R-39 REV. 1/77

IMPORTANT: Read Instructions on bottom of Certification Page before completing this form. Failure to comply with instructions may cause disapproval of proposed Regulations.

STATE OF CONNECTICUT
REGULATION
OF

NAME OF AGENCY

DEPARTMENT OF ENVIRONMENTAL PROTECTION

concerning
Fees

Section 1

Section 1. Subsections (a) through (c) of Section 22a-174-26 of the Regulations of Connecticut State Agencies are repealed and the following is substituted in lieu thereof:

Section 22a-174-26. [Permit] Fees.

[(a)Filing fee.

(a)(1) After September 30, 1982 any "person" who is required to file an application for a permit under section 22a-174-3 (except for subdivision 22a-174-3(g)(5)), section 22a-174-17, section 22a-174-19, section 22a-174-29, or section 22a-174-100 shall submit with the application a filing fee of fifty dollars ($50.00) to the "Department".

(a)(2) Any fee submitted by any applicant shall be accompanied by forms furnished to the applicant by the "Commissioner".

(a)(3) Any filing fee submitted under the requirements of this subsection shall be credited to the permit fee under subsection 22a-174-26(b) or returned in the event that a permit is not required.]

(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 OF MODIFICATION THEREOF, UNDER SECTION 22A-174 OF THE GENERAL STATUTES.

(4) "APPLICATION FEE" MEANS THE FEE REQUIRED BY SUBSECTION (B) OF THIS SECTION.

(5) "COMMISSIONER" MEANS THE COMMISSIONER OF ENVIRONMENTAL

STATE OF CONNECTICUT
REGULATION
OF

NAME OF AGENCY
DEPARTMENT OF ENVIRONMENTAL PROTECTION

PROTECTION OR HIS REPRESENTATIVE.

(6) "MODIFICATION" MEANS A MODIFICATION AS DEFINED IN SECTION 22a-174-1 OF THE REGULATIONS OF CONNECTICUT STATE AGENCIES.

(7) "PERMIT FEE" MEANS THE FEE REQUIRED BY SUBDIVISION (C)(1) OF THIS SECTION.

(8) "TENTATIVE DETERMINATION" MEANS A TENTATIVE DETERMINATION ISSUED BY THE COMMISSIONER UNDER SECTION 22a-6h OF THE 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) Permit fees. After September 30, 1982 "person" who is required to file an application for a permit under section 22a-174-3 (except for subdivision 22a-174-3(g)(5)), section 22a-174-17, section 22a-174-19, section 22a-174-29, or section 22a-174-100 shall submit a permit fee to the "Department" in accordance with the fee schedule in subsection 22a-174-3(c) before the permit is issued.]

(b) APPLICATION FEES.

(1) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, AFTER THE EFFECTIVE DATE OF THIS SECTION ANY PERSON WHO IS REQUIRED TO FILE AN APPLICATION UNDER SECTION 22a-174-3 (OTHER THAN SUBDIVISION (G)(5) THEREOF), OR 22a-174-19 OF THE REGULATIONS OF CONNECTICUT STATE AGENCIES SHALL SUBMIT WITH SUCH APPLICATION AN APPLICATION FEE OF FIVE HUNDRED DOLLARS ($500.00).

(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-174-3 (OTHER THAN SUBDIVISION (G)(5), THEREOF), OF THE REGULATIONS OF CONNECTICUT STATE AGENCIES, SHALL PAY AN ADDITIONAL APPLICATION FEE OF ONE THOUSAND DOLLARS ($1,000) FOR:

(A) EACH BEST AVAILABLE CONTROL TECHNOLOGY (BACT) REVIEW REQUIRED UNDER SECTION 22a-174-3 OF THE REGULATIONS

R-39 REV. 1/77

pages

STATE OF CONNECTICUT
REGULATION
OF

NAME OF AGENCY
DEPARTMENT OF ENVIRONMENTAL PROTECTION

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 DEFINED IN SECTION 22a-174-3(c)(1)(B) OF THE REGULATIONS OF CONNECTICUT STATE AGENCIES; AND

(B) EACH LOWEST ACHIEVABLE EMISSION RATE (LAER) REVIEW REQUIRED UNDER SECTION 22a-174-3 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 CLEANER GAS SHALL BE TWO HUNDRED AND FIFTY ($250.00) DOLLARS.

