

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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SENATE BILL 1330*

Short Title: Water Quality Fees.

(Public)

Sponsors: Senators Odom; and Horton.

Referred to: Finance.

May 27, 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.