
TITLE 326 AIR POLLUTION CONTROL DIVISION

**FINDINGS AND DETERMINATION OF THE COMMISSIONER PURSUANT TO
[IC 13-14-9-7](#) AND SECOND NOTICE OF COMMENT PERIOD**
LSA Document #20-21**TITLE V AIR PERMIT FEE UPDATES****PURPOSE OF NOTICE**

The Indiana Department of Environmental Management (IDEM) has developed draft rule language for amendments to [326 IAC 2-1.1-7](#), concerning increases to Title V air program permit fees, as required by House Enrolled Act 1278 and as approved by the Environmental Rules Board on August 14, 2019. The purpose of this notice is to seek public comment on the draft rule, including suggestions for specific language to be included in the rule. IDEM seeks comment on the affected citations listed and any other provisions of Title 326 that may be affected by this rulemaking.

CITATIONS AFFECTED: [326 IAC 2-1.1-7](#).

AUTHORITY: [IC 13-14-8](#); [IC 13-15](#); [IC 13-16](#); [IC 13-17-3-10](#); [IC 13-17-8](#).

STATUTORY REQUIREMENTS

[IC 13-14-9-7](#) recognizes that under certain circumstances it may be appropriate to reduce the number of public comment periods routinely provided. In cases where the commissioner determines that the rulemaking policy alternatives available to IDEM are so limited that the first notice of public comment period would provide no substantial benefit to the environment or persons to be regulated or otherwise affected by the proposed rule, IDEM may forgo this comment period and proceed directly to the notice of second public comment period.

If the commissioner makes the determination of limited rulemaking policy alternatives required by [IC 13-14-9-7](#), the commissioner shall prepare written findings and include them in the second notice of public comment period published in the Indiana Register. This document constitutes the commissioner's written findings pursuant to [IC 13-14-9-7](#).

The statute provides for this shortened rulemaking process if the commissioner determines that "the rulemaking policy alternatives available to the department are so limited that the public notice and comment period under [\[IC 13-14-9-3\]](#) . . . would provide no substantial benefit to:

- (1) the environment; or
- (2) persons to be regulated or otherwise affected by the proposed rule."

BACKGROUND

Title V of the Clean Air Act (CAA) requires state air permitting programs to be supported by fees. These fees must be sufficient to cover all reasonable direct and indirect costs incurred in the development and administration of the air permit program in accordance with federal requirements. [IC 13-17-8](#) established the aforementioned fees associated with Title V of the CAA (Title V fees) and IDEM implemented Indiana's Title V air permit program fees in [326 IAC 2-1.1-7](#).

On May 5, 2019, the Governor signed into law House Enrolled Act (HEA) 1278. This law requires the Environmental Rules Board (board) to increase Title V fees to cause the annual aggregate fee revenue after the fee increase to be two million dollars (\$2,000,000) greater than the aggregate fee revenue actually received from Title V fees in the year immediately preceding the fee increase. HEA 1278 requires the board to adopt this increase before January 1, 2022. The law also prohibits subsequent Title V fee increases from being more than 10% and from taking place more than once in a five-year period. Additionally, HEA 1278 only permits the board to increase Title V fees by two million dollars (\$2,000,000) one time before January 1, 2022.

In accordance with HEA 1278, on August 14, 2019, a majority of the board voted to affirm the required increase in Title V fees to cause the annual aggregate fee revenue after the fee increase to be two million dollars (\$2,000,000) greater than the aggregate fee revenue actually received from Title V fees in the year immediately preceding the fee increase. This is the second time the Title V fees have been increased since the fees were established in 1995. [IC 13-17-8-7](#) gives IDEM the authority to increase Title V fees every year based on the Consumer Price Index (CPI) if an increase is necessary to cover the costs associated with the Title V permit program; however, IDEM has not raised Title V fees since 2006.

The Title V fee increase, as approved by the board on August 14, 2019, and as required by HEA 1278, is 27%. This increase is consistent with HEA 1278, as it would increase the annual aggregate Title V fee revenue by approximately two million dollars (\$2,000,000) over Fiscal Year (FY) 2018 fee revenue. Additionally, the calculated CPI increase from 2006 through April 2019 is 27.1%.

HEA 1278 also requires the board to institute a one-time increase of the fees established by [IC 13-18-10](#), [IC](#)

[13-18-20](#), [IC 13-18-20.5](#), [IC 13-20-21](#), and [IC 13-22-12](#) by three million two hundred thousand dollars (\$3,200,000) greater than the aggregate fee revenue actually received by IDEM from these fees in the year preceding the fee increase. However, these fee increases will be dealt with in a separate rulemaking. This rulemaking seeks to codify the 27% increase in Title V fees that was approved by the board on August 14, 2019, and is required by HEA 1278.

