

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)



114th MAINE LEGISLATURE

SECOND REGULAR SESSION - 1990

Legislative Document

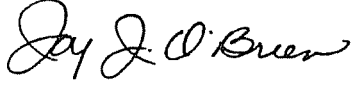
No. 2360

S.P. 931

In Senate, February 23, 1990

Submitted by the Department of Environmental Protection pursuant to Joint Rule 24.

Reference to the Committee on Energy and Natural Resources suggested and ordered printed.


JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator PERKINS of Hancock.
Cosponsored by Senator LUDWIG of Aroostook.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY

An Act to Amend the Laws Governing the Maine Environmental Protection Fund.

(EMERGENCY)



Emergency preamble. Whereas, Acts of the Legislature do not
2 become effective until 90 days after adjournment unless enacted
as emergencies; and

4
Whereas, the fees received for licenses issued by the
6 Department of Environmental Protection do not sufficiently
support processing and compliance measures; and

8
Whereas, the activities supported by the fees have become
10 increasingly complex; and

12
Whereas, the lack of funding seriously jeopardizes the
department's ability to meet its mandates; and

14
Whereas, in the judgment of the Legislature, these facts
16 create an emergency within the meaning of the Constitution of
Maine and require the following legislation as immediately
18 necessary for the preservation of the public peace, health and
safety; now, therefore,

20
Be it enacted by the People of the State of Maine as follows:

22
Sec. 1. 38 MRSA §351, as amended by PL 1987, c. 787, §5, is
24 further amended to read:

26 **§351. Maine Environmental Protection Fund**

28 The Maine Environmental Protection Fund, referred to in this
subchapter as the fund, is established as a nonlapsing fund to
30 supplement licensing, compliance and enforcement programs
administered by the Department of Environmental Protection. All
32 fees established under this subchapter shall ~~be~~ are credited to
the fund, and administrative expenses directly related to
34 licensing these programs shall ~~be~~ are charged to the fund, ~~except~~
~~that in fiscal year 1984, \$41,250 shall be deposited in the~~
36 ~~General Fund.~~

38 Money in the fund not currently needed to meet the
obligations of the department in the exercise of its
40 responsibilities under its licensing programs shall ~~be~~ is
deposited with the Treasurer of State to the credit of the fund
42 and may be invested in as provided by statute. Interest on these
investments shall ~~be~~ is credited to the fund.

44
Money in the fund may only be expended in accordance with
46 allocations approved by the Legislature. These allocations shall
must be based on estimates of the actual costs necessary for the
48 department to administer licensing and permitting, compliance and
enforcement programs. Allowable expenditures include Personal
50 Services, All Other and Capital Expenditures associated with
prelicense or permit activities such as application reviews,
52 public hearings and appeals, the actual license or permit

2 processing activities and associated post-license or permit
3 compliance activities required to assure continued licensee or
4 permittee compliance and enforcement activities as a result of
license or permit noncompliance.

6 **Sec. 2. 38 MRSA §352, sub-§1**, as amended by PL 1987, c. 787,
7 §6, is further amended to read:

8 **1. Fees established.** The department shall establish
9 procedures to charge applicants for costs incurred in reviewing
10 license and permit applications and compliance and enforcement
11 activities. For the purposes of this subchapter, costs may
12 include, but are not be limited to, personnel costs, travel,
13 supplies, legal and computer services.

16 **Sec. 3. 38 MRSA §352, sub-§1-A** is enacted to read:

18 **1-A. Fees for advisory opinions, rules and other**
19 **information.** The commissioner may establish fees for the
20 issuance and delivery of advisory opinions, rules and other
21 information, reflecting the actual expenses entailed.

22 **Sec. 4. 38 MRSA §352, sub-§3**, as amended by PL 1987, c. 787,
23 §8, is further amended to read:

26 **3. Special fee.** ~~Except as provided in this subsection, no~~
27 ~~fee may exceed the maximum established in Table 1.~~ If the
28 commissioner determines that a particular application, by virtue
29 of its size, uniqueness, complexity or other relevant factors, is
30 likely to require significantly more costs than those listed on
31 Table 1 the fee tables in this section, he the commissioner may
32 designate that application as subject to special fees. A special
33 fee shall may not exceed \$40,000 \$50,000. Such a designation
34 must be made at, or prior to, the time the application is
35 accepted as complete and may not be based solely on the
36 likelihood of extensive public controversy. All department staff
37 who have worked on the review of the application will must submit
38 quarterly reports to the commissioner detailing the time spent on
39 the application and all expenses attributable to the
40 application. The processing fee for that application shall be
41 the actual cost to the department. The applicant shall must be
42 billed quarterly and all fees ~~must be~~ paid prior to receipt of
43 the permit.

