



HOUSE BILL 576: Amend Environmental Laws - 1

**This Bill Analysis
reflects the contents
of the bill as it was
presented in
committee.**

2015-2016 General Assembly

Committee:	House Environment, if favorable, Finance	Date:	April 21, 2015
Introduced by:	Rep. McElraft	Prepared by:	Jennifer McGinnis
Analysis of:	PCS to First Edition H576-PCS40413-Rif-7		Committee Counsel

SUMMARY: *The Proposed Committee Substitute for House Bill 576 would: (1) direct the Department of Environment and Natural Resources (DENR) to study ways to optimize North Carolina's recycling requirements for discarded computer equipment and televisions, and (2) extend the duration of permits for sanitary landfills and transfer stations to a facility's life-of-site.*

BILL ANALYSIS:

Section 1 of the PCS would direct DENR to study ways to optimize North Carolina's recycling requirements for discarded computer equipment and televisions, and report its findings, including specific recommendations for legislative action, to the Environmental Review Commission on or before December 1, 2015. In its study, DENR would be required to consider (i) the changing waste stream, including the transition from televisions containing cathode ray tubes to flat screen televisions; (ii) the current status of North Carolina's recycling system, including cost and financing issues, and options that may be available to reduce costs and establish sufficient funding to cover necessary costs; (iii) opportunities for more efficient and effective recycling systems; and (iv) any other issue the Department deems relevant.

Section 2.(a) of the PCS would extend the duration of permits for sanitary landfills and transfer stations to a facility's life-of-site (from the current option for a 5- or 10-year permit), unless revoked as otherwise provided under the statutes governing solid waste management or upon the expiration of any local government franchise required for the facility. The PCS defines "life-of-site" to mean the period from the initial receipt of solid waste at the facility until DENR approves final closure of the facility.

A limited review of the permit would be required ten years after issuance of the initial permit, and at ten-year intervals thereafter until expiration. The PCS provides that the limited review includes examination of the operational activities at the facility for the preceding time period, as well as future operational plans, financial assurance cost estimates, environmental monitoring plans, closure plans, post-closure plans, and any other applicable plans for the facility. This provision would be applicable to new facilities for which permit applications were submitted on or after July 1, 2016, and to existing facilities when the associated permits next come up for renewal after July 1, 2016.

Current law requires that persons who apply for a permit for a sanitary landfill obtain, prior to application, a franchise from each local government having jurisdiction over any part of the land on which the facility is to be located. The PCS would modify the law governing franchise agreements to provide that these agreements must be granted for the life-of-site of the facility. This provision would be applicable to franchise agreements executed on or after August 1, 2015.

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Section 2.(b) of the PCS would require the Environmental Management Commission, by July 1, 2016, to adopt rules to allow applicants for sanitary landfills and transfer stations to apply for permits to construct and operate for the life-of-site of a facility.

Section 2.(c) of the PCS would increase the fees applicable to new sanitary landfills and transfer stations permitted on or after July 1, 2016 to reflect the extension of the duration of permits for these facilities to their life-of-site. The provision also deletes or amends a number of definitions associated with the fees.

Section 2.(d) of the PCS would make conforming changes to the statutes governing solid waste management to reflect extension of the duration of permits to reflect a facility's life-of-site.

Section 2.(e) includes specific effective dates for the provisions of the PCS that pertain to extension of the duration of permits to reflect a facility's life-of-site.

Section 3 contains a severability clause for the act.

Section 4 of the PCS would provide that the preceding sections would become effective August 1, 2015, except as otherwise provided.