

Chapter NR 410

AIR PERMIT FEES

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NR 410.01 Applicability; purpose. (1) **APPLICABILITY.** This chapter applies to all owners or operators of air contaminant sources and to any other person who may be required to pay a fee under s. 144.399, Stats.

(2) **PURPOSE.** The purpose of this chapter is to establish, pursuant to s. 144.399, Stats., the requirements and the procedures for the payment of application fees and implementation and enforcement fees by persons who are required or authorized to obtain air pollution control permits for the construction, reconstruction, replacement or modification and operation of air contaminant sources, by persons who request a determination of exemption from the requirement to obtain an air pollution control permit, and by persons who own or operate an air contaminant source for which an air pollution control permit has been issued.

History: Renum. from NR 410.01 and 410.02, Register, September, 1986, No. 369, eff. 10-1-86; am. Register, October, 1991, No. 430, eff. 11-1-91.

NR 410.02 Definitions. In addition to the definitions in this section, the definitions contained in ch. NR 400 apply to the terms used in this chapter.

(2) "Emissions offset" means the reduction of emissions from existing sources to compensate for the increase in emissions from the construction, reconstruction, replacement or modification and operation of the source which is the subject of the permit application.

(3) "Environmental assessment" has the meaning given in s. NR 150.02 (9).

(6) "Nonattainment area source" means any source which is located in a nonattainment area or which may affect significantly the air quality in a nonattainment area and which, considering air pollution control equipment, is capable of emitting an air contaminant for which the area is classified as a nonattainment area.

History: Cr. Register, April, 1984, No. 340, eff. 5-1-84; renum. from NR 410.03, Register, September, 1986, No. 369, eff. 10-1-86; renum. (1), (4) and (5) to be NR 400.02 (5e), (53e) and (53s), am. (3), r. (7), Register, April, 1988, No. 388, eff. 5-1-88.

NR 410.03 Application fee. Except as provided under s. 144.399 (3) (a), Stats., any person required or authorized under s. 144.391, Stats., to obtain an air pollution control permit shall pay an application fee, consisting of the sum of the basic fee under sub. (1) and any additional fees under sub. (2). Any person required under s. NR 406.04 (1) (i) or (n) to obtain a determination of exemption from the department shall pay the basic fee under sub. (1).

(1) **BASIC FEES.** (a) Except as provided in pars. (c) and (d), each person who applies for and is issued an air pollution control permit for which an application fee is authorized shall pay a basic fee according to the following amounts:

1. \$1,300 if the permit is for the construction or replacement of a direct minor source or for the construction of a new indirect minor source.

2. \$500 if the permit is for the elective operation of a new or modified direct source.

3. \$1,000 if the permit is for the modification of a direct or indirect minor source.

4. \$3,000 if the permit is for the modification of a direct or indirect major source.

5. \$4,500 if the permit is for the construction, reconstruction or replacement of a direct major source.

6. \$5,000 if the permit is for the construction of a new indirect major source.

(b) Any person requiring a determination of exemption under s. NR 406.04 (1) (i) or (n), or petitioning for an alteration to a permit under ch. NR 491, shall pay the following amounts:

1. \$400 for a determination of exemption made under s. NR 406.04 (1) (i).

2. \$50 for a determination of exemption under s. NR 406.04 (1) (n), if the asbestos renovation or demolition operation involves at least 260 linear feet or at least 160 square feet of friable asbestos material and a combined square and linear footage of less than 1000. The combination of square and linear footage shall be determined by adding the square footage of asbestos containing material on all areas other than pipes to the linear footage of asbestos containing material on pipes.

3. \$125 for a determination of exemption under s. NR 406.04 (1) (n), if the asbestos renovation or demolition operation involves friable asbestos material with a combined square and linear footage of equal to or greater than 1000. The combination of square and linear footage shall be determined by the method given in subd. 2.

4. \$200 for a permit alteration granted under ch. NR 491.

(c) The basic fees in par. (a) shall be reduced by \$100 if the permit applicant publishes the class 1 newspaper notice required under s. 144.392 (5) (c), Stats.

(d) Any person who applies for an air pollution control permit for the operation, construction, replacement, modification, or reconstruction of a source shall submit \$500 with the application. This \$500 may not be refunded unless the department determines that a permit is not required. When a fee is required under par. (b), only the amount not required to cover the fee will be refunded.

(e) When an air pollution control permit application is received for the construction, replacement, reconstruction, operation, or modification of a direct source where the basic emissions unit, which is not a portable source, is to be installed at one specified facility and, in the same application, a request is also made to modify air pollution control permits for other sources at different locations to include the same basic emission units, and all the sources for which modification is requested are under common ownership or control, the permit applicant shall pay the basic
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fee specified in par. (a) plus the additional fees in sub. (2). The fee for modifying each additional permit at different locations shall be \$200 each plus the fees in sub. (2) except when the action specified in sub. (2) has been completed for one location and a separate action as set forth in sub. (2) is not required for each modification at each different location. When an action covered under sub. (2) must be completed for applications at more than one location, the fee in sub. (2) shall be charged for each time the action is completed.

(2) **ADDITIONAL FEES.** In addition to the basic fees prescribed in sub. (1) (a) and (e), each person who applies for and is issued an air pollution control permit for which an application fee is authorized shall pay the following fees in the amounts indicated:

(a) \$100 per basic emissions unit requiring review and analysis if the permit application requires the review and analysis of 2 or more basic emission units.