[IC 13-14-9-4](#) Identification of Restrictions and Requirements Not Imposed under Federal Law

No element of the draft rule imposes either a restriction or a requirement on persons to whom the draft rule applies that is not imposed under federal law. This rule is required under HEA 1278 (Public Law 250-2019).

Potential Fiscal Impact

There is no fiscal impact beyond what is required by HEA 1278. This statute requires the Title V fees to be increased to two million dollars (\$2,000,000) greater than the aggregate fee revenue actually received from Title V fees in the year immediately preceding the fee increase. In accordance with HEA 1278 and the existing regulatory process for increasing Title V fees in [326 IAC 2-7-19](#)(e), the Environmental Rules Board approved an increase of 27% to the Title V fees that is effective for new permit applications starting October 1, 2019, and for annual permitting fees starting January 1, 2020.

Public Participation and Work Group Information

No work group is planned for the rulemaking. If you feel that a work group or other informal discussion on the rule is appropriate, please contact Seth Engdahl, Rules Development Branch, Office of Legal Counsel at (317) 234-9535 or (800) 451-6027 (in Indiana).

Small Business Assistance Information

IDEM established a compliance and technical assistance program (CTAP) under [IC 13-28-3](#). The program provides assistance to small businesses and information regarding compliance with environmental regulations. In accordance with [IC 13-28-3](#) and [IC 13-28-5](#), there is a small business assistance program ombudsman to provide a point of contact for small businesses affected by environmental regulations. Information on CTAP and other resources available can be found at:

www.in.gov/idem/ctap

For purposes of [IC 4-22-2-28.1](#), small businesses affected by this rulemaking may contact the Small Business Regulatory Coordinator:

Angela Taylor
IDEM Small Business Regulatory Coordinator/CTAP Small Business Liaison
IGCN 1316
100 North Senate Avenue
Indianapolis, IN 46204-2251
(317) 233-0572 or (800) 988-7901
ctap@idem.in.gov

For purposes of [IC 4-22-2-28.1](#), the Small Business Ombudsman designated by [IC 5-28-17-6](#) is:

Katelyn Colclazier
Small Business Ombudsman
Indiana Economic Development Corporation
One North Capitol, Suite 700
Indianapolis, IN 46204
(317) 431-1560
kcolclazier@iedc.in.gov

Resources available to regulated entities through the small business ombudsman include the ombudsman's duties stated in [IC 5-28-17-6](#), specifically [IC 5-28-17-6](#)(9), investigating and attempting to resolve any matter regarding compliance by a small business with a law, rule, or policy administered by a state agency, either as a party to a proceeding or as a mediator.

The Small Business Assistance Program Ombudsman is:

Erin Moorhous
IDEM Small Business Assistance Program Ombudsman/Business, Agricultural, and Legislative Liaison
IGCN 1301
100 North Senate Avenue
Indianapolis, IN 46204-2251
(317) 232-8921 or (800) 451-6027
emoorhou@idem.in.gov

FINDINGS

The commissioner of IDEM has prepared written findings regarding rulemaking concerning increases to Title V air program permit fees. These findings are prepared under [IC 13-14-9-7](#) and are as follows:

(1) The fee increases included in this rulemaking are required by HEA 1278, and were approved by the Environmental Rules Board on August 14, 2019, in accordance with the statute.

- (2) I have determined that under the specific circumstances pertaining to this rule, the rulemaking policy alternatives are so limited that the public notice and comment period provided in the notice of first public comment period would provide no substantial benefit to the environment or to persons to be regulated or otherwise affected by the rule.
- (3) The draft rule is hereby incorporated into these findings.

