

GENERAL ASSEMBLY OF NORTH CAROLINA  
1987 SESSION

CHAPTER 1020  
HOUSE BILL 2623

AN ACT TO CLARIFY THE FEES APPLICABLE TO GENERATORS AND  
TRANSPORTERS OF HAZARDOUS WASTE, AND TO HAZARDOUS WASTE  
STORAGE, TREATMENT, AND DISPOSAL FACILITIES.

The General Assembly of North Carolina enacts:

**Section 1.** G.S. 130A-290 is amended by inserting the following new subsections:

"(1b) 'Commercial' when applied to a hazardous waste facility, means a hazardous waste facility that accepts hazardous waste from the general public or from another person for a fee.

(7b) 'Hazardous waste management program' means the program and activities within the Department pursuant to Part 2 of this Article, for hazardous waste management."

**Sec. 2.** G.S. 130A-294.1 as effective from 1 July 1988, is rewritten to read:

"§ **130A-294.1. Fees applicable to generators and transporters of hazardous waste, and to hazardous waste storage, treatment, and disposal facilities.**—(a) It is the intent of the General Assembly that the fee system established by this section is solely to provide funding in addition to federal and State appropriations to support the State's hazardous waste management program.

(b) Funds collected pursuant to this section shall be used for personnel and other resources necessary to:

- (1) Provide a high level of technical assistance and waste minimization effort for the hazardous waste management program;
- (2) Provide timely review of permit applications;
- (3) Insure that permit decisions are made on a sound technical basis and that permit decisions incorporate all conditions necessary to accomplish the purposes of this Part;
- (4) Improve monitoring and compliance of the hazardous waste management program;
- (5) Increase the frequency of inspections;
- (6) Provide chemical, biological, toxicological, and analytical support for the hazardous waste management program; and
- (7) Provide resources for emergency response to imminent hazards associated with the hazardous waste management program.

(c) It is the intent of the General Assembly that the total funds collected per year pursuant to this section shall not exceed twenty-five percent (25%) of the total funds

budgeted from all sources for the hazardous waste management program. This subsection shall not be construed to limit the obligation of any person to pay any fee imposed by this section.

(d) All fees collected by the Department under this section shall be deposited in a separate nonreverting fund within the Office of State Budget to be used, subject to appropriation by the General Assembly, to pay a portion of the State's share of the cost of the hazardous waste management program.

(e) A person who generates either one kilogram or more of any acute hazardous waste as listed in 40 C.F.R. § 261.30(d) or § 261.33(e) as revised 1 July 1987, or 1000 kilograms or more of hazardous waste, in any calendar month during the year beginning 1 July and ending 30 June shall pay an annual fee of five hundred dollars (\$500.00).

(f) A person who generates 100 kilograms or more of hazardous waste in any calendar month during year beginning 1 July and ending 30 June but less than 1000 kilograms of hazardous waste in each calendar month during that year shall pay an annual fee of twenty-five dollars (\$25.00).

(g) A person who generates one kilogram or more of acute hazardous waste or 1000 kilograms or more of hazardous waste in any calendar month during the calendar year shall pay, in addition to any fee under subsections (e) and (f) of this section, a tonnage fee of fifty cents (\$0.50) per ton or any part thereof of hazardous waste generated during that year up to a maximum of 25,000 tons.

(h) A person who generates less than one kilogram of acute hazardous waste and less than 100 kilograms of hazardous waste in each calendar month during the year beginning 1 July and ending 30 June shall not be liable for payment of a fee under subsections (e) and (f) of this section for that year.

(i) Hazardous waste generated as a result of any type of remedial action or by collection by a local government of hazardous waste from households shall not be subject to a tonnage fee under subsection (g) and (l) of this section.

(j) A person who transports hazardous waste shall pay an annual fee of six hundred dollars (\$600.00).

(k) A storage, treatment, or disposal facility shall pay an annual activity fee of one thousand two hundred dollars (\$1,200) for each activity.

(l) A commercial hazardous waste storage, treatment, or disposal facility shall pay annually, in addition to the fees applicable to all hazardous waste storage, treatment or disposal facilities, a single tonnage charge of one dollar and seventy-five cents (\$1.75) per ton or any part thereof of hazardous waste stored, treated, or disposed of at the facility.

(m) An applicant for a permit for a hazardous waste storage, treatment, or disposal facility that proposes to operate as a commercial facility shall pay an application fee for each proposed activity as follows:

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|-----|--------------------|-----------|
| (1) | Storage facility   | \$10,000; |
| (2) | Treatment facility | \$15,000; |
| (3) | Disposal facility  | \$25,000. |

(n) The Commission may adopt rules setting fees for modifications to permits. Such fees shall not exceed fifty percent (50%) of the application fee.

(o) Annual fees established under this section are due no later than 31 July for the fiscal year beginning 1 July in the same year. Tonnage fees established under this section are due no later than 31 July for the previous calendar year.

(p) The Department shall make an annual report to the General Assembly and its Fiscal Research Division on the cost of the hazardous waste management program. The report shall include, but is not limited to, beginning fund balance, fees collected under this section, anticipated revenue from all sources, total expenditures (by activities and categories) for the hazardous waste management program, ending fund balance, any recommended adjustments in the annual and tonnage fees which may be necessary to assure the continued availability of funds sufficient to pay the State's share of the cost of the hazardous waste management program, and any other information requested by the General Assembly."

**Sec. 3.** This act shall not be construed to affect any obligation to pay fees due under this section as in effect prior to 1 July 1988.

**Sec. 4.** Notwithstanding any other provision of law, all fees collected but not expended by the Department of Human Resources under Chapter 773 of the 1987 Session Laws shall, as of the effective date of this act, be placed in the fund created pursuant to G.S. 130A-294.1(d) as set out in section 2 of this act.

**Sec. 5.** The last sentence of Section 24 of Chapter 876 of the 1987 Session Laws, is repealed.

**Sec. 6.** The Department of Human Resources shall study the application of tonnage fees imposed by Section 2 of this act to wastewaters. The study shall include an analysis of wastewater tonnage fees in the context of tonnage fees or other waste forms, alternate rates and methods of calculation of wastewater tonnage fees, and the effect of any recommended charges on the overall fee schedule. The Department shall report its findings and recommendations, if any, to the 1989 General Assembly and its Fiscal and General Research Divisions, and may include such findings and recommendations in the report required by G.S. 130A-294.1(p) as set out in Section 2 of this act.

**Sec. 7.** This act shall become effective 1 July 1988.

In the General Assembly read three times and ratified this the 29th day of June, 1988.