

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

H

3

HOUSE BILL 859
Committee Substitute Favorable 5/3/95
Committee Substitute #2 Favorable 6/14/95

Short Title: Solid Waste Amendments.

(Public)

Sponsors:

Referred to:

April 12, 1995

1 A BILL TO BE ENTITLED
2 AN ACT TO REVISE THE SOLID WASTE MANAGEMENT ACT OF 1989 AND
3 RELATED STATUTES.

4 The General Assembly of North Carolina enacts:

5 Section 1. G.S. 130A-290(a)(5) is repealed.

6 Sec. 2. G.S. 130A-290(a) is amended by adding a new subdivision to read:

7 "(13a) 'Industrial solid waste' means solid waste generated by manufacturing or
8 industrial processes that is not hazardous waste."

9 Sec. 3. G.S. 130A-290(a)(18a) reads as rewritten:

10 "(18a) 'Municipal solid waste' means any solid waste resulting from the
11 operation of residential, commercial, industrial, governmental, or
12 institutional establishments that would normally be collected, processed,
13 and disposed of through a public or private solid waste management
14 service. Municipal solid waste does not include hazardous waste,
15 sludge, industrial waste managed in a solid waste management facility
16 owned and operated by the generator of the industrial waste for
17 management of that waste, or solid waste from mining or agricultural
18 operations."

1 Sec. 4. G.S. 130A-290(a)(24) reads as rewritten:

2 "(24) '~~Recovered materials~~' means those materials ~~which have~~ material means a
3 material that has known recycling potential, can be feasibly recycled,
4 and ~~have~~ has been diverted or removed from the solid waste stream for
5 sale, use, or ~~reuse by separation, collection, or processing.~~ reuse. In order
6 to qualify as a recovered material, a material must meet the
7 requirements of G.S. 130A-309.05(c)."

8 Sec. 5. G.S. 130A-290(a)(35) reads as rewritten:

9 "(35) 'Solid waste' means any hazardous or nonhazardous garbage, refuse or
10 sludge from a waste treatment plant, water supply treatment plant or air
11 pollution control facility, domestic sewage and sludges generated by the
12 treatment thereof in sanitary sewage collection, treatment and disposal
13 systems, and other material that is either discarded or is being
14 accumulated, stored or treated prior to being discarded, or has served its
15 original intended use and is generally discarded, including solid, liquid,
16 semisolid or contained gaseous material resulting from industrial,
17 institutional, commercial and agricultural operations, and from
18 community activities. The term does not include:

- 19 a. Fecal waste from fowls and animals other than ~~humans;~~ humans.
20 b. Solid or dissolved material in:
21 1. Domestic sewage and sludges generated by treatment
22 thereof in sanitary sewage collection, treatment and
23 disposal systems which are designed to discharge effluents
24 to the surface ~~waters;~~ waters.
25 2. Irrigation return ~~flows;~~ and flows.
26 3. Wastewater discharges and the sludges incidental to and
27 generated by treatment which are point sources subject to
28 permits granted under Section 402 of the Water Pollution
29 Control Act, as amended (P.L. 92-500), and permits
30 granted under G.S. 143-215.1 by the Environmental
31 Management Commission. However, any sludges that
32 meet the criteria for hazardous waste under RCRA shall
33 also be a solid waste for the purposes of this ~~Article;~~
34 Article.
35 c. Oils and other liquid hydrocarbons controlled under Article 21A
36 of Chapter 143 of the General Statutes. However, any oils or
37 other liquid hydrocarbons that meet the criteria for hazardous
38 waste under RCRA shall also be a solid waste for the purposes of
39 this ~~Article;~~ Article.
40 d. Any source, special nuclear or byproduct material as defined by
41 the Atomic Energy Act of 1954, as amended (42 U.S.C. § 2011).
42 e. Mining refuse covered by the North Carolina Mining Act, G.S.
43 74-46 through 74-68 and regulated by the North Carolina Mining

1 Commission (as defined under G.S. 143B-290). However, any
2 specific mining waste that meets the criteria for hazardous waste
3 under RCRA shall also be a solid waste for the purposes of this
4 Article.

5 f. Recovered material."

6 Sec. 6. G.S. 130A-294(a)(3) reads as rewritten:

7 "(3) Develop and adopt rules to establish standards for qualification as a
8 ~~waste~~-'recycling, reduction or resource recovering facility' or as ~~waste~~
9 'recycling, reduction or resource recovering equipment' for the purpose
10 of special tax classifications or treatment, and to certify as qualifying
11 those applicants which meet the established standards. The standards
12 shall be developed to qualify only those facilities and equipment
13 exclusively used in the actual waste recycling, reduction or resource
14 recovering process and shall exclude any incidental or supportive
15 facilities and equipment;".

16 Sec. 7. G.S. 130A-309.04 reads as rewritten:

17 "**§ 130A-309.04. State solid waste management policy and goals.**

18 (a) It is the policy of the State to promote methods of solid waste management that
19 are alternatives to disposal in landfills and to assist units of local government with solid
20 waste management. In furtherance of this State policy, there is established a hierarchy of
21 methods of managing solid waste, in descending order of preference:

- 22 (1) Waste reduction at the source;
- 23 (2) Recycling and reuse;
- 24 (3) Composting;
- 25 (4) Incineration with energy ~~production~~; recovery;
- 26 (5) Incineration ~~for volume reduction~~; without energy recovery;
- 27 (6) Disposal in landfills.

28 (b) It is the policy of the State to encourage research into innovative solid waste
29 management methods and products and to encourage regional solid waste management
30 projects.

31 (c) It is the goal of this State to reduce the municipal solid waste stream, primarily
32 through source reduction, reuse, recycling, and composting, ~~on a per capita basis, on the~~
33 ~~following schedule:~~ by forty percent (40%) on a per capita basis by 30 June 2001.

- 34 (1) ~~Twenty-five percent (25%) by 30 June 1993.~~
- 35 (2) ~~Forty percent (40%) by 30 June 2001.~~

36 (c1) To measure progress toward the municipal solid waste reduction ~~goals~~ goal in a
37 given year, comparison shall be made between the amount by weight of the municipal
38 solid waste that, during the baseline year and the given year, is received at municipal
39 solid waste management facilities and is:

- 40 (1) Disposed of in a landfill;
- 41 (2) Incinerated;
- 42 (3) Converted to tire-derived fuel; or
- 43 (4) Converted to refuse-derived fuel.

