

## SECTION .0200 - PERMIT FEES

### 15A NCAC 02Q .0201 APPLICABILITY

(a) This Section is applicable:

- (1) as of the permit anniversary date on or after July 1, 1994, to facilities that have or will have actual emissions of:
  - (A) 100 tons per year or more of particulate, sulfur dioxide, nitrogen oxides, volatile organic compounds, or carbon monoxide;
  - (B) 10 tons per year or more of at least one hazardous air pollutant; or
  - (C) 25 tons per year or more of all hazardous air pollutants combined; and
- (2) as of the permit anniversary date on or after October 1, 1994, to all facilities other than the facilities described in Subparagraph (a)(1) of this Rule.

(b) A general facility obtaining a permit under Rule .0509 of this Subchapter shall comply with provisions of this Section that are applicable to a Title V facility except that the fees are different as stated.

(c) Rule .0207 of this Section is applicable to all facilities as of its effective date.

*History Note:* Filed as a Temporary Adoption Eff. March 8, 1994 for a period of 180 days or until the permanent rule is effective, whichever is sooner;  
Authority G.S. 143-215.3(a)(1),(1a),(1b),(1d); 143-215.106A; 150B-21.6;  
Eff. July 1, 1994;  
Amended Eff. July 1, 1998; July 1, 1996.

## 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 include fugitive emissions as specified in the definition of major source in 40 CFR 70.2. For fee applicability and calculation purposes under Rule .0201 or .0203 of this Section and emissions reporting purposes under Rule .0207 of this Section, actual emissions do 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 under Rule .0503 of this Subchapter.
- (2) "Title V facility" means a facility that that is required to have a permit under Section .0500 of this Subchapter 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.
- (3) "Minor modification" means a modification made pursuant to 15A NCAC 02Q .0515, Minor Permit Modifications.
- (4) "Synthetic minor facility" means a facility that would be a Title V facility except that the potential emissions are reduced below the thresholds in Paragraph (2) of this Rule by one or more physical or operational limitations on the capacity of the facility to emit an air pollutant. Such limitations must be enforceable by EPA and may include air pollution control equipment and restrictions on hours of operation, the type or amount of material combusted, stored, or processed.
- (5) "Significant modification" means a modification made pursuant to 15A NCAC 02Q .0516, Significant Permit Modification.
- (6) "General facility" means a facility obtaining a permit under Rule .0310 or .0509 of this Subchapter.
- (7) "Small facility" means a facility that is not a Title V facility, a synthetic minor facility, a general facility, nor solely a transportation facility.

*Authority G.S. 143-215.3(a)(1),(1a),(1b),(1d); 150B-21.6.*

*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.*

**15A NCAC 02Q .0203 PERMIT AND APPLICATION FEES**

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

ANNUAL PERMIT FEES (FEES FOR CALENDAR YEAR 2011)			
Facility Category	Tonnage Factor	Basic Permit Fee	Nonattainment Area Added Fee
Title V	\$30.00	\$6,500	\$3,500
Synthetic Minor		\$1,500	
Small		\$250	
General	50% 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 Paragraph (a) of Rule .0205 of this Section. Annual permit fees for Title V facilities shall be adjusted for inflation as described in Rule .0204 of this Section. Annual permit fees for Title V facilities consist of the sum of the applicable fee elements. The current annual permit fees shall be found on the Division's website at [http://www.ncair.org/permits/Fee\\_Table\\_and\\_Guide.pdf](http://www.ncair.org/permits/Fee_Table_and_Guide.pdf).

(b) In addition to the annual permit fee, a permit applicant shall pay a non-refundable permit application fee as follows:

PERMIT APPLICATION FEES (FEES FOR CALENDAR YEAR 1994)				
Facility Category	New or Modification	New or Significant Modification	Minor Modification	Ownership Change
Title V		\$7,200	\$700	\$50
Title V (PSD or NSR/NAA)	\$10,900			\$50
Title V (PSD and NSR/NAA)	21,200			\$50
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 Rule .0204 of this Section. The current permit application fees shall be found on the Division's website at [http://www.ncair.org/permits/Fee\\_Table\\_and\\_Guide.pdf](http://www.ncair.org/permits/Fee_Table_and_Guide.pdf).

(c) 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.

(d) 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:

- (1) carbon monoxide;
- (2) any pollutant that is regulated solely because it is a Class I or II substance listed under 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 under Section 112(r) of the federal Clean Air Act (accidental releases); and
- (4) the amount of actual emissions of each pollutant that exceeds 4,000 tons per year.

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.

- (e) 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 a 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.
- (f) A Title V (PSD or NSR/NAA) facility is a facility whose application shall be subject to review under 15A NCAC 02D .0530 (Prevention of Significant Deterioration) or 15A NCAC 02D .0531 (Sources in Nonattainment Areas).
- (g) A Title V (PSD and NSR/NAA) facility is a facility whose application shall be subject to review under 15A NCAC 02D .0530 (Prevention of Significant Deterioration) and 15A NCAC 02D .0531 (Sources in Nonattainment Areas).
- (h) Minor modification permit applications that are group processed require the payment of only one permit application fee per facility included in the group.
- (i) 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 under Rule .0523 (Changes Not Requiring Permit Revisions) of this Subchapter, or for a construction date change, a test date change, a reporting procedure change, or a similar change.
- (j) The permit application fee paid for modifications under 15A NCAC 02Q .0400, Acid Rain Procedures, shall be the fee for the same modification if it were under 15A NCAC 02D .0500, Title V Procedures.
- (k) An applicant who files permit applications pursuant to Rule .0504 of this Subchapter shall pay an application fee as would be determined by the application fee for the permit required under Section .0500 of this Subchapter; 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 under Section .0500 of this Subchapter shall be 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 (b) 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.*

**15A NCAC 02Q .0204 INFLATION ADJUSTMENT**

Beginning in 2012, the fees of Rule .0203 of this Section for Title V facilities shall be adjusted as of January 1<sup>st</sup> 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.

**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 Rule .0203 of this Section. 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.

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Authority G.S. 143-215.3(a)(1),(1a),(1b),(1d); 150B-21.6;  
Eff. July 1, 1994.*

**15A NCAC 02Q .0206 PAYMENT OF FEES**

- (a) Payment of fees required under this Section may be by check or money order made payable to the N.C. Department of Environment and Natural Resources. 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 under this Section, the Director may initiate action to terminate the permit under Rule .0309 or .0519 of this Subchapter, as appropriate.
- (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 this Section 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 under this Section from facilities which have obtained or will obtain permits under Section .0500 of this Subchapter 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;  
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**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 under 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) Cabarrus County,
- (2) Davidson County,
- (3) Durham County,
- (4) Forsyth County,
- (5) Gaston County,
- (6) Guilford County,
- (7) Lincoln County,
- (8) Mecklenburg County,
- (9) Rowan County,
- (10) Union County,
- (11) Wake County,
- (12) Davidson Township and Coddle Creek Township in Iredell County,
- (13) Dutchville Township in Granville County, or
- (14) that part of Davie County bounded by the Yadkin River, Dutchmans Creek, North Carolina Highway 801, Fulton Creek and back to the Yadkin River.

(d) The annual reporting requirement under Paragraph (c) of this Rule shall begin with calendar year 2007 emissions for facilities in Cabarrus, Lincoln, Rowan, and Union counties and Davidson Township and Coddle Creek Township in Iredell County.

(e) The report shall be in or on such form as may be established by the Director. 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).

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Amended Eff. July 1, 2007; July 1, 1998; July 1, 1996.*