

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

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HOUSE BILL 576

Short Title: Allow Aerosolization of Leachate. (Public)

Sponsors: Representative Dixon.

*For a complete list of sponsors, refer to the North Carolina General Assembly web site.*

Referred to: Environment

April 6, 2017

A BILL TO BE ENTITLED

AN ACT TO REQUIRE THE DEPARTMENT OF ENVIRONMENTAL QUALITY TO APPROVE AEROSOLIZATION AS AN ACCEPTABLE METHOD FOR DISPOSAL OF LEACHATE AND WASTEWATER FROM A LANDFILL AND PROVIDE THAT AEROSOLIZATION OF LEACHATE OR WASTEWATER THAT RESULTS IN EFFLUENT-FREE PRODUCTION OR A ZERO-LIQUID DISCHARGE DOES NOT CONSTITUTE A DISCHARGE THAT REQUIRES A PERMIT.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 130A-294(a) reads as rewritten:

"§ 130A-294. **Solid waste management program.**

(a) The Department is authorized and directed to engage in research, conduct investigations and surveys, make inspections and establish a statewide solid waste management program. In establishing a program, the Department shall have authority to:

...

(4) a. Develop a permit system governing the establishment and operation of solid waste management facilities. A landfill with a disposal area of 1/2 acre or less for the on-site disposal of land clearing and inert debris is exempt from the permit requirement of this section and shall be governed by G.S. 130A-301.1. Demolition debris from the decommissioning of manufacturing buildings, including electric generating stations, that is disposed of on the same site as the decommissioned buildings, is exempt from the permit requirement of this section and rules adopted pursuant to this section and shall be governed by G.S. 130A-301.3. The Department shall not approve an application for a new permit, major permit modification, or a substantial amendment to a permit for a sanitary landfill, excluding demolition landfills as defined in the rules of the Commission, except as provided in subdivisions (3) and (4) of subsection (b1) of this section. No permit shall be granted for a solid waste management facility having discharges that are point sources until the Department has referred the complete plans and specifications to the Commission and has received advice in writing that the plans and specifications are approved in accordance with the provisions of G.S. 143-215.1. In any case where the Department denies a permit for a solid waste management facility, it shall state in writing the reason for denial and



- 1 shall also state its estimate of the changes in the applicant's proposed  
2 activities or plans that will be required for the applicant to obtain a  
3 permit.
- 4 b. Repealed by Session Laws 2007-550, s. 1(a), effective August 1,  
5 2007.
- 6 c. The Department shall deny an application for a permit for a solid  
7 waste management facility if the Department finds that:
- 8 1. Construction or operation of the proposed facility would be  
9 inconsistent with or violate rules adopted by the Commission.
  - 10 2. Construction or operation of the proposed facility would  
11 result in a violation of water quality standards adopted by the  
12 Commission pursuant to G.S. 143-214.1 for waters, as  
13 defined in G.S. 143-213.
  - 14 3. Construction or operation of the facility would result in  
15 significant damage to ecological systems, natural resources,  
16 cultural sites, recreation areas, or historic sites of more than  
17 local significance. These areas include, but are not limited to,  
18 national or State parks or forests; wilderness areas; historic  
19 sites; recreation areas; segments of the natural and scenic  
20 rivers system; wildlife refuges, preserves, and management  
21 areas; areas that provide habitat for threatened or endangered  
22 species; primary nursery areas and critical fisheries habitat  
23 designated by the Marine Fisheries Commission; and  
24 Outstanding Resource Waters designated by the Commission.
  - 25 4. Construction or operation of the proposed facility would  
26 substantially limit or threaten access to or use of public trust  
27 waters or public lands.
  - 28 5. The proposed facility would be located in a natural hazard  
29 area, including a floodplain, a landslide hazard area, or an  
30 area subject to storm surge or excessive seismic activity, such  
31 that the facility will present a risk to public health or safety.
  - 32 6. There is a practical alternative that would accomplish the  
33 purposes of the proposed facility with less adverse impact on  
34 public resources, considering engineering requirements and  
35 economic costs.
  - 36 7. The cumulative impacts of the proposed facility and other  
37 facilities in the area of the proposed facility would violate the  
38 criteria set forth in sub-sub-subdivisions 2. through 5. of this  
39 sub-subdivision.
  - 40 8. Construction or operation of the proposed facility would be  
41 inconsistent with the State solid waste management policy  
42 and goals as set out in G.S. 130A-309.04 and with the State  
43 solid waste management plan developed as provided in  
44 G.S. 130A-309.07.
  - 45 9. The cumulative impact of the proposed facility, when  
46 considered in relation to other similar impacts of facilities  
47 located or proposed in the community, would have a  
48 disproportionate adverse impact on a minority or low-income  
49 community protected by Title VI of the federal Civil Rights  
50 Act of 1964. This subdivision shall apply only to the extent  
51 required by federal law.

- 1                   d.       Management of land clearing debris burned in accordance with 15A
- 2                                NCAC 02D.1903 shall not require a permit pursuant to this section.
- 3                   e.       For the purpose of the disposal of leachate and wastewater collected
- 4                                from a sanitary landfill, the Department shall approve aerosolization
- 5                                of such leachate and wastewater as an acceptable method of disposal.
- 6                                Aerosolization of leachate or wastewater that results in effluent-free
- 7                                production or a zero-liquid discharge does not constitute a discharge
- 8                                that requires a permit under either Article 21 or Article 21B of
- 9                                Chapter 143 of the General Statutes.

10                   ...."

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