

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

H

D

HOUSE BILL 8
PROPOSED COMMITTEE SUBSTITUTE H8-PCS30473-CCf-13

Short Title: NC Managing Environmental Waste Act of 2025.

(Public)

Sponsors:

Referred to:

January 30, 2025

A BILL TO BE ENTITLED
AN ACT TO REDUCE AND BETTER MANAGE THE DISPOSAL OF SINGLE-USE
WASTE.

The General Assembly of North Carolina enacts:

SECTION 1.(a) G.S. 143-58.2 reads as rewritten:

"§ 143-58.2. State policy; bid procedures and specifications; identification of products.

(a) It is the policy of this State to encourage and promote the purchase of products with recycled content. All State departments, institutions, agencies, community colleges, and local school administrative units shall, to the extent economically practicable, purchase and use, or require the purchase and use of, products with recycled content.

(a1) It is the policy of this State that all State departments, institutions, agencies, community colleges, and local school administrative units shall, to the extent economically practicable, purchase and use, or require the purchase and use of, materials and supplies with compostable or recyclable content in food establishments operated under the auspices of the department, institution, agency, community college, and local school administrative unit.

~~(b) No later than January 1, 1995, the~~ The Secretary of Administration and each State department, institution, agency, community college, and local school administrative unit authorized to purchase materials and supplies or to contract for services shall review and revise its bid procedures and specifications for the purchase or use of materials and supplies to eliminate any procedures and specifications that explicitly discriminate against materials and supplies with recycled content, except where procedures and specifications are necessary to protect the health, safety, and welfare of the citizens of this State.

...

(d) The Department of Administration, in cooperation with the Division of Environmental Assistance and ~~Outreach~~ Customer Service of the Department of Environmental Quality, shall identify materials and supplies with recycled content that meet appropriate standards for use by State departments, institutions, agencies, community colleges, and local school administrative units.

...

(i) On or before October 1 of each year, each State department, institution, agency, community college, and local school administrative unit authorized to purchase materials and supplies shall report to the Division of Environmental Assistance and Customer Service of the Department of Environmental Quality the amounts and types of materials and supplies with compostable and recycled content that were purchased during the previous fiscal year."

SECTION 1.(b) G.S. 130A-309.14 is amended by adding a new subsection to read:



* H 8 - P C S 3 0 4 7 3 - C C F - 1 3 *

"(n) On or before October 1 of each year, each State department, institution, agency, community college, and local school administrative unit shall report to the Division of Environmental Assistance and Customer Service of the Department of Environmental Quality the amounts and types of materials collected for recycling within the department, institution, agency, community college, and local school administrative unit."

SECTION 1.(c) G.S. 130A-309.06(c) reads as rewritten:

"(c) The Department shall report to the Environmental Review ~~Commission~~ Commission, the Joint Legislative Commission on Governmental Operations, and the Fiscal Research Division on or before April 15 of each year on the status of solid waste management efforts in the State. The report shall include:

...

(22) A summary of the reports by each State department, institution, agency, community college, and local school administrative unit authorized to purchase materials and supplies detailing the amounts and types of materials and supplies with compostable and recycled content that were purchased during the previous fiscal year, as required by G.S. 143-58.2(i).

(23) A summary of the reports by each State department, institution, agency, community college, and local school administrative unit detailing the amounts and types of materials collected for recycling during the previous fiscal year within the department, institution, agency, community college, and local school administrative unit, as required by G.S. 130A-309.14(n)."

