

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009**

**S**

**D**

**SENATE DRS15404-LDf-149E\* (05/03)**

Short Title: Regulate Certain Coal-Ash Structural Fill. (Public)

Sponsors: Senator Kinnaird.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO REQUIRE PERMITS FOR CERTAIN SOLID WASTE DISPOSAL SITES FOR THE REUSE OF COMBUSTION PRODUCTS AND FOR CERTAIN SOLID WASTE DISPOSAL SITES FOR STRUCTURAL FILL AND TO ESTABLISH PERMIT FEES FOR THESE DISPOSAL SITES, IN ORDER TO ADEQUATELY PROTECT THE PUBLIC HEALTH AND THE ENVIRONMENT.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 130A-290(a) reads as rewritten:

**"§ 130A-290. Definitions.**

(a) Unless a different meaning is required by the context, the following definitions shall apply throughout this Article:

...

(2c) "Combustion products landfill" means a facility or unit for the disposal or reuse of combustion products, where the landfill is located at the same facility with the coal fired generating unit or units producing the combustion products, and where the landfill is located wholly or partly on top of a facility that is, or was, being used for the disposal or storage of such combustion products, including, but not limited to, landfills, wet and dry ash ponds, and structural fill facilities-products.

...

(6a) "Fully encapsulated" means encased or enclosed in such way as to prevent the leaching of coal combustion residual constituents, including, but not limited to, antimony, arsenic, barium, beryllium, cadmium, chromium, lead, mercury, nickel, selenium, silver, and thallium, in trace amounts or otherwise.

...

(41) "Storage" means the containment of solid waste, either on a temporary basis or for a period of years, in a manner which does not constitute disposal.

(41a) "Structural fill" means an engineered fill with a projected beneficial end use that is constructed using coal combustion by-products properly placed and compacted.

(41a)(41b) "Subsidiary" has the same meaning as in 17 Code of Federal Regulations § 240.12b-2 (1 April 1996 Edition).

(41b)(41c) "Tire-derived fuel" means a form of fuel derived from scrap tires.

...."



1           **SECTION 2.** G.S. 130A-294(a) reads as rewritten:

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

5           (1) Develop a comprehensive program for implementation of safe and sanitary  
6 practices for management of solid waste;

7           ...

8           (4) a. Develop a permit system governing the establishment and operation  
9 of solid waste management facilities. A solid waste disposal site for  
10 the reuse of combustion products shall be subject to the permit  
11 requirement of this section unless the end product is fully  
12 encapsulated. A solid waste disposal site for structural fill shall be  
13 subject to the permit requirement of this section unless the structural  
14 fill is fully encapsulated. A solid waste disposal site for the reuse of  
15 combustion products is prohibited when the end product is not fully  
16 encapsulated. A solid waste disposal site for structural fill is  
17 prohibited when the structural fill is not fully encapsulated. A landfill  
18 with a disposal area of 1/2 acre or less for the on-site disposal of land  
19 clearing and inert debris is exempt from the permit requirement of  
20 this section and shall be governed by G.S. 130A-301.1. The  
21 Department shall not approve an application for a new permit, the  
22 renewal of a permit, or a substantial amendment to a permit for a  
23 sanitary landfill, excluding demolition landfills as defined in the rules  
24 of the Commission, except as provided in subdivisions (3) and (4) of  
25 subsection (b1) of this section. No permit shall be granted for a solid  
26 waste management facility having discharges that are point sources  
27 until the Department has referred the complete plans and  
28 specifications to the Environmental Management Commission and  
29 has received advice in writing that the plans and specifications are  
30 approved in accordance with the provisions of G.S. 143-215.1. If the  
31 applicant is a unit of local government, and has not submitted a solid  
32 waste management plan that has been approved by the Department  
33 pursuant to G.S. 130A-309.09A(b), the Department may deny a  
34 permit for a sanitary landfill or a facility that disposes of solid waste  
35 by incineration, unless the Commission has not adopted rules  
36 pursuant to G.S. 130A-309.29 for local solid waste management  
37 plans. In any case where the Department denies a permit for a solid  
38 waste management facility, it shall state in writing the reason for  
39 denial and shall also state its estimate of the changes in the  
40 applicant's proposed activities or plans that will be required for the  
41 applicant to obtain a permit.

42           ...."

43           **SECTION 3.** G.S. 130A-295.8(c) reads as rewritten:

44           "(c) An applicant for a permit shall pay an application fee upon submission of an  
45 application according to the following schedule:

46           ...

47           (37) Disposal Site for Reuse of Combustion Products or for Structural Fill  
48 consistent with G.S. 130A-294(a), accepting less than 100,000 tons/year of  
49 combustion products, New Permit – \$25,000.

- 1           (38) Disposal Site for Reuse of Combustion Products or for Structural Fill  
2           consistent with G.S. 130A-294(a), accepting less than 100,000 tons/year of  
3           combustion products, Amendment – \$15,000.
- 4           (39) Disposal Site for Reuse of Combustion Products or for Structural Fill  
5           consistent with G.S. 130A-294(a), accepting less than 100,000 tons/year of  
6           combustion products, Modification – \$1,500.
- 7           (40) Disposal Site for Reuse of Combustion Products or for Structural Fill  
8           consistent with G.S. 130A-294(a), accepting 100,000 tons/year or more of  
9           combustion products, New Permit – \$50,000.
- 10          (41) Disposal Site for Reuse of Combustion Products or for Structural Fill  
11          consistent with G.S. 130A-294(a), accepting 100,000 tons/year or more of  
12          combustion products, Amendment – \$30,000.
- 13          (42) Disposal Site for Reuse of Combustion Products or for Structural Fill  
14          consistent with G.S. 130A-294(a), accepting 100,000 tons/year or more of  
15          combustion products, Modification – \$3,000."

16           **SECTION 4.** G.S. 130A-295.8(d) reads as rewritten:

17           "(d) A permitted solid waste management facility shall pay an annual permit fee on or  
18 before 1 August of each year according to the following schedule:

- 19           ...
- 20           (13) Disposal Site for Reuse of Combustion Products or for Structural Fill  
21           consistent with G.S. 130A-294(a) – \$3,500."

22           **SECTION 5.** This act becomes effective January 1, 2011, and applies to  
23 combustion products that are reused or disposed of on or after that date.