

(V) THE APPLICANT FOR THE PERMIT SHALL BE NOTIFIED AND BE GIVEN THE OPPORTUNITY TO PRESENT INFORMATION AT THE PUBLIC INFORMATIONAL MEETING.

(C) (1) THERE IS A STATE SEWAGE SLUDGE UTILIZATION FUND.

(2) ALL UTILIZER-PERMIT-FEES GENERATOR LICENSE FEES, PERMIT APPLICATION FEES, AND FUNDS COLLECTED BY THE DEPARTMENT UNDER THIS SECTION, INCLUDING ANY PENALTY OR ANY FINE IMPOSED BY A COURT UNDER THE PROVISIONS OF THIS SECTION, SHALL BE CREDITED TO THE SEWAGE SLUDGE UTILIZATION FUND.

(3) THE SEWAGE SLUDGE UTILIZATION FUND IS LIMITED TO A MAXIMUM OF \$400,000, 25 PERCENT OF WHICH SHALL BE SET ASIDE FOR EMERGENCY REMOVAL OF SEWAGE SLUDGE OR MITIGATION OF ANY ADVERSE ENVIRONMENTAL EFFECT.

(4) WHENEVER THE COMBINATION OF UNALLOCATED FUNDS IN THE SEWAGE SLUDGE UTILIZATION FUND AND THE PROJECTED GENERATOR FEES FOR THE NEXT FISCAL YEAR EXCEED \$400,000, THE GENERATOR FEES FOR THAT FISCAL YEAR SHALL BE ADJUSTED ON A PRO RATA BASIS SO THAT THE COMBINATION OF UNALLOCATED FUNDS AND GENERATOR FEES SHALL NOT EXCEED \$400,000.

(5) THE SEWAGE SLUDGE UTILIZATION FUND SHALL BE USED FOR:

(I) EMERGENCY REMOVAL OF SEWAGE SLUDGE OR MITIGATION OF THE EFFECT OF ANY SEWAGE SLUDGE UTILIZATION THAT THE DEPARTMENT DETERMINES:

1. ENDANGERS THE PUBLIC HEALTH, SAFETY, OR WELFARE; OR
2. ENDANGERS OR DAMAGES NATURAL RESOURCES; AND

(II) ACTIVITIES CONDUCTED BY THE DEPARTMENT OR ACTIVITIES CONDUCTED BY ANY COUNTY PURSUANT TO SUBSECTION (G) ~~(5)~~ (4) OF THIS SECTION THAT ARE RELATED TO IDENTIFYING, MONITORING, AND REGULATING THE PROPER UTILIZATION OF SEWAGE SLUDGE, INCLUDING PROGRAM DEVELOPMENT OF THESE ACTIVITIES.

~~(3)~~ (6) ALL EXPENDITURES MADE BY THE DEPARTMENT UNDER PARAGRAPH ~~(2)~~ (5) (I) OF THIS SUBSECTION SHALL BE REIMBURSED TO THE DEPARTMENT BY THE SEWAGE SLUDGE UTILIZER WHOSE SEWAGE SLUDGE UTILIZATION:

(I) ENDANGERED THE PUBLIC HEALTH, SAFETY, OR WELFARE; OR

(II) ENDANGERED OR DAMAGED NATURAL RESOURCES.