

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

H

2

HOUSE BILL 663
Second Edition Engrossed 5/6/93

Short Title: Agency Duties/Recycling Industry.

(Public)

Sponsors: Representatives Gottovi; Bowman and Green.

Referred to: Environment.

March 29, 1993

A BILL TO BE ENTITLED

1 AN ACT TO DELINEATE THE RESPONSIBILITIES OF THE DEPARTMENT OF
2 COMMERCE AND THE DEPARTMENT OF ENVIRONMENT, HEALTH, AND
3 NATURAL RESOURCES REGARDING THE DEVELOPMENT OF THE
4 STATE'S RECYCLING INDUSTRY AND MARKETS FOR RECYCLABLE
5 MATERIALS.
6

7 The General Assembly of North Carolina enacts:

8 Section 1. G.S. 130A-309.14(b) reads as rewritten:

9 "(b) The Department of Commerce shall assist and encourage the recycling
10 industry in the State. Assistance and encouragement of the recycling industry shall
11 include:

- 12 (1) ~~Identifying and analyzing in cooperation with the Department, Assisting the~~
13 Department in the identification and analysis, by the Department
14 pursuant to G.S. 130A-309.06, of components of the State's recycling
15 industry and present and potential markets for recyclable materials in
16 this State, other states, and foreign countries;
- 17 (2) Providing information on the availability and benefits of using
18 recycled materials to businesses and industries in the State, and
- 19 (3) Distributing any material prepared in implementing this section to the
20 public, businesses, industries, units of local government, or other
21 organizations upon request."

22 Sec. 2. G.S. 130A-309.14(c) reads as rewritten:

1 ~~"(e) By 1 March 1991, and every other year thereafter, the Department of~~
2 ~~Commerce shall prepare a report assessing the recycling industry and recyclable~~
3 ~~materials markets in the State."~~

4 Sec. 3. G.S. 130A-309.06 reads as rewritten:

5 **"§ 130A-309.06. Additional powers and duties of the Department.**

6 (a) In addition to other powers and duties set forth in this Part, the Department
7 shall:

- 8 (1) Develop a comprehensive solid waste management plan consistent
9 with this Part by 1 March 1991. The plan shall be developed in
10 consultation with units of local government and shall be updated at
11 least every three years. In developing the State solid waste
12 management plan, the Department shall hold public hearings around
13 the State and shall give notice of these public hearings to all units of
14 local government and regional planning agencies.
- 15 (2) Provide guidance for the orderly collection, transportation, storage,
16 separation, processing, recovery, recycling, and disposal of solid waste
17 throughout the State.
- 18 (3) Encourage coordinated local activity for solid waste management
19 within a common geographical area.
- 20 (4) Provide planning, technical, and financial assistance to units of local
21 government and State agencies for reduction, recycling, reuse, and
22 processing of solid waste and for safe and environmentally sound solid
23 waste management and disposal.
- 24 (5) Cooperate with appropriate federal agencies and private organizations
25 in carrying out the provisions of this Part.
- 26 (6) Promote and assist the development of solid waste reduction,
27 recycling, and resource recovery programs which preserve and
28 enhance the quality of the air, water, and other natural resources of the
29 State.
- 30 (7) Maintain a directory of recycling and resource recovery systems in the
31 State and provide assistance with matching recovered materials with
32 markets.
- 33 (8) Manage a program of grants for programs for recycling and special
34 waste management, and for programs which provide for the safe and
35 proper management of solid waste.
- 36 (9) Provide for the education of the general public and the training of solid
37 waste management professionals to reduce the production of solid
38 waste, to ensure proper processing and disposal of solid waste, and to
39 encourage recycling and solid waste reduction.
- 40 (10) Develop descriptive literature to inform units of local government of
41 their solid waste management responsibilities and opportunities.
- 42 (11) Conduct at least one workshop each year in each region served by a
43 council of governments.

1 (12) Provide and maintain recycling bins for the collection and recycling of
2 newspaper, aluminum cans, glass containers, and recyclable plastic
3 beverage containers at the North Carolina Zoological Park.

4 (13) Identify, based on reports required under G.S. 130A-309.14 and any
5 other relevant information, those materials in the municipal solid waste
6 stream that are marketable in the State or any portion thereof and that
7 should be recovered from the waste stream prior to treatment or
8 disposal.

9 (14) Identify and analyze, with assistance from the Department of
10 Commerce pursuant to G.S. 130A-309.14, components of the State's
11 recycling industry and present and potential markets for recyclable
12 materials in this State, other states, and foreign countries.

13 (b) The Department may refuse to issue a permit to an applicant who by past
14 conduct in this State has repeatedly violated related statutes, rules, orders, or permit
15 terms or conditions relating to any solid waste management facility and who is deemed
16 by the Department to be responsible for the violations. For the purpose of this
17 subdivision, an applicant includes the owner or operator of the facility, or, if the owner
18 or operator is a business entity, the parent of the subsidiary corporation, a partner, a
19 corporate officer or director, or a stockholder holding more than fifty percent (50%) of
20 the stock of the corporation.

21 (c) The Department shall prepare by 1 May 1991, ~~and every year thereafter, of each~~
22 year a report on the status of solid waste management efforts in the State. The scope of
23 the report shall be determined by the resources available to the Department for its
24 preparation and, to the extent possible, shall include:

25 (1) A comprehensive analysis, to be updated in each report, of solid waste
26 generation and disposal in the State projected for the 20-year period
27 beginning on 1 July 1991.

28 (2) The total amounts of solid waste generated, recycled, and disposed of
29 and the methods of solid waste recycling and disposal used during the
30 calendar year prior to the year in which the report is published.

31 (3) An evaluation of the development and implementation of local solid
32 waste management programs and county and municipal recycling
33 programs.

34 (4) An evaluation of the success of each county or group of counties in
35 meeting the municipal solid waste reduction goal established in G.S.
36 130A-309.04.

37 (5) Recommendations concerning existing and potential programs for
38 solid waste reduction and recycling that would be appropriate for units
39 of local government and State agencies to implement to meet the
40 requirements of this Part.

41 (6) An evaluation of the markets for recycled materials and the success of
42 State, local, and private industry efforts to enhance the markets for
43 such materials.

1 (7) Recommendations to the Governor and the General Assembly to
2 improve the management and recycling of solid waste in the State.

3 (d) The Department of Environment, Health, and Natural Resources shall prepare
4 by March 1, 1994, and every other year thereafter, a report assessing the recycling
5 industry and recyclable materials markets in the State."

6 Sec. 4. This act is effective upon ratification.