

GENERAL ASSEMBLY OF NORTH CAROLINA
1989 SESSION

CHAPTER 906
SENATE BILL 1536

AN ACT TO ESTABLISH FEES FOR PROCESSING EROSION CONTROL PLAN
APPROVALS UNDER THE SEDIMENTATION POLLUTION CONTROL ACT.

The General Assembly of North Carolina enacts:

Section 1. Article 4 of Chapter 113A of the General Statutes is amended by adding a new section to read:

"§ 113A-54.2. Approval Fees.

(a) The Commission may establish a fee schedule for the review and approval of erosion 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. The total amount of the fees collected under this section in any fiscal year may not exceed one-third of the total administrative and personnel costs incurred by the Department for reviewing the plans and for related compliance activities in the prior fiscal year, but in no event may any one application fee exceed fifty dollars (\$50.00) per acre of disturbed land shown on the plans or actually disturbed during the life of the project.

(b) Fees collected under this section shall be credited to the General Fund and may be used to:

- (1) Defray the expenses of any project or program, including educational programs, supporting plan approval, and compliance activities under this Article; and
- (2) Establish additional permanent positions, under Chapter 126 of the General Statutes, for plan approval and compliance activities under this Article.

(c) The Department shall make a biennial report to the Joint Legislative Commission on Governmental Operations and the Director of the Fiscal Research Division on the cost of the State's program to approve erosion control plans. The report shall include the fees established and collected under this section and any other information requested by the General Assembly or the Commission.

(d) This section may not limit the existing authority of local programs approved pursuant to this Article to assess fees for the approval of erosion control plans."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 13th day of July, 1990.