



PROPOSED PERMIT FEE CHANGES FOR SANITARY LANDFILLS AND TRANSFER STATIONS

Presentation Outline



- Overview of the Session Law (SB 810)
- Basis for Proposed Permit Fee Changes
- Proposed Permit Fee Changes
- Update on Permit Term Rule Development

SESSION LAW 2012-187
SENATE BILL 810

SECTION 15.1. No later than July 1, 2013, the Commission for Public Health shall adopt rules to allow applicants for sanitary landfills the option to (i) apply for a permit to construct a five-year phase of landfill development and apply to amend the permit to construct subsequent five-year phases of landfill development; or (ii) apply for a permit to construct a 10-year phase of landfill development and apply to amend the permit to construct subsequent 10-year phases of landfill development, with a limited review of the permit five years after issuance of the initial permit and five years after issuance of each amendment for subsequent phases of development. No later than July 1, 2013, the Commission shall also adopt rules to allow applicants for permits for transfer stations the option to (i) apply for a permit with a five-year duration to construct and operate a transfer station; or (ii) apply for a permit with a 10-year duration to construct and operate a transfer station, with a limited review of the permit five years after issuance of the initial permit and five years after issuance of any amendment to the permit. In developing these rules, the Department of Environment and Natural Resources shall examine the current fee schedule for permits for sanitary landfills and transfer stations as set forth under G.S. 130A-295.8 and formulate recommendations for adjustments to the current fee schedule sufficient to address any additional demands associated with review of permits issued for 10-year phases of landfill development and the issuance permits with a duration of up to 10 years for transfer stations. The Department shall report its findings and recommendations, including any legislative proposals, to the Environmental Review Commission on or before December 1, 2012. The rules required by this section shall not become effective until the fee schedule set forth under G.S. 130A-295.8 is amended as necessary to address any additional demands associated with review of permits issued for 10-year phases of landfill development and the issuance of permits with a duration of up to 10 years to construct and operate transfer stations.

Solid Waste Permit Fees

Permit Fees

- G.S. 130A-295.8
- In place for 5 fiscal years
- Permit fees partially fund the implementation of the Solid Waste Program and offset appropriations

Staff

- 44 program staff
- Funded with permit fees and appropriations

Facility Types

- 40 Municipal Solid Waste LF
- 53 Construction and Demolition LF
- 16 Industrial LF
- 86 Transfer Stations

10-Year Permits and Staff FTEs

- Increased initial processing time compared to 5 year permits
- 10 year permits will result in (5 year) reviews that take less time compared to a typical amendment
- Proposed fee adjustments are being made to reflect the amount of work staff will perform

Proposed Solid Waste Permit Fees

Permit Application Types:			New		Amendment		Modification	
Duration:			5-Year	10-Year	5-Year	10-Year	5-Year / Review of 10-Year Permit	10-Year (Major)
# Facilities Active	Facility Type	Category	Fee	Proposed Fee	Fee	Proposed Fee	Fee	Proposed Fee
20	MSWLF	< 100,000 tpy	\$25,000	\$38,500	\$15,000	\$ 28,500	\$ 1,500	\$ 7,500
20	MSWLF	>100,000 tpy	\$50,000	\$77,000	\$30,000	\$ 57,000	\$ 3,000	\$15,000
45	C&DLF	< 100,000 tpy	\$15,000	\$22,500	\$ 9,000	\$ 16,500	\$ 1,500	\$ 4,500
8	C&DLF	>100,000 tpy	\$30,000	\$46,000	\$18,500	\$ 34,500	\$ 2,500	\$ 9,250
5	IND LF	< 100,000 tpy	\$15,000	\$22,500	\$ 9,000	\$ 16,500	\$ 1,500	\$ 4,500
11	IND LF	>100,000 tpy	\$30,000	\$46,000	\$18,500	\$ 34,500	\$ 2,500	\$ 9,250
86	Transfer Station		\$ 5,000	\$ 7,500	\$ 3,000	\$ 5,500	\$ 500	\$ 1,500

Proposed Fee Example

Renewal of MSWLF < 100,000 tpy Permit	Years 1-5	Years 6-10	Total
Active Permit 5-Year Duration 2 x (5-Year Amendment Fee)	\$15,000	\$ 15,000	\$30,000
Active Permit 10-Year Duration 10-Year Amendment Fee + Review of 10-Year Permit Fee	\$28,500	\$ 1,500	\$30,000

**Permit fees remain revenue neutral regardless of permit term-
\$30,000 for a MSW <100,000 tpy (10 year term or two 5 year
terms)**

Permit Fee Summary Points

- Overall amount of permit fee revenue collected will not change under the proposed permit fees
- Timing of payment amounts will be different
- Permit holders will have the choice of selecting a five-year or 10-year permit term under the new state law
- Proposed fees were presented to a small group of industry representatives

Definition of 5-Year Review / Major Modification

Proposed changes to G.S. 130A-295.8

- (3c) Permit modification means any of the following: An application for the five-year review of a ten -year permit including review of the Operations Plan, Closure Plan, Post-Closure Plan, Financial Assurance Cost Estimates, Environmental Monitoring Plans and other applicable plans.
- (4) "Permit major modification" means any of the following: An application for any change to the approved engineering plans for a sanitary landfill or transfer station permitted for a ten year design capacity that does not constitute a "permit amendment" or a "new permit".

Solid Waste Rule Proposal

Proposed new rule language:

15A NCAC 13B .0206 OPTION TO APPLY FOR ISSUANCE OF 10-YEAR PERMIT FOR SANITARY LANDFILL OR TRANSFER STATION

- (a) An applicant for a sanitary landfill or transfer station permit subject to Section .0400, .0500 or .1600 of these rules may apply for a design, construction and operation phase of five years or a design, construction and operation phase of ten years. A permit for a ten-year phase of construction and operation of a sanitary landfill shall meet the five-year phase requirements contained in Section .0500 and .1600, applied in two five-year increments.
- (b) A permit issued for a designed phase of ten years shall be subject to review within five years of the issuance date, as provided in Rule .0201(g). Permit modifications issued for a ten-year phase of construction or operation of a sanitary landfill or transfer station shall be made in accordance with rules in effect at the time of review and include an updated operations plan for the facility, revisions to the closure and post-closure plans and costs, and updates to the environmental monitoring plans.

Solid Waste Rule Proposal

Proposed rule language changes see (2)(g):

15A NCAC 13B .0504 APPLICATION REQUIREMENTS FOR SANITARY LANDFILLS

A permit for a sanitary landfill shall be based upon a particular stream of identified waste, as set forth in Rule .0504 (g)(i) ~~and (ii)~~ of this Section. Any substantial change in the population or area to be served, or in the type, quantity or source of waste shall require a new permit and operation plan, including waste determination procedures where appropriate. ~~Five sets of plans shall be required with each application.~~

(2)(g) Site development showing phases or progression of ~~operation.~~ operation in five-year or ten-year phases of construction and operation.

Proposed Timeline

- OSBM approved the rule fiscal note (11/12)
- Publication of proposed rules in the NC Register (1/2/13)
- Effective date of the proposed rules (7/1/13 ?)
- Approval of proposed fee changes?
- Summer 2013 ?- Agency will review applications for 10 year permits



Questions ?