(4) THERE IS NO APPLICATION FEE FOR AN APPLICATION 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) THERE IS NO FEE FOR AN APPLICATION FOR A CONDITIONAL PERMIT TO COMMENCE OPERATIONS UNDER SECTION 22a-174-3 OF THE REGULATIONS OF CONNECTICUT STATE AGENCIES.

(7) 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 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.

STATE OF CONNECTICUT
REGULATION
OF

NAME OF AGENCY
DEPARTMENT OF ENVIRONMENTAL PROTECTION

[(c) Fees.

(c)(1) The highest yearly "premise" "potential emissions", in tons per year, of any "pollutant" emitted into the "ambient air" by the "source" for which the permit is required under section 22a-174-3 (except for subdivision 22a-174-3(g)(5)), section 22a-174-17, section 22a-174-19 or section 22a-174-100 including those increases in "potential emissions" resulting from granting the subject permit, will be used to determine the appropriate permit fee under this subdivision.

(c)(2) Fee Schedule.

Type of Permit	Regulation 22a-174-	Yearly "Premise" "potential Emissions," in tons per year, as determined by the "Commissioner" 15 or More	But Less 100 or More Than 100	Less than 15
(i) Construction and operation	3(b), 3(f), 3(k), 3(l) and 29(g)(1)	$2,000.00	$1,000.00	$ 250.00
(ii) Operation and construction renewals	3(g)(4), 3(g)(5) and 3(d)(9)	$1,000.00	$ 500.00	$ 250.00
(iii) Use of solid fuel	19(a)(2)(i)	$2,000.00	$1,000.00	$ 250.00
(iv) "Air pollution" control/energy trade	19(a)(3)	$5,000.00	$2,500.00	$1,250.00
(v) "Indirect source"	100	$5,000.00	$5,000.00	$5,000.00
(vi) "Open burning"	17	$ 50.00	$ 50.00	$ 50.00

(c)(3) The fee required under subparagraph 22a-174-26(c)(2)(i) shall be fifty percent (50%) of the appropriate amount delineated in the fee schedule under subdivision 22a-174-26(c)(2) when no "ambient air" quality impact modeling is required.

(c)(4) The owner or "operator" of a "stationary source" shall pay one thousand dollars ($1,000.00), in addition to the fee required under subparagraph

STATE OF CONNECTICUT
REGULATION
OF

NAME OF AGENCY
DEPARTMENT OF ENVIRONMENTAL PROTECTION

22a-174-26(c)(2)(i), when a "Best Available Control Technology" ("BACT") review is required under subdivision 22a-174-3(c)(11) unless the new "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 defined in subparagraph 22a-174-3(c)(1)(B).

(c)(5) The owner or "operator" of a "stationary source" shall pay one thousand dollars ($1,000.00), in addition to the fee required under subparagraph 22a-174-26(c)(2)(i), when a "Lowest Achievable Emission Rate" "(LAER)" review is required under subdivision 22a-174-3(l)(4).

(c)(6) Notwithstanding the above fee schedule in subparagraph 22a-174-26(c)(2)(ii) the maximum fee for any individual "premise" under subparagraph 22a-174-26(c)(2)(ii) shall be five (5) times the appropriate fee for the renewal of all "stationary source" operating permits which are renewed simultaneously.

(c)(7) Any fee shall be waived for any local government or Connecticut state agency for permits required under sections 22a-174-17 and 22a-174-100.

(c)(8) Unless the fee is waived pursuant to subdivision 22a-174-26(c)(7) , the "Commissioner" shall charge a municipality fifty percent of the fee that would be charged to other persons, owners or operators pursuant to this subsection.