SECTION 2. The North Carolina Policy Collaboratory (Collaboratory) at the University of North Carolina at Chapel Hill shall study the issue of food service ware. In conducting this study, the Collaboratory shall examine all of the following matters:

- (1) The environmental impacts of plastics pollution.
- (2) The State's current requirements for plastics recycling.
- (3) Estimates of the proportionate volume of plastics recycled versus plastics disposed of in landfills in the State.
- (4) Recycling markets and available information on the fate of plastics collected for recycling in the State, including data on plastics used as feedstock for in-State recycling and national and international markets.
- (5) Pending and enacted legislation in other states to regulate food service ware, including bans on specific types of food service ware.
- (6) The impact that bans on specific types of food service ware have had on people with disabilities.
- (7) Current private sector initiatives to reduce plastics pollution and additional financial and market tools that may be employed by private sector interests for this purpose.
- (8) Alternatives to the use of food service ware for serving or transporting food and beverages.
- (9) New technologies for plastics recycling and waste reduction.
- (10) Any other issue the Collaboratory deems relevant.

In conducting the study, the Collaboratory shall consult with stakeholders, including the Department of Environmental Quality, the Department of Health and Human Services, the Department of Administration, representatives of the environmental community, the North Carolina Retail Merchants Association, and the North Carolina Beverage Association. The Collaboratory shall report its findings and recommendations, including any legislative proposals, to the 2026 Regular Session of the 2025 General Assembly upon its convening.

SECTION 3.(a) The Legislative Services Officer shall evaluate all opportunities to reduce the use of food service ware in food establishments and beverage services operated by the General Assembly and implement such measures at the earliest date that (i) does not result in

disposal prior to use of food service ware already procured on the date this act becomes law and (ii) does not impair contracts for purchase of such food service ware in effect on the date this act becomes law. As used in this section, the term "beverage services" includes the provision of coffee, water, and other beverages in committee meetings and the legislative chambers. The Legislative Services Officer shall issue a preliminary report on the implementation of the requirements of this section, including any additional costs associated with replacing food service ware with compostable or recyclable materials, to the Environmental Review Commission no later than September 1, 2025, and shall provide a final report to the Commission no later than March 1, 2026.

SECTION 3.(b) The Department of Natural and Cultural Resources shall implement a pilot program to eliminate the sale or provision of food or beverages in or with food service ware. In implementing this pilot, the Department shall identify five facilities operated by the Department to implement measures to eliminate food service ware at the earliest possible date that (i) does not result in disposal prior to use of food service ware already procured by the agency on the date this act becomes law and (ii) does not impair contracts for purchase of such food service ware in effect on the date this act becomes law. The Department shall issue a preliminary report on the implementation of the requirements of this section, including any additional costs associated with replacing food service ware with compostable or recyclable materials, to the Environmental Review Commission no later than September 1, 2025, and shall provide a final report to the Commission no later than March 1, 2026.

SECTION 4. For purposes of Sections 2 and 3 of this act, the term "food service ware" means products, other than compostable or recyclable products, used by a food provider that are designed for one-time use for serving or transporting prepared, ready-to-consume food or beverages, including plates, cups, bowls, trays, utensils, straws, cup lids, and hinged or lidded containers.

SECTION 5.(a) G.S. 130A-309.05 reads as rewritten:

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

(a) Certain Wastes Regulated as Nonhazardous. — Notwithstanding other provisions of this Article, the following waste shall be regulated pursuant to this Part:

(1) ~~Medical waste; and waste.~~

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

(b) Management of Ash Generated from Burning of Solid Waste. — Ash generated by a solid waste management facility from the burning of solid waste shall be disposed of in a properly designed solid waste disposal area that complies with standards developed by the Department for the disposal of the ash. The Department shall work with solid waste management facilities that burn solid waste to identify and develop methods for recycling and reusing incinerator ash or treated ash.

