



CHAPTER 130A
ARTICLE 9 - SOLID WASTE MANAGEMENT

N.C.G.S. § 130A-309.09C.

Additional powers of local governments;
construction of this Part; effect of
noncompliance.

SOURCE	LAST AMENDMENT IN THIS TEXT	RETRIEVED	SOURCE FINGERPRINT
General Statutes of North Carolina, as published by the General Assembly	S.L. 2025-66, s. 1(e) — seventh act in the lineage	21 September 2026, 05:13 UTC	0e8d30f04dfd18468bea7db9 - b7398a0c21cff149b437538c - c7f95c3f16edd4b0

- § 130A-309.09C(-a)

To effect the purposes of this Part, counties and municipalities are authorized, in addition to other powers granted pursuant to this Part:

(1)

To contract with persons to provide resource recovery services or operate resource recovery facilities on behalf of the county or municipality.

(2)

To indemnify persons providing resource recovery services or operating resource recovery facilities for liabilities or claims arising out of the provision or operation of such services or facilities that are not the result of the sole negligence of the persons providing the services or operating the facilities.

(3)

To contract with persons to provide solid waste disposal services or operate solid waste disposal facilities on behalf of the county or municipality.
- § 130A-309.09C(-b)

A county or municipality may enter into a written agreement with other persons, including persons transporting solid waste, to undertake to fulfill some or all of the county's or municipality's responsibilities under this Part.
- § 130A-309.09C(-c)

Nothing in this Part shall be construed to prevent the governing board of any county or municipality from providing by ordinance or regulation for solid waste management standards which are stricter or more extensive than those imposed by the State solid waste management program and rules and orders issued to implement the State program.

§ 130A-309.09C(-d)

Nothing in this Part or in any rule adopted by any agency shall be construed to require any county or municipality to participate in any regional solid waste management until the governing board of the county or municipality has determined that participation in such a program is economically feasible for that county or municipality. Nothing in this Part or in any special or local act or in any rule adopted by any agency shall be construed to limit the authority of a municipality to regulate the disposal of solid waste located within its boundaries or generated within its boundaries so long as a facility for any such disposal has been approved by the Department, unless the municipality is included within a solid waste management program created under a joint agency or special or local act. If bonds had been issued to finance a solid waste management program in reliance on State law granting to a unit of local government, a region, or a special district the responsibility for the solid waste management program, nothing herein shall permit any governmental agency to withdraw from the program if the agency's participation is necessary for the financial feasibility of the project, so long as the bonds are outstanding.

§ 130A-309.09C(-e)

Nothing in this Part or in any rule adopted by any State agency pursuant to this Part shall require any person to subscribe to any private solid waste collection service.

§ 130A-309.09C(f)

In the event a region, special district, or other entity by special act or joint agency, has been established to manage solid waste, any duty or responsibility or penalty imposed under this Part on a unit of local government shall apply to such region, special district, or other entity to the extent of the grant of the duty or responsibility or imposition of such penalty. To the same extent, such region, special district, or other entity shall be eligible for grants or other benefits provided pursuant to this Part.

§ 130A-309.09C(-g)

In addition to any other penalties provided by law, a unit of local government that does not comply with the requirements of G.S. 130A-309.09A(b), G.S. 130A-309.09A(d), and G.S. 130A-309.09B(a) shall not be eligible for grants from the Solid Waste Management Trust Fund, the Scrap Tire Disposal Account, or the White Goods Management Account and shall not receive the proceeds of the scrap tire disposal tax imposed by Article 5B of Chapter 105 of the General Statutes or the proceeds of the white goods disposal tax imposed by Article 5C of Chapter 105 of the General Statutes to which the unit of local government would otherwise be entitled. The Secretary shall notify the Secretary of Revenue to withhold payment of these funds to any unit of local government that fails to comply with the requirements of G.S. 130A-309.09A(b), G.S. 130A-309.09A(d), and G.S. 130A-309.09B(a). Proceeds of the scrap tire disposal tax

that are withheld pursuant to this subsection shall be credited to the Highway Fund. Proceeds of the white goods disposal tax that are withheld pursuant to this subsection shall be credited to the Highway Fund.

END OF SECTION TEXT

APPARATUS FOLLOWS — DERIVED, NOT ENACTED

APPARATUS I
7 ACTS

Amendment lineage

The State prints this history as a single parenthetical at the foot of the section. It is reproduced verbatim in the colophon and unpacked below in order of enactment.

1989		2007	2025
TICK HEIGHT = ACTS IN THAT YEAR DASHED = RECODIFICATION, NOT AMENDMENT			
Nº	YEAR	ACT	CHARACTER
01	1989	c. 784, s. 2	ENACTED
02	1989	1989 (Reg. Sess., 1990), c. 1009, s. 4	AMENDED
03	1991	c. 621, s. 9	AMENDED
04	1991	1995 (Reg. Sess., 1996), c. 594, s. 15	AMENDED
05	2013	S.L. 2013-360, ss. 14.16(e), 14.17(d)	AMENDED
06	2013	S.L. 2013-409, s. 3	AMENDED
07	2025	S.L. 2025-66, s. 1(e)	AMENDED

APPARATUS II
3 AUTHORITIES

Authorities referenced

Every G.S. cross-reference appearing in the text of this section, in order of first appearance. Nothing is characterized; the operative language is quoted from the section itself.

REFERENCE	APPEARS IN	OPERATIVE LANGUAGE IN THIS SECTION
G.S. 130A-309.09A(b)	(g)	"not comply with the requirements of"
G.S. 130A-309.09A(d)	(g)	"with the requirements of G.S. 130A-309.09A(b),"
G.S. 130A-309.09B(a)	(g)	"of G.S. 130A-309.09A(b), G.S. 130A-309.09A(d), and"

APPARATUS III

Citation

FULL SECTION

N.C. Gen. Stat. § 130A-309.09C (2025).

PINPOINT

N.C. Gen. Stat. § 130A-309.09C(a) (2025).

Pinpoint keys are set in the left margin of the text rather than line numbers: subsection designators are stable across editions and paper sizes, line numbers are not.

COLOPHON

Provenance

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HISTORY PARENTHETICAL, AS PRINTED BY THE STATE

(1989, c. 784, s. 2; 1989 (Reg. Sess., 1990), c. 1009, s. 4; 1991, c. 621, s. 9; 1995 (Reg. Sess., 1996), c. 594, s. 15; 2013-360, ss. 14.16(e), 14.17(d); 2013-409, s. 3; 2025-66, s. 1(e).)

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