44 **Sec. 5. 38 MRSA §352, sub-§4**, as amended by PL 1989, c. 405,
45 §1, is repealed and the following enacted in its place:

48 **4. Accounting system.** In order to determine the extent to
49 which the functions set out in this section are necessary for the
50 licensing process or are being performed in an efficient and
51 expeditious manner, the commissioner shall require that all
52 employees of the department involved in any aspect of these

2	<u>and §1760, sub-§29,</u>		
	<u>water pollution control</u>		
4	<u>facilities</u>	<u>250</u>	<u>20</u>
6	<u>B. Air pollution</u>		
	<u>control and §1760,</u>		
8	<u>sub-§30, air pollution</u>		
	<u>control facilities</u>	<u>250</u>	<u>20</u>
10	<u>TITLE 38</u>	<u>PROCESSING</u>	<u>LICENSE</u>
	<u>SECTION</u>	<u>FEE</u>	<u>FEE</u>
12	<u>344, sub-§7, Permit by rule</u>	<u>\$100</u>	<u>\$0</u>
14	<u>362-A, Experiments</u>	<u>500</u>	<u>500</u>
16	<u>421, Solid waste 300 feet</u>		
18	<u>variance</u>		
20	<u>A. Solid waste disposal</u>		
	<u>site</u>	<u>1,400</u>	<u>100</u>
22	<u>B. Disposal of soil, rock,</u>		
24	<u>brick, cured concrete,</u>		
26	<u>cured asphalt or dredge</u>		
	<u>spoils containing less</u>		
28	<u>than 15% fines or that</u>		
	<u>have been determined</u>		
30	<u>to be chemically inert</u>	<u>125</u>	<u>25</u>
32	<u>480-E, Natural resources protection</u>		
	<u>permits</u>		
34	<u>A. Alteration of rivers,</u>		
	<u>streams and brooks</u>	<u>200</u>	<u>100</u>
36	<u>B. Great ponds</u>	<u>200</u>	<u>100</u>
38	<u>C. Freshwater wetlands</u>	<u>200</u>	<u>100</u>
40	<u>D. Coastal wetlands and</u>		
42	<u>sand dunes</u>	<u>3,500</u>	<u>1,550</u>
44	<u>485-A, Site location</u>		
46	<u>A. Affordable housing</u>		
	<u>subdivisions</u>	<u>50/lot</u>	<u>50/lot</u>
48	<u>B. Other subdivisions</u>		
50	<u>with public water and</u>		
	<u>sewers</u>	<u>275/lot</u>	<u>75/lot</u>
52			

2	<u>C. Other subdivisions</u>	<u>350/lot</u>	<u>150/lot</u>
4	<u>D. Structures</u>	<u>4,000</u>	<u>2,300</u>
6	<u>E. Mining</u>	<u>50,000</u>	<u>20,000</u>
8	<u>F. Other</u>	<u>1,000</u>	<u>1,300</u>
10	<u>489-A, Projects from registered municipalities</u>	<u>500</u>	
12	<u>543, Oily waste discharge</u>	<u>40</u>	<u>160</u>
14	<u>560, Vessels at anchorage</u>	<u>125</u>	<u>100</u>
16	<u>587, Ambient air quality or emissions standards variances</u>	<u>5,050</u>	<u>50</u>
18			
20	<u>633, Hydropower projects</u>		
22	<u>A. New or expanded generating capacity</u>	<u>450/MW</u>	<u>50/MW</u>
24			
26	<u>B. Maintenance and repair or other structural alterations not involving an increase in generating capacity</u>	<u>150</u>	<u>50</u>
28			
30			
32	<u>1101, Sanitary districts</u>	<u>150</u>	<u>50</u>
34	<u>1278, Notification of asbestos abatement projects involving:</u>		
36			
38	<u>A. More than 100 square feet or 100 linear feet, but less than 1,000 square feet or 5,000 linear feet</u>		<u>200</u>
40			
42	<u>B. More than 1,000 square feet or 5,000 linear feet</u>		<u>400</u>
44			
46	<u>1304, Waste management</u>		
48	<u>A. Septage disposal</u>		
50	<u>1. Site designation</u>	<u>50</u>	<u>50</u>
	<u>B. Land application of</u>		