1 (c2) Comparison shall be between baseline and given years beginning on 1 July and
2 ending on 30 June of the following year. The baseline year shall be the year beginning 1
3 July 1991 and ending 30 June 1992. However, a unit of local government may use an
4 earlier baseline year if it demonstrates to the satisfaction of the Department that it has
5 sufficient data to support the use of the earlier baseline year.

6 ~~(c3) If a unit of local government is unable to meet the municipal solid waste
7 reduction goal established in subdivision (2) of subsection (c) of this section and if the
8 unit of local government demonstrates to the satisfaction of the Department that it has
9 considered all reasonably available options to reduce its municipal solid waste stream
10 through source reduction, reuse, recycling, and composting and that it has made a good
11 faith effort and done everything technologically and economically feasible to meet the
12 goal, for the purpose of calculating progress of the unit of local government toward the
13 goal, ten percent (10%) of the amount by weight of the municipal solid waste stream that
14 is converted to tire derived fuel or refuse derived fuel may be added to the amount that is
15 diverted from the municipal solid waste stream through source reduction, reuse,
16 recycling, and composting.~~

17 (d) In furtherance of the State's solid waste management policy, each State agency
18 shall develop a solid waste management plan ~~which~~that is consistent with the solid waste
19 management policy of the State.

20 (d1) It is the policy of the State to obtain, to the extent practicable, economic
21 benefits from the recovery from solid waste and reuse of material and energy resources.
22 In furtherance of this policy, it is the goal of the State to foster partnerships between the
23 public and private sectors that strengthen the supply of, and demand for, recyclable and
24 reusable materials and that foster opportunities for economic development from the
25 recovery and reuse of materials.

26 ~~(e) Each county, either individually or in cooperation with others, shall, in
27 cooperation with its municipalities, develop a comprehensive county solid waste
28 management plan and submit the plan to the Department for approval. County solid waste
29 management plans shall be updated and submitted for approval at least once every two
30 years. A county solid waste management plan shall be consistent with the State's
31 comprehensive solid waste plan. In counties where a municipality operates the major
32 solid waste disposal facility, the comprehensive solid waste plan may be prepared by the
33 municipality, with the approval of the county and in cooperation with the other
34 municipalities. Each county's comprehensive solid waste management plan shall include
35 provisions which address the State's waste reduction goals. Each county's plan shall take
36 into consideration facilities and other resources for management of solid waste which
37 may be available through private enterprise. This section shall be construed to encourage
38 the involvement and participation of private enterprise in solid waste management. The
39 Department shall develop a form designed to elicit pertinent information regarding a
40 county's solid waste management plan. The Department shall provide assistance in the
41 preparation of county plans upon request.~~

1 (f) ~~Any unit of local government that does not participate in a county solid waste~~
2 ~~management plan shall prepare a plan in accordance with the provisions of subsection (e)~~
3 ~~of this section."~~

4 Sec. 8. G.S. 130A-309.05 reads as rewritten:

5 **"§ 130A-309.05. Regulated wastes; certain exclusions.**

6 (a) Notwithstanding other provisions of this Article, the following waste shall be
7 regulated pursuant to this Part:

8 (1) Medical waste; and

9 (2) Ash generated by a solid waste management facility from the burning of
10 solid waste.

11 (b) Ash generated by a solid waste management facility from the burning of solid
12 waste shall be disposed of in a properly designed solid waste disposal area that complies
13 with standards developed by the Department for the disposal of the ash. The Department
14 shall work with solid waste management facilities ~~which that~~ burn solid waste to identify
15 and develop methods for recycling and reusing incinerator ash or treated ash.

16 (c) ~~Recovered materials are material is not subject to the provisions of this Part if:~~
17 regulation as solid waste under this Article. In order for a material that would otherwise
18 be regulated as solid waste to qualify as a recovered material, the Department may
19 require any person who owns or has control over the material to demonstrate that the
20 material meets the requirements of this subsection. In order to protect public health and
21 the environment, the Commission may adopt rules to implement this subsection. In order
22 to qualify as a recovered material:

23 (1) A majority of the recovered ~~materials material~~ at a facility ~~are shall be~~
24 sold, used, or reused within one year;

25 (2) The recovered ~~materials material~~ or the products or by-products of
26 operations that process recovered ~~materials are material~~ shall not be
27 discharged, deposited, injected, dumped, spilled, leaked, or placed into
28 or upon any land or water so that the products or by-products or any
29 constituent thereof may enter other lands or be emitted into the air or
30 discharged into any waters including groundwaters, or otherwise enter
31 the environment or pose a threat to public health and safety; and

32 (3) The recovered ~~materials are material~~ shall not be a hazardous waste ~~and~~
33 or have not been recovered from solid waste which is defined as hazardous
34 waste under G.S. 130A-290: a hazardous waste."

35 Sec. 9. G.S. 130A-309.06 reads as rewritten:

36 **"§ 130A-309.06. Additional powers and duties of the Department.**

37 (a) In addition to other powers and duties set forth in this Part, the Department
38 shall:

39 (1) Develop a comprehensive solid waste management plan consistent with
40 this ~~Part by 1 March 1991. Part.~~ The plan shall be developed in
41 consultation with units of local government and shall be updated at least
42 every three years. In developing the State solid waste management
43 plan, the Department shall hold public hearings around the State and

- 1 shall give notice of these public hearings to all units of local
2 government and regional planning agencies.
- 3 (2) Provide guidance for the orderly collection, transportation, storage,
4 separation, processing, recovery, recycling, and disposal of solid waste
5 throughout the State.
- 6 (3) Encourage coordinated local activity for solid waste management within
7 a common geographical area.
- 8 (4) Provide planning, technical, and financial assistance to units of local
9 government and State agencies for reduction, recycling, reuse, and
10 processing of solid waste and for safe and environmentally sound solid
11 waste management and disposal.
- 12 (5) Cooperate with appropriate federal ~~agencies~~agencies, local
13 governments, and private organizations in carrying out the provisions of
14 this Part.
- 15 (6) Promote and assist the development of solid waste reduction, recycling,
16 and resource recovery programs ~~which~~that preserve and enhance the
17 quality of the air, water, and other natural resources of the State.
- 18 (7) Maintain a directory of recycling and resource recovery systems in the
19 State and provide assistance with matching recovered materials with
20 markets.
- 21 (8) Manage a program of grants for programs for recycling and special
22 waste management, and for programs ~~which~~that provide for the safe and
23 proper management of solid waste.
- 24 (9) Provide for the education of the general public and the training of solid
25 waste management professionals to reduce the production of solid
26 waste, to ensure proper processing and disposal of solid waste, and to
27 encourage recycling and solid waste reduction.
- 28 (10) Develop descriptive literature to inform units of local government of
29 their solid waste management responsibilities and opportunities.
- 30 ~~(11) Conduct at least one workshop each year in each region served by a~~
31 ~~council of governments.~~
- 32 (12) Provide and maintain recycling bins for the collection and recycling of
33 newspaper, aluminum cans, glass containers, and recyclable plastic
34 beverage containers at the North Carolina Zoological Park.
- 35 (13) Identify, based on reports required under G.S. 130A-309.14 and any
36 other relevant information, those materials in the municipal solid waste
37 stream that are marketable in the State or any portion thereof and that
38 should be recovered from the waste stream prior to treatment or
39 disposal.
- 40 (14) Identify and analyze, with assistance from the Department of Commerce
41 pursuant to G.S. 130A-309.14, components of the State's recycling
42 industry and present and potential markets for recyclable materials in
43 this State, other states, and foreign countries.

