

PROPOSED AMENDMENTS TO THE RULES OF THE
DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION DIVISION
AIR QUALITY CONTROL, CHAPTER 391-3-1

The Rules of the Department of Natural Resources, Chapter 391-3-1, Air Quality Control are hereby amended, added to, repealed in part, revised, as hereinafter explicitly set forth in the attached amendments, additions, partial repeals, and revisions for specific rules, or such subdivisions thereof as may be indicated.

[Note: Underlined text is proposed to be added. Lined-through text is proposed for deletion.]

Rule 391-3-1-.03(9), “Permit Fees,” is amended to read as follows:

(9) Permit Fees.

(a) The owner or operator of any stationary source subject to the provisions of Georgia Air Quality Rule 391-3-1-.03 “Permits. Amended.” shall pay to the Division an annual fee or its equivalent (e.g. quarterly payments).

(b) The dollar-per-ton fee rate for each calendar year is specified in the table below. Each calendar year’s emissions and annual permit fees shall be determined and submitted in accordance with the Georgia Department of Natural Resources’ Fee Manual specified below.

Calendar Year	\$/Ton Rate	Fee Manual
1991	\$25/Ton	“Procedures for Calculating Air Permit Fees” dated July 1, 1992.
1992	\$25/Ton	“Procedures for Calculating 1992 Air Permit Fees” dated May 1, 1993.
1993	\$25/Ton	“Procedures for Calculating Air Permit Fees for Calendar Year 1993” dated February 1, 1994.
1994	\$25/Ton	“Procedures for Calculating Air Permit Fees for Calendar Year 1994” dated May 1, 1995.
1995	\$25/Ton	“Procedures for Calculating Air Permit Fees for Calendar Year 1995” dated April 2, 1996.
1996	\$25/Ton	“Procedures for Calculating Air Permit Fees for Calendar Years 1996 and 1997” dated August 1, 1997.
1997	\$28/Ton	“Procedures for Calculating Air Permit Fees for Calendar Years 1996 and 1997” dated August 1, 1997.
1998	\$28/Ton	“Procedures for Calculating Air Permit Fees for Calendar Years 1998 and 1999” dated January 19, 1999.
1999	\$28/Ton	“Procedures for Calculating Air Permit Fees for Calendar Years 1998 and 1999” dated January 19, 1999.
2000	\$31/Ton	“Procedures for Calculating Air Permit Fees for Calendar Year 2000” dated April 30, 2001.

2001	\$31/Ton	"Procedures for Calculating Air Permit Fees for Calendar Year 2001" dated February 26, 2002.
2002	\$32.50/Ton	"Procedures for Calculating Air Permit Fees for Calendar Year 2002" dated March 25, 2003.
2003	\$32.50/Ton	"Procedures for Calculating Air Permit Fees for Calendar Year 2003" dated April 20, 2004.
2004	\$32.50/Ton	"Procedures for Calculating Air Permit Fees for Calendar Year 2004" dated March 22, 2005.
2005	\$33.00/Ton	"Procedures for Calculating Air Permit Fees for Calendar Year 2005" dated March 15, 2006.
2006	\$28.50/Ton	"Procedures for Calculating Air Permit Fees for Calendar Year 2006" dated February 7, 2007.
2007	\$34.00/Ton	"Procedures for Calculating Air Permit Fees for Calendar Year 2007" dated April 2, 2008.
2008	\$34.00/Ton	"Procedures for Calculating Air Permit Fees for Calendar Year 2008" dated February 12, 2009.
2009	\$34.00/Ton	"Procedures for Calculating Air Permit Fees for Calendar Year 2009" dated January 26, 2010.
2010	\$35.84/Ton for coal-fired electric generating units; \$34/Ton for all other sources	"Procedures for Calculating Air Permit Fees for Calendar Year 2010" dated January 31, 2011.
2011	\$35.84/Ton for coal-fired electric generating units; \$34/Ton for all other sources	"Procedures for Calculating Air Permit Fees for Calendar Year 2011" dated March 2, 2012.
2012	\$37.34/Ton for coal-fired electric generating units; \$35.50/Ton for all other sources	"Procedures for Calculating Air Permit Fees for Calendar Year 2012" dated February 5, 2013.
2013	\$37.34/Ton for coal-fired electric generating units; \$35.50/Ton for all other sources	"Procedures for Calculating Air Permit Fees for Calendar Year 2013" dated January 14, 2014.
2014	\$37.34/Ton for coal-fired electric generating units; \$35.50/Ton for all other sources	"Procedures for Calculating Air Permit Fees for Calendar Year 2014" dated January 12, 2015.

