

Draft Construction Permit Fee Rulemaking

ITEM 1. Amend paragraph 22.1(3)“a” as follows:

a. New equipment design in concept review. If requested in writing, the director will review the design concepts of proposed new equipment and associated control equipment prior to application for a construction permit. The purpose of the review would be to determine the acceptability of the location of the proposed equipment. If the review is requested, the requester shall supply the following information and [submit a fee as required in 567—Chapter 30\(455B\)](#):

- (1) Preliminary plans and specifications of proposed equipment and related control equipment.
- (2) The exact site location and a plot plan of the immediate area, including the distance to and height of nearby buildings and the estimated location and elevation of the emission points.
- (3) The estimated emission rates of any air contaminants which are to be considered.
- (4) The estimated exhaust gas temperature, velocity at the point of discharge, and stack diameter at the point of discharge.
- (5) An estimate of when construction would begin and when construction would be completed.

ITEM 2. Amend paragraph 22.1(3) “b” *Construction permit applications*, to add new subparagraph (10) as follows:

(10) *Application fee.* Air contaminant sources required to obtain a permit under 567—subrule 22.1(1), rules 567—22.4(455B), 567—22.5(455B), 567—22.8(455B), 567—22.10(455B), and 567—Chapter 31(455B), or 567—Chapter 33(455B) shall submit a fee with each application as required in 567—Chapter 30(455B). The department will not initiate review

Commented [A1]: Establishes an applicability determination fee.
SF 488, 455B.133C (5) b (2) a, Page 7.

Commented [A2]: Establishes a requirement that facilities applying for permits submit application fees; construction permit (22.1(1), PSD (22.4 and Chapter 33), nonattainment (22.5 and Chapter 31), permit-by-rule (22.8) and country grain elevators (22.10).

Applications will not be reviewed until fees have been paid.

SF 488: 455B.133C (3), Page 6.

and processing of a permit application submittal until all required fees have been paid to the department.

ITEM 3: Amend rule **567—22.4(455B)** as follows:

567—22.4(455B) Special requirements for major stationary sources located in areas

designated attainment or unclassified (PSD). As applicable, the owner or operator of a stationary source shall comply with the rules for prevention of significant deterioration (PSD) as set forth in 567—Chapter 33. [An owner or operator required to apply for a construction permit under 567—22.4 \(455B\) shall submit a fee with each application as required in 567—Chapter 30\(455B\).](#)

Commented [A3]: List the requirement that facilities applying for PSD permits submit application fees.
SF 488: 455B.133C (3), Page 6.

ITEM 4: Amend rule **567—22.5(455B)** as follows:

567—22.5(455B) Special requirements for nonattainment areas. As applicable, the

owner or operator of a stationary source shall comply with the requirements for the nonattainment major NSR program as set forth in rule 567—31.20(455B). [An owner or operator required to apply for a construction permit under 567—22.5 \(455B\) shall submit a fee with each application as required in 567—Chapter 30\(455B\).](#)

Commented [A4]: Lists the requirement that facilities applying for nonattainment new source review permits submit application fees.
SF 488: 455B.133C (3), Page 6.

ITEM 5: Amend subrule **22.8(1)** as follows:

22.8(1) Permit by rule for spray booths. Spray booths which comply with the

requirements contained in this rule will be deemed to be in compliance with the requirements to obtain an air construction permit and an air operating permit. Spray booths which comply with this rule will be considered to have federally enforceable limits so that their potential emissions are less than the major source limits for regulated air pollutants and hazardous air pollutants as

Commented [A5]: Lists the requirement that facilities applying for permits-by-rule submit application fees.
SF 488: 455B.133C (3), Page 6.

defined in 567 22.100(455B). [An owner or operator required to apply for a permit by rule shall submit a fee with each application as required in 567—Chapter 30\(455B\).](#)

ITEM 6: Amend rule **567—22.10(455B)** as follows:

567—22.10(455B) Permitting requirements for country grain elevators, country grain terminal elevators, grain terminal elevators and feed mill equipment. The requirements of this rule apply only to country grain elevators, country grain terminal elevators, grain terminal elevators and feed mill equipment, as these terms are defined in subrule 22.10(1). The requirements of this rule do not apply to equipment located at grain processing plants or grain storage elevators, as “ grain processing ” and “ grain storage elevator ” are defined in rule 567 20.2(455B). Compliance with the requirements of this rule does not alleviate any affected person’s duty to comply with any applicable state or federal regulations. In particular, the emission standards set forth in 567 Chapter 23, including the regulations for grain elevators contained in 40 CFR Part 60, Subpart DD (as adopted by reference in 567 paragraph 23.1(2)“ooo”), may apply. [An owner or operator subject to 567—22.10\(455B\) shall submit a fee with each Group 1 registration, Group 2 permit application, or Group 3 or 4 construction permit application, as required in 567—Chapter 30\(455B\).](#)

Commented [A6]: Lists the requirements for the following groups to submit application fees for Group 1 registration, Group 2 permit application, or Group 3 or 4 construction permit application.

