

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: SB 544

SHORT TITLE: Transfer Facilities Public Hearings

SPONSOR(S): Senator Shaw

FISCAL IMPACT: Expenditures: Increase (x) Decrease ( )
Revenues: Increase ( ) Decrease ( )
No Impact ( )
No Estimate Available ( )

FUNDS AFFECTED: General Fund ( ) Highway Fund ( ) Local Fund (x)
Other Fund ( )

BILL SUMMARY: TRANSFER FACILITIES HEARINGS. TO REQUIRE THAT A PUBLIC HEARING BE HELD PRIOR TO THE APPROVAL OF AN APPLICATION FOR A NEW PERMIT, THE RENEWAL OF A PERMIT, OR A SUBSTANTIAL AMENDMENT TO A PERMIT FOR A TRANSFER STATION. Amends 130A-294 to incorporate transfer stations (as defined in Commission for Health Services rules) into the permitting requirements in that section which currently apply to sanitary landfills.

The Department of Environment, Health, and Natural Resources is required to notify the clerk of each governing board of local government of the county or city in which a transfer facility is proposed to be located that an application for a permit has been filed and send a copy of the application to the clerk.

In reviewing the permit, the department must ensure that all approvals required by local governments (i.e. public hearing "when sufficient public interest exists," franchise for operation and determination of consistency with local ordinances) are obtained. The department must also condition permits for transfer facilities with a requirement of compliance with "all lawfully adopted local ordinances" cited in the application.

EFFECTIVE DATE: Upon Ratification

PRINCIPAL DEPARTMENT(S)/PROGRAM(S) AFFECTED:

Department of Environment, Health, and Natural Resources
Division of Solid Waste Management
Local County Commissioners and Governing Boards

FISCAL IMPACT

Local County Commissioners and Governing Boards

Table with 6 columns: EXPENDITURES, FY95-96, FY96-97, FY97-98, FY98-99, FY99-00. Rows include RECURRING and NON-RECURRING expenditures, all valued at \$5,000.

**ASSUMPTIONS AND METHODOLOGY:**

Because the department is only responsible for notifying local governments of the filing of an application for a transfer facility permit and obtaining certification from local government units that proper public hearings have been conducted and required local approvals have been made, this act will not have a substantial fiscal impact on the department and can be implemented with existing resources.

It is the responsibility of the county commissioners or local governing board to conduct a public hearing when required. According to the NC Association of County Commissioners, the average cost for a public hearing is \$500 to publish required notices of the hearings in newspapers. Because the hearing can be held as part of a regularly scheduled meeting, operating and administrative costs related to the hearings are expected to negligible.

The Department of Environment, Health and Natural Resources is projecting an average of ten (10) applications for transfer stations per year over the next five years. Therefore, local governing boards may hold up to 10 public hearings each year. There is no renewal requirement for transfer station permits (the renewal of permits referred to in Section 1, subsection (a), subdivision (4)a applies to sanitary landfills). The number of public hearings required due to a "substantial amendment" to a permit is difficult to project, but is believed to be negligible.

**SOURCES OF DATA:**

Department of Environment, Health, and Natural Resources  
Division of Solid Waste Management  
NC Association of County Commissioners

**TECHNICAL CONSIDERATIONS:**

**FISCAL RESEARCH DIVISION**  
733-4910

**PREPARED BY:** Mona Moon  
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**DATE:** April 28, 1995  
**[FRD#003]**



**Signed Copy Located in the NCGA Principal Clerk's Offices**