

Written comment deadline for this draft – May 14, 2019

Rules for the Control of Air Pollution in Idaho
IDAPA 58.01.01

387. REGISTRATION AND REGISTRATION FEES.

The purpose of Sections 387 through 397~~6~~ is to set forth the requirements for the annual registration of Tier I sources, and the annual assessment and payment of fees to support the Tier I permitting program. (4-2-03)

388. APPLICABILITY.

01. Applicability. Sections 387 through 397~~6~~ shall apply to all major facilities, as defined in Section 008, including facilities that obtained air quality permits that limited potential emissions below major facility levels during the previous year. Facilities, sources and emissions exempt under Section 301 are not required to register or pay fees. (4-2-03)

02. Deferred Sources. Certain sources may qualify for and request deferral from the Tier 1 operating permit program under Subsection 301.02.b.iv. and thereby not pay Tier I fees. On or before such time as those deferred sources are required to submit a Tier 1 operating permit application, the Department shall reconsider Sections 387 through 397~~6~~ to determine whether an alternative basis upon which those sources shall register and be assessed and pay fees should be developed. (4-2-03)

389. REGISTRATION INFORMATION.

Any person owning or operating a facility or source during the previous calendar year or any portion of the previous calendar year for which Sections 387 through 397~~6~~ apply shall, by April 1 of each year, register with the Department and submit the following information (submittal forms are located at the DEQ website at <http://www.deq.idaho.gov>): (3-19-07)

01. Facility Information. The name, address, telephone number and location of the facility; (5-1-94)

02. Owner/Operator Information. The name, address and telephone numbers of the owners and operators; (5-1-94)

03. Facility Emission Units. The number and type of emission units present at the facility or the Tier I permit number for the facility; and (4-2-03)

04. Pollutant Registration. The actual emissions from the previous calendar year for oxides of sulfur (SO_x), oxides of nitrogen (NO_x), particulate matter (PM₁₀), and volatile organic compounds (VOC) calculated using methods to include, but not limited to, continuous emissions monitoring (CEMS), certified source tests, material balances (mass-balance), state/industry emission factors, or AP-42 emission factors applied to throughput, actual operating hours, production rates, in-place control equipment, or the types of materials processed, stored, or combusted. (3-19-07)

~~**05. Radionuclide Registration.** The amount of radionuclides from facilities regulated under 40 CFR Part 61, Subpart H, for which the registrant wishes to be registered to emit from each source in curies per year except that no amount in excess of or less than an existing permit, consent order, or judicial order will be allowed. (5-1-94)~~

390. REGISTRATION FEE.

This registration fee structure shall be reviewed at least every two (2) years to assure the funds meet the presumptive minimum as defined by EPA. The annual registration fee as determined in Section 390 shall be paid as provided in Section 393. (3-19-07)

01. Tier I Annual Fee. The Tier I annual fee schedule shall be as follows: (3-19-07)

a. A fixed annual fee for Tier I major sources emitting regulated air pollutants listed in Subsection 389.04 as follows: (4-2-03)

- ~~i. Seven thousand (7,000) tons per year and above shall pay seventy one thousand five hundred dollars (\$71,500); (3-19-07)~~
- ~~ii. Four thousand five hundred (4,500) tons per year and above shall pay forty two thousand nine hundred dollars (\$42,900); (3-19-07)~~
- ~~iii. Three thousand (3,000) tons per year and above shall pay twenty eight thousand six hundred dollars (\$28,600); (3-19-07)~~
- ~~iv. One thousand (1,000) tons per year and above shall pay twenty two thousand seven hundred fifty dollars (\$22,750); (3-19-07)~~
- ~~v. Five hundred (500) tons per year and above shall pay eleven thousand fifty dollars (\$11,050); (3-19-07)~~
- ~~vi. Two hundred (200) tons per year and above shall pay seven thousand one hundred fifty dollars (\$7,150); and (3-19-07)~~
- ~~vii. Less than two hundred (200) tons per year shall pay three thousand five hundred seventy five dollars (\$3,575); plus (3-19-07)~~

<u>Emissions (tons/year)</u>	<u>Fee</u>
<u>4,500 and above</u>	<u>\$93,951.00</u>
<u>3,000 – 4,499</u>	<u>\$62,634.00</u>
<u>1,000 – 2,999</u>	<u>\$49,822.50</u>
<u>500 – 999</u>	<u>\$24,199.50</u>
<u>200 – 499</u>	<u>\$15,658.50</u>
<u>0 – 199</u>	<u>\$7,829.25</u>

b. A per ton annual fee of ~~thirty nine dollars and forty eight cents (\$39.48) per ton~~ fifty-one dollars and six cents (\$51.06) for all regulated air pollutant emissions listed in Subsection 389.04 not to exceed the following maximum fee as follows: (3-19-07)

- ~~i. Greater than or equal to four thousand five hundred (4,500) tons per year not to exceed one hundred forty three thousand dollars (\$143,000); (3-19-07)~~
- ~~ii. Greater than or equal to three thousand (3,000) but less than four thousand five hundred (4,500) tons per year not to exceed seventy one thousand five hundred dollars (\$71,500); (3-19-07)~~
- ~~iii. Greater than or equal to one thousand (1,000) but less than three thousand (3,000) tons per year not to exceed thirty five thousand one hundred dollars (\$35,100); (3-19-07)~~
- ~~iv. Greater than or equal to five hundred (500) but less than one thousand (1,000) tons per year not to exceed twenty five thousand twenty five dollars (\$25,025); (3-19-07)~~
- ~~v. Greater than or equal to two hundred (200) but less than five hundred (500) tons per year not to exceed ten thousand seven hundred twenty five dollars (\$10,725); and (3-19-07)~~
- ~~vi. Less than two hundred (200) tons per year not to exceed three thousand five hundred seventy five dollars (\$3,575). (3-19-07)~~

