

Landfill Leachate: Vetoed North Carolina Bill (576) Would Have Approved Aerosolization



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A vetoed house bill passed by the North Carolina General Assembly would have:

1. Required the North Carolina Department of Environmental Quality (“DEQ”) to approve aerosolization as an acceptable method of disposal for leachate wastewater collected from a lined sanitary landfill within the lined area of the landfill;
2. Allowed DEQ to approve aerosolization as an acceptable method of disposal for leachate wastewater collected from an unlined sanitary landfill; and
3. Provided that aerosolization of leachate or wastewater that results in a zero liquid discharge and is not a significant air contaminant source does not constitute a discharge that requires a permit under the air or water permitting statutes.

The North Carolina Governor (Cooper) vetoed the bill stating:

. . . the legislature exempts particular technologies that could potentially better ensure the health and safety of people and the environment. Scientists, not the legislature, should decide whether a patented technology can safely dispose of contaminated liquids from landfills. With the use of the word “shall,” the legislature mandates a technology winner, limiting future advancements that may provide better protection.

A North Carolina General Assembly document states that in February 2016 a working group of the Environmental Review Commission met to discuss a variety of issues related to waste management. The working group apparently received information on aerosolization as a process for disposal of leachate at landfills. The briefing included a discussion of aerosolization projects operating within the state of North Carolina. The working group was stated to have received information that:

. . . aerosolization of wastewater is a process by which larger particles (50-2000 microns) are formed in droplets and dispersed over a relatively small area (100’ x 300’).

[A copy of House Bill 576 and the General Assembly analysis can be downloaded here.](#)