

**NORTH CAROLINA GENERAL ASSEMBLY**

**LEGISLATIVE FISCAL NOTE**

**BILL NUMBER:** Senate Bill 1037 (Second Edition, amended)

**SHORT TITLE:** No Air Permit Requirement Until Facility Operational

**SPONSOR(S):**

<b>FISCAL IMPACT</b>				
<b>Yes ( )</b>	<b>No ( )</b>	<b>No Estimate Available (X)</b>		
<b><u>FY 2001-02</u></b>	<b><u>FY 2002-03</u></b>	<b><u>FY 2003-04</u></b>	<b><u>FY 2004-05</u></b>	<b><u>FY 2005-06</u></b>
<b>REVENUES</b>				
<b>EXPENDITURES</b>				
<b>PRINCIPAL DEPARTMENT(S) &amp; PROGRAM(S) AFFECTED:</b> Department of Environment and Natural Resources – Division of Air Quality; Environmental Management Commission				
<b>EFFECTIVE DATE:</b> The bill is effective when it becomes law and applies to construction of any new facility and construction associated with the modification of a permit for an existing facility that commences on or after that date.				

**BILL SUMMARY:** The bill modifies the procedures required before construction, expansion, modification, or operation of an air contaminant source and its components can commence. The bill establishes notification and review procedures for permit applicants, establishes a \$200 application fee, and denies the use of economic and financial losses incurred by a person who proceeds without a permit as evidence during administrative and judicial review of permit decisions.

**ASSUMPTIONS AND METHODOLOGY:** The Division of Air Quality cannot easily estimate the number of notices of construction that will be issued under Section 3(f) of the bill. The Division normally makes 1,000 to 1,500 air quality permit decisions per year, of which 500 are renewals where no construction is needed. Thus the maximum number of persons utilizing the notice of construction powers of SB 1037 is 1,000 with resulting revenues of \$200,000. However, the Division believes only a few notices will be issued because the majority of applicants will want to obtain their permits before doing any

construction. The Division estimates only a few thousand dollars in fees from this new notice.

**TECHNICAL CONSIDERATIONS:**

**FISCAL RESEARCH DIVISION 733-4910**

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**APPROVED BY:** James D. Johnson

**DATE:** September 25, 2001



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