



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

SENATE BILL 60: Disapprove Various Solid Waste Rule Changes.

2021-2022 General Assembly

Committee:	Senate Agriculture, Energy, and Environment.	Date:	April 27, 2021
	If favorable, re-refer to Rules and Operations of the Senate		
Introduced by:	Sen. B. Jackson	Prepared by:	Jennifer McGinnis
Analysis of:	First Edition		Committee Counsel

OVERVIEW: Senate Bill 60 would disapprove five rules governing permitting and operation of municipal solid waste (MSW) and construction and demolition debris (C&D) landfills that were adopted by the Environmental Management Commission (EMC) on July 9, 2020, and approved by the Rules Review Commission (RRC) on October 15, 2020.

CURRENT LAW/BACKGROUND:

Required rule readoption process for existing rules:

[N.C. Gen. Stat. §150B-21.3A](#), adopted in 2013, requires State agencies to review existing rules every 10 years. In 2020, the Division of Waste Management of the Department of Environmental Quality (DEQ) initiated the readoption process for rules governing non-hazardous solid waste under Subchapter 13B of Title 15A of the State's Administrative Code, which includes the rules subject to this disapproval bill.

Legislative review of proposed rules:

[G.S. 150B-21.3](#) provides a mechanism for legislative review of certain rules when 10 or more persons have submitted written objections to adoption of a permanent rule to the RRC, prior to the rule's adoption by the RRC, and the written objections clearly request legislative review of the rule. If a rule becomes subject to legislative review through this process, the rule is given a delayed effective date, contingent on action of the General Assembly. When this process is triggered, any legislator may introduce a bill to disapprove the rule during the first 30 legislative days of the next regular session after the RRC's consideration of the rule. If a bill that specifically disapproves the rule is introduced in either house of the General Assembly before the thirty-first legislative day of that session, the rule becomes effective on the earlier of either: (i) the day an unfavorable final action is taken on the bill, or (ii) the day that session of the General Assembly adjourns that session without ratifying a bill that specifically disapproves the rule.

Rules subject to disapproval under S60

The rules subject to this disapproval bill govern various aspects of permitting and operation of C&D and MSW landfills. Several of these rules were adopted in 1993, and others were adopted in 2007 – none have been amended since they originally became effective. The amendments to these rules adopted by the EMC in July 2020, and approved by the RRC in October 2020, included many technical changes as well as substantive changes, some of which were made to reflect updated statutory requirements. The substantive amendments to these rules adopted in 2020 are briefly summarized as follows:

Jeffrey Hudson
Director



Legislative Analysis
Division
919-733-2578

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15A NCAC 13B .0535 (Application Requirements for C&DLF Facilities)

Rule was originally adopted and became effective in 2007, with no amendments since.

Among other things, the proposed rule would have made the following changes to the underlying rule:

- Updated references and requirements for "new permits" to reflect amendments to the statutory definition of a "new permit," and updated requirements to be consistent with the change to life-of-site permitting in statute. Removed references and requirements for "existing" units.
- Added requirement to include an organizational chart for businesses in the application.
- Revised requirements for when a permit amendment application is required to be submitted, and what is required to be included.
- Added requirement for a closure and post-closure permit to be submitted in an application, but exempted facilities that closed prior to the readopted effective date.

15A NCAC 13B .0545 (Assessment and Corrective Action Program for C&DLF Facilities and Units)

Rule was originally adopted and became effective in 2007, with no amendments since.

Among other things, the proposed rule would have made the following changes to the underlying rule:

- Revised to clarify the minimum number of additional monitoring wells required, to clarify how the standard is established, and other procedural clarifications.
- Revised to reduce sampling frequency of sampling from semi-annual to annual.
- Established a procedure for requesting approval of an alternate schedule for submittal of the corrective action evaluation report.
- Revised to provide that interim maximum allowable concentrations (IMACs) are also groundwater standards with which a facility must comply.

15A NCAC 13B .1603 (General Application and Requirements and Processing)

Rule was originally adopted and became effective in 1993, with no amendments since.

Among other things, the proposed rule would have made the following changes to the underlying rule, applicable to MSW facilities:

- Updated reference and requirements for "new permits" to reflect amendments to the statutory definition of a "new permit," and updated requirements to be consistent with the change to life-of-site permitting in statute. Removed references and requirements for "existing" units.
- Added requirement to include an organizational chart for businesses in the application.
- Revised requirements for when a permit amendment application is required to be submitted, and what is required to be included.
- Added requirement for a closure and post-closure permit to be submitted in an application, but exempted facilities that closed prior to the readopted effective date.

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15A NCAC 13B .1617 (Application Requirements for MSWLF Facilities)

Rule was originally adopted and became effective in 1993, with no amendments since.

Among other things, the proposed rule would have made the following changes to the underlying rule:

- Updated reference and requirements for "new permits" to reflect amendments to the statutory definition of a "new permit," and updated requirements to be consistent with the change to life-of-site permitting in statute. Removed references and requirements for "existing" units.
- Added requirement to include an organizational chart for businesses in the application.
- Revised requirements for when a permit amendment application is required to be submitted, and what is required to be included.
- Added requirement for a closure and post-closure permit to be submitted in an application, but exempted facilities that closed prior to the readopted effective date.

15A NCAC 13B .1631 (Groundwater Monitoring Systems)

Rule was originally adopted and became effective in 1993, with no amendments since.

Among other things, the proposed rule would have changed the underlying rule to provide that IMACs are also groundwater standards with which a facility must comply.

BILL ANALYSIS: Senate Bill 60 would disapprove five rules governing permitting and operation of MSW and C&D landfills that were adopted by the Environmental Management Commission (EMC) on July 9, 2020, and approved by the Rules Review Commission (RRC) on October 15, 2020 as follows:

- 15A NCAC 13B .0535 (Application Requirements for C&DLF Facilities)
- 15A NCAC 13B .0545 (Assessment and Corrective Action Program for C&DLF Facilities and Units)
- 15A NCAC 13B .1603 (General Application and Requirements and Processing)
- 15A NCAC 13B .1617 (Application Requirements for MSWLF Facilities)
- 15A NCAC 13B .1631 (Groundwater Monitoring Systems)

If Senate Bill 60 becomes law, and these rules are disapproved, the rules as originally adopted in 1993 and 2007, as applicable, would continue in effect.

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