

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 1317*

Short Title: Amend Env. Mgt. Comm. Fee Auth.

(Public)

Sponsors: Representative Nichols.

Referred to: Finance.

May 23, 1996

A BILL TO BE ENTITLED

1 AN ACT TO INCREASE THE MAXIMUM FEES THAT THE ENVIRONMENTAL
2 MANAGEMENT COMMISSION MAY CHARGE FOR PERMITS AND
3 COMPLIANCE MONITORING UNDER THE WATER QUALITY PROGRAM
4 AND TO INCREASE THE MAXIMUM PERCENTAGE OF THE TOTAL
5 BUDGETS OF CERTAIN ENVIRONMENTAL PROGRAMS THAT MAY BE
6 DERIVED FROM FEES FROM THIRTY TO FIFTY PERCENT, AS
7 RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

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9 The General Assembly of North Carolina enacts:

10 Section 1. G.S. 143-215.3(a)(1a) reads as rewritten:

11 "(1a) To charge fees for the following:

- 12 a. Processing of applications for ~~permits or permits, certifications,~~
13 and registrations issued under Articles 21, 21A, 21B, and 38 of
14 this Chapter;
- 15 b. Administering ~~permits or permits, certifications, and~~ registrations
16 issued under Articles 21, 21A, 21B, ~~or~~ and 38 of this Chapter
17 including monitoring compliance with the terms of those permits;
18 and

1 c. Reviewing, processing, and publicizing applications for
2 construction grant awards under the Federal Water Pollution
3 Control Act.

4 No fee may be charged under this provision, however, to a farmer who
5 submits an application that pertains to his farming ~~operations~~ operation
6 except for a permit that is required under Article 21, 21A, 21B, or 38 of
7 this Chapter or rules adopted by the Commission under any of the
8 provisions of those Articles."

9 Sec. 2. G.S. 143-215.3(a)(1b) reads as rewritten:

10 "(1b) The fee to be charged pursuant to G.S. 143-215.3(a)(1a) for processing
11 an application for a permit under G.S. 143-215.1 of Article 21 may not
12 exceed ~~four hundred dollars (\$400.00)~~ five thousand dollars (\$5,000).
13 The fee to be charged pursuant to G.S. 143-215.3(a)(1a) for processing
14 an application for a permit under G.S. 143-215.108 and G.S. 143-
15 215.109 of Article 21B of this Chapter may not exceed five hundred
16 dollars (\$500.00). The fee to be charged pursuant to G.S. 143-
17 215.3(a)(1a) for processing a registration under Part 2A of this Article
18 or Article 38 of this Chapter may not exceed fifty dollars (\$50.00) for
19 any single registration. An additional fee of twenty percent (20%) of
20 the registration processing fee may be assessed for a late registration
21 under Article 38 of this Chapter. The fee for administering and
22 compliance monitoring under G.S. 143-215.1 of Article 21 shall be
23 charged on an annual basis for each year of the permit term and may not
24 exceed two thousand five hundred dollars (\$2,500) per year. The fee for
25 administering and compliance monitoring under ~~G.S. 143-215.1 of~~
26 ~~Article 21 and~~ G.S. 143-215.108 and G.S. 143-215.109 of Article 21B
27 shall be charged on an annual basis for each year of the permit term and
28 may not exceed one thousand five hundred dollars (\$1,500) per year.
29 Fees for processing all permits under Article 21A and all other sections
30 of Articles 21 and 21B for which a fee is not specified shall not exceed
31 one hundred dollars (\$100.00) for any single permit. Notwithstanding
32 any other provision of this subdivision, the total payment for fees
33 required for ~~all permits~~ an individual permit under this subsection ~~for~~
34 ~~any single facility~~ shall not exceed seven thousand five hundred dollars
35 (\$7,500) per year, which amount shall include all application fees and
36 fees for administration and compliance monitoring. A single facility is
37 defined to be any contiguous area under one ownership and in which
38 permitted activities occur. For all permits issued under these Articles
39 where a fee schedule is not specified in the statutes, the Commission, or
40 other commission specified by statute shall adopt a fee schedule in a
41 rule following the procedures established by the Administrative
42 Procedure Act. Fee schedules shall be established to reflect the size of
43 the emission or discharge, the potential impact on the environment, the

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

12 Sec. 3. G.S. 143-215.3A(a1) reads as rewritten:

13 "(a1) The total monies collected per year from fees for permits under G.S. 143-
14 215.3(a)(1a), after deducting those monies collected under G.S. 143-215.3(a)(1d), shall
15 not exceed ~~thirty percent (30%)~~ fifty percent (50%) of the total budgets from all sources
16 of environmental permitting and compliance programs ~~within the Department~~ under
17 Articles 21, 21A, 21B, and 38 of this Chapter."

18 Sec. 4. This act is effective upon ratification.