2015	\$37.34/Ton for coal-fired electric generating units; \$35.50/Ton for all other sources	“Procedures for Calculating Air Permit Fees for Calendar Year 2015” dated February 22, 2016.
2016	\$37.34/Ton for coal-fired electric generating units; \$35.50/Ton for all other sources	“Procedures for Calculating Air Permit Fees for Calendar Year 2016” dated February 8, 2017.
2017	\$37.34/Ton for coal-fired electric generating units; \$35.50/Ton for all other sources	“Procedures for Calculating Air Permit Application & Annual Permit Fees for Calendar Year 2017” dated February 8, 2018.
2018	\$37.34/Ton for coal-fired electric generating units; \$35.50/Ton for all other sources	“Procedures for Calculating Air Permit Application & Annual Permit Fees for Fees Due Between July 1, 2019 and June 30, 2020” dated December 26, 2018.
2019	\$37.34/Ton for coal-fired electric generating units; \$35.50/Ton for all other sources	“Procedures for Calculating Air Permit Application & Annual Permit Fees for Fees Due Between July 1, 2020 and June 30, 2021” dated February 3, 2020.
2020	\$37.34/Ton for coal-fired electric generating units; \$35.50/Ton for all other sources	“Procedures for Calculating Air Permit Application & Annual Permit Fees for Fees Due Between July 1, 2021 and June 30, 2022” dated February 3, 2021.
<u>2021</u>	<u>\$37.34/Ton for coal-fired electric generating units;</u> <u>\$35.50/Ton for all other sources</u>	<u>“Procedures for Calculating Air Permit Application & Annual Permit Fees for Fees Due Between July 1, 2022 and June 30, 2023”</u> <u>dated February 3, 2022.</u>

When no applicable calculation method or procedure is published therein, the Director may specify or approve an applicable method or procedure prior to its use.

(c) For the purpose of this section, the following definitions shall apply:

1. “Criteria Pollutant” means volatile organic compounds, sulfur dioxide, particulate matter, and nitrogen oxides.

2. "Stationary source" means all of the pollutant-emitting activities which belong to the same industrial grouping, are located on one or more contiguous or adjacent properties, and are under the control of the same person (or persons under common control) except the activities of any vessel. Pollutant-emitting activities shall be considered as part of the same industrial grouping if they belong to the same "Major Group" (i.e., which have the same first two digit code) as described in the most recent Standard Industrial Classification Manual, published by the U.S. Government Printing Office.

(d) No annual fee shall be collected for more than 4,000 tons per year per stationary source of any individual criteria pollutant as calculated in accordance with the Fee Manual.

(e) The Director may reduce any permit fee required under this Chapter to take into the account the financial resources of small businesses stationary sources.

(f) The collection of fees pursuant to this Chapter shall preclude collection of any air quality control permit fee by any other state or local government authority.

(g) The collection of annual fees pursuant to this section shall begin on or after July 1, 1995, and shall be for the calendar year ending December 31, 1994. Thereafter, annual permit fees for each calendar year are due no later than September 1 of the following calendar year. Fees shall be paid in accordance with the procedures specified in the Fee Manual.

(h) The owner of a stationary source subject to this paragraph (9), "Permit Fees" shall make a one-time payment on or before April 30, 2001, in accordance with the following schedule. This one-time payment shall serve as a credit toward the calendar year 2000 permit fees (which are to be adopted at a later date). The procedures and methods contained in the Georgia Department of Natural Resources **Procedures for Calculating Air Permit Fees for Calendar Years 1998 and 1999 dated January 19, 1999** (1998/1999 Fee Manual), which is hereby incorporated by reference, along with calendar year 2000 activities and emissions shall be used to determine which, if any, of the following one-time payments are applicable to each stationary source.

1. Any Stationary Source subject to one or more Federal Standard of Performance for New Stationary Sources (NSPS) that is not classified as a Part 70 major source is defined in 40 CFR 70.2 shall pay a one-time payment of \$400 unless ALL of the equipment at the stationary source that is subject to an NSPS standard is listed in the exception list found in section 2.0(a) of the 1998/1999 Fee Manual and/or did not operate during calendar year 2000.

2. Any Stationary Source that is classified as a Part 70 major source, as defined in 40 CFR 70.2, that operated for any period of time in calendar year 2000, and whose calculated emissions (calculated using the Methods of Calculation contained in section 3.2 of the 1998/1999 Fee Manual and calendar year 2000 activities) of EACH OF THE FOUR criteria pollutants (as defined in section 1.0 of the 1998/1999 Fee Manual: particulate matter, sulfur dioxide, volatile organic compounds, and nitrogen oxides) are less than or equal to the threshold values listed in section 3.16 of the 1998/1999 Fee Manual shall pay a one-time payment of \$600.