(c) Recovered Material. — Recovered material is not subject to ~~regulation as permitting requirements for solid waste under this Article. In order for a material that would otherwise be regulated as solid waste to qualify as a recovered material, the~~ The Department may require any person who owns or has control over the material to demonstrate that the material meets the requirements of this subsection. In order to protect public health and the environment, the Commission subsection or may require the person to obtain a beneficial use determination from the Department in accordance with subsection (d) of this section. The Department may adopt rules to implement this subsection. Materials that are accumulated speculatively, as that term is defined under 40 Code of Federal Regulations § 261 (July 1, 2014 Edition), shall not qualify as a recovered material, and shall be subject to regulation as solid waste. In order to qualify as a recovered material, the material shall be managed as a valuable commodity in a manner consistent with the desired use or end use, and all of the following conditions shall be met:

- (1) Seventy-five percent (75%), by weight or volume, of the recovered material stored at a facility at the beginning of a calendar year commencing January 1, shall be removed from the facility through sale, use, or reuse by December 31 of the same year.
- (2) The recovered material or the products or by-products of operations that process recovered material shall not be discharged, deposited, injected, dumped, spilled, leaked, or placed into or upon any land or water so that the products or by-products or any constituent thereof may enter other lands or be emitted into the air or discharged into any waters including groundwaters, or otherwise enter the environment or pose a threat to public health and safety. Facilities that process recovered material shall be operated in a manner to ensure compliance with this subdivision.
- (3) The recovered material shall not be a hazardous waste or have been recovered from a hazardous waste.
- (4) The recovered material shall not contain significant concentrations of foreign constituents that render it unserviceable or inadequate for sale, or its intended use or reuse.

(d) Beneficial Use Determination. – For the purposes of preservation of landfill capacity, economic development, energy savings, and reduction of greenhouse emissions, the Department may determine whether nonhazardous solid waste may be used or reused for a particular site or application as an alternative to disposal at a permitted solid waste management facility as set forth in this subsection.

- (1) A person seeking a beneficial use determination shall submit an application to the Department. The Department, after a review of an application submitted under this subsection, may take any of the following actions:
 - a. Authorize management of a specified type of nonhazardous solid waste at a site other than a permitted solid waste management facility.
 - b. Issue a beneficial use determination with appropriate conditions for use of specific types of solid waste in construction, land application, or other projects and applications.
- (2) An applicant for a determination under this subsection shall submit information on forms prescribed by the Department and any additional information required by the Department necessary for a determination under this subsection. In its review of the application and additional information, the Department shall also consider internal research or information submitted by any person or entity concerning the potential hazard to public health or the environment of any type of solid waste.
- (3) The Department may require submittal of a demonstration that the solid waste is being managed in a manner to protect public health or the environment and may include any of the following as a part of an authorization under subdivision (1) of this subsection:
 - a. Requirements for periodic testing of solid wastes.
 - b. Conditions to ensure that the products or by-products of a material recovered or diverted for beneficial use shall not be discharged, deposited, injected, dumped, spilled, leaked, or placed into or upon any land or water so that the products or by-products or any constituents thereof may enter other lands or be emitted into the air, or discharged into any waters, including groundwaters, or otherwise enter the environment or pose a threat to public health and safety.

- (4) Approvals granted under this subsection are valid for no longer than five years. Requests for renewal shall be made at least 60 days in advance of the expiration date of the approval.
- (5) The applicant for a determination under this subsection shall submit to the Department on an annual basis a report detailing the usage of material under the approval and certifying compliance with this Article and any applicable rules adopted under this Article.
- (6) The Department may suspend or revoke an authorization and may modify an authorization if it is determined that the activity is not in compliance with the requirements of applicable laws or rules or if new information is provided to the Department that impacts the determination of protection of public health or the environment.
- (7) The Department shall provide notice on its website of approved beneficial use determinations.
- (8) Facilities that manage source separated materials for the purpose of recycling as defined in G.S. 130A-290 are not subject to the provisions of this subsection.
- (9) The Department may adopt rules implementing this subsection and establishing application fees for a reuse determination under this subsection. All fees collected under this subdivision shall be credited to the Solid Waste Management Account established under G.S. 130A-295.8(a). In determining the amount of the total application fee in rule, the Department shall have the authority to establish separate fee amounts for annual fees for each year based on the length of time for which the approval will be valid as requested by the applicant."

SECTION 5.(b) This section becomes effective January 1, 2026.

SECTION 6. Except as otherwise provided, this act is effective when it becomes

law.