(c)(9) Permits required under section 22a-174-17 either obtained from a local open burning official or those pertaining to private residential burning are not subject to the above permit fees.]

(c) PERMIT FEES.

(1) EACH PERSON TO WHOM THE COMMISSIONER ISSUES A PERMIT, OR A MODIFICATION OR RENEWAL THERETO, UNDER SECTIONS 22a-174-3 (EXCEPT FOR SUBDIVISION (G)(5) THEREOF) AND 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.

R-39 REV. 1/77

STATE OF CONNECTICUT
REGULATION
OF

NAME OF AGENCY

DEPARTMENT OF ENVIRONMENTAL PROTECTION

(2) FEE SCHEDULE.

POTENTIAL EMISSIONS IN TPY

TYPE OF PERMIT	REGULATION UNDER WHICH PERMIT IS ISSUED REGULATIONS OF CONNECTICUT STATE AGENCIES, SECTION 22a-174-:	100 OR MORE TPY	15 OR MORE TPY BUT LESS THAN 100 TPY	LESS THAN 15 TPY
(A) PERMIT TO CONSTRUCT	(3)(B), (3)(K) AND (3)(L)	$4,000	$2,000	$500
(B) PERMIT TO OPERATE	(3)(F), (3)(K), (3)(L) AND (29)(G)(1)	$4,000	$2,000	$500
(C) RENEWAL OF PERMIT TO CONSTRUCT OR PERMIT TO OPERATE	(3)(G)(4), AND (3)(D)(9)	$2,000	$1,000	$500
(D) PERMIT FOR USE OF SOLID FUEL	(19)(A)(2)(I)	$4,000	$2,000	$500
(E) PERMIT FOR AIR POLLUTION CONTROL ENERGY TRADE	(19)(A)(3)	$10,000	$5,000	$2,500

(3) WHEN THE SUBJECT PERMIT REQUIRES NO AMBIENT AIR QUALITY IMPACT MODELING, THE FEE REQUIRED BY SUBPARAGRAPH (2)(A) OR (2)(B) OF THIS SUBSECTION SHALL BE FIFTY PERCENT (50%) OF THE AMOUNT THERE SPECIFIED.

(4) THERE IS NO FEE FOR ANY PERMIT ISSUED TO A MUNICIPALITY

R-39 REV. 1/77

STATE OF CONNECTICUT
REGULATION
OF

NAME OF AGENCY

DEPARTMENT OF ENVIRONMENTAL PROTECTION

OR TO AN AGENCY OF THE STATE OR POLITICAL OR ADMINISTRATIVE SUBDIVISION THEREOF UNDER SECTION 22a-174-100 OF THE REGULATIONS OF CONNECTICUT STATE AGENCIES.

(5) THERE IS NO FEE FOR ANY PERMIT REQUIRED UNDER SECTION 22a-174-17 OF THE REGULATIONS OF CONNECTICUT STATE AGENCIES.

Section 2. Section 22a-174-26 of the Regulations of Connecticut State Agencies is amended by adding subsections (e) through (m) as follows:

(NEW.)

(e) Transfer fee. Each person filing with the commissioner under Public Act 95-218 a registration of a proposed transfer of a permit issued under section 22a-174 of the General Statutes shall submit with such registration a permit transfer fee of five hundred ($500.00) dollars.

(f) General permit fee. Each person filing a registration for approval to operate under a general permit issued under subsection (1) of section 22a-174 of the general statutes shall submit with such registration a fee of two-hundred and fifty ($250.00) dollars.

(g) Annual fees.

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

(2) There is no fee for a biennial registration submitted pursuant to section 22a-174-2 of the Regulations of Connecticut State Agencies.

(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 two-hundred and fifty ($250.00) dollars 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 general statutes, he shall not be required to pay the fee established by this subsection.

