



SENATE BILL 704: COVID-19 Recovery Act, Secs. 4.19 and 4.20: Solid Waste Emergency Measures

2019-2020 General Assembly

Committee:		Date:	October 28, 2020
Introduced by:		Prepared by:	Jennifer McGinnis Staff Attorney
Analysis of:	Secs. 4.19 and 4.20 of S.L. 2020-3		

OVERVIEW: Section 4.19 of S.L. 2020-3 authorizes implementation of emergency measures for the management and disposal of solid waste, and Section 4.20 authorizes waivers to allow the disposal of yard trash in a landfill, during the Coronavirus emergency. These sections became effective May 4, 2020, and expired on August 1, 2020.

CURRENT LAW:

- [G.S. 130A-303](#) authorizes the Secretary of the Department of Environmental Quality (Secretary) to find that an imminent hazard exists concerning solid waste, and without notice or hearing, issue an order to require that immediate action be taken to protect the public health or the environment.
- [G.S. 130A-309.10](#) generally prohibits the disposal of yard trash in landfills, except for those landfills specifically approved for the disposal of yard trash under rules adopted by the Environmental Management Commission.

In addition to yard trash, a number of other items are also banned from disposal in landfills, including used oil, white goods, antifreeze, aluminum cans, whole scrap tires, lead-acid batteries, motor vehicle oil filters, recyclable rigid plastic containers, wooden pallets, oyster shells, and discarded televisions and computers. A local government may petition the Department of Environmental Quality (DEQ) for a waiver from the prohibition on disposal of motor vehicle oil filters, recyclable rigid plastic containers, wooden pallets, and oyster shells in a landfill based on a showing that prohibiting the disposal of the material would constitute an economic hardship.

BILL ANALYSIS:

Section 4.19 authorizes the Secretary, for the protection of the public health and environment, to develop and implement emergency measures and procedures necessary for the proper management of solid waste generated during the Coronavirus emergency. The Secretary may act on the Secretary's own initiative, or upon the request of a public or private landfill operator.

Section 4.20 allows a county, city, or private company that is providing collection services for yard trash to request a waiver from DEQ to allow the disposal of yard trash in a landfill when able to show that prohibiting the disposal would constitute an economic hardship or a potential public health risk.

EFFECTIVE DATE: These sections became effective May 4, 2020, and expired on August 1, 2020.

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