NAME OF AGENCY

Environmental Protection

Concerning

Amendment of: Section 22a-174-26 — Fees

Section: 1

Subsections (a) through (c) and (e) through (l) of section 22a-174-26 of the Regulations of Connecticut State Agencies are amended to read as follows:

Section 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 [of] 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) "commissioner" means the commissioner of environmental protection.]

[(6)] (5) "modification" means a modification as defined in section 22a-174-1 of the Regulations of Connecticut State Agencies.

[(7)] (6) "permit fee" means the fee required by [subdivision] 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) Except as otherwise provided in this section, after [the effective date of this section] MARCH 15, 2002 any person who is required to file an application under [section 22a-174-3 (other than subdivision (g)(5) thereof),] 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 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),] 22a-174-3a of the Regulations of Connecticut State Agencies, shall pay an additional application fee of one thousand dollars ($1,000) for:

(A) [each] EACH best available control technology [(bact)] (BACT) review required under section [22a-174-3] 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 [defined in section 22a-174-3(c)(1)(b)] 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] EACH lowest achievable emission rate [(laer)] (LAER) review required under section [22a-174-3] 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 [gas] FUEL 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] 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] 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 [sections 22a-174-3 (except for subdivision (g)(5) thereof) and] 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) [Fee schedule.] THE FEE SCHEDULE IS SET FORTH IN TABLE 26-1.

Section: 6

[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

]

TABLE 26-1 PERMIT FEE SCHEDULE			
TYPE OF PERMIT, PERMIT MODIFICATION, PERMIT REVISION AND PERMIT RENEWAL	REGULATION UNDER WHICH PERMIT IS ISSUED	MAJOR SOURCE (PTE)	LESS THAN MAJOR SOURCE (PTE)
NEW MAJOR STATIONARY SOURCE	22a-174-3a(a)(1)(A)	$4,000	NA
MAJOR MODIFICATION	22a-174-3a(a)(1)(B)	$4,000	NA
NEW OR RECONSTRUCTED MAJOR SOURCE OF HAZARDOUS AIR POLLUTANTS	22a-174-3a(a)(1)(C) AND (m)	$4,000	NA
NEW EMISSION UNIT WITH POTENTIAL EMISSIONS OF FIFTEEN (15) TONS OR MORE PER YEAR OF ANY INDIVIDUAL AIR POLLUTANT	22a-174-3a(a)(1)(D)	NA	$2,000
MODIFICATION TO AN EXISTING EMISSION UNIT WHICH INCREASES POTENTIAL EMISSIONS OF ANY INDIVIDUAL AIR POLLUTANT FROM SUCH UNIT BY FIFTEEN	22a-174-3a(a)(1)(E)	NA	$2,000

TABLE 26-1 PERMIT FEE SCHEDULE			
(15) TONS OR MORE PER YEAR			
STATIONARY SOURCE MODIFICATION THAT BECOMES A MAJOR STATIONARY SOURCE OR 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	22a-174-3a(a)(1)(F)	$4,000	NA
NEW SOURCE REVIEW NON-MINOR PERMIT MODIFICATION	22a-174-2a(d)	$2,000	$1,000
NEW SOURCE REVIEW MINOR PERMIT MODIFICATION	22a-174-2a(e)	$2,000	$1,000
PERMIT REVISION	22a-174-2a(f)	$1,000	$1,000
PERMIT RENEWAL	22a-174-2a(j)	$2,000	$2,000
PERMIT FOR USE OF SOLID FUEL	22a-174-(19)(a)(2)(I)	$4,000	$2,000
PERMIT FOR AIR POLLUTION CONTROL ENERGY TRADE	22a-174-(19)(a)(3)	$10,000	$5,000

(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 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)] (4) There is no fee for any permit required under section 22a-174-17 of the Regulations of Connecticut State Agencies.

(e) Transfer fee. Each person [filing] REGISTERING A PROPOSED TRANSFER OF A LICENSE with the commissioner [under Public Act 95-218 a registration of a proposed transfer of a permit issued under section 22a-174 of] UNDER SECTION 22a-6o OF THE CONNECTICUT [the] General Statutes shall submit with such registration a permit transfer fee of five hundred ($500.00) dollars. DR

(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] CONNECTICUT GENERAL STATUTES shall submit with such registration [a fee of two-hundred and fifty ($250.00) dollars] THE FEE

REQUIRED BY SECTION 22a-6f(b) OF THE CONNECTICUT GENERAL STATUTES.

(g) Annual INSPECTION fees.

[(1)]There is no fee for any annual inspection conducted under section 22a-174a of the CONNECTICUT 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] 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 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] SUBSECTION (d)(6) of this section, "Air Management Fee."

(2)(A) Notwithstanding [subdivision] SUBSECTION (d)(4) of this section, for any [premise] PREMISES, when any calculation performed under [subdivision] SUBSECTION (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] SUBSECTION (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] SUBSECTION (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] SUBSECTION (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.

(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 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 [general statutes] 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.

Statement of Purpose: To correct internal citations within section 22a-174-26 of the Regulations for the Abatement of Air Pollution consistent with the adoption of R.C.S.A. section 22a-174-3a to ensure the Department maintains the legal authority to assess and collect permit application fees.

CERTIFICATION

R-39 REV. 1/77

Be it known that the foregoing:

☐ Regulations ☐ Emergency Regulations

Are:

☐ Adopted ☒ Amended as herinabove stated ☐ Repealed

By the aforesaid agency pursuant to:

☒ Section 22a-6, 22a-174, and 22a-174(g) 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 May 7th 20 02, of the notice of the proposal to:

☐ Adopt ☒ Amend ☐ Repeal such regulations

(If applicable): ☒ And the holding of an advertised public hearing on the 7th day of June 20 02

WHEREFORE, the foregoing regulations are hereby:

☐ Adopted ☒ Amended as herinabove stated ☐ Repealed

Effective:

☒ When filed with the Secretary of the State

(OR)

☐ The _____ day of _____ 19 ____

In Witness Whereof:	DATE 6/12/02	SIGNED *(Head of Board, Agency or Commission)*	OFFICIAL TITLE, DULY AUTHORIZED Commissioner
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. General

7/8/02

☐ 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 Statues	DATE	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	SIGNED *(Secretary of the State.)*	BY

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 Statues
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.

ndicate by "(NEW)" in heading if new regulation. Amended regulations must contain new language in capital letters and deleted language in brackets. Section 4-179 of the General Statutes.