



**STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION**



**Statement of Reasons Pursuant to
Connecticut General Statutes Section 4-168(d)**

HEARING REPORT

June 11, 2002

**Proposed Revision to the Regulations of Connecticut State Agencies
Concerning the Amendment of Section 22a-174-26 — Fees**

**Hearing Officer:
Paul Farrell, Supervising Environmental Analyst
Planning & Standards Division
Bureau of Air Management**

Hearing Date: June 7, 2002

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I. Introduction

On May 7, 2002, the Commissioner of the Department of Environmental Protection (Department) published a notice of intent to revise State air quality regulations and revise the State Implementation Plan (SIP) for Air Quality.

The public hearing concerned one section of the Regulations of Connecticut State Agencies (R.C.S.A.), described further below. This regulation implements the state statutory framework that enables the Department to assess and collect permit fees. The permit fee supports the Department's efforts to implement a federal program as required by the federal Clean Air Act (CAA), known as new source review (NSR). The NSR program concerns the pre-construction review and approval of new or modifies sources of air pollution.

Pursuant to such notice, a public hearing was held on June 7, 2002 in the Holcombe Conference Room at 79 Elm Street Hartford, Connecticut. The public comment period for this proposed amendment closed on June 7, 2002 at 5 p.m.

II. Administrative Requirements

A. Hearing Report Content

As required by Connecticut General Statutes (C.G.S.) § 4-168(d), this report describes the amendment to the R.C.S.A. as proposed for hearing; the final wording of the proposed amendment to the R.C.S.A.; a statement of the principal reasons in support of the Department's proposed action; a statement of the principal reasons in opposition of the Department's proposed action and the reasons for rejecting such comments; and a summary of all comments and responses thereto on the proposed action.

B. Adoption of Regulations Pertaining to Activities for which the Federal Government has Adopted Standards or Procedures

In accordance with C.G.S. § 22a-6(h), the Commissioner must clearly distinguish, at the time of the public hearing, all provisions of a proposed regulation that differ from adopted federal standards and procedures, provided: (1) such proposed regulation pertains to activities addressed by adopted federal standards and procedures; and (2) such adopted federal standards and procedures apply to persons subject to the provisions of such proposed regulation. In addition, the Commissioner must provide an explanation for all such provisions in the regulation making record required under Title 4, Chapter 54 of the C.G.S.

In response to C.G.S. § 22a-6(h), the Hearing Officer made a statement at the public hearing. This statement, which is incorporated into the administrative record for the proposed amendment to section 22a-174-26 of the R.C.S.A., indicates that the requirements of C.G.S. § 22a-6(h) are not applicable to the proposed amendments to section 22a-174-26 because the federal government has not adopted standards or procedures that are applicable to any person potentially subject to this proposed regulation.

III. Background, Summary and Text of the Proposed Regulations

A. Background

The Department is vested with the statutory authority necessary to formulate, adopt and amend regulations to control and prohibit air pollution within Connecticut. This statutory authority includes power to establish a permit application fee sufficient to cover the reasonable costs of reviewing and acting upon an application for any state or federal permit, license, order or certificate for approval required pursuant to chapter 446c of the Connecticut General Statutes. (See C.G.S. §§ 22a-6, 22a-174, 22a-174(g), 22a-174(j) and 22a-174a).

B. Summary of the Regulations as Proposed for Public Hearing

R.C.S.A. section 22a-174-26 – Fees. The proposed amendment corrects internal citations within the regulations for the abatement of air pollution consistent with the adoption of section 22a-174-3a of the R.C.S.A. to ensure the Department maintains the legal authority to assess and collect permit application fees.

C. Text of Proposed R.C.S.A. section 22a-174-26:

Section 1. Subsections (a) through (c) and (e) through (l) of section 22a-174-26 of the Regulations of Connecticut State Agencies are amended to read as follows:

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 [of] 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) "commissioner" means the commissioner of environmental protection.]

[(6)] (5) "modification" means a modification as defined in section 22a-174-1 of the Regulations of Connecticut State Agencies.

[(7)] (6) "permit fee" means the fee required by [subdivision] SUBSECTION (c) (1) of this section.

[(8)] (7) "tentative determination" means a tentative determination issued by the commissioner under section 22a-6h of the CONNECTICUT General Statutes.

[(9)] (8) "TPY" means tons per year.

[(10)] (9) 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 [the effective date of this section] MARCH 15, 2002 any person who is required to file an application under [section 22a-174-3 (other than subdivision (g)(5) thereof),] 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-174-3 (other than subdivision (g)(5), thereof),] 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] EACH best available control technology [(bact)] (BACT) review required under section [22a-174-3] 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 [defined in section 22a-174-3(c)(1)(b)] 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] EACH lowest achievable emission rate [(laer)] (LAER) review required under section [22a-174-3] 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 [gas] FUEL shall be two hundred and fifty (\$250.00) dollars.

