

15A NCAC 02K .0222 APPLICATION PROCESSING FEES

(a) A nonrefundable minimum application processing fee, in the amount stated in Paragraph (d)(1) of this Rule, shall be paid when an application for construction or removal of a dam is filed in accordance with 15A NCAC 2K .0201. Each application for construction or removal of a dam shall be deemed incomplete and shall not be reviewed until the minimum application processing fee is paid.

(b) A nonrefundable additional application processing fee, in the amount stated in Paragraph (d)(2) of this Rule, shall be paid when the as-built plans are submitted to the Director in accordance with 15A NCAC 2K .0215. Final approval to impound, pursuant to 15A NCAC 2K .0220, shall not be granted until the owner's certification and the accompanying documentation are filed in accordance with Paragraph (e) of this Rule, and the additional processing fee is paid.

(c) The application processing fee for the construction or removal of a dam shall be based on the actual cost of construction or removal of the applicable dam.

- (1) The actual cost of construction or removal of a dam shall include all labor and materials costs associated with the construction or removal of the dam and appurtenances.
- (2) The actual cost of construction or removal of a dam shall not include the costs associated with acquisition of land or right of way, design, quality control, electrical generating machinery, or constructing a roadway across the dam.

(d) Schedule of Fees:

- (1) The minimum application processing fee shall be two hundred dollars (\$200.00).
- (2) The additional application processing fee shall be the following percentages of the cost of construction or removal:
 - (A) 2 percent of the actual costs between ten thousand and one dollars (\$10,001) and one hundred thousand dollars (\$100,000);
 - (B) 1.5 percent of the actual costs between one hundred thousand and one dollars (\$100,001) and five hundred thousand dollars (\$500,000);
 - (C) 1.0 percent of the actual costs between five hundred thousand and one dollars (\$500,001) and one million dollars (\$1,000,000);
 - (D) 0.5 percent of the actual costs over one million dollars (\$1,000,000).

In no case, however, shall the additional application fee be more than fifty thousand dollars (\$50,000).

(e) Immediately upon completion of construction or removal of a dam, the owner shall file with the Director a certification, on a form prescribed by the Department, and accompanying documentation, which shows the actual cost incurred by the owner for construction or removal of the applicable dam.

- (1) The owner's certification and accompanying documentation shall be filed with the as-built plans and the engineer's certification in accordance with 15A NCAC 2K .0215 and 15A NCAC 2K .0216, respectively.
- (2) If the Director finds that the owner's certification and accompanying documentation contain inaccurate cost information, the Director shall either withhold final impoundment approval, or revoke final impoundment approval, until the owner provides the accurate documentation and that documentation has been verified by the Department.

(f) Payment of the dam application processing fee shall be by check or money order made payable to the "N.C. Department of Environment, Health, and Natural Resources". The payment should refer to the applicable dam.

(g) In order to comply with the limit on fees set forth in G.S. 143-215.28A, the Director shall, in the first half of each state fiscal year, project revenues for the fiscal year from fees collected pursuant to this Rule. If this projection shows that the statutory limit will be exceeded, the Director shall order a pro rata reduction in the fee schedule for the remainder of the fiscal year to avoid revenue collection in excess of the statutory limits.

*History Note: Authority G.S. 143-215.28A;
Temporary Rule Eff. November 1, 1990 For a Period of 180 Days to Expire on April 29, 1991;
ARRC Objection Lodged November 14, 1990;
ARRC Objection Removed December 20, 1990;
Eff. January 1, 1991;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 23, 2017.*