

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 1484*
Committee Substitute Favorable 9/3/98

Short Title: Water Quality Fees.

(Public)

Sponsors:

Referred to:

May 25, 1998

1 A BILL TO BE ENTITLED
2 AN ACT TO REVISE AND PLACE INTO THE GENERAL STATUTES THE
3 SCHEDULE OF FEES FOR PERMITS UNDER THE WATER QUALITY
4 PROGRAM, AS RECOMMENDED BY THE WATER QUALITY PROGRAMS
5 FUNDING WORKING GROUP AND THE ENVIRONMENTAL REVIEW
6 COMMISSION.

7 Section 1. Part 1 of Article 21 of Chapter 143 of the General Statutes is
8 amended by adding a new section to read:

9 **"§ 143-215.3D. Fee schedule for water quality permits.**

10 (a) Annual fees for discharge and nondischarge permits under G.S. 143-215.1. –

11 (1) Major Individual NPDES Permits. – The annual fee for an individual
12 permit for a point source discharge of 1,000,000 or more gallons per
13 day, a publically owned treatment works (POTW) that administers a
14 POTW pretreatment program, as defined in 40 Code of Federal
15 Regulations § 403.3 (1 July 1996 Edition), or an industrial waste
16 treatment works that has a high toxic pollutant potential shall be two
17 thousand eight hundred sixty-five dollars (\$2,865).

18 (2) Minor Individual NPDES Permits. – The annual fee for an individual
19 permit for a point source discharge other than a point source discharge

- 1 to which subdivision (1) of this subsection applies shall be seven
2 hundred fifteen dollars (\$715.00).
- 3 (3) Single-Family Residence. – The annual fee for a certificate of coverage
4 under a general permit for a point source discharge or an individual
5 nondischarge permit from a single-family residence shall be fifty dollars
6 (\$50.00).
- 7 (4) Stormwater and Wastewater Discharge General Permits. – The annual
8 fee for a certificate of coverage under a general permit for a point source
9 discharge of stormwater or wastewater shall be eighty dollars (\$80.00).
- 10 (5) Recycle Systems. – The annual fee for an individual permit for a recycle
11 system nondischarge permit shall be three hundred dollars (\$300.00).
- 12 (6) Major Nondischarge Permits. – The annual fee for an individual permit
13 for a nondischarge of 10,000 or more gallons per day or requiring 300
14 or more acres of land shall be one thousand ninety dollars (\$1,090).
- 15 (7) Minor Nondischarge Permits. – The annual fee for an individual permit
16 for a nondischarge of less than 10,000 gallons per day or requiring less
17 than 300 acres of land shall be six hundred seventy-five dollars
18 (\$675.00).
- 19 (8) Animal Waste Management Systems. – The annual fee for animal
20 waste management systems shall be as set out in G.S. 143-215.10G.
- 21 (b) Application fee for new discharge and nondischarge permits. – An application
22 for a new permit of the type set out in subsection (a) of this section shall be accompanied
23 by an initial application fee equal to the annual fee for that permit. If a permit is issued,
24 the application fee will be applied as the annual fee for the first year that the permit is in
25 effect. If the application is denied, the application fee shall not be refunded.
- 26 (c) Application and annual fees for consent special orders. –
- 27 (1) Major consent special orders. – If the Commission enters into a consent
28 special order, assurance of voluntary compliance, or similar document
29 pursuant to G.S. 143-215.2 for an activity subject to an annual fee under
30 subdivision (1) or (6) of subsection (a) of this section, the initial project
31 fee shall be four hundred dollars (\$400.00) and the annual fee shall be
32 five hundred dollars (\$500.00). These fees shall be in addition to the
33 annual fee due under subsection (a) of this section.
- 34 (2) Minor consent special orders. – If the Commission enters into a consent
35 special order, assurance of voluntary compliance, or similar document
36 pursuant to G.S. 143-215.2 for an activity subject to an annual fee under
37 subdivision (2) or (7) of subsection (a) of this section, the initial project
38 fee shall be four hundred dollars (\$400.00) and the annual fee shall be
39 two hundred fifty dollars (\$250.00). These fees shall be in addition to
40 the annual fee due under subsection (a) of this section.
- 41 (d) Fee for major permit modifications. – An application for a major modification
42 of a permit of the type set out in subsection (a) of this section shall be accompanied by an
43 application fee equal to thirty percent (30%) of the annual fee applicable to that permit.