(4) There is no application fee for an application 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) [There is no fee for an application for a conditional permit to commence operations under section 22a-174-3 of the Regulations of Connecticut State Agencies.

(7) 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] 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] 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 [sections 22a-174-3 (except for subdivision (g)(5) thereof) and] 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) [Fee schedule.] THE FEE SCHEDULE IS SET FORTH IN TABLE 26-1

[Potential Emissions in TPY

TYPE OF PERMIT	REGULATION UNDER WHICH PERMIT IS ISSUED REGULATIONS OF CONNECTICUT STATE AGENCIES, SECTION 22a-174-:	100 OR MORE TPY	15 OR MORE TPY BUT LESS THAN 100 TPY	LESS THAN 15 TPY
(A) Permit to Construct	(3) (b), (3) (k) and (3) (l)	\$4,000	\$2,000	\$500
(B) Permit to	(3) (f), (3) (k),	\$4,000	\$2,000	\$500

operate	(3) (1) and (29) (g) (1)			
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(C) Renewal of permit to construct or permit to operate	(3) (g) (4), and (3) (d) (9)	\$2,000	\$1,000	\$500
(D) Permit for use of solid fuel	(19) (a) (2) (I)	\$4,000	\$2,000	\$500
(E) Permit for air Pollution control energy trade	(19) (a) (3)	\$10,000	\$5,000	\$2,500

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

TABLE 26-1
PERMIT FEE SCHEDULE

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) [When the subject permit requires no ambient air quality impact modeling, the fee required by subparagraph (2)(a) or (2)(b) of this subsection shall be fifty percent (50%) of the amount there specified.

(4) 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.

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

(e) **Transfer fee.** Each person [filing] REGISTERING A PROPOSED TRANSFER OF A LICENSE with the commissioner [under Public Act 95-218 a registration of a proposed transfer of a permit issued under section 22a-174 of] UNDER SECTION 22a-6o OF THE CONNECTICUT [the] 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 (1) of section 22a-174 of the [general statutes] CONNECTICUT GENERAL STATUTES shall submit with such registration [a fee of two-hundred and fifty (\$250.00) dollars] THE FEE REQUIRED BY SECTION 22a-6f(b) OF THE CONNECTICUT GENERAL STATUTES.

(g) **Annual INSPECTION fees.**

[(1)] There is no fee for any annual inspection conducted under section 22a-174a of the CONNECTICUT General Statutes.

[(2)] There is no fee for a biennial registration submitted pursuant to section 22a-174-2 of the Regulations of Connecticut State Agencies.]

(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 [general statutes] 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 [subdivision] SUBSECTION (d)(6) of this section, "Air Management Fee."

(2)(A) Notwithstanding [subdivision] SUBSECTION (d)(4) of this section, for any [premise] PREMISES, when any calculation performed under [subdivision] 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 [subdivision] 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 [subdivision] 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 [subdivision] 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 [general statutes] 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 (1) 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.

Statement of Purpose: To correct internal citations within section 22a-174-26 of the Regulations for the Abatement of Air Pollution consistent with the adoption of R.C.S.A. section 22a-174-3a to ensure the Department maintains the legal authority to assess and collect permit application fees.

IV. Statement of Principal Reasons in Support of the Department's Intended Action

The Department did not receive any public comments on the proposed regulation. The principal reason in support of this proposed regulation is:

- The correction of internal citations within the Regulations for the Abatement of Air Pollution consistent with the adoption of R.C.S.A. section 22a-174-3a to ensure the Department maintains the legal authority to collect permit application fees as authorized by sections 22a-174, 22a-174(g), 22a-174(j) and 22a-174a of the Connecticut General Statutes.

V. Statement of Principal Considerations in Opposition to the Department's Intended Action as Urged in Written or Oral Comments and the Department's Reason for Rejecting Such Considerations

A. Principal Considerations Raised in Opposition to the Proposed Regulations

The Department did not receive any public comments on the proposed regulation.

B. Reasons for Rejecting Considerations in Opposition to the Proposed Regulations

The Department did not receive any public comments on the proposed regulation.

VI. Additional Comments of the Hearing Officers

The Department should make the following technical and/or typographical corrections to the proposed regulations:

1. A period should be inserted at the end of the sentence in subsection (c)(2).
2. The term "PTE" used in Table 26-1 should be defined in subsection (a) and the remaining definitions should be renumbered accordingly.

VII. Final Wording of Proposed R.C.S.A. 22a-174-26:

Section 1. Subsections (a) through (c) and (e) through (l) of section 22a-174-26 of the Regulations of Connecticut State Agencies are amended to read as follows:

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 [of] 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) "commissioner" means the commissioner of environmental protection.]

[(6)] (5) "modification" means a modification as defined in section 22a-174-1 of the Regulations of Connecticut State Agencies.

