

Title 135 - NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY

Chapter 8 - FEES

001 Permit Processing Fees

001.01 A fee shall be assessed from permit applicants to process, issue, modify or reissue permits. A permit shall not be issued to any applicant until the fees, assessed by the Department, have been paid.

001.02 In determining the fees, the Department shall calculate and itemize the direct costs associated with permit evaluation, processing, and monitoring, including application review, meetings and correspondence with the permit applicant, permit research and drafting time, necessary travel, technical and administrative review of the drafted permit, clerical preparation of the permit and related tasks, advertising costs for public notice, review of public comments on the draft permit, hearing costs, if applicable, permit processing fee billing, and final permit issuance. The Department shall apply the current indirect rate to the total direct wages and salary expenses recovered on a quarterly basis. This method is the approved agency-wide procedure for recovering indirect costs from its federal programs.

001.03 The Department shall maintain itemized records of staff time and costs incurred in the processing of a permit application. Permit processing fees shall apply without regard to whether a permit is issued, denied or requested to be inactivated prior to issuance or thereafter.

001.04 Each application for a new or reissued permit shall be accompanied by a filing fee of five hundred dollars.

001.05 All fees shall be made payable to the State of Nebraska and shall be paid within thirty days of receipt of the Department's billing statement. All fees shall be collected by the Department.

001.05A Where the fees assessed in accordance with 001.02 above are less than the filing fee set forth in 001.04 above, the Department shall refund the balance to the applicant.

001.05B Where the fees assessed in accordance with 001.02 above exceed the filing fee set forth in 001.04 above, the applicant shall be billed the balance.

002 Annual Permit Administration Fees

002.01 An annual administration fee shall be assessed to permittees based upon direct and indirect costs.

002.02 In determining the annual fees, the Department shall calculate and itemize the costs of monitoring, inspections or other site visits, reviewing the compliance to the associated permit conditions, general legal costs incurred by the Department, or other tasks related to administering the permit program.

002.03 The Department shall maintain itemized records of staff time and costs incurred in the administration of a permit.

002.04 Permittees shall be billed quarterly. All fees shall be made payable to the State of Nebraska and shall be paid within thirty days of receipt of the Department's billing statement. Annual fees not received on the due date shall be subject to a late charge of Twenty-five Dollars and an additional ten percent per month. All fees shall be collected by the Department. Failure of a permittee to pay the annual fee by the end

of the fiscal year (June 30) is a violation of the permit and may result in the revocation of such permit.

003 The fees subject to this Chapter shall be applicable upon the effective date of these regulations.

Enabling Legislation: Neb. Rev. Stat. §§ 81-1505(9)(b); 81-1505.01

Legal Citation: Title 122, Ch. 8, Nebraska Department of Environmental Control



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