- *country grain elevators,
- *country grain terminal elevators,
- *grain terminal elevators, and
- *feed mill equipment

SF 488: 455B.133C (3), Page 6.

ITEM 7: Amend rule **567—31.1(455B)** as follows:

567—31.1(455B) Permit requirements relating to nonattainment areas. This chapter implements the nonattainment major new source review (NSR) program contained in Part D of Title I of the federal Clean Air Act and as promulgated under 40 CFR 51.165 as amended through March 30, 2011, and 40 CFR 51, Appendix S, as amended through July 1, 2011.

Commented [A7]: Lists the requirements for nonattainment permits to submit application fees.

SF 488: 455B.133C (3), Page 6.

The nonattainment major NSR program is a preconstruction review and permitting program applicable to new or modified major stationary sources of air pollutants regulated under Part D of Title I of the federal Clean Air Act as amended on November 15, 1990. The nonattainment major NSR program applies only in areas that do not meet the national ambient air quality standards (NAAQS).

Section 107(d) of the federal Clean Air Act, 42 U.S.C. § 7457(d), requires each state to submit to the Administrator of the federal Environmental Protection Agency a list of areas that exceed the NAAQS, that are lower than those standards, or that cannot be classified on the basis of current data.

Requirements for nonattainment areas designated on or after May 18, 1998, are in rules 567 31.3(455B) through 567 31.10(455B). Requirements for nonattainment areas designated before May 18, 1998, are in rule 567 31.20(455B). A list of Iowa's nonattainment area designations is found at 40 CFR 81.316 as amended through August 5, 2013. [An owner or operator required to apply for a construction permit under this chapter shall submit a fee with each application as required in 567—Chapter 30\(455B\).](#)

ITEM 8: Amend rule **567—33.1(455B)** as follows:
567—33.1(455B) Purpose. This chapter implements the major New Source Review (NSR) program contained in Part C of Title I of the federal Clean Air Act as amended on November 15, 1990, and as promulgated under 40 CFR 51.166 and 52.21 as amended through July 20, 2011. This is a preconstruction review and permitting program applicable to new or modified major stationary sources of air pollutants regulated under Part C of the Clean Air Act as amended on November 15, 1990. In areas that do not meet the national ambient air quality standards (NAAQS), the nonattainment major program applies. The requirements for the nonattainment

Commented [A8]: Lists the requirements for PSD permits to submit application fees.
SF 488: 455B.133C (3), Page 6.

major NSR program are set forth in 567 22.5(455B), 567 22.6(455B), 567 31.20(455), and 567 31.3(455B). In areas that meet the NAAQS, the PSD program applies. Collectively, the nonattainment major and PSD programs are referred to as the major NSR program.

Rule 567 33.2(455B) is reserved.

Rule 567 33.3(455B) sets forth the definitions, standards and permitting requirements that are specific to the PSD program.

Rules 567 33.4(455B) through 567 33.8(455B) are reserved.

Rule 567 33.9(455B) includes the conditions under which a source subject to PSD may obtain a plantwide applicability limitation (PAL) on emissions. In addition to the requirements in this chapter, stationary sources may also be subject to the permitting requirements in 567 Chapter 22, including requirements for Title V operating permits. [The owner or operator required to apply for a construction permit under 567—Chapter 33 \(455B\) shall submit a fee with each application as required in 567—Chapter 30\(455B\).](#)

Draft Title V Fee Rulemakings

ITEM 9: Amend rule ~~567—22.100 (455B)~~, the definition “Regulated air pollutant or contaminant (for fee calculation),” in as follows:

“*Regulated air pollutant or contaminant (for fee calculation),*” which is used only for purposes of ~~subrule 567—Chapter 30 22.106(455B)~~, means any “regulated air pollutant or contaminant ” except the following:

1. Carbon monoxide;
2. Particulate matter, excluding PM10;

Commented [A9]: This item formalizes that greenhouse gas emissions will not be subject to the Title V annual emission fee.