[(7)] (6) "permit fee" means the fee required by [subdivision] 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 [the effective date of this section] MARCH 15, 2002 any person who is required to file an application under [section 22a-174-3 (other than subdivision (g)(5) thereof),] 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-174-3 (other than subdivision (g)(5), thereof),] 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] EACH best available control technology [(bact)] (BACT) review required under section [22a-174-3] 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 [defined in section 22a-174-3(c)(1)(b)] 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] EACH lowest achievable emission rate [(laer)] (LAER) review required under section [22a-174-3] 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 [gas] FUEL shall be two hundred and fifty (\$250.00) dollars.

(4) There is no application fee for an application 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) [There is no fee for an application for a conditional permit to commence operations under section 22a-174-3 of the Regulations of Connecticut State Agencies.

(7)] 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] 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] 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 [sections 22a-174-3 (except for subdivision (g) (5) thereof) and] 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) [Fee schedule.] THE FEE SCHEDULE IS SET FORTH IN TABLE 26-1.

[Potential Emissions in TPY

TYPE OF PERMIT	REGULATION UNDER WHICH PERMIT IS ISSUED REGULATIONS OF CONNECTICUT STATE AGENCIES, SECTION 22a-174-:	100 OR MORE TPY	15 OR MORE TPY BUT LESS THAN 100 TPY	LESS THAN 15 TPY
(A) Permit to Construct	(3) (b), (3) (k) and (3) (l)	\$4,000	\$2,000	\$500
(B) Permit to operate	(3) (f), (3) (k), (3) (l) and (29) (g) (1)	\$4,000	\$2,000	\$500
(C) Renewal of permit to construct or permit to operate	(3) (g) (4), and (3) (d) (9)	\$2,000	\$1,000	\$500
(D) Permit for use of solid fuel	(19) (a) (2) (I)	\$4,000	\$2,000	\$500
(E) Permit for air Pollution control energy trade	(19) (a) (3)	\$10,000	\$5,000	\$2,500

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 POTENTIAL EMISSIONS OF ANY INDIVIDUAL AIR POLLUTANT FROM SUCH UNIT BY FIFTEEN (15) TONS OR MORE PER YEAR	22a-174-3a(a)(1)(E)	NA	\$2,000
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	22a-174-3a(a)(1)(F)	\$4,000	NA

TABLE 26-1 PERMIT FEE SCHEDULE			
SOURCE OR MODIFICATION OTHERWISE TO EMIT A POLLUTANT			
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) [When the subject permit requires no ambient air quality impact modeling, the fee required by subparagraph (2)(a) or (2)(b) of this subsection shall be fifty percent (50%) of the amount there specified.

(4)] 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.

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

(e) **Transfer fee.** Each person [filing] REGISTERING A PROPOSED TRANSFER OF A LICENSE with the commissioner [under Public Act 95-218 a registration of a proposed transfer of a permit issued under section 22a-174 of] UNDER SECTION 22a-6o OF THE CONNECTICUT [the] 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 (1) of section 22a-174 of the [general statutes] CONNECTICUT GENERAL STATUTES shall submit with such registration [a fee of two-hundred and fifty (\$250.00) dollars] THE FEE REQUIRED BY SECTION 22a-6f(b) OF THE CONNECTICUT GENERAL STATUTES.

(g) Annual INSPECTION fees.

[(1)] There is no fee for any annual inspection conducted under section 22a-174a of the CONNECTICUT General Statutes.

[(2)] There is no fee for a biennial registration submitted pursuant to section 22a-174-2 of the Regulations of Connecticut State Agencies.]

(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 [general statutes] 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 [subdivision] SUBSECTION (d)(6) of this section, "Air Management Fee."

(2) (A) Notwithstanding [subdivision] SUBSECTION (d)(4) of this section, for any [premise] PREMISES, when any calculation performed under [subdivision] 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 [subdivision] 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 [subdivision] 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 [subdivision] 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 [general statutes] 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 (1) 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.

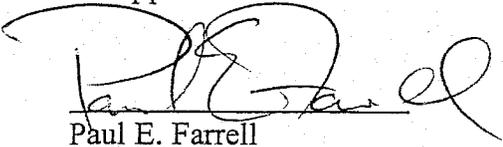
(4) If the owner or operator of a Title V source pays an emission fee under subsection (d) of this section in excess of the fee actually due, the commissioner shall refund to such owner or operator the portion of the fee paid which is excessive.

(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.

VIII. Conclusion

As there were no public comments submitted to the Department, I recommend the proposed final regulation, as contained in Part VII of this report, be submitted by the Commissioner of Environmental Protection for approval by the Attorney General and the Legislative Regulations Review Committee. Based upon the same considerations, I also recommend these proposed regulations, upon promulgation, be submitted to the EPA in accordance with the applicable law.


Paul E. Farrell
Hearing Officer

June 11, 2002
Date

