



CHAPTER 143

ARTICLE 21 - WATER AND AIR RESOURCES

N.C.G.S. § 143-215.3A.

Water and Air Quality Account; use of application and permit fees; Title V Account; I & M Air Pollution Control Account; reports.

SOURCE	LAST AMENDMENT IN THIS TEXT	RETRIEVED	SOURCE FINGERPRINT
General Statutes of North Carolina, as published by the General Assembly	S.L. 2017-57, ss. 13.1, 14.1(i) — twenty-first act in the lineage	21 September 2026, 07:20 UTC	7c2db49c1d7dd7f4737836a0 - 787eeb4163958200eb6fe907 - 7e81ee9190a94afb

§ 143-215.3A(a)

The Water and Air Quality Account is established as an account within the Department. Revenue in the Account shall be applied to the costs of administering the programs for which the fees were collected. Revenue credited to the Account pursuant to G.S. 105-449.43, G.S. 105-449.125, and G.S. 105-449.136 shall be used to administer the air quality program. Any funds credited to the Account from fees collected for laboratory facility certifications under G.S. 143-215.3(a)(10) that are not expended at the end of each fiscal year for the purposes for which these fees may be used under G.S. 143-215.3(a)(10) shall revert. Any other funds credited to the Account that are not expended at the end of each fiscal year shall not revert. Except for the following fees, all application fees and permit administration fees collected by the State for permits issued under Articles 21, 21A, 21B, and 38 of this Chapter shall be credited to the Account:

- (1) Fees collected under Part 2 of Article 21A and credited to the Oil or Other Hazardous Substances Pollution Protection Fund.
- (2) Fees credited to the Title V Account.
- (3) Repealed by Session Laws 2005-454, s. 7, effective January 1, 2006.
- (4) Fees collected under G.S. 143-215.28A.

- (5) Fees collected under G.S. 143-215.94C shall be credited to the Commercial Leaking Petroleum Underground Storage Tank Cleanup Fund.
- (6) Fees collected under G.S. 143-215.3D for the following permits and certificates shall be credited to the General Fund for use by the Department to administer the program for which the fees were collected:

a. Stormwater permits and certificates of general permit coverage authorized under G.S. 143-214.7.

b. Permits to apply petroleum contaminated soil to land authorized under G.S. 143-215.1.

§ 143-215.3A(a1) The 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.

§ 143-215.3A(b) The Title V Account is established as a nonreverting account within the Department. Revenue in the Account shall be used for developing and implementing a permit program that meets the requirements of Title V. The Title V Account shall consist of fees collected pursuant to G.S. 143-215.3(a)(1d) and G.S. 143-215.106A. Fees collected under G.S. 143-215.3(a)(1d) shall be used only to cover the direct and indirect costs required to develop and administer the Title V permit program, and fees collected under G.S. 143-215.106A shall be used only for the eligible expenses of the Title V program. Expenses of the ombudsman for the Small Business Stationary Source Technical and Environmental Compliance Assistance Program, support staff, equipment, legal services provided by the Attorney General, and contracts with consultants and program expenses listed in section 502(b)(3)(A) of Title V shall be included among Title V program expenses.

§ 143-215.3A(b1) The I & M Air Pollution Control Account is established as a nonreverting account within the Department. Fees transferred to the Division of Air Quality of the Department pursuant to G.S. 20-183.7(c) shall be credited to the I & M Air Pollution Control Account and shall be applied to administering the air quality program.

§ 143-215.3A(c)

The Department shall report to the Environmental Review Commission, the Joint Legislative Oversight Committee on Agriculture and Natural and Economic Resources, and the Fiscal Research Division on the cost of the State's environmental permitting programs contained within the Department on or before January 1 of each odd-numbered year. The report shall include, but is not limited to, fees set and established under this Article, fees collected under this Article, revenues received from other sources for environmental permitting and compliance programs, changes made in the fee schedule since the last report, anticipated revenues from all other sources, interest earned, and any other information requested by the General Assembly. The Department shall submit this report with the report required by G.S. 143B-279.17 as a single report.

