



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

HOUSE BILL 576: Allow Aerosolization of Leachate.

2017-2018 General Assembly

Committee:	House Environment	Date:	April 24, 2017
Introduced by:	Rep. Dixon	Prepared by:	Jennifer McGinnis Committee Counsel
Analysis of:	PCS to Second Edition H576-CSRI-13		

OVERVIEW: House Bill 576 would: (i) require the Department of Environmental Quality (DEQ) to approve aerosolization as an acceptable method of disposal for leachate wastewater collected from a lined sanitary landfill within the lined area of the landfill; (ii) allow DEQ to approve aerosolization as an acceptable method of disposal for leachate wastewater collected from an unlined sanitary landfill; and (iii) provide that aerosolization of leachate or wastewater that results in a zero liquid discharge and is not a significant air contamination source does not constitute a discharge that requires a permit under the air or water permitting statutes.

The PCS makes the following changes to the 2nd Edition of the bill:

- Requires DEQ to approve aerosolization *for lined landfills only, with the process used within the lined landfill area only, except that aerosolization would not be allowed at municipal solid waste landfills permitted to receive waste from a swine lagoon for disposal* (in addition to the exception under the previous version of the bill that excepted landfills permitted to receive coal ash).
- It adds language to make it *permissive* for DEQ to approve aerosolization for *unlined landfills*.
- Newly requires an applicant to provide DEQ with data that characterizes contaminants of concern around the landfill emanating from aerosolization.
- Modifies the language that in the earlier versions provided that aerosolization of leachate that results in a zero-liquid discharge does not require an air or water quality permit (but would have still required a solid waste permit) to *add language requiring that the process must not be “a significant air contamination source” to obviate the need for an air or water quality permit.*

CURRENT LAW/ BACKGROUND: In February 2016, a working group of the Environmental Review Commission met to discuss a variety of issues related to waste management. During that process, the working group received information on aerosolization as a process for disposal of leachate at landfills, and a briefing on aerosolization projects operating within the State. According to information received by the working group¹, aerosolization of wastewater is a process by which larger particles (50-

¹ See additional information at [http://www.ncleg.net/gascritps/DocumentSites/browseDocSite.asp?nID=12&sFolderName=\2015-2016 ERC Documents\Waste Working Group \(S.L. 2015-241, Sec. 14.21\(a\)\(b\)\)\1 - February 10, 2016](http://www.ncleg.net/gascritps/DocumentSites/browseDocSite.asp?nID=12&sFolderName=\2015-2016 ERC Documents\Waste Working Group (S.L. 2015-241, Sec. 14.21(a)(b))\1 - February 10, 2016)

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2,000 microns) are formed into droplets and then dispersed over a relatively small area (100' x 300'). Such projects require a permit from the Department's Division of Waste Management.

BILL ANALYSIS: The bill would modify the statute governing permitting authority of DEQ over establishment and operation of solid waste management facilities to: (i) require that DEQ approve aerosolization as an acceptable method of disposal for leachate wastewater collected from a lined sanitary landfill within the lined area of the landfill; and (ii) allow DEQ to approve aerosolization as an acceptable method of disposal for leachate wastewater collected from an unlined sanitary landfill. Aerosolization would not be allowed, however, for landfills permitted to receive coal ash or swine waste. Applicants for permits for aerosolization would be required to provide DEQ with data that characterizes contaminants of concern around the landfill emanating from aerosolization. The PCS would also provide that aerosolization of leachate or wastewater that results in a zero liquid discharge and is not a significant air contamination source does not constitute a discharge that requires a permit under the air or water permitting statutes.

DEQ must gather information on approved aerosolization projects and report its findings, including any recommendations for legislative action, to the Environmental Review Commission by March 31, 2018.

EFFECTIVE DATE: The bill would be effective when it becomes law.