1 (b) The Department may refuse to issue a permit to an applicant who by past
2 conduct in this State has repeatedly violated related statutes, rules, orders, or permit terms
3 or conditions relating to any solid waste management facility and who is deemed by the
4 Department to be responsible for the violations. For the purpose of this subdivision, an
5 applicant includes the owner or operator of the facility, or, if the owner or operator is a
6 business entity, the parent of the subsidiary corporation, a partner, a corporate officer or
7 director, or a stockholder holding more than fifty percent (50%) of the stock of the
8 corporation.

9 (c) The Department shall prepare by 1 ~~May~~ March of each year a report on the
10 status of solid waste management efforts in the State. The scope of the report shall be
11 determined by the resources available to the Department for its preparation and, to the
12 extent possible, shall include:

- 13 (1) A comprehensive analysis, to be updated in each report, of solid waste
14 generation and disposal in the State projected for the 20-year period
15 beginning on 1 July 1991.
- 16 (2) The total amounts of solid waste ~~generated, recycled,~~ recycled and
17 disposed of and the methods of solid waste recycling and disposal used
18 during the calendar year prior to the year in which the report is
19 published.
- 20 (3) An evaluation of the development and implementation of local solid
21 waste management programs and county and municipal recycling
22 programs.
- 23 (4) An evaluation of the success of each county or group of counties in
24 meeting the municipal solid waste reduction goal established in G.S.
25 130A-309.04.
- 26 (5) Recommendations concerning existing and potential programs for solid
27 waste reduction and recycling that would be appropriate for units of
28 local government and State agencies to implement to meet the
29 requirements of this Part.
- 30 (6) An evaluation of the markets for recycled materials and the success of
31 State, local, and private industry efforts to enhance the markets for ~~such~~
32 these materials.
- 33 (7) Recommendations to the Governor and the ~~General Assembly~~
34 Environmental Review Commission to improve the management and
35 recycling of solid waste in the ~~State~~ State, including any proposed
36 legislation to implement the recommendations.

37 (d) The Department of ~~Environment, Health, and Natural Resources~~ shall prepare by
38 ~~March 1, 1994, and every other year thereafter,~~ a report assessing the recycling industry and
39 recyclable materials markets in the ~~State~~ State every two years, and shall submit the
40 report to the Environmental Review Commission on or before 1 March of even-numbered
41 years. The report shall include a report on the progress of polystyrene recycling in North
42 Carolina, giving a year-to-year comparison."

43 Sec. 10. G.S. 130A-309.07 reads as rewritten:

"§ 130A-309.07. State solid waste management plan.

The State solid waste management plan shall include, at a minimum:

- (1) ~~Procedures and requirements to ensure~~ encourage cooperative efforts in solid waste management by counties and municipalities and groups of counties and municipalities where appropriate, including the establishment of joint agencies pursuant to G.S. 160A-462.
- (2) Provisions for the continuation of existing effective regional resource recovery, recycling, and solid waste management facilities and programs.
- (3) Planning guidance and technical assistance to counties and municipalities to aid in meeting the municipal solid waste reduction goals established in G.S. 130A-309.04.
- (4) Planning guidance and technical assistance to counties and municipalities to assist the development and implementation of ~~recycling~~ solid waste reduction programs.
- (5) Technical assistance to counties and municipalities in determining the full cost for solid waste management as required in G.S. 130A-309.08.
- (6) Planning guidance and technical assistance to counties and municipalities to assist the development and implementation of programs for alternative disposal, processing, or recycling of the solid wastes prohibited from disposal in landfills pursuant to G.S. 130A-309.10 and for special wastes.
- (7) A public education program, to be developed in cooperation with the Department of Public Instruction, units of local government, other State agencies, and business and industry organizations, to inform the public of the need for and the benefits of recycling solid waste and reducing the amounts of solid and hazardous waste generated and disposed of in the State. The public education program shall be implemented through public workshops and through the use of brochures, reports, public service announcements, and other materials.
- (8) Provisions to encourage partnerships between the public and private sectors that strengthen the supply of, and demand for, recyclable materials and that foster opportunities for economic development from the recovery and reuse of materials."

Sec. 11. G.S. 130A-309.08 reads as rewritten:

"§ 130A-309.08. Determination of cost for solid waste management; local solid waste management fees.

(a) ~~Within one year of the effective date of this section or within one year after rules are adopted by the Commission, whichever occurs later, each~~ Each county and each municipality shall annually determine the full cost for solid waste management within the service area of the county or municipality for ~~a one-year period as specified by rules adopted by the Commission, and shall update the full cost determination every year thereafter. the preceding year.~~ The Commission shall establish by rule the method for

1 units of local government to use in calculating full cost. ~~Rule making shall be initiated~~
2 ~~and at least one public hearing shall be held by 1 March 1990. In developing the rule, the~~
3 ~~Commission shall examine the feasibility of the use of an enterprise fund process by units~~
4 ~~of local government in operating their solid waste management systems.~~

5 (b) ~~Within one year after the completion of the cost determination required by subsection~~
6 ~~(a) of this section, each~~ Each municipality shall establish a system to inform, no less than
7 once a year, residential and nonresidential users of solid waste management services
8 within the municipality's service area of the user's share, on an average or individual
9 basis, of the full cost for solid waste management as determined pursuant to subsection
10 (a) of this section. Counties shall provide the information required of municipalities only
11 to residential and nonresidential users of solid waste management services within the
12 county's service area that are not served by a municipality. Municipalities shall include
13 ~~costs charges charged~~ to them or to persons contracting with them for disposal of solid
14 waste in the full cost information provided to residential and nonresidential users of solid
15 waste management services. Counties and municipalities are encouraged to operate their
16 solid waste management systems through use of an enterprise fund.

