

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015**

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**HOUSE BILL 576
Committee Substitute Favorable 4/21/15**

Short Title: Amend Environmental Laws-2.

(Public)

Sponsors:

Referred to:

April 6, 2015

A BILL TO BE ENTITLED
AN ACT TO AMEND CERTAIN ENVIRONMENTAL AND NATURAL RESOURCES
LAWS.

The General Assembly of North Carolina enacts:

**PART I. STUDY COMPUTER EQUIPMENT, TELEVISION, AND ELECTRONICS
RECYCLING PROGRAM**

SECTION 1. The Department of Environment and Natural Resources shall study ways to optimize North Carolina's recycling requirements for discarded computer equipment and televisions. In conducting this study, the Department shall consider (i) the changing waste stream, including the transition from televisions containing cathode ray tubes to flat screen televisions; (ii) the current status of North Carolina's recycling system, including cost and financing issues, and options that may be available to reduce costs and establish sufficient funding to cover necessary costs; (iii) opportunities for more efficient and effective recycling systems; and (iv) any other issue the Department deems relevant. The Department shall report its findings, including specific recommendations for legislative action, to the Environmental Review Commission on or before December 1, 2015.

**PART II. EXTEND THE DURATION OF PERMITS FOR SANITARY LANDFILLS
AND TRANSFER STATIONS TO A FACILITY'S LIFE-OF-SITE**

SECTION 2.(a) G.S. 130A-294 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



1 application for a new permit, ~~the renewal of a permit, major permit~~
2 modification, or a substantial amendment to a permit for a sanitary
3 landfill, excluding demolition landfills as defined in the rules of the
4 Commission, except as provided in subdivisions (3) and (4) of
5 subsection (b1) of this section. No permit shall be granted for a solid
6 waste management facility having discharges that are point sources
7 until the Department has referred the complete plans and
8 specifications to the Commission and has received advice in writing
9 that the plans and specifications are approved in accordance with the
10 provisions of G.S. 143-215.1. In any case where the Department
11 denies a permit for a solid waste management facility, it shall state in
12 writing the reason for denial and shall also state its estimate of the
13 changes in the applicant's proposed activities or plans that will be
14 required for the applicant to obtain a permit.
15

16 (a2) ~~Permits for sanitary landfills and transfer stations shall be issued for (i) a design and~~
17 ~~operation phase of five years or (ii) a design and operation phase of 10 years. A permit issued~~
18 ~~for a design and operation phase of 10 years shall be subject to a limited review within five~~
19 ~~years of the issuance date.~~the life-of-site of the facility unless revoked as otherwise provided
20 under this Article or upon the expiration of any local government franchise required for the
21 facility pursuant to subsection (b1) of this section. For purposes of this section, "life-of-site"
22 means the period from the initial receipt of solid waste at the facility until the Department
23 approves final closure of the facility. Permits issued pursuant to this subsection shall take into
24 account the duration of any permits previously issued for the facility and the remaining
25 capacity at the facility.

26 (a3) Each permit for a sanitary landfill and transfer station shall have a limited review of
27 the permit five years after issuance of the initial permit and at five-year intervals thereafter until
28 expiration of the permit. The limited review includes review of the operational activities at the
29 facility for the preceding time period, as well as future operational plans, financial assurance
30 cost estimates, environmental monitoring plans, closure plans, post-closure plans, and any other
31 applicable plans for the facility. Whenever such review is undertaken, the Department may
32 modify the permit to include additional limitations, standards, or conditions when the technical
33 limitations, standards, or conditions on which the original permit was based have been changed
34 by statute or rule. If, upon such review, the Department finds that repeated material or
35 substantial violations at the sanitary landfill render operation of the facility a danger to human
36 health, safety, and welfare, or the environment, the Department shall modify or revoke the
37 permit. Parties aggrieved by a final decision of the Department pursuant to this subsection may
38 appeal the decision as provided under Article 3 of Chapter 150B of the General Statutes.