The references to 22.106 is revised to Chapter 30.

SF 488: 455B.133B (5)(b)(3), Page 4.

- 3. Any pollutant that is a regulated air pollutant solely because it is a Class I or II substance subject to a standard promulgated under or established by Title VI of the Act;
- 4. Any pollutant that is a regulated pollutant solely because it is subject to a standard or regulation under Section 112(r) of the Act;

5. Greenhouse gas, as defined in rule 20.2(455B).

ITEM 10: Amend rule ~~567—22.103(455B)~~ as follows:

~~567—22.103(455B)~~ **Insignificant activities.** The following are insignificant activities for purposes of the Title V application if not needed to determine the applicability of or to impose any applicable requirement. Title V permit fees are not required from insignificant activities pursuant to subrule ~~22.106(7)~~ 30.4(7).

Commented [A10]: This item updates a cross reference from the current 22.106(7) to the proposed item in Chapter 30.

ITEM 11: Amend subrule **22.105(2)** as follows:

22.105(2) Standard application form and required information. To apply for a Title V permit, applicants shall complete the standard permit application form available only from the department of natural resources and supply all information required by the filing instructions found on that form. Application fees for permits required in 22.105(1) “a” (1-4), (7-9) are set forth in 567—Chapter 30. The information submitted must be sufficient to evaluate the source and its application and to determine all applicable requirements and to evaluate the fee amount required by rule ~~567—Chapter 30~~22.106(455B). If a source is not a major source and is applying for a Title V operating permit solely because of a requirement imposed by paragraphs 22.101(1)“c” and “d,” then the information provided in the operating permit application may cover only the emissions units that trigger Title V applicability. The applicant shall submit the information called for by the application form for each emissions unit to be permitted, except for

Commented [A11]: This item establishes the fee requirement for Title V applications and directs the reader to Chapter 30. SF 488: 455B.133(8)(a)(2), page 1.

Commented [A12]: The different permit types in 22.105(1) “a” are as follows:

- (1) Initial application for an existing source.
- (2) Initial application for a new source.
- (3) Application related to 112(g), PSD or nonattainment.
- (4) Renewal application.
- (5) Changes allowed without a permit revision (off-permit revision).
- (6) Application for an administrative permit amendment.
- (7) Application for a minor permit modification.
- (8) Application for a significant permit modification.
- (9) Application for an acid rain permit.

activities which are insignificant according to the provisions of rule 567—22.103(455B). The applicant shall provide a list of all insignificant activities and specify the basis for the determination of insignificance for each activity. Nationally standardized forms shall be used for the acid rain portions of permit applications and compliance plans, as required by regulations promulgated under Title IV of the Act. The standard application form and any attachments shall require that the following information be provided:

ITEM 12: Amend rule 567—22.106(455B) as follows:

567—22.106(455B) Title V permit fees Annual Title V emission inventory.

22.106(1) Emission Fee established. Fees shall be paid as set forth in 567—Chapter 30 (455B). ~~The fee shall be based on actual emissions required to be included in the Title V operating permit application and the annual emissions statement for the previous calendar year. The department and the commission will review the fee structure on an annual basis and adjust the fee as necessary to cover all reasonable costs required to develop and administer the programs required by the Act. The department shall submit the proposed budget for the following fiscal year to the commission no later than the March meeting. The commission shall set the fee based on the reasonable cost to run the program and the proposed budget no later than the May commission meeting of each year. The commission shall provide an opportunity for public comment prior to setting the fee. The commission shall not set the fee higher than \$56 per ton without adopting the change pursuant to formal rule making.~~

~~22.106(2) Fee calculation.~~ The fee amount shall be calculated based on the first 4,000 tons of each regulated air pollutant or contaminant emitted each year from each major source.

~~22.106(32) Fee Emissions inventory and documentation due dates.~~

Commented [A13]: This item moves the requirement to pay a Title V emission fee to Chapter 30. It also moves the process for setting Title V emission fees to Chapter 30.

SF 488, 455B.133(8)(a)(2), Page 1.

