

LAWS OF DELAWARE
VOLUME 85
CHAPTER 42
153rd GENERAL ASSEMBLY
FORMERLY
HOUSE BILL NO. 175
AS AMENDED BY
HOUSE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE RELATING TO THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL FEES AND ASSESSMENT AND TO AUTHORIZE AND APPROVE VARIOUS DNREC FEES AND ASSESSMENTS.

WHEREAS, in Fiscal Year 2024, funding for seventy-six percent (76%) of operating costs for the Department of Natural Resources and Environmental Control (DNREC) came from assessments, fees, federal funds, and other revenue raised in DNREC operations, with only twenty-four percent (24%) of its funding from the General Fund; and

WHEREAS, fees associated with certain permits and licensing programs operated by DNREC have not been raised since 1991, when many fees were increased in Delaware Laws Volume 68, Chapter 86 (House Bill 360); and

WHEREAS, more than half of the salaries of DNREC employees are paid through Appropriated Special Funds derived mainly from fees, and legislated salary increases for those employees must be funded out of existing program revenues; and

WHEREAS, other costs associated with regulatory programs, such as technology, administrative costs, and new responsibilities, have also increased significantly since 1991; and

WHEREAS, federal grants and funds that support environmental regulatory programs are expected to decrease, creating even more of a gap between revenues and expenditures in these areas; and

WHEREAS, DNREC regulatory programs have been and will continue to engage in process and procedural improvements to improve efficiency and reduce costs; and

WHEREAS, DNREC regulatory programs are at a point where additional resources are needed to fill positions, make technological improvements, improve response time, and fulfill statutory responsibilities.

NOW, THEREFORE:

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Three-fifths of all members elected to each house thereof concurring therein):

Section 1. Amend § 4005, Title 7 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 4005. Program funding and financial assistance.

(b) The conservation districts, counties and municipalities shall have authority to adopt a fee system to help fund program implementation. That fee system shall be implemented by the designated plan approval agency to fund overall program management, plan review, construction review, enforcement needs and maintenance responsibilities. In those situations where the Department becomes the designated plan approval agency, the Department may assess a plan review and inspection fee. That fee shall not exceed ~~\$80~~ \$975 per disturbed acre per project. There shall be no duplication of fees by the various implementing agencies for an individual land disturbing activity and the fee schedule shall be based upon the costs to the Department, conservation districts, counties or municipalities to implement and administer the program. In addition, the Department of Transportation is authorized to act as the designated plan approval agency in those situations where a public utility engages in land-disturbing activity for which a permit is required because of a project initiated by the Department of Transportation, subject to the following provisions:

Section 2. Amend § 6026, Title 7 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 6026. License fees.

(a) (1) The Secretary may establish fees, subject to approval by the General Assembly, for examining and granting ~~any a~~ license to ~~any a~~ percolation tester, system designer, site evaluator, system inspector, well water contractor, pump installer contractor, well driver, well driller, pump installer, septic tank system installer, liquid waste hauler and liquid waste treatment plant operator.

(2) Notwithstanding any other provisions of law to the contrary, the General Assembly hereby authorizes and approves the following schedule of license fees to be imposed by the Department effective ~~July 1, 2003~~: [the effective date of this Act]: Percolation Tester, ~~\$40~~ \$100 annual fee; System Designer, ~~\$40~~ \$100 annual fee; Site Evaluator, ~~\$40~~ \$100 annual fee; System Inspector, ~~\$40~~ \$100 annual fee; Septic Tank System Installer, ~~\$40~~ \$100 annual fee; and Liquid Waste Hauler; ~~\$40~~ \$100 annual fee.

(3) ~~Any fees collected under this subsection are hereby appropriated to the Department to carry out the purposes of this chapter.~~ [Repealed.]

(c) Any fee collected under this ~~subsection~~ section is hereby appropriated to the Department to carry out the purposes of this chapter.

Section 3. Amend Chapter 63, Title 7 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 6305. Regulations.

(a) The Secretary shall, after notice and public hearing, promulgate and revise as appropriate:

(9) Regulations which may provide for a reasonable schedule of fees for payment to the Department by hazardous waste transporters and owners of treatment, ~~storage~~ storage, or disposal facilities or sites to defray the cost of administering this chapter. Any fees collected under this paragraph shall be appropriated to the Department for purposes of administering this chapter. ~~Such regulations shall not provide for any annual fee under this paragraph in excess of \$10,000 or in the case of small business concerns, any annual fee under this paragraph in excess of \$500; chapter;~~

§ 6319. Waste-end assessments for persons generating, storing, treating and disposing of hazardous wastes.