Bruno L. Pigott
Commissioner
Indiana Department of Environmental Management

REQUEST FOR PUBLIC COMMENTS

This notice requests the submission of comments on the draft rule language, including suggestions for specific revisions to language to be contained in the draft rule. Comments may be submitted in one of the following ways:

- (1) By mail or common carrier to the following address:
LSA Document #20-21 Title V Permit Fee Increases
Seth Engdahl
Rules Development Branch
Office of Legal Counsel
Indiana Department of Environmental Management
Indiana Government Center North
100 North Senate Avenue
Indianapolis, IN 46204-2251
 - (2) By facsimile to (317) 233-5970. Please confirm the timely receipt of your faxed comments by calling the Rules Development Branch at (317) 232-8922.
 - (3) By electronic mail to sengdahl@idem.in.gov. To confirm timely delivery of submitted comments, please request a document receipt when sending the electronic mail. **PLEASE NOTE: Electronic mail comments will NOT be considered part of the official written comment period unless they are sent to the address indicated in this notice.**
 - (4) Hand delivered to the receptionist on duty at the thirteenth floor reception desk, Office of Legal Counsel, Indiana Government Center North, 100 North Senate Avenue, Indianapolis, Indiana.
- Regardless of the delivery method used, to properly identify each comment with the rulemaking action it is intended to address, each comment document must clearly specify the LSA document number of the rulemaking.

COMMENT PERIOD DEADLINE

All comments must be postmarked, faxed, or time stamped not later than March 20, 2020. Hand-delivered comments must be delivered to the appropriate office by 4:45 p.m. on the above-listed deadline date.

Additional information regarding this action may be obtained from Seth Engdahl, Rules Development Branch, Office of Legal Counsel, (317) 234-9536 or (800) 451-6027 (in Indiana).

DRAFT RULE

SECTION 1. [326 IAC 2-1.1-7](#) IS AMENDED TO READ AS FOLLOWS:

[326 IAC 2-1.1-7](#) Fees

Authority: [IC 13-14-8](#); [IC 13-15-2](#); [IC 13-17](#)

Affected: [IC 13-15](#); [IC 13-16-2](#)

Sec. 7. (a) In accordance with this section, the applicant shall pay a fee based upon the cost to the commissioner of processing and reviewing applications or requirements for the following:

- (1) A permit.
- (2) An operating agreement.
- (3) A registration.
- (4) A modification.
- (5) A revision.
- (6) The cost of determining compliance with the terms and conditions of a permit.
- (7) Any other applicable authorization identified in this section.

(b) Fees ~~shall~~ **must** be paid in accordance with the following:

(1) For the fees described in subsection (c), the commissioner shall either:

(A) adjust the base fee, the cost per ton of emissions fee, and the maximum fee annually by the consumer price index (CPI) using the revision of the CPI that is most consistent with the CPI for the calendar year 1995; or

(B) submit a fee adequacy demonstration to U.S. EPA that demonstrates that the current level of fees provides sufficient funds for operation of the Title V permit program.

(2) Except for the fees described in subsection (c), the commissioner may adjust all fees on January 1 of each calendar year by the CPI using the revision of the CPI that is most consistent with the CPI for the calendar year 1995. Fees listed in this section may have been adjusted by the CPI. Bills ~~shall~~ **must** reflect most current fee schedule.

(3) Except for interim permits under subsection (l), fees ~~shall~~ **must** be paid:

(A) by mail or in person;

(B) upon billing by check or money order, payable to "Cashier, Indiana Department of Environmental Management"; and

(C) no later than thirty (30) days after receipt of the billing.

Nonpayment may result in denial of a permit application or revocation of the permit.

(4) If an annual fee is being paid under a fee payment schedule established under [IC 13-16-2](#), the fee ~~shall~~ **must** be paid in accordance with that schedule. Establishment of a fee payment schedule must be consistent with [IC 13-16-2](#), including the determination that:

(A) a single payment of the entire fee is an undue hardship on the person; and

(B) the commissioner is not required to assess installments separately.

Failure to pay in accordance with the fee payment schedule that results in substantial nonpayment of the fee may result in revocation of the permit.

(5) Fees are nonrefundable ~~The fees shall neither~~ **and must not** be refunded ~~nor~~ **or** applied to any subsequent application or reapplication, if the:

(A) permit is denied or revoked;

(B) source or emissions unit is shut down; or

(C) application is withdrawn after the start of the public comment period.

(c) The Title V operating permit program trust fund described in [326 IAC 2-7-19](#) and [326 IAC 2-8-16](#) includes all fees from the following sources:

(1) Part 70 sources under [326 IAC 2-7](#).

(2) FESOP sources under [326 IAC 2-8](#).

(3) SSOA sources under [326 IAC 2-9](#).

(d) A source that applies for a Part 70 permit under [326 IAC 2-7](#) shall submit the following fees, as applicable:

(1) ~~Six~~ **Seven** hundred twenty-five ~~ninety-three~~ dollars (~~\$625~~) (**\$793**) for the following:

(A) Minor source modification under [326 IAC 2-7-10.5](#)(e).

