



Fact Sheet

Air Program Regulatory Amendment
Fee Revision for Operating Permit Application and Maintenance Fees
Overview – September 9, 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.

Ultimately, the change will allow the Air Program to respond to present and future challenges in the regulated industry, to continue preserving and promoting air quality, and to maintain a vibrant economy in Nevada.

Overview

The Air Program fee schedule has been organized around three main categories of fees for the last 15 years:

- Application Fees – based on the type of application;
- Emission Fees – only for major sources and based on the actual tonnage of criteria pollutants emitted by the stationary source;
- Maintenance Fees – generally based on the total amount of allowed emissions of criteria pollutants.

Over the years, adjustments to the fee structure and schedule have been adopted to keep up with the changes occurring in the regulated industry driven by technological factors, but also by new more restrictive environmental standards and regulations. The last amendment to fees was in 2006; since then fees have not been significantly amended.

In 2017, permitting requirements for Class III and Class IV stationary sources were eliminated, reducing the regulatory burden and associated resources of the Air Program, for approximately 300 small business.

If approved by the State Environmental Commission and Legislative Commission, the new schedule for maintenance fees will 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.

Major Changes

The Air Program is proposing to:

- Eliminate emission fees. This approach has become outdated because of the large improvement in air quality and reduction in emissions due to tighter air quality standards and better control technologies.
- Structure application fees for both major and minor sources proportionally to the number of emission units that are included in the application. This provides for an equitable distribution of costs associated with operating permit application processing.
- Modify maintenance fees to closer reflect the costs associated with the maintenance of the operating permit, which include administration, compliance, planning and rule development, data information services, and ambient air monitoring.
- In particular, the Air Program seeks a redistribution of maintenance fees that is not solely based on the allowable emissions, as in the current regulation. But, is also on the number of emission units regulated by the operating permit and the size of any disturbed area.
- Three-year phase-in approach for the proposed maintenance fees for all Class I, Class II and stand-alone Surface Area Disturbance permits.

Overview of Proposed Fee Schedule

Below is an overview of the proposed fees. For a more detailed description, please refer to the corresponding fact sheets for Class I Major Stationary Sources and Major Sources, Class II Minor Sources, and Surface Area Disturbance and General Permits.

Major Stationary Sources (subject to 40 CFR § 52.21)

Application – Effective July 1, 2020	Current Fee	Proposed Fees
New Operating Permit subject to PSD	\$50,000	\$80,000
Revision to authorize a Major Modification	\$50,000	\$80,000
New Operating Permit to Construct	\$50,000	\$80,000
Conversion of Operating Permit to Construct to Class I Operating Permit	\$5,000	\$20,000
Revision of Operating Permit to Construct	\$5,000	\$20,000
Maintenance – Effective January 1, 2020 with 3-year phase-in	\$25,000 - \$30,000	\$60,000

Major Sources (Class I)

Application – Effective July 1, 2020	Current Fee	Proposed Fee
New Operating Permit to Construct	\$20,000	\$40,000 - \$60,000
Revision of Operating Permit to Construct	\$5,000	\$10,000 - \$30,000
Conversion of Operating Permit to Construct to Operating Permit	\$5,000	\$5,000
New Operating Permit	\$30,000	\$35,000 - \$55,000
Minor Revision of Operating Permit	\$5,000	\$10,000 – \$30,000
Significant Revision of Operating Permit	\$20,000	\$35,000
Renewal of Operating Permit	\$5,000	\$30,000 - \$50,000
Administrative Renewal of Operating Permit ¹	N/A	\$5,000
Administrative Revision of Operating permit	\$500	\$1,000
Administrative Amendment	\$200	\$1,000
Maintenance – Effective January 1, 2020 with 3-year phase-in	\$15,000 - \$20,000	\$25,000 - \$40,000

Minor Sources (Class II) – Effective July 1, 2020

Application – Effective July 1, 2020	Current Fee	Proposed Fee
New Operating Permit	\$3,000	\$5,000 - \$30,000
Revision of Operating Permit	\$2,000	\$2,500 - \$15,000
Renewal Operating Permit with updated Environmental Evaluation	\$2,000	\$2,500 - \$15,000
Renewal of Operating Permit without updated Environmental Evaluation	N/A	\$2,000
New General Permit for Temporary Sources	\$500	\$1,500
New General Permit for Stationary Sources	\$500	\$500
Revision of General Permit for Stationary Sources	N/A	\$250
New and Renewal of Surface Area Disturbance Permit	\$200	\$1,000 - \$5,000
Revision of Surface Area Disturbance Permit	\$200	\$500
Administrative Amendment	\$500	\$1,000
Maintenance – Effective January 1, 2020		
Stationary Source Permit - 3-year phase-in	\$500 - \$5,000	\$1,500 - \$25,000
General Permit	\$500	\$500
Stand-alone Permit for Surface Area Disturbance – 3-year phase-in	\$250 - \$5,000	\$1,000 - \$5,000

¹ Effective January 1, 2020