2	<u>sludges and residuals --</u>		
	<u>program approval</u>		
4	1. <u>Industrial sludge</u>	<u>1,200</u>	<u>1,200</u>
6	2. <u>Municipal sludge</u>	<u>800</u>	<u>800</u>
8	3. <u>Bio-ash</u>	<u>800</u>	<u>800</u>
10	4. <u>Wood ash</u>	<u>500</u>	<u>500</u>
12	5. <u>Food waste</u>	<u>500</u>	<u>500</u>
14	6. <u>Other residuals</u>	<u>500</u>	<u>500</u>
16	<u>C. Landfill</u>		
18	1. <u>Closing plans for</u>		
	<u>nonmunicipal landfills</u>	<u>1,500</u>	<u>1,500</u>
20			
22	2. <u>Closing plans for</u>		
	<u>municipal landfills</u>	<u>500</u>	<u>500</u>
24	3. <u>Variance request</u>		
	<u>for attenuation landfills</u>	<u>500</u>	<u>500</u>
26			
28	4. <u>Preliminary</u>		
	<u>information reports</u>	<u>500</u>	<u>500</u>
30	5. <u>License transfers</u>	<u>500</u>	<u>500</u>
32	6. <u>Special waste</u>		
	<u>disposal</u>		
34			
36	a. <u>One-time disposal</u>		
	<u>of quantities of</u>		
	<u>6 cubic yards or less</u>	<u>50</u>	<u>50</u>
38			
40	b. <u>One-time disposal of</u>		
	<u>quantities greater</u>		
	<u>than 6 cubic yards</u>	<u>100</u>	<u>100</u>
42			
44	c. <u>Program approval for</u>		
	<u>routine disposal</u>		
	<u>of a special waste</u>	<u>400</u>	<u>200</u>
46			
48	<u>D. Incineration facility</u>		
50	1. <u>Fuel substitution</u>		
	<u>activities</u>	<u>1,500</u>	<u>1,000</u>
52	2. <u>License transfers</u>	<u>500</u>	<u>500</u>

2	<u>E. License transfer other</u>		
4	<u>than for landfills and</u>		
	<u>incinerators</u>	<u>250</u>	<u>250</u>
6	<u>33 United States Code,</u>		
8	<u>Chapter 26, Water Quality</u>		
10	<u>Certifications, in conjunction</u>		
12	<u>with applications for hydro-</u>		
	<u>power project licensing or re-</u>		
	<u>licensing</u>		
14	<u>A. Initial consultation</u>	<u>1,000</u>	<u>0</u>
16	<u>B. 2nd consultation</u>	<u>1,000</u>	<u>0</u>
18	<u>C. Application</u>		
20	<u>1. Storage</u>	<u>1,000</u>	<u>0</u>
22	<u>2. Generation</u>	<u>300/MW</u>	<u>50/MW</u>

Sec. 9. 38 MRSA §352, sub-§5-B is enacted to read:

5-B. Maximum license and annual fees. The maximum fees for licenses issued by the department under the following sections are:

TABLE II

MAXIMUM FEES IN DOLLARS

<u>TITLE 38</u>	<u>PROCESSING</u>	<u>ANNUAL</u>
<u>SECTION</u>	<u>FEE</u>	<u>LICENSE</u>
		<u>FEE</u>
<u>413, Waste discharge license</u>		
<u>A. Overboard discharge</u>		
<u>1. Flow of less than</u>		
<u>1,000 gallons per day</u>	<u>400</u>	<u>100</u>
<u>2. Flow of 1,000 to</u>		
<u>20,000 gallons per day</u>		
<u>inclusive</u>	<u>2,400</u>	<u>500</u>
<u>3. Flow of greater</u>		
<u>than 20,000 gallons</u>		
<u>per day</u>	<u>4,000</u>	<u>1,000</u>
<u>B. Industrial minor</u>		

