



SPONSOR: Rep. Heffernan & Sen. Paradee
Rep. Lambert

HOUSE OF REPRESENTATIVES
152nd GENERAL ASSEMBLY

HOUSE BILL NO. 249

AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE RELATING TO THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL.

1 WHEREAS, the Department of Natural Resources and Environmental Control is largely self-funded. In Fiscal
2 Year 2023, the Department of Natural Resources and Environmental Control paid for seventy-nine (79%) of its own costs,
3 receiving only twenty-one percent (21%) of its funding from the General Fund; and

4 WHEREAS, certain permits and licensing programs operated by the Department of Natural Resources and
5 Environmental Control were established in or before 1991; and

6 WHEREAS, the fees for certain permits and licensing programs operated by the Department of Natural Resources
7 and Environmental Control have not been raised since 1991, or thirty-two (32) years ago; and

8 WHEREAS, the Consumer Price Index (CPI) has far outpaced the increase in fees for certain permits and
9 licensing programs operated by the Department of Natural Resources since 1991, when some, but not all of those fees, were
10 increased in 1991 Delaware Laws Chapter 86 (House Bill 360); and

11 WHEREAS, in the approximately thirty-two (32) years since the fees for certain permits and licensing programs
12 operated by the Department of Natural Resources and Environmental Control were raised, the Consumer Price Index (CPI)
13 increased one hundred and eighteen percent (118%); and

14 WHEREAS, the permits and licensing programs operated by the Department of Natural Resources and
15 Environmental Control are generally paid for by Appropriated Special Funds, and from fiscal year 2013 to 2023, these
16 funds rose seven percent (7%), while the Consumer Price Index (CPI) increased twenty-seven percent (27%); and

17 WHEREAS, the median salary of a person employed by the Department of Natural Resources and Environmental
18 Control rose approximately sixteen percent (16%) and the healthcare costs for those employees rose over fifty-five percent
19 (55%) since 2010; and

20 WHEREAS, more than half of the salaries of employees of the Department of Natural Resources and
21 Environmental Control are paid through Appropriated Special Funds; and

22 WHEREAS, the Department of Natural Resources and Environmental Control has been a financial steward for the
23 State of Delaware, and has cut costs through other means as necessary; and

WHEREAS, the Department of Natural Resources and Environmental Control has exhausted all cost-cutting measures and has reached a financial breaking point, which can only be resolved through increases in permit and licensing fees.

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 Chapter 60, Title 7 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows and by redesignating accordingly:

§ 6026. License fees.

(a) (1) The Secretary may establish fees, subject to approval by the General Assembly, for examining and granting any license to any 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 180 days from the [the date of enactment]: 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; Liquid Waste Hauler; ~~\$40 \$100 fee- fee;~~ Licensing Examination, \$100 annual fee, and Late License Renewal Fee, \$50.

§ 6038. Borrow pits.

(b) Fees may be collected or charged for permits to be issued under this section in an amount determined by the issuing authority, which fee shall not exceed the sum of, ~~\$80~~ \$975 per disturbed acre, per year, per project.

Section 2. 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 and by redesignating accordingly:

§ 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 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;~~

§ 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.~~

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

(2), ~~\$16~~ \$64 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~~ \$16 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 3. Amend Chapter, Title 7 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows and by redesignating accordingly:

§ 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 valid for 2 years. The fee for certification shall be ~~\$250~~ \$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 4. 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 and by redesignating accordingly:

§ 7413A. Aboveground storage tank registration fee.

(a) 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>\$900</u>
40,000 gallons and greater	\$750 , <u>\$2,250</u>

§ 7414A. Aboveground storage tank construction permit fee.

(a) 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>\$4,500</u>
40,000 gallons and greater	\$3,750 , <u>\$11,250</u>

These fees shall only be changed or amended with the prior approval of the General Assembly.

Section 5. Amend § 7713, Title 7 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows and by redesignating accordingly:

§ 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. 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, except for stationary sources reporting propane and ammonium nitrate with a potential release greater than or equal to a sufficient quantity in their Risk Management Plan, for which fees shall be a maximum of \$500.00 per year for first whole unit; \$25.00 per year for each additional unit up to 300 units.

Section 6. 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 180 days from [the date of enactment] unless otherwise specifically noted:

(a) Division of Waste and Hazardous Substances.

(1) Storage Tanks.

VOC System Construction– Bulk Gasoline, \$1,000.00

VOC System Construction – Gasoline Dispensing Facility, \$500.00

VOC System Annual Fee – Gasoline Dispensing Facility, \$275.00

(2) Waste Facilities.

