

Fiscal Note

Amendments to 15A NCAC 13B Section .0200 Rules: Permits for Solid Waste Management Facilities

Amendment to Existing Rule .0201 - Permit Required;

Amendment to Existing Rule .0206 - Option to Apply for Issuance of 10-Year Permit for Sanitary Landfill or Transfer Station;

Adoption of New Rule .0207 – Life-of-Site Permit Issued for a Sanitary Landfill or Transfer Station

Prepared by

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Basic Information

Commission:	Environmental Management Commission (Groundwater and Waste Management Committee)
Agency	Department of Environmental Quality, Division of Waste Management (DWM), Solid Waste Section
Title	<ul style="list-style-type: none"> • Permit Required • Option to Apply for Issuance of 10-Year Permit for Sanitary Landfill or Transfer Station • Life-of-Site Permit Issued for a Sanitary Landfill or Transfer Station
Citation	15A NCAC 13B .0201, .0206, and .0207
Description of the Proposed Rules	It is the responsibility of the Division of Waste Management to regulate how solid waste is managed within the state under the statutory authority of G.S. Chapter 130A-294. Rules .0201, .0206, and .0207 collectively establish the conditions which require that any permit for solid waste management be obtained from the Division, the duration of permits for sanitary landfills and transfer stations, and the requirements for permit application and approval for sanitary landfills and transfer stations.
Agency Contact	Jessica Montie Compliance Officer Jessica.Montie@ncdenr.gov (919) 707-8247
Authority	G.S. 130A-294; Session Law 2015-241; Session Law 2015-286
Statement of Necessity	Session Law 2015-241, as amended by Session Law 2015-286, requires that the EMC adopt rules to implement the requirement for sanitary landfills and transfer stations to be given permits for the life of site of the facilities. The Division is proposing amendments to 15A NCAC 13B .0201 and .0206 to accommodate life of site permits, and is proposing 15A NCAC 13B .0207 as a new rule for life of site permits.
Impact Summary	State government: .0201 has no impact to state government; .0206 and .0207 have impacts to state government. Local government: No Substantial impact: No

Rule Summary and Reason for Rule Changes

It is the responsibility of the Division of Waste Management (Division) Solid Waste Section (Section) to regulate how solid waste is managed within the state under the statutory authority of G.S. Chapter 130A-294. State rules governing solid waste management are found in Title 15A, Subchapter 13B of the North Carolina Administrative Code.

Session Law 2015-241 (HB97), Section 14.20., pages 228-235 (LANDFILL CHANGES), as amended by Session Law 2015-286 (HB765), Section 4.9., pages 29-36 (MODIFY EFFECTIVE DATE FOR LIFE-OF-SITE PERMITS FOR SANITARY LANDFILLS AND TRANSFER STATIONS AND MAKE OTHER TECHNICAL, CLARIFYING, AND CONFORMING CHANGES), revised GS 130A-294 Solid Waste Management Program to state that permits for sanitary landfills and transfer stations shall be issued for the life-of-site of a facility, thereby requiring the Department of Environmental Quality to present to the Environmental Management Commission rule changes to amend existing rules .0201 and .0206 to accommodate the change, and to adopt a new rule (included herein as rule .0207) covering life-of-site permits. Section 4.9(b) of the Session Law also adjusted the permit fee structure for life-of-site permits where the permit applicant pays only an annual fee over the life of the site, and no longer has to pay an initial application fee or subsequent application and permit modification fees. The costs and savings represented in this document stem from the changes to state law and not the proposed rule changes. The proposed rule changes are necessary to comply with new state laws, and are in the public interest because they provide the regulated community with opportunities for greater permit length.

The proposed effective date for the .0201 and .0206 proposed rule amendments, and the .0207 proposed rule adoption is September 1, 2016; however, as stated in the Session Law, the provisions established in the Session Law will become effective July 1, 2016.

The text of the proposed rule amendments and the new rule proposed for adoption are located in Appendix A, and the proposed rule-making schedule is included in Appendix B. The applicable sections from the Session Laws are included in Appendix C.

Description of Rule Amendments

15A NCAC 13B Rule .0201 “Permit Required” establishes conditions which require that a permit for a solid waste management facility be obtained from the Division. Rule .0201 is being amended to clarify in section (d) Parts 1 and 2 the fact that solid waste management facilities would be obtaining one permit, however that permit requires two separate approval stages, approval to construct and approval to operate. The change was also due in part to clarify references in the Coal Ash Management Act to the facilities obtaining a “permit”, but did not specify that a “permit” consisted of both the approval to construct and approval to operate. The remaining changes were made as a result of comments from the Rules Review Commission counsel during a pre-review of the rule.

15A NCAC 13B Rule .0206 “Option to Apply for Issuance of 10-Year Permit for Sanitary Landfill or Transfer Station” currently establishes provisions for the permitting of sanitary landfills and transfer stations for a duration of ten years, which was an increase from the previous duration of five years. The rule was adopted in July 2013 and was a requirement of Session Law 2012-187. Rule .0206 is being amended to remove section (a) which allows sanitary landfills and transfers stations to apply for a permit with a duration of ten years. Section (b) (which now becomes the only section) is being amended to state that it only applies to permits issued before July 1, 2016, as any permit issued for those types of facilities on or after that date is now required to be a life of site permit. Note that this rule cannot yet be wholly repealed as some facilities who have already obtained a ten-year permit are still subject to those requirements until their permit is up for renewal, unless they choose to apply for a life of site permit before their current permit expires. The remaining changes were made as a result of comments from the Rules Review Commission counsel during a pre-review of the rule.

15A NCAC 13B Rule .0207 “Life-of-Site Permit Issued for a Sanitary Landfill or Transfer Station” is a new rule proposed for adoption to establish provisions for the permitting of sanitary landfills and transfer stations for the life of the site as required by Session Law. The rule addresses different requirements for new life of site permit applications for sanitary landfills, life of site permit applications for sanitary landfills with existing permits, new life of site permit applications for transfer stations, and life of site permit applications for transfer stations with existing permits. This rule has also had an initial review by the Rules Review Counsel and changes were made as a result of their comments.

