

15A NCAC 02Q .0203 PERMIT AND APPLICATION FEES

(a) The owner or operator of any facility holding a permit shall pay the following annual permit fees:

ANNUAL PERMIT FEES (FEES FOR CALENDAR YEAR 2021)			
Facility Category	Tonnage Factor	Basic Permit Fee	Nonattainment Area Added Fee
Title V	\$40.00	\$8,775	\$4,056
Synthetic Minor		\$1,500	
Small		\$250	
General		50% of the otherwise applicable fee	
General Title V ACI		10% of the otherwise applicable fee	

A facility, other than a Title V facility, that has been in compliance is eligible for a 25 percent discount from the annual permit fees as described in 15A NCAC 02Q .0205(a). Annual permit fees for Title V facilities in this Paragraph shall be adjusted for inflation as described in 15A NCAC 02Q .0204. Annual permit fees for Title V facilities in this Paragraph are equal to the sum of the basic permit fee, tonnage factor fee, and nonattainment area added fee, as applicable.

(b) In addition to the annual permit fees required by Paragraph (a) of this Rule, the owner or operator of a Title V facility shall pay the following annual complexity fee, as applicable:

- (1) for facilities subject to at least three and no greater than six of the federal programs identified in Paragraph (c) of this Rule, the added annual complexity fee shall be two thousand five hundred dollars (\$2,500); or
- (2) for facilities subject to seven or greater of the federal programs identified in Paragraph (c) of this Rule, the added annual complexity fee shall be seven thousand five hundred dollars (\$7,500).

Annual complexity fees for Title V facilities shall be adjusted for inflation as described in 15A NCAC 02Q .0204.

(c) For purposes of Paragraph (b) of this Rule, each of the following shall be considered a federal program for the purposes of determining annual complexity fees:

- (1) the PSD program is considered one federal program for any facility that is subject to 15A NCAC 02D .0530;
- (2) the Risk Management Program under Section 112r of the Clean Air Act is considered one federal program for any facility that is subject to 15A NCAC 02D .2100;
- (3) each Subpart under 40 CFR Part 60, New Source Performance Standards (NSPS) is considered one federal program, with the exception of Subparts A, B, Ba, and C;
- (4) each Subpart under 40 CFR Part 61, National Emission Standards for Hazardous Air Pollutants (NESHAP) is considered one federal program, with the exception of Subpart A; and
- (5) each Subpart under 40 CFR Part 63, NESHAP for Source Categories, is considered one federal program, with the exception of Subparts A, B, C, D, and E.

The sum of all applicable federal programs identified in Subparagraphs (1) through (5) of this Paragraph shall be used to determine the annual complexity fee in accordance with Paragraph (b) of this Rule.

(d) In addition to the annual permit fee and any applicable annual complexity fee, a permit applicant shall pay a non-refundable permit application fee as follows:

PERMIT APPLICATION FEES (FEES FOR CALENDAR YEAR 2021)					
Facility Category	New or Modification	New	Significant Modification	Minor Modification	Ownership Change
Title V		\$10,325	\$7,000	\$3,000	\$60
Title V (PSD or NSR/NAA)	\$15,631				\$60
Title V (PSD and NSR/NAA)	\$30,402				\$60
Synthetic Minor	\$400				\$50
Small	\$50				\$50
General			50% of the otherwise applicable fee		\$25

Permit application fees for Title V facilities shall be adjusted for inflation as described in 15A NCAC 02Q .0204.

(e) The current annual permit fees, annual complexity fees, and permit application fees shall be found on the Division's website at <https://deq.nc.gov/about/divisions/air-quality/air-quality-permits/modifying-applying-for-air-quality-permit>.

(f) If a facility, other than a general facility, belongs to more than one facility category, the fees shall be those of the applicable category with the highest fees. If a permit application belongs to more than one type of application, the fee shall be that of the applicable permit application type with the highest fee.

(g) The tonnage factor fee shall be applicable only to Title V facilities. It shall be computed by multiplying the tonnage factor indicated in the table in Paragraph (a) of this Rule by the facility's combined total actual emissions of all regulated air pollutants, rounded to the nearest ton, contained in the latest emissions inventory that has been completed by the Division. The calculation shall not include the amount of actual emissions of each pollutant that exceeds 4,000 tons per year nor the actual emissions of the following pollutants:

- (1) carbon monoxide;
- (2) any pollutant that is regulated solely because it is a Class I or II substance listed pursuant to Section 602 of the federal Clean Air Act (ozone depleters);
- (3) any pollutant that is regulated solely because it is subject to a regulation or standard pursuant to Section 112(r) of the federal Clean Air Act (accidental releases); and
- (4) greenhouse gases.

Even though a pollutant may be classified in more than one pollutant category, the amount of pollutant emitted shall be counted only once for tonnage factor fee purposes and in a pollutant category chosen by the permittee. If a facility has more than one permit, the tonnage factor fee for the facility's combined total actual emissions as described in this Paragraph shall be paid only on the permit whose anniversary date first occurs on or after July 1.

(h) The nonattainment area added fee shall be applicable only to Title V facilities required to comply with 15A NCAC 02D .0531, Sources in Nonattainment Areas, 15A NCAC 02D .0900, Volatile Organic Compounds, or 15A NCAC 02D .1400, Nitrogen Oxides, and either:

- (1) are in an area designated in 40 CFR 81.334 as nonattainment; or
- (2) are covered by a nonattainment or maintenance State Implementation Plan submitted for approval or approved as part of 40 CFR Part 52, Subpart II.

(i) The facility category, Title V (PSD or NSR/NAA), in the permit application fees table in Paragraph (d) of this Rule means a facility whose application shall be subject to review pursuant to 15A NCAC 02D .0530, Prevention of Significant Deterioration, or 15A NCAC 02D .0531.

(j) The facility category, Title V (PSD and NSR/NAA), in the permit application fees table in Paragraph (d) of this Rule means a facility whose application shall be subject to review pursuant to 15A NCAC 02D .0530 and .0531.

(k) Minor modification permit applications that are group processed shall require the payment of only one permit application fee per facility included in the group.

(l) No permit application fee shall be required for renewal of an existing permit, for changes to an unexpired permit when the only reason for the changes is initiated by the Director or the Commission, for a name change with no ownership change, for a change pursuant to 15A NCAC 02Q .0523, Changes Not Requiring Permit Revisions, or for a construction date change, a test date change, a reporting procedure change, or a similar change.

(m) The permit application fee paid for modifications pursuant to 15A NCAC 02Q .0400, Acid Rain Procedures, shall be the fee for the same modification if it were subject to 15A NCAC 02Q .0500, Title V Procedures.

(n) An applicant who files permit applications pursuant to 15A NCAC 02Q .0504 shall pay an application fee equal to the application fee for the permit required pursuant to 15A NCAC 02Q .0500; this fee shall cover both applications, provided that the second application covers only what is covered under the first application. If permit terms or conditions in an existing or future permit issued pursuant to 15A NCAC 02Q .0500 are established or modified by an application for a modification and if these terms or conditions are enforceable by the Division only, then the applicant shall pay the fee under the column entitled "Minor Modification" in the table in Paragraph (d) of this Rule.

*History Note: Authority G.S. 143-215.3(a)(1),(1a),(1b),(1d);
Temporary Rule Eff. March 8, 1994 for a period of 180 days or until the permanent rule is effective,
whichever is sooner.
Eff. July 1, 1994;
Amended Eff. January 1, 2015; March 1, 2008; April 1, 2004; April 1, 2001; July 1, 1996;
Readopted Eff. April 1, 2018;*

Amended Eff. November 18, 2021.