END OF SECTION TEXT

APPARATUS FOLLOWS — DERIVED, NOT ENACTED

APPARATUS I
21 ACTS

Amendment lineage

The State prints this history as a single parenthetical at the foot of the section. It is reproduced verbatim in the colophon and unpacked below in order of enactment.



13	2005	S.L. 2005-386, s. 8.1	AMENDED
14	2005	S.L. 2005-454, s. 7	AMENDED
15	2008	S.L. 2008-198, s. 11.2	AMENDED
16	2011	S.L. 2011-145, s. 13.7	AMENDED
17	2011	S.L. 2011-266, ss. 1.35(b), 3.3(b)	AMENDED
18	2014	S.L. 2014-120, s. 38(a)	AMENDED
19	2015	S.L. 2015-241, s. 14.16(d)	AMENDED
20	2017	S.L. 2017-10, s. 4.12(a)	AMENDED
21	2017	S.L. 2017-57, ss. 13.1, 14.1(i)	AMENDED

APPARATUS II

14 AUTHORITIES

Authorities referenced

Every G.S. cross-reference appearing in the text of this section, in order of first appearance. Nothing is characterized; the operative language is quoted from the section itself.

REFERENCE	APPEARS IN	OPERATIVE LANGUAGE IN THIS SECTION
G.S. 105-449.43	(a)	"credited to the Account pursuant to"
G.S. 105-449.125	(a)	"the Account pursuant to G.S. 105-449.43,"
G.S. 105-449.136	(a)	"to G.S. 105-449.43, G.S. 105-449.125, and"
G.S. 143-215.3(a)(10)	(a)	"collected for laboratory facility certifications under"
G.S. 143-215.28A	(a)(4)	"Fees collected under"
G.S. 143-215.94C	(a)(5)	"Fees collected under"
G.S. 143-215.3D	(a)(6)	"Fees collected under"
G.S. 143-214.7	(a)	"of general permit coverage authorized under"
G.S. 143-215.1	(a)	"contaminated soil to land authorized under"
G.S. 143-215.3(a)(1a)	(a1)	"year from fees for permits under"
G.S. 143-215.3(a)(1d)	(a1)	"after deducting those monies collected under"
G.S. 143-215.106A	(b)	"collected pursuant to G.S. 143-215.3(a)(1d) and"
G.S. 20-183.7(c)	(b1)	"Quality of the Department pursuant to"
G.S. 143B-279.17	(c)	"report with the report required by"

APPARATUS III

Citation

FULL SECTION

N.C. Gen. Stat. § 143-215.3A (2017).

PINPOINT

N.C. Gen. Stat. § 143-215.3A(a) (2017).

Pinpoint keys are set in the left margin of the text rather than line numbers: subsection designators are stable across editions and paper sizes, line numbers are not.

COLOPHON

Provenance

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This is not the official text. The official text is published by the General Assembly of North Carolina.

HISTORY PARENTHETICAL, AS PRINTED BY THE STATE

(1987, c. 767, s. 2; 1989, c. 500, s. 121; c. 727, s. 218(104); 1989 (Reg. Sess., 1990), c. 976, s. 2; 1991, c. 552, s. 3; 1991 (Reg. Sess., 1992), c. 1039, s. 12; 1993, c. 400, s. 14; 1995, c. 390, s. 28; 1995 (Reg. Sess., 1996), c. 743, s. 13; 1998-212, s. 29A.11(c); 2001-452, s. 2.4; 2001-474, s. 27; 2005-386, s. 8.1; 2005-454, s. 7; 2008-198, s. 11.2; 2011-145, s. 13.7; 2011-266, ss. 1.35(b), 3.3(b); 2014-120, s. 38(a); 2015-241, s. 14.16(d); 2017-10, s. 4.12(a); 2017-57, ss. 13.1, 14.1(i).)

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