



Fact Sheet

Changes to the Proposed Regulation from Regulated Industry and Stakeholder Outreach Efforts

Issued: September 3, 2019

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 workload and resources required to implement NDEP's Air Program.

This fact sheet provides an overview of the changes that the Air Program has made to the originally proposed fee schedule as a result of comments received by the regulated industry and stakeholders. The current draft of the regulation was noticed to the public by the State Environmental Commission on August 29, 2019¹. This fact sheet lists additional changes that the Air Program is proposing to present as amendments to the State Environmental Commission during the hearing scheduled for October 2, 2019.

Application Fees

All new application fees will be delayed and become effective on July 1, 2020, instead of January 1, 2020. ***This change will be proposed as an amendment during the State Environmental Commission's Hearing scheduled for October 2, 2019.***

Maintenance Fees

Class I Stationary Source Operating Permits

A phased-in schedule is proposed for the maintenance fees for all Class I Major Stationary Sources and Major Sources.

	Major Stationary Source ²	Major Source with a Class I Operating Permit	Major Source with a Class I Operating Permit for a Municipal Solid Waste Landfill
Current Annual Fee for Maintenance	\$25,000 or \$30,000	\$20,000	\$15,000
Due in 2020	\$40,000	\$30,000	\$20,000
Due in 2021	\$50,000	\$35,000	\$22,500
Due in 2022 and thereafter	\$60,000	\$40,000	\$25,000

¹ http://sec.nv.gov/main/hearing_1019.htm

² With or without a Prevention of Significant Deterioration action (pursuing to 40 CFR § 52.21)

Class II Stationary Source Operating Permits and Surface Area Disturbance Permits (SAD)

The annual maintenance fee for a Class II Minor Source (with the exclusion of SAD and General Permits) is assessed by adding individual fees based on three components: A) highest total annual allowable emissions (Potential to Emit, PTE) of any regulated pollutant, with the exception of carbon monoxide and carbon dioxide; B) total number of emission units (not including Insignificant Activities) and; C) total disturbed acreage (if the Class II operating permit contains provisions for Surface Area Disturbance).

The original proposed table for the PTE component accounted for emissions of hazardous air pollutants (HAPs). The Air Program is proposing to simplify the calculation of the PTE component by only considering regulated pollutants as illustrated below.

- A) Highest total annual allowable emission (Including PTE from Insignificant Activities, as per NAC 445B.138) of any regulated pollutant, with the exception of carbon monoxide and carbon dioxide.**

PTE (tons per year)	< 25	≥ 25 and < 50	≥ 50 and < 80	≥ 80 and < 100
Fee	\$1,000	\$2,000	\$6,000	\$10,000

- B) Total number of Emission Units (not including Insignificant Activities)**

Emission Units	< 10	11-20	21-50	51-100	>100
Fee	\$500	\$1,000	\$2,000	\$5,000	\$10,000

- C) If the Class II Operating Permit contains provisions for Surface Area Disturbance, the total disturbed acreage**

Acres	≥ 5 and < 20	≥ 20 and < 100	≥ 100 and < 500	>500
Fee	\$1,000	\$2,000	\$3,000	\$5,000

A phased-in schedule is proposed for both the Maintenance of Class II Operating Permits and Surface Area Disturbance Permits.

	For Maintenance of Class II Operating Permits with Proposed Fees of \$10,000 or Greater	For Maintenance of Surface Area Disturbance Permits with Proposed Fees of \$2,000 or Greater
Due in 2020	33% of qualifying fees	33% of qualifying fees
Due in 2021	66% of qualifying fees	66% of qualifying fees
Due in 2022 and thereafter	100% of qualifying fees	100% of qualifying fees

The regulation noticed to the public is proposing only a phased-in approach for Class II Operating Permits with maintenance fees in exceedance of \$15,000. The Air Program will proposed a phased-in schedule for both the Maintenance of Class II Operating Permits (\$10,000 or greater) and Surface Area Disturbance Permits (\$2,000 or greater) during the SEC hearing scheduled for October 2, 2019.