

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

HOUSE BILL 576
RATIFIED BILL

AN ACT TO (1) REQUIRE THE DEPARTMENT OF ENVIRONMENTAL QUALITY TO APPROVE AEROSOLIZATION OF LEACHATE AND WASTEWATER FROM A LINED SANITARY LANDFILL FOR THE DISPOSAL OF MUNICIPAL SOLID WASTE LANDFILL, IN CERTAIN CIRCUMSTANCES; (2) ALLOW THE DEPARTMENT TO APPROVE AEROSOLIZATION OF LEACHATE FROM UNLINED LANDFILLS; AND (3) PROVIDE THAT AEROSOLIZATION OF LEACHATE OR WASTEWATER THAT RESULTS IN A ZERO-LIQUID DISCHARGE AND IS NOT A SIGNIFICANT AIR CONTAMINATION SOURCE DOES NOT CONSTITUTE A SOURCE THAT REQUIRES CERTAIN PERMITS.

The General Assembly of North Carolina enacts:

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

"§ 130A-294. Solid waste management program.

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

- ...
- (4) a. Develop a permit system governing the establishment and operation of solid waste management facilities. A landfill with a disposal area of 1/2 acre or less for the on-site disposal of land clearing and inert debris is exempt from the permit requirement of this section and shall be governed by G.S. 130A-301.1. Demolition debris from the decommissioning of manufacturing buildings, including electric generating stations, that is disposed of on the same site as the decommissioned buildings, is exempt from the permit requirement of this section and rules adopted pursuant to this section and shall be governed by G.S. 130A-301.3. The Department shall not approve an application for a new permit, major permit modification, or a substantial amendment to a permit for a sanitary landfill, excluding demolition landfills as defined in the rules of the Commission, except as provided in subdivisions (3) and (4) of subsection (b1) of this section. No permit shall be granted for a solid waste management facility having discharges that are point sources until the Department has referred the complete plans and specifications to the Commission and has received advice in writing that the plans and specifications are approved in accordance with the provisions of G.S. 143-215.1. In any case where the Department denies a permit for a solid waste management facility, it shall state in writing the reason for denial and shall also state its estimate of the changes in the applicant's proposed activities or plans that will be required for the applicant to obtain a permit.



* H 5 7 6 - V - 4 *

- b. Repealed by Session Laws 2007-550, s. 1(a), effective August 1, 2007.
- c. The Department shall deny an application for a permit for a solid waste management facility if the Department finds that:
 - 1. Construction or operation of the proposed facility would be inconsistent with or violate rules adopted by the Commission.
 - 2. Construction or operation of the proposed facility would result in a violation of water quality standards adopted by the Commission pursuant to G.S. 143-214.1 for waters, as defined in G.S. 143-213.
 - 3. Construction or operation of the facility would result in significant damage to ecological systems, natural resources, cultural sites, recreation areas, or historic sites of more than local significance. These areas include, but are not limited to, national or State parks or forests; wilderness areas; historic sites; recreation areas; segments of the natural and scenic rivers system; wildlife refuges, preserves, and management areas; areas that provide habitat for threatened or endangered species; primary nursery areas and critical fisheries habitat designated by the Marine Fisheries Commission; and Outstanding Resource Waters designated by the Commission.
 - 4. Construction or operation of the proposed facility would substantially limit or threaten access to or use of public trust waters or public lands.
 - 5. The proposed facility would be located in a natural hazard area, including a floodplain, a landslide hazard area, or an area subject to storm surge or excessive seismic activity, such that the facility will present a risk to public health or safety.
 - 6. There is a practical alternative that would accomplish the purposes of the proposed facility with less adverse impact on public resources, considering engineering requirements and economic costs.
 - 7. The cumulative impacts of the proposed facility and other facilities in the area of the proposed facility would violate the criteria set forth in sub-sub-subdivisions 2. through 5. of this sub-subdivision.
 - 8. Construction or operation of the proposed facility would be inconsistent with the State solid waste management policy and goals as set out in G.S. 130A-309.04 and with the State solid waste management plan developed as provided in G.S. 130A-309.07.
 - 9. The cumulative impact of the proposed facility, when considered in relation to other similar impacts of facilities located or proposed in the community, would have a disproportionate adverse impact on a minority or low-income community protected by Title VI of the federal Civil Rights Act of 1964. This subdivision shall apply only to the extent required by federal law.
- d. Management of land clearing debris burned in accordance with 15A NCAC 02D.1903 shall not require a permit pursuant to this section.