Impact Analysis

State Government Impacts

The proposed changes to rule 13B .0201 have no impact to state revenue or expenditures. The proposed changes to rule 13B .0206 and proposed new rule 13B .0207 have only minimal impact to state expenditures and revenue due to the fact that the Section does not anticipate any noticeable change in state personnel time spent, as the requirements for existing facilities to transition to a life of site permit stated in .0206 and .0207 are minimal, and based on the small number of new facility applications received in recent years, very few new facility permit applications for life of site are expected. We also expect that facilities will continue doing permit modifications and amendments as they have in the past, generally on a five year basis, as 13B .0207(d) indicates that modifications should not be done at a frequency greater than five years. Also, the proposed rule changes do not contain any fees or changes to fees. However, the statute which contains the fees for solid waste management facilities (GS 130A-295.8) was revised in Session Law 2015-286 (HB765), and the statute revisions to the fee structure do have an impact on state government annual revenue.

Session Law 2015-286 (HB765) amended the permit fee structure in GS 130A-295.8 to allow permitted solid waste management facilities to pay only an annual fee over the life of the site (part d1 of the law) and amended the new facility application fee to be 10% of the annual fee for that facility type (part d2 of the law). The revisions removed the fees for permit amendments and modifications, and for permit renewals as the Session Law revisions changed the permit length from ten years to the life of the site. The Solid Waste Section had previously calculated new annual fees for the life of the site which would be equivalent to the current average amount a facility could expect to spend over the life of the site for initial and renewal permit application fees and permit modification and amendment fees. The calculations are shown on Table 1 below. However, the annual fees in GS 130A-295.8(d1) as revised by Session Law 2015-286 (HB765) were lower than the fees calculated by the Section. The Section is not aware of the method used to calculate the fees in the revised statute.

As shown on Table 2 below, the annual revenue collected for annual fees using the fee structure prior to the Session Law changes, and based on the number of facilities that had permits in 2015, was \$506,750.00. Table 3 includes the fee revenue collected for other permitting actions such as new facility applications, permit amendments and permit modifications each year from 2007-2014. Note that annual totals and estimates provided in the attached tables are for fiscal years. To calculate an estimated annual revenue for years 2007-2014, the annual fee revenue calculated in Table 2 was added to the fee revenue for other permitting actions each year to give a total estimated revenue each year as shown in Table 4. Using these calculations, the average annual total revenue from annual and other permitting action fees from 2007 to 2014 was estimated to be \$1,087,112.50.

The new annual fee structure in GS 130A-295.8(d1) (as revised by HB765) would generate annual fee revenues to the state of \$916,266.00 (see Table 5), assuming no changes to the number of facilities. As mentioned above, GS 130A-295.8(d2) (as revised by HB765) includes a fee for new facility permit applications which is 10% of the annual permit fee for that type of solid waste management facility. While the number of applications submitted for new facilities cannot be reliably estimated, an average was

calculated using the number of new facility applications received each year from 2012-2014 (see Table 6). That average was used to predict an average annual revenue for new facility applications of \$2,875.03 (see Table 7). Therefore, the predicted average annual fee revenue, combined with the predicted average annual new facility application revenue, would generate a total annual estimated revenue of **\$919,141.03**. This revenue amount is **\$167,971.47** less than the average annual revenue of **\$1,087,112.50** estimated from the fee structure prior to the HB765 revisions.

Local Government Impacts

Local governments are not expected to be impacted by the rule changes as local governments are rarely the operators of solid waste management facilities that would be paying the fees or submitting applications. The few that are operators will have very little to no additional time spent to transition to life of site permits as the rule requirements to do so are minimal. A minor benefit is more reliable budgeting due to the consistency of only having annual fees and minimal new facility application fees.

Substantial Aggregate Impact Evaluation

The rule changes will not have an overall substantial annual impact, as the rule requirements in 13B .0207 to transition to a life of site permit are minimal. While time to prepare new facility life of site permits for permittees and time to review new facility life of site permits for Solid Waste Section staff may increase personnel time for both entities, the increase would be minimal as very few new facility permits are submitted in a given year. Similarly, as the rule revisions will eliminate the requirement to submit permit renewal applications every ten years, personnel time to prepare the renewals for permittees and to review the renewals for Solid Waste Section staff would minimally decrease in a given year. The frequency of permit modifications and amendment submittals is not expected to change.

The proposed rule changes do not contain any fees or changes to fees. The statute revisions to the permit fee structure in GS 130A-295.8 made by Session Law 2015-286 (HB765) are estimated to cause an average annual state government revenue decrease of \$167,971.47 as described above, however this would likely result in an overall statewide decrease in expenditures for permit holders and applicants of an equal amount.

Tables

Table 1: Theoretical calculation of fees paid over 30 years using previous fee structure										
Type	Duration	NEW	AMEND*5	MOD*6	MMOD*6	ANNUAL*30	30YR LIFE	# of Facilities	Total 30YR Revenue	Annual Fee
MSW <100K	5	25,000	15,000	1,500		3,500	214000	20	4280000	7133
MSW >110K	5	50,000	30,000	3,000		3,500	323000	20	6460000	10767
MSW <100K	10	38,500	28,500		7,500	3,500	331000	1	331000	11033
MSW >110K	10	77,000	57,000		15,000	3,500	557000	1	557000	18567
CDLF <100K	5	15,000	9,000	1,500		2,750	151500	49	7423500	5050
CDLF >100K	5	30,000	18,500	2,500		2,750	220000	6	1320000	7333
CDLF <100K	10	22,500	16,500		4,500	2,750	214500	2	429000	7150
CDLF >100K	10	46,000	34,500		9,250	2,750	356500	1	356500	11883
IND <100K	5	15,000	9,000	1,500		2,750	151500	7	1060500	5050
IND >100K	5	30,000	18,500	2,500		2750	220000	7	1540000	7333
IND <100K	10	22,500	16,500		4,500	2,750	214500	1	214500	7150
IND >100K	10	46,000	34,500		9,250	2750	356500	1	356500	11883
TIRE MONO		1,750	1,250	500		500	26000	2	52000	867
TR&PROC		1,750	1,250	500		500	26000	41	1066000	867
TRANSFER	5	5,000	3,000	500		750	45500	94	4277000	1517
TRANSFER	10	7,500	5,500		1,500	750	66500	9	598500	2217
INCIN		1,750	1,250	500		500	26000	1	26000	867
LRG COMPOST		1,750	1,250	500		500	26000	45	1170000	867
LCID		1,000	500	500		500	21500	62	1333000	717
MSW POST-CLOSURE						1000	30000	25	750000	
CDLF POST-CLOSURE						500	15000	20	300000	
IND POST-CLOSURE						500	15000	3	45000	
								Total Fees for 30YR Life		33946000
								Theoretical Annual Fees for 30YR Life		1131533.333
								Annual Budgeted Revenue for Section		1300000
								Theoretical Annual Fee Percentage of Annual Budgeted Revenue		87.04102564
								Percentage Increase Required		12.95897436

