

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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SENATE DRS35364-RIz-18A* (01/24)

Short Title: Amend Solid Waste Franchise Statutes. (Public)

Sponsors: Senator Clodfelter.

Referred to:

A BILL TO BE ENTITLED

1 AN ACT TO AMEND THE STATUTES GOVERNING SOLID WASTE
2 FRANCHISE AGREEMENTS IN ORDER TO ENSURE THAT SANITARY
3 LANDFILL FRANCHISES ARE AWARDED AND RENEWED ONLY AFTER
4 ADEQUATE PUBLIC NOTICE OF THE LOCATION OF A PROPOSED SITE
5 AND AFTER PUBLIC PARTICIPATION IN THE DECISION TO AWARD THE
6 FRANCHISE; TO CLARIFY THAT LOCAL GOVERNMENTS MAY, BUT ARE
7 NOT REQUIRED TO, AWARD SOLID WASTE FRANCHISES; AND, TO
8 ENSURE THAT SOLID WASTE FRANCHISES ARE CONSISTENT WITH
9 LOCAL SOLID WASTE MANAGEMENT PLANS AND ARE SUBJECT TO
10 LOCAL GOVERNMENT OVERSIGHT AND REGULATION OF RATES AND
11 FEES, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW
12 COMMISSION.
13

14 The General Assembly of North Carolina enacts:

15 **SECTION 1.** G.S. 130A-294(b1)(2) reads as rewritten:

16 "(2) Within 10 days after receiving an application for a permit, for the
17 renewal of a permit, or for a substantial amendment to a permit for a
18 sanitary landfill, the Department shall notify the clerk of the board of
19 commissioners of the county or counties in which the sanitary landfill
20 is proposed to be located or is located and, if the sanitary landfill is
21 proposed to be located or is located within a city, the clerk of the
22 governing board of the city, that the application has been filed and
23 shall file a copy of the application with the clerk. Prior to the award or
24 renewal of a franchise for construction or operation of a sanitary
25 landfill or the entry of any host agreement or other contract providing
26 for issuance of a franchise for a sanitary landfill, ~~the issuance of a~~
27 permit, the renewal of a permit, or a substantial amendment to a

1 ~~permit~~, the board of commissioners of the county or counties in which
2 the sanitary landfill is proposed to be located or is located or, if the
3 sanitary landfill is proposed to be located or is located in a city, the
4 governing board of the city shall conduct a public ~~hearing~~ ~~when~~
5 ~~sufficient public interest exists.~~ hearing. The board of commissioners
6 of the county or counties in which the sanitary landfill is proposed to
7 be located or is located or, if the sanitary landfill is proposed to be
8 located or is located in a city, the governing board of the city shall
9 provide ~~adequate notice~~ at least 30 days' notice to the public of the
10 public ~~hearing~~ hearing. The notice shall include the proposed location
11 of any proposed solid waste facilities governed by the proposed
12 franchise or permit, and shall specify the procedure to be followed at
13 the public hearing. At the time public notice of the public hearing is
14 given, the applicant for a franchise shall provide a copy of a
15 conceptual facility plan for development of the sanitary landfill to the
16 governing board. The applicant shall also provide a copy of the plan to
17 the public library closest to the proposed landfill site to be made
18 available for inspection and copying by the public. The notice of
19 public hearing shall state where the facility plan may be reviewed and
20 copied by the public. The conceptual facility plan shall include the
21 boundaries of the proposed facility, proposed development of the site
22 in five-year operational phases, the boundaries of the area, final
23 elevations and capacity of all waste disposal units, and shall show the
24 location of soil borrow areas, leachate facilities, and all other facilities
25 and infrastructure, including ingress and egress to the facility. The
26 conceptual facility plan shall also include a description of
27 environmental controls, the types of waste to be disposed of at the
28 facility, the area and population to be served by the landfill, the
29 amount of waste to be received per day in tons, the total waste disposal
30 capacity of the landfill in tons, the projected useful life of the landfill,
31 and a description of any other waste management activities to be
32 conducted at the facility."

33 **SECTION 2.** G.S. 130A-294(b1)(3) reads as rewritten:

34 "(3) An applicant for a new permit, the renewal of a permit, or a substantial
35 amendment to a permit for a sanitary landfill shall obtain, prior to
36 applying for a permit, a franchise for the operation of the sanitary
37 landfill from each local government having jurisdiction over any part
38 of the land on which the sanitary landfill and its appurtenances are
39 located or to be located. A local government ~~shall~~ may adopt a
40 franchise ordinance under G.S. 153A-136 or G.S. 160A-319 prior to
41 the submittal by an applicant of an application for a new permit, the
42 renewal of a permit, or a substantial amendment to a permit for a
43 sanitary landfill. A franchise granted for a sanitary landfill shall
44 include:

- 1 a. A statement of the population to be served, including a
2 description of the geographic area.
3 b. A description of the volume and characteristics of the waste
4 stream.
5 c. A projection on the useful life of the landfill.
6 d. An explanation of how the franchise will be consistent with the
7 jurisdiction's solid waste management plan required under
8 G.S. 130A-309.09A, including provisions for waste reduction,
9 reuse, and recycling.
10 e. The procedures to be followed for governmental oversight and
11 regulation of the fees and rates to be charged by facilities
12 subject to the franchise.
13 f. An exact description of the boundaries of the proposed site for
14 the landfill and its appurtenances for which the franchise is
15 issued and the number of acres the site covers."

16 **SECTION 3.** This act is effective when it becomes law and applies to
17 applications for franchise awards or renewals pending on or after that date.