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 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) Except as otherwise provided in this section, after March 15, 2002 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 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-174-3a 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-174-3a 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 two hundred and fifty ($250.00) dollars.

(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 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

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	22a-174-3a(a)(1)(E)	NA	$2,000

TABLE 26-1 PERMIT FEE SCHEDULE			
potential emissions of any individual air pollutant from such unit by fifteen (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) 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.

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

(d) Emission fees.

(d)(1) For the 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 source is emissions of 133,665 tons per year for 1990.

(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;

(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 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 subdivision 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.

(e) Transfer fee. Each person registering a proposed transfer of a license with the commissioner under section 22a-6o of the Connecticut 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 (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 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 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 subsection (d)(6) of this section, "Air Management Fee."

(2)(A) Notwithstanding subsection (d)(4) of this section, for any premises, when any calculation performed under 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 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 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 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 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.