*Red indicates no facilities
but using one to calculate
theoretical fee

Table 2: Annual Fee Revenues From Fee Structure Prior to HB 765

Facility Type	Fee	# of Facilities	Revenue
MSW	\$ 3,500.00	40	\$ 140,000.00
C&D	\$ 2,750.00	52	\$ 143,000.00
IND	\$ 2,750.00	15	\$ 41,250.00
TS	\$ 750.00	96	\$ 72,000.00
T&P	\$ 500.00	39	\$ 19,500.00
TIRE	\$ 500.00	2	\$ 1,000.00
INC	\$ 500.00	0	\$ -
COMP	\$ 500.00	45	\$ 22,500.00
LCID	\$ 500.00	62	\$ 31,000.00
Post-closure			
MSW	\$ 1,000.00	25	\$ 25,000.00
CDLF	\$ 500.00	20	\$ 10,000.00
IND	\$ 500.00	3	\$ 1,500.00
		Total	\$ 506,750.00

Table 3: Past Permitting Fee Total Revenues (new app fees, permit modifications, amendments, etc.)

Year	Revenue
2007	\$ 860,500.00
2008	\$ 552,500.00
2009	\$ 456,000.00
2010	\$ 471,250.00
2011	\$ 410,850.00
2012	\$ 519,250.00
2013	\$ 622,050.00
2014	\$ 750,500.00

Table 4: Combined Permitting and Annual Fee Revenue

Year	Revenue
2007	\$ 1,367,250.00
2008	\$ 1,059,250.00
2009	\$ 962,750.00
2010	\$ 978,000.00
2011	\$ 917,600.00
2012	\$ 1,026,000.00
2013	\$ 1,128,800.00
2014	\$ 1,257,250.00
Average:	\$ 1,087,112.50

Table 5: New Annual Fee Revenue from HB765*

Facility Type	Fee	# of Facilities	Revenue
MSW <100	\$ 6,125.00	15	\$ 91,875.00
MSW >100	\$ 7,000.00	14	\$ 98,000.00
MSW >250	\$ 8,750.00	11	\$ 96,250.00
C&D <25	\$ 4,813.00	32	\$ 154,016.00
C&D >25	\$ 5,500.00	20	\$ 110,000.00
IND <100	\$ 5,500.00	6	\$ 33,000.00
IND >100	\$ 6,875.00	9	\$ 61,875.00
TIRE	\$ 1,000.00	2	\$ 2,000.00
T&P	\$ 500.00	39	\$ 19,500.00
TRANS <25	\$ 1,500.00	54	\$ 81,000.00
TRANS >25	\$ 1,875.00	42	\$ 78,750.00
INC	\$ 500.00	0	\$ -
COMP	\$ 500.00	45	\$ 22,500.00
LCID	\$ 500.00	62	\$ 31,000.00
Post-closure			
MSW	\$ 1,000.00	25	\$ 25,000.00
CDLF	\$ 500.00	20	\$ 10,000.00
IND	\$ 500.00	3	\$ 1,500.00
		Total	\$ 916,266.00

Table 6: Number of New Facility Applications for Previous Three Years

Facility Type	Number of New Facility Applications			
	2012	2013	2014	Average
MSW <100	1	0	0	0
MSW >100	0	3	2	2
C&D <25	0	1	1	1
C&D >25	0	0	0	0
IND <100	0	0	0	0
IND >100	0	0	0	0
TIRE	0	1	0	0
T&P	3	4	4	4
TRANS	3	7	4	5
INC	3	0	0	1
COMP	2	3	5	3
LCID	1	1	1	1

Table 7: Estimated Average Annual New Facility Application Revenues
(using HB765 fees)

Facility Type	Fee	Estimated Number of Applications	Revenue
MSW <100	\$ 612.50	0	\$ 204.17
MSW >100	\$ 700.00	2	\$ 1,166.67
C&D <25	\$ 481.30	1	\$ 320.87
C&D >25	\$ 550.00	0	\$ -
IND <100	\$ 550.00	0	\$ -
IND >100	\$ 687.50	0	\$ -
TIRE	\$ 100.00	0	\$ 33.33
T&P	\$ 50.00	4	\$ 183.33
TRANS	\$ 150.00	5	\$ 700.00
INC	\$ 50.00	1	\$ 50.00
COMP	\$ 50.00	3	\$ 166.67
LCID	\$ 50.00	1	\$ 50.00
		Total	\$ 2,875.03

Estimated Average Annual Revenue Decrease: \$167,971.47

Appendix A

15A NCAC 13B .0201 is proposed for amendment as follows:

15A NCAC 13B .0201 PERMIT REQUIRED

- (a) No person shall treat, process, store, or dispose of solid waste or arrange for the treatment, processing, ~~storage~~storage, or disposal of solid waste except at a solid waste management facility permitted by the Division for such activity, except as provided in G.S. 130A-294(b).
- (b) No person shall cause, suffer, allow, or permit the treatment, storage, or processing of solid waste upon any real or personal property owned, operated, leased, or in any way controlled by that person without first ~~obtaining~~having been issued a permit for a solid waste management facility from the Division authorizing such activity, except as provided in G.S. 130A-294(b).
- (c) No solid waste management facility shall be established, operated, maintained, constructed, ~~expanded~~expanded, or modified without ~~an appropriate and~~ a currently valid permit issued by the ~~Division~~Division for the specified type of disposal activity. It is the responsibility of every owner and operator of a proposed solid waste management facility to apply for a permit for the facility. The term "owner" shall include record owners of the land where the facility is located or proposed to be located and holders of any leasehold interest, however denominated, in any part of the land or structures where the facility is located or proposed to be located.
- (d) The solid waste management facility permit, except for land clearing and inert debris permits, shall have two parts, as follows:
- (1) A permit approval to construct a solid waste management facility or portion of a facility shall be issued by the Division after site and construction plans have been approved and it has been determined that the facility can be operated in accordance with Article 9 of Chapter 130A and the applicable rules set forth in this Subchapter, and other applicable state, ~~federal~~federal, and local laws. An applicant shall not clear or grade land or commence construction for a solid waste management facility or a portion thereof until a ~~construction~~-permit approval to construct has been issued.
 - (2) A permit approval to operate a solid waste management facility ~~may~~ shall not be issued unless it has been determined that the facility has been constructed in accordance with the ~~construction~~-permit, plans, that any ~~pre-operative~~pre-operation conditions of the ~~construction~~-permit to construct have been met, and that the ~~construction~~ permit has been recorded, if applicable, in accordance with Rule .0204 of this Section.
- (e) Land clearing and inert debris facilities may be issued a combined permit that includes approval to construct and operate the facility.
- (f) Land clearing and inert debris facilities subject to Rule .0563 Item (1) of this Subchapter may construct and operate after notification as provided for under Rule .0563 Item (2).
- (g) Permits, ~~except for life-of-site permits issued pursuant to Rule .0207 of this Section, including those issued prior to the effective date of this Rule,~~ shall be reviewed every five years. Modifications, where necessary, shall be made in accordance with rules in effect at the time of review. ~~review for those areas of a permitted sanitary landfill site which have not previously received solid waste.~~

(h) All solid waste management facilities shall be operated in conformity with these Rules and ~~in such a manner as to prevent the creation of~~ shall not create a nuisance, or an unsanitary condition, conditions, or a potential public health hazard.

*History Note: Authority G.S. 130A-294; S.L. 2015-286, s.4.9;
Eff. April 1, 1982;
Amended Eff. January 4, 1993; February 1, 1991; March 1, 1988;
Filed as a Temporary Amendment Eff. May 19, 1993 to expire on October 9, 1993 or until the permanent rule becomes effective, whichever is sooner;
Temporary Amendment Expired Eff. October 9, 1993;
Amended Eff. September 1, 2016; August 1, 2008.*

15A NCAC 13B .0206 is proposed for amendment as follows:

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 permit 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 prior to July 1, 2016 for a ~~designed~~ design phase of ten years shall be subject to review within five years of the issuance date, as provided in Rule .0201(g).0201(g) of this Section. 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.~~

*History Note: Authority G.S. 130A-294; S.L. 2012-187, s.15.1; S.L. 2015-286, s.4.9;
Eff. July 1, ~~2013~~, 2013;
Amended Eff. September 1, 2016.*

15A NCAC 13B .0207 is proposed for adoption as follows:

15A NCAC 13B .0207 LIFE-OF-SITE PERMIT ISSUED FOR A SANITARY LANDFILL OR TRANSFER STATION

(a) A new or existing sanitary landfill or transfer station permit shall be subject to Section .0400, .0500, or .1600 of this Subchapter and shall be for the life-of-site as defined in G.S. 130A-294(a2).

(b) A life-of-site permit application for a new sanitary landfill shall contain design, construction, site development, and operation plans. Site development plans shall show the phases or progression of operation in periods of no less than five years and no greater than the life of the site as contained in the facility plan. The life-of-site of a sanitary landfill shall be specified in the facility plan prepared in accordance with Section .0500 or .1600 of this Subchapter.

(c) A life-of-site permit application for a sanitary landfill that has an existing permit as of July 1, 2016 shall be considered complete when it includes the definition of the entire waste boundary and a specification of the life-of-site quantified in the facility plan. An existing permit shall be approved for the life of the site within 90 days of submission of the complete application.

(d) Each phase within a life-of-site permit for sanitary landfills shall be designed and constructed in accordance with Sections .0500 or .1600 of this Subchapter. Phase development plans shall show the progression of construction and operation in periods of no less than five years and no greater than the life of the site as contained in the facility plan.

(e) A life-of-site permit application for a new transfer station shall conform to the requirements of Section .0400 of this Subchapter and shall contain a site plan for the life of the site. The life-of-site of a transfer station shall be specified in the site plan prepared in accordance with Section .0400 of this Subchapter.

(f) A life-of-site permit application for a transfer facility that has an existing permit as of July 1, 2016 shall be considered complete when it includes a specification of the life-of-site quantified in the site plan prepared in accordance with Section .0400 of this Subchapter. An existing permit shall be approved for the life of the site within 90 days of submission of the complete application.

*History Note: Authority G.S. 130A-294; S.L. 2015-286, s.4.9;
Eff. September 1, 2016.*

Appendix B

15A NCAC 13B .0201, .0206, and .0207 Proposed Rule-Making Schedule

Date	Action
13-Jan-2016	GWWMC Meeting: 2 Action items - Approval of proposed text, approval to go before EMC.
10-Mar-2016	EMC Meeting: Action items: Approval of text, proceeding to public hearing, assign Hearing Officer.
24-Mar-2016	Submit rule text to OAH for publication in NC Register.
15-Apr-2016	Rule published in NC Register and Agency website; Comment Period Begins.
30-Apr-2016	Earliest date for public hearing.
14-Jun-2016	Comment Period Ends.
14-Jun-2016	Hearing Officer's Report finalized.
14-Jul-2016	EMC Meeting: 2 Action items – Approval of Hearing Officer’s Report and Adoption of Rule.
20-Jul-2016	Submit text and forms to RRC.
18-Aug-2016	RRC meeting: 1 Action item - Approval by RRC.
1-Sep-2016	Earliest effective date for rule.