2	<u>(based on EPA list of</u>		
	<u>major and minor source</u>		
	<u>discharges)</u>		
4			
6	1. <u>Discharges of</u>		
	<u>cooling water,</u>		
8	<u>sanitary wastewater</u>		
	<u>or treated storm water</u>		
	<u>only</u>	<u>1,500</u>	<u>250</u>
10			
	2. <u>All others</u>	<u>4,500</u>	<u>1,200</u>
12			
14	<u>C. Industrial major</u>		
	<u>(based on EPA list of</u>		
	<u>major source discharges)</u>		
16			
18	1. <u>Discharge of</u>		
	<u>cooling water or</u>		
20	<u>sanitary wastewater</u>		
	<u>only</u>	<u>7,000</u>	<u>2,000</u>
22			
	2. <u>All others</u>	<u>30,000</u>	<u>5,000</u>
24			
	<u>D. Publicly owned</u>		
	<u>treatment works</u>		
26			
28	1. <u>Flow of less</u>		
	<u>than or equal to</u>		
30	<u>50,000 gallons</u>		
	<u>per day, and</u>		
32	<u>no significant</u>		
	<u>industrial component</u>	<u>700</u>	<u>400</u>
34			
36	2. <u>Flow of greater</u>		
	<u>than 50,000 gallons</u>		
38	<u>per day, but less</u>		
	<u>than 500,000 gallons</u>		
40	<u>per day and no</u>		
	<u>significant</u>		
	<u>industrial component</u>	<u>1,000</u>	<u>600</u>
42			
44	3. <u>Flow of at least</u>		
	<u>500,000 gallons</u>		
46	<u>per day, but less</u>		
	<u>than 5,000,000</u>		
48	<u>gallons per day and</u>		
	<u>no significant</u>		
	<u>industrial component</u>	<u>2,000</u>	<u>900</u>
50			
52	4. <u>Flow of at least</u>		
	<u>5,000,000 gallons per</u>		
	<u>day and no significant</u>		

2	<u>industrial component</u>	<u>4,000</u>	<u>2,000</u>
4	<u>5. Publicly owned</u>		
6	<u>treatment works with</u>		
	<u>significant industrial</u>		
	<u>component</u>	<u>30,000</u>	<u>5,000</u>
8	<u>E. Special discharges</u>		
10	<u>1. Aquatic pesticides</u>	<u>300</u>	<u>75</u>
12	<u>2. Dredge spoils</u>	<u>300</u>	<u>75</u>
14	<u>418, Log storage</u>	<u>100</u>	<u>50</u>
16	<u>451, Mixing zones</u>	<u>1,200</u>	<u>2,200</u>
18	<u>590, Annual air emission fees</u>	<u>See section 353-A</u>	
20	<u>1278, Certification of asbestos</u>		
22	<u>abatement</u>		
24	<u>A. Contractor</u>		<u>500</u>
26	<u>B. Design consultant</u>		<u>250</u>
28	<u>C. Evaluation specialist</u>		<u>150</u>
30	<u>D. Project supervisor</u>		<u>125</u>
32	<u>E. Worker</u>		<u>100</u>
34	<u>1310-N, Waste management</u>		
36	<u>A. Septage disposal</u>		
38	<u>1. Landspreading</u>	<u>400</u>	<u>800</u>
40	<u>2. Storage</u>	<u>100</u>	<u>200</u>
42	<u>B. Sludge compost facility</u>		
44	<u>1. Type I</u>	<u>400</u>	<u>400</u>
46	<u>2. Type IA</u>	<u>400</u>	<u>400</u>
48	<u>3. Type II</u>	<u>500</u>	<u>1,500</u>
50	<u>4. Type III</u>	<u>500</u>	<u>2,000</u>
52	<u>5. Municipal solid</u>		
	<u>waste</u>	<u>500</u>	<u>2,500</u>

