

SECTION .0200 - PERMIT FEES

15A NCAC 02Q .0201 APPLICABILITY

(a) This Section shall apply to all permitted facilities.

(b) A general facility obtaining a permit pursuant to 15A NCAC 02Q .0509 shall comply with provisions of this Section that are applicable to a Title V facility except that the fees are different as stated in 15A NCAC 02Q .0203.

*History Note: Authority G.S. 143-215.3(a)(1),(1a),(1b),(1d); 143-215.106A; 150B-21.6;
Temporary Adoption 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. July 1, 1998; July 1, 1996;
Readopted Eff. April 1, 2018.*

15A NCAC 02Q .0202 DEFINITIONS

For the purposes of this Section, the following definitions apply:

- (1) "Actual emissions" means the actual rate of emissions in tons per year of any air pollutant emitted from the facility over the preceding calendar year. Actual emissions shall be calculated using the sources' actual operating hours, production rates, in-place control equipment, and types of materials processed, stored, or combusted during the preceding calendar year. Actual emissions shall include fugitive emissions as specified in the definition of major source in 40 CFR 70.2. For fee applicability and calculation purposes pursuant to 15A NCAC 02Q .0201 or .0203 and emissions reporting purposes pursuant to 15A NCAC 02Q .0207, actual emissions shall not include emissions beyond the normal emissions during violations, malfunctions, start-ups, and shut-downs; do not include a facility's secondary emissions such as those from motor vehicles associated with the facility; and do not include emissions from insignificant activities because of category as defined pursuant to 15A NCAC 02Q .0503.
- (2) "General facility" means a facility obtaining a permit pursuant to 15A NCAC 02Q .0310 or .0509.
- (3) "Minor modification" means a modification made pursuant to 15A NCAC 02Q .0515, Minor Permit Modifications.
- (4) "Significant modification" means a modification made pursuant to 15A NCAC 02Q .0516, Significant Permit Modification.
- (5) "Small facility" means a facility that is not a Title V facility, a synthetic minor facility, a general facility, nor solely a transportation facility.
- (6) "Synthetic minor facility" means a facility that would be a Title V facility except that the potential emissions are reduced below the thresholds in Item (7) of this Rule by one or more physical or operational limitations on the capacity of the facility to emit an air pollutant. Such limitations shall be enforceable by EPA and may include air pollution control equipment, restrictions on hours of operation, and the type or amount of material combusted, stored, or processed.
- (7) "Title V facility" means a facility that is required to have a permit pursuant to 15A NCAC 02Q .0500 except perchloroethylene dry cleaners whose potential emissions are less than:
 - (a) 10 tons per year of each hazardous air pollutant;
 - (b) 25 tons per year of all hazardous air pollutants combined; and
 - (c) 100 tons per year of each regulated air pollutant.

*History Note: Authority G.S. 143-215.3(a)(1),(1a),(1b),(1d); 150B-21.6;
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. July 1, 1996;
Temporary Amendment Eff. December 1, 1999;
Amended Eff. April 1, 2004; August 1, 2002; July 1, 2000;
Readopted Eff. April 1, 2018.*

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 depletors);
- (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.

15A NCAC 02Q .0204 INFLATION ADJUSTMENT

Beginning in 2012, the fees of 15A NCAC 02Q .0203 for Title V facilities shall be adjusted as of January 1st of each year for inflation. The inflation adjustment shall be done by the method described in 40 CFR 70.9(b)(2)(iv). The tonnage factor shall be rounded to a whole cent and the other fees shall be rounded to a whole dollar, except that the ownership change application fee shall be rounded to the nearest ten-dollar (\$10.00) increment.

History Note: Authority G.S. 143-215.3(a)(1),(1a),(1b),(1d); 150B-21.6;
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. March 1, 2008; July 1, 1996;
Readopted Eff. April 1, 2018.

15A NCAC 02Q .0205 OTHER ADJUSTMENTS

(a) If a facility other than a Title V facility has been in full compliance with all applicable administrative, regulatory, and self-monitoring reporting requirements and permit conditions during the previous calendar year, the annual permit fee shall be 25% less than that listed in 15A NCAC 02Q .0203. A facility shall be considered to have been in compliance during the previous calendar year if it has not been sent any Notices of Non-compliance or Notices of Violation during that calendar year.