Appendix C

Note that Life of Site Permits were first introduced in Session Law 2015-241, House Bill 97, Section 14.20., pages 228-235; however the majority of Section 14.20 addressing the Life of Site permits was revised and included in SL 2015-286 Section 4.9. The three Sections of SL 2015-241 which were not revised are included below:

SECTION 14.20.(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 14.20.(b1) Nothing in subsections (a) and (b) of this section is intended to diminish or otherwise weaken the authority of the Department of Environment and Natural Resources to inspect, review, fine, or otherwise enforce permit conditions, statutes, or rules applicable to a sanitary landfill or transfer station.

SECTION 14.20.(e) After July 1, 2016, the annual fee due pursuant to G.S. 130A-295.8A(d1), as enacted by Section 14.20(c) of this act, for existing sanitary landfills and transfer stations with a valid permit issued before the date this act becomes effective is equal to the applicable annual fee for the facility as set forth in G.S. 130A-295.8A(d1), as enacted by Section 14.20(c) of this act, less a permittee fee credit. A permittee fee credit exists when the life-of-site permit fee amount is greater than the time-limited permit fee amount. The amount of the permittee fee credit shall be calculated by (i) subtracting the time-limited permit fee amount from the life-of-site permit fee amount due for the same period of time and (ii) multiplying the difference by a fraction, the numerator of which is the number of years remaining in the facility's time-limited permit and the denominator of which is the total number of years covered by the facility's time-limited permit. The amount of the permittee fee credit shall be allocated in equal annual installments over the number of years that constitute the facility's remaining life-of-site, as determined by the Department, unless the Department accelerates, in its sole discretion, the use of the credit over a shorter period of time. For purposes of this subsection, the following definitions apply:

- (1) Life-of-site permit fee amount. – The amount equal to the sum of all annual fees that would be due under the fee structure set forth in G.S. 130A-295.8A(d1), as enacted by Section 14.20(c) of this act, during the cycle of the facility's permit in effect on July 1, 2016.
- (2) Time-limited permit fee amount. – The amount equal to the sum of the application fee or renewal fee, whichever is applicable, and all annual fees paid or to be paid pursuant to subsections (c) and (d) of G.S. 130A-295.8A, as repealed by Section 14.20(c) of this act, during the cycle of the facility's permit in effect on July 1, 2016.

The Department shall adopt rules to implement this subsection.

Following are pages 29-36 of Session Law 2015-286, House Bill 765 Section 4.9. addressing Life of Site Permits.

MODIFY EFFECTIVE DATE FOR LIFE-OF-SITE PERMITS FOR SANITARY LANDFILLS AND TRANSFER STATIONS AND MAKE OTHER TECHNICAL, CLARIFYING, AND CONFORMING CHANGES

SECTION 4.9.(a) Section 14.20(a) of S.L. 2015-241 reads as rewritten:

"SECTION 14.20.(a) G.S. 130A-294 reads as rewritten:

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

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

- ...
- (4) a. Develop a permit system governing the establishment and operation of solid waste management facilities. A landfill with a disposal area of 1/2 acre or less for the on-site disposal of land clearing and inert debris is exempt from the permit requirement of this section and shall be governed by G.S. 130A-301.1. Demolition debris from the decommissioning of manufacturing buildings, including electric

generating stations, that is disposed of on the same site as the decommissioned buildings, is exempt from the permit requirement of this section and rules adopted pursuant to this section and shall be governed by G.S. 130A-301.3. The Department shall not approve an application for a new permit, the renewal of a permit, or a substantial amendment to a permit for a sanitary landfill, excluding demolition landfills as defined in the rules of the Commission, except as provided in subdivisions (3) and (4) of subsection (b1) of this section. No permit shall be granted for a solid waste management facility having discharges that are point sources until the Department has referred the complete plans and specifications to the Commission and has received advice in writing that the plans and specifications are approved in accordance with the provisions of G.S. 143-215.1. In any case where the Department denies a permit for a solid waste management facility, it shall state in writing the reason for denial and shall also state its estimate of the changes in the applicant's proposed activities or plans that will be required for the applicant to obtain a permit.

(a2) ~~Permits for sanitary landfills and transfer stations shall be issued for (i) a design and operation phase of five years or (ii) a design and operation phase of 10 years. A permit issued for a design and operation phase of 10 years shall be subject to a limited review within five years of the issuance date.~~ the life-of-site of the facility unless revoked as otherwise provided under this Article or upon the expiration of any local government franchise required for the facility pursuant to subsection (b1) of this section. For purposes of this section, "life-of-site" means the period from the initial receipt of solid waste at the facility until the Department approves final closure of the facility. Permits issued pursuant to this subsection shall take into account the duration of any permits previously issued for the facility and the remaining capacity at the facility.

(a3) As used in this section, the following definitions apply:

(1) "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.
- b. An application that proposes to expand the permitted activity of the waste management facility through an increase of ten percent (10%) or more in (i) the population of the geographic area to be served by the sanitary landfill; (ii) the quantity of solid waste to be disposed of in the sanitary landfill; or (iii) the geographic area to be served by the sanitary landfill.
- 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 that includes a proposed change in the categories of solid waste to be disposed of in the sanitary landfill.
- e. 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.

(2) "Permit amendment" means any of the following:

- a. 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.
- b. Any application that proposes a change in ownership or corporate structure of a permitted solid waste management facility.

(3) "Permit modification" means any of the following:

- a. An application for any change to the plans approved in a permit for a solid waste management facility that does not constitute a "permit amendment" or a "new permit."
- b. An application for a five-year limited review of a 10-year permit, including review of the operations plan, closure plan, post-closure plan, financial assurance cost estimates, environmental monitoring plans, and any other applicable plans for the facility.

