

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2003**

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**HOUSE BILL 1324**

Short Title: Environment Fees/True Cost of Service. (Public)

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Sponsors: Representatives Luebke; Farmer-Butterfield, Parmon, Weiss, and Insko.

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Referred to: Environment and Natural Resources, if favorable Finance.

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May 15, 2003

A BILL TO BE ENTITLED  
AN ACT TO INCREASE CERTAIN ENVIRONMENTAL FEES FOR PERMITS  
AND COMPLIANCE PROGRAMS OF THE DEPARTMENT OF  
ENVIRONMENT AND NATURAL RESOURCES TO REFLECT THE  
DEPARTMENT'S TRUE COST OF THESE ACTIVITIES.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 143-215.3A(a1) reads as rewritten:

"(a1) The Department must set the amounts for fees for environmental permits under Articles 21, 21A, 21B, and 38 of this Chapter and fees for compliance programs to the maximum amounts authorized under this Chapter. On or before October 1 of each year, the Secretary must prepare a recommended schedule of these annual environmental permit fees and fees for compliance programs that would generate sufficient revenue to defray the costs of permitting, inspection, compliance monitoring, and enforcement pursuant to this Chapter and rules and orders adopted under this Chapter. The Secretary must submit the schedule to the Environmental Rules Commission. ~~total monies collected per year from fees for permits under G.S. 143-215.3(a)(1a), after deducting those monies collected under G.S. 143-215.3(a)(1d), shall not exceed thirty percent (30%) of the total budgets from all sources of environmental permitting and compliance programs within the Department. This subsection shall not be construed to relieve any person of the obligation to pay a fee established under this Article or Articles 21A, 21B, or 38 of this Chapter.~~"

**SECTION 2.** G.S. 113A-54.2(a) reads as rewritten:

~~"(a) The Commission may establish a fee schedule for the review and approval of erosion and sedimentation control plans under this Article. In establishing the fee schedule, the Commission shall consider the administrative and personnel costs incurred by the Department for reviewing the plans and for related compliance activities. An application fee may not exceed fifty dollars (\$50.00) per acre of disturbed land shown on an erosion and sedimentation control plan or of land actually disturbed during the life of the project. The fee for the review of an erosion and sedimentation control plan and~~

1 related compliance activities shall be one hundred fifty dollars (\$150.00) per acre, or  
2 portion thereof, of disturbed land as shown on an erosion and sedimentation control plan  
3 or of land disturbed during the life of the project, whichever is greater."

4 **SECTION 3.** This act becomes effective August 1, 2003.