§353-B. Annual waste discharge license fees

1. Fees assessed. After the effective date of this section, licensees must pay annual waste discharge license fees. Annual waste discharge license fees for existing licensees are determined as set out in subsection 2. Annual waste discharge license fees for new licensees, or licensees that have been reclassified to a new discharge group, are determined by the discharge group to which the facility is assigned. The fee for a new waste discharge license is the median fee for the selected discharge group, and this fee must be paid at the time of application. If the application for a new license is denied, 50% of the initial annual fee must be refunded.

A. [PL 2011, c. 546, §1 (RP).]

B. [PL 2011, c. 546, §1 (RP).]

C. [PL 2011, c. 546, §1 (RP).]

D. If there are no discharges pursuant to a waste discharge license during an entire year, the fee for that year must be reduced to 25% of the fee amount that would otherwise apply to that license. [PL 2011, c. 546, §1 (AMD).]

E. If a licensee continues to discharge following expiration of the license, the licensee must continue to pay any applicable waste discharge license fees provided for in this section. This paragraph does not authorize the discharge and does not affect the applicability of any penalty or enforcement provision. [PL 2011, c. 546, §1 (AMD).]

[PL 2011, c. 546, §1 (AMD).]

2. Fee amounts. Waste discharge license fees are determined as specified in this subsection.

A. The fees for waste discharge license groups are the 2019 bill amounts increased by a factor of 1.4, unless otherwise indicated, as follows.

Discharge group		Basis for annual fee	Median fee for discharge group	Water quality improvement surcharge
Publicly owned treatment facilities, 10,000 gallons per day or less	annual fee	2019 bill amount	$543	
Publicly owned treatment facilities, more than 10,000 gallons per day to 0.1 million gallons per day	annual fee	2019 bill amount	$689	
Publicly owned treatment facilities, more than 0.1 million gallons per day to 1.0 million gallons per day	annual fee	2019 bill amount	$1,063	

Publicly owned treatment facilities, more than 1.0 million gallons per day to 5.0 million gallons per day	annual fee	2019 bill amount	$2,241
Publicly owned treatment facilities, greater than 5 million gallons per day or with significant industrial waste	annual fee	2019 bill amount	$7,850
Major industrial facility, process wastewater (based on EPA list of major source discharges)	annual fee	2019 bill amount	$33,919
Other industrial facility, process wastewater	annual fee	2019 bill amount	$2,093
Food handling or packaging wastewater	annual fee	2019 bill amount	$1,135
Terrestrial fish-rearing facility 0.1 million gallons per day or less	annual fee	2019 bill amount	$538
Terrestrial fish-rearing facility over 0.1 million gallons per day	annual fee	2019 bill amount	$1,368
Marine aquaculture facility	annual fee	2019 bill amount	$529

Marine finfish aquaculture facility	annual fee	$1,682	$1,682	
Noncontact cooling water	annual fee	2019 bill amount	$330	
Industrial or commercial sources, miscellaneous or incidental nonprocess wastewater	annual fee	2019 bill amount	$626	
Municipal combined sewer overflow	annual fee	2019 bill amount	$711	
Sanitary wastewater, excluding overboard discharge	annual fee	2019 bill amount	$1,268	
Sanitary overboard discharge, commercial sources	annual fee	2011 bill amount	$446	$75
Sanitary overboard discharge, residential sources 600 gallons per day or less	annual fee	2011 bill amount	$231	$75
Sanitary overboard discharge, residential sources more than 600 gallons per day	annual fee	2011 bill amount	$313	$75
Sanitary overboard discharge, public sources	annual fee	2011 bill amount	$315	$75

Aquatic pesticide application	annual fee	2019 bill amount	$1,110
Snow dumps	annual fee	2019 bill amount	$550
Salt and sand storage pile	annual fee	2019 bill amount	$738
Log storage permit	annual fee	2019 bill amount	$727
General permit coverage for industrial storm water discharges (except construction)	annual fee	2019 bill amount	$588
General permit coverage for marine aquaculture facility	annual fee	$1,682	$1,682
General permit coverage for municipal separate storm sewer system	annual fee	$1,306	$1,306
General permit coverage (other)	annual fee	2019 bill amount	$283
Experimental discharge license	license fee	2019 bill amount	$1,550
New or amended mixing zone, in addition to other applicable fees	flat fee	$9,254	---
Formation of sanitary district	flat fee	$693	---

Transfer of license for residential or commercial sanitary wastewater	flat fee	$140	---

On an annual basis, municipalities and publicly owned treatment works whose combined sewer overflows have the potential to affect shellfish harvesting areas as determined by the department by virtue of their locations within estuarine or marine waters of the State must be assessed a surcharge on their wastewater discharge licenses in a total amount of $12,000. This amount must be allocated among the municipalities and publicly owned treatment works according to their prior 3-year average annual flows as reported to the department.

On an annual basis, publicly owned treatment works whose outfalls licensed for the discharge of treated effluent cause adjacent shellfish growing areas to be closed for the purposes of harvesting shellfish must be assessed a license surcharge in a total amount of $25,000. This amount must be allocated among the publicly owned treatment works according to the acreage that each licensed outfall closes. This acreage must be determined by the Department of Marine Resources in consultation with the department. [PL 2025, c. 62, §1 (AMD).]

B. [PL 2011, c. 546, §2 (RP).]

[PL 2025, c. 62, §1 (AMD).]

3. Schedule. The fee for existing licenses must be paid on the anniversary date of the license or another date initially established by the department. This date, once established, remains the scheduled date for paying the annual fee, regardless of future changes of the anniversary date.

[PL 2011, c. 546, §3 (AMD).]

4. Renewals, amendments and modifications. Except for transfers of licenses for discharges of sanitary wastewater from commercial or residential sources as provided for in subsection 2, there are no additional fees assessed for license renewals, amendments or modifications. Upon significant changes in discharge flow, a licensee may apply for modification of the license to change the licensed discharge flow. The percent change in discharge flow must be used to adjust the annual waste discharge license fee by an equivalent percentage.

[PL 2011, c. 546, §3 (AMD).]

5. Nonpayment of fees. Failure to pay an annual fee within 30 days of the anniversary date of a license is sufficient grounds for revocation of the license, permit or privilege under section 342, subsection 11-B.

[PL 2015, c. 124, §4 (AMD).]

6. Initial year fee rates.

[PL 2007, c. 558, §4 (RP).]

7. Revenues derived from surcharge. Revenues derived from a water quality improvement surcharge must be paid to the Treasurer of State, who shall credit those revenues to the Water Quality Improvement Fund established under section 424-B.

[PL 2009, c. 213, Pt. FFFF, §3 (NEW).]

SECTION HISTORY

PL 1997, c. 794, §B7 (NEW). PL 2001, c. 230, §1 (AMD). PL 2003, c. 246, §1 (AMD). PL 2005, c. 602, §1 (AMD). RR 2007, c. 2, §28 (AFF). PL 2007, c. 558, §§2-4 (AMD). PL 2009, c. 213, Pt. FFFF, §§2, 3 (AMD). RR 2011, c. 2, §43 (COR). PL 2011, c. 546, §§1-3 (AMD). PL 2015, c. 124, §4 (AMD). PL 2019, c. 631, §1 (AMD). PL 2025, c. 62, §1 (AMD).

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