17 (c) For purposes of this section, 'service area' means the area in which the county
18 or municipality provides, directly or by contract, solid waste management services. The
19 provisions of this section shall not be construed to require a person operating under a
20 franchise contract or other agreement to collect or dispose of solid waste within the
21 service area of a county or municipality to make the calculations or to establish a system
22 to provide the information required under this section, unless such person agrees to do so
23 as part of such franchise contract or other agreement.

24 (d) ~~In order to assist in achieving the municipal solid waste reduction goal and the~~
25 ~~recycling provisions of G.S. 130A-309.09B, a county or a municipality which owns or~~
26 ~~operates a solid waste management facility may charge solid waste disposal fees which~~
27 ~~may vary based on a number of factors, including the amount, characteristics, and form~~
28 ~~of recyclable materials present in the solid waste that is brought to the county's or the~~
29 ~~municipality's facility for processing or disposal. A county may charge fees for the~~
30 collection, processing, or disposal of solid waste as provided in Article 15 of Chapter
31 153A of the General Statutes. A city may charge fees for the collection, processing, or
32 disposal of solid waste as provided in Article 16 of Chapter 160A of the General Statutes.

33 (e) ~~In addition to all other fees required or allowed by law, a county or a~~
34 ~~municipality, at the discretion of its governing board, may impose a fee for the services~~
35 ~~the county or municipality provides with regard to the collection, processing, or disposal~~
36 ~~of solid waste, to be used for developing and implementing a recycling program.~~

37 (f) ~~This section does not prohibit a county, municipality, or other person from~~
38 ~~providing grants, loans, or other aid to low income persons to pay part or all of the costs~~
39 ~~of such persons' solid waste management services."~~

40 Sec. 12. G.S. 130A-309.09A reads as rewritten:

41 "**§ 130A-309.09A. Local government solid waste responsibilities.**

42 (a) The governing board of a designated local government shall provide for the
43 operation of solid waste disposal facilities to meet the needs of all incorporated and

~~unincorporated areas designated to be served by the facility. each unit of local government shall assess local solid waste collection services and disposal capacity and shall determine the adequacy of collection services and disposal capacity to meet local needs and to protect human health and the environment. Each unit of local government shall implement programs and take other actions that it determines are necessary to address deficiencies in service or capacity required to meet local needs and to protect human health and the environment. Pursuant to this section and notwithstanding any other provision of this Chapter, designated local governments~~ A unit of local government may adopt ordinances governing the disposal ~~disposal, in facilities which they operate that it operates, of solid waste generated outside of the area designated to be served by such the facility. Such ordinances shall not be construed to apply to privately operated disposal facilities located within the boundaries of a designated the unit of local government. In accordance with this section, municipalities are responsible for collecting and transporting solid waste from their jurisdictions to a solid waste disposal facility operated by the municipality or county, any other municipality or county, or by any other person. Counties and municipalities may charge reasonable fees for the handling and disposal of solid waste at their facilities. The fees charged to municipalities without facilities at a solid waste management facility specified by the county shall not be greater than the fees charged to other users of the facility except as provided in G.S. 130A-309.08(d). Solid waste management fees collected on a countywide basis shall be used to fund solid waste management services provided throughout the county.~~

(b) ~~Each unit of local government, either individually or in cooperation with one or more other units of local government, shall participate in the development and implementation of a solid waste management plan designed to meet the waste reduction goals set out in G.S. 130A-309.04 within the geographic area covered by the plan.~~

Each unit of local government, either individually or in cooperation with other units of local government, shall develop a 10-year comprehensive solid waste management plan. Units of local government shall make a good-faith effort to achieve the State's forty percent (40%) municipal solid waste reduction goal and to comply with the State's comprehensive solid waste management plan. Each unit of local government shall develop its solid waste management plan with public participation, including, at a minimum, one advertised public meeting. The Department shall assist units of local government in the preparation of the plan required by this subsection if the unit of local government requests assistance. Each plan shall be updated at least every three years. In order to assure compliance with this subsection, each unit of local government shall provide the Department with a copy of its current plan upon request by the Department. Each plan shall:

- (1) Evaluate the solid waste stream in the geographic area covered by the plan.
- (2) Include a goal for the reduction of municipal solid waste on a per capita basis by 30 June 2001 and a goal for the further reduction of municipal solid waste by 30 June 2006. The solid waste reduction goals shall be determined by the unit or units of local government that prepare the

- 1 plan, and shall be determined so as to assist the State, to the maximum
2 extent practical, to achieve the State's forty percent (40%) municipal
3 solid waste reduction goal as set out in G.S. 130A-309.04(c).
- 4 (3) Be designed to achieve the solid waste reduction goals established by
5 the plan.
- 6 (4) Include a description of the process by which the plan was developed,
7 including provisions for public participation in the development of the
8 plan.
- 9 (5) Include a description and assessment of intended actions with respect to
10 the following solid waste management methods:
- 11 a. Reduction at the source.
12 b. Collection.
13 c. Recycling and reuse.
14 d. Composting and mulching.
15 e. Incineration with energy recovery.
16 f. Incineration without energy recovery.
17 g. Transfer outside the geographic area covered by the plan.
18 h. Disposal.
- 19 (6) Include a description and assessment of intended actions with respect to:
20 a. Education with the community and through the schools.
21 b. Management of special wastes.
22 c. Prevention of illegal disposal and management of litter.
23 d. Purchase of recycled materials and products manufactured with
24 recycled materials.
- 25 (7) Include a description and assessment of the full cost of solid waste
26 management, including the costs of collection, disposal, waste
27 reduction, and other programs, and of the methods of financing those
28 costs.
- 29 (8) Consider the use of facilities and other resources for management of
30 solid waste that may be available through private enterprise.
- 31 (e) ~~The Department may reduce or modify the municipal solid waste reduction~~
32 ~~goal that a unit of local government is required to attempt to achieve pursuant to~~
33 ~~subsection (b) of this section if the unit of local government demonstrates to the~~
34 ~~Department that:~~
- 35 (1) ~~The achievement of the goal would have an adverse effect on the~~
36 ~~financial obligations of the unit of local government incurred prior to 1~~
37 ~~October 1989 that are directly related to a waste to energy facility~~
38 ~~owned or operated by or on behalf of a unit of local government; and~~
- 39 (2) ~~The unit of local government cannot remove normally combustible~~
40 ~~materials from solid waste that is to be processed at a waste to energy~~
41 ~~facility permitted prior to 1 July 1991 because of the need to maintain a~~
42 ~~sufficient amount of solid waste to ensure the financial viability of the~~
43 ~~facility. The goal may not be waived entirely and may be reduced or~~