~~a. The fee shall be submitted annually by July 1. For emissions located in Polk County or Linn County, the fee shall be submitted with three copies of the following forms. For emissions in all remaining counties, the fee shall be submitted with two copies of the following forms:~~

- ~~1. Form 1.0 “ Facility identification ”;~~
- ~~2. Form 5.0 “ Title V annual emissions summary/fee ” ; and~~
- ~~3. Part 3 “ Application certification. ”~~

~~b.~~ For emissions located in Polk County or Linn County, three copies of the following forms shall be submitted annually by March 31 documenting actual emissions for the previous calendar year. For emissions in all other counties, two copies of the following forms shall be submitted annually by March 31 documenting actual emissions for the previous calendar year.

Commented [A14]: Grammatical correction.

Commented [A15]: This clarifies that all emission inventories are due March 31.

- ~~1.~~a. Form 1.0 “ Facility identification ” ;
- ~~2.~~b. Form 4.0 “ Emission unit actual operations and emissions ” for each emission unit;
- ~~3.~~c. Form 5.0 “ Title V annual emissions summary/fee ” ; and
- ~~4.~~d. Part 3 “ Application certification. ”

Alternatively, an owner or operator may submit the required emissions inventory information through the electronic submittal format specified by the department.

If there are any changes to the emission calculation form, the department shall make revised forms available to the public by January 1. If revised forms are not available by January 1, forms from the previous year may be used and the year of emissions documented changed. The department shall calculate the total statewide Title V emissions for the prior calendar year and make this information available to the public no later than April 30 of each year.

~~22.106(4) Phase I acid rain sources. No fee shall be required to be paid for emissions which occur during the years 1993 through 1999 inclusive, with respect to any Phase I acid rain affected unit under Section 404 of the Act.~~

Commented [A16]: This item moves 22.106(4-7) to Chapter 30.

~~22.106(5) Operation in Iowa. The fee for a portable emissions unit or stationary source which operates both in Iowa and out of state shall be calculated only for emissions from the source while operating in Iowa.~~

~~22.106(6) Title V exempted stationary sources. No fee shall be required to be paid for emissions until the year in which sources exempted under subrules 22.102(1) and 22.102(2) are required to apply for a Title V permit. Fees shall be paid for the emission year preceding the year in which the application is due and thereafter.~~

~~22.106(7) Insignificant activities. No fee shall be required to be paid for insignificant activities, as defined in rule 567 22.103(455B).~~

~~22.106(8) Correction of errors. If an owner or operator, or the department, finds an error in a Title V emissions inventory or Title V fee payment, the owner or operator shall submit to the department revised forms making the necessary corrections to the Title V emissions inventory or Title V fee payment. Corrected forms shall be submitted as soon as possible after the errors are discovered or upon notification by the department.~~

Commented [A17]: This item removes references to Title V fee payment.

ITEM 13. Amend subrule 22.108(10) as follows:

22.108(10) Fees. The permit shall include a provision to ensure that the Title V permittee pays fees to the director pursuant to subrule 567 ~~22.106~~30.4(455B).

Commented [A18]: This item updates a cross reference from the current 22.106 to the proposed item in Chapter 30.

ITEM 14. Amend paragraph 23.1(3) "a" as follows:

a. Asbestos. Any of the following involves asbestos emissions: asbestos mills, surfacing of roadways, manufacturing operations, fabricating, insulating, waste disposal, spraying

Commented [A19]: This item establishes the fee requirement for the asbestos notification requirements. SF 488: 455B.133C (3), Page 6.

applications and demolition and renovation operations. (Subpart M). [Any person subject to notification requirements under this rule shall submit a fee as required in 567—Chapter 30 \(455B\).](#)

ITEM 15. Adopt a new 567— Chapter 30 as follows

CHAPTER 30:

TEMPORARY AIR TOXICS FEES

567 — 30.1 (455B) Purpose.

This chapter sets forth requirements to pay fees for specified activities described in Title II, Air Quality, of 567 Iowa Administrative Code. Rule 567—30.1 (455B) adds definitions for this chapter. Rule 567—30.2 (455B) sets forth the requirements for applications to submit fees for specified activities associated with new source review in Chapters 22, 31, and 33. Rule 567—30.3 (455B) contains requirements for the submission of demolition and renovation notification fees for the asbestos emission standard for hazardous air pollutants listed in paragraph 23.1(3) “a”. Rule 567—30.4 (455B) sets forth the requirements for applications to submit fees for specified activities associated with the Title V program found in Chapter 22. Rule 567—30.5 (455B) sets forth the requirement to convene fee advisory groups. Rule 567—30.6 (455B) details the process by which fee levels shall be established, lists the types of fees that the commission may set, and establishes the mechanism for notification of the fee schedule. Rule 567—30.7 (455B) details how fee revenues may be expended.