39 (b) The Commission shall adopt and the Department shall enforce rules to implement a
40 comprehensive statewide solid waste management program. The rules shall be consistent with
41 applicable State and federal law; and shall be designed to protect the public health, safety, and
42 welfare; preserve the environment; and provide for the greatest possible conservation of
43 cultural and natural resources. Rules for the establishment, location, operation, maintenance,
44 use, discontinuance, recordation, post-closure care of solid waste management facilities also
45 shall be based upon recognized public health practices and procedures, including applicable
46 epidemiological research and studies; hydrogeological research and studies; sanitary
47 engineering research and studies; and current technological development in equipment and
48 methods. The rules shall not apply to the management of solid waste that is generated by an
49 individual or individual family or household unit on the individual's property and is disposed of
50 on the individual's property.

- 1 (b1) (1) For purposes of this subsection and subdivision (4) of subsection (a) of this
2 section, a "substantial amendment" means either:
3 a. An increase of ten percent (10%) or more in:
4 1. The population of the geographic area to be served by the
5 sanitary landfill;
6 2. The quantity of solid waste to be disposed of in the sanitary
7 landfill; or
8 3. The geographic area to be served by the sanitary landfill.
9 b. A change in the categories of solid waste to be disposed of in the
10 sanitary landfill or any other change to the application for a permit or
11 to the permit for a sanitary landfill that the Commission or the
12 Department determines to be substantial.
- 13 (2) A person who intends to apply for a new permit, ~~the renewal of a permit,~~
14 major permit modification, or a substantial amendment to a permit for a
15 sanitary landfill shall obtain, prior to applying for a permit, a franchise for
16 the operation of the sanitary landfill from each local government having
17 jurisdiction over any part of the land on which the sanitary landfill and its
18 appurtenances are located or to be located. A local government may adopt a
19 franchise ordinance under G.S. 153A-136 or G.S. 160A-319. A franchise
20 granted for a sanitary landfill shall be granted for the life-of-site of the
21 landfill, and shall include all of the following:
22 a. A statement of the population to be served, including a description of
23 the geographic area.
24 b. A description of the volume and characteristics of the waste stream.
25 c. A projection of the useful life of the sanitary landfill.
26 d. Repealed by Session Laws 2013-409, s. 8, effective August 23, 2013.
27 e. The procedures to be followed for governmental oversight and
28 regulation of the fees and rates to be charged by facilities subject to
29 the franchise for waste generated in the jurisdiction of the franchising
30 entity.
31 f. A facility plan for the sanitary landfill that shall include the
32 boundaries of the proposed facility, proposed development of the
33 ~~facility site in five-year operational phases, site,~~ the boundaries of all
34 waste disposal units, final elevations and capacity of all waste
35 disposal units, the amount of waste to be received per day in tons, the
36 total waste disposal capacity of the sanitary landfill in tons, a
37 description of environmental controls, and a description of any other
38 waste management activities to be conducted at the facility. In
39 addition, the facility plan shall show the proposed location of soil
40 borrow areas, leachate facilities, and all other facilities and
41 infrastructure, including ingress and egress to the facility.
42 ...
- 43 (4) An applicant for a new permit, ~~the renewal of a permit,~~ major permit
44 modification, or a substantial amendment to a permit for a sanitary landfill
45 shall request each local government having jurisdiction over any part of the
46 land on which the sanitary landfill and its appurtenances are located or to be
47 located to issue a determination as to whether the local government has in
48 effect a franchise, zoning, subdivision, or land-use planning ordinance
49 applicable to the sanitary landfill and whether the proposed sanitary landfill,
50 or the existing sanitary landfill as it would be operated under the ~~renewed or~~
51 major permit modification or substantially amended permit, would be

