

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 1484\*

Short Title: Water Quality Fees.

(Public)

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Sponsors: Representative Mitchell.

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Referred to: Environment, if favorable, Finance.

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May 25, 1998

A BILL TO BE ENTITLED

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

7 The General Assembly of North Carolina enacts:

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

10 "**§ 143-215.3D. Fee schedule for water quality permits.**

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

12 (1) Major Individual NPDES Permits. – The annual fee for an individual  
13 permit for a point source discharge of 1,000,000 or more gallons per day  
14 shall be two thousand eight hundred sixty-five dollars (\$2,865).

15 (2) Minor Individual NPDES Permits. – The annual fee for an individual  
16 permit for a point source discharge of less than 1,000,000 gallons per  
17 day shall be seven hundred fifteen dollars (\$715.00).

18 (3) Single-Family Residence. – The annual fee for a certificate of coverage  
19 under a general permit for a point source discharge or an individual

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

1 fee shall be in addition to the fees due under subsections (a) and (c) of this section. If the  
2 application is denied, the application fee shall not be refunded.

3 (e) Other fees under this Article. –

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

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

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

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

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

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

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

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

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

29 (1a) ~~To charge~~ adopt fee schedules and collect fees for the following:

30 a. Processing of applications for permits or registrations issued  
31 under ~~Articles~~ Article 21, other than Parts 1 and 1A, Articles 21A,  
32 21B, and 38 of this Chapter;

33 b. Administering permits or registrations issued under ~~Articles~~  
34 Article 21, other than Parts 1 and 1A, Articles 21A, 21B, ~~or~~ and  
35 38 of this Chapter including monitoring compliance with the  
36 terms of those permits; and

37 c. Reviewing, processing, and publicizing applications for  
38 construction grant awards under the Federal Water Pollution  
39 Control Act.

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

42 (1b) ~~The fee to be charged pursuant to G.S. 143-215.3(a)(1a) for processing~~  
43 ~~an application for a permit under G.S. 143-215.1 of Article 21 may not~~

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

- 41 (1c) Moneys collected pursuant to G.S. 143-215.3(a)(1a) shall be used to:
- 42 a. Eliminate, insofar as possible, backlogs of permit applications  
43 awaiting agency action;

- 1           b.     Improve the quality of permits issued;  
2           c.     Improve the rate of compliance of permitted activities with  
3                 environmental standards; and  
4           d.     Decrease the length of the processing period for permit  
5                 applications.
- 6       (1d)   The Commission may adopt and implement a graduated fee schedule  
7             sufficient to cover all direct and indirect costs required for the State to  
8             develop and administer a permit program which meets the requirements  
9             of Title V. The provisions of subdivision (1b) of this subsection do not  
10            apply to the adoption of a fee schedule under this subdivision. In  
11            adopting and implementing a fee schedule, the Commission shall  
12            require that the owner or operator of all air contaminant sources subject  
13            to the requirement to obtain a permit under Title V to pay an annual fee,  
14            or the equivalent over some other period, sufficient to cover costs as  
15            provided in section 502(b)(3)(A) of Title V. The fee schedule shall be  
16            adopted according to the procedures set out in Chapter 150B of the  
17            General Statutes.
- 18           a.     The total amount of fees collected under the fee schedule adopted  
19                 pursuant to this subdivision shall conform to the requirements of  
20                 section 502(b)(3)(B) of Title V. No fee shall be collected for  
21                 more than 4,000 tons per year of any individual regulated  
22                 pollutant, as defined in section 502(b)(3)(B)(ii) of Title V,  
23                 emitted by any source. Fees collected pursuant to this subdivision  
24                 shall be credited to the Title V Account.
- 25           b.     The Commission may reduce any permit fee required under this  
26                 section to take into account the financial resources of small  
27                 business stationary sources as defined under Title V and  
28                 regulations promulgated by the United States Environmental  
29                 Protection Agency.
- 30           c.     When funds in the Title V Account exceed the total amount  
31                 necessary to cover the cost of the Title V program for the next  
32                 fiscal year, the Secretary shall reduce the amount billed for the  
33                 next fiscal year so that the excess funds are used to supplement  
34                 the cost of administering the Title V permit program in that fiscal  
35                 year.
- 36       (1e)   The Commission shall collect the application, annual, and project fees  
37             for processing and administering permits, certificates of coverage under  
38             general permits, and certifications issued under Parts 1 and 1A of this  
39             Article and for compliance monitoring under Parts 1 and 1A of this  
40             Article as provided in G.S. 143-215.3D and G.S. 143-215.10G.
- 41       (2)   To direct that such investigation be conducted as it may reasonably  
42             deem necessary to carry out its duties as prescribed by this Article or  
43             Article 21A or Article 21B of this Chapter, and for this purpose to enter

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

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

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

34 (5) To institute such actions in the superior court of any county in which a  
35 violation of this Article, Article 21B of this Chapter, or the rules of the  
36 Commission has occurred, or, in the discretion of the Commission, in  
37 the superior court of the county in which any defendant resides, or has  
38 his or its principal place of business, as the Commission may deem  
39 necessary for the enforcement of any of the provisions of this Article,  
40 Article 21B of this Chapter, or of any official action of the Commission,  
41 including proceedings to enforce subpoenas or for the punishment of  
42 contempt of the Commission.

