

§ 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(b), (d) Repealed by Session Laws 2015-241, s. 14.20(c), effective October 1, 2015.

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

- (1) Municipal Solid Waste Landfill accepting less than 100,000 tons/year of solid waste – \$6,125.
- (2) Municipal Solid Waste Landfill accepting 100,000 tons/year or more but less than 250,000 tons/year of solid waste – \$7,000.
- (3) Municipal Solid Waste Landfill accepting 250,000 tons/year or more of solid waste – \$8,750.
- (4) Post-Closure Municipal Solid Waste Landfill – \$1,000.
- (5) Construction and Demolition Landfill accepting less than 25,000 tons/year of solid waste – \$4,813.
- (6) Construction and Demolition Landfill accepting 25,000 tons/year or more of solid waste – \$5,500.
- (7) Post-Closure Construction and Demolition Landfill – \$500.
- (8) Industrial Landfill accepting less than 100,000 tons/year of solid waste – \$5,500.
- (9) Industrial Landfill accepting 100,000 tons/year or more of solid waste – \$6,875.
- (10) Post-Closure Industrial Landfill – \$500.
- (11) Transfer Station accepting less than 25,000 tons/year of solid waste – \$1,500.
- (12) Transfer Station accepting 25,000 tons/year or more of solid waste – \$1,875.
- (13) Treatment and Processing Facility – \$750.00.
- (14) Tire Monofill – \$1,000.
- (14a) Post-Closure Tire Monofill – \$500.00.
- (15) Incinerator accepting less than 200 tons per day of solid waste – \$500.00.
- (15a) Incinerator accepting more than 200 tons per day of solid waste – \$1,000.
- (16) Large Compost Facility – \$800.00.
- (16a) Small Compost Facility – \$300.00.
- (17) Land Clearing and Inert Debris Landfill – \$900.00.

(d2) Upon submission of an application for a new permit, an applicant shall pay an application fee in the amount of twenty-five percent (25%) of the annual permit fee imposed for that type of solid waste management facility as identified in subdivisions (1) through (17) of subsection (d1) of this section.

(d3) Upon submission of an application for a permit modification to a solid waste management facility identified in subdivisions (1) through (12) of subsection (d1) of this section, an applicant shall pay an application fee of five hundred dollars (\$500.00).

(d4) When a cumulative impact review is required to be conducted in accordance with G.S. 130A-294(a)(4)c. for an application for a new permit, the permit application fee required by subsection (d2) of this section shall be increased by one thousand dollars (\$1,000).

(d5) If a solid waste management facility identified in subdivision (4), (7), (10), or (14a) of subsection (d1) of this section is required by the Department to conduct assessment and corrective action activities, the annual permit fee imposed for that type of solid waste management facility shall be increased by seven hundred fifty dollars (\$750.00) during each year

that the facility is conducting assessment and corrective action activities, until released from the requirement by the Department.

(e) The Department shall determine whether an application for a permit for a solid waste management facility that is subject to a fee under this section is complete within 90 days after the Department receives the application for the permit. A determination of completeness means that the application includes all required components but does not mean that the required components provide all of the information that is required for the Department to make a decision on the application. If the Department determines that an application is not complete, the Department shall notify the applicant of the components needed to complete the application. An applicant may submit additional information to the Department to cure the deficiencies in the application. The Department shall make a final determination as to whether the application is complete within the later of: (i) 90 days after the Department receives the application for the permit less the number of days that the applicant uses to provide the additional information; or (ii) 30 days after the Department receives the additional information from the applicant. The Department shall issue a draft permit decision on an application for a permit within one year after the Department determines that the application is complete. The Department shall hold a public hearing and accept written comment on the draft permit decision for a period of not less than 30 or more than 60 days after the Department issues a draft permit decision. The Department shall issue a final permit decision on an application for a permit within 90 days after the comment period on the draft permit decision closes. The Department and the applicant may mutually agree to extend any time period under this subsection. If the Department fails to act within any time period set out in this subsection, the applicant may treat the failure to act as a denial of the permit and may challenge the denial as provided in Chapter 150B of the General Statutes. (2007-550, s. 13(a); 2013-408, s. 2; 2015-241, s. 14.20(c); 2015-286, s. 4.9(b), (d); 2017-10, ss. 3.1(b), (d), 3.2(a), (b), (e); 2023-134, s. 12.14(c).)