

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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SENATE BILL 1385

Short Title: Env'al Justice in Solid Waste Landfill Siting.

(Public)

Sponsors: Senator Shaw.

Referred to: Agriculture/Environment/Natural Resources.

March 26, 2007

A BILL TO BE ENTITLED

AN ACT TO PROMOTE ENVIRONMENTAL JUSTICE BY REQUIRING APPLICANTS, AS PART OF THE PERMITTING PROCESS FOR NEW SOLID WASTE LANDFILLS AND EXPANSIONS OF EXISTING SOLID WASTE LANDFILLS, TO PREPARE AN ENVIRONMENTAL IMPACT STATEMENT AND TO CONDUCT A SEPARATE REVIEW OF COMMUNITY IMPACTS THAT RELIES IN PART ON A DEMOGRAPHIC STUDY BY THE APPLICANT FOR THE AREA LOCATED WITHIN FIVE MILES OF ANY BOUNDARY OF THE SITE OF THE PROPOSED LANDFILL.

The General Assembly of North Carolina enacts:

SECTION 1. Part 2 of Article 9 of Chapter 130A of the General Statutes is amended by adding a new section to read:

"§ 130A-294.2. Additional requirements for siting a solid waste landfill.

(a) As part of the permitting process under G.S. 130A-294, every applicant for a new solid waste landfill or to expand an existing landfill under G.S. 130A-294 shall conduct a review of environmental impacts by preparing an environmental impact statement under Article 1 of Chapter 113A of the General Statutes and shall conduct a comprehensive review of community impacts that relies in part on the information obtained from the demographic study conducted by the applicant under subsection (b) of this section. Each review under this subsection shall include an analysis of alternatives. The draft environmental impact statement and the draft of the review of community impacts shall be sent to the Department of Environment and Natural Resources, the Joint Legislative Commission on Governmental Operations, the Governor, and the Office of Environmental Justice. A copy of the final statement and review under this subsection shall be available to the public upon request.

(b) Prior to submitting a permit to the Department for a new solid waste landfill or to expand an existing landfill under G.S. 130A-294, each applicant shall conduct a demographic study for the area that is located within five miles of any boundary of the site of the proposed landfill. This demographic study shall be based on the smallest

1 tracts available from the United States Census Bureau and, for those tracts not available
2 from the United States Census Bureau, on door-to-door surveys. This study shall
3 include all of the following information:

- 4 (1) The age, gender, race, ethnic background, financial status, and any
5 chronic illness of each resident in this area.
- 6 (2) An examination of the adequacy of housing located in this area and a
7 determination of whether the residences in this area are on well water.
- 8 (3) The potential costs for extending drinking water from a new or
9 existing water supply system to each residence on well water in this
10 area.
- 11 (4) Transportation routes for trucks and vehicles into and from the
12 proposed site for the landfill.
- 13 (5) School bus routes and traffic analysis showing vehicle miles for each
14 road located in this area.
- 15 (6) The availability of adequate health care for the residents of this area.
- 16 (7) A description and the location of each school, day care center, nursing
17 home, prison, church, and cemetery located in this area.
- 18 (8) A description of each facility located in this area that requires any
19 State or local permit, including facility location, facility number,
20 permit number for each permit, permitted discharge limits, and any
21 toxic release inventory.
- 22 (9) Any other matters that examine the impact of the proposed solid waste
23 facility on the surrounding community, as required by the Division of
24 Waste Management of the Department of Environment and Natural
25 Resources.

26 (c) Each applicant for a permit for a new solid waste landfill or to expand an
27 existing solid waste landfill under G.S.130A-294 shall conduct a door-to-door survey
28 for the area that is located within two miles of any boundary of the site of the proposed
29 landfill to ascertain the age, gender, race, ethnic background, financial status, and any
30 chronic illness of each resident in this area.

31 (d) Prior to conducting the demographic study under subsection (b) of this
32 section, the permit applicant shall give written notice to each resident subject to the
33 study.

34 (e) The local government with zoning jurisdiction over the site for the proposed
35 landfill shall designate a local advisory group that includes members of the closest
36 inhabited communities. The local advisory group shall review the researcher proposed
37 by the applicant to conduct its demographic study under subsection (b) of this section
38 and determine whether the researcher has any financial conflicts of interest.

39 (f) The Division of Waste Management of the Department, in conjunction with
40 the Office of Environmental Justice, shall hold a meeting to determine any additional
41 issues under subdivision (9) of subsection (b) of this section that need to be included in
42 the demographic study under subsection (b) of this section.

43 (g) A draft of the demographic study under subsection (b) of this section shall be
44 submitted to the local advisory group and made available to the public at local libraries

1 and government buildings prior to its finalization. The local advisory group may hold a
2 community meeting on the draft of the demographic study. The local advisory group
3 may prepare comments on the study for inclusion in the solid waste landfill permit
4 application.

5 (h) The demographic study in its final form shall be submitted to Department of
6 Environment and Natural Resources, the Joint Legislative Commission on
7 Governmental Operations, the Governor, and the Office of Environmental Justice."

8 **SECTION 2.** G.S. 130A-294(a)(4)a. reads as rewritten:

9 "(4) a. Develop a permit system governing the establishment and
10 operation of solid waste management facilities. A landfill with a
11 disposal area of 1/2 acre or less for the on-site disposal of land
12 clearing and inert debris is exempt from the permit requirement
13 of this section and shall be governed by G.S. 130A-301.1. The
14 Department shall not approve an application for a new permit,
15 the renewal of a permit, or a substantial amendment to a permit
16 for a sanitary landfill, excluding demolition landfills as defined
17 in the rules of the Commission, except as provided in
18 subdivisions (3) and (4) of subsection (b1) of this section. No
19 permit shall be granted for a solid waste management facility
20 having discharges that are point sources until the Department
21 has referred the complete plans and specifications to the
22 Environmental Management Commission and has received
23 advice in writing that the plans and specifications are approved
24 in accordance with the provisions of G.S. 143-215.1. If the
25 applicant is a unit of local government, and has not submitted a
26 solid waste management plan that has been approved by the
27 Department pursuant to G.S. 130A-309.09A(b), the Department
28 may deny a permit for a sanitary landfill or a facility that
29 disposes of solid waste by incineration, unless the Commission
30 has not adopted rules pursuant to G.S. 130A-309.29 for local
31 solid waste management plans. In any case where the
32 Department denies a permit for a solid waste management
33 facility, it shall state in writing the reason for denial and shall
34 also state its estimate of the changes in the applicant's proposed
35 activities or plans that will be required for the applicant to
36 obtain a permit.

37 b. The issuance of permits for ~~sanitary~~ solid waste landfills
38 ~~operated by local governments is exempt from~~, under
39 G.S. 130A-294.2, subject to the environmental impact
40 statements required by Article 1 of Chapter 113A of the
41 General Statutes, entitled the North Carolina Environmental
42 Policy Act of 1971. ~~All~~ However; all sanitary landfill permits
43 issued to local governments prior to July 1, 1984, are hereby
44 validated notwithstanding any failure to provide environmental

1 impact statements pursuant to the North Carolina
2 Environmental Policy Act of 1971;"

3 **SECTION 3.** This act becomes effective January 1, 2008, and applies to
4 applications for permits for new solid waste landfills and permits to expand existing
5 solid waste landfills that are filed on or after that date.