The department will not initiate review and processing of an application submittal until all required fees have been paid to the department. Fees are nonrefundable.

567— 30.1(1) Definitions. For purposes of this chapter, the following definitions shall apply:

Commented [A20]: This section describes the purpose of this chapter which includes the process for setting fees, establishes maximum fees, and sets forth the process to convene fee advisory groups.

Commented [A21]: Definitions for Chapter 30 are listed.

“Application submittal” means one or more applications required under 567— 22.1 and submitted at the same time or required to be submitted under rules 567—22.4(455B), 567—22.5(455B), 567—Chapter 31 (455B), or 567—Chapter 33 (455B).

“Major source” means a “major source” as defined in 567—22.100(455B).

“Minor source” means any stationary source not included in the definition of “major source” contained in 567—22.100(455B).

“Regulated air pollutant” means “regulated air pollutant or contaminant (for fee calculation)” as defined in 567—22.100(455B).

30.1(2) Correction of errors. If an owner or operator, or the department, finds an error in a fee established under this chapter, the owner or operator shall submit to the department revised forms making the necessary corrections to the fee and shall submit the correct fee. Corrected forms shall be submitted as soon as possible after the errors are discovered or upon notification by the department.

567— 30.2 (455B) Fees associated with new source review applications.

Beginning on January 1, 2016, each application submittal, including air quality modeling as applicable; registration; permit by rule; or template (under 567—subrule 22.1(1), 567—subrule 22.1(3)“b”, rules 567—22.4(455B), 567—22.5(455B), 567—22.8 (455B), 567—22.10(455B), and 567—Chapter 31(455B), or chapter 567—Chapter 33 (455B)) shall be accompanied by a nonrefundable application fee. The fee shall be submitted with forms supplied by the department.

30.2(1) Payment of new equipment design in concept review fee. Beginning on January 1, 2016, each request for a new equipment design in concept review, as specified in rule 567—

Commented [A22]: 22.1(1) Permit required.
22.1(2) Exemptions – not subject to fees.
22.1(3) Construction permits.
22.4 PSD - reference to Chapter 33
22.5 Nonattainment – reference to 31.3
22.8 Permit by rule (spray booths)
22.10 Country grain elevators
Chapter 31 Nonattainment
Chapter 33 – PSD
SF 488: 455B.133C (3), Page 6.

Commented [A23]: Concept review/Determination fee:
SF 488: 455B.133C(5)(b)(2)(a), Page 7

22.1(3) “a”, shall be accompanied by a nonrefundable concept review fee. The fee shall be submitted on forms provided by the department.

30.2(2) Requests for expedited permits at major sources. Beginning on January 1, 2016, the department shall provide expedited processing for application submittals from major sources if the request for expedited processing is included with the application submittal and the request is accompanied by a nonrefundable expedited processing request fee.

Commented [A24]: Expedited permitting:
SF 488: 455B.133C (5)(b)(2)(c), Page 7

567—30.3 Fees associated with asbestos demolition or renovation notification.

30.3(1) Payment of fees established. Beginning on January 1, 2016, the owner or operator of a site subject to the national emission standard for hazardous air pollutants (NESHAP) for asbestos notifications required under paragraph 23.1(3) “a,” shall submit a nonrefundable fee with each required notification for each demolition or renovation. Fees shall be submitted with the notification forms provided by the department. Revised notifications submitted pursuant to 40 CFR 61.145 (b)(2) (amount of asbestos increases by at least 20%) and 40 CFR 61.145(b)(3)(iv) (change in date) are excluded from the fee requirement.

Commented [A25]: Asbestos NESHAP notification fee established.
SF 488: 455B.133C (3), Page 6.

30.3(2) Fee not required. A fee shall not be required for the following:

- a. Notifications when the total amount of asbestos to be removed or disturbed is less than 260 linear feet; less than 160 square feet; and less than 35 cubic feet of facility components; and is below the reporting thresholds as defined in 40 CFR 61.145, as amended on January 16, 1991;
- b. notifications of training fires as required in paragraph 23.2(3) “g”; or
- c. controlled burning of demolished buildings as required in paragraph 23.2(3) “j”.