3. Any Stationary Source that is classified as a Part 70 major source, as defined in 40 CFR 70.2, that operated for any period of time in calendar year 2000, whose calculated emissions (calculated using the Methods of Calculation contained in section 3.2 of the 1998/1999 Fee Manual and calendar year 2000 activities) of AT LEAST ONE of the four criteria pollutants (as defined in section 1.0 of the 1998/1999 Fee Manual: particulate matter, sulfur dioxide, volatile organic compounds, and nitrogen oxides) are above the applicable threshold value listed in section 3.16 of the 1998/1999 Fee Manual, and whose COMBINED calculated emissions (calculated using the Methods of Calculation contained in section 3.2 of the 1998/1999 Fee Manual and calendar year 2000 activities) is less than 700 tons shall pay a one-time payment of \$1150. For the purpose of determining this one-time payment, the calculated emissions of any single criteria pollutant shall not be considered when determining if the calculated emissions are less than 700 tons if the calculated emissions for that criteria pollutant are less than or equal to the applicable threshold value listed in section 3.16 of the 1998/1999 Fee Manual.

4. Any Stationary Source that is classified as a Part 70 major source, as defined in 40 CFR 70.2, that operated for any period of time in calendar year 2000, whose total calculated emissions (calculated using the Methods of Calculation contained in section 3.2 of the 1998/1999 Fee Manual and calendar 2000 activities) of AT LEAST ONE of the four criteria pollutants (as defined in section 1.0 of the 1998/1999 Fee Manual: particulate matter, sulfur dioxide, volatile organic compounds, and nitrogen oxides) is above the applicable threshold value listed in section 3.16 of the 1998/1999 Fee Manual, and whose COMBINED calculated emissions (calculated using the Methods of Calculation contained in section 3.2 of the 1998/1999 Fee Manual and calendar year 2000 activities) are greater than or equal to 700 tons shall pay a one-time payment of \$3000. For the purpose of determining this one-time payment, the calculated emissions of any single criteria pollutant shall not be considered when determining if the calculated emissions are greater than or equal to 700 tons if the calculated emissions for that criteria pollutant are less than or equal to the applicable threshold value listed in section 3.16 of the 1998/1999 Fee Manual.

(i) As part of the annual permit fees required under this paragraph, the owner or operator of any stationary source shall also pay administrative fees in accordance with the following subparagraphs in addition to the permit fees determined in accordance with the Fee Manual(s) specified in Subparagraph (b) of this paragraph.

1. The owner or operator shall pay an administrative fee of 0.05 percent of the total fee due determined in accordance with the Fee Manual(s) specified in Subparagraph (b) of this paragraph for each calendar day in which the air permit fee form is submitted to the Division after October 1 of the calendar year in which the fee was due or October 1, 2010, which is later.

2. For air permit fee forms submitted using the online Georgia air emissions fee reporting form, that date on which the air permit fee form is submitted to the Division shall be the date in which the owner or operator completes a final submittal on the online reporting form. For air permit fee forms that were submitted using a hard-copy paper form, the date on which the air permit fee form is submitted to the Division shall be the date on which the permit fee form and required payment are received at the address specified in the Fee Manual or at the office of the Division's Air Protection Branch.

(j) Beginning with calendar year 2009 fees, when the ownership of any stationary source is transferred to a new owner or operator, the new owner or operator of the stationary source shall be responsible for paying any past due fees.

(k) Beginning on March 1, 2019, the owner or operator of any stationary source subject to the provisions of Georgia Air Quality Rule 391-3-1-.03 “Permits. Amended” shall pay to the Division a processing fee when submitting an application for the following permit application types:

Permit Type
Minor Source Permit or Amendment
Synthetic Minor Source Permit or Amendment
Major Source Permit or Amendment (but not subject to PSD or 112(g))
Name Change
Permit-by-Rule
Title V 502(b)(10) Permit Amendment
Title V Minor Modification with Construction
Title V Minor Modification without Construction
Title V Significant Modification with Construction
Title V Significant Modification without Construction
PSD Permit per 391-3-1-.02(7)
Nonattainment New Source Review Permit per 391-3-1-.03(8)(c)
112(g) permit per 391-3-1-.02(9)(b)16.

1. Fees shall be paid in accordance with the procedures specified in the Fee Manual.
2. No final action of the Director shall occur until complete fee payment is received, unless the fee payment is waived or partially waived in accordance with subparagraph 391-3-1-.03(9)(e).
3. Application fees shall not be refunded as the fee is used to cover application processing labor.
4. Title V modification application fees are waived for applicants submitting PSD/112(g) or Nonattainment NSR permit applications via Title V permit applications. The PSD/112(g) or Nonattainment NSR fee still applies.

(l) Beginning on July 1, 2020, the owner or operator of any stationary source subject to the provisions of Georgia Air Quality Rule 391-3-1-.03(10) “Title V Operating Permits” shall pay to the Division an annual maintenance fee for Title V sources. Fees shall be paid in accordance with the procedures specified in the Fee Manual.

Authority: O.C.G.A. Section 12-9-1 et seq., as amended.