Solid Waste Facility Fee, \$28,000.00 per year

Recycling Facility Fee, \$3,000.00 per year

Waste Transporters, \$300.00 per year

Composting Facility Fee – 1, \$3,000.00 per year

Composting Facility Fee – 2, \$6,000.00 per year

Composting Facility Fee – 3, \$12,00.00 per year

Scrap Tire Disposal Fee – 1, \$1,000.00 per year

Scrap Tire Disposal Fee – 2, \$1,400.00 per year

Scrap Tire Transporters, \$50.00 per year

Hazardous Waste Facility, \$28,000.00 per year

Hazardous Waste Facility – small, \$2,000.00 per year

Hazardous Waste Transporters, \$300.00 per year

(b) Division of Air Quality.

(1) Permit Application Fees.

Fuel Burning – Consolidated, \$800.00 per application.

Crematory, \$800.00 per application.

Process Units – Consolidated, \$1,000.00 per application.

Emergency Generator, \$800.00 per application

VOC Unit – Solvent Degreaser, \$500.00 per application

VOC Unit – Storage Tank, \$500.00 per application

VOC System – Gasoline Disposal Facility, \$500.00 per application

140 VOC System – Dry Cleaning Facility, \$1,000.00 per application
141 Water Tank Lead Paint Removal, \$725.00 per application.
142 Amendments to Permits, \$800.00 per application.
143 Registration and Registration Amendment, \$100.00 per application.
144 (2) Annual Fees.
145 Fuel Burning – Consolidated, \$300.00 per year.
146 Crematory, \$300.00 per year.
147 Process Units – Consolidated, \$400.00 per year.
148 Process Units – Emergency Generator, \$400.00 per year
149 VOC Unit – Solvent Degreaser, \$275.00 per year.
150 VOC Unit – Storage Tank, \$275.00 per year.
151 VOC System – Gasoline Disposal Facility, \$275.00 per year.
152 VOC System – Delivery Vessel, \$100.00 per year.
153 VOC System – Dry Cleaning Facility, \$600.00 per year
154 (3) Complexity Fees.
155 Minor New Source Review Applicability, \$6,000.00 per application.
156 Emission Offset Provisions, \$24,000.00 per application.
157 Prevention of Significant Deterioration, \$24,000.00 per application.
158 Maximum Achievable Control Technology, \$6,000.00 per application.
159 National Emission Standards for Hazardous Air Pollutants, \$6,000.00 per application.
160 New Source Performance Standards, \$6,000.00 per application.
161 Distributed Generator, \$6,000.00 per application.
162 Federally Enforceable Laws, \$3,000.00 per application.
163 Proximity – within 1,500 feet of residence or park, excluding solvent degreasers, gasoline dispensing facility (gas
164 station), dry cleaners, and emergency generators, \$3,000.00 per application.
165 Confidentiality Review, \$3,000.00 per application.
166 (d) Division of Watershed Stewardship.
167 (1) Sediment & Stormwater Management.
168 Contractor Training Program, \$65 per trainee.
169 Certified Construction Review Program, \$225 per trainee.

170 Certified Construction Review Recertification, \$90 every 5 years.

171 NPDES Construction General Permit, \$195 per year.

172 (2) Beach Preservation.

173 Coastal Construction or Mechanical Dune Restoration Permit, \$4,500.00 per application.

174 Letter of Approval, \$500.00 per application.

175 Violation Review, \$500.00 per violation.

176 (e) Coastal Zone Permits

177 Coastal Zone Permit \$3,000 One Time

178 Simple Status Decision \$600 One Time

179 Complex Status Decision \$3,000 One Time

180 (f) Division of Water.

