

Sec. 22a-174-26. Fees

(a) **Definitions.** For the purposes of this section:

- (1) “annual fee” means the fee required by section 22a-174a of the General Statutes.
- (2) “applicant” means the person filing an application.
- (3) “application” means an application for a permit, or for renewal or modification thereof, under section 22a-174 of the Connecticut General Statutes.
- (4) “application fee” means the fee required by subsection (b) of this section.
- (5) “modification” means a modification as defined in section 22a-174-1 of the Regulations of Connecticut State Agencies.
- (6) “permit fee” means the fee required by subsection (c)(1) of this section.
- (7) “PTE” means “potential to emit” as defined in section 22a-174-1(86) of the Regulations of Connecticut State Agencies.
- (8) “tentative determination” means a tentative determination issued by the commissioner under section 22a-6h of the Connecticut General Statutes.
- (9) “TPY” means tons per year.
- (10) The date of issuance of any notice or other document by the commissioner is the date of mailing or hand delivery, whichever is earlier.

(b) **Application fees.**

(1) Any person who is required to file an application under section 22a-174-3a or section 22a-174-19 of the Regulations of Connecticut State Agencies shall submit with such application an application fee of seven hundred and fifty dollars (\$750.00).

(2) In addition to the application fee submitted under subdivision (1) of this subsection, each person for whom the commissioner reviews an application for a permit pursuant to section 22a-174-3a of the Regulations of Connecticut State Agencies, shall pay an additional application fee of one thousand five hundred dollars (\$1,500.00) for:

(A) Each best available control technology (BACT) review required under section 22a-174-3a of the Regulations of Connecticut State Agencies for a stationary source or modification thereof, unless the stationary source or modification will have potential emissions of less than fifty (50) tons per year of each pollutant for which the permit is required or the impact on ambient air quality of each of these pollutant emissions is not significant as listed in Table 3a(i)-1 set forth in section 22a-174-3a(i)(1) of the Regulations of Connecticut State Agencies; and

(B) Each lowest achievable emission rate (LAER) review required under section 22a-174-3a of the Regulations of Connecticut State Agencies.

(3) Notwithstanding subdivision (1) of this subsection, the fees for an application to change the fuel used to natural gas or liquefied propane gas, or to implement a process that will allow the use of a cleaner fuel shall be three hundred and seventy-five dollars (\$375.00).

(4) There is no fee to correct a clerical error in a permit made by the commissioner.

(5) The commissioner shall apply the application fee under subdivision (1) or (3) of this subsection to any permit fee required by subsection (c) of this section.

(6) Notwithstanding the prior payment of an application fee, an applicant shall pay another application fee in accordance with subdivisions (1), (2) and (3) of this subsection under either of the following circumstances:

(A) After the commissioner has issued his tentative determination on the subject

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application but before he has taken final action thereon, the applicant revises the application so as to reflect an anticipated increase in emissions; or

(B) After the commissioner has issued his tentative determination on the subject application but before he has taken final action thereon, the applicant revises the application so as to reflect a change in process.

(c) **Permit fees.**

(1) Each person to whom the commissioner issues a permit, or a modification or renewal thereto, under section 22a-174-3a, section 22a-174-2a and section 22a-174-19 of the Regulations of Connecticut State Agencies shall pay a permit fee as prescribed in the fee schedule in subdivision (2) of this subsection.

(2) The fee schedule is set forth in Table 26-1.

TABLE 26-1 PERMIT FEE SCHEDULE			
	REGULATION UNDER WHICH PERMIT IS ISSUED	MAJOR SOURCE (PTE)	LESS THAN MAJOR SOURCE (PTE)
New major station-ary source	22a-174-3a(a)(1)(A)	\$6,000	NA
Major modification	22a-174-3a(a)(1)(B)	\$6,000	NA
New or recon-structed major source of hazardous air pollutants	22a-174-3a(a)(1)(C) and (m)	\$6,000	NA
New emission unit with potential emis-sions of fifteen (15) tons or more per year of any individ-ual air pollutant	22a-174-3a(a)(1)(D)	NA	\$3,000
Modification to an existing emission unit which increases potential emissions of any individual air pollutant from such unit by fifteen (15) tons or more per year	22a-174-3a(a)(1)(E)	NA	\$3,000
Stationary source modification that becomes a major stationary source or	22a-174-3a(a)(1)(F)	\$6,000	NA