1 ~~modified only to the extent necessary to alleviate the adverse effects of~~
2 ~~achieving the goal on the financial viability of a unit of local~~
3 ~~government's waste-to-energy facility. Nothing in this subsection shall~~
4 ~~exempt a unit of local government from developing and implementing a~~
5 ~~recycling program pursuant to this Part.~~

6 (d) In order to assess the progress in meeting the ~~goals~~ goal set out in G.S. 130A-
7 309.04, each county, ~~either individually or in cooperation with one or more other~~
8 ~~counties, shall, by 1 December 1991 and each year thereafter, unit of local government~~
9 ~~shall report to the Department on the solid waste management programs and recycling~~
10 ~~waste reduction activities within the county or the geographic area covered by the~~
11 ~~county's solid waste management plan. within the unit of local government by 1~~
12 ~~September of each year. This report by the county must~~ At a minimum, the report shall
13 include:

- 14 (1) A description of public education programs on ~~recycling~~; recycling.
- 15 (2) The amount of solid waste received at municipal solid waste
16 management facilities, by type of solid ~~waste~~; waste.
- 17 (3) The amount and type of materials from the solid waste stream that were
18 ~~recycled~~; recycled.
- 19 (4) The percentage of the population participating in various types of
20 recycling activities ~~instituted~~; instituted.
- 21 (5) The annual reduction in municipal solid waste, measured as provided in
22 G.S. ~~130A-309.04~~; 130A-309.04.
- 23 ~~(6) A description of the recycling activities attempted, their success rates,~~
24 ~~the perceived reasons for failure or success, and the recycling activities~~
25 ~~which are ongoing and most successful; and~~ Information regarding
26 programs and other actions implemented as part of the local
27 comprehensive solid waste management plan.
- 28 (7) In its first report, a description of any recycling activities implemented prior to
29 1 July 1991. A statement of the costs of solid waste management
30 programs implemented by the unit of local government and the methods
31 of financing those costs.

32 ~~(e) Any municipality that does not participate in the preparation of a county report~~
33 ~~shall prepare its own report in accordance with the provisions of subsection (d) of this~~
34 ~~section.~~

35 ~~(f) On and after 1 July 1991, each~~ Each operator of a municipal solid waste management
36 facility shall weigh all solid waste when it is received.

37 (g) A unit of local government that is a collector of municipal solid waste shall not
38 knowingly collect for disposal, and the owner or operator of a municipal solid waste
39 management facility that is owned or operated by a unit of local government shall not
40 knowingly dispose of, any type or form of municipal solid waste that is generated within
41 the boundaries of a unit of local government that by ordinance:

- 42 (1) Prohibits generators or collectors of municipal solid waste from
43 disposing of that type or form of municipal solid waste.

1 (2) Requires generators or collectors of municipal solid waste to recycle
2 that type or form of municipal solid waste."

3 Sec. 13. G.S. 130A-309.09B reads as rewritten:

4 **"§ 130A-309.09B. Local government reeycling-waste reduction programs.**

5 (a) ~~Each designated unit of local government shall initiate a reeyclable materials~~
6 ~~recycling program by 1 July 1991. Counties and municipalities are encouraged to form~~
7 ~~cooperative arrangements for implementing recycling programs. establish and maintain a~~
8 ~~solid waste reduction program that will enable the unit of local government to meet the~~
9 ~~local solid waste reduction goals established pursuant to G.S. 130A-309.09A(b)(2). The~~
10 following requirements shall apply:

11 (1) ~~Construction and demolition debris must be separated from the solid~~
12 ~~waste stream and segregated in separate locations at a solid waste~~
13 ~~disposal facility or other permitted site. Demolition debris consisting of~~
14 ~~used asphalt or used asphalt mixed with dirt, sand, gravel, rock,~~
15 ~~concrete, or similar nonhazardous material may be used as fill and need~~
16 ~~not be disposed of in a permitted landfill or solid waste disposal facility,~~
17 ~~provided that such demolition debris may not be placed in the waters of~~
18 ~~the State or at or below the seasonal high water table.~~

19 (2) Repealed by Session Laws 1991, c. 621, s. 8.

20 (3) Units of local government are encouraged to separate marketable
21 plastics, glass, metal, and all grades of paper for recycling prior to final
22 disposal and are further encouraged to recycle yard trash and other
23 organic solid waste into compost available for agricultural and other
24 acceptable uses.

25 (b) To the maximum extent practicable, units of local government should
26 participate in the preparation and implementation of joint reeycling-waste reduction and
27 solid waste management programs, whether through joint agencies established pursuant
28 to G.S. 153A-421, G.S. 160A-462, or any other means provided by law. Nothing in a
29 county's solid waste management or reeycling-waste reduction program shall affect the
30 authority of a municipality to franchise or otherwise provide for the collection of solid
31 waste generated within the boundaries of the municipality.

32 (c) ~~In the development and implementation of a curbside reeyclable materials~~
33 ~~collection program, a county or municipality shall enter into negotiations with a~~
34 ~~franchisee who is operating to exclusively collect solid waste within a service area of a~~
35 ~~county or municipality to undertake curbside reeyclable materials collection~~
36 ~~responsibilities for a county or municipality. If the county or municipality and the~~
37 ~~franchisee fail to reach an agreement within 60 days from the initiation of negotiations,~~
38 ~~the county or municipality may solicit proposals from other persons to undertake curbside~~
39 ~~reeyclable materials collection responsibilities for the county or municipality as it may~~
40 ~~require. Upon the determination of the lowest responsible proposals, the county or~~
41 ~~municipality may undertake, or enter into a written agreement with the person who~~
42 ~~submitted the lowest responsible proposal to undertake, the curbside reeyclable materials~~
43 ~~collection responsibilities for the county or municipality, notwithstanding the exclusivity~~

1 of any franchise agreement for the collection of solid waste within a service area of the
2 county or municipality.

3 (d) ~~In developing and implementing recycling programs, counties and~~
4 ~~municipalities shall give consideration to the collection, marketing, and disposition of~~
5 ~~recyclable materials by persons engaged in the business of recycling on either a for-profit~~
6 ~~or nonprofit basis. Counties and municipalities are encouraged to use for-profit and~~
7 ~~nonprofit organizations in fulfilling their responsibilities under this Part.~~

8 (e) ~~A county or county and the municipalities within the county's or counties'~~
9 ~~boundaries may jointly develop a recycling program, provided that the county and each~~
10 ~~municipality must enter into a written agreement to jointly develop a recycling program.~~
11 ~~If a municipality does not participate in jointly developing a recycling program with the~~
12 ~~county within which it is located, the county may require the municipality to provide~~
13 ~~information on recycling efforts undertaken within the boundaries of the municipality in~~
14 ~~order to determine whether the goals for municipal solid waste reduction are being~~
15 ~~achieved.~~

16 (f) A county or counties and its or their municipalities may jointly determine,
17 through a joint agency established pursuant to G.S. 153A-421 or G.S. 160A-462, which
18 local governmental agency shall administer a solid waste management or recycling waste
19 reduction program.