1 A major modification of a permit is any modification that would allow an increase in the
2 volume or pollutant load of the discharge or nondischarge or that would result in a
3 significant relocation of the point of discharge, as determined by the Commission. This
4 fee shall be in addition to the fees due under subsections (a) and (c) of this section. If the
5 application is denied, the application fee shall not be refunded.

6 (e) Other fees under this Article. –

7 (1) Sewer system extension permits. – The application fee for a permit for
8 the construction of a new sewer system or for the extension of an
9 existing sewer system shall be four hundred dollars (\$400.00).

10 (2) State stormwater permits. – The application fee for a permit regulating
11 stormwater runoff under G.S. 143-214.7 and G.S. 143-215.1 shall be
12 four hundred twenty dollars (\$420.00).

13 (3) Major water quality certifications. – The fee for a water quality
14 certification involving one acre or more of wetland fill or 150 feet or
15 more of stream impact shall be four hundred seventy-five dollars
16 (\$475.00).

17 (4) Minor water quality certifications. – The fee for a water quality
18 certification involving less than one acre of wetland fill or less than 150
19 feet of stream impact shall be two hundred dollars (\$200.00).

20 (5) Permit for land application of petroleum contaminated soils. – The fee
21 for a permit to apply petroleum contaminated soil to land shall be four
22 hundred dollars (\$400.00).

23 (6) Fee nonrefundable. – If an application for a permit or a certification
24 described in this subsection is denied, the application or certification fee
25 shall not be refunded."

26 Section 2. G.S. 143-215.3(a) reads as rewritten:

27 "(a) Additional Powers. – In addition to the specific powers prescribed elsewhere in
28 this Article, and for the purpose of carrying out its duties, the Commission shall have the
29 power:

30 (1) To make rules implementing Articles 21, 21A, 21B, or 38 of this
31 Chapter.

32 (1a) ~~To charge~~ adopt fee schedules and collect fees for the following:

33 a. Processing of applications for permits or registrations issued
34 under ~~Articles~~ Article 21, other than Parts 1 and 1A, Articles 21A,
35 21B, and 38 of this Chapter;

36 b. Administering permits or registrations issued under ~~Articles~~
37 Article 21, other than Parts 1 and 1A, Articles 21A, 21B, ~~or~~ and
38 38 of this Chapter including monitoring compliance with the
39 terms of those permits; and

40 c. Reviewing, processing, and publicizing applications for
41 construction grant awards under the Federal Water Pollution
42 Control Act.

1 No fee may be charged under this provision, however, to a farmer who
2 submits an application that pertains to his farming operations.

- 3 (1b) ~~The fee to be charged pursuant to G.S. 143-215.3(a)(1a) for processing~~
4 ~~an application for a permit under G.S. 143-215.1 of Article 21 may not~~
5 ~~exceed four hundred dollars (\$400.00).~~ The fee to be charged pursuant
6 to G.S. 143-215.3(a)(1a) for processing an application for a permit
7 under G.S. 143-215.108 and G.S. 143-215.109 of Article 21B of this
8 Chapter may not exceed five hundred dollars (\$500.00). The fee to be
9 charged pursuant to G.S. 143-215.3(a)(1a) for processing a registration
10 under Part 2A of this Article or Article 38 of this Chapter may not
11 exceed fifty dollars (\$50.00) for any single registration. An additional
12 fee of twenty percent (20%) of the registration processing fee may be
13 assessed for a late registration under Article 38 of this Chapter. The fee
14 for administering and compliance monitoring under ~~G.S. 143-215.1 of~~
15 ~~Article 21~~ Article 21, other than Parts 1 and 1A, and G.S. 143-215.108
16 and G.S. 143-215.109 of Article 21B shall be charged on an annual
17 basis for each year of the permit term and may not exceed one thousand
18 five hundred dollars (\$1,500) per year. Fees for processing all permits
19 under Article 21A and all other sections of ~~Articles 21 and Article 21B~~
20 shall not exceed one hundred dollars (\$100.00) for any single permit.
21 ~~Notwithstanding any other provision of this subdivision, the~~ The total
22 payment for fees required that are set by the Commission under this
23 subsection for all permits under this subsection for any single facility
24 shall not exceed seven thousand five hundred dollars (\$7,500) per year,
25 which amount shall include all application fees and fees for
26 administration and compliance monitoring. A single facility is defined
27 to be any contiguous area under one ownership and in which permitted
28 activities occur. For all permits issued under these Articles where a fee
29 schedule is not specified in the statutes, the Commission, or other
30 commission specified by statute shall adopt a fee schedule in a rule
31 following the procedures established by the Administrative Procedure
32 Act. Fee schedules shall be established to reflect the size of the emission
33 or discharge, the potential impact on the environment, the staff costs
34 involved, relative costs of the issuance of new permits and the
35 reissuance of existing permits, and shall include adequate safeguards to
36 prevent unusual fee assessments which would result in serious economic
37 burden on an individual applicant. A system shall be considered to
38 allow consolidated annual payments for persons with multiple permits.
39 In its rulemaking to establish fee schedules, the Commission is also
40 directed to consider a method of rewarding facilities which achieve full
41 compliance with administrative and self-monitoring reporting
42 requirements, and to consider, in those cases where the cost of renewal