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major modification solely by virtue of a relaxation in any enforceable			
Limitation which was established after August 7, 1980 on the capacity of the source or modification otherwise to emit a pollutant			
New source review non-minor permit modification	22a-174-2a(d)	\$3,000	\$1,500
New source review minor permit modification	22a-174-2a(e)	\$3,000	\$1,500
Permit revision	22a-174-2a(f) (2)(B) to (G), inclusive	\$1,500	\$1,500
Permit renewal	22a-174-2a (i)	\$3,000	\$3,000
Permit for use of solid fuel	22a-174-(19)(a)(2) (i)	\$6,000	\$3,000
Permit for air pollution control energy trade	22a-174-(19)(a)(3)	\$15,000	\$7,500

(3) Reserved.

(4) Reserved.

(5) There is no fee, other than the fees under subsections (d) and (e) of this section, payable to the commissioner by the owner or operator of a Title V source to apply for, revise, modify or renew a Title V permit issued under section 22a-174-33 of the Regulations of Connecticut State Agencies.

(6) Each person who pays to the commissioner a license transfer fee pursuant to subsection (e) of this section shall not be subject to a permit revision fee pursuant to this subsection provided that the transfer of ownership and related administrative information are the only changes being proposed to the subject permit.

(d) Emission fees.

(1) For the purposes of this subsection, the following definitions shall apply: “Title V source” means:

(A) Any stationary source, or any group of stationary sources, where such source is located on one or more contiguous or adjacent properties, that is under common control of the same person, or persons under common control, and such source or sources have

potential emissions, including fugitive emissions to the extent quantifiable, of, In the aggregate, ten (10) tons or more per year of any hazardous air pollutant which has been listed pursuant to section 112 (b) of the Clean Air Act, or twenty-five (25) tons or more per year of any combination of such hazardous air pollutants; or

(B) Any stationary source, or any group of stationary sources, where such source is located on one or more contiguous or adjacent properties, that is under common control of the same person, or persons under common control, and such source or sources belong to the same two digit Standard Industrial Classification code, as published by the United States Office of Management and Budget (OMB) in the Standard Industrial Classification Manual of 1987, and such source or sources have potential emissions, including fugitive emissions to the extent quantifiable, of:

- (i) One hundred (100) tons or more per year of any air pollutant;
- (ii) Fifty (50) tons or more per year of any volatile organic compounds or nitrogen oxides in a serious ozone nonattainment area; or
- (iii) Twenty-five (25) tons or more per year of volatile organic compounds or nitrogen oxides in a severe ozone nonattainment area.

“1990 inventory” means the inventory submitted by the Department to the U.S. Environmental Protection Agency on January 13, 1994 which for stationary source is emissions of 133,665 tons per year for 1990.

(2) The owner or operator of a Title V source shall pay an emission fee each year to the Department. The emission fee paid shall be the amount calculated under subdivision (4) of this subsection, unless the provisions of subdivision (6) of this subsection apply, in which case the emission fee paid shall be the amount specified in subdivision (6) of this subsection. Commencing July 1, 1995, payment to the Department shall be due by July 1 each year, based on the emissions during the previous calendar year.

- (3) The emission fee shall be based on emissions of the following:
- (A) Nitrogen oxides;
 - (B) Any volatile organic compound;
 - (C) Any pollutant for which an ambient air quality standard has been listed in subsections (d) to (l), inclusive, of section 22a-174-24 of the Regulations of Connecticut State Agencies;
 - (D) Any pollutant that is subject to any standard promulgated under section 111 of the Clean Air Act;
 - (E) Any Class I or II substance, listed in 42 U.S.C. 7671a, subject to a standard promulgated under or established by Title VI of the Clean Air Act; and
 - (F) Any hazardous air pollutant subject to a standard promulgated or other requirement established under section 112 of the Clean Air Act (42 U.S.C. 7412).