20 (g) ~~A unit of local government that enters into an agreement with one or more~~
21 ~~other units of local government to develop and operate a recycling program shall provide~~
22 ~~periodic written progress reports to the units of local government concerning the~~
23 ~~implementation of the recycling program."~~

24 Sec. 14. G.S. 130A-309.09C(g) reads as rewritten:

25 "(g) In addition to any other penalties provided by law, a unit of local government
26 that does not comply with the requirements of G.S. 130A-309.09A(b) and G.S. 130A-
27 309.09B(a) shall not be eligible for grants from the Solid Waste Management Trust Fund,
28 the Scrap Tire Disposal Account, or the White Goods Management Account and the
29 Department may notify the State Treasurer to withhold payment of all or a portion of funds
30 payable to the unit of local government by the Department from the General Fund or by the
31 Department from any other State fund, to the extent not pledged to retire bonded indebtedness,
32 unless the unit of local government demonstrates that good faith efforts to meet the requirements
33 of G.S. 130A-309.09A(b) and G.S. 130A-309.09B(a) have been made or that the funds are being
34 or will be used to finance the correction of a pollution control problem that spans jurisdictional
35 boundaries. shall not receive the proceeds of the scrap tire disposal tax imposed by Article
36 5B of Chapter 105 of the General Statutes or the proceeds of the white goods disposal tax
37 imposed by Article 5C of Chapter 105 of the General Statutes to which the unit of local
38 government would otherwise be entitled. The Secretary shall notify the Secretary of
39 Revenue to withhold payment of these funds to any unit of local government that fails to
40 comply with the requirements of G.S. 130A-309.09A(b) and G.S. 130A-309.09B(a).
41 Proceeds of the scrap tire disposal tax that are withheld pursuant to this subsection shall
42 be credited to the Scrap Tire Disposal Account and may be used as provided in G.S.
43 130A-309.63. Proceeds of the white goods disposal tax that are withheld pursuant to this

1 subsection shall be credited to the White Goods Management Account and may be used
2 as provided in G.S. 130A-309.83."

3 Sec. 15. G.S. 130A-309.09D reads as rewritten:

4 **"§ 130A-309.09D. Responsibilities of owners and operators of privately owned**
5 **~~municipal solid waste management facilities.~~ facilities and collectors of**
6 **municipal solid waste.**

7 (a) The ~~A~~ collector of municipal solid waste shall not knowingly collect for
8 disposal, and the owner or operator of a privately owned or operated municipal solid
9 waste management facility shall ~~operate the facility in a manner which is consistent with the~~
10 ~~State solid waste management plan and with the solid waste management plans that have been~~
11 ~~adopted by those units of local government served by the facility and approved by the~~
12 ~~Department.~~ not knowingly dispose of, any type or form of municipal solid waste that is
13 generated within the boundaries of a unit of local government that by ordinance:

14 (1) Prohibits generators or collectors of municipal solid waste from
15 disposing of that type or form of municipal solid waste.

16 (2) Requires generators or collectors of municipal solid waste to recycle
17 that type or form of municipal solid waste.

18 (b) On or before 1 ~~August 1992 and each year thereafter,~~ August, the owner or
19 operator of a privately owned ~~municipal solid waste management facility~~ shall report to
20 the Department, for the previous year beginning 1 July and ending 30 June, the amount
21 by weight of the solid waste that was received at the facility and disposed of in a landfill,
22 incinerated, or converted to fuel. To the maximum extent practicable, ~~such~~ the reports
23 shall indicate by weight the county of origin of all solid waste. The owner or operator
24 shall transmit a copy of the report to the county in which the facility is located and to
25 each county from which solid waste originated.

26 (c) A generator of industrial solid waste that owns and operates an industrial solid
27 waste facility for the management of industrial solid waste generated by that generator
28 shall develop a 10-year waste management plan. The plan shall be updated at least every
29 three years. In order to assure compliance with this subsection, each generator to which
30 this subsection applies shall provide the Department with a copy of its current plan upon
31 request by the Department. Each generator to which this subsection applies shall file a
32 report on its implementation of the plan required by this subsection with the Department
33 by 1 August of each year. The plan shall have the following components:

34 (1) A waste reduction goal established by the generator.

35 (2) Options for the management and reduction of wastes evaluated by the
36 generator.

37 (3) A waste management strategy, including plans for waste reduction and
38 waste disposal, for the 10-year period covered by the plan."

39 Sec. 16. G.S. 130A-309.10 reads as rewritten:

40 **"§ 130A-309.10. Prohibited acts relating to packaging; coded labeling of plastic**
41 **containers required; disposal of certain solid wastes in landfills or by**
42 **incineration prohibited.**

1 (a) No beverage shall be sold or offered for sale within the State in a beverage
2 container designed and constructed so that the container is opened by detaching a metal
3 ring or tab.

4 (b) No person shall distribute, sell, or offer for sale in this State, any product
5 packaged in a container or packing material manufactured with fully halogenated
6 chlorofluorocarbons (CFC). Producers of containers or packing material manufactured
7 with chlorofluorocarbons (CFC) are urged to introduce alternative packaging materials
8 ~~which that~~ are environmentally compatible.

9 (c) (1) No plastic bag shall be provided at any retail outlet to any
10 retail customer to use for the purpose of carrying items purchased by
11 that customer unless the bag is composed of material ~~which that~~ is
12 recyclable. ~~Notice of recyclability shall be printed on each bag purchased~~
13 ~~by the retailer.~~

14 (2) It is the goal of the State that at least twenty-five percent (25%) of the
15 plastic bags provided at retail outlets in the State to retail customers for
16 carrying items purchased by the customer be recycled.

17 (d) (1) No person shall distribute, sell, or offer for sale in this State
18 any polystyrene foam product ~~which that~~ is to be used in conjunction
19 with food for human consumption unless ~~such the~~ product is
20 composed of material ~~which that~~ is recyclable.

