

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2013**

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**SENATE BILL 328**

Short Title: Solid Waste Management Reform Act of 2013. (Public)

Sponsors: Senators Wade, Brown, and Jackson (Primary Sponsors).

Referred to: Agriculture/Environment/Natural Resources.

March 19, 2013

A BILL TO BE ENTITLED

AN ACT TO DIRECT THE COMMISSION FOR PUBLIC HEALTH AND THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO ADOPT AND ENFORCE A RULE REQUIRING VEHICLES OR CONTAINERS USED FOR THE COLLECTION AND TRANSPORTATION OF SOLID WASTE TO BE LEAK-RESISTANT, RATHER THAN LEAK-PROOF.

The General Assembly of North Carolina enacts:

**SECTION 1.(a)** Definitions. – "Collection and Transport Rule" means 15A NCAC 13B .0105 (Collection and Transportation of Solid Waste) for purposes of this section and its implementation.

**SECTION 1.(b)** Collection and Transport Rule. – Until the effective date of the revised permanent rule that the Commission for Public Health is required to adopt pursuant to Section 1(c) of this act, the Commission and the Department of Environment and Natural Resources shall implement the Collection and Transport Rule, as provided in Section 1(c) of this act.

**SECTION 1.(c)** Implementation. – Notwithstanding any provision of the Collection and Transport Rule, the Commission shall not require vehicles or containers used for the collection and transportation of solid waste to be leak-proof; however, they may require design of these containers to be leak-resistant in accordance with industry standards.

**SECTION 1.(d)** Additional Rule-Making Authority. – The Commission shall adopt a rule to replace the Collection and Transport Rule. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission pursuant to this section shall be substantively identical to the provisions of Section 1(c) of this act. Rules adopted pursuant to this section are not subject to G.S. 150B-21.9 through G.S. 150B-21.14. The rule adopted pursuant to this section shall become effective, as provided in G.S. 150B-21.3(b1), as though 10 or more written objections had been received, as provided by G.S. 150B-21.3(b2).

**SECTION 1.(e)** Effective Date. – Section 1(b) of this act expires when permanent rules to replace Section 1(b) of this act have become effective, as provided by Section 1(c) of this act.

**SECTION 2.** This act is effective when it becomes law.