(b) The Commission shall adopt and the Department shall enforce rules to implement a comprehensive statewide solid waste management program. The rules shall be consistent with applicable State and federal law; and shall be designed to protect the public health, safety, and welfare; preserve the environment; and provide for the greatest possible conservation of cultural and natural resources. Rules for the establishment, location, operation, maintenance, use, discontinuance, recordation, post-closure care of solid waste management facilities also shall be based upon recognized public health practices and procedures, including applicable epidemiological research and studies; hydrogeological research and studies; sanitary engineering research and studies; and current technological development in equipment and methods. The rules shall not apply to the management of solid waste that is generated by an individual or individual family or household unit on the individual's property and is disposed of on the individual's property.

(b1) (1) For purposes of this subsection and subdivision (4) of subsection (a) of this section, a "substantial amendment" means either:

- a. An increase of ten percent (10%) or more in:
 - 1. The population of the geographic area to be served by the sanitary landfill;
 - 2. The quantity of solid waste to be disposed of in the sanitary landfill; or
 - 3. The geographic area to be served by the sanitary landfill.
- b. A change in the categories of solid waste to be disposed of in the sanitary landfill or any other change to the application for a permit or to the permit for a sanitary landfill that the Commission or the Department determines to be substantial.

(2) ~~A person who intends to apply for a new permit, the renewal of a permit, or a substantial amendment to a permit for a sanitary landfill shall obtain, prior to applying for a permit, a franchise for the operation of the sanitary landfill from each local government having jurisdiction over any part of the land on which the sanitary landfill and its appurtenances are located or to be located. A local government may adopt a franchise ordinance under G.S. 153A-136 or G.S. 160A-319. A franchise granted for a sanitary landfill shall be granted for the life-of-site of the landfill and shall include all of the following:~~

- a. A statement of the population to be served, including a description of the geographic area.
- b. A description of the volume and characteristics of the waste stream.
- c. A projection of the useful life of the sanitary landfill.
- d. Repealed by Session Laws 2013-409, s. 8, effective August 23, 2013.
- e. The procedures to be followed for governmental oversight and regulation of the fees and rates to be charged by facilities subject to the franchise for waste generated in the jurisdiction of the franchising entity.
- f. A facility plan for the sanitary landfill that shall include the boundaries of the proposed facility, ~~proposed development of the facility site in five-year operational phases, site,~~ the boundaries of all waste disposal units, final elevations and capacity of all waste disposal units, the amount of waste to be received per day in tons, the total waste disposal capacity of the sanitary landfill in tons, a description of environmental controls, and a description of any other waste management activities to be conducted at the facility. In addition, the facility plan shall show the proposed location of soil borrow areas, leachate facilities, and all other facilities and infrastructure, including ingress and egress to the facility.

- ...
- (4) An applicant for a new ~~permit, the renewal of a permit, or a substantial amendment to a permit~~ for a sanitary landfill shall request each local government having jurisdiction over any part of the land on which the sanitary landfill and its appurtenances are located or to be located to issue a determination as to whether the local government has in effect a franchise, zoning, subdivision, or land-use planning ordinance applicable to the sanitary landfill and whether the proposed sanitary landfill, or the existing sanitary landfill as it would be operated under the ~~renewed or substantially amended~~ permit, would be consistent with the applicable ordinances. The request to the local government shall be accompanied by a copy of the permit application and shall be delivered to the clerk of the local government personally or by certified mail. In order to serve as a basis for a determination that an application for a new ~~permit, the renewal of a permit, or a substantial amendment to a permit~~ for a sanitary landfill is consistent with a zoning, subdivision, or land-use planning ordinance, an ordinance or zoning classification applicable to the real property designated in the permit application shall have been in effect not less than 90 days prior to the date the request for a determination of consistency is delivered to the clerk of the local government. The determination shall be verified or supported by affidavit signed by the chief administrative officer, the chief administrative officer's designee, clerk, or other official designated by the local government to make the determination and, if the local government states that the sanitary landfill as it would be operated under the ~~new, renewed, or substantially amended~~ new permit is inconsistent with a franchise, zoning, subdivision, or land-use planning ordinance, shall include a copy of the ordinance and the specific reasons for the determination of inconsistency. A copy of the determination shall be provided to the applicant when the determination is submitted to the Department. The Department shall not act upon an application for a permit under this section until it has received a determination from each local government requested to make a determination by the applicant; provided that if a local government fails to submit a determination to the Department as provided by this subsection within 15 days after receipt of the request, the Department shall proceed to consider the permit application without regard to a franchise, local zoning, subdivision, and land-use planning ordinances. Unless the local government makes a subsequent determination of consistency with all ordinances cited in the determination or the sanitary landfill as it would be operated under the ~~new, renewed, or substantially amended~~ new permit is determined by a court of competent jurisdiction to be consistent with the cited ordinances, the Department shall attach as a condition of the permit a requirement that the applicant, prior to construction or operation of the sanitary landfill under the permit, comply with all lawfully adopted local ordinances cited in the determination that apply to the sanitary landfill. This subsection shall not be construed to affect the validity of any lawfully adopted franchise, local zoning, subdivision, or land-use planning ordinance or to affect the responsibility of any person to comply with any lawfully adopted franchise, local zoning, subdivision, or land-use planning ordinance. This subsection shall not be construed to limit any opportunity a local government may have to comment on a permit application under any other law or rule. This subsection shall not apply to any facility with respect to which local ordinances are subject to review under either G.S. 104E-6.2 or G.S. 130A-293.
- (5) As used in this subdivision, "coal-fired generating unit" and "investor-owned public utility" have the same meaning as in G.S. 143-215.107D(a). Notwithstanding subdivisions (a)(4), (b1)(3), or (b1)(4) of this section, no franchise shall be required for a sanitary landfill used only to dispose of waste generated by a coal-fired generating unit that is owned or operated by an investor-owned utility subject to the requirements of G.S. 143-215.107D.

...."

