



Fact Sheet

Air Program Regulatory Amendment Fee Revision for Operating Permit Application and Maintenance Fees Class II Minor 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 implement the NDEP's Air Program.

This fact sheet describes changes in fee schedule for facilities that hold a Class II Air Quality Operating Permit with the exclusion of Surface Area Disturbance (SAD) and General Permits. For a general description of all the changes in fee schedule, for a detailed description of the fee changes for SAD and General Permits, or for a detailed description of the fee changes proposed for major and major stationary sources (Class I 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 Class II minor sources, the Air Program is proposing to:

- Update all maintenance and application fees to closer reflect the costs associated with the maintenance of the permit.
- Assess application fees in proportion to the number of emission units associated with the permit application.
- Assess annual maintenance fees in proportion to the allowable emissions, the number of emission units in the permit, and the size of any disturbed area.
- 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.
- Annual maintenance fees for all Class II minor sources will be phased-in in a 3-year period. (i.e., the increase from what paid in calendar year 2019 will be phased-in at 35% in calendar year 2020, 70% in 2021, and 100% starting from 2022).
- Include new fees for certain determinations and requests.

Proposed Fee Schedule

New and Miscellaneous Fees

Application (New)	Fee
Insignificant Activity Determination	\$1,000
Confidentiality Request	\$1,000
Applicability Determination	\$1,000

Application	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 Class II Minor Sources

Total Number of Emission Units and Insignificant Activities	New OP ² (currently \$3,000)	Revision of OP (currently \$2,000)	Renewal of OP (currently \$2,000)	Administrative Renewal of OP ¹
≤ 10	\$5,000	\$2,500	\$2,500	\$2,000
11-20	\$10,000	\$5,000	\$5,000	
21-50	\$15,000	\$7,500	\$7,500	
51-100	\$20,000	\$10,000	\$10,000	
> 100	\$30,000	\$15,000	\$15,000	

Annual Maintenance Fees

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 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 ³ (tons)	< 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

Example: A minor source has a Class II Air Quality Operating Permit with a PTE of 82 tons per year for NO₂ (e.g., the highest PTE across regulated pollutants), 52 emission units, and a SAD of 21 acres. The total annual maintenance for the source is assessed at \$10,000 + \$5,000 + \$2,000 = \$17,000. Based on the PTE, the minor source paid a maintenance fee of \$5,000 in calendar year 2019. In calendar year 2020, the maintenance fees will be phased-in at \$5000 + 35% of the increase (i.e., \$17,000 - \$5,000), that is \$9,200. In calendar year 2021, the maintenance fees will be phased-in at \$13,400.

Other changes

- Eliminate fee for replacement of an operating permit

² Operating Permit

³ Including PTE from Insignificant Activities (as per NAC 445B.138)