

**GENERAL ASSEMBLY OF NORTH CAROLINA**  
**SESSION 2009**

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**HOUSE BILL 1100**  
**Committee Substitute Reported Without Prejudice 4/21/09**

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

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Sponsors:

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Referred to:

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April 7, 2009

1 A BILL TO BE ENTITLED  
2 AN ACT TO DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL  
3 RESOURCES TO ESTABLISH STORMWATER CONTROL BEST MANAGEMENT  
4 PRACTICES FOR COMPOSTING OPERATIONS AND MULCH OPERATIONS FOR  
5 THE PURPOSE OF PROTECTING WATER QUALITY.

6 The General Assembly of North Carolina enacts:

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

- 31 (1) Identification of the types of composting operations and mulch operations  
32 that are subject to a permit requirement and the specific permit that is  
33 required for each type.  
34 (2) Proper maintenance of, and appropriate containment protocols for,  
35 composting operations and mulch operations.



- 1           (3) Any other appropriate stormwater reduction techniques for composting  
2           operations and mulch operations.  
3           (4) Prior to its adopting under this section, the cost and benefits of each best  
4           management practice.  
5           (5) Any other issues deemed pertinent by the Department and the stakeholders.

6           **SECTION 2.** Until October 1, 2012, when the best management practices under  
7 Section 1 of this act become effective, any composting operations and mulch operations shall  
8 be allowed to continue to operate according to the current operation's approved site size and as  
9 to the operation's current method of producing compost or mulch. This section also applies to  
10 new and pending applications for permits during this period of time.

11           **SECTION 3.** This act is effective when it becomes law.