GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2013

H.B. 135 Feb 20, 2013 HOUSE PRINCIPAL CLERK

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Short Title:

HOUSE DRH10060-RIfz-4 (11/29)

(Public)

Sponsors: Representatives Samuelson, McElraft, and McGrady (Primary Sponsors).

Referred to:

Adjust Landfill Permit Fee Timing.

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A BILL TO BE ENTITLED

AN ACT TO MAKE ADJUSTMENTS TO THE FEE SCHEDULE FOR PERMITS FOR SANITARY LANDFILLS AND TRANSFER STATIONS TO REFLECT EXTENSION OF THE DURATION OF THESE PERMITS AS DIRECTED BY S.L. 2012-187, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 130A-294 is amended by adding a new subsection to read:

"(a2) Permits for sanitary landfills and transfer stations shall be issued for (i) a design and operation phase of five years or (ii) a design and operation phase of 10 years. A permit issued for a design and operation phase of 10 years shall be subject to a limited review within five years of the issuance date."

SECTION 2. G.S. 130A-295.8 reads as rewritten:

"§ 130A-295.8. Fees applicable to permits for solid waste management facilities.

- (a) The Solid Waste Management Account is established as a nonreverting account within the Department. All fees collected under this section shall be credited to the Account and shall be used to support the solid waste management program established pursuant to G.S. 130A-294.
 - (b) As used in this section:
 - (1) "New permit" means any of the following:
 - a. An application for a permit for a solid waste management facility that has not been previously permitted by the Department. The term includes one site suitability review, the initial permit to construct, and one permit to operate the constructed portion of a phase included in the permit to construct.
 - b. An application that proposes to expand the boundary of a permitted waste management facility for the purpose of expanding the permitted activity.
 - c. An application that includes a proposed expansion to the boundary of a waste disposal unit within a permitted solid waste management facility.
 - d. An application for a substantial amendment to a solid waste permit, as defined in G.S. 130A-294.
 - (2) "Permit amendment" means any of the following:
 - a. An application for a permit to construct and one permit to operate for the second and subsequent phases of landfill development described



facility. b. An application for the five-year renewal of a permit for a permit solid waste management facility or for a permit review of a permit solid waste management facility. c. Any application that proposes a change in ownership or corpora structure of a permitted solid waste management facility. 3			
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Construction and Demolition Landfill accepting less than 100,000 tons/year 1 (7a)2 of solid waste, New Permit (Ten-Year) – \$22,500. 3 Construction and Demolition Landfill accepting less than 100,000 tons/year (8) 4 of solid waste, Amendment – Amendment (Five-Year) – \$9,000. 5 Construction and Demolition Landfill accepting less than 100,000 tons/year (8a) 6 of solid waste, Amendment (Ten-Year) – \$16,500. 7 (9) Construction and Demolition Landfill accepting less than 100,000 tons/year 8 of solid waste, Modification – Modification (Five-Year) – \$1,500. 9 Construction and Demolition Landfill accepting less than 100,000 tons/year (9a) 10 of solid waste, Major Modification (Ten-Year) – \$4,500. 11 (10)Construction and Demolition Landfill accepting 100,000 tons/year or more of solid waste, New Permit Permit (Five-Year) – \$30,000. 12 13 Construction and Demolition Landfill accepting 100.000 tons/year or more (10a)14 of solid waste, New Permit (Ten-Year) – \$46,000. Construction and Demolition Landfill accepting 100,000 tons/year or more 15 (11)of solid waste, Amendment – Amendment (Five-Year) – \$18,500. 16 17 Construction and Demolition Landfill accepting 100,000 tons/year or more (11a)of solid waste, Amendment (Ten-Year) – \$34,500. 18 19 Construction and Demolition Landfill accepting 100,000 tons/year or more (12)20 of solid waste, Modification—Modification (Five-Year) – \$2,500. 21 (12a) Construction and Demolition Landfill accepting 100,000 tons/year or more of solid waste, Major Modification (Ten-Year) – \$9,250. 22 23 Industrial Landfill accepting less than 100,000 tons/year of solid waste, New (13)24 Permit (Five-Year) – \$15,000. 25 Industrial Landfill accepting less than 100,000 tons/year of solid waste, New (13a)26 Permit (Ten-Year) – \$22,500. 27 (14)Industrial Landfill accepting less than 100,000 tons/year of solid waste, Amendment (Five-Year) – \$9,000. 28 29 Industrial Landfill accepting less than 100,000 tons/year of solid waste, (14a) 30 Amendment (Ten-Year) - \$16,500. 31 Industrial Landfill accepting less than 100,000 tons/year of solid waste, (15)32 Modification (Five-Year) – \$1,500. 33 Industrial Landfill accepting less than 100,000 tons/year of solid waste, (15a) 34 Major Modification (Ten-Year) – \$4,500. Industrial Landfill accepting 100,000 tons/year or more of solid waste, New 35 (16)36 Permit — Permit (Five-Year) – \$30,000. (16a) Industrial Landfill accepting 100,000 tons/year or more of solid waste, New 37 38 Permit (Ten-Year) - \$46,000. 39 Industrial Landfill accepting 100,000 tons/year or more of solid waste, (17)40 Amendment – Amendment (Five-Year) – \$18,500. 41 (17a) Industrial Landfill accepting 100,000 tons/year or more of solid waste, 42 Amendment (Ten-Year) - \$34,500. 43 (18)Industrial Landfill accepting 100,000 tons/year or more of solid waste, Modification (Five-Year) – \$2,500. 44 45 Industrial Landfill accepting 100,000 tons/year or more of solid waste, (18a) Major Modification (Ten-Year) – \$9,250. 46 47 Tire Monofill, New Permit – \$1,750. (19)Tire Monofill, Amendment – \$1,250. 48 (20)49 (21)Tire Monofill, Modification – \$500. 50 Treatment and Processing, New Permit – \$1,750. (22)

