

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 1096

Short Title: Hazardous Waste Facility Siting.

(Public)

Sponsors: Representatives Hightower; Barnes, Beall, Church, Cunningham, Ethridge, Fletcher, Green, Hardaway, H. Hunter, Kahl, Mercer, Nesbitt, Smith, Wainwright, and Warner.

Referred to: Environment.

April 24, 1991

A BILL TO BE ENTITLED

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2 AN ACT TO PROHIBIT STATE INVOLVEMENT IN THE SITING OF A
3 HAZARDOUS WASTE FACILITY UNTIL SUCH TIME AS (1) THE FEDERAL
4 LAW PERMITS THE STATES TO BAR THE IMPORTATION OF HAZARDOUS
5 WASTE FOR TREATMENT OR DISPOSAL OR (2) THERE ARE NO
6 HAZARDOUS WASTE FACILITIES OUTSIDE OF THE STATE WHICH WILL
7 ACCEPT HAZARDOUS WASTE GENERATED IN NORTH CAROLINA.

8 The General Assembly of North Carolina enacts:

9 Section 1. Notwithstanding any other provision of law, only a private entity
10 may site a hazardous waste facility.

11 Sec. 2. Notwithstanding any other provision of law, the Governor, the North
12 Carolina Hazardous Waste Management Commission, or any other agency of the State
13 shall not be involved in siting a hazardous waste facility operated pursuant to Chapter
14 130B of the General Statutes.

15 Sec. 3. This act is effective upon ratification, but is repealed if (1) the
16 Congress of the United States enacts legislation which permits the states to bar the
17 importation of hazardous wastes for treatment or disposal; (2) the United States
18 Supreme Court rules that, under existing federal law, the states may bar the importation
19 of hazardous wastes for treatment or disposal; or (3) there are no hazardous waste
20 facilities available outside the State which will accept hazardous waste for treatment or
21 disposal when the waste was generated in North Carolina. The Chairman of the
22 Governor's Waste Management Board shall certify to the Governor, the President of the

- 1 Senate, the Speaker of the House of Representatives, the Attorney General, and the
- 2 Secretary of State that the requirements of this section have been met.