21 (2) ~~After October 1, 1997, no person shall distribute, sell, or offer for sale in~~
22 ~~this State any polystyrene foam product that is to be used in conjunction~~
23 ~~with food for human consumption unless the Secretary certifies that at~~
24 ~~least twenty five percent (25%) of such products are being recycled.~~
25 ~~This subdivision does not apply to any polystyrene foam product~~
26 ~~containing at least twenty five percent (25%) polystyrene derived from~~
27 ~~products that have been collected for recycling after those products have~~
28 ~~served the purpose for which they were manufactured.~~

29 (e) No person shall distribute, sell, or offer for sale in this State any plastic
30 container product unless the product has a molded label indicating the plastic resin used
31 to produce the plastic container product. The code shall consist of a number placed
32 within three triangulated arrows and letters placed below the triangulated arrows. The
33 three arrows shall form an equilateral triangle with the common point of each line
34 forming each angle of the triangle at the midpoint of each arrow and rounded with a short
35 radius. The arrowhead of each arrow shall be at the midpoint of each side of the triangle
36 with a short gap separating the arrowhead from the base of the adjacent arrow. The
37 triangle formed by the three arrows curved at their midpoints shall depict a clockwise
38 path around the code number. The label shall appear on the bottom of the plastic
39 container product and be clearly visible. Plastic beverage containers having a capacity of
40 less than 16 fluid ounces, nonsolid food liquid containers having a capacity of less than
41 16 fluid ounces, and rigid plastic containers having a capacity of less than eight fluid
42 ounces are exempt from the requirements of this subsection. The numbers and letters
43 shall be as follows:

- 1 (1) For polyethylene terephthalate, the letters 'PETE' and the number 1.
- 2 (2) For high density polyethylene, the letters 'HDPE' and the number 2.
- 3 (3) For vinyl, the letter 'V' and the number 3.
- 4 (4) For low density polyethylene, the letters 'LDPE' and the number 4.
- 5 (5) For polypropylene, the letters 'PP' and the number 5.
- 6 (6) For polystyrene, the letters 'PS' and the number 6.
- 7 (7) For any other, including multi-material containers, the letters 'OTHER'
- 8 and the number 7.

9 (f) ~~In accordance with the following schedule, no~~ No person shall knowingly dispose
10 of the following solid wastes in landfills:

- 11 (1) Repealed by Session Laws 1991, c. 375, s. 1.
- 12 (2) Used oil.
- 13 (3) Yard trash, except in landfills ~~classified for such use~~ approved for the
14 disposal of yard trash under rules adopted by the Commission. Yard
15 trash that is source separated from solid waste may be accepted at a
16 solid waste disposal area where the area provides and maintains separate
17 yard trash composting facilities.
- 18 (4) White goods.
- 19 (5) Antifreeze (ethylene glycol).
- 20 (6) Aluminum cans, ~~after July 1, 1994.~~ cans.
- 21 (7) Whole scrap tires, as provided in G.S. 130A-309.58(b). The prohibition
22 against landfilling whole tires applies to all whole pneumatic rubber
23 coverings, but does not apply to whole solid rubber coverings.
- 24 (8) Lead-acid batteries, as provided in G.S. 130A-309.70.

25 (f1) ~~In accordance with the following schedule, no~~ No person shall knowingly dispose
26 of the following solid wastes by incineration in an incinerator for which a permit is
27 required under this Article:

- 28 (1) Antifreeze (ethylene glycol) used solely in motor ~~vehicles, after July 1,~~
29 ~~1994.~~ vehicles.
- 30 (2) Aluminum cans, ~~after July 1, 1994.~~ cans.
- 31 (3) Steel cans, unless the steel is recoverable at the end of the incineration
32 ~~process, after July 1, 1994.~~ process.
- 33 (4) White goods, ~~after July 1, 1994.~~ goods.
- 34 (5) Lead-acid batteries, as provided in G.S. 130A-309.70.

35 (f2) ~~Provided that this subsection~~ Subsection (f1) of this section shall not apply to
36 solid waste incinerated in an incinerator solely owned and operated by the generator of
37 the solid waste; and provided further that this subsection ~~waste.~~ Subsection (f1) of this
38 section shall not apply to antifreeze (ethylene glycol) which ~~that~~ cannot be recycled or
39 reclaimed to make it usable as antifreeze in a motor vehicle.

40 (g) ~~Prior to the effective dates specified in this section, the Department shall~~
41 ~~identify and assist in developing alternative disposal, processing, or recycling options for~~
42 ~~the solid waste identified in this section.~~

1 (h) The accidental or occasional disposal of small amounts of prohibited solid
2 waste by landfill or incineration shall not be construed as a violation of subsections (f) or
3 (f1) of this section."

4 Sec. 17. G.S. 130A-309.25(c) reads as rewritten:

5 "(c) A person may not perform the duties of an operator of a solid waste
6 management facility after 1 January ~~1996, 1998,~~ unless he has completed an operator
7 training course approved by the Department. An owner of a solid waste management
8 facility may not employ any person to perform the duties of an operator unless ~~such the~~
9 person has completed an approved solid waste management facility operator training
10 course."

11 Sec. 18. G.S. 130A-309.26(b) reads as rewritten:

12 "(b) It is the intent of the General Assembly to protect the public health by
13 establishing standards for the safe packaging, storage, treatment, and disposal of medical
14 waste. The Commission shall adopt and the Department shall enforce rules for the
15 packaging, storage, treatment, and disposal of:

- 16 (1) Medical waste at facilities where medical waste is generated;
- 17 (2) Medical waste from the point at which the waste is transported from the
18 facility where it was generated;
- 19 (3) On-site and off-site ~~incineration~~ treatment of medical waste; and
- 20 (4) The off-site transport, storage, treatment or disposal of medical waste."

21 Sec. 19. G.S. 130A-309.53(7) reads as rewritten:

22 "(7) 'Tire' means a continuous solid or pneumatic rubber covering that
23 encircles the wheel of a ~~vehicle and is subject to the tax imposed by Article~~
24 ~~5B of Chapter 105~~ vehicle. Bicycle tires and other tires for vehicles
25 propelled by human power are not subject to the provisions of this Part."

26 Sec. 20. G.S. 130A-309.58(b) reads as rewritten:

27 "(b) The Commission may adopt rules approving other permissible methods of
28 scrap tire disposal. Landfilling of whole scrap tires is prohibited. The prohibition against
29 landfilling whole tires applies to all whole pneumatic rubber coverings, but does not
30 apply to whole solid rubber coverings."

