

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

FILED SENATE  
Mar 26, 2019  
S.B. 371  
PRINCIPAL CLERK

S

D

SENATE BILL DRS15203-MHfa-72

Short Title: Pre-Regulatory Landfill Moratorium. (Public)

Sponsors: Senator Wells (Primary Sponsor).

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO IMPOSE A PARTIAL MORATORIUM ON COLLECTION OF THE SOLID  
3 WASTE DISPOSAL TAX UNTIL COMPLETION OF THE CURRENT PILOT STUDY  
4 AND DIGITIZATION OF RECORDS.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** Notwithstanding G.S. 130A-295.9 and G.S. 130A-310.11, of the funds  
7 credited to the Inactive Hazardous Sites Cleanup Fund under subdivision (1) of G.S. 105-187.63,  
8 the following amounts in nonrecurring funds are instead appropriated for the 2019-2020 and  
9 2020-2021 fiscal year as provided in this section:

- 10 (1) One million dollars (\$1,000,000) to the Department of Environmental Quality,  
11 to contract for the digitization and addition to databases and inventories  
12 maintained by the Department all remaining sites known to the Division of  
13 Waste Management as containing any waste or contamination over which the  
14 Department has responsibility under applicable law and rules and for which  
15 the Department maintains files only in a non-electronic format.  
16 (2) Eighteen million one hundred thousand dollars (\$18,100,000) to complete  
17 work on the four sites overseen by the Division under the current  
18 pre-regulatory landfill pilot program.  
19 (3) After the purposes set forth in subdivisions (1) and (2) of this section have  
20 been spent or encumbered for those purposes, the Department may use any  
21 remaining funds credited the Inactive Hazardous Sites Cleanup Fund during  
22 fiscal years 2019-2020 and 2020-2021 to fund administrative expenses related  
23 to hazardous and solid waste management.

24 **SECTION 2.(a)** G.S. 105-187.61(a) reads as rewritten:

25 "(a) Tax Rate. – An excise tax is imposed on the disposal of municipal solid waste and  
26 construction and demolition debris in any landfill permitted pursuant to Article 9 of Chapter  
27 130A of the General Statutes at a rate of ~~two dollars (\$2.00)~~ one dollar (\$1.00) per ton of waste.  
28 An excise tax is imposed on the transfer of municipal solid waste and construction and demolition  
29 debris to a transfer station permitted pursuant to Article 9 of Chapter 130A of the General Statutes  
30 for disposal outside the State at a rate of ~~two dollars (\$2.00)~~ one dollar (\$1.00) per ton of waste."

31 **SECTION 2.(b)** G.S. 105-187.63 reads as rewritten:

32 **"§ 105-187.63. Use of tax proceeds.**

33 From the taxes received pursuant to this Article, the Secretary may retain the costs of  
34 collection, not to exceed two hundred twenty-five thousand dollars (\$225,000) a year, as  
35 reimbursement to the Department. The Secretary must credit or distribute taxes received pursuant  
36 to this Article, less the cost of collection, on a quarterly basis as follows:



\* D R S 1 5 2 0 3 - M H F A - 7 2 \*

1           (1) ~~Fifty percent (50%) to the Inactive Hazardous Sites Cleanup Fund established~~  
2           ~~by G.S. 130A-310.11.~~

3           (2) ~~Thirty-seven and one-half percent (37.5%)~~ Seventy-five percent (75%) to  
4           cities and counties in the State on a per capita basis, using the most recent  
5           annual estimate of population certified by the State Budget Officer. One-half  
6           of this amount must be distributed to cities, and one-half of this amount must  
7           be distributed to counties. For purposes of this distribution, the population of  
8           a county does not include the population of a city located in the county.

9           A city or county is excluded from the distribution under this subdivision  
10          if it does not provide solid waste management programs and services and is  
11          not responsible by contract for payment for these programs and services. The  
12          Department of Environmental Quality must provide the Secretary with a list  
13          of the cities and counties that are excluded under this subdivision. The list  
14          must be provided by May 15 of each year and applies to distributions made in  
15          the fiscal year that begins on July 1 of that year.

16          Funds distributed under this subdivision must be used by a city or county  
17          solely for solid waste management programs and services.

18          (3) ~~Twelve and one-half percent (12.5%)~~ Twenty-five percent (25%) to the  
19          General Fund."

20          **SECTION 2.(c)** This section becomes effective July 1, 2021, and expires on the first  
21          day of the first fiscal quarter beginning no less than 180 days following the date the Department  
22          of Environmental Quality has provided a final report to the Joint Legislative Oversight  
23          Committee on Agriculture and Natural and Economic Resources and the Fiscal Research  
24          Division regarding the completion and outcomes of the four-site pilot program for closure of  
25          pre-regulatory landfill sites.

26          **SECTION 3.** Except as otherwise provided, this act is effective July 1, 2019.