Bureau of Air Pollution Control/Air Quality Planning

Annual Permit Emission Reporting & Fees: Guidance and Important Deadlines

As a source issued an Air Quality Operating Permit (AQOP) subject to the provisions of NAC445B.287, there is an annual emissions reporting requirement, and an annual permit fee requirement that you must fulfill by the dates specified in regulation each year to maintain your AQOP.

Annual Emissions Reporting Due March 1st

Throughout the life of your permit, you will annually receive an *Actual Production/Emissions Reporting Form* by the end of January. You must submit your completed report to the Nevada Division of Environmental Protection, Bureau of Air Pollution Control/Air Quality Planning by March 1. A fact sheet entitled *How to Complete the Actual Production/Emissions Reporting Form* is available to assist you in this effort. This information is important to a wide array of issues including air quality planning, emissions modeling, and economic development. It also provides a basis for assessing annual fiscal year fees as detailed in the next section.

In addition, several NDEP staff members are available to provide technical assistance. You may contact Patrick A. Anderson at 775-687-9351, Joshua Martinez at 775-687-9367, or Andrew Tucker at 775-687-9499.

Annual Permit Fees Due June 30th

Throughout the life of your permit, you will annually receive a *Fiscal Year Invoice* by the end of May. You must submit the appropriate fee as detailed in your invoice by June 30. Prompt payment of this fee is a condition of retaining your facility’s AQOP for the upcoming fiscal year (July 1 through June 30) period. Failure to pay your fiscal year fees by July 31 annually will result in an additional 25% late penalty being added to your invoice amount. Failure to pay your fees altogether will result in your facility’s AQOP being terminated, and as a source subject to the provisions of NAC445B.287, you may not operate in the State of Nevada without a valid AQOP.

For all AQOP’s, the annual permit fee is comprised of a regulatory-defined “maintenance” fee. Class1 stationary source fees are comprised of this maintenance fee, and also a regulatory-defined “emissions” fee. The maintenance fee will vary depending on the type of permit you have while the emissions fee component is determined by multiplying your reported emissions by a regulatory-defined emissions fee basis amount. Both fee components are subject to a 2% annual increase.
Maintenance Fee

**Class 1 AQOP.** For fiscal year 2018 (FY2018), there are four maintenance fee tiers as follows:

- Major Stationary Source with a PSD Permit $31,836.24
- Major Stationary Source without a PSD Permit $26,530.20
- Major Source with a Title V Permit $21,224.16
- Major Source with a Title V Permit – Landfills $15,918.12

**Class 1 Operating Permit to Construct (OPTC).** For new Class 1 sources, an OPTC may be issued prior to the issuance of a Class 1 AQOP to authorize construction and preliminary operations of the facility. In this case, the OPTC becomes the billable permit until the Class 1 AQOP is issued. The OPTC annual maintenance fee for FY2018 is $21,224.16 unless that facility is a Class 1 landfill site, in which case the annual maintenance fee is $15,918.12.

**Mercury Operating Permit to Construct (MOPTC).** The annual fiscal year maintenance fee is the result of an annually determined billable thermal unit basis amount multiplied by the number of permitted billable thermal units at each applicable precious metal mine. Billable thermal units include roasters, autoclaves, carbon reactivation kilns, retorts, induction furnaces, and electro-winning circuits. For FY2018, $530,604 is divided by the total number of billable thermal units permitted industry-wide. The resultant value is the annual billable thermal unit basis for FY2018. (NAC 445B.3689.2(b))

**Class 2 AQOP.** The Class 2 annual permit maintenance fee for a stationary source is based upon your facility’s potential to emit (PTE) for any single regulated air pollutant excluding Carbon Monoxide (CO) or Greenhouse gases (GHGs) as defined in your facility’s current permit. Please note that “PTE” is synonymous with your permit limit and that the maintenance fees are based on the permitted PTE amount you may emit, not the actual amount you emit. The Class 2-stationary source FY2018 maintenance fee tiers are as follows:

- PTE ≥ 80 tpy of any single regulated pollutant $5,306.04
- PTE for any single HAP ≥ 8 tpy but < 10 tpy $5,306.04
- PTE for any combination of HAPs ≥ 20 tpy but < 25 tpy $5,306.04
- PTE ≥ 50 tpy of any single regulated pollutant but < 80 tpy $3,183.62
- PTE ≥ 25 tpy of any single regulated pollutant but < 50 tpy $1,061.21
- PTE < 25 tpy of any single regulated pollutant $530.60

**Class 2 Surface Area Disturbance (SAD) Permit.** The annual maintenance fee is based on the amount of acreage regulated in your permit. The FY2018 SAD maintenance fee tiers are as follows:

- 500 acres and above $5,306.04
- 200-499.9 acres $2,122.42
- 100-199.9 acres $1,061.21
- 50-99.9 acres $795.91
- 20-49.9 acres $530.60
- 5-19.9 acres $265.30
Class 2 General Permit. The FY2018 annual maintenance fee is: $530.60

Class 3 AQOP. The FY2018 annual maintenance fee is: $265.30

Emissions Fee

Class 1 stationary sources (only) are subject to an emissions fee. The emissions fee is based on the actual reported tons of pollutants emitted, and therefore is a variable cost based on production levels. The emissions fee portion is based on historical emissions from the last full calendar year of operations for your facility, and is determined by multiplying reported emissions, excluding CO and GHG’s, by $16.98 a ton for FY2018.

Regulatory Authority

These fees have been determined based upon the provisions established in the Nevada Administrative Code (NAC) 445B.327 “Fees; late penalty” and the information you provide in your Actual Production/Emissions Reporting Form. In accordance with NAC 445B.327, both the AQOP maintenance fee and emissions fee is subject to a 2% inflationary adjustment multiplier to be triggered at the discretion of the Director of the NDEP.

Reminder

Payment of the full invoice amount is due on or before June 30, annually. An additional 25% late penalty will be assessed for all annual fees not paid within 30 days of the due date. Again, failure to pay your annual fiscal year fees may result in the termination of your air quality operating permit.

Payments to the State for $10,000 or more must be paid electronically. To submit electronic fee payments, the NDEP uses E-check payments through our secure website https://epayments.ndep.nv.gov. Payments must be made payable to the “Nevada State Treasurer, Environmental Protection” and include the full invoice # on the remittance. The following table summarizes the important dates you need to be aware of:

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<tr>
<th>Report/Correspondence</th>
<th>NDEP/BAPC Issuance Deadline</th>
<th>Source Response Deadline</th>
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<tr>
<td>Actual Production/Emissions Reporting Form</td>
<td>January 31</td>
<td>March 1</td>
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<tr>
<td>Fiscal Year Invoice</td>
<td>May 30</td>
<td>June 30</td>
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<tr>
<td>Revised Fiscal Year Invoice w/25% late penalty</td>
<td>August 7</td>
<td>August 31</td>
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<tr>
<td>30 Day Notice of Intent to Terminate Permit w/10 day Appeal Window</td>
<td>September 7</td>
<td>September 30</td>
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<tr>
<td>Termination of Permit</td>
<td>October 7</td>
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