1 consistent with the applicable ordinances. The request to the local
2 government shall be accompanied by a copy of the permit application and
3 shall be delivered to the clerk of the local government personally or by
4 certified mail. In order to serve as a basis for a determination that an
5 application for a new permit, ~~the renewal of a permit,~~ major permit
6 modification, or a substantial amendment to a permit for a sanitary landfill is
7 consistent with a zoning, subdivision, or land-use planning ordinance, an
8 ordinance or zoning classification applicable to the real property designated
9 in the permit application shall have been in effect not less than 90 days prior
10 to the date the request for a determination of consistency is delivered to the
11 clerk of the local government. The determination shall be verified or
12 supported by affidavit signed by the chief administrative officer, the chief
13 administrative officer's designee, clerk, or other official designated by the
14 local government to make the determination and, if the local government
15 states that the sanitary landfill as it would be operated under the ~~new,~~
16 ~~renewed,~~ new permit, major permit modification, or substantially amended
17 permit is inconsistent with a franchise, zoning, subdivision, or land-use
18 planning ordinance, shall include a copy of the ordinance and the specific
19 reasons for the determination of inconsistency. A copy of the determination
20 shall be provided to the applicant when the determination is submitted to the
21 Department. The Department shall not act upon an application for a permit
22 under this section until it has received a determination from each local
23 government requested to make a determination by the applicant; provided
24 that if a local government fails to submit a determination to the Department
25 as provided by this subsection within 15 days after receipt of the request, the
26 Department shall proceed to consider the permit application without regard
27 to a franchise, local zoning, subdivision, and land-use planning ordinances.
28 Unless the local government makes a subsequent determination of
29 consistency with all ordinances cited in the determination or the sanitary
30 landfill as it would be operated under the ~~new, renewed,~~ new permit, major
31 permit modification, or substantially amended permit is determined by a
32 court of competent jurisdiction to be consistent with the cited ordinances, the
33 Department shall attach as a condition of the permit a requirement that the
34 applicant, prior to construction or operation of the sanitary landfill under the
35 permit, comply with all lawfully adopted local ordinances cited in the
36 determination that apply to the sanitary landfill. This subsection shall not be
37 construed to affect the validity of any lawfully adopted franchise, local
38 zoning, subdivision, or land-use planning ordinance or to affect the
39 responsibility of any person to comply with any lawfully adopted franchise,
40 local zoning, subdivision, or land-use planning ordinance. This subsection
41 shall not be construed to limit any opportunity a local government may have
42 to comment on a permit application under any other law or rule. This
43 subsection shall not apply to any facility with respect to which local
44 ordinances are subject to review under either G.S. 104E-6.2 or
45 G.S. 130A-293.

- 46 (5) As used in this subdivision, "coal-fired generating unit" and "investor-owned
47 public utility" have the same meaning as in G.S. 143-215.107D(a).
48 Notwithstanding subdivisions (a)(4), (b1)(3), or (b1)(4) of this section, no
49 franchise shall be required for a sanitary landfill used only to dispose of
50 waste generated by a coal-fired generating unit that is owned or operated by
51 an investor-owned utility subject to the requirements of G.S. 143-215.107D.

...."

SECTION 2.(b) No later than July 1, 2016, the Environmental Management Commission shall adopt rules to allow applicants for permits for sanitary landfills to apply for a permit for the life-of-site of the facility. No later than July 1, 2016, the Commission shall also adopt rules to allow applicants for permits for transfer stations to apply for a permit to construct and operate a transfer station for the life-of-site of the station.

SECTION 2.(c) 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) "Major permit modification" means either of the following:

a. ~~an~~ An application for any change to the approved engineering plans for a sanitary landfill or transfer station permitted for a 10-year life-of-site design capacity that does not constitute a "permit amendment," "new permit," or "permit modification."

b. An application for a permit to be issued pursuant to G.S. 130A-294(a2), which is issued for a duration of less than a facility's life-of-site based upon permits previously issued to a facility.

(1a) "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.~~ operate.

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 in the approved facility plan for a permitted solid waste management facility.~~

b. An application for the five-year renewal of a permit for a permitted solid waste management facility or for a permit review of a permitted solid waste management facility. This sub-subdivision shall not apply to sanitary landfills or transfer stations.

c. Any application that proposes a change in ownership or corporate structure of a permitted solid waste management facility. This sub-subdivision shall not apply to sanitary landfills or transfer stations.

