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ORIGINAL

STATE OF CONNECTICUT
REGULATION
OF

NAME OF AGENCY

DEPARTMENT OF ENVIRONMENTAL PROTECTION

concerning

SUBJECT MATTER OF REGULATION

AIR POLLUTANT EMISSION FEES

Section 1

Section 22a-174-26 of the Regulations of Connecticut State Agencies is amended by adding new subsection (d) as follows:

(NEW)

(d) Emission fees.

(d)(1) For purposes of this subsection, the following definitions shall apply:

"Title V source" means 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 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:

(A) 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;

(B) one hundred (100) tons or more per year of any air pollutant;

(C) fifty (50) tons or more per year of any volatile organic compounds or nitrogen oxides in a serious ozone nonattainment area; or

(D) 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 sources is emissions of 133,665 tons per year for 1990.

STATE OF CONNECTICUT
REGULATIONS
OF

NAME OF AGENCY

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Section 1

(d)(2) The owner or operator of a Title V source shall pay an emission fee each year to the Department in accordance with the fee schedule in subdivision (d)(4) 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. Notwithstanding such requirement, the owner or operator of a Title V source shall pay an emission fee by January 1, 1995 for emissions during the period between July 1, 1993 and December 31, 1993. For the purposes of this subdivision, the determination of the emissions fee due by January 1, 1995, shall be based upon fifty percent (50%) of the Total Actual Premise Emissions during the period from January 1, 1993, to December 31, 1993.

(d)(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 subsection (d) through (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. section 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. section 7412).

(d)(4) Emission fee determination. The emission fee shall be based upon the actual emissions of all regulated air pollutants from any emission units at the source according to the following:

EMISSION FEE EQUALS (A) MULTIPLIED BY (B) MULTIPLIED BY (C)

Where:

(A) is the Total Actual Premise Emissions, which is the premise's actual emissions of the pollutants specified in subdivision (d)(3) of this section 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;

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Section 1

(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), use one (1.00) 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.

(d)(5) Notwithstanding subdivision (d)(4) of this section, when any calculation results in an emission fee in excess of two hundred thirty-seven thousand five hundred dollars ($237,500.00) for any premise for the bill due on January 1, 1995, the Commissioner shall adjust the per ton fee contained in subparagraph (d)(4)(B) of this subdivision by multiplying such per ton fee by a ratio of two hundred thirty-seven thousand five hundred dollars ($237,500.00) divided by such emission fee and using such adjusted per ton fee, perform such calculation again. In addition, when any calculation performed in subdivision (d)(4) above results in an emission fee in excess of four hundred seventy-five thousand dollars ($475,000.00) for any premise for the bills due on July 1, 1995, and July 1, 1996, the Commissioner shall adjust the per ton fee contained in subparagraph (d)(4)(B) of this subdivision by multiplying such per ton fee by a ratio of four hundred seventy-five thousand dollars ($475,000.00) divided by such emission fee and using such adjusted per ton fee, perform such calculation again.

(d)(6) Method of payment. All fees required by this subsection shall be paid by check or money order payable to the Department of Environmental Protection and shall state on the face of the check or money order, "Air Management emission fee."

(d)(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 a Title V source fails to submit the required emission fee when due. The 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 subdivisiion shall not prevent the Commissioner from pursuing other remedies available by statute or regulation.

(d)(8) Municipal emission fees. Any emission fee charged to a municipality pursuant to this subsection shall be fifty percent (50%) of the emission fee that would be charged to other Title V sources. Provided however that any municipality which fails to submit the required emission fee when due shall be charged a late fee pursuant to subdivision (d)(6) of this section.

STATEMENT OF PURPOSE: To amend R.C.S.A. 22a-174-26 emission fee provisions so as to implement the requirements of Title V of the Clean Air Act Amendments of 1990 and to allow for adjustments to the per ton portion of the fee for the first three billing cycles

...the foregoing:

...tions ☐ Emergency Regulations

...Adopted ☒ Amended as hereinabove stated ☐ Repealed

...the aforesaid agency pursuant to:

☒ Section 22a-174 of the General Statutes. and

☒ Section 22a-174 a of the General Statutes, as amended by Public Act No. 235 of the 1993 Public Acts.

☐ Public Act No. _____ of the Public Acts.

After publication in the Connecticut Law Journal on March, 22 19 94, of the notice of the proposal to:

☐ Adopt ☒ Amend ☐ Repeal such regulations

(If applicable): ☒ And the holding of an advertised public hearing on 22nd day of April 19 94

WHEREFORE, the foregoing regulations are hereby:

☐ Adopted ☒ Amended as hereinabove stated ☐ Repealed

Effective:

☒ When filed with the Secretary of the State.

(OR)

☐ The _____ day of _____ 19____.

In Witness Whereof:	DATE 8/31/94	SIGNED (Head of Board, Agency or Commission) [signature]	OFFICIAL TITLE, DULY AUTHORIZED Deputy Commissioner
Approved by the Attorney General as to legal sufficiency in accordance with Sec. 4-169, as amended, C.G.S.:		SIGNED [signature]	OFFICIAL TITLE, DULY AUTHORIZED Assoc. Atty Gen. 9/6/94

☒ Approved

☐ Disapproved

☐ Disapproved in part, *(Indicate Section Numbers disapproved only)*

☐ Rejected without prejudice.

By the Legislative Regulation Review Committee in accordance with Sec. 4-170, as amended, of the General Statutes.	DATE 9/20/94	SIGNED (Clerk of the Legislative Regulation Review Committee) [signature]

Two certified copies received and filed, and one such copy forwarded to the Commission on Official Legal Publications in accordance with Section 4-172, as amended, of the General Statutes.

DATE September 30, 1994	SIGNED (Secretary of the State.) Pauline R. Kezer	BY Peter J. Gardiner

INSTRUCTIONS

1. One copy of all regulations for adoption, amendment or repeal, except emergency regulations, must be presented to the Attorney General for his determination of legal sufficiency. Section 4-169 of the General Statutes.

2. Seventeen copies of all regulations for adoption, amendment or repeal, except emergency regulations, must be presented to the standing Legislative Regulation Review Committee for its approval. Section 4-170 of the General Statutes.

3. ...regulation must be in the form intended for publication and must include the appropriate regulation section number and section heading. Section 4-172 of the General Statutes.

4. Indicate by "(NEW)" in heading if new regulation. Amended regulations must contain new language in capital letters and deleted language in brackets. Section 4-170 of the General Statutes.

RECEIVED

SEP 30 1994

RECORDS & LEGISLATIVE SERVICES
SECRETARY OF THE STATE