

§ 130A-303. Imminent hazard; emergency.

(a) The judgment of the Secretary that an imminent hazard exists concerning solid waste shall be supported by findings of fact made by the Secretary.

(b) In order to eliminate an imminent hazard, the Secretary may, without notice or hearing, issue an order requiring that immediate action be taken to protect the public health or the environment. This order may be directed to a generator or transporter of solid waste or to the owner or operator of a solid waste management facility. Where the imminent hazard is caused by an inactive hazardous substance or waste disposal site, the Secretary shall follow the procedures set forth in G.S. 130A-310.5.

(c) When a state of emergency, as defined in G.S. 166A-19.3, has been declared by the Governor due to a natural disaster such as a pandemic, epidemic, hurricane or flood, or due to a pending disaster, the Secretary, or an authorized representative of the Secretary, may, upon request of a public or private landfill operator, or on the Secretary's own initiative, develop and implement any emergency measures and procedures that the Secretary deems necessary for the proper management of solid waste generated during the declared emergency. All State agencies and political subdivisions of the State shall cooperate with the implementation of the emergency measures and procedures developed pursuant to this section. Such emergency procedures and measures may include any of the following: (i) restrictions on the collection, storage, and transportation of solid waste, (ii) decisions on facility operational conditions such as operational times and waste acceptance, and (iii) any other measures or procedures necessary to allow for the proper disposal of solid waste within impacted communities. Written notice of emergency measures and procedures developed and implemented pursuant to this subsection shall be provided to news media, waste organizations, governmental agencies, solid waste facilities, and any other interested or affected parties as determined by the Secretary. Emergency measures and procedures developed and implemented pursuant to this section shall expire no more than 60 days after a declaration of a state of emergency has expired or been rescinded by the Governor. (1977, 2nd Sess., c. 1216; 1981, c. 704, s. 7; 1983, c. 891, s. 2; 1987, c. 574, s. 3; 2009-570, s. 27; 2020-74, s. 3.)