(b) \$300 if the permit application is for a direct, nonattainment area source.

(c) \$1,400 if the permit application is for a direct source which requires an emission offset, a growth accommodation credit under s. 144.393 (7), Stats., or the determination of a net emissions increase under ch. NR 405.

(d) \$1,000 per best available control technology (BACT) or lowest achievable emission rate (LAER) determination if the permit application is for a direct source which requires a BACT or LAER determination.

(e) \$200 if the permit application is for a direct minor source or minor modification to a direct major source whose projected air quality impact requires a detailed air quality modeling analysis.

(f) \$1,400 if the permit application is for any direct source which is not a direct minor source or minor modification to a direct major source and whose projected air quality impact requires a detailed air quality modeling analysis.

(g) \$500 if the permit application is for a direct source which may emit a hazardous air contaminant listed in s. NR 406.04 (2) (f) and which receives a permit which establishes a specific emission limitation for one or more of such hazardous air contaminants, or the source is subject to an emission limitation under chs. NR 446 to 483.

(h) \$750 if the permit application is for a direct source for which the department requires a stack test prior to the department's issuance of a release for permanent operation. The \$750 shall be refunded in the event the department determines that the tests are not required and, therefore, are not performed.

(i) \$400 if the permit application is for a direct source which requires an environmental assessment under ch. NR 150.

(j) \$500 if the permit application is for the modification of a direct major source whose net increase in emissions of any of the following pollutants would equal or exceed any of the following rates:

1. Carbon monoxide: 100 tons per year

2. Nitrogen oxides: 40 tons per year
3. Sulfur dioxide: 40 tons per year
4. Particulate matter: 25 tons per year
5. Volatile organic compounds: 40 tons per year
6. Lead: 0.6 tons per year
7. Asbestos: 0.007 tons per year
8. Beryllium: 0.0004 tons per year
9. Mercury: 0.1 tons per year
10. Vinyl chloride: 1 ton per year
11. Fluorides: 3 tons per year
12. Sulfuric acid mist: 7 tons per year
13. Hydrogen sulfide (H_2S): 10 tons per year
14. Total reduced sulfur (including H_2S): 10 tons per year
15. Reduced sulfur compounds (including H_2S): 10 tons per year

(k) \$500 if a public hearing is held at the request of the applicant or their agent.

(l) \$100 if the permit application is for a direct source which requires an emission limit determination under s. NR 424.03 (2) (b) 2.

(m) When the permit applicant requests in writing that the permit be issued in a shorter time interval than the time interval set forth in s. 144.392, Stats., and the department is able to comply with the request, the following fees shall apply:

1. \$1,000 for an application for a direct source which is not subject to review under ch. NR 405 if the permit is issued within 50 days of receipt of a complete application.

2. \$2,000 for an application for an indirect source or for a source which is subject to review under ch. NR 405 if the permit is issued within 60 days of receipt of a complete application.

3. \$1,000 for an application which is subject to review under ch. NR 405 if the permit is issued within 90 days of receipt of a complete application.

(3) **PAYMENT.** The department shall mail a billing statement for the required application fee to the person applying for the permit at the time the permit is issued. The application fee shall be paid within 30 days of the date of the billing statement. The department may not issue the release for permanent operation of the source until the department receives full payment of the application fee.

History: Cr. Register, April, 1984, No. 340, eff. 5-1-84; renum. from NR 410.04, Register, September, 1986, No. 369, eff. 10-1-86; r. and recr. Register, April, 1988, No. 388, eff. 5-1-88; am. (2) (g), Register, September, 1988, No. 393, eff. 10-1-88; am. (2) (1), Register, April, 1989, No. 400, eff. 5-1-89; corrections in (intro.), (1) (b) (intro.) and 1., (2) (intro.) made under s. 13.93 (2m) (b) 7, Stats., Register, April, 1989; am. (intro.), (1) (b) (intro.) and 1., renum. (1) (b) 2. to be 4., cr. (1) (b) 2. and 3., Register, October, 1991, No. 430, eff. 11-1-91.

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NR 410.04 Implementation and enforcement fee. (1) **FEE REQUIRED.** Any person who owns or operates a direct air contaminant source for which an air pollution control permit has been issued shall pay an annual fee for the implementation and enforcement of the permit conditions according to the amount established in sub. (2).

(2) **AMOUNT OF FEE.** The amount of the annual implementation and enforcement fee shall be:

(a) \$1,000 per year for a direct major source;

(b) \$500 per year for a direct minor source which has potential uncontrolled emissions of any regulated pollutant in excess of 100 tons per year; or

(c) \$200 per year for a direct minor source which has potential uncontrolled emissions of any regulated pollutant equal to or less than 100 tons per year.

(3) **PAYMENT.** The department shall mail billing statements annually to persons owning or operating air contaminant sources for which the payment of an implementation and enforcement fee is required. Persons required to pay an implementation and enforcement fee shall pay the fee within 30 days of the date of the billing statement.

History: Cr. Register, April, 1984, No. 340, eff. 5-1-84; renum. from NR 410.05, Register, September, 1986, No. 369, eff. 10-1-86; r. and recr. Register, April, 1988, No. 388, eff. 5-1-88.