1 or amendment of a permit is less than for the original permit, a lower fee
2 for the renewal or amendment.

- 3 (1c) Moneys collected pursuant to G.S. 143-215.3(a)(1a) shall be used to:
- 4 a. Eliminate, insofar as possible, backlogs of permit applications
5 awaiting agency action;
 - 6 b. Improve the quality of permits issued;
 - 7 c. Improve the rate of compliance of permitted activities with
8 environmental standards; and
 - 9 d. Decrease the length of the processing period for permit
10 applications.

- 11 (1d) The Commission may adopt and implement a graduated fee schedule
12 sufficient to cover all direct and indirect costs required for the State to
13 develop and administer a permit program which meets the requirements
14 of Title V. The provisions of subdivision (1b) of this subsection do not
15 apply to the adoption of a fee schedule under this subdivision. In
16 adopting and implementing a fee schedule, the Commission shall
17 require that the owner or operator of all air contaminant sources subject
18 to the requirement to obtain a permit under Title V to pay an annual fee,
19 or the equivalent over some other period, sufficient to cover costs as
20 provided in section 502(b)(3)(A) of Title V. The fee schedule shall be
21 adopted according to the procedures set out in Chapter 150B of the
22 General Statutes.

- 23 a. The total amount of fees collected under the fee schedule adopted
24 pursuant to this subdivision shall conform to the requirements of
25 section 502(b)(3)(B) of Title V. No fee shall be collected for
26 more than 4,000 tons per year of any individual regulated
27 pollutant, as defined in section 502(b)(3)(B)(ii) of Title V,
28 emitted by any source. Fees collected pursuant to this subdivision
29 shall be credited to the Title V Account.
- 30 b. The Commission may reduce any permit fee required under this
31 section to take into account the financial resources of small
32 business stationary sources as defined under Title V and
33 regulations promulgated by the United States Environmental
34 Protection Agency.
- 35 c. When funds in the Title V Account exceed the total amount
36 necessary to cover the cost of the Title V program for the next
37 fiscal year, the Secretary shall reduce the amount billed for the
38 next fiscal year so that the excess funds are used to supplement
39 the cost of administering the Title V permit program in that fiscal
40 year.

- 41 (1e) The Commission shall collect the application, annual, and project fees
42 for processing and administering permits, certificates of coverage under
43 general permits, and certifications issued under Parts 1 and 1A of this

1 Article and for compliance monitoring under Parts 1 and 1A of this
2 Article as provided in G.S. 143-215.3D and G.S. 143-215.10G.

3 (2) To direct that such investigation be conducted as it may reasonably
4 deem necessary to carry out its duties as prescribed by this Article or
5 Article 21A or Article 21B of this Chapter, and for this purpose to enter
6 at reasonable times upon any property, public or private, for the purpose
7 of investigating the condition of any waters and the discharge therein of
8 any sewage, industrial waste, or other waste or for the purpose of
9 investigating the condition of the air, air pollution, air contaminant
10 sources, emissions, or the installation and operation of any air-cleaning
11 devices, and to require written statements or the filing of reports under
12 oath, with respect to pertinent questions relating to the operation of any
13 air-cleaning device, sewer system, disposal system, or treatment works.
14 In the case of effluent or emission data, any records, reports, or
15 information obtained under this Article or Article 21A or Article 21B of
16 this Chapter shall be related to any applicable effluent or emission
17 limitations or toxic, pretreatment, or new source performance standards.
18 No person shall refuse entry or access to any authorized representative
19 of the Commission or Department who requests entry for purposes of
20 inspection, and who presents appropriate credentials, nor shall any
21 person obstruct, hamper or interfere with any such representative while
22 in the process of carrying out his official duties.