Commented [A26]: (b) Notification requirements. Each owner or operator of a demolition or renovation activity to which this section applies shall:

(2) Update notice, as necessary, including when the amount of asbestos affected changes by at least 20 percent

http://www.ecfr.gov/cgi-bin/text-idx?SID=3f2d46735fcf88551eb81e3f5a1ae662&mc=true&node=pt40.9.61&rgn=div5#se40.9.61_1145

Commented [A27]: (3) Postmark or deliver the notice as follows:

(iv) For asbestos stripping or removal work in a demolition or renovation operation, described in paragraphs (a) (1) and (4) (except (a)(4)(iii) and (a)(4)(iv)) of this section, and for a demolition described in paragraph (a)(2) of this section, that will begin on a date other than the one contained in the original notice, notice of the new start date must be provided to the Administrator as follows:

567— 30.4 (455B) Fees associated with Title V operating permits.

30.4(1) Payment of Title V application fee. Beginning January 1, 2016, each application

for a Title V permit or permit modification, as required in rules 567—22.105(1) “a” (1-4), (7-9), shall be accompanied by a nonrefundable application fee. The fee shall be submitted with forms supplied by the department.

30.4(2) Payment of Title V annual emission fee.

a. Fee required. Any person required to obtain a Title V permit shall pay an annual fee based on the first 4,000 tons of each regulated air pollutant, beginning November 15, 1994. Beginning July 1, 1996, Title V operating permit fees will be paid on or before July 1 of each year. The Title V emission fee shall be based on actual emissions required to be included in the Title V operating permit application and the annual emissions statement for the previous calendar year.

b. Fee and documentation due dates. The fee shall be submitted annually by July 1. For emissions located in Polk County or Linn County, the fee shall be submitted with three copies of the following forms. For emissions in all remaining counties, the fee shall be submitted with two copies of the following forms:

- (1). Form 1.0 “ Facility identification ” ;
- (2). Form 5.0 “ Title V annual emissions summary/fee ” ; and
- (3). Part 3 “ Application certification. ”

c. Phase I acid rain sources. No fee shall be required to be paid for emissions which occur during the years 1993 through 1999 inclusive, with respect to any Phase I acid rain affected unit under Section 404 of the Act.

Commented [A28]: Title V application fee.

SF 488: 455B.133(8)(a)(2), Page 1.

Commented [A29]: The different permit types in 22.105(1) “a” are as follows:

- (1) Initial application for an existing source.
 - (2) Initial application for a new source.
 - (3) Application related to 112(g), PSD or nonattainment.
 - (4) Renewal application.
 - (5) Changes allowed without a permit revision (off-permit revision).
 - (6) Application for an administrative permit amendment.
 - (7) Application for a minor permit modification.
 - (8) Application for a significant permit modification.
- Application for an acid rain permit.

Commented [A30]: This is a revised version of 22.106(1). It removes the reference to total tons (bolded and underlined below) and incorporates 22.106(2) where the 4,000 ton threshold is currently listed. The setting of the fee and maximum fees are proposed in rule 30.5

22.106(1) Fee established. Any person required to obtain a Title V permit shall pay an annual fee based on the **total tons** of actual emissions of each regulated air pollutant, beginning November 15, 1994. Beginning July 1, 1996, Title V operating permit fees will be paid on or before July 1 of each year. The fee shall be based on actual emissions required to be included in the Title V operating permit application and the annual emissions statement for the previous calendar year. The department and the commission will review the fee structure on an annual basis and adjust the fee as necessary to cover all reasonable costs required to develop and administer the programs required by the Act. The department shall submit the proposed budget for the following fiscal year to the commission no later than the March meeting. The commission shall set the fee based on the reasonable cost to run the program and the proposed budget no later than the May commission meeting of each year. The commission shall provide an opportunity for public comment prior to setting the fee. The commission shall not set the fee higher than \$56 per ton without adopting the change pursuant to formal rule making.

22.106(2) Fee calculation. The fee amount shall be calculated based on the first 4,000 tons of each regulated air pollutant or contaminant emitted each year from each major source.

d. Operation in Iowa. The fee for a portable emissions unit or stationary source which operates both in Iowa and out of state shall be calculated only for emissions from the source while operating in Iowa.

e. Title V exempted stationary sources. No fee shall be required to be paid for emissions until the year in which sources exempted under subrules 22.102(1) and 22.102(2) are required to apply for a Title V permit. Fees shall be paid for the emission year preceding the year in which the application is due and thereafter.

f. Insignificant activities. No fee shall be required to be paid for insignificant activities, as defined in rule 567 22.103(455B).