(a) The Secretary is hereby authorized to impose and collect waste-end assessments in accordance with this ~~section but in no case shall any person pay an annual assessment amount of less than \$50 or more than \$40,000 regardless of the number of facilities where hazardous waste is generated, treated, stored or disposed.~~ section.

(f) For persons engaged in the generation of a hazardous waste, the annual assessment to be paid to the Department for hazardous waste generated after October 1, 1986, shall be calculated as follows:

(1) ~~\$21~~ \$50 per ton of hazardous waste generated that was disposed of into or on any land;

(2) ~~\$16~~ \$35 per ton of hazardous waste generated that was treated or disposed of, exclusive of land disposal and incineration, at a facility located off the site from where the hazardous waste was generated;

(3) ~~\$4.00~~ \$10 per ton of hazardous waste generated that was incinerated;

(g) For owners or operators of hazardous waste storage, treatment or disposal facilities regulated under this chapter, the annual assessment that is to be paid to the Department for hazardous waste that is stored, treated or disposed of after October 1, 1986, shall be calculated as follows:

(2) ~~\$21~~ \$84 per ton of hazardous waste that was disposed of into or on any land;

(3) ~~\$16~~ \$64 per ton of hazardous waste that was stored, treated or disposed of, exclusive of land disposal, at any facility located off-site from where the hazardous waste was generated;

Section 4. Amend Chapter 74, Title 7 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 7418. Tank registration fee.

(a) All owners/operators of underground storage tanks shall pay to the Department an annual per tank registration fee of ~~\$50~~ \$150 on or before February 1 of each calendar year. Registration fees not received by the Department by February 1 shall be subject to a late charge of ~~\$30~~ \$50. Payment shall be made in accordance with regulations established by the Department.

§ 7425. Certification of underground storage tank contractors.

(e) Certification ~~shall be~~ is valid for 2 years. The fee for certification ~~shall be \$250~~ is \$750 for companies and ~~\$100~~ \$300 for on-site supervisors. Fees collected are appropriated to the Department to carry out the purposes of the Underground Storage Tank Program.

Section 5. Amend Chapter 74A, Title 7 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 7413A. Aboveground storage tank registration fee.

(a) (1) Owners and operators must pay to the Department an annual per-tank registration fee. The fee is effective on July 1, 2002, with 6 months of fees due by October 1, 2002, and on or before February 1 of each calendar year thereafter. The fee is based on the schedule below. A registration fee not received by the Department by October 1, 2002, or by February 1 thereafter is subject to a late charge of 10% of the total fee.

Registration Fee Schedule

<u>Tank Size</u>	<u>Yearly Fee</u>
12,499 — 39,999 gallons	\$300 <u>\$700</u>
40,000 gallons and greater	\$750 <u>\$1,000</u>

(2) These fees ~~shall~~ may only be changed or amended with the prior approval of the General Assembly.

§ 7414A. Aboveground storage tank construction permit fee.

(a) (1) The Department shall assess a 1-time construction permit fee based on the schedule below for an aboveground storage tank constructed after the effective date of the regulations promulgated pursuant to § 7407A of this chapter.

Construction Fee Schedule

<u>Tank Size</u>	<u>Construction Permit Fee</u>
12,499 — 39,999 gallons	\$1,500 <u>\$3,500</u>

40,000 gallons and greater ~~\$3,750~~ \$9,000

(2) These fees ~~shall~~ may only be changed or amended with the prior approval of the General Assembly.

Section 6. Amend § 7713, Title 7 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 7713. Fees.

(a) The Department is authorized to charge and collect fees from persons with extremely hazardous substances pursuant to §§ 7707 and 7709 of this title.

(1) Except as set forth under paragraph (a)(2) of this section, Fees fees shall be a minimum of \$500 \$900 per year for the first whole unit and \$25 \$50 per year for each additional unit to a maximum of 300 units.

(2) For a stationary source reporting propane and ammonium nitrate with a potential release greater than or equal to a sufficient quantity in their risk management plan, the maximum fee is \$500 per year for the first whole unit and \$25 per year for each additional unit to a maximum of 300 units.

Section 7. Notwithstanding any other provision of law to the contrary, the General Assembly hereby authorizes and approves the following schedule of fees to be imposed by the Department effective [the effective date of this Act], unless a different date is noted herein:

(a) Division of Waste and Hazardous Substances.