SECTION 4.9.(b) Section 14.20(a) of S.L. 2015-241 reads as rewritten:

"SECTION 14.20.(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 an application for any change to the approved engineering plans for a sanitary landfill or transfer station permitted for a 10 year design capacity that does not constitute a "permit amendment," "new permit," or "permit modification."~~

(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.~~

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.~~

c. ~~Any application that proposes a change in ownership or corporate structure of a permitted solid waste management facility.~~

(3) ~~"Permit modification" means any of the following:~~

a. ~~An application for any change to the plans approved in a permit for a solid waste management facility that does not constitute a "permit amendment" or a "new permit".~~

b. ~~A second or subsequent permit to operate for a constructed portion of a phase included in the permit to construct.~~

c. ~~An application for a five year limited review of a 10 year permit, including review of the operations plan, closure plan, post-closure plan, financial assurance cost estimates, environmental monitoring plans, and any other applicable plans for the facility.~~

(c) ~~An applicant for a permit shall pay an application fee upon submission of an application according to the following schedule:~~

(1) ~~Municipal Solid Waste Landfill accepting less than 100,000 tons/year of solid waste, New Permit (Five Year) — \$25,000.~~

(1a) ~~Municipal Solid Waste Landfill accepting less than 100,000 tons/year of solid waste, New Permit (Ten Year) — \$38,500.~~

(2) ~~Municipal Solid Waste Landfill accepting less than 100,000 tons/year of solid waste, Amendment (Five Year) — \$15,000.~~

(2a) ~~Municipal Solid Waste Landfill accepting less than 100,000 tons/year of solid waste, Amendment (Ten Year) — \$28,500.~~

(3) ~~Municipal Solid Waste Landfill accepting less than 100,000 tons/year of solid waste, Modification (Five Year) — \$1,500.~~

- (3a) ~~Municipal Solid Waste Landfill accepting less than 100,000 tons/year of solid waste, Major Modification (Ten Year) — \$7,500.~~
- (4) ~~Municipal Solid Waste Landfill accepting 100,000 tons/year or more of solid waste, New Permit (Five Year) — \$50,000.~~
- (4a) ~~Municipal Solid Waste Landfill accepting 100,000 tons/year or more of solid waste, New Permit (Ten Year) — \$77,000.~~
- (5) ~~Municipal Solid Waste Landfill accepting 100,000 tons/year or more of solid waste, Amendment (Five Year) — \$30,000.~~
- (5a) ~~Municipal Solid Waste Landfill accepting 100,000 tons/year or more of solid waste, Amendment (Ten Year) — \$57,000.~~
- (6) ~~Municipal Solid Waste Landfill accepting 100,000 tons/year or more of solid waste, Modification (Five Year) — \$3,000.~~
- (6a) ~~Municipal Solid Waste Landfill accepting 100,000 tons/year or more of solid waste, Major Modification (Ten Year) — \$15,000.~~
- (7) ~~Construction and Demolition Landfill accepting less than 100,000 tons/year of solid waste, New Permit (Five Year) — \$15,000.~~
- (7a) ~~Construction and Demolition Landfill accepting less than 100,000 tons/year of solid waste, New Permit (Ten Year) — \$22,500.~~
- (8) ~~Construction and Demolition Landfill accepting less than 100,000 tons/year of solid waste, Amendment (Five Year) — \$9,000.~~
- (8a) ~~Construction and Demolition Landfill accepting less than 100,000 tons/year of solid waste, Amendment (Ten Year) — \$16,500.~~
- (9) ~~Construction and Demolition Landfill accepting less than 100,000 tons/year of solid waste, Modification (Five Year) — \$1,500.~~
- (9a) ~~Construction and Demolition Landfill accepting less than 100,000 tons/year of solid waste, Major Modification (Ten Year) — \$4,500.~~
- (10) ~~Construction and Demolition Landfill accepting 100,000 tons/year or more of solid waste, New Permit (Five Year) — \$30,000.~~
- (10a) ~~Construction and Demolition Landfill accepting 100,000 tons/year or more of solid waste, New Permit (Ten Year) — \$46,000.~~
- (11) ~~Construction and Demolition Landfill accepting 100,000 tons/year or more of solid waste, Amendment (Five Year) — \$18,500.~~
- (11a) ~~Construction and Demolition Landfill accepting 100,000 tons/year or more of solid waste, Amendment (Ten Year) — \$34,500.~~
- (12) ~~Construction and Demolition Landfill accepting 100,000 tons/year or more of solid waste, Modification (Five Year) — \$2,500.~~
- (12a) ~~Construction and Demolition Landfill accepting 100,000 tons/year or more of solid waste, Major Modification (Ten Year) — \$9,250.~~
- (13) ~~Industrial Landfill accepting less than 100,000 tons/year of solid waste, New Permit (Five Year) — \$15,000.~~
- (13a) ~~Industrial Landfill accepting less than 100,000 tons/year of solid waste, New Permit (Ten Year) — \$22,500.~~
- (14) ~~Industrial Landfill accepting less than 100,000 tons/year of solid waste, Amendment (Five Year) — \$9,000.~~
- (14a) ~~Industrial Landfill accepting less than 100,000 tons/year of solid waste, Amendment (Ten Year) — \$16,500.~~
- (15) ~~Industrial Landfill accepting less than 100,000 tons/year of solid waste, Modification (Five Year) — \$1,500.~~
- (15a) ~~Industrial Landfill accepting less than 100,000 tons/year of solid waste, Major Modification (Ten Year) — \$4,500.~~
- (16) ~~Industrial Landfill accepting 100,000 tons/year or more of solid waste, New Permit (Five Year) — \$30,000.~~
- (16a) ~~Industrial Landfill accepting 100,000 tons/year or more of solid waste, New Permit (Ten Year) — \$46,000.~~
- (17) ~~Industrial Landfill accepting 100,000 tons/year or more of solid waste, Amendment (Five Year) — \$18,500.~~
- (17a) ~~Industrial Landfill accepting 100,000 tons/year or more of solid waste, Amendment (Ten Year) — \$34,500.~~