(3) "Permit modification" means any of the following:

- 1 a. An application for any change to the plans approved in a permit for a
2 solid waste management facility that does not constitute a "permit
3 amendment" or a "new permit". This sub-subdivision shall not apply
4 to sanitary landfills or transfer stations.
- 5 b. ~~A second or subsequent permit to operate for a constructed portion of~~
6 ~~a phase included in the permit to construct.~~
- 7 c. An application for a five-year limited review of a ~~10-year life-of-site~~
8 permit, as required by ~~G.S. 130A-294(a2),~~ G.S. 130A-294(a3),
9 including review of the ~~operations plan, operational activities at the~~
10 ~~facility for the preceding time period, as well as future operational~~
11 ~~plans, closure plan, plans, post-closure plan, plans, financial~~
12 ~~assurance cost estimates, environmental monitoring plans, and any~~
13 ~~other applicable plans for the facility.~~
- 14 (4) "Ownership modification" means any application that proposes a change in
15 ownership or corporate structure of a permitted sanitary landfill or transfer
16 station.
- 17 (e) ~~An applicant for a permit shall pay an application fee upon submission of an~~
18 ~~application according to the following schedule:~~
- 19 (1) ~~Municipal Solid Waste Landfill accepting less than 100,000 tons/year of~~
20 ~~solid waste, New Permit (Five Year) — \$25,000.~~
- 21 (1a) ~~Municipal Solid Waste Landfill accepting less than 100,000 tons/year of~~
22 ~~solid waste, New Permit (Ten Year) — \$38,500.~~
- 23 (2) ~~Municipal Solid Waste Landfill accepting less than 100,000 tons/year of~~
24 ~~solid waste, Amendment (Five Year) — \$15,000.~~
- 25 (2a) ~~Municipal Solid Waste Landfill accepting less than 100,000 tons/year of~~
26 ~~solid waste, Amendment (Ten Year) — \$28,500.~~
- 27 (3) ~~Municipal Solid Waste Landfill accepting less than 100,000 tons/year of~~
28 ~~solid waste, Modification (Five Year) — \$1,500.~~
- 29 (3a) ~~Municipal Solid Waste Landfill accepting less than 100,000 tons/year of~~
30 ~~solid waste, Major Modification (Ten Year) — \$7,500.~~
- 31 (4) ~~Municipal Solid Waste Landfill accepting 100,000 tons/year or more of solid~~
32 ~~waste, New Permit (Five Year) — \$50,000.~~
- 33 (4a) ~~Municipal Solid Waste Landfill accepting 100,000 tons/year or more of solid~~
34 ~~waste, New Permit (Ten Year) — \$77,000.~~
- 35 (5) ~~Municipal Solid Waste Landfill accepting 100,000 tons/year or more of solid~~
36 ~~waste, Amendment (Five Year) — \$30,000.~~
- 37 (5a) ~~Municipal Solid Waste Landfill accepting 100,000 tons/year or more of solid~~
38 ~~waste, Amendment (Ten Year) — \$57,000.~~
- 39 (6) ~~Municipal Solid Waste Landfill accepting 100,000 tons/year or more of solid~~
40 ~~waste, Modification (Five Year) — \$3,000.~~
- 41 (6a) ~~Municipal Solid Waste Landfill accepting 100,000 tons/year or more of solid~~
42 ~~waste, Major Modification (Ten Year) — \$15,000.~~
- 43 (7) ~~Construction and Demolition Landfill accepting less than 100,000 tons/year~~
44 ~~of solid waste, New Permit (Five Year) — \$15,000.~~
- 45 (7a) ~~Construction and Demolition Landfill accepting less than 100,000 tons/year~~
46 ~~of solid waste, New Permit (Ten Year) — \$22,500.~~
- 47 (8) ~~Construction and Demolition Landfill accepting less than 100,000 tons/year~~
48 ~~of solid waste, Amendment (Five Year) — \$9,000.~~
- 49 (8a) ~~Construction and Demolition Landfill accepting less than 100,000 tons/year~~
50 ~~of solid waste, Amendment (Ten Year) — \$16,500.~~