(1) Storage Tanks.

VOC System Construction– Bulk Gasoline, \$1,000.

VOC System Construction – Gasoline Dispensing Facility, \$500.

VOC System Annual Fee – Gasoline Dispensing Facility, \$275.

(2) Waste Facilities.

Solid Waste Facility Fee, \$14,000 per year.

Recycling Facility Fee, \$2,000 per year.

Composting Facility Fee – 1, \$400 per year.

Composting Facility Fee – 2, \$4,000 per year.

Composting Facility Fee – 3, \$9,000 per year.

Scrap Tire Disposal Fee – 1, \$500 per year.

Scrap Tire Disposal Fee – 2, \$750 per year.

Hazardous Waste Facility Fee, \$14,000 per year.

Hazardous Waste Facility Fee – small, \$1,500 per year.

(b) Division of Air Quality.

Temporary Emergency Variance, \$5,000 per application.

Variance, \$10,000 per application.

(1) Permit Application Fees.

Fuel Burning – Consolidated, \$800 per application.

Crematory, \$800 per application.

Process Units – Consolidated, \$1,000 per application.

Emergency Generator, \$800 per application.

VOC Unit – Solvent Degreaser, \$500 per application.

VOC Unit – Storage Tank, \$500 per application.

VOC System – Gasoline Disposal Facility, \$500 per application.

VOC System – Dry Cleaning Facility, \$1,000 per application.

Water Tank Lead Paint Removal, \$725 per application.

Amendments to Permits, \$800 per application.

Registration and Registration Amendment, \$100 per application.

(2) Annual Fees.

Fuel Burning – Consolidated, \$300 per year.

Crematory, \$300 per year.

Process Units – Consolidated, \$400 per year.

Process Units – Emergency Generator, \$400 per year.

VOC Unit – Solvent Degreaser, \$275 per year.

VOC Unit – Storage Tank, \$275 per year.

VOC System – Gasoline Disposal Facility, \$275 per year.

VOC System – Delivery Vessel, \$100 per year.

VOC System – Dry Cleaning Facility, \$600 per year.

(3) Complexity Fees.

Minor New Source Review Applicability, \$6,000 per application.

Emission Offset Provisions, \$24,000 per application.

Prevention of Significant Deterioration, \$24,000 per application.

Maximum Achievable Control Technology (MACT), National Emission Standards for Hazardous Air Pollutants (NESHAP), or New Source Performance Standards (NSPS), \$6,000 per application.

Distributed Generator, \$6,000 per application.

Federally Enforceable Laws, \$3,000 per application.

Proximity – within 500 feet of residence, school or park, \$3,000 per application, excluding solvent degreasers, gasoline dispensing facility (gas station), dry cleaners, boilers less than 100 MMBtu/hr. and emergency generators.

Confidentiality Review, \$3,000 per application.

(4) Exemptions.

Sources subject to fees pursuant to § 6097 of Title 7, who are not delinquent, are exempt from natural minor permit fees.

Emergency generators and boilers less than 100 MMBTU/hour are exempt from MACT, NESHAP, and NSPS fees.

(c) Division of Watershed Stewardship.

(1) Beach Preservation.

Coastal Construction or Mechanical Dune Restoration Permit, \$4,500 per application.

Letter of Approval, \$500 per application.

Violation Review, \$500 per violation.

(d) Division of Water.

(1) Division Administration (Permitting Support, Licensing, Compliance, and Enforcement).

Drilling Contractor license, \$250 per application.

Pump Installation Contractor license, \$250 per application.

Well Driller License, \$100 per application.

Pump Installer License, \$100 per application.

Waste Hauling Transporter Permit, \$500 per application.

Wastewater Operators License, \$100 per application.

Wastewater Operator Emergency License, \$500 per application.

Wastewater Operator Late Fee for Renewal of License, \$50 per application.

Water Supply Late Fee for Renewal of License, \$50 per application.

Water Supply Examination, \$100 per application.

(2) National Pollutant Discharge Elimination System (NPDES).

NPDES Permit Application Fee, \$250 every 5 years.

NPDES Amendments, \$250 per application.

NPDES Major Industrial Fee, \$0.25/1,000 gallon discharged, up to \$20,000 per year per entity.

NPDES Minor Industrial Fee, \$0.25/1,000 gallon discharged, up to \$20,000 per year per entity.