- (18) ~~Industrial Landfill accepting 100,000 tons/year or more of solid waste, Modification (Five Year) — \$2,500.~~
- (18a) ~~Industrial Landfill accepting 100,000 tons/year or more of solid waste, Major Modification (Ten Year) — \$9,250.~~
- (19) ~~Tire Monofill, New Permit — \$1,750.~~
- (19a) ~~Tire Monofill, New Permit (Ten Year) — \$2,500.~~
- (20) ~~Tire Monofill, Amendment — \$1,250.~~
- (20A) ~~Tire Monofill, Amendment (Ten Year) — \$2,000.~~
- (21) ~~Tire Monofill, Modification — \$500.~~
- (21A) ~~Tire Monofill, Major Modification — \$625.~~
- (22) ~~Treatment and Processing, New Permit — \$1,750.~~
- (23) ~~Treatment and Processing, Amendment — \$1,250.~~
- (24) ~~Treatment and Processing, Modification — \$500.~~
- (25) ~~Transfer Station, New Permit (Five Year) — \$5,000.~~
- (25a) ~~Transfer Station, New Permit (Ten Year) — \$7,500.~~
- (26) ~~Transfer Station, Amendment (Five Year) — \$3,000.~~
- (26a) ~~Transfer Station, Amendment (Ten Year) — \$5,500.~~
- (27) ~~Transfer Station, Modification (Five Year) — \$500.~~
- (27a) ~~Transfer Station, Major Modification (Ten Year) — \$1,500.~~
- (28) ~~Incinerator, New Permit — \$1,750.~~
- (29) ~~Incinerator, Amendment — \$1,250.~~
- (30) ~~Incinerator, Modification — \$500.~~
- (31) ~~Large Compost Facility, New Permit — \$1,750.~~
- (32) ~~Large Compost Facility, Amendment — \$1,250.~~
- (33) ~~Large Compost Facility, Modification — \$500.~~
- (34) ~~Land Clearing and Inert, New Permit — \$1,000.~~
- (35) ~~Land Clearing and Inert, Amendment — \$500.~~
- (36) ~~Land Clearing and Inert, Modification — \$250.~~

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

- (1) ~~Municipal Solid Waste Landfill — \$3,500.~~
- (2) ~~Post-Closure Municipal Solid Waste Landfill — \$1,000.~~
- (3) ~~Construction and Demolition Landfill — \$2,750.~~
- (4) ~~Post-Closure Construction and Demolition Landfill — \$500.~~
- (5) ~~Industrial Landfill — \$2,750.~~
- (6) ~~Post-Closure Industrial Landfill — \$500.~~
- (7) ~~Transfer Station — \$750.~~
- (8) ~~Treatment and Processing Facility — \$500.~~
- (9) ~~Tire Monofill — \$500.~~
- (10) ~~Incinerator — \$500.~~
- (11) ~~Large Compost Facility — \$500.~~
- (12) ~~Land Clearing and Inert Debris Landfill — \$500.~~

(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 – \$500.
- (14) Tire Monofill – \$1,000.
- (15) Incinerator – \$500.
- (16) Large Compost Facility – \$500.
- (17) Land Clearing and Inert Debris Landfill – \$500.

(d2) Upon submission of an application for a new permit, an applicant shall pay an application fee in the amount of ten percent (10%) 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.

...."

SECTION 4.9.(c) Section 14.20(d) of S.L. 2015-241 reads as rewritten:

"**SECTION 14.20.(d)** G.S. 130A-295.3 reads as rewritten:

"§ **130A-295.3. Environmental compliance review requirements for applicants and permit holders.**

...

(b) The Department shall conduct an environmental compliance review of each applicant for a new ~~permit, permit renewal, permit~~ and permit amendment under this Article. The environmental compliance review shall evaluate the environmental compliance history of the applicant for a period of five years prior to the date of the application and may cover a longer period at the discretion of the Department. The environmental compliance review of an applicant may include consideration of the environmental compliance history of the parents, subsidiaries, or other affiliates of an applicant or parent that is a business entity, including any business entity or joint venturer with a direct or indirect interest in the applicant, and other facilities owned or operated by any of them. The Department shall determine the scope of the review of the environmental compliance history of the applicant, parents, subsidiaries, or other affiliates of the applicant or parent, including any business entity or joint venturer with a direct or indirect interest in the applicant, and of other facilities owned or operated by any of them. An applicant for a permit shall provide environmental compliance history information for each facility, business entity, joint venture, or other undertaking in which any of the persons listed in this subsection is or has been an owner, operator, officer, director, manager, member, or partner, or in which any of the persons listed in this subsection has had a direct or indirect interest as requested by the Department.

...."

SECTION 4.9.(d) Section 14.20(f) of S.L. 2015-241 reads as rewritten:

"**SECTION 14.20.(f)** This section becomes effective October 1, 2015. G.S. 130A-294(b1)(2), as amended by subsection (a) of this section, applies to franchise agreements executed on or after October 1, 2015. The remainder of G.S. 130A-294, as amended by subsection (a) of this section, and G.S. 130A-295.8, as amended by subsection (c) of this section, apply to (i) existing sanitary landfills and transfer stations, with a valid permit issued before the date this act becomes effective, on July 1, 2016, at which point a permittee may choose to apply for a life-of-site permit pursuant to G.S. 130A-294(a2), as amended by Section 14.20(b) of this act, or may choose to apply for a life-of-site permit for the facility when ~~that~~ the facility's permit is next subject to renewal after July 1, 2016, (ii) new sanitary landfills and transfer stations, for applications submitted on or after July 1, 2016, and (iii) applications for sanitary landfills or transfer stations submitted before July 1, 2015, and pending on the date this act becomes law shall be evaluated by the Department based on the applicable laws that were in effect on July 1, 2015, and the Department shall not delay in processing such permit applications in consideration of changes made by this act, but such landfills and transfer stations shall be eligible for issuance of life-of-site permits pursuant to G.S. 130A-294(a2), as amended by Section 14.20(b) of this act, on July 1, 2016, at which point a permittee may choose to apply for a life-of-site permit pursuant to G.S. 130A-294(a2), as amended by Section 14.20(b) of this act, or may choose to apply for a life-of-site permit for the facility when ~~that~~ the facility's permit is next subject to renewal after July 1, 2016."