

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

- (a) In addition to other powers and duties set forth in this Part, the Department shall:
- (1) Develop a comprehensive solid waste management plan consistent with this Part. The plan shall be developed in consultation with units of local government and shall be updated at least every three years. In developing the State solid waste management plan, the Department shall hold public hearings around the State and shall give notice of these public hearings to all units of local government and regional planning agencies.
  - (2) Provide guidance for the orderly collection, transportation, storage, separation, processing, recovery, recycling, and disposal of solid waste throughout the State.
  - (3) Encourage coordinated local activity for solid waste management within a common geographical area.
  - (4) Provide planning, technical, and financial assistance to units of local government and State agencies for reduction, recycling, reuse, and processing of solid waste and for safe and environmentally sound solid waste management and disposal.
  - (5) Cooperate with appropriate federal agencies, local governments, and private organizations in carrying out the provisions of this Part.
  - (6) Promote and assist the development of solid waste reduction, recycling, and resource recovery programs that preserve and enhance the quality of the air, water, and other natural resources of the State.
  - (7) Maintain a directory of recycling and resource recovery systems in the State and provide assistance with matching recovered materials with markets.
  - (8) Manage a program of grants for programs for recycling and special waste management, and for programs that provide for the safe and proper management of solid waste.
  - (9) Provide for the education of the general public and the training of solid waste management professionals to reduce the production of solid waste, to ensure proper processing and disposal of solid waste, and to encourage recycling and solid waste reduction.
  - (10) Develop descriptive literature to inform units of local government of their solid waste management responsibilities and opportunities.
  - (11) Repealed by Session Laws 1995 (Regular Session, 1996), c. 594, s. 10.
  - (12) Recodified as the second sentence of G.S. 143B-135.204(a) by Session Laws 2023-46, s. 13, effective June 16, 2023.
  - (13) Identify, based on reports required under G.S. 130A-309.14 and any other relevant information, those materials in the municipal solid waste stream that are marketable in the State or any portion thereof and that should be recovered from the waste stream prior to treatment or disposal.
  - (14) Identify and analyze, with assistance from the Department of Commerce pursuant to G.S. 130A-309.14, components of the State's recycling industry and present and potential markets for recyclable materials in this State, other states, and foreign countries.
- (b) Repealed by Session Laws 2007-550, s. 6(b), effective August 1, 2007, and applicable to any application for a permit for a solid waste management facility that is pending on that date.
- (c) The Department shall report to the Environmental Review Commission and the Fiscal Research Division on or before April 15 of each year on the status of solid waste management efforts in the State. The report shall include all of the following:

- (1) A comprehensive analysis, to be updated in each report, of solid waste generation and disposal in the State projected for the 20-year period beginning on July 1, 1991.
- (2) The total amounts of solid waste recycled and disposed of and the methods of solid waste recycling and disposal used during the calendar year prior to the year in which the report is published.
- (3) An evaluation of the development and implementation of local solid waste management programs and county and municipal recycling programs.
- (4) An evaluation of the success of each county or group of counties in meeting the municipal solid waste reduction goal established in G.S. 130A-309.04.
- (5) Recommendations concerning existing and potential programs for solid waste reduction and recycling that would be appropriate for units of local government and State agencies to implement to meet the requirements of this Part.
- (6) An evaluation of the recycling industry, the markets for recycled materials, the recycling of polystyrene, and the success of State, local, and private industry efforts to enhance the markets for these materials.
- (7) Recommendations to the Governor and the Environmental Review Commission to improve the management and recycling of solid waste in the State, including any proposed legislation to implement the recommendations.
- (8) A description of the condition of the Solid Waste Management Trust Fund and the use of all funds allocated from the Solid Waste Management Trust Fund, as required by G.S. 130A-309.12(c).
- (9) A description of the review and revision of bid procedures and the purchase and use of reusable, refillable, repairable, more durable, and less toxic supplies and products by both the Department of Administration and the Department of Transportation, as required by G.S. 130A-309.14(a1)(3).
- (10) A description of the implementation of the North Carolina Scrap Tire Disposal Act that includes the amount of revenue used for grants and to clean up nuisance tire collection under the provisions of G.S. 130A-309.64.
- (11) A description of the management of white goods in the State, as required by G.S. 130A-309.85.
- (12) A summary of the report by the Department of Transportation on the amounts and types of recycled materials that were specified or used in contracts that were entered into by the Department of Transportation during the previous fiscal year, as required by G.S. 136-28.8(g).
- (13) Repealed by Session Laws 2010-142, s. 1, effective July 22, 2010.
- (14) Expired pursuant to Session Laws 2008-136, s. 2, effective October 1, 2023.
- (15) A report on the recycling of discarded computer equipment and televisions in the State pursuant to G.S. 130A-309.140(a).
- (16) An evaluation of the Brownfields Property Reuse Act pursuant to G.S. 130A-310.40.
- (17) Reports on the Inactive Hazardous Waste Response Act of 1987 pursuant to G.S. 130A-310.10.
- (18) A report on the Dry-Cleaning Solvent Cleanup Act of 1997 pursuant to G.S. 143-215.104U(a) until such time as the Act expires pursuant to Part 6 of Article 21A of Chapter 143 of the General Statutes.
- (19) A report on the implementation and cost of the hazardous waste management program pursuant to G.S. 130A-294(i).

- (20) A report on the use of funds for Superfund cleanups and inactive hazardous site cleanups.
  - (21) A report on the management of solar energy equipment pursuant to Part 2J of this Article.
- (d) Repealed by Session Laws 2001-452, s. 3.1, effective October 28, 2001. (1989, c. 784, s. 2; 1991, c. 336, s. 4; c. 621, ss. 3, 4; 1993, c. 250, s. 3; 1995 (Reg. Sess., 1996), c. 594, s. 10; 2001-452, s. 3.1; 2007-550, s. 6(b); 2008-136, s. 2; 2010-142, s. 1; 2013-360, s. 14.16(d); 2017-10, s. 4.14(a); 2020-74, s. 11(b); 2020-78, s. 7.2(b); 2023-46, s. 13; 2023-58, s. 2(b).)