- 1 (9) Construction and Demolition Landfill accepting less than 100,000 tons/year
2 of solid waste, Modification (Five Year) — \$1,500.
- 3 (9a) Construction and Demolition Landfill accepting less than 100,000 tons/year
4 of solid waste, Major Modification (Ten Year) — \$4,500.
- 5 (10) Construction and Demolition Landfill accepting 100,000 tons/year or more
6 of solid waste, New Permit (Five Year) — \$30,000.
- 7 (10a) Construction and Demolition Landfill accepting 100,000 tons/year or more
8 of solid waste, New Permit (Ten Year) — \$46,000.
- 9 (11) Construction and Demolition Landfill accepting 100,000 tons/year or more
10 of solid waste, Amendment (Five Year) — \$18,500.
- 11 (11a) Construction and Demolition Landfill accepting 100,000 tons/year or more
12 of solid waste, Amendment (Ten Year) — \$34,500.
- 13 (12) Construction and Demolition Landfill accepting 100,000 tons/year or more
14 of solid waste, Modification (Five Year) — \$2,500.
- 15 (12a) Construction and Demolition Landfill accepting 100,000 tons/year or more
16 of solid waste, Major Modification (Ten Year) — \$9,250.
- 17 (13) Industrial Landfill accepting less than 100,000 tons/year of solid waste, New
18 Permit (Five Year) — \$15,000.
- 19 (13a) Industrial Landfill accepting less than 100,000 tons/year of solid waste, New
20 Permit (Ten Year) — \$22,500.
- 21 (14) Industrial Landfill accepting less than 100,000 tons/year of solid waste,
22 Amendment (Five Year) — \$9,000.
- 23 (14a) Industrial Landfill accepting less than 100,000 tons/year of solid waste,
24 Amendment (Ten Year) — \$16,500.
- 25 (15) Industrial Landfill accepting less than 100,000 tons/year of solid waste,
26 Modification (Five Year) — \$1,500.
- 27 (15a) Industrial Landfill accepting less than 100,000 tons/year of solid waste,
28 Major Modification (Ten Year) — \$4,500.
- 29 (16) Industrial Landfill accepting 100,000 tons/year or more of solid waste, New
30 Permit (Five Year) — \$30,000.
- 31 (16a) Industrial Landfill accepting 100,000 tons/year or more of solid waste, New
32 Permit (Ten Year) — \$46,000.
- 33 (17) Industrial Landfill accepting 100,000 tons/year or more of solid waste,
34 Amendment (Five Year) — \$18,500.
- 35 (17a) Industrial Landfill accepting 100,000 tons/year or more of solid waste,
36 Amendment (Ten Year) — \$34,500.
- 37 (18) Industrial Landfill accepting 100,000 tons/year or more of solid waste,
38 Modification (Five Year) — \$2,500.
- 39 (18a) Industrial Landfill accepting 100,000 tons/year or more of solid waste,
40 Major Modification (Ten Year) — \$9,250.
- 41 (19) Tire Monofill, New Permit — \$1,750.
- 42 (19a) Tire Monofill, New Permit (Ten Year) — \$2,500.
- 43 (20) Tire Monofill, Amendment — \$1,250.
- 44 (20A) Tire Monofill, Amendment (Ten Year) — \$2,000.
- 45 (21) Tire Monofill, Modification — \$500.
- 46 (21A) Tire Monofill, Major Modification — \$625.
- 47 (22) Treatment and Processing, New Permit — \$1,750.
- 48 (23) Treatment and Processing, Amendment — \$1,250.
- 49 (24) Treatment and Processing, Modification — \$500.
- 50 (25) Transfer Station, New Permit (Five Year) — \$5,000.
- 51 (25a) Transfer Station, New Permit (Ten Year) — \$7,500.

