

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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HOUSE BILL 2845

Short Title: Statewide Waste Tipping Fees/Permit Fees.

(Public)

Sponsors: Representatives Haire, Glazier (Primary Sponsors); and Lucas.

Referred to: Finance.

May 30, 2006

A BILL TO BE ENTITLED

AN ACT TO CREATE A STATEWIDE TIPPING FEE ON THE DISPOSAL AND TRANSFER OF MUNICIPAL SOLID WASTE AND TO DIRECT THAT FUNDS COLLECTED FROM THE TIPPING FEE BE USED TO ADDRESS THE ENVIRONMENTAL AND ECONOMIC IMPACTS OF SOLID WASTE AND TO ESTABLISH A FEE SCHEDULE FOR SOLID WASTE MANAGEMENT FACILITIES' PERMITS.

The General Assembly of North Carolina enacts:

SECTION 1. Part 2A of Article 9 of Chapter 130A of the General Statutes is amended by adding a new section to read:

"§ 130A-309.08A. Solid waste disposal fee; use of proceeds.

(a) Fee Imposed. – A fee of two dollars (\$2.00) per ton of waste is imposed on the disposal of municipal solid waste in any landfill permitted pursuant to this Part. A fee of two dollars (\$2.00) per ton of waste is imposed on the transfer of solid waste to a transfer station permitted pursuant to this Part for disposal outside the State.

(b) Determination and Payment of Fee. – The owner or operator of each landfill and transfer station permitted pursuant to this Part shall maintain scales, designed to determine waste tonnage, that are approved by the Department of Agriculture and Consumer Services. Each owner or operator shall record waste tonnage at the time the waste is received and calculate and record the fees due under this section for each quarter of the calendar year on forms approved by the Department. Each owner or operator shall provide these completed forms, report the total number of tons of waste received, and pay the fees due for each quarter of the calendar year to the Department no later than the 15th day of the following calendar month. The Department shall credit all fees received under this section to the Inactive Hazardous Sites Cleanup Fund established by G.S. 130A-310.11.

(c) Use of Proceeds. – The Department shall use the proceeds of the fees imposed by this section for purposes of addressing the environmental and economic impacts of solid waste disposal, including remediation of contamination resulting from

1 disposal of solid waste, redevelopment of contaminated sites, and support for local
 2 government solid waste reduction and recycling initiatives."

3 **SECTION 2.** G.S. 130A-310.11 reads as rewritten:

4 **"§ 130A-310.11. Inactive Hazardous Sites Cleanup Fund created.**

5 (a) There is established under the control and direction of the Department the
 6 Inactive Hazardous Sites Cleanup Fund. This fund shall be a revolving fund consisting
 7 of any monies appropriated for such purpose by the General Assembly or available to it
 8 from grants, fees, and other monies paid to it or recovered by or on behalf of the
 9 Department. The Inactive Hazardous Sites Cleanup Fund shall be treated as a
 10 nonreverting special trust fund and shall be credited with interest by the State Treasurer
 11 pursuant to G.S. 147-69.2 and G.S. 147-69.3.

12 (b) Funds credited to the Inactive Hazardous Sites Cleanup Fund pursuant to
 13 G.S. 130A-309.8A shall be used only as provided in G.S. 130A-309.08A(c)."

14 **SECTION 3.** Part 2 of Article 9 of Chapter 130A of the General Statutes is
 15 amended by adding a new section to read:

16 **"§ 130A-293.1. Fees applicable to permits for solid waste management facilities.**

17 (a) It is the intent of the General Assembly that the fee system established by this
 18 section is solely to provide funding in addition to State appropriations to support the
 19 State's solid waste management program.

20 (b) The Solid Waste Management Account is established as a nonreverting
 21 account within the Department. All fees collected under this section shall be credited to
 22 the Account and shall be used for personnel and other resources necessary to do any one
 23 or more of the following:

- 24 (1) Provide a high level of professional review and consideration of permit
 25 applications for solid waste landfills and other solid waste
 26 management facilities.
- 27 (2) Provide timely review of permit applications.
- 28 (3) Provide improved monitoring and compliance of solid waste
 29 management facilities.
- 30 (4) Provide review and update of rules recognizing advances in
 31 technology and research to better protect public health and the
 32 environment.

33 (c) Applicants for permits shall pay an application fee according to the following
 34 schedule:

<u>Facility/Fee Type</u>		<u>Fee</u>
<u>Municipal Solid Waste</u>	<u>New Permit</u>	<u>\$25,000</u>
<u>Landfill accepting less than</u> <u>100,000 tons/year of solid</u> <u>waste</u>	<u>Amendment</u> <u>Modification</u>	<u>\$15,000</u> <u>\$1,500</u>
<u>Municipal Solid Waste</u>	<u>New Permit</u>	<u>\$50,000</u>
<u>Landfill accepting 100,000</u>		