23 (3) To conduct public hearings and to delegate the power to conduct public
24 hearings in accordance with the procedures prescribed by this Article or
25 by Article 21B of this Chapter.

26 (4) To delegate such of the powers of the Commission as the Commission
27 deems necessary to one or more of its members, to the Secretary or any
28 other qualified employee of the Department. The Commission shall not
29 delegate to persons other than its own members and the designated
30 employees of the Department the power to conduct hearings with
31 respect to the classification of waters, the assignment of classifications,
32 air quality standards, air contaminant source classifications, emission
33 control standards, or the issuance of any special order except in the case
34 of an emergency under subdivision (12) of this subsection for the
35 abatement of existing water or air pollution. Any employee of the
36 Department to whom a delegation of power is made to conduct a
37 hearing shall report the hearing with its evidence and record to the
38 Commission.

39 (5) To institute such actions in the superior court of any county in which a
40 violation of this Article, Article 21B of this Chapter, or the rules of the
41 Commission has occurred, or, in the discretion of the Commission, in
42 the superior court of the county in which any defendant resides, or has
43 his or its principal place of business, as the Commission may deem

1 necessary for the enforcement of any of the provisions of this Article,
2 Article 21B of this Chapter, or of any official action of the Commission,
3 including proceedings to enforce subpoenas or for the punishment of
4 contempt of the Commission.

5 (6) To agree upon or enter into any settlements or compromises of any
6 actions and to prosecute any appeals or other proceedings.

7 (7) To direct the investigation of any killing of fish and wildlife which, in
8 the opinion of the Commission, is of sufficient magnitude to justify
9 investigation and is known or believed to have resulted from the
10 pollution of the waters or air as defined in this Article, and whenever
11 any person, whether or not he shall have been issued a certificate of
12 approval, permit or other document of approval authorized by this or
13 any other State law, has negligently, or carelessly or unlawfully, or
14 willfully and unlawfully, caused pollution of the waters or air as defined
15 in this Article, in such quantity, concentration or manner that fish or
16 wildlife are killed as the result thereof, the Commission, may recover, in
17 the name of the State, damages from such person. The measure of
18 damages shall be the amount determined by the Department and the
19 North Carolina Wildlife Resources Commission, whichever has
20 jurisdiction over the fish and wildlife destroyed to be the replacement
21 cost thereof plus the cost of all reasonable and necessary investigations
22 made or caused to be made by the State in connection therewith. Upon
23 receipt of the estimate of damages caused, the Department shall notify
24 the persons responsible for the destruction of the fish or wildlife in
25 question and may effect such settlement as the Commission may deem
26 proper and reasonable, and if no settlement is reached within a
27 reasonable time, the Commission shall bring a civil action to recover
28 such damages in the superior court in the county in which the discharge
29 took place. Upon such action being brought the superior court shall have
30 jurisdiction to hear and determine all issues or questions of law or fact,
31 arising on the pleadings, including issues of liability and the amount of
32 damages. On such hearing, the estimate of the replacement costs of the
33 fish or wildlife destroyed shall be prima facie evidence of the actual
34 replacement costs of such fish or wildlife. In arriving at such estimate,
35 any reasonably accurate method may be used and it shall not be
36 necessary for any agent of the Wildlife Resources Commission or the
37 Department to collect, handle or weigh numerous specimens of dead
38 fish or wildlife.

39 The State of North Carolina shall be deemed the owner of the fish or
40 wildlife killed and all actions for recovery shall be brought by the
41 Commission on behalf of the State as the owner of the fish or wildlife.
42 The fact that the person or persons alleged to be responsible for the
43 pollution which killed the fish or wildlife holds or has held a certificate

1 of approval, permit or other document of approval authorized by this
2 Article or any other law of the State shall not bar any such action. The
3 proceeds of any recovery, less the cost of investigation, shall be used to
4 replace, insofar as and as promptly as possible, the fish and wildlife
5 killed, or in cases where replacement is not practicable, the proceeds
6 shall be used in whatever manner the responsible agency deems proper
7 for improving the fish and wildlife habitat in question. Any such funds
8 received are hereby appropriated for these designated purposes. Nothing
9 in this paragraph shall be construed in any way to limit or prevent any
10 other action which is now authorized by this Article.