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

182 Drilling Contractor licensing \$250 per application.

183 Pump Installation Contractor licensing \$250 per application.

184 Well Driller License \$100 per application.

185 Pump Installer License \$100 per application.

186 Waste Hauling Transporter Permit \$1,000 per application.

187 Wastewater Operators Licenses \$100 per application.

188 Wastewater Operator Emergency License \$500 per application.

189 Wastewater Operator Examination (written and/or oral) fee \$100 per application.

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

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

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

193 NPDES Permit Application Fee, \$250.00 every 5 years.

194 NPDES Amendments, \$250 per application

195 NPDES Major Industrial Fee, \$0.25/1,000 gallon discharged, up to \$25,000.00 per year.

196 NPDES Minor Industrial Fee, \$0.25/1,000 gallon discharged, up to \$25,000.00 per year.

197 NPDES Major (Public) Municipal Fee, \$0.25/1,000 gallon discharged, up to \$25,000.00 per year.

198 NPDES Minor (Private) Municipal Fee, \$0.25/1,000 gallon discharged, up to \$25,000.00 per year.

199 Industrial Stormwater – Individual, \$2,500.00 per year.

200 Industrial Stormwater – General, \$250.00 per year.

201 Industrial Stormwater – No Exposure, \$250.00 per year.

202 Wastewater Treatment Facility Construction – Major, \$5,000.00 per application.

203 Wastewater Treatment Facility Construction – Minor, \$2,500.00 per application.

204 Sewer Collection – system application, \$2,500.00 per application

205 Biosolids – Agricultural Utilization (Major), \$250.00 per dry ton, up to \$25,000.00 per year.*

206 Biosolids – Agricultural Utilization (Minor), \$250 per dry ton, up to \$25,000.00 per year.*

207 Biosolids – Distribution & Marketing (In State), \$25 per dry ton, up to \$25,000.00 per year.*

208 Biosolids – Distribution & Marketing (Out of State), \$250 per dry ton, up to \$25,000.00 per year.

209 Biosolids – Septage (50,000 gallons per year or more), \$1,000.00 per year.

210 Biosolids – Septage (Under 50,000 gallons per year), \$500.00 per year.

211 Biosolids – Landfill, \$0 per application.

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

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

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

215 Bulk Storage – Transfer and Pipeline, \$5,000.00 per application.

216 Temporary Discharge Authorization, \$250.00 per application.

217 Use of Aquatic Pesticides, \$250.00 per 5-year application.

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

219 Municipal Separate Storm Sewer Systems – Individual, \$250.00 per 5-year application.

220 Municipal Separate Storm Sewer Systems – General, \$250.00 per 5-year application.

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

222 (3) Large Groundwater Disposal Systems.

223 Large Septic Drainfields, RIBs, & UIC Permit Application Fee, \$250.00 per application.

224 Large Septic Drainfields, RIBs, & UIC Annual Fee, \$0.25 per 1,000 gallons, up to \$25,000.

225 Irrigation Spray Systems Permit Application Fee, \$250.00 per application.

226 Irrigation Spray Systems – Food Processing Annual Fee, \$0.25 per 1,000 gallons, up to \$25,000.*

227 Irrigation Spray Systems – Minor Annual Fee, \$0.25 per 1,000 gallons, up to \$25,000.*

228 Irrigation Spray Systems – Major Annual Fee, \$0.25 per 1,000 gallons, up to \$25,000.*

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

230 (4) Water Use (Large Wells/Withdrawals).
231 Allocation Permit – Public Systems, \$250.00 per permit.
232 Allocation Annual Fee – Public Systems, \$0.25 per 1,000 gallons, up to \$25,000.
233 Allocation Permit – Industrial Systems, \$250.00 per permit.
234 Allocation Annual Fee – Industrial Systems, \$0.25 per 1,000 gallons, up to \$25,000.
235 Allocation Permit – Commercial Systems, \$250.00 per permit.
236 Allocation Annual Fee – Commercial Systems, \$0.25 per 1,000 gallons, up to \$25,000.
237 Allocation Permit – Agricultural Systems, \$250.00 per permit.
238 Allocation Annual Fee – Agricultural Systems, \$0.25 per 1,000 gallons, up to \$25,000 – WAIVED per 7 *Del. C.* §
239 6010(h)(1).

240 (5) Underground Discharges (Septics)
241 Review Private Site Evaluation \$250
242 Component Replacement \$250
243 System Repair \$250
244 Authorization to Connect \$250
245 Class H Inspection Review \$250
246 Subdivision Feasibility Review \$1,000
247 Gravity System Permit \$250
248 Engineered System Permit \$250
249 Sys. Compliance Inspection \$100
250 Holding Tank Inspection \$250
251 Waiver/Variance \$1,000
252 Product Approvals Application Fee \$1,000 per application.
253 Product Approvals Annual Fee \$500 per year.

254 (6) Residential Services (Wells and Borings and Dewatering).
255 Agricultural – Standard, \$250.00 per application.
256 Agricultural – Within an area with an established Certificate of Public Convenience and Necessity (CPCN),
257 \$250.00 per application.
258 Dewater – Standard, \$250.00 per application.
259 Domestic – Standard, \$250.00 per application.