2	<u>C. Land application of</u>		
	<u>sludges and residuals</u>		
4			
6	<u>1. Sites with program</u>		
	<u>approval</u>		
8	<u>a. Industrial sludge</u>	<u>400</u>	<u>800</u>
10	<u>b. Municipal sludge</u>	<u>200</u>	<u>600</u>
12	<u>c. Bio-ash</u>	<u>200</u>	<u>600</u>
14	<u>d. Wood ash</u>	<u>150</u>	<u>350</u>
16	<u>e. Food waste</u>	<u>150</u>	<u>350</u>
18	<u>f. Other residuals</u>	<u>150</u>	<u>350</u>
20	<u>2. Sites without program</u>		
	<u>approval</u>		
22	<u>a. Industrial sludge</u>	<u>900</u>	<u>1,600</u>
24	<u>b. Municipal sludge</u>	<u>400</u>	<u>800</u>
26	<u>c. Bio-ash</u>	<u>400</u>	<u>800</u>
28	<u>d. Wood ash</u>	<u>200</u>	<u>600</u>
30	<u>e. Food waste</u>	<u>200</u>	<u>600</u>
32	<u>f. Other</u>	<u>200</u>	<u>600</u>
34			
	<u>D. Landfill</u>		
36			
38	<u>1. New or expanded for</u>		
	<u>the acceptance of</u>		
40	<u>municipal or special</u>		
	<u>waste, or both</u>	<u>5,000</u>	<u>10,000</u>
42	<u>2. Wood waste or</u>		
	<u>demolition debris</u>		
44	<u>landfills, or both,</u>		
	<u>of greater than 6</u>		
46	<u>acres</u>	<u>3,000</u>	<u>5,000</u>
48	<u>3. Wood waste or</u>		
	<u>demolition debris</u>		
50	<u>landfills, or both,</u>		
	<u>less than or equal</u>		
52	<u>to 6 acres</u>	<u>500</u>	<u>2,000</u>

2	<u>E. Incineration facility --</u>		
4	<u>New or expanded for the</u>		
	<u>acceptance of municipal</u>		
6	<u>or special wastes, or both</u>	<u>5,000</u>	<u>10,000</u>
8	<u>F. Transfer station and</u>		
	<u>storage facility</u>	<u>1,200</u>	<u>1,300</u>
10	<u>G. Tire disposal or</u>		
	<u>storage facility, or both</u>	<u>1,200</u>	<u>1,300</u>
12	<u>H. Recycling facility</u>	<u>1,000</u>	<u>500</u>
14	<u>I. Processing facility</u>		
16	<u>other than municipal</u>		
	<u>solid waste composting</u>	<u>500</u>	<u>1,000</u>
18	<u>J. Other utilization</u>		
20	<u>activities</u>		
22	<u>1. Special waste</u>	<u>500</u>	<u>1,000</u>
24	<u>2. Other</u>	<u>200</u>	<u>800</u>

26 Sec. 10. 38 MRSA §352, sub-§6, as enacted by PL 1987, c. 787,
28 §10, is amended to read:

30 6. Reporting requirements. The department commissioner
32 shall report, before February 1st of each year, to the joint
34 standing committee of the Legislature having jurisdiction over
natural resources on the effects of the license fee increases on
department efficiency and license and permit processing time.

36 Sec. 11. 38 MRSA §353, sub-§2, as amended by PL 1987, c. 419,
§8, is further amended to read:

38 2. Processing fee. A Except for annual air emission fees
40 pursuant to section 590, a processing fee shall must be paid at
42 the time of filing the application. Failure to pay the
44 processing fee at the time of filing the application ~~will result~~
46 results in the application being returned to the applicant. The
department--shall commissioner may not refund the processing fee
if the application is denied by the board or the commissioner. If
the application is withdrawn by the applicant within 30 days of
the start of processing, the processing fee ~~shall be~~ is refunded.

48 Sec. 12. 38 MRSA §353, sub-§3, as amended by PL 1987, c. 787,
50 §11, is further amended to read:

52 3. License fee. A The license fee--shall fees found in
section 352, subsection 5-A, must be paid at the time of filing

2 the application. Failure to pay the license fee at the time of
3 filing ~~will result~~ results in the application being returned to
4 the applicant. The department commissioner shall refund the
5 license fee if the board or commissioner denies the application
6 or if the application is withdrawn by the applicant.
7 Notwithstanding the provisions of this subsection, the license
8 fee for a subdivision shall ~~shall~~ must be paid prior to the issuance of
9 the license.

10 The license fees found in section 352, subsection 5-B, must be
11 assessed on new and existing licenses and paid annually for the
12 term of the license. Failure to pay the fee voids the license.

13 **Sec. 13. 38 MRSA §353, sub-§5**, as amended by PL 1987, c. 419,
14 §8, is further amended to read:

15 **5. Renewals or amendments.** The Notwithstanding renewals
16 or amendments issued under section 590, the processing fee for
17 renewals or amendments shall-be is equal to direct costs up to
18 1/2 the processing fee for initial applications. The license fee
19 for renewals shall-be is identical to the initial license fee.
20 The license fee for amendments shall may not exceed the initial
21 license fee.