- 11 (8) After issuance of an appropriate order, to withhold the granting of any
12 permit or permits pursuant to G.S. 143-215.1 or G.S. 143-215.108 for
13 the construction or operation of any new or additional disposal system
14 or systems or air-cleaning device or devices in any area of the State.
15 Such order may be issued only upon determination by the Commission,
16 after public hearing, that the permitting of any new or additional source
17 or sources of water or air pollution will result in a generalized condition
18 of water or air pollution within the area contrary to the public interest,
19 detrimental to the public health, safety, and welfare, and contrary to the
20 policy and intent declared in this Article or Article 21B of this Chapter.
21 The Commission may make reasonable distinctions among the various
22 sources of water and air pollution and may direct that its order shall
23 apply only to those sources which it determines will result in a
24 generalized condition of water or air pollution.

25 The determination of the Commission shall be supported by detailed
26 findings of fact and conclusions set forth in the order and based upon
27 competent evidence of record. The order shall describe the geographical
28 area of the State affected thereby with particularity and shall prohibit the
29 issuance of permits pending a determination by the Commission that the
30 generalized condition of water or air pollution has ceased.

31 Notice of hearing shall be given in accordance with the provisions of
32 G.S. 150B-21.2.

33 A person aggrieved by an order of the Commission under this
34 subdivision may seek judicial review of the order under Article 4 of
35 Chapter 150B of the General Statutes without first commencing a
36 contested case. An order may not be stayed while it is being reviewed.

- 37 (9) If an investigation conducted pursuant to this Article or Article 21B of
38 this Chapter reveals a violation of any rules, standards, or limitations
39 adopted by the Commission pursuant to this Article or Article 21B of
40 this Chapter, or a violation of any terms or conditions of any permit
41 issued pursuant to G.S. 143-215.1 or 143-215.108, or special order or
42 other document issued pursuant to G.S. 143-215.2 or G.S. 143-215.110,
43 the Commission may assess the reasonable costs of any investigation,

1 inspection or monitoring survey which revealed the violation against the
2 person responsible therefor. If the violation resulted in an unauthorized
3 discharge to the waters or atmosphere of the State, the Commission may
4 also assess the person responsible for the violation for any actual and
5 necessary costs incurred by the State in removing, correcting or abating
6 any adverse effects upon the water or air resulting from the
7 unauthorized discharge. If the person responsible for the violation
8 refuses or fails within a reasonable time to pay any sums assessed, the
9 Commission may institute a civil action in the superior court of the
10 county in which the violation occurred or, in the Commission's
11 discretion, in the superior court of the county in which such person
12 resides or has his or its principal place of business, to recover such
13 sums.

14 (10) To require a laboratory facility that performs any tests, analyses,
15 measurements, or monitoring required under this Article or Article 21B
16 of this Chapter to be certified annually by the Department, to establish
17 standards that a laboratory facility and its employees must meet and
18 maintain in order for the laboratory facility to be certified, and to charge
19 a laboratory facility a fee for certification. Fees collected under this
20 subdivision shall be credited to the Water and Air Account and used to
21 administer this subdivision. These fees shall be applied to the cost of
22 certifying commercial, industrial, and municipal laboratory facilities.

23 (11) Repealed by Session Laws 1983, c. 296, s. 6.

24 (12) To declare an emergency when it finds that a generalized condition of
25 water or air pollution which is causing imminent danger to the health or
26 safety of the public. Regardless of any other provisions of law, if the
27 Department finds that such a condition of water or air pollution exists
28 and that it creates an emergency requiring immediate action to protect
29 the public health and safety or to protect fish and wildlife, the Secretary
30 of the Department with the concurrence of the Governor, shall order
31 persons causing or contributing to the water or air pollution in question
32 to reduce or discontinue immediately the emission of air contaminants
33 or the discharge of wastes. Immediately after the issuance of such order,
34 the chairman of the Commission shall fix a place and time for a hearing
35 before the Commission to be held within 24 hours after issuance of such
36 order, and within 24 hours after the commencement of such hearing, and
37 without adjournment thereof, the Commission shall either affirm,
38 modify or set aside the order.

