

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

**H.B. 1194**  
**May 29, 2012**  
**HOUSE PRINCIPAL CLERK**

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HOUSE DRH80194-LD-9A\* (02/08)

Short Title: Envir. Justice/Repurposing Existing Landfill. (Public)

Sponsors: Representative Adams.

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO ENSURE THAT A PERMITTEE OR TRANSFEREE OF AN EXISTING  
3 SOLID WASTE MANAGEMENT FACILITY (1) CANNOT CIRCUMVENT THE  
4 CLOSURE REQUIREMENTS FOR THE FACILITY AND (2) CANNOT CIRCUMVENT  
5 ANY COMPONENT OF THE PERMIT PROCESS FOR A NEW PERMIT OR A  
6 SUBSTANTIAL AMENDMENT TO A PERMIT WHEN SUBSTANTIAL  
7 ENERGY-PRODUCING ACTIVITIES ARE ADDED TO THE ACTIVITIES  
8 CONDUCTED AT THE FACILITY AND THE FACILITY IS LOCATED IN A  
9 MINORITY OR LOW-INCOME COMMUNITY PROTECTED BY TITLE VI OF THE  
10 FEDERAL CIVIL RIGHTS ACT.

11 The General Assembly of North Carolina enacts:

12 **SECTION 1.** G.S. 130A-290(A)(2) reads as rewritten:

13 "(2) 'Closure' means the cessation of operation ~~of~~ of, or an eighty-five percent  
14 (85%) or greater reduction in the acceptance of waste during a continuous  
15 one-year period at, a solid waste management facility and the act of  
16 securing the facility so that it will pose no significant threat to human health  
17 or the environment."

18 **SECTION 2.** G.S. 130A-294(a)(4)c. reads as rewritten:

19 "(4) c. The Department shall deny an application for a permit for a solid  
20 waste management facility if the Department finds that:

21 ...

22 10. The cumulative impact of an existing facility for which a new  
23 permit or a substantial amendment to a permit is submitted  
24 seeking to add substantial energy-producing activities to be  
25 conducted at the facility, when considered in relation to other  
26 similar impacts of the same or other facilities located or  
27 proposed in the community, would have a disproportionate  
28 adverse impact on a minority or low-income community  
29 protected by Title VI of the federal Civil Rights Act of 1964,  
30 unless a majority of the residents of the community sign a  
31 petition inviting the facility to be located in the community."

32 **SECTION 3.** G.S. 130A-294(a1) reads as rewritten:

33 "(a1) A permit for a solid waste management facility may be transferred only with the  
34 approval of the Department. Prior to approving any transfer, the Department shall determine  
35 whether the transferee will add any substantial energy-producing activities to be conducted at



1 the facility after such transfer and, if so, prior to approving the transfer, require the transferee to  
2 obtain a new permit or a substantial amendment to a permit."

3 **SECTION 4.** G.S. 130A-294(b1)(1) reads as rewritten:

4 "(1) For purposes of this subsection and subdivision (4) of subsection (a) of this  
5 section, a "substantial amendment" means ~~either~~any one or more of the  
6 following:

7 a. An increase of ten percent (10%) or more in:

- 8 1. The population of the geographic area to be served by the  
9 sanitary landfill;
- 10 2. The quantity of solid waste to be disposed of in the sanitary  
11 landfill; or
- 12 3. The geographic area to be served by the sanitary landfill.

13 b. A change in the categories of solid waste to be disposed of in the  
14 sanitary landfill or any other change to the application for a permit or  
15 to the permit for a sanitary landfill that the Commission or the  
16 Department determines to be substantial.

17 c. An addition of substantial energy-producing activities to be  
18 conducted at the facility."

19 **SECTION 5.** This act is effective when it becomes law and applies to any new or  
20 amended permits that are issued on or after that date.