- e. For the purpose of the management and/or disposal of leachate and non-domestic wastewater collected from a lined sanitary landfill for the disposal of municipal solid waste, except those permitted for the disposal of coal combustion residuals and wastewater from a swine lagoon, the Department shall approve aerosolization of leachate and wastewater as an acceptable method of site management within the landfill lined area only. The Department may consider aerosolization of leachate as an acceptable method of site management for unlined landfills. An applicant shall provide the Department with data that characterizes contaminants of concern around the landfill emanating from aerosolization. Aerosolization of leachate that results in a zero-liquid discharge and is not a significant air contamination source does not constitute a source that requires a permit under either Article 21 or Article 21B of Chapter 143 of the General Statutes.

...."

SECTION 1.(b) The Department of Environmental Quality shall gather information on aerosolization projects approved pursuant to Section 1(a) of this act and report its findings, including any recommendations for legislative action, to the Environmental Review Commission on or before March 31, 2018.

SECTION 2. This act is effective when it becomes law.

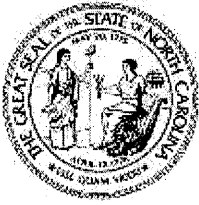
In the General Assembly read three times and ratified this the 19th day of June, 2017.

s/ Philip E. Berger
President Pro Tempore of the Senate

s/ Tim Moore
Speaker of the House of Representatives

Roy Cooper
Governor

Approved _____ .m. this _____ day of _____, 2017



HOUSE BILL 576: Allow Aerosolization of Leachate.

This Bill Analysis reflects the contents of the bill as it was presented in committee.

2017-2018 General Assembly

Committee: Senate Agriculture/Environment/Natural Resources. If favorable, re-refer to Rules and Operations of the Senate **Date:** May 25, 2017

Introduced by: Rep. Dixon **Prepared by:** Jennifer McGinnis
Analysis of: Third Edition **Committee Counsel**

OVERVIEW: House Bill 576 would: (i) require the 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; (ii) allow DEQ to approve aerosolization as an acceptable method of disposal for leachate wastewater collected from an unlined sanitary landfill; and (iii) provide that aerosolization of leachate or wastewater that results in a zero liquid discharge and is not a significant air contamination source does not constitute a discharge that requires a permit under the air or water permitting statutes.

CURRENT LAW/ BACKGROUND: In February 2016, a working group of the Environmental Review Commission met to discuss a variety of issues related to waste management. During that process, the working group received information on aerosolization as a process for disposal of leachate at landfills, and a briefing on aerosolization projects operating within the State. According to information received by the working group¹, aerosolization of wastewater is a process by which larger particles (50-2,000 microns) are formed into droplets and then dispersed over a relatively small area (100' x 300'). Such projects require a permit from the Department's Division of Waste Management.

BILL ANALYSIS: The bill would modify the statute governing permitting authority of DEQ over establishment and operation of solid waste management facilities to: (i) require that DEQ approve aerosolization as an acceptable method of disposal for leachate wastewater collected from a lined sanitary landfill within the lined area of the landfill; and (ii) allow DEQ to approve aerosolization as an acceptable method of disposal for leachate wastewater collected from an unlined sanitary landfill. Aerosolization would not be allowed, however, for landfills permitted to receive coal ash or swine waste. Applicants for permits for aerosolization would be required to provide DEQ with data that characterizes contaminants of concern around the landfill emanating from aerosolization. The bill would also provide that aerosolization of leachate or wastewater that results in a zero liquid discharge and is

¹ See additional information at [http://www.ncleg.net/gascripts/DocumentSites/browseDocSite.asp?nID=12&sFolderName=\2015-2016 ERC Documents\Waste Working Group \(S.L. 2015-241, Sec. 14.21\(a\)\(b\)\)\1 - February 10, 2016](http://www.ncleg.net/gascripts/DocumentSites/browseDocSite.asp?nID=12&sFolderName=\2015-2016 ERC Documents\Waste Working Group (S.L. 2015-241, Sec. 14.21(a)(b))\1 - February 10, 2016)

Karen Cochrane-Brown
Director



Legislative Analysis
Division
919-733-2578

House Bill 576

Page 2

not a significant air contamination source does not constitute a discharge that requires a permit under the air or water permitting statutes.

DEQ must gather information on approved aerosolization projects and report its findings, including any recommendations for legislative action, to the Environmental Review Commission by March 31, 2018.

EFFECTIVE DATE: The bill would be effective when it becomes law.