(b) If a facility changes so that its facility category changes, the annual fee changes with the next annual fee.

(c) A facility that is moved to a new site may receive credit toward new permit fees for any unused portion of an annual fee if the permit for the old site is relinquished.

*History Note: Authority G.S. 143-215.3(a)(1),(1a),(1b),(1d); 150B-21.6;
Temporary Adoption Eff. March 8, 1994 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
Eff. July 1, 1994;
Readopted Eff. April 1, 2018.*

15A NCAC 02Q .0206 PAYMENT OF FEES

- (a) Payment of fees required pursuant to 15A NCAC 02Q .0200 may be by check or money order made payable to the N.C. Department of Environmental Quality. Annual permit fee payments shall refer to the permit number.
- (b) If, within 30 days after being billed, the permit holder fails to pay an annual fee required pursuant to 15A NCAC 02Q .0200, the Director may initiate action to terminate the permit pursuant to 15A NCAC 02Q .0309 or .0519 as applicable.
- (c) A holder of multiple permits may arrange to consolidate the payment of annual fees into one annual payment.
- (d) The payment of the permit application fee required by 15A NCAC 02Q .0200 shall accompany the application and is non-refundable.
- (e) The Division shall annually prepare and make publicly available an accounting showing aggregate fee payments collected pursuant to 15A NCAC 02Q .0200 from facilities that have obtained or will obtain permits pursuant to 15A NCAC 02Q .0500 except synthetic minor facilities, and showing a summary of reasonable direct and indirect expenditures required to develop and administer the Title V permit program.

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

15A NCAC 02Q .0207 ANNUAL EMISSIONS REPORTING

(a) The owner or operator of a Title V facility shall report by June 30th of each year the actual emissions during the previous calendar year of:

- (1) volatile organic compounds;
- (2) nitrogen oxides;
- (3) total suspended particulates;
- (4) sulfur dioxide;
- (5) fluorine;
- (6) hydrogen chloride;
- (7) hydrogen fluoride;
- (8) hydrogen sulfide;
- (9) methyl chloroform;
- (10) methylene chloride;
- (11) ozone;
- (12) chlorine;
- (13) hydrazine;
- (14) phosphine;
- (15) particulate matter (PM10);
- (16) carbon monoxide;
- (17) lead; and
- (18) perchloroethylene.

(b) The accuracy of the report required by Paragraph (a) of this Rule shall be certified by a responsible official of the facility as defined pursuant to 40 CFR 70.2.

(c) The owner or operator of a facility not included in Paragraph (a) of this Rule, other than a transportation facility, that has actual emissions of 25 tons per year or more of nitrogen oxides or volatile organic compounds shall report by June 30th of each year the actual emissions of nitrogen oxides and volatile organic compounds during the previous calendar year, if the facility is in:

- (1) the townships of Central Cabarrus, Concord, Georgeville, Harrisburg, Kannapolis, Midland, Mount Pleasant, New Gilead, Odell, Poplar Tent, and Rimertown in Cabarrus County;
- (2) the townships of Crowders Mountain, Dallas, Gastonia, Riverbend, and South Point in Gaston County
- (3) the townships of Davidson and Coddle Creek in Iredell County;
- (4) the townships of Catawba Springs, Lincolnton, and Ironton in Lincoln County;
- (5) the townships in Mecklenburg County;
- (6) the townships of Atwell, China Grove, Franklin, Gold Hill, Litaker, Locke, Providence, Salisbury, Steele, and Unity in Rowan County; or
- (7) the townships of Goose Creek, Marshville, Monroe, Sandy Ridge, and Vance in Union County.

(d) The annual reporting requirement pursuant to Paragraph (c) of this Rule shall begin with calendar year 2017 emissions for facilities in the areas identified in Paragraph (c) of this Rule.

(e) The report shall be in or on such form as may be established by the Director. Pursuant to G.S. 143-215.107(a)(4), the Director may require reporting for sources within a facility, for other facilities, or for other pollutants, parameters, or information, by permit condition or pursuant to 15A NCAC 02D .0202 (Registration of Air Pollution Sources).

History Note: Authority G.S. 143-215.3(a)(1),(1a),(1b),(1d); 143-215.65; 143-215.107; 143B-282; 150B-21.6; Temporary Adoption 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. July 1, 2007; July 1, 1998; July 1, 1996; Readopted Eff. April 1, 2018.