NPDES Major Non-Industrial Fee, \$0.25/1,000 gallon discharged, up to \$20,000 per year per entity.

NPDES Minor Non-Industrial Fee, \$0.25/1,000 gallon discharged, up to \$20,000 per year per entity.

NPDES Municipal Fee, \$0.10/1,000 gallon discharged, up to \$15,000 per year per entity. The municipal annual fee in this paragraph takes effect on July 1, 2026. Between July 1, 2026 and June 30, 2027, a permitholder for a municipal system will be billed at a rate of 50% of the annual fee.

Industrial Stormwater – General, \$250 per year.

Industrial Stormwater – No Exposure, \$250 per year.

Wastewater Treatment Facility Construction – Major, \$5,000 per application.

Wastewater Treatment Facility Construction – Minor, \$2,500 per application.

Sewer Collection – system application, \$2,500 per application.

Biosolids – Agricultural Utilization (Major), \$250 per dry ton, up to \$10,000 per year per entity.*

Biosolids – Agricultural Utilization (Minor), \$250 per dry ton, up to \$10,000 per year per entity.*

Biosolids – Distribution & Marketing (In State), \$25 per dry ton, up to \$10,000 per year per entity.*

Biosolids – Distribution & Marketing (Out of State), \$250 per dry ton, up to \$10,000 per year per entity.

Biosolids – Septage (50,000 gallons per year or more), \$1,000 per year.

Biosolids – Septage (Under 50,000 gallons per year), \$500 per year.

Biosolids – Landfill, \$0 per application.

Biosolids – Other (Reclamation), \$0 per application.

Biosolids – Other (Research), \$0 per application.

Bulk Storage – Liquid Animal Waste, \$250 one-time fee.

Bulk Storage – Transfer and Pipeline, \$5,000 per application.

Temporary Discharge Authorization, \$250 per application.

Use of Aquatic Pesticides, \$250 per 5-year application.

Confined Animal Feeding Operation (“CAFO”), \$0 per 5-year application.

Municipal Separate Storm Sewer Systems – Individual, \$250 per 5-year application.

Municipal Separate Storm Sewer Systems – General, \$250 per 5-year application.

*political subdivisions of the state are not exempt from these annual fees.

(3) Large Groundwater Disposal Systems.

Large Septic Drainfields, RIBs, & UIC Permit Application Fee, \$250 per application.

Large Septic Drainfields, RIBs, & UIC Annual Fee, \$0.25 per 1,000 gallons, up to \$20,000 per entity.

Large Septic Drainfields, RIBs, & UIC Municipal Annual Fee, \$0.10 per 1,000 gallons, up to \$15,000 per entity. The municipal annual fee in this paragraph takes effect on July 1, 2026. Between July 1, 2026 and June 30, 2027, a permitholder for a municipal system will be billed at a rate of 50% of the annual fee.

Irrigation Spray Systems Permit Application Fee, \$250 per application.

Irrigation Spray Systems – Food Processing Annual Fee, \$0.25 per 1,000 gallons, up to \$20,000 per entity.

Irrigation Spray Systems – Minor Annual Fee, \$0.25 per 1,000 gallons, up to \$20,000 per entity.

Irrigation Spray Systems – Major Annual Fee, \$0.25 per 1,000 gallons, up to \$20,000 per entity.

Irrigation Spray Systems – Municipal Annual Fee, \$0.10 per 1,000 gallons, up to \$15,000 per entity.

The municipal annual fee in this paragraph takes effect on July 1, 2026. Between July 1, 2026 and June 30, 2027, a permitholder for a municipal system will be billed at a rate of 50% of the annual fee.

(4) Water Use (Large Wells/Withdrawals).

Allocation Permit – Public Systems, \$250 per permit.

Allocation Annual Fee – Public Systems, \$0.25 per 1,000 gallons, up to \$20,000 per entity.

Allocation Permit – Industrial Systems, \$250 per permit.

Allocation Annual Fee – Industrial Systems, \$0.25 per 1,000 gallons, up to \$20,000 per entity.

Allocation Permit – Commercial Systems, \$250 per permit.

Allocation Annual Fee – Commercial Systems, \$0.25 per 1,000 gallons, up to \$20,000 per entity.

Allocation Permit – Agricultural Systems, \$250 per permit.

There is no Allocation Annual Fee for Agricultural Systems.

Allocation Permit – Municipal Systems, \$250 per permit.

