

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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SENATE BILL 608

Short Title: County Permits for Haz. Waste.

(Public)

Sponsors: Senator Johnson.

Referred to: Environment and Natural Resources.

April 15, 1991

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE A COUNTY TO ENACT AN ORDINANCE THAT: (1) REQUIRES EACH BUSINESS AND ENTERPRISE THAT GENERATES, PROCESSES, HANDLES, OR STORES HAZARDOUS MATERIALS TO SECURE A PERMIT; AND (2) IMPOSES A FEE FOR SUCH PERMIT TO BE USED FOR HAZARDOUS MATERIAL EMERGENCY RESPONSE SERVICES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 153A-136(a) reads as rewritten:

"(a) A county may by ordinance regulate the storage, collection, transportation, use, disposal, and other disposition of solid wastes. Such an ordinance may:

- (1) Regulate the activities of persons, firms, and corporations, both public and private.
- (2) Require each person wishing to commercially collect or dispose of solid wastes to secure a license from the county and prohibit any person from commercially collecting or disposing of solid wastes without a license. A fee may be charged for a license.

(a) Require each business and enterprise that generates, processes, handles, or stores on-site hazardous materials or substances which must be reported under:

- a. Article 18 of Chapter 95 of the General Statutes; or
- b. Title III of the Superfund Amendments and Reauthorization Act of 1986, Pub. L. No. 99-499, 100 Stat. 1613,

1 to secure a permit from the county. A fee may be charged for a permit.  
2 A county may use such fees for hazardous material emergency  
3 response.

- 4 (3) Grant a franchise to one or more persons for the exclusive right to  
5 commercially collect or dispose of solid wastes within all or a defined  
6 portion of the county and prohibit any other person from commercially  
7 collecting or disposing of solid wastes in that area. The board of  
8 commissioners may set the terms of any franchise, except that no  
9 franchise may be granted for a period exceeding seven years, nor may  
10 any franchise by its terms impair the authority of the board of  
11 commissioners to regulate fees as authorized by this section.
- 12 (4) Regulate the fees, if any, that may be charged by licensed or  
13 franchised persons for collecting or disposing of solid wastes.
- 14 (5) Require the source separation of materials from solid waste prior to  
15 collection of the solid waste for disposal.
- 16 (6) Require participation in a recycling program which has been approved  
17 by the board of commissioners.
- 18 (7) Include any other proper matter."  
19 Sec. 2. This act is effective upon ratification.