Treatment and Processing, Amendment – \$1,250.

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- 1 (24) Treatment and Processing, Modification \$500.
- 2 (25) Transfer Station, New Permit (Five-Year) \$5,000.
- 3 (25a) Transfer Station, New Permit (Ten-Year) \$7,500.
- 4 (26) Transfer Station, Amendment Amendment (Five-Year) \$3,000.
- 5 (26a) Transfer Station, Amendment (Ten-Year) \$5,500.
 - (27) Transfer Station, Modification Modification (Five-Year) \$500.
 - (27a) Transfer Station, Major Modification (Ten-Year) \$1,500.
- 8 (28) Incinerator, New Permit \$1,750.
 - (29) Incinerator, Amendment \$1,250.
- 10 (30) Incinerator, Modification \$500.
- 11 (31) Large Compost Facility, New Permit \$1,750.
- 12 (32) Large Compost Facility, Amendment \$1,250.
- 13 (33) Large Compost Facility, Modification \$500.
- 14 (34) Land Clearing and Inert, New Permit \$1,000.
 - (35) Land Clearing and Inert, Amendment \$500.
 - (36) Land Clearing and Inert, Modification \$250.
 - (d) A permitted solid waste management facility shall pay an annual permit fee on or before 1 August of each year according to the following schedule:
 - (1) Municipal Solid Waste Landfill \$3,500.
 - (2) Post-Closure Municipal Solid Waste Landfill \$1,000.
 - (3) Construction and Demolition Landfill \$2,750.
 - (4) Post-Closure Construction and Demolition Landfill \$500.
 - (5) Industrial Landfill \$2,750.
 - (6) Post-Closure Industrial Landfill \$500.
 - (7) Transfer Station \$750.
 - (8) Treatment and Processing Facility \$500.
 - (9) Tire Monofill \$500.
 - (10) Incinerator \$500.
 - (11) Large Compost Facility \$500.
 - (12) Land Clearing and Inert Debris Landfill \$500.
 - The Department shall determine whether an application for a permit for a solid waste management facility that is subject to a fee under this section is complete within 90 days after the Department receives the application for the permit. A determination of completeness means that the application includes all required components but does not mean that the required components provide all of the information that is required for the Department to make a decision on the application. If the Department determines that an application is not complete, the Department shall notify the applicant of the components needed to complete the application. An applicant may submit additional information to the Department to cure the deficiencies in the application. The Department shall make a final determination as to whether the application is complete within the later of: (i) 90 days after the Department receives the application for the permit less the number of days that the applicant uses to provide the additional information; or (ii) 30 days after the Department receives the additional information from the applicant. The Department shall issue a draft permit decision on an application for a permit within one year after the Department determines that the application is complete. The Department shall hold a public hearing and accept written comment on the draft permit decision for a period of not less than 30 or more than 60 days after the Department issues a draft permit decision. The Department shall issue a final permit decision on an application for a permit within 90 days after the comment period on the draft permit decision closes. The Department and the applicant may mutually agree to extend any time period under this subsection. If the Department fails to act within any time period set out in this subsection, the

- applicant may treat the failure to act as a denial of the permit and may challenge the denial as provided in Chapter 150B of the General Statutes."
- SECTION 3. This act is effective when it becomes law and applies to permit applications submitted on or after July 1, 2013.