

## **REGULATION 2.08 Fees**

### **Louisville Metro Air Pollution Control District Jefferson County, Kentucky**

**Pursuant to:** KRS Chapter 77 Air Pollution Control

**Relates to:** KRS 77.195 and 77.205; 42 USC 7661a

**Necessity and Function:** KRS Chapter 77 authorizes the Air Pollution Control Board to adopt and enforce all orders, rules, and regulations necessary or proper to accomplish the purposes of KRS Chapter 77, including establishing fees. This regulation establishes emissions fees required by Title V of the Clean Air Act, 42 USC 7661 *et seq.*, permit fees, and additional program fees.

#### **SECTION 1 Schedule of Fees Beginning in FY 2017**

- 1.1 Applicability. The attached schedule of fees applies to all stationary sources beginning in FY 2021.
- 1.2 General Provisions
  - 1.2.1 The Metro Fiscal Year is July 1 through June 30.
  - 1.2.2 Each Metro Fiscal Year, the fee rate for the previous Metro Fiscal Year shall be adjusted by the method provided in 40 CFR 70.9(b)(2)(iv), except that the 12-month period ending on June 30 of the calendar year shall be used. The District shall make available, prior to the beginning of each Metro Fiscal Year, a current Schedule of Fees applicable for that Metro Fiscal Year.
  - 1.2.3 Fees for permits to construct, or an initial or renewing authorization to operate shall be paid prior to issuance of the permit.
  - 1.2.4 The District shall issue an annual statement of fees to stationary sources authorized to operate in Jefferson County.
  - 1.2.5 All invoices are due within 45 days of the billing date. The District may approve an installment schedule of payments.
    - 1.2.5.1 Failure to pay fees when due is a violation of District regulations.
    - 1.2.5.2 Failure to pay fees when due may be subject to penalties in addition to a late fee of 10% of the original amount due.
    - 1.2.5.3 Failure to pay fees within 60 days of the due date may result in suspension of the stationary source's permit or other authorization to operate pursuant to Regulation 2.09 Section 3.
  - 1.2.6 The Metro Fiscal Year used for determining the applicable permit fee is as follows:
    - 1.2.6.1 For construction permits, permit transfers, operating permits, and source registrations, the Metro Fiscal Year in which an administratively complete application is received.
    - 1.2.6.2 For asbestos demolition/renovation permits, the Metro Fiscal Year in which the permit is issued,
  - 1.2.7 The District may, at its discretion, adjust the term of an individual permit to conform with its inspection schedules of stationary sources or to aid in program implementation.
- 1.3 Title V emissions fees: Applicability. Annual emissions fees are required from all major sources subject to the operating permit requirements of Regulation 2.16.

- 1.3.1 Emissions fees shall be calculated based on the actual emissions of the following pollutants: sulfur dioxide (SO<sub>2</sub>), nitrogen oxides (NO<sub>x</sub>), PM<sub>10</sub>, PM condensables, volatile organic compounds (VOCs), and hazardous air pollutants (HAPs), from the stationary source for the calendar year (CY) preceding the start of the Metro Fiscal Year in which the fee is due.
- 1.3.2 Emissions fees shall be calculated by multiplying the total of all the single pollutant actual emissions, in tons per year (tpy), for the calendar year previous to the current Metro Fiscal Year by the fee rate in the current Schedule of Fees.
- 1.3.3 The total annual emissions fee shall be the sum of the single pollutant fees except that:
  - 1.3.3.1 No pollutant shall be counted in more than one single pollutant category,
  - 1.3.3.2 No more than 4,000 tpy of the actual emissions of a single pollutant shall be counted toward the total emissions of a stationary source.
- 1.3.4 Emissions statements are required to be submitted annually in accordance with Regulation 1.06. If data for the preceding year are not submitted, the District shall determine the fees based on potential to emit.
- 1.4 Stationary sources shall pay a filing fee to the District in accordance with Regulations 2.02, 2.03, 2.08, 2.17, and 2.16.
- 1.5 Filing fees shall be paid at the time an application is submitted to the District in accordance with this schedule.
- 1.6 An exempt stationary source shall pay a filing fee only, pursuant to Regulation 2.02.
- 1.7 The fee for the initial issuance of a Registration shall be adjusted on a prorated basis to account for the unexpired term of any previously issued operating permits issued pursuant to Regulation 2.03 or 2.17.
- 1.8 "PSD pollutants" for purposes of this regulation mean PM, PM<sub>2.5</sub>, PM<sub>10</sub>, SO<sub>2</sub>, NO<sub>x</sub>, VOC, CO, Lead, Fluorides, Sulfuric Acid Mist, H<sub>2</sub>S, Total Reduced Sulfur (including H<sub>2</sub>S), Reduced Sulfur Compounds (including H<sub>2</sub>S), Municipal Waste Combustor Acid Gases, Municipal Waste Combustor Metals, Municipal Waste Combustor Organics, Municipal Solid Waste Landfill Emissions, and GHGs.
- 1.9 Asbestos Demolition/Renovation projects.
  - 1.9.1 All fees are assessed on each address of a multiple-dwelling project.
  - 1.9.2 A single permit may include a combination of projects.
  - 1.9.3 If the project involves both a material that is measured in linear feet and a different material that is measured in square feet, the number of linear feet and square feet shall be added to determine the applicable fee.
  - 1.9.4 If approved by the District, the amount of material involved in a project may be determined in cubic feet. An increment shall be 330 cubic feet for friable asbestos.
  - 1.9.5 An increment shall be 660 cubic feet for Category I and II asbestos projects.
  - 1.9.6 The fee for a second and each subsequent revision to an issued permit for an asbestos demolition/renovation project shall be 10% of the fee for the initially issued permit.
  - 1.9.7 The District may refuse to process a notification if the applicant has any unpaid invoices more than 60 days overdue or has any outstanding court judgments which are owed to the District.

Adopted v1/6-13-79, effective 6-13-79; amended v2/4-21-82; v3/11-16-83; v4/12-17-86; v5/6-20-90; v6/7-15-92; v7/5-19-93; v8/12-15-93; v9/5-25-94; v10/6-21-95; v11/9-20-95; v12/7-17-96; v13/3-19-97; v14/4-16-97; v15/9-16-98; v16/6-16-99; v17/5-17-00; v18/12-20-00; v19/9-19-

01; v20/1-18-06; v21/8-16-06; v22/10-24-08; v23/10-21-09; v24/ 11-17-10; v25/11-16-11;  
v26/5-15-13; v27/01-17-18; v28/11-20-19.