

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2015

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D

HOUSE BILL 576  
PROPOSED COMMITTEE SUBSTITUTE H576-PCS10350-RIF-12

Short Title: Amend Environmental Laws-2.

(Public)

Sponsors:

Referred to:

April 6, 2015

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

4 The General Assembly of North Carolina enacts:

5  
6 **PART I. STUDY COMPUTER EQUIPMENT, TELEVISION, AND ELECTRONICS**  
7 **RECYCLING PROGRAM**

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

18  
19 **PART II. EXTEND THE DURATION OF PERMITS FOR SANITARY LANDFILLS**  
20 **AND TRANSFER STATIONS TO A FACILITY'S LIFE-OF-SITE**

21 **SECTION 2.(a)** G.S. 130A-294 reads as rewritten:

22 **"§ 130A-294. Solid waste management program.**

23 (a) The Department is authorized and directed to engage in research, conduct  
24 investigations and surveys, make inspections and establish a statewide solid waste management  
25 program. In establishing a program, the Department shall have authority to:

26 ...

- 27 (4) a. Develop a permit system governing the establishment and operation  
28 of solid waste management facilities. A landfill with a disposal area  
29 of 1/2 acre or less for the on-site disposal of land clearing and inert  
30 debris is exempt from the permit requirement of this section and shall  
31 be governed by G.S. 130A-301.1. Demolition debris from the  
32 decommissioning of manufacturing buildings, including electric  
33 generating stations, that is disposed of on the same site as the  
34 decommissioned buildings, is exempt from the permit requirement of  
35 this section and rules adopted pursuant to this section and shall be  
36 governed by G.S. 130A-301.3. The Department shall not approve an



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

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

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