



SPONSOR: Rep. Heffernan & Rep. Minor-Brown & Rep. Harris &
Rep. Osienski & Rep. Lambert & Sen. Paradee &
Sen. Sokola & Sen. Townsend & Sen. Lockman
Reps. Morrison, Ortega, Phillips, Snyder-Hall; Sens.
Hansen, Hoffner, Poore, Walsh

HOUSE OF REPRESENTATIVES
153rd GENERAL ASSEMBLY

HOUSE BILL NO. 175

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.

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

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

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

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

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

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

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

17 NOW, THEREFORE:

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

20 Section 1. Amend § 4005, Title 7 of the Delaware Code by making deletions as shown by strike through and
21 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 ~~\$400~~ \$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 <u>\$9,000</u>

(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.

142 Emergency Generator, \$800 per application.

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

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

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

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

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

148 Amendments to Permits, \$800 per application.

149 Registration and Registration Amendment, \$100 per application.

150 (2) Annual Fees.

151 Fuel Burning – Consolidated, \$300 per year.

152 Crematory, \$300 per year.

153 Process Units – Consolidated, \$400 per year.

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

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

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

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

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

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

160 (3) Complexity Fees.

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

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

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

164 Maximum Achievable Control Technology (MACT), National Emission Standards for Hazardous Air

165 Pollutants (NESHAP), or New Source Performance Standards (NSPS), \$6,000 per application.

166 Distributed Generator, \$6,000 per application.

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

168 Proximity – within 500 feet of residence, school or park, \$3,000 per application, excluding solvent

169 degreasers, gasoline dispensing facility (gas station), dry cleaners, boilers less than 100 MMBtu/hr. and emergency

170 generators.

171 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 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, \$250.

Subdivision Feasibility Review, \$1,000.

Gravity System Permit, \$250.

Engineered System Permit, \$250.

262 System Compliance Inspection, \$100.

263 Holding Tank Inspection, \$250.

264 Waiver/Variance, \$1,000.

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

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

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

268 Agricultural – Standard, \$250 per application.

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

270 (CPCN), \$250 per application.

271 Dewater – Standard, \$250 per application.

272 Domestic – Standard, \$250 per application.

273 Geothermal Closed Loop, \$250 per application.

274 Geothermal Recharge, \$250 per application.

275 Geothermal Supply, \$250 per application.

276 Industrial – Standard, \$250 per application.

277 Irrigation – Standard, \$250 per application.

278 Miscellaneous -- Standard, \$250 per application.

279 Monitor – Standard, \$250 per application.

280 Observation – Standard, \$250 per application.

281 Public – Standard, \$250 per application.

282 Remediation I-Injection, \$250 per application.

283 Remediation R-Recovery, \$250 per application.

284 Soil Borings, \$250 per application.

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

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

287 (7) Subaqueous Permit Application Fees.

288 Structural Dock/Pier, \$250 per application.

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

290 Permit Amendment, \$250 per application.

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

292 Salvage Exploration, \$250 per application.

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

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

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

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

297 (8) Subaqueous Lease Application Fees

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

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

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

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

302 Lease Amendment, \$250 per application.

303 (9) Subaqueous Lands Lease Annual Fees.

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

305 Beach restoration, \$0.10 per sq. ft.

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

307 Section 8. The fees listed in Section 7 of this Act supersede their programmatic equivalents approved pursuant to

308 68 Del. Laws, c.86, or any other law.

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

310 or permitted by law.

311 Section 10. Application.

312 (a) A current permit holder or licensee whose permit or license will expire within 90 days after the effective date of

313 this Act may submit a complete application to continue existing operations, including renewal, in the 90 days prior to the

314 effective date of this Act.

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

316 Act.

317 (2) A complete application submitted under subsection (a) of this section is subject to the fee applicable

318 before the effective date of this Act.

319 (3) An incomplete application for a new permit or license or an application to continue operations, including

320 renewals submitted under subsection (a) of this section, that does not contain all required information until after the

321 effective date of this Act will be subject to the new fees set forth in this Act.

322 Section 11. The Department of Natural Resources and Environmental Control must keep a complete list of fees
323 and assessments authorized by this Act or otherwise on its public website.
324 Section 12. This Act takes effect 180 days after its enactment into law.

SYNOPSIS

This Act updates certain statutory fees in Title 7 and establishes or updates certain permit and licensing fees found in 68 Del. Laws Ch. 86 (1991). These are fees charged for regulatory activities within the Department of Natural Resources and Environmental Control (DNREC) divisions of Air Quality, Waste and Hazardous Substances, Water, and Watershed Stewardship, most of which have not changed or been updated since 1991. The intent of the increased and new fees is to bring revenue generated by fees more in line with the cost of the regulatory programs and activities they support, including the cost of employees who work in those areas. The effective date for the fee changes is 180 days after enactment. Fees that are assessed by application or activity will be seen by applicants or permit holders the next time they apply for or renew permits or licenses after the effective date. Those who apply for permits or renewals before the effective date will pay current fees. Fees that are assessed on an annual basis will be seen by applicants the first time they pay the fee after the effective date. Certain fees for municipalities will not take effect until July 1, 2026 and will be billed at 50% of the new rate in the first year.

DNREC is required to keep a complete list of fees and assessment on its public website.

This Act requires a greater than majority vote for passage because § 10 of Article VIII of the Delaware Constitution requires the affirmative vote of three-fifths of the members elected to each house of the General Assembly to increase the effective rate of any tax levied or license fee imposed.