- 1 ~~(26) Transfer Station, Amendment (Five Year) —\$3,000.~~
 2 ~~(26a) Transfer Station, Amendment (Ten Year) —\$5,500.~~
 3 ~~(27) Transfer Station, Modification (Five Year) —\$500.~~
 4 ~~(27a) Transfer Station, Major Modification (Ten Year) —\$1,500.~~
 5 ~~(28) Incinerator, New Permit —\$1,750.~~
 6 ~~(29) Incinerator, Amendment —\$1,250.~~
 7 ~~(30) Incinerator, Modification —\$500.~~
 8 ~~(31) Large Compost Facility, New Permit —\$1,750.~~
 9 ~~(32) Large Compost Facility, Amendment —\$1,250.~~
 10 ~~(33) Large Compost Facility, Modification —\$500.~~
 11 ~~(34) Land Clearing and Inert, New Permit —\$1,000.~~
 12 ~~(35) Land Clearing and Inert, Amendment —\$500.~~
 13 ~~(36) Land Clearing and Inert, Modification —\$250.~~

14 (c1) An applicant for a permit shall pay an application fee to the Department. For
 15 applications for facilities set forth in subdivisions (1) through (16) and (20) through (23), fifty
 16 percent (50%) of the applicable fee shall be paid upon submission of the application,
 17 twenty-five percent (25%) shall be paid at 10 years after issuance of the permit, and twenty-five
 18 percent (25%) shall be paid at 20 years after issuance of the permit. For applications for
 19 facilities set forth in subdivisions (17) through (19) and (24) through (37), the applicable fee
 20 shall be paid upon submission of an application. As of July 1, 2016, the base fees for permits
 21 for sanitary landfills and transfer stations with a life-of-site duration are applicable upon
 22 submission of an application according to the following schedule:

- 23 (1) Municipal Solid Waste Landfill accepting less than 100,000 tons/year of
 24 solid waste, New Permit – \$25,000.
 25 (2) Municipal Solid Waste Landfill accepting less than 100,000 tons/year of
 26 solid waste, Major Modification – \$15,000.
 27 (3) Municipal Solid Waste Landfill accepting 100,000 tons/year or more but less
 28 than 250,000 tons/year of solid waste, New Permit – \$50,000.
 29 (4) Municipal Solid Waste Landfill accepting 100,000 tons/year or more but less
 30 than 250,000 tons/year of solid waste, Major Modification – \$30,000.
 31 (5) Municipal Solid Waste Landfill accepting 250,000 tons/year or more of solid
 32 waste, New Permit – \$75,000.
 33 (6) Municipal Solid Waste Landfill accepting 250,000 tons/year or more of solid
 34 waste, Major Modification – \$55,000.
 35 (7) Construction and Demolition Landfill accepting less than 25,000 tons/year
 36 of solid waste, New Permit – \$15,000.
 37 (8) Construction and Demolition Landfill accepting less than 25,000 tons/year
 38 of solid waste, Major Modification – \$9,000.
 39 (9) Construction and Demolition Landfill accepting 25,000 tons/year or more of
 40 solid waste, New Permit – \$30,000.
 41 (10) Construction and Demolition Landfill accepting 25,000 tons/year or more of
 42 solid waste, Major Modification – \$18,500.
 43 (11) Industrial Landfill accepting less than 100,000 tons/year of solid waste, New
 44 Permit – \$15,000.
 45 (12) Industrial Landfill accepting less than 100,000 tons/year of solid waste,
 46 Major Modification – \$9,000.
 47 (13) Industrial Landfill accepting 100,000 tons/year or more of solid waste, New
 48 Permit – \$30,000.
 49 (14) Industrial Landfill accepting 100,000 tons/year or more of solid waste,
 50 Major Modification – \$18,500.
 51 (15) Tire Monofill, New Permit – \$15,000.