567— 30.5 (455B) Fee advisory groups. Prior to each March commission meeting, the director shall convene fee advisory groups for the purposes of reviewing a draft budget and providing recommendations to the department regarding establishing or adjusting fees. Meeting date(s) shall be posted on the department's website 14 days prior to the meeting date.

30.5(1) New source review for major sources fee advisory group. The director shall convene annually a fee advisory group to review the draft budget, and major source fees required by 567—30.2(455B) and listed in 567—30.6(455B). Participants in the advisory group will provide recommendations to the department regarding fees necessary to cover all direct and indirect costs to administer the major source permit program.

30.5(2) New source review for minor sources fee advisory group. The director shall convene annually a fee advisory group, which shall not include major sources as defined in subrule 30.1(1). The fee advisory group will review the draft budget, and minor source application fees required by 567—30.2(455B) and listed in 567—30.6(455B). Participants in the fee advisory group shall include but is not limited to, any minor source and their

representatives. The advisory group will provide recommendations to the department regarding fees necessary to cover all direct and indirect costs to administer the minor source permit program.

30.5(3) Asbestos fee advisory group. The director shall convene annually an asbestos NESHAP fee advisory group to review the draft budget and asbestos notification fee required by 567—30.3(455B) and listed in 567— 30.6(455B). Participants in the advisory group shall provide recommendations to the department regarding fees necessary to cover all direct and indirect costs to administer asbestos NESHAP program.

30.5(4) Title V fee advisory group. The director shall convene annually a fee advisory group to review the draft budgets and Title V emission and application fees required by 567—30.4(455B) and listed in 567—30.6(455B). Participants in the advisory group will provide recommendations to the department regarding fees necessary to cover all direct and indirect costs to administer the Title V operating permit program.

567— 30.6 (455B) Process to establish or adjust fees and notification of fee rates.

30.6(1) Setting the fees. The department shall submit the proposed budget and fees for major and minor source construction permit programs, the Title V operating permit program, and the asbestos NESHAP program for the following fiscal year to the commission no later than the March commission meeting of each year. The department’s calculated estimate for each fee shall not produce total revenues in excess of limits specified in 455B.133B and 455B.133C during any fiscal year. If an established fee amount must be adjusted, the commission shall set the fees no later than the May commission meeting of each year. The commission shall provide an opportunity for public comment prior to setting the fees.

30.6(2) Fee types. The commission may set fees for the following:

Commented [A31]: The Title V stakeholder requirement is in SF 488: 455B.133B(4)(c), Page 3.

Commented [A32]: The current fee setting language is bolded and underlined below.

22.106(1) Fee established. Any person required to obtain a Title V permit shall pay an annual fee based on the total tons of actual emissions of each regulated air pollutant, beginning November 15, 1994. Beginning July 1, 1996, Title V operating permit fees will be paid on or before July 1 of each year. The fee shall be based on actual emissions required to be included in the Title V operating permit application and the annual emissions statement for the previous calendar year. **The department and the commission will review the fee structure on an annual basis and adjust the fee as necessary to cover all reasonable costs required to develop and administer the programs required by the Act. The department shall submit the proposed budget for the following fiscal year to the commission no later than the March meeting. The commission shall set the fee based on the reasonable cost to run the program and the proposed budget no later than the May commission meeting of each year. The commission shall provide an opportunity for public comment prior to setting the fee.** The commission shall not set the fee higher than \$56 per ton without adopting the change pursuant to formal rule making.

SF488: 455B.133B(3) and (4), Page 3, and 455B.133C(3) and (4), Page 6.

d. New source review applications from major sources, which may include:

Commented [A33]: SF 488: 455B.133C (3), Page 6.

- (1) Each application for a construction permit;
- (2) Each application for a prevention of significant deterioration permit;
- (3) Each new equipment design in concept review (determination) submittals; and
- (4) Expedited processing of permit application submittals.

(5) Air quality modeling reviews which may include:

Commented [A34]: SF 488, 455B.133C(5)(b)(2)(a); Page 7.

1. Reviewing air quality modeling for construction permit application submittal; prevention of significant deterioration application submittal; and nonattainment new source review project application submittal; and

2. Conduct air quality modeling for construction permit application submittal.

b. New source review applications from minor sources, which may include:

Commented [A35]: SF 488: 455B.133C (3), Page 6.