39 In the absence of a generalized condition of air or water pollution of
40 the type referred to above, if the Secretary finds that the emissions from
41 one or more air contaminant sources or the discharge of wastes from
42 one or more sources of water pollution is causing imminent danger to
43 human health and safety or to fish and wildlife, he may with the

1 concurrence of the Governor order the person or persons responsible for
2 the operation or operations in question to immediately reduce or
3 discontinue the emissions of air contaminants or the discharge of wastes
4 or to take such other measures as are, in his judgment, necessary,
5 without regard to any other provisions of this Article or Article 21B of
6 this Chapter. In such event, the requirements for hearing and affirmance,
7 modification or setting aside of such orders set forth in the preceding
8 paragraph of this subdivision shall apply.

9 (13) Repealed by Session Laws 1983, c. 296, s. 6.

10 (14) To certify and approve, by appropriate delegations and conditions in
11 permits required by G.S. 143-215.1, requests by publicly owned
12 treatment works to implement, administer and enforce a pretreatment
13 program for the control of pollutants which pass through or interfere
14 with treatment processes in such treatment works; and to require such
15 programs to be developed where necessary to comply with the Federal
16 Water Pollution Control Act and the Resource Conservation and
17 Recovery Act, including the addition of conditions and compliance
18 schedules in permits required by G.S. 143-215.1. Pretreatment programs
19 submitted by publicly owned treatment works shall include, at a
20 minimum, the adoption of pretreatment standards, a permit or equally
21 effective system for the control of pollutants contributed to the
22 treatment works, and the ability to effectively enforce compliance with
23 the program.

24 (15) To adopt rules for the prevention of pollution from underground tanks
25 containing petroleum, petroleum products, or hazardous substances.
26 Rules adopted under this section may incorporate standards and
27 restrictions which exceed and are more comprehensive than comparable
28 federal regulations.

29 (16) To adopt rules limiting the manufacture, storage, sale, distribution or
30 use of cleaning agents containing phosphorus pursuant to G.S. 143-
31 214.4(e), and to adopt rules limiting the manufacture, storage, sale,
32 distribution or use of cleaning agents containing nitritotriacetic acid.

33 (17) To adopt rules to implement Part 2A of Article 21A of Chapter 143."

34 Section 3. G.S. 143-215.3A reads as rewritten:

35 **"§ 143-215.3A. Water and Air Quality Account; use of application and permit fees;**
36 **Title V Account; I & M Air Pollution Control Account; reports.**

37 (a) The Water and Air Quality Account is established as a nonreverting account
38 within the Department. Revenue in the Account shall be applied to the costs of
39 administering the programs for which the fees were collected. Revenue credited to the
40 Account pursuant to G.S. 105-449.125, 105-449.134, and 105-449.43 shall be used to
41 administer the air quality program. Except for the following fees, all application fees and
42 permit administration fees collected by the State for permits issued under Articles 21,
43 21A, 21B, and 38 of this Chapter shall be credited to the Account:

- 1 (1) Fees collected under Part 2 of Article 21A and credited to the Oil or
2 Other Hazardous Substances Pollution Protection Fund.
- 3 (2) Fees credited to the Title V Account.
- 4 (3) Fees credited to the Wastewater Treatment Works Emergency
5 Maintenance, Operation and Repair Fund under G.S. 143-215.3B.
- 6 (4) Fees collected under G.S. 143-215.28A.
- 7 (5) Fees collected under G.S. 143-215.94C shall be credited to the
8 Commercial Leaking Petroleum Underground Storage Tank Cleanup
9 Fund.

10 (a1) The total monies collected per year from fees for permits under G.S. 143-
11 215.3(a)(1a), after deducting those monies collected under G.S. ~~143-215.3(A)(1d)~~, ~~143-~~
12 ~~215.3(a)(1d)~~, shall not exceed thirty percent (30%) of the total budgets from all sources
13 of environmental permitting and compliance programs within the Department. This
14 subsection shall not be construed to relieve any person of the obligation to pay a fee
15 established under this Article or Articles 21A, 21B, or 38 of this Chapter.

16 (b) The Title V Account is established as a nonreverting account within the
17 Department. Revenue in the Account shall be used for developing and implementing a
18 permit program that meets the requirements of Title V. The Title V Account shall consist
19 of fees collected pursuant to G.S. 143-215.3(a)(1d) and G.S. 143-215.106A. Fees
20 collected under G.S. 143-215.3(a)(1d) shall be used only to cover the direct and indirect
21 costs required to develop and administer the Title V permit program, and fees collected
22 under G.S. 143-215.106A shall be used only for the eligible expenses of the Title V
23 program. Expenses of the Air Quality Compliance Advisory Panel, the ombudsman for
24 the Small Business Stationary Source Technical and Environmental Compliance
25 Assistance Program, support staff, equipment, legal services provided by the Attorney
26 General, and contracts with consultants and program expenses listed in section
27 502(b)(3)(A) of Title V shall be included among Title V program expenses.