260 Geothermal Closed Loop, \$250.00 per application.
261 Geothermal Recharge, \$250.00 per application.
262 Geothermal Supply, \$250.00 per application.
263 Industrial – Standard, \$250.00 per application.
264 Irrigation – Standard, \$250.00 per application.
265 Miscellaneous -- Standard, \$250.00 per application.
266 Monitor – Standard, \$250.00 per application.
267 Observation – Standard, \$250.00 per application.
268 Public – Standard, \$250.00 per application.
269 Remediation I-Injection, \$250.00 per application.
270 Remediation R-Recovery, \$250.00 per application.
271 Soil Borings, \$250.00 per application.
272 Waivers/Variances, \$1,000.00 per application.
273 Authorization to Connect to Well \$250 per application.
274 (7) Subaqueous Permit Application Fees.
275 Structural Dock/Pier \$250 per application
276 Non-Structural (Fill) Application \$250 per application
277 Permit Amendment \$250 per application
278 Letter of Authorization (Statewide Activity Approval) \$250 per application
279 Salvage Exploration \$250 per application
280 New Dredging- less than 500 cubic yds \$1.50/cu. yd and \$250 per application
281 New Dredging- 500 cubic yds or more \$1.50/cu. yd and \$250 per application
282 Annual Maintenance Dredging less than 500 cubic yds \$250 per application, \$500 per event
283 Annual Maintenance Dredging- 500 cubic yds or more \$250 per application, \$1,000 per event
284 (8) Subaqueous Lease Application Fees
285 Structural Dock/Pier \$250 per application for 10 year lease
286 Non-Structural (Fill) Application \$250 per application for 10 year lease
287 Trans. Lines/Pipelines \$250 per application for 10 year lease
288 Salvage Lease \$250 per application for 10 year lease
289 Lease Amendment \$250 per application

290 (9) Subaqueous Lands Lease Annual Fees

291 Subaqueous Lands Lease: Non-Comm. Dock Fac. 1 slip/ramp \$.50 per sq. ft per application

292 Subaqueous Lands Lease: Comm. Dock Fac. 2-4 slips/ramp per application

293 --Single Family Residential \$.50 per sqft per application

294 --Non-Residential \$3.00 per sqft per application

295 Subaqueous Lands Lease: Comm.Dock Fac. 5 or more slips/ramp

296 --Single Family Residential \$1.50 per sqft per application

297 --Non-Residential \$3.50 per sqft per application

298 Subaqueous Lands Lease: Non-Comm Proj. (other than dock fac) \$.50 per sqft per application

299 Subaqueous Lands Lease: Transmission Lines/Pipelines less than 6 inches. dia. \$500 min. or 1.50/lnft per

300 application

301 Subaqueous Lands Lease: Trans. Lines/Pipelines- 6 inches diameter or more \$500 min. or 2.00/ln. ft per

302 application

303 Subaqueous Lands Lease: Industrial Dock* \$4.00 per sqft per application

304 Subaqueous Lands Lease: Filled Lands \$1.00 per sqft per application

305 Subaqueous Lands Lease: Salvage Lease \$5,000 per application

306 * Portions of Industrial Dock in same footprint as existed prior to 1969 are exempt from the annual square footage

307 fee

308 (10) Marina Fees.

309 Marinas: Major New (25 slips or more) \$5,000 per application

310 Marinas: Minor New (24 slips or less) \$2,000 per application

311 Marinas: Major Alteration \$1,000 per application

312 Marinas: Minor Alteration \$500 per application

313 Marinas: O&M Plan-Standard Plan \$200 per application

314 Marinas: O&M Plan-Special Plan \$300 per application

315 Marinas: O&M Plan-Headboat/Boat Ramp \$200 per application

316 (11) Wetlands.

317 Wetlands: Type I \$300 per application

318 Wetlands: Type II \$450 per application

319 Section 7. The fees specifically listed in this Act supersede their programmatic equivalent approved pursuant to
320 68 Del. Laws, c.86.

321 Section 8. Any fee not specifically listed in this Act shall remain in effect to the extent they are utilized by the
322 Department or permitted by law.

323 Section 9. A current permitholder or licensee whose permit or license will expire after the new fees go into effect
324 may submit a complete application to continue existing operations, including renewal, no earlier than 90 days before the
325 effective date of this legislation or before the permit will expire, whichever is later, unless existing statute or regulation
326 requires them to submit them 91 days or more in advance. An incomplete application for a new permit or license or to
327 continue operations, including renewal, which is submitted in advance of the effective date and does not submit the
328 required information until after the effective date will be subject to the new fee schedule.

329 Section 10. The Secretary may increase the fees levied by the Department in Section 6 on an annual basis by no
330 more than 5%.

SYNOPSIS

This Act updates certain statutory fees in Title 7 and establishes or updates certain permit and licensing fees. This Act also replaces and supersedes 1991 Del Laws. Ch. 86 (H.B. 360), An Act to Amend Titles 7 and 23 of the Delaware Code Relating to Permit Fees and Other Assessments Charged by the Department of Natural Resources and Environmental Control and to Authorize and Approve Various Permit Fees and Assessments.