

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 1100

Short Title: Stormwater Control BMP's for Compost/Mulch. (Public)

Sponsors: Representatives Allen; Fisher, Harrison, Insko, and Lucas.

Referred to: Water Resources and Infrastructure, if favorable, Environment and Natural Resources.

April 7, 2009

A BILL TO BE ENTITLED

AN ACT TO DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO ESTABLISH STORMWATER CONTROL BEST MANAGEMENT PRACTICES FOR COMPOSTING OPERATIONS AND MULCH OPERATIONS FOR THE PURPOSE OF PROTECTING WATER QUALITY.

The General Assembly of North Carolina enacts:

SECTION 1. No later than October 1, 2012, the Department of Environment and Natural Resources shall establish stormwater control best management practices for composting operations and for mulch operations that are permitted by the Division of Water Quality of the Department of Environment and Natural Resources and for composting operations and for mulch operations that are permitted by the Division of Waste Management of the Department of Environment and Natural Resources. These best management practices shall be developed for the purpose of protecting water quality by controlling and containing stormwater that is associated with these operations and by reducing the pollutant levels of untreated leachate from these operations so that the runoff or leachate qualifies as stormwater rather than wastewater and by reducing the opportunities for such runoff. In developing these best management practices, the Department of Environment and Natural Resources shall review best management practices adopted by other states and any similar federal programs. The Department of Environment and Natural Resources shall consult with, and take recommendations from, a group of stakeholders that includes the North Carolina Association of County Commissioners, the North Carolina League of Municipalities, the Agricultural Extension Service of North Carolina State University, the North Carolina Chapter of the United States Composting Council, the North Carolina Chapter of the American Water Works Association-Water Environment Federation, the North Carolina Pumper Group, the North Carolina Chapter of the Solid Waste Association of America, and the North Carolina Septic Tank Association. These best management practices shall address the site size of an operation, the type of compost or mulch production method employed, and the quantity and water quality of the stormwater or wastewater associated with an operation. These best management practices shall also take into account at least all of the following considerations:

- (1) Identification of the types of composting operations and mulch operations that are subject to a permit requirement and the specific permit that is required for each type.
- (2) Proper maintenance of, and appropriate containment protocols for, composting operations and mulch operations.
- (3) Any other appropriate stormwater reduction techniques for composting operations and mulch operations.



- 1 (4) Prior to its adopting under this section, the cost and benefits of each best
2 management practice.
- 3 (5) Any other issues deemed pertinent by the Department and the stakeholders.
- 4 **SECTION 2.** Until October 1, 2012, when the best management practices under
5 Section 1 of this act become effective, any composting operations and mulch operations shall
6 be allowed to continue to operate according to the current operation's approved site size and as
7 to the operation's current method of producing compost or mulch. This section also applies to
8 new and pending applications for permits during this period of time.
- 9 **SECTION 3.** This act is effective when it becomes law.