28 (b1) The I & M Air Pollution Control Account is established as a nonreverting
29 account within the Department. Fees transferred to the Division of Air Quality of the
30 Department pursuant to G.S. 20-183.7(c)(2) shall be credited to the I & M Air Pollution
31 Control Account and shall be applied to the costs of developing and implementing an air
32 pollution control program for mobile sources.

33 (c) The Department shall make an annual report to the General Assembly and its
34 Fiscal Research Division on the cost of the State's environmental permitting programs
35 contained within such Department. In addition, the Department shall make an annual
36 report to the General Assembly and its Fiscal Research Division on the cost of the Title V
37 program. The reports shall include, but are not limited to, fees set and established under
38 this Article, fees collected under this Article, revenues received from other sources for
39 environmental permitting and compliance programs, changes made in the fee schedule
40 since the last report, anticipated revenues from all other sources, interest earned and any
41 other information requested by the General Assembly."

42 Section 4. G.S. 143-215.10G reads as rewritten:

43 "**§ 143-215.10G. Fees for animal waste management systems.**

1 (a) Department shall charge an annual permit fee of all animal operations that are
2 subject to a permit under G.S. 143-215.10C for animal waste management systems
3 according to the following schedule:

4 (1) For a system with a design capacity of 38,500 or more and less than
5 100,000 pounds steady state live weight, fifty dollars (\$50.00).

6 (2) For a system with a design capacity of 100,000 or more and less than
7 800,000 pounds steady state live weight, one hundred fifty dollars
8 ~~(\$100.00)-(\$150.00)~~.

9 (3) For a system with a design capacity of 800,000 pounds or more steady
10 state live weight, ~~two-three~~ hundred dollars ~~(\$200.00)-(\$300.00)~~.

11 (b) An application for a new permit under this section shall be accompanied by an
12 initial application fee equal to the annual fee for that permit. If a permit is issued, the
13 application fee will be applied as the annual fee for the first year that the permit is in
14 effect. If the application is denied, the application fee shall not be refunded.

15 (c) Fees collected under this section shall be credited to the Water and Air Quality
16 Account. The Department shall use fees collected pursuant to this section to cover the
17 costs of administering this Part."

18 Section 5. G.S. 90A-42(a) reads as rewritten:

19 "(a) The Commission, in establishing procedures for implementing the
20 requirements of this Article, shall impose the following schedule of fees:

21 (1) Examination including Certificate, ~~\$75.00;~~ \$85.00;

22 (2) Temporary Certificate, \$200.00;

23 (3) Temporary Certification Renewal, \$300.00;

24 (4) Conditional Certificate, \$75.00;

25 (5) Repealed by Session Laws 1987, c. 582, s. 3.

26 (6) Reciprocity Certificate, \$100.00;

27 (6a) Voluntary Conversion Certificate, \$50.00;

28 (7) Annual Renewal, ~~\$30.00;~~ \$35.00;

29 (8) Replacement of Certificate, \$20.00;

30 (9) Late Payment of Annual Renewal, \$50.00 penalty in addition to all
31 current and past due annual renewal fees plus one hundred dollars
32 (\$100.00) penalty per year for each year for which annual renewal fees
33 were not paid prior to the current year; and

34 (10) Mailing List Charges – The Commission may provide mailing lists of
35 certified water pollution control system operators and of water pollution
36 control system operators to persons who request such lists. The charge
37 for such lists shall be twenty-five dollars (\$25.00) for each such list
38 provided."

39 Section 6. G.S. 90A-47.4(a) reads as rewritten:

40 "(a) An applicant for certification under this Part shall pay a fee of ~~ten dollars~~
41 ~~(\$10.00)-~~ twenty-five dollars (\$25.00) for the examination and the certificate."

42 Section 7. Subsection (d) of Section 27.13 of Chapter 18 of the 1995 Session
43 Laws (1996 Second Extra Session) is repealed.

1 Section 8. This act shall not be construed to relieve any person of the
2 obligation to pay any fee due for any activity described in this act under the schedule of
3 fees in effect prior to the date this act becomes effective.

4 Section 9. This act becomes effective 1 January 1999.