

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1991

CHAPTER 948
SENATE BILL 531

AN ACT TO PROVIDE THAT THE EASTERN BAND OF CHEROKEE INDIANS SHALL BE ELIGIBLE TO BE A MEMBER OF A REGIONAL SOLID WASTE MANAGEMENT AUTHORITY.

The General Assembly of North Carolina enacts:

Section 1. G.S. 153A-421(a) reads as rewritten:

"(a) Unless a different meaning is required by the context, terms relating to the management of solid waste used in this Article have the same meaning as in G.S. 130A-2 and in G.S. 130A-290. As used in this Article, the term 'solid waste' means nonhazardous solid waste, that is, solid waste as defined in G.S. 130A-290 but not including hazardous waste or sludge. In addition to the meaning set out in G.S. 130A-290, the term 'unit of local government' means the Eastern Band of the Cherokee Indians in North Carolina."

Sec. 2. G.S. 153A-430 is amended by adding two new subsections to read:

"(c) Except as provided by subsection (d) of this section, a unit of local government that is exempt from compliance with State laws or rules enacted or adopted for the management of solid waste or for the protection of the environment shall, by becoming a member of a regional solid waste management authority created under this Article and as a condition of such membership, agree to comply with and to be bound by all applicable federal and State laws, regulations, and rules enacted or adopted for the management of solid waste and for the protection of the environment with respect to all solid waste management activities of the authority within the territorial jurisdiction of the unit of local government and with respect to all solid waste management activities performed by the unit of local government in connection with membership in the authority.

(d) A unit of local government that is exempt from compliance with State laws or rules enacted or adopted for the management of solid waste shall obtain all permits that may be necessary for the conduct of solid waste management activities within the territorial jurisdiction of the unit of local government as provided by federal law and regulations. Responsibility for the enforcement of laws, regulations, and rules enacted or adopted for the management of solid waste within the territorial jurisdiction of a unit of local government that is exempt from compliance with State laws or rules enacted or adopted for the management of solid waste shall be as provided by federal law and regulations."

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 14th day of July, 1992.

James C. Gardner
President of the Senate

Daniel Blue, Jr.
Speaker of the House of Representatives