

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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SENATE BILL 821

Short Title: Water Withdrawal Registration.

(Public)

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Sponsors: Senators Tally; Gulley, Ward, Cochrane, and Odom.

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Referred to: Environment and Natural Resources.

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April 12, 1993

A BILL TO BE ENTITLED

AN ACT TO AMEND THE CURRENT PROCEDURE FOR THE REGISTRATION OF WATER WITHDRAWALS TO MAKE THE PROCEDURE MORE EFFECTIVE, TO PROVIDE MORE USEFUL INFORMATION, AND TO IMPOSE A LATE PAYMENT FEE FOR LATE REGISTRATIONS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 143-215.22H reads as rewritten:

**"§ 143-215.22H. Registration of water withdrawals and transfers required.**

(a) Any person who withdraws 1,000,000 gallons per day or more of water from the surface or ground waters of the State or who transfers 1,000,000 gallons per day or more of water from one river basin to another shall register the withdrawal or transfer with the Commission. A person registering a water withdrawal or transfer shall provide the Commission with the following information:

(1) The maximum daily amount of the water withdrawal or transfer expressed in millions of gallons per day.

(1a) The monthly average withdrawal or transfer expressed in millions of gallons per day.

(2) The location of the points of withdrawal and discharge and the capacity of each facility used to make the withdrawal or transfer.

(3) The monthly average discharge expressed in millions of gallons per day.

(b) Any person initiating a new ~~surface~~-water withdrawal or transfer of 1,000,000 gallons per day or more shall register the withdrawal or transfer with the Commission not later than six months after the initiation of the withdrawal or transfer. The

1 information required under subsection (a) of this section shall be submitted with respect  
2 to the new withdrawal or transfer.

3 (c) The Commission may charge a registration fee, not to exceed fifty dollars  
4 (\$50.00), for processing an application for a registration under this section. The  
5 Commission may also charge any person who fails to register a withdrawal or transfer,  
6 as provided by this section, a late payment fee of five dollars (\$5.00) per day for each  
7 day that the registration is overdue. However, the late payment fee shall not exceed five  
8 hundred dollars (\$500.00).

9 No registration fee or late payment fee shall be charged, however, to a farmer for  
10 failure to register a withdrawal or transfer that pertains to his or her farming operations  
11 in a timely manner, as provided by this section."

12 Sec. 2. Any person with an existing withdrawal or transfer of 1,000,000  
13 gallons per day, as of July 1, 1993, shall register the withdrawal or transfer with the  
14 Commission by January 1, 1994.

15 Sec. 3. G.S. 143-215.3(a)(1b) reads as rewritten:

16 "(1b) The fee to be charged pursuant to G.S. 143-215.3(a)(1a) for processing  
17 of an application for a permit under G.S. 143-215.1 of Article 21 and  
18 G.S. 143-215.108 and G.S. 143-215.109 of Article 21B of this Chapter  
19 may not exceed four hundred dollars (\$400.00). The fee to be charged  
20 pursuant to G.S. 143-215.3(a)(1a) for processing an application for a  
21 registration under Article 38 ~~or Part 2A~~ of this Chapter may not exceed  
22 fifty dollars (\$50.00) for any single application, except that a penalty  
23 of as much as twenty percent (20%) of the fee may be assessed for late  
24 registration. The fee for administering and compliance monitoring  
25 under G.S. 143-215.1 of Article 21 and G.S. 143-215.108 and G.S.  
26 143-215.109 of Article 21B shall be charged on an annual basis for  
27 each year of the permit term and may not exceed one thousand five  
28 hundred dollars (\$1,500) per year. Fees for processing all permits  
29 under Article 21A and all other sections of Articles 21 and 21B shall  
30 not exceed one hundred dollars (\$100.00) for any single permit.  
31 Notwithstanding any other provision of this subdivision, the total  
32 payment for fees required for all permits under this subsection for any  
33 single facility shall not exceed seven thousand five hundred dollars  
34 (\$7,500) per year, which amount shall include all application fees and  
35 fees for administration and compliance monitoring. A single facility is  
36 defined to be any contiguous area under one ownership and in which  
37 permitted activities occur. For all permits issued under these Articles  
38 where a fee schedule is not specified in the statutes, the Commission,  
39 or other commission specified by statute shall adopt a fee schedule in a  
40 rule following the procedures established by the Administrative  
41 Procedure Act. Such fee schedules shall be established to reflect the  
42 size of the emission or discharge, the potential impact on the  
43 environment, the staff costs involved, relative costs of the issuance of  
44 new permits and the reissuance of existing permits, and shall include

1                   adequate safeguards to prevent unusual fee assessments which would  
2                   result in serious economic burden on an individual applicant. A system  
3                   shall be considered to allow consolidated annual payments for persons  
4                   with multiple permits. In its rulemaking to establish fee schedules, the  
5                   Commission is also directed to consider a method of rewarding  
6                   facilities which achieve full compliance with administrative and self-  
7                   monitoring reporting requirements, and to consider, in those cases  
8                   where the cost of renewal or amendment of a permit is less than for the  
9                   original permit, a lower fee for such renewal or amendment."  
10                  Sec. 4. This act becomes effective July 1, 1993.