

**NORTH CAROLINA GENERAL ASSEMBLY
LEGISLATIVE FISCAL NOTE**

BILL NUMBER: HB 681
SHORT TITLE: Clean Air Act Implementations
SPONSOR(S): Representative DeVane

FISCAL IMPACT: **Expenditures:** **Increase ()** **Decrease ()**
 Revenues: **Increase ()** **Decrease ()**
 No Impact (X) Reallocation of Current Revenue
 No Estimate Available ()

FUND AFFECTED: **General Fund ()** **Highway Fund (X)** **Local Govt. ()**
 Other Funds (X)

BILL SUMMARY:

"TO IMPLEMENT THE REQUIREMENTS OF THE 1990 AMENDMENTS TO THE FEDERAL CLEAN AIR ACT, TO REPEAL THE EXPIRATION OF A PORTION OF THE PER GALLON FUEL TAX, AND TO DEDICATE A PORTION OF THE PROCEEDS OF THE TAX TO IMPLEMENT THE 1990 AMENDMENTS TO THE FEDERAL CLEAN AIR ACT." Provides that information collected by Environmental Management Comm'n (EMC) to determine compliance with standards adopted pursuant to air pollution control law is public information, and that confidential information obtained by EMC may be disclosed to other state and federal agencies when necessary to carry out of proper function of the Dep't of Env., Health, and Nat. Resources (DEHNR) or the other agency. Requires EMC to develop and adopt standards and plans necessary to implement requirements of federal Clean Air Act and implementing regulations adopted by federal Environmental Protection Agency (EPA), and to establish procedures for public notice, comment, and hearings on applications for permits under Title V of the 1990 amendments to the Clean Air Act. Establishes civil and criminal penalties applicable to persons subject to Title V. Adds provision allowing EMC to establish procedures allowing minor modifications to permitted facilities if the modifications comply with federal EPA regulations. Requires EMC to adopt rules specifying time limits for approval of applications for permits required by Title V, requires EMC to not issue permit until any valid objections by federal EPA are resolved, and provides that failure of EMC or local air pollution control program to act on permit application within specified time is deemed to be a denial of the application which is subject to judicial review. Prohibits local air pollution control program from issuing permit for solid waste incineration unit combusting municipal waste when the program is administered by a local governing body that is responsible for the design, construction, or operation of the unit. Provides that local air pollution programs shall require fees from owners or operators of air contaminant sources that are required to obtain a permit under Title V. Effective Jan. 1, 1995 provides that a portion of the motor fuel excise tax will be allocated to DEHNR for implementation of the 1990 Clean Air Act amendments, rather than to the groundwater protection loan fund. Effective Jan. 1, 1999, repeals provision regarding allocation of portion of motor fuel excise tax to the commercial leaking petroleum underground storage tank fund. Repeals or delays effective date of other provisions of 1991 SL Ch. 538 relating to amount and use of motor fuel excise tax.

AMENDMENTS/COMMITTEE SUBSTITUTES-Apr. 15, 1993

House committee substitute shifts from Jan. 1, 1999 to Jan. 1, 1995, effective date of amendment to GS 105-445, governing allocation of 1/2 cents of gasoline tax proceeds, and alters allocation of those proceeds so that 5/8 (was 1/2) goes to Commercial Leaking Petroleum Underground Storage Tank Cleanup Fund, 1/8 (new) goes to Noncommercial Leaking Petroleum Underground Storage Tank Cleanup Fund, and 1/4 goes to Water and Air Quality Account. Makes other technical amendments.

EFFECTIVE DATE: January 1, 1995

PRINCIPAL DEPARTMENT(S)/PROGRAM(S) AFFECTED:

Department of Environment, Health, and Natural Resources

**ESTIMATE
FISCAL IMPACT**

(\$ Millions)

Based on Distribution in Proposed Finance Committee Substitute; 6/6/93.

	<u>FY</u> <u>FY</u>	<u>FY</u>	<u>FY</u>	<u>FY</u>	<u>FY</u>
	93-94	94-95	95-96	96-97	97-98
REVENUES					
FUNDS					
(1)Comm.	\$10.0	10.9	11.9	12.1	12.5
(3)G. Water	10.0	5.0	-0-	-0-	-0-
(2)Noncomm.	-0-	\$.9	1.9	1.94	2.0
(4)Water & Air	-0-	3.1	6.3	6.4	6.6

Comm. - Commercial Leaking Underground Storage Tank Clean-up Fund
 G. Water - Ground Water Protection Loan Fund
 Noncomm.- Noncommercial Leaking Underground Storage Tank Clean-up Fund
 Water & Air - Water and Air Quality Account

ASSUMPTIONS AND METHODOLOGY:

Under the proposed Finance Committee Substitute for HB 681, the distribution of the 1/2 cent gasoline tax beginning in Jan. 1995 is as follows:

Commercial LUST Fund	19/32
Groundwater Protection Loan Fund	-0-
Noncommercial LUST Fund	3/32
Water & Air Quality Account	5/16

Before Jan. 1995, the distribution of the 1/2 gasoline tax is divided equally between the Commercial LUST Fund and the Groundwater Protection Loan Fund.

SOURCES OF DATA: EHNHR Budget Reports

TECHNICAL CONSIDERATIONS:

FISCAL RESEARCH DIVISION

733-4910

PREPARED BY: H. Warren Plonk & L. Carol Shaw

APPROVED BY: TomC

DATE: June 7, 1993



Signed Copy Located in the NCGA Principal Clerk's Offices