- (1) Each application for a construction permit;
- (2) Each application for a registration permit;
- (3) Each application for a permit by rule; and
- (4) Each application for a permit template.

c. Asbestos notifications.

Commented [A36]: SF488: Section 455B.133C(3), Page 6.

d. Title V operating permit applications, which shall include:

Commented [A37]: SF 488: 455B.133(8)(a)(2), Page 1.

- (1) Initial application for an existing source as listed in 567—22.105(1)“a”(1).
- (2) Initial application for a new source as listed in 567—22.105(1)“a”(2).
- (3) Renewal application as listed in 567—22.105(1)“a”(4).
- (4) Application related to 112(g), PSD or nonattainment as listed in 567—22.105(1)“a”(3).
- (5) Application for a minor permit modification as listed in 567—22.105(1)“a”(7).

(6) Application for a significant permit modification as listed in 567—22.105(1)“a”(8).

(7) Application for an acid rain permit as listed in 567— 22.105(1) “a” (9).

e. Title V annual emissions.

30.6(3) Notification of fee schedule. Following initial setting of any fee by the commission, the department shall make available to the public a schedule of fees at least 30 days prior to its effective date. If any established fee amount is adjusted, the department shall make available to the public a revised fee schedule at least 30 days prior to its effective date. The fee schedule shall be posted on the department’s website.

567—30.7 (455B) Fee revenue. Each fee program is established to provide revenue for and is limited in use to specific activities.

30.7(1) New source review application fees from major sources. In accordance with Iowa Code 455B.133C(5), new source review fee revenues may be used to fund the direct and indirect costs related to accepting applications for new source review permits including permit revisions submitted by major sources as defined in section 502 of the federal Clean Air Act Amendments of 1990, 42 U.S.C. §7661, under new source review programs pursuant to that federal Act, including as provided under 567—Chapters 22, 31, and 33, as follows:

a. Reviewing and acting on any application for a new source review permit, including the determination of all applicable requirements and dispersion modeling as part of the processing of a permit or permit revision, or an applicability determination;

b. General administrative costs of administering new source review programs including supporting and tracking of any application for a new source review permit and related data entry; and

c. Developing and implementing an expedited new source review permit application process, and additional fees associated with this process.

30.7(2) *New source review application fees from minor sources.* In accordance with Iowa Code 455B.133C(6), minor new source review fee revenues may be used to fund the direct and indirect costs for accepting applications submitted by minor air contaminant sources for construction permits and for providing for registrations, permits by rule, or template permits in lieu of obtaining construction permits, under minor source new source review programs pursuant to the federal Clean Air Act Amendments of 1990, including as provided under 567—Chapter 22 (455B).

30.7(3) *Title V emissions.* In accordance with Iowa Code 455B.133B(5), Title V emissions fee revenues may be used to fund the direct and indirect costs related to:

a. General administrative costs of administering the operating permit program, including the supporting and tracking of operating permit applications, compliance certification, and related data entry.

b. Costs of implementing and enforcing the terms of an operating permit, not including any court costs or other costs associated with an enforcement action, including adequate resources to determine which sources are subject to the program.

c. Costs of emissions and ambient site-specific monitors.

d. Costs of Title V source-specific modeling, analyses, or demonstrations.

e. Costs of preparing inventories and tracking emissions.

f. Costs of providing direct support to sources under the small business stationary source technical and environmental compliance assistance program as provided in Iowa Code 455B.133A.

g. Costs associated with implementing and administering regulatory activities, including programs, as provided for in division II of Iowa Code 455B, other than costs covered by any of the following: operating permit application fees; new source review application fees; notification fees, pursuant to Iowa Code 455B.133B(5)(d)(2).

30.7(4) Title V applications. In accordance with Iowa Code 455B.133B(6), Title V applications fee revenues may be used to fund the direct and indirect costs related to accepting applications for operating permits submitted by major sources as defined in section 502 of the federal Clean Air Act Amendments of 1990, 42 U.S.C. §7661, and as defined in 567—Chapter 22 (455B), as follows:

a. Costs of reviewing and acting on any application for an operating permit or operating permit revision.

b. General administrative costs of administering the operating permit program, including the supporting and tracking of operating permit applications and related data entry.

30.7(5) Asbestos notification. Per Iowa Code 455B.133C(7), asbestos notification fee revenue may be used to fund the direct and indirect costs related to implementing and administering the asbestos national emission standard for hazardous air pollutants program pursuant to 567—Chapter 23 (455B).