STATE OF CONNECTICUT
REGULATION
OF

NAME OF AGENCY

DEPARTMENT OF ENVIRONMENTAL PROTECTION

(i) Payment of fees.

(1) Any fee required under this section shall be made payable to the Department of Environmental Protection, which shall state on its face, for an application fee, "Air Management Application Fee" and for any other fee, except as provided in subdivision (d)(6) of this section, "Air Management Fee."

(2)

(A) Notwithstanding subdivision (d)(4) of this section, for any premise, when any calculation performed under subdivision (d)(4) of this section results in an emission fee in excess of the product of one hundred and ninety-eight thousand dollars ($198,000.00) multiplied by the Inventory Stabilization Factor pursuant to subdivision (d)(4)(C) of this section and 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, the commissioner shall adjust the per ton fee contained in subdivision (d)(4)(B) of this section by multiplying such per ton fee by a ratio of the product of one hundred and ninety-eight thousand dollars ($198,000.00) multiplied by the Inventory Stabilization Factor pursuant to subdivision (d)(4)(C) of this section and 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 divided by such emission fee, and, using such adjusted per ton fee, perform such calculation again.

(B) Notwithstanding subparagraph (A) of this subdivision, on or before May 15 in any odd-numbered calendar year beginning in the year 2001, the commissioner may discontinue adjusting the per ton fee in the manner prescribed in subparagraph (A) of this subdivision for payment due on July 1 of such odd-numbered calendar year and the next succeeding even-numbered calendar year, provided that on or before January 1 of such year he gives notice to the owners and operators of all sources then covered under subparagraph (A) of this subdivision and affords them an opportunity to comment.

STATE OF CONNECTICUT
REGULATION
OF

NAME OF AGENCY

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

(4) 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 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 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 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

STATE OF CONNECTICUT
REGULATION
OF

NAME OF AGENCY

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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.

Statement of Purpose. This amendment streamlines the collection of fees by the Department. This amendment also eliminates or reduces certain fees thus relieving the economic burden of the regulated community. In addition, this amendment provides the regulated community with a comprehensive fee schedule, thereby reducing the administrative burden of complying with the various fees.

CERTIFICATION
R-39 REV. 1/77

-4850

Be it known that the foregoing:

☒ Regulations ☐ Emergency Regulations

Are:

Adopted ☒ Amended as hereinabove stated ☐ Repealed

By the aforesaid agency pursuant to:

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

☐ Section_____of the General Statutes, as amended by Public Act No._____of the___Public Acts.

☐ Public Act No._____of the Public Acts.

After publication in the Connecticut Law Journal on October 15 19 96, of the notice of the proposal to:

☐ Adopt ☒ Amend ☐ Repeal such regulations

(If applicable): ☒ And the holding of a public hearing on 15th day of November 19 96

WHEREFORE, the foregoing regulations are hereby:

☐ Adopted ☒ Amended as hereinabove stated ☐ Repealed

Effective:

☒ When filed with the Secretary of State.
(OR)
☐ The _____ day of _____ 19 ____.

In Witness Whereof:	DATE 12/12/96	SIGNED *(Head of Board, Agency or Commission)*	OFFICIAL TITLE, DULY AUTHORIZED Assistant Commissioner, Environmental Protection
Approved by the Attorney General as to legal sufficiency in accordance with Sec. 4-169, as amended, C.G.S.:		SIGNED	OFFICIAL TITLE, DULY AUTHORIZED Assoc. Atty. Gener.

12/19/96

☒ Approved

☐ Disapproved

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

☐ Rejected without prejudice.

RECEIVED
JAN 23 1997
RECORDS & LEGISLATIVE SERVICES
SECRETARY OF THE STATE

By the Legislative Regulation Review Committee in accordance with Sec. 4-170, as amended, of the General Statutes.	DATE 1/21/97	SIGNED *(Clerk of the Legislative Regulation Review Committee)*

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 January 23, 1997	SIGNED *(Secretary of the State.)* Miles S. Rapoport	BY Peter J. Bontum

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. Each 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.