<u>Emissions (tons/year)</u>	<u>Maximum Fee</u>
<u>4,500 and above</u>	<u>\$184,899.00</u>
<u>3,000 – 4,499</u>	<u>\$92,449.50</u>
<u>1,000 – 2,999</u>	<u>\$45,384.30</u>
<u>500 – 999</u>	<u>\$32,357.33</u>
<u>200 – 499</u>	<u>\$13,867.43</u>
<u>0 – 199</u>	<u>\$4,622.48</u>

02. Fee-for-Service. The fee-for-service shall be as follows: Sources requesting Section 300 permit modifications or renewals, or receiving program maintenance services, including but not limited to site visits, response to public inquiries, modeling, responses to site questions and opacity readings by the Department shall be assessed a fee for actual time expended and expenses incurred by the Department in the previous calendar year in an amount not to exceed ~~twenty-sixty~~ thousand dollars (\$~~2060~~,000) per facility per year as a fee-for-service. Service shall be conducted by qualified Department staff or contractors. (3-19-07)

~~**03. Radionuclide Registration Fee.** (4-2-03)~~

~~**a.** A registration fee of five dollars per curie per year (\$5/curie/year) shall be paid by facilities regulated under 40 CFR Part 61, Subpart H. (4-2-03)~~

~~**b.** The registration fee may be paid as provided in Section 397. (4-2-03)~~

391. REQUEST FOR INFORMATION.

Any additional information, plans, specifications, evidence or documents that the Department may require to make the determinations required under Sections 387 through 397~~6~~ shall be furnished on request. (4-2-03)

392. REGISTRATION FEE ASSESSMENT.

All facilities to which Sections 387 through 397~~6~~ apply shall pay to the Department an annual registration fee as required by Section 390. The Department shall determine the fee based on the information supplied by the registrant and the Department's analysis of information available. In the event of a failure of a facility to submit pertinent registration information, the Department may calculate the fee and shall assess the facility the fee and the costs of calculating the fee. No later than May 15 of each year, or within fifteen (15) days following the adjournment of the regular session of the Idaho State Legislature, whichever is later, the Department shall send to each registrant, to which Sections 387 through 397~~6~~ apply, by certified mail, an assessment of the annual fee payable by the registrant. (3-19-07)

393. PAYMENT OF TIER I REGISTRATION FEE.

01. Fee Payment Date. The registration fee shall be paid to and received by the Department no later than July 1 of each year, or within forty-five (45) days following the receipt of the registration fee assessment in Section 392, whichever is later. Checks should be made payable to "Department of Environmental Quality." (3-19-07)

02. Fee Payments Mailing Address. All fee payments should be sent to:

Air Quality Tier I Registration Fees
Idaho Department of Environmental Quality
1410 N. Hilton, Boise, Idaho 83706-1255 (3-19-07)

394. EFFECT OF DELINQUENCY ON APPLICATIONS.

No permit to construct or operate, other than those issued at the discretion of the Director, shall be accepted for processing, processed, or issued by the Department for any facility or to any person having Tier I operating permit fees delinquent in full or in part. (4-2-03)

395. APPEALS.

Persons may file an appeal within thirty-five (35) days of the date the person received an assessment issued under Section 392. The appeal shall be filed in accordance with IDAPA 58.01.23, "Rules of Administrative Procedure

396. EXEMPTIONS.

01. Registration Fees. The following facilities or sources are exempt from paying registration fees under Sections 387 through 397~~6~~: ~~(4-2-03)~~

a. Facilities and sources specified by the Department, after public notice, as exempt from the payment of registration fees; and (5-1-94)

b. Country grain elevators. (5-1-94)

02. Registering and Paying Fees. The following facilities or sources are exempt from registering and paying registration fees under Sections 387 through 397~~6~~: ~~(4-2-03)~~

a. Facilities and sources specified by the Department, after public notice, as exempt from registration and the payment of registration fees; (3-19-99)

b. Confined animal feeding operations; and (3-19-99)

c. Insignificant activities identified in Subsection 317.01. (3-19-99)

03. Paying Fees. The following emissions are exempt from registering and paying registration fees under Sections 387 through 397~~6~~: ~~(4-2-03)~~

a. Fugitive emissions from wood products. (3-7-95)L

b. Fugitive dust emissions, except facilities listed in Subsections 008.10.c.i. and 008.10.c.ii. Facilities listed in that section shall not be required to pay fees for fugitive dust emission in excess of one hundred (100) tons. (4-5-00)

~~**397. LUMP SUM PAYMENTS OF REGISTRATION FEES.**~~

~~**01. Agreement.** The Department may, in its discretion, enter an agreement with any person for the lump sum payment of all, or any addition to, the registration fees required by Section 390. (3-19-07)~~

~~**02. Minimum Amount.** The minimum amount for any lump sum agreement shall be three hundred thousand dollars (\$300,000). (5-1-94)~~

~~**03. Payment Waiver.** Upon the execution and full performance of the agreement by the person, the Department shall waive the payment requirements of Section 390. All other provisions of Sections 387 through 397 shall remain applicable to the person. (3-19-07)~~

~~**398**~~~~7~~ ~~-- 399. (RESERVED)~~