22 **Sec. 14. 38 MRSA §353, sub-§9** is enacted to read:

23 **9. Processing fee for after-the-fact permits.** For
24 applications submitted to the department as a result of an
25 enforcement action or after the regulated activity has occurred
26 without a permit being issued, an additional processing fee is
27 due and must be paid at the time of filing the application. The
28 additional fee is equal to twice the processing fee, or in the
29 case of licenses issued under section 590, the additional fee is
30 equal to twice the annual air emission fee.

31 **Sec. 15. 38 MRSA §353-A** is enacted to read:

32 **353-A. Payment of air emissions license fees**

33 **1. Fee.** Beginning July 1, 1990, a fee of \$8 per ton per
34 year is assessed on the sum of all licensed allowable air
35 pollutants except for carbon monoxide.

36 **2. Schedule.** The fee for existing licenses is paid on the
37 anniversary date of the license. The fee for new applications is
38 estimated and paid at the time of filing the application. When
39 the processing of the application is complete, the final fee is
40 determined. Any additional fee is due prior to the issuance of
41 the license. Any overpayment must be refunded. If the
42 application is denied, 50% of the initial fee must be refunded.

43 **3. Minimum fee.** The minimum fee is \$100 per year.

2 4. Transition for existing licenses. A holder of a license
3 may request a minor revision to that license for the purpose of
4 reducing the sum of the licensed allowable air pollutants.

6 Sec. 16. 38 MRSA §1278, as enacted by PL 1987, c. 488, §1-C,
7 is amended to read:

8 §1278. Fees

10 1. ~~The following fees are~~ Fees must be
11 established for each license and certification category and are to
12 be paid annually. The fees shall must be paid upon application to
13 the commissioner and deposited in the Maine Environmental
14 Protection Fund.

16 A. ~~The fees are:~~

18 (1) ~~Asbestos abatement contractor; \$250;~~

20 (2) ~~Asbestos abatement design consultant; \$50;~~

22 (3) ~~Asbestos evaluation specialist; \$50;~~

24 (4) ~~Asbestos project supervisor; \$50; and~~

26 (5) ~~Asbestos abatement worker; \$25.~~

28 B. A business or public entity may pay the certification fee
29 and receive certificates for one or more positions in each
30 category on an annual basis. Employees filling the certified
31 positions at any time during the one-year period shall must
32 be qualified under terms of this chapter and, if when
33 qualified, shall are to receive written evidence of
34 certification. The business or public entity shall notify
35 the commissioner within 5 working days of any changes of the
36 persons holding its certified positions and shall provide all
37 information requested by the commissioner to show that new
38 employees meet the requirements for certification pursuant to
39 this chapter.

41 C. A person applying for certification under more than one
42 category shall ~~pay~~ pays only the fee for the highest category.

44 2. **Notification fees.** Notification of a planned asbestos
45 abatement project pursuant to section 1273, ~~subsections 2 and 3,~~
46 shall subsection 2, must be accompanied by a notification fee, as
47 prescribed in section 352, unless such activity occurs in private
48 residential buildings of 4 dwelling units or less.

50 A. ~~The fees are:~~

2 3. The bill raises the special fee maximum from \$40,000 to
4 \$50,000 in order to cover increasing costs.

6 4. The bill repeals the existing fee schedule in Title 38,
8 section 352 and its sunset provision in order to enact 2 separate
10 tables. The first table sets maximum fees for those one-time
12 permits that do not need annual compliance inspections and adds
14 certain new categories for the solid waste program and the natural
16 resource protection laws. The second table is for those renewable
 licenses which need annual and other compliance checks. The
 license fees contained in this table will be paid annually for the
 term of the license. Existing licensed sources in addition to new
 sources will begin payment in 1990. The department will still be
 required to justify the fee increases adopted during the 113th
 Legislature.

18 5. The bill places an automatic adjustment into the fee
20 tables to keep them current with inflation and deflation.

22 6. The bill excludes fees for air emission license renewals
24 or amendments from the limitation of 1/2 of the initial fee. This
 change is necessary because of the change to a dollar amount per
 ton fee system paid each year for the term of the license.

26 7. The bill adds an additional fee for "after-the-fact
28 permits," which are permits received as a result of an enforcement
 action or after the regulated activity has taken place.

30 8. The bill removes the fees for asbestos abatement
32 certifications and notifications from Title 38, section 1278 in
34 order to place them in Title 38, section 352 along with the other
 fees charged by the department.