt rules for financial responsibility to ensure the  
21 availability of sufficient funds for closure and post-closure maintenance and monitoring  
22 at solid waste management facilities, and for any corrective action the Department may  
23 require during the active life of a facility or during the closure and post-closure periods.

1 The rules may permit demonstration of financial responsibility through the use of a  
2 letter of credit, insurance, surety, trust agreement, financial test, or guarantee by  
3 corporate parents or third parties who can pass the financial test. ~~Financial responsibility~~  
4 ~~rules shall not apply to solid waste management facilities operated by local government."~~

5           Sec. 2. This act is effective upon ratification.