

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 620
Second Edition Engrossed 5/9/91

Short Title: Recycle Lead-Acid Batteries.

(Public)

Sponsors: Representatives Gray; and Bowman.

Referred to: Environment.

April 8, 1991

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE THE RECYCLING OF LEAD-ACID BATTERIES AND TO
3 OTHERWISE REGULATE THE DISPOSAL OF LEAD-ACID BATTERIES.

4 The General Assembly of North Carolina enacts:

5 Section 1. G.S. 130A-309.10(f) reads as rewritten:

6 "(f) In accordance with the following schedule, no person shall knowingly
7 dispose of the following special wastes in landfills:

8 (1) ~~Lead acid batteries, after 1 January 1991. Lead acid batteries also~~
9 ~~shall not be disposed of in any waste to energy facility after 1 January~~
10 ~~1991. To encourage proper collection and recycling, all persons who~~
11 ~~sell lead acid batteries at retail shall accept used lead acid batteries as~~
12 ~~trade ins for new lead acid batteries.~~

13 (2) Used oil, after 1 October 1990.

14 (3) Yard trash, after 1 January 1993, except in landfills classified for such
15 use under rules adopted by the Commission. Yard trash that is source
16 separated from solid waste may be accepted at a solid waste disposal
17 area where the area provides and maintains separate yard trash
18 composting facilities.

19 (4) White goods, after 1 January 1991."

20 Sec. 2. Article 9 of Chapter 130A of the General Statutes is amended by
21 adding a new Part to read:

22 **"PART 2C. LEAD-ACID BATTERIES.**

1 **"§ 130A-309.70. Landfilling, incinerating lead-acid batteries prohibited; delivery**
2 **for recycling required.**

3 (a) No person shall place or dispose of a used lead-acid battery in a landfill,
4 incinerator, or in any waste-to-energy facility. Any person may deliver a lead-acid
5 battery to a battery retailer or wholesaler, or to a secondary lead smelter, or to a
6 collection or recycling facility authorized under this Chapter or by the United States
7 Environmental Protection Agency.

8 (b) No battery retailer shall place or dispose of a used lead-acid battery in a
9 landfill, incinerator, or waste-to-energy facility. Any battery retailer may deliver a used
10 lead-acid battery to the agent of a battery wholesaler or a secondary lead smelter, to a
11 battery manufacturer for delivery to a secondary lead smelter, or to a collection or
12 recycling facility authorized under this Chapter or by the United States Environmental
13 Protection Agency.

14 (c) Any person who places or disposes of a lead-acid battery in violation of this
15 section shall be assessed a civil penalty of not more than fifty dollars (\$50.00) per
16 violation. Each battery improperly disposed of shall constitute a separate violation.

17 **"§ 130A-309.71. Retailers required to collect lead-acid batteries for recycling.**

18 A person who sells or offers for sale lead-acid batteries at retail in this State shall:

19 (1) Accept from customers, at the point of transfer or sale, used lead-acid
20 batteries of the type and in a quantity at least equal to the number of
21 new batteries purchased, if offered by customers; and

22 (2) Post written notice which must be at least 8 1/2 inches by 11 inches in
23 size and must contain the universal recycling symbol and the following
24 language:

25 a. 'It is illegal to discard a motor vehicle battery or other lead-acid
26 battery.'

27 b. 'Recycle your used batteries.'; and

28 c. 'State law requires us to accept used motor vehicle batteries or
29 other lead-acid batteries for recycling in exchange for new
30 batteries purchased.'

31 **"§ 130A-309.72. Notices provided; inspections of battery retailers authorized.**

32 (a) The Department shall produce, print, and distribute the notices required by
33 G.S. 130A-309.71 to all places in the State where lead-acid batteries are offered for sale
34 at retail.

35 (b) The Department may inspect any place, building, or premise subject to the
36 provisions of G.S. 130A-309.71. The Department may issue warnings to persons who
37 fail to comply with the provisions of this Part.

38 (c) Any person who fails to post the notice required under G.S. 130A-309.71
39 after receiving a warning to do so pursuant to this section shall be assessed a civil
40 penalty of not more than fifty dollars (\$50.00) per day.

41 **"§ 130A-309.73. Wholesalers required to accept lead-acid batteries.**

42 (a) No person selling new lead-acid batteries at wholesale shall refuse to accept
43 from customers at the point of transfer, used lead-acid batteries of the type and in a
44 quantity at least equal to the number of new batteries purchased, if offered by

1 customers. A person accepting batteries in transfer from a battery retailer shall be
2 allowed a period not to exceed 90 days to remove batteries from the retail point of
3 collection.

4 (b) Any person who violates this section shall be assessed a civil penalty of fifty
5 dollars (\$50.00) per violation. Each battery refused by a wholesaler or not removed
6 from the retail point of collection within 90 days shall constitute a separate violation.

7 **"§ 130A-309.74. Construction of this Part.**

8 The provisions of this Part shall not be construed to prohibit any person who does
9 not sell lead-acid batteries from collecting and recycling such batteries."

10 Sec. 3. The Department of Environment, Health, and Natural Resources shall
11 use funds available within its budget for the 1991-92 fiscal year for publications,
12 including the line items for postage and printing and binding, to provide funds for
13 producing, printing, and distributing the notices required in Section 2 of this act.

14 Sec. 4. This act becomes effective 1 October 1991.