Allocation Annual Fee – Municipal Systems, \$0.10 per 1,000 gallons, up to ~~\$15,000~~ \$15,000 per entity. The municipal annual fee in this paragraph takes effect on July 1, 2026. Between July 1, 2026 and June 30, 2027, a permitholder for a municipal system will be billed at a rate of 50% of the annual fee.

(5) Underground Discharges (Septics).

Review Private Site Evaluation, \$250.

Component Replacement, \$250.

System Repair, \$250.

Authorization to Connect, \$250.

Class H Inspection Review, \$100.

Subdivision Feasibility Review, \$1,000.

Gravity System Permit, \$250.

Engineered System Permit, \$250.

System Compliance Inspection, \$100.

Holding Tank Inspection, \$250.

Waiver/Variance, \$1,000.

Product Approvals Application Fee, \$1,000 per application.

Product Approvals Renewal Fee, \$500 every five years.

(6) Residential Services (Wells and Borings and Dewatering).

Agricultural – Standard, \$250 per application.

Agricultural – Within an area with an established Certificate of Public Convenience and Necessity

(CPCN), \$250 per application.

Dewater – Standard, \$250 per application.

Domestic – Standard, \$250 per application.

Geothermal Closed Loop, \$250 per application.

Geothermal Recharge, \$250 per application.

Geothermal Supply, \$250 per application.

Industrial – Standard, \$250 per application.

Irrigation – Standard, \$250 per application.

Miscellaneous -- Standard, \$250 per application.

Monitor – Standard, \$250 per application.

Observation – Standard, \$250 per application.

Public – Standard, \$250 per application.

Remediation I-Injection, \$250 per application.

Remediation R-Recovery, \$250 per application.

Soil Borings, \$250 per application.

Waivers/Variances, \$1,000 per application.

Authorization to Connect to Well, \$250 per application.

(7) Subaqueous Permit Application Fees.

Structural Dock/Pier, \$250 per application.

Non-Structural (Fill) Application, \$250 per application.

Permit Amendment, \$250 per application.

Letter of Authorization (Statewide Activity Approval), \$250 per application.

Salvage Exploration, \$250 per application.

New Dredging- less than 500 cubic yds, \$1.50/cu. yd and \$250 per application.

New Dredging- 500 cubic yds or more, \$1.50/cu. yd and \$250 per application.

Annual Maintenance Dredging less than 500 cubic yds, \$250 per application, \$500 per event.

Annual Maintenance Dredging- 500 cubic yds or more, \$250 per application, \$1,000 per event.

(8) Subaqueous Lease Application Fees

Structural Dock/Pier, \$250 per application for 10-year lease.

Non-Structural (Fill) Application, \$250 per application for 10-year lease.

Trans. Lines/Pipelines, \$250 per application for 10-year lease.

Salvage Lease, \$250 per application for 10-year lease.

Lease Amendment, \$250 per application.

(9) Subaqueous Lands Lease Annual Fees.

Filled lands aquatic and wetland veg., \$0.02 per sq. ft.

Beach restoration, \$0.10 per sq. ft.

Vegetative stabilization protection, \$0.10 per sq. ft.

Section 8. The fees listed in Section 7 of this Act supersede their programmatic equivalents approved pursuant to 68 Del. Laws, c.86, or any other law.

Section 9. Any fee not specifically listed in this Act remains in effect to the extent it is utilized by the Department or permitted by law.

Section 10. Application.

(a) A current permitholder or licensee whose permit or license will expire within 90 days after the effective date of this Act may submit a complete application to continue existing operations, including renewal, in the 90 days prior to the effective date of this Act.

(b) (1) All applications submitted after the effective date of this Act are subject to the new fees set forth in this Act.

(2) A complete application submitted under subsection (a) of this section is subject to the fee applicable before the effective date of this Act.

(3) An incomplete application for a new permit or license or an application to continue operations, including renewals submitted under subsection (a) of this section, that does not contain all required information until after the effective date of this Act will be subject to the new fees set forth in this Act.

Section 11. The Department of Natural Resources and Environmental Control must keep a complete list of fees and assessments authorized by this Act or otherwise on its public website.

Section 12. This Act takes effect 180 days after its enactment into law.

Approved June 24, 2025

Publisher's Note: Under authority of 29 Del. C. § 906(a)(4)b., "\$15,0000" was corrected to read "\$15,000" in the first sentence of the Allocation Annual Fee for Municipal Systems in Section 7(d)(4).