



Fact Sheet

Air Program Regulatory Amendment Fee Revision for Operating Permit Application and Maintenance Fees Class I Major Stationary Sources and Major Sources

Introduction

The NDEP Air Program is proposing a regulatory change to amend its fee schedule.

The change seeks to update the Program's approach to how fees are assessed, and to redistribute the fees across the regulated industry to reflect the workload and resources required to implement NDEP's Air Program.

This fact sheet describes changes in fee schedule for facilities that hold any type of Class I Air Quality Operating Permit. For a general description of all the changes in fee schedule or for a detailed description of the fee changes proposed for minor sources (Class II Operating Permits), please refer to the corresponding fact sheets.

If approved by the State Environmental Commission and Legislative Commission, the new schedule for maintenance fees would be effective on January 1, 2020. The new schedule for application fees would be effective on July 1, 2020, except for the Administrative Renewal process and fee, which will be effective on January 1, 2020.

Overview of Changes

For **major stationary sources** (i.e., Class I stationary sources subject to the permitting requirements of 40 CFR §52.21) the Air Program is proposing to:

- Update all maintenance and application fees to closer reflect the costs associated with the maintenance of the operating permit.

For **major sources** (i.e., Class I stationary sources not subject to the permitting requirements of 40 CFR §52.21) the Air Program is proposing to:

- Update all maintenance and application fees to closer reflect the costs associated with the maintenance of the operating permit.
- Assess application fees in proportion to the number of emission units associated with the operating permit application.

For **both major stationary sources and major sources**, the Air Program is proposing to:

- Eliminate annual maintenance fees based on actual emissions.
- For most applications, include a 10% non-refundable fee to cover the costs associated with the completeness review process.
- Under certain circumstances, allow for an "Administrative Renewal" application that takes advantage of previously submitted environmental evaluations and will result in faster processing and lower costs¹.
- Include new fees for certain determinations and requests.
- Phase-in the maintenance fees over a 3-year period.

Proposed Fee Schedule

New and Miscellaneous Fees for Major Stationary Sources and Major Sources – Effective July 1, 2020

Application (New)	Fee
Insignificant Activity Determination	\$1,000
Confidentiality Request	\$1,000
Applicability Determination	\$1,000
Class I Notification of Authorized Change	\$1,000

Application (Amended)	Fee
Change of Location (per Emission Unit)	\$200 (currently \$100)
Administrative Amendment	\$1,000 (currently \$200)

¹ Please refer to the proposed regulatory language for a comprehensive description of all the requirements of an Administrative Renewal. The administrative renewal process and application fees will be effective on January 1, 2020.

Application Fees for Major Sources (not subject to 40 CFR § 51.21) – Effective July 1, 2020

Total Number of Emission Units and Insignificant Activities	New OPTC ² (currently \$20,000)	Revision of OPTC (currently \$5,000)	New OP ³ (currently \$30,000)	Minor Revision to OP (currently \$5,000)	Significant Revision to OP (currently \$20,000)	Renewal of OP (currently \$5,000)	Administrative Renewal of OP ¹ (New)	Administrative Revision of OP (currently \$500)
≤ 10	\$40,000	\$10,000	\$35,000	\$10,000	\$35,000	\$30,000	\$5,000	\$1,000 ⁴
11-20	\$45,000	\$15,000	\$40,000	\$15,000		\$35,000		
21-50	\$50,000	\$20,000	\$45,000	\$20,000		\$40,000		
51-100	\$55,000	\$25,000	\$50,000	\$25,000		\$45,000		
> 100	\$60,000	\$30,000	\$55,000	\$30,000		\$50,000		
Conversion of an OPTC into an OP (currently at \$5,000)					\$5,000 ⁴			

Application Fees for Major Stationary Sources (subject to 40 CFR § 52.21) – Effective July 1, 2020

New OPTC (currently \$50,000)	Revision of OPTC (currently \$5,000)	New OP (currently \$50,000)	Major Modification OP (currently \$50,000)	Conversion of OPTC to OP (currently \$5,000)	Administrative Revision (currently \$500)
\$80,000	\$20,000	\$80,000	\$80,000	\$20,000 ⁴	\$1,000 ⁴

Annual Maintenance Fees – Effective January 1, 2020

For fees due in calendar year	Major Stationary Source ⁵ (currently \$25,000 or \$30,000)	Major Source with a Class I OP (currently \$20,000)	Major Source with a Class I OP for a Municipal Solid Waste Landfill (currently \$15,000)
2020	\$40,000	\$30,000	\$20,000
2021	\$50,000	\$35,000	\$22,500
2022 and thereafter	\$60,000	\$40,000	\$25,000

Other Changes

- Eliminate difference in application fees between single and multi-phase conversion of an OPTC into an OP for both major and major stationary sources.
- Eliminate difference in annual maintenance fees between major stationary sources with a Prevention of Significant Deterioration (PSD) action and major stationary sources without a PSD action.
- Eliminate fee for replacement of an operating permit.
- Eliminate fee for conducting informal review of a proposed new major source or proposed modification of an existing major source.

² Operating Permit To Construct

³ Operating Permit

⁴ Not subject to the 10% non-refundable fee for completeness determination

⁵ With or without a Prevention of Significant Deterioration action (pursuing to 40 CFR § 52.21)