1	<u>tons/year or more of solid</u>		
2	<u>waste</u>		
3		<u>Amendment</u>	<u>\$30,000</u>
4		<u>Modification</u>	<u>\$3,000</u>
5			
6	<u>Construction and Demolition</u>	<u>New Permit</u>	<u>\$15,000</u>
7	<u>and Industrial Landfills</u>		
8	<u>accepting less than 100,000</u>	<u>Amendment</u>	<u>\$9,000</u>
9	<u>tons/year of solid waste</u>	<u>Modification</u>	<u>\$1,500</u>
10			
11	<u>Construction and Demolition</u>	<u>New Permit</u>	<u>\$30,000</u>
12	<u>and Industrial Landfills</u>		
13	<u>accepting 100,000 tons/year</u>		
14	<u>or more</u>	<u>Amendment</u>	<u>\$18,500</u>
15		<u>Modification</u>	<u>\$2,500</u>
16			
17	<u>Tire Monofill</u>	<u>New Permit</u>	<u>\$2,000</u>
18		<u>Amendment</u>	<u>\$1,200</u>
19		<u>Modification</u>	<u>\$500</u>
20			
21	<u>Treatment and Processing</u>	<u>New Permit</u>	<u>\$2,000</u>
22	<u>Facility for Construction and</u>		
23	<u>Demolition Waste, Medical</u>		
24	<u>Waste, Land Clearing and</u>	<u>Amendment</u>	<u>\$1,200</u>
25	<u>Inert Debris, and</u>	<u>Modification</u>	<u>\$500</u>
26	<u>Industrial Waste</u>		
27			
28	<u>Transfer Stations</u>	<u>New Permit</u>	<u>\$5,000</u>
29		<u>Amendment</u>	<u>\$3,000</u>
30		<u>Modification</u>	<u>\$750</u>
31			
32	<u>Incinerator</u>	<u>New Permit</u>	<u>\$2,000</u>
33		<u>Amendment</u>	<u>\$1,200</u>
34		<u>Modification</u>	<u>\$500</u>
35			
36	<u>Large Compost Facility</u>	<u>New Permit</u>	<u>\$2,000</u>
37		<u>Amendment</u>	<u>\$1,200</u>
38		<u>Modification</u>	<u>\$500</u>
39			
40	<u>Land Clearing and Inert</u>	<u>New Permit</u>	<u>\$1,000</u>
41	<u>Debris Landfill</u>		
42		<u>Amendment</u>	<u>\$500</u>
43		<u>Modification</u>	<u>\$250</u>
44			

1 (d) The application permit fee under this section shall be payable upon
 2 submission of the initial permit application.

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

<u>Facility/Fee Type</u>		<u>Fee</u>
<u>Municipal Solid Waste</u>	<u>Annual</u>	<u>\$3,000</u>
<u>Landfill</u>		
	<u>Post-Closure</u>	<u>\$1,000</u>
<u>Construction and</u>	<u>Annual</u>	<u>\$2,500</u>
<u>Demolition Landfill and</u>		
<u>Industrial Landfill</u>		
	<u>Post-Closure</u>	<u>\$1,000</u>
<u>Transfer Station</u>	<u>Annual</u>	<u>\$750</u>
<u>Treatment and Processing</u>	<u>Annual</u>	<u>\$500</u>
<u>Facility</u>		
<u>Tire Monofill</u>	<u>Annual</u>	<u>\$1,000</u>
<u>Incinerators</u>	<u>Annual</u>	<u>\$1,000</u>
<u>Large Compost Facility</u>	<u>Annual</u>	<u>\$500</u>
<u>Land Clearing and Inert</u>	<u>Annual</u>	<u>\$500</u>
<u>Debris Landfill</u>		

27 (f) As used in this section, the following definitions apply:

28 (1) 'New permit' means all of the following:

- 29 a. An application for a new solid waste management facility not
 30 previously permitted by the Department.
- 31 b. An application that proposes to expand the boundary of a
 32 permitted waste management facility for the purpose of
 33 expanding the permitted activity.
- 34 c. Any application that includes a proposed expansion to the
 35 boundary of a waste disposal unit within an existing permitted
 36 solid waste management facility.
- 37 d. Any application that proposes a transfer of ownership of a
 38 permitted solid waste management facility.
- 39 e. An application for a substantial amendment to a solid waste
 40 permit, as defined in G.S. 130A-294(b1).

41 (2) 'Permit amendment' means all of the following:

1 a. An application for a permit to construct for the second and
2 subsequent phases of landfill development depicted in the
3 approved facility plan for an existing sanitary landfill permit.

4 b. An application for a renewal or a permit review every five years
5 after issuance of the existing solid waste management facility
6 permit, as required by rule.

7 (3) 'Permit modification' means an application for any change to the plans
8 approved in the existing permit for a solid waste management facility
9 that does not constitute a 'permit amendment' or a 'new permit' except
10 that a new permit application that only proposes to transfer ownership
11 of a permitted solid waste management facility shall be a permit
12 modification for purposes of this section."

13 **SECTION 4.** The Environmental Management Commission may adopt rules
14 to implement this act.

15 **SECTION 5.** Section 1 of this act becomes effective January 1, 2007.
16 Sections 2 through 7 of this act are effective when it becomes law. Notwithstanding
17 G.S. 130A-291.3(c), as enacted by Section 3 of this act, the fee for any application on
18 file as of the date of enactment is due within 60 days of enactment or prior to receipt of
19 the permit, whichever occurs first.