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

35           The State of North Carolina shall be deemed the owner of the fish or  
36 wildlife killed and all actions for recovery shall be brought by the  
37 Commission on behalf of the State as the owner of the fish or wildlife.  
38 The fact that the person or persons alleged to be responsible for the  
39 pollution which killed the fish or wildlife holds or has held a certificate  
40 of approval, permit or other document of approval authorized by this  
41 Article or any other law of the State shall not bar any such action. The  
42 proceeds of any recovery, less the cost of investigation, shall be used to  
43 replace, insofar as and as promptly as possible, the fish and wildlife

1 killed, or in cases where replacement is not practicable, the proceeds  
2 shall be used in whatever manner the responsible agency deems proper  
3 for improving the fish and wildlife habitat in question. Any such funds  
4 received are hereby appropriated for these designated purposes. Nothing  
5 in this paragraph shall be construed in any way to limit or prevent any  
6 other action which is now authorized by this Article.

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

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

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

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

- 33 (9) If an investigation conducted pursuant to this Article or Article 21B of  
34 this Chapter reveals a violation of any rules, standards, or limitations  
35 adopted by the Commission pursuant to this Article or Article 21B of  
36 this Chapter, or a violation of any terms or conditions of any permit  
37 issued pursuant to G.S. 143-215.1 or 143-215.108, or special order or  
38 other document issued pursuant to G.S. 143-215.2 or G.S. 143-215.110,  
39 the Commission may assess the reasonable costs of any investigation,  
40 inspection or monitoring survey which revealed the violation against the  
41 person responsible therefor. If the violation resulted in an unauthorized  
42 discharge to the waters or atmosphere of the State, the Commission may  
43 also assess the person responsible for the violation for any actual and



1 necessary costs incurred by the State in removing, correcting or abating  
2 any adverse effects upon the water or air resulting from the  
3 unauthorized discharge. If the person responsible for the violation  
4 refuses or fails within a reasonable time to pay any sums assessed, the  
5 Commission may institute a civil action in the superior court of the  
6 county in which the violation occurred or, in the Commission's  
7 discretion, in the superior court of the county in which such person  
8 resides or has his or its principal place of business, to recover such  
9 sums.

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

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

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

35 In the absence of a generalized condition of air or water pollution of  
36 the type referred to above, if the Secretary finds that the emissions from  
37 one or more air contaminant sources or the discharge of wastes from  
38 one or more sources of water pollution is causing imminent danger to  
39 human health and safety or to fish and wildlife, he may with the  
40 concurrence of the Governor order the person or persons responsible for  
41 the operation or operations in question to immediately reduce or  
42 discontinue the emissions of air contaminants or the discharge of wastes  
43 or to take such other measures as are, in his judgment, necessary,

1 without regard to any other provisions of this Article or Article 21B of  
2 this Chapter. In such event, the requirements for hearing and affirmance,  
3 modification or setting aside of such orders set forth in the preceding  
4 paragraph of this subdivision shall apply.

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

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

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

25 (16) To adopt rules limiting the manufacture, storage, sale, distribution or  
26 use of cleaning agents containing phosphorus pursuant to G.S. 143-  
27 214.4(e), and to adopt rules limiting the manufacture, storage, sale,  
28 distribution or use of cleaning agents containing nitrilotriacetic acid.

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

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

31 **"§ 143-215.3A. Water and Air Quality Account; use of application and permit fees;  
32 Title V Account; I & M Air Pollution Control Account; reports.**

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

40 (1) Fees collected under Part 2 of Article 21A and credited to the Oil or  
41 Other Hazardous Substances Pollution Protection Fund.

42 (2) Fees credited to the Title V Account.

1 (3) Fees credited to the Wastewater Treatment Works Emergency  
2 Maintenance, Operation and Repair Fund under G.S. 143-215.3B.

3 (4) Fees collected under G.S. 143-215.28A.

4 (5) Fees collected under G.S. 143-215.94C shall be credited to the  
5 Commercial Leaking Petroleum Underground Storage Tank Cleanup  
6 Fund.

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

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

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

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

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

41 "**§ 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~~ 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. Subsection (d) of Section 27.13 of Chapter 18 of the 1995 Session  
19 Laws (1996 Second Extra Session) is repealed.

20 Section 6. This act shall not be construed to relieve any person of the  
21 obligation to pay any fees due for any activity described in this act under the schedule of  
22 fees in effect prior to the date this act becomes effective.

23 Section 7. This act becomes effective 1 January 1999.