(4) Emission fee determination. The emission fee shall be based upon the actual emissions of all regulated air pollutants as identified in subdivision (3) of this subsection, from any emission units at the source according to the following equation:

$$\text{emission fee} = (A) \times (B) \times (C)$$

Where:

- (A) Is the Total Actual Premise Emissions, which is the premise’s actual emissions of

the pollutants specified in subdivision (3) of this subsection from all emitting units located at the premise as reported in the emissions inventory for the previous calendar year which is on file with the Department. The sum of the Total Actual Premise Emissions shall be raised to the next whole ton;

(B) Is the per ton fee, which is equal to twenty-five dollars (\$25.00) per ton in 1989 dollars multiplied by the ratio of the Consumer Price Index for all-urban consumers published by the United States Department of Labor, as of August 31 of the previous calendar year, to the Consumer Price Index for August 1989; and

(C) Is the Inventory Stabilization Factor, which is a value equal to the total actual emissions of 133,665 tons per year from stationary sources in the 1990 Inventory divided by the total statewide stationary source actual emissions from the previous calendar year. The quotient shall be rounded to the second decimal place. If the Inventory Stabilization Factor is less than one (1.00), one (1.00) shall be used as the Inventory Stabilization Factor. The commissioner shall, thirty days prior to application of the Inventory Stabilization Factor, file with the Secretary of the Office of Policy and Management a report describing the calculation of the Inventory Stabilization Factor with relevant supporting documentation. Such report shall also describe expenditures of the previous year's emission based fees collected pursuant to this subsection.

(5) The commissioner may reduce the Inventory Stabilization Factor set forth in subdivision (4)(C) of this subsection applicable to the prior calendar year emissions, if the commissioner finds that the Air Emissions Permit Operating Fee account balance, by itself, will be sufficient on or about July 1st to cover two years of Title V program expenses. The Inventory Stabilization Factor shall not be reduced to less than one (1.00). The commissioner shall not adjust the Inventory Stabilization Factor in such a manner as to collect fees that will result in the balance in the Air Emissions Permit Operating Fee account being insufficient to cover two years of Title V program expenses. The determination of what constitutes a Title V program expense under this subdivision shall be in the sole discretion of the commissioner and in accordance with section 502(b)(3) of the Clean Air Act.

(6) Notwithstanding subdivision (4) of this subsection, the emission fee shall be:

(A) Effective July 1, 2004, one thousand dollars (\$1,000.00) for each Title V source for which the emission fee calculated under subdivision (4) of this subsection was less than one thousand dollars (\$1,000.00). Effective July 1, 2005, two thousand five hundred dollars (\$2,500.00) for each Title V source for which the emission fee calculated under subdivision (4) of this subsection was less than two thousand five hundred dollars (\$2,500.00). Effective July 1, 2006, five thousand dollars (\$5,000.00) for each Title V source for which the emission fee calculated under subdivision (4) of this subsection was less than five thousand dollars (\$5,000.00); and

(B) Five hundred thousand dollars (\$500,000.00), adjusted for inflation from August 31, 1989, for each Title V source for which the emission fee calculated under subdivision (4) of this subsection was more than five hundred thousand dollars (\$500,000.00), adjusted for inflation from August 31, 1989. "Adjusted for inflation" for the purposes of this subparagraph means, an increase to the emission fee by multiplying such fee by the ratio of the Consumer Price Index for all urban consumers published by the United States Department of Labor as of August 31 of the previous calendar year, to the Consumer Price

Index for August 1989.

(7) **Late fee.** A late fee of ten percent (10%) of the emission fee or fifty dollars (\$50), whichever is greater, shall be charged, in addition to any other fee required by this subsection, if an owner or operator of a Title V source fails to submit the required emission fee when due. The owner or operator of such Title V source shall pay an additional one and one quarter percent (1.25%) per month of the amount of all emission fees required by this subsection which remain unpaid after the first day of each month. This subdivision shall not prevent the commissioner from pursuing other remedies available by statute or regulation.

(8) **Municipal emission fees.** Any emission fee charged to a municipality pursuant to this subsection shall be fifty percent (50%) of the emission fee owed pursuant to subdivisions (4) or (6) of this subsection, whichever subdivision is applicable.