- 1 (16) Tire Monofill, Major Modification – \$9,000.
- 2 (17) Treatment and Processing, New Permit – \$1,750.
- 3 (18) Treatment and Processing, Amendment – \$1,250.
- 4 (19) Treatment and Processing, Modification – \$500.
- 5 (20) Transfer Station accepting less than 25,000 tons/year of solid waste, New
- 6 Permit – \$2,500.
- 7 (21) Transfer Station accepting less than 25,000 tons/year of solid waste, Major
- 8 Modification – \$1,500.
- 9 (22) Transfer Station accepting 25,000 tons/year or more of solid waste, New
- 10 Permit – \$5,000.
- 11 (23) Transfer Station accepting 25,000 tons/year or more of solid waste, Major
- 12 Modification – \$3,000.
- 13 (24) Incinerator, New Permit – \$1,750.
- 14 (25) Incinerator, Amendment – \$1,250.
- 15 (26) Incinerator, Modification – \$500.
- 16 (27) Large Compost Facility, New Permit – \$1,750.
- 17 (28) Large Compost Facility, Amendment – \$1,250.
- 18 (29) Large Compost Facility, Modification – \$500.
- 19 (30) Land Clearing and Inert, New Permit – \$1,000.
- 20 (31) Land Clearing and Inert, Amendment – \$500.
- 21 (32) Land Clearing and Inert, Modification – \$250.
- 22 (33) Municipal Solid Waste Landfill, Ownership Modification – \$5,000.
- 23 (34) Construction and Demolition Waste Landfill, Ownership Modification –
- 24 \$3,000.
- 25 (35) Industrial Landfill, Ownership Modification – \$2,000.
- 26 (36) Tire Monofill, Ownership Modification – \$2,000.
- 27 (37) Transfer Station, Ownership Modification – \$1,000.

28 (c2) After July 1, 2016, facilities for which permits are issued for a period of less than a
29 landfill's life-of-site, based on the duration of all design and operation permits previously issued
30 for the facility, shall pay a proportional amount of the base fee as set forth in subsection (c1) of
31 this section, prorated in accordance with the duration of the permit issued after that date. For
32 facilities subject to this subdivision that submit applications for a permit to be issued pursuant
33 to G.S. 130A-294(a2) for facilities set forth in subdivisions (1) through (16) and (20) through
34 (23) of subsection (c1) of this section, the applicable fee shall be paid as follows: (i) fifty
35 percent (50%) of the applicable fee shall be paid upon submission of the application; (ii)
36 twenty-five percent (25%) shall be paid 10 years after issuance of the permit; and (iii)
37 twenty-five percent (25%) shall be paid at 20 years after issuance of the permit. If the permit
38 issued is for less than 15 years, based on the duration of all design and operation permits
39 previously issued for the facility, the fee shall be paid at other periodic intervals as the
40 Department may require. For applications for facilities set forth in subdivisions (17) through
41 (19) and (24) through (37) of subsection (c1) of this section, the applicable fee shall be paid
42 upon submission of an application. The Department shall adopt rules to implement this
43 subsection.

44 (d) ~~A permitted solid waste management facility shall pay an annual permit fee on or~~
45 ~~before 1 August of each year according to the following schedule:~~

- 46 (1) ~~Municipal Solid Waste Landfill— \$3,500.~~
- 47 (2) ~~Post-Closure Municipal Solid Waste Landfill— \$1,000.~~
- 48 (3) ~~Construction and Demolition Landfill— \$2,750.~~
- 49 (4) ~~Post-Closure Construction and Demolition Landfill— \$500.~~
- 50 (5) ~~Industrial Landfill— \$2,750.~~
- 51 (6) ~~Post-Closure Industrial Landfill— \$500.~~

- 1 (7) ~~Transfer Station—\$750.~~
 2 (8) ~~Treatment and Processing Facility—\$500.~~
 3 (9) ~~Tire Monofill—\$500.~~
 4 (10) ~~Incinerator—\$500.~~
 5 (11) ~~Large Compost Facility—\$500.~~
 6 (12) ~~Land Clearing and Inert Debris Landfill—\$500.~~

7 (d1) A permitted solid waste management facility shall pay an annual permit fee on or
 8 before August 1 of each year according to the following schedule:

- 9 (1) Municipal Solid Waste Landfill accepting less than 100,000 tons/year of
 10 solid waste – \$7,500.
 11 (2) Municipal Solid Waste Landfill accepting 100,000 tons/year or more but less
 12 than 250,000 tons/year of solid waste – \$12,000.
 13 (3) Municipal Solid Waste Landfill accepting 250,000 tons/year or more of solid
 14 waste – \$15,000.
 15 (4) Post-Closure Municipal Solid Waste Landfill – \$1,000.
 16 (5) Construction and Demolition Landfill accepting less than 25,000 tons/year
 17 of solid waste – \$5,500.
 18 (6) Construction and Demolition Landfill accepting 25,000 tons/year or more of
 19 solid waste – \$8,500.
 20 (7) Post-Closure Construction and Demolition Landfill – \$500.
 21 (8) Industrial Landfill accepting less than 100,000 tons/year of solid waste –
 22 \$5,500.
 23 (9) Industrial Landfill accepting 100,000 tons/year or more of solid waste –
 24 \$10,000.
 25 (10) Post-Closure Industrial Landfill – \$500.
 26 (11) Transfer Station accepting less than 25,000 tons/year of solid waste – \$750.
 27 (12) Transfer Station accepting 25,000 tons/year or more of solid waste – \$1,500.
 28 (13) Treatment and Processing Facility – \$500.
 29 (14) Tire Monofill – \$5,500.
 30 (15) Incinerator – \$500.
 31 (16) Large Compost Facility – \$500.
 32 (17) Land Clearing and Inert Debris Landfill – \$500.

33 "

34 **SECTION 2.(d)** G.S. 130A-295.3 reads as rewritten:

35 "**§ 130A-295.3. Environmental compliance review requirements for applicants and**
 36 **permit holders.**

37 ...

38 (b) The Department shall conduct an environmental compliance review of each
 39 applicant for a new ~~permit, permit renewal, permit~~ and permit amendment under this Article.
 40 The environmental compliance review shall evaluate the environmental compliance history of
 41 the applicant for a period of five years prior to the date of the application and may cover a
 42 longer period at the discretion of the Department. The environmental compliance review of an
 43 applicant may include consideration of the environmental compliance history of the parents,
 44 subsidiaries, or other affiliates of an applicant or parent that is a business entity, including any
 45 business entity or joint venturer with a direct or indirect interest in the applicant, and other
 46 facilities owned or operated by any of them. The Department shall determine the scope of the
 47 review of the environmental compliance history of the applicant, parents, subsidiaries, or other
 48 affiliates of the applicant or parent, including any business entity or joint venturer with a direct
 49 or indirect interest in the applicant, and of other facilities owned or operated by any of them.
 50 An applicant for a permit shall provide environmental compliance history information for each
 51 facility, business entity, joint venture, or other undertaking in which any of the persons listed in

1 this subsection is or has been an owner, operator, officer, director, manager, member, or
2 partner, or in which any of the persons listed in this subsection has had a direct or indirect
3 interest as requested by the Department.

4"

5 **SECTION 2.(e)** G.S. 130A-294(b1)(2) applies to franchise agreements executed
6 on or after August 1, 2015. The remainder of this section becomes effective on August 1, 2015,
7 except that G.S. 130A-294, as amended by Section 2(a) of this act, and G.S. 130A-295.8, as
8 amended by Section 2(c) of this act, apply to (i) existing sanitary landfills and transfer stations,
9 with a valid permit issued before the date this act becomes effective, when that permit is next
10 subject to renewal after July 1, 2016, and (ii) new sanitary landfills and transfer stations, for
11 applications submitted on or after July 1, 2016.

12 **PART III. SEVERABILITY CLAUSE AND EFFECTIVE DATE**

13 **SECTION 3.** If any provision of this act or its application is held invalid, the
14 invalidity does not affect other provisions or applications of this act that can be given effect
15 without the invalid provisions or application, and to this end the provisions of this act are
16 severable.
17

18 **SECTION 4.** Except as otherwise provided, this act is effective when it becomes
19 law.