

§ 143-215.106A. Assessments to establish Title V program.

(a) The holders of permits issued by the Commission for the control of sources of air pollution are assessed Title V program implementation fees on an annual basis in accordance with the schedule established in this section. The assessments are in addition to any other fees required to be paid by the permit holders in conjunction with the permits. The assessments shall be credited to the Title V Account. The Secretary shall issue annual notices of the assessments to permit holders on or before 1 July of each fiscal year. Each notice of assessment shall include a summary of the data on which the assessment is based. Assessments shall be payable 30 days after receipt of notice. Failure to make timely payment within 90 days shall be grounds to revoke the permit and to institute a collection action against the permit holder by the Attorney General.

(b) Assessments are made in accordance with the following schedule:

- (1) Sources emitting at least 100 tons and less than 500 tons per year, two thousand dollars (\$2,000) for fiscal year 1991-92 and two thousand five hundred dollars (\$2,500) for each year thereafter;
- (2) Sources emitting at least 500 tons and less than 1,000 tons per year, four thousand dollars (\$4,000) for fiscal year 1991-92 and twelve thousand five hundred dollars (\$12,500) for each year thereafter;
- (3) Sources emitting at least 1,000 tons and less than 5,000 tons per year, six thousand dollars (\$6,000) for fiscal year 1991-92, and twenty-five thousand dollars (\$25,000) for each year thereafter; and
- (4) Sources emitting at least 5,000 tons per year, six thousand dollars (\$6,000) for fiscal year 1991-92, and one hundred thousand dollars (\$100,000) for each year thereafter.

(c) Notices of assessment shall not be issued for any fiscal year in which the permit fees for the Title V program adopted by the Commission pursuant to G.S. 143-215.3(a)(1d) are in effect. Should a Title V program permit fee become due and payable during a fiscal year when the permit holder has paid an assessment, the Title V program permit fee shall be reduced in an amount equal to the pro rata share of the assessment for the months remaining in the fiscal year. The pro rata share is determined by dividing the assessment into 12 equal parts and multiplying that sum by the number of months remaining in the fiscal year. (1991, c. 552, s. 10; 1991 (Reg. Sess., 1992), c. 1039, s. 17.)