

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 1285*

Short Title: Amend Environmental Management Commission Fees. (Public)

Sponsors: Senators Blackmon; Horton, Plexico, Albertson, Odom, and Carpenter.

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 Article~~
26 ~~21 and~~ G.S. 143-215.108 and G.S. 143-215.109 of Article 21B shall be
27 charged on an annual basis for each year of the permit term and may not
28 exceed one thousand five hundred dollars (\$1,500) per year. Fees for
29 processing all permits under Article 21A and all other sections of
30 Articles 21 and 21B for which a fee is not specified shall not exceed one
31 hundred dollars (\$100.00) for any single permit. Notwithstanding any
32 other provision of this subdivision, the total payment for fees required
33 ~~for all permits~~ an individual permit under this subsection ~~for any single~~
34 ~~facility~~ shall not exceed seven thousand five hundred dollars (\$7,500)
35 per year, which amount shall include all application fees and fees for
36 administration and compliance monitoring. A single facility is defined
37 to be any contiguous area under one ownership and in which permitted
38 activities occur. For all permits issued under these Articles where a fee
39 schedule is not specified in the statutes, the Commission, or other
40 commission specified by statute shall adopt a fee schedule in a rule
41 following the procedures established by the Administrative Procedure
42 Act. Fee schedules shall be established to reflect the size of the
43 emission or discharge, the potential impact on the environment, the staff

1 costs involved, relative costs of the issuance of new permits and the
2 reissuance of existing permits, and shall include adequate safeguards to
3 prevent unusual fee assessments which would result in serious economic
4 burden on an individual applicant. A system shall be considered to
5 allow consolidated annual payments for persons with multiple permits.
6 In its rulemaking to establish fee schedules, the Commission is also
7 directed to consider a method of rewarding facilities which achieve full
8 compliance with administrative and self-monitoring reporting
9 requirements, and to consider, in those cases where the cost of renewal
10 or amendment of a permit is less than for the original permit, a lower fee
11 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 of
16 environmental permitting and compliance programs ~~within the Department.~~ under Articles
17 21, 21A, 21B, and 38 of this Chapter."

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