31 Sec. 21. G.S. 130A-309.63(e) reads as rewritten:

32 "(e) Reports. – The Department shall ~~make quarterly reports~~ report annually on the
33 Scrap Tire Disposal Account to the Environmental Review Commission. The report shall
34 be submitted by 1 October of each year for the fiscal year ending the preceding 30 June.
35 The report shall show the beginning and ending balances in the Account for the reporting
36 period, the amount credited to the Account during the ~~quarter, reporting period,~~ and the
37 amount of revenue used for grants and to clean up nuisance tire collection sites. ~~A~~
38 ~~quarterly report shall be filed within 60 days after the end of a calendar quarter."~~

39 Sec. 22. G.S. 130A-309.85 reads as rewritten:

40 "**§ 130A-309.85. (Effective until July 1, 1999) Department to submit annual report**
41 **on the management of white goods.**

42 The Department shall ~~make an annual report~~ annually to the Environmental Review
43 Commission concerning the management of white goods. The report shall be submitted

1 by 1 October ~~1~~ of each year, ~~shall cover year~~ for the fiscal year ending on the preceding
2 ~~June 30, and 30 June~~. The report shall include the following information:

- 3 (1) The amount of taxes collected and distributed under G.S. 105-187.24
4 during the period covered by the report.
- 5 (2) The cost to each county of managing white goods during the period
6 covered by the report.
- 7 (3) The beginning and ending balances of the White Goods Management
8 Account for the period covered by the report and a list of grants made
9 from the Account for the period.
- 10 (4) Any other information the Department considers helpful in
11 understanding the problem of managing white goods."

12 Sec. 23. G.S. 130A-309.85 reads as rewritten:

13 **"§ 130A-309.85. (Effective July 1, 1999) Department to submit annual report on the**
14 **management of white goods.**

15 The Department shall ~~make an annual report~~ annually to the Environmental Review
16 Commission concerning the management of white goods. The report shall be submitted
17 by 1 October ~~1~~ of each year, ~~shall cover year~~ for the fiscal year ending on the preceding
18 ~~June 30, and 30 June~~. The report shall include the cost to each county of managing white
19 goods during the period covered by the report, the additional fees on white goods
20 collected by each county during the period covered by the report, and any other
21 information the Department considers helpful in understanding the problem of managing
22 white goods."

23 Sec. 24. G.S. 153A-292 reads as rewritten:

24 **"§ 153A-292. County collection and disposal facilities.**

25 (a) The board of county commissioners of any county may establish and operate
26 solid waste collection and disposal facilities in areas outside the corporate limits of a city.
27 The board may by ordinance regulate the use of a disposal facility provided by the
28 county, the nature of the solid wastes disposed of in a facility, and the method of
29 disposal. The board may contract with any city, individual, or privately owned
30 corporation to collect and dispose of solid waste in the area. Counties and cities may
31 establish and operate joint collection and disposal facilities. A joint agreement shall be in
32 writing and executed by the governing bodies of the participating units of local
33 government.

34 (b) The board of county commissioners may impose a fee for the collection of
35 solid waste. The fee may not exceed the costs of collection.

36 The board of county commissioners may impose a fee for the use of a disposal facility
37 provided by the county. The fee for use may not exceed the cost of operating the facility
38 and may be imposed only on those who use the facility. The fee for use may vary based
39 on the amount, characteristics, and form of recyclable materials present in solid waste
40 brought to the facility for disposal. A county may not impose a fee for the use of a
41 disposal facility on a city located in the county or a contractor or resident of the city
42 unless the fee is based on a schedule that applies uniformly throughout the county.

1 The board of county commissioners may impose a fee for the availability of a disposal
2 facility provided by the county. A fee for availability may not exceed the cost of
3 providing the facility and may be imposed on all improved property in the county that
4 benefits from the availability of the facility. A county may not impose an availability fee
5 on property whose solid waste is collected by a county, a city, or a private contractor for
6 a fee if the fee imposed by a county, a city, or a private contractor for the collection of
7 solid waste includes a charge for the availability and use of a disposal facility provided
8 by the county. Property served by a private contractor who disposes of solid waste
9 collected from the property in a disposal facility provided by a private contractor is not
10 considered to benefit from a disposal facility provided by the county and is not subject to
11 a fee imposed by the county for the availability of a disposal facility provided by the
12 county.

13 In determining the costs of providing and operating a disposal facility, a county may
14 consider solid waste management costs incidental to a county's handling and disposal of
15 solid waste at its disposal facility, including the costs of the methods of solid waste
16 management specified in G.S. 130A-309.04(a) of the Solid Waste Management Act of
17 1989. A fee for the availability or use of a disposal facility may be based on the
18 combined costs of the different disposal facilities provided by the county.

19 (c) The board of county commissioners may use any suitable vacant land owned
20 by the county for the site of a disposal facility, subject to the permit requirements of
21 Article 9 of Chapter 130A of the General Statutes. If the county does not own suitable
22 vacant land for a disposal facility, it may acquire suitable land by purchase or
23 condemnation. The board may erect a gate across a highway that leads directly to a
24 disposal facility operated by the county. The gate may be erected at or in close proximity
25 to the boundary of the disposal facility. The county shall pay the cost of erecting and
26 maintaining the gate.

27 (d), (e) Repealed by Session Laws 1991, c. 652, s. 1.

28 (f) This section does not prohibit a county from providing aid to low-income
29 persons to pay all or part of the cost of solid waste management services for those
30 persons."

31 Sec. 25. G.S. 160A-314 is amended by adding a new subsection to read:

32 "(a2) A fee for the use of a disposal facility provided by the city may vary based on
33 the amount, characteristics, and form of recyclable materials present in solid waste
34 brought to the facility for disposal. This section does not prohibit a city from providing
35 aid to low-income persons to pay all or part of the cost of solid waste management
36 services for those persons."

37 Sec. 26. (a) Each unit of local government shall adopt a resolution approving the
38 comprehensive solid waste management plan required by G.S. 130A-309.09A(b), as
39 amended by Section 12 of this act, and shall begin implementation of the plan, by 1 July
40 1996. Units of local government that prepared a solid waste management plan pursuant
41 to G.S. 130A-309.09A(b) prior to the date this act becomes effective may, in lieu of
42 developing a new plan, update their existing plan to meet the requirements of G.S. 130A-
43 309.09A(b), as amended by Section 12 of this act.

1 (b) A generator of industrial waste who is required to develop a solid waste
2 management plan by G.S. 130A-309.09D(c), as enacted by Section 15 of this act, is not
3 required to complete the plan until 1 July 1996, and is not required to file a report on the
4 implementation of the plan with the Department of Environment, Health, and Natural
5 Resources until 1 August 1997.

6 Sec. 27. This act becomes effective 1 October 1995.