(9) An emission fee required under this subsection shall be paid in an amount rounded to the nearest whole dollar.

(e) **Transfer fee.** Each person registering a proposed transfer of a license with the commissioner under section 22a-60 of the Connecticut General Statutes shall submit with such registration a transfer fee of seven hundred and fifty dollars (\$750.00).

(f) **General permit fee.** Each person filing a registration for approval to operate under a general permit issued under subsection (l) of section 22a-174 of the Connecticut General Statutes shall submit with such registration the fee required by section 22a-6f(b) of the Connecticut General Statutes.

(g) **Annual inspection fees.**

There is no fee for any annual inspection conducted under section 22a-174a of the Connecticut General Statutes.

(h) **Emission test fees.** In addition to any other fee required by this section, the owner or operator of a stationary source who is required by any statute, regulation, permit or order administered or issued by the commissioner to conduct an emission test or to install or operate a continuous emission monitor shall pay three-hundred and seventy-five dollars (\$375.00) to the commissioner per day or part thereof for each Department employee who conducts or observes such test or the installation of such continuous emission monitor; provided that if such owner or operator is subject to section 22a-232 of the Connecticut General Statutes, he shall not be required to pay the fee established by this subsection.

(i) **Payment of fees.**

(1) Any fee required under this section shall be paid by check or money order payable to the Department of Environmental Protection, which shall state on its face, for an application fee, "Air Management Application Fee", for an emission fee, "Air Management Emission Fee", and for any other fee, "Air Management Fee."

(2) Except as otherwise provided by this section, any fee required by this section shall be submitted within the time specified by the commissioner. If neither this section nor the commissioner specifies a time for submitting payment, payment shall be due within 30 days of written notice by the commissioner that such fee is required.

(j) **Failure to pay fee.** The commissioner shall not process an application for a permit or other authorization under section 22a-174 of the Connecticut General Statutes unless all fees required by this section have been paid in full.

(k) **Late fee.** Except as otherwise provided in this section, an applicant or permittee who fails to pay when due any fee required by this section shall pay an additional five percent (5%) of the amount of such fee for each month or part thereof that such fee is overdue.

(l) **Municipal fees.** In accordance with subsection (i) of section 22a-174 of the Connecticut General Statutes, any fee under this section due from a municipality shall be reduced by fifty percent (50%).

(m) **Refunds.**

(1) If (A) the commissioner determines that the permit or other authorization or approval sought by an application is not required by law, or an applicant revises a pending application so as to decrease the permit fee that would otherwise be required by this section if the permit sought by such applicant were granted, and (B) the commissioner has not yet published his tentative determination on such application, the commissioner shall retain one half of the application fee or general permit fee paid and shall refund to the applicant the balance thereof.

(2) If an application fee is submitted with an application for an individual permit under section 22a-174 of the Connecticut General Statutes, and the commissioner determines (A) that a general permit has been issued under subsection (l) of such section with respect to the activity for which such application seeks a permit, and (B) that the general permit fee for authorization under such general permit is less than the application fee paid with the individual permit application, the commissioner shall deduct the general permit fee from the application fee paid, retain such deducted amount, and refund the remainder to the applicant.

(3) If, immediately prior to permit issuance, all fees paid by an applicant exceed the sum of all fees required under this section, the commissioner shall refund the excess payment to the applicant.

(4) If the owner or operator of a Title V source pays an emission fee under subsection (d) of this section in excess of the fee actually due, the commissioner shall refund to such owner or operator the portion of the fee paid which is excessive.

(5) The owner or operator of a source subject to the emission fee in subsection (d) of this section may dispute the amount of such fee only by submitting, in writing, to the commissioner an explanation of the reason for the dispute. If the commissioner determines that he erroneously calculated emissions from the subject source, he shall refund to such owner or operator the excess amount, provided such owner or operator timely paid the entire fee assessed under subsection (d) of this section and submitted such written explanation prior to or simultaneously with such payment.

(6) There shall be no refunds other than as specified in this subsection.

(Effective January 23, 1997; Amended September 30, 2002; Amended May 26, 2004; Amended September 10, 2012)