(B) Permit renewal with minor source modification under:

(i) [326 IAC 2-7-4](#) or [326 IAC 2-7-8](#); and

(ii) [326 IAC 2-7-10.5](#)(e).

(2) ~~Four~~ **Five** thousand three hundred ~~seventy-five~~ **fifty-six** dollars (~~\$4,375~~) (**\$5,556**) for the following permits that are not subject to PSD under [326 IAC 2-2](#), or emission offsets under [326 IAC 2-3](#) or section 5 of this rule:

(A) Construction permit under [326 IAC 2-5.1](#).

(B) Significant source modification under [326 IAC 2-7-10.5](#)(g).

(C) Permit renewal with significant source modification under:

(i) [326 IAC 2-7-4](#) or [326 IAC 2-7-8](#); and

(ii) [326 IAC 2-7-10.5](#)(g).

(3) ~~Seven~~ **Nine** thousand five hundred ~~twenty-five~~ dollars (~~\$7,500~~) (**\$9,525**) for the following permits that are subject to PSD under [326 IAC 2-2](#), or emission offsets under [326 IAC 2-3](#) or section 5 of this rule:

(A) Construction permit under [326 IAC 2-5.1](#).

(B) Significant source modification under [326 IAC 2-7-10.5](#)(g).

(C) Permit renewal with significant source modification under:

(i) [326 IAC 2-7-4](#) or [326 IAC 2-7-8](#); and

(ii) [326 IAC 2-7-10.5](#)(g).

(4) Except for a municipal solid waste incinerator with capacity greater than two hundred fifty (250) tons per day, Part 70 annual fees as follows:

(A) A base fee of ~~one~~ **two** thousand eight ~~three~~ hundred ~~seventy-five~~ **eighty-one** dollars (~~\$1,875~~) (**\$2,381**) and an additional fee of ~~forty-one~~ **fifty-two** dollars and ~~twenty-five~~ **thirty-eight** cents (~~\$41.25~~) (**\$52.38**) per

ton for each ton of regulated air pollutant emitted, to be limited to not more than:

- (i) ~~one two hundred eighty-seven~~ **thirty-eight** thousand five ~~one~~ hundred **twenty-five** dollars ~~(\$187,500); (\$238,125)~~; or
- (ii) ~~two three hundred fifty~~ **seventeen** thousand **five hundred** dollars ~~(\$250,000); (\$317,500)~~, if a source:
 - (AA) emits more than one hundred (100) tons per year of NO_x;
 - (BB) emits more than one hundred (100) tons per year of VOC; and
 - (CC) is located in an area designated as serious or severe nonattainment for ozone in accordance with the CAA.

(B) The annual fee calculation in clause (A) ~~shall exclude~~ **excludes** the following:

- (i) The amount of a Part 70 source's actual annual emission of each regulated air pollutant that the source emits in excess of four thousand (4,000) tons per year.
- (ii) Emissions for which a fee is due in accordance with this section, except from coke plants subject to 40 CFR 63, Subpart L*.

(5) Fees for establishing a plantwide applicability limitation (PAL) are as follows:

- (A) A separate fee ~~shall must~~ be assessed for each PAL pollutant.
- (B) The fee for each PAL pollutant ~~shall be fifty~~ **is sixty-three** dollars ~~(\$50) (\$63)~~ per ton of the allowable emissions for that PAL pollutant.
- (C) The maximum combined fee for all PAL pollutants ~~shall must~~ not exceed ~~fifty sixty-three~~ **thousand five hundred** dollars ~~(\$50,000); (\$63,500)~~.

(e) A source that applies for a FESOP under [326 IAC 2-8](#), except FESOP general permit sources under [326 IAC 2-8-18](#), shall submit the following fees, as applicable:

(1) ~~Three Four~~ thousand seven hundred ~~fifty sixty-two~~ dollars ~~(\$3,750) (\$4,762)~~ for an initial FESOP under [326 IAC 2-8-3](#).

(2) ~~Six Seven~~ hundred ~~twenty-five~~ **ninety-three** dollars ~~(\$625) (\$793)~~ for the following:

(A) Minor permit revision under [326 IAC 2-8-11.1](#)(d).

(B) Permit renewal with minor permit revision under:

(i) [326 IAC 2-8-3](#) or [326 IAC 2-8-7](#); and

(ii) [326 IAC 2-8-11.1](#)(d).

(3) ~~Four Five~~ thousand ~~three five~~ hundred ~~seventy-five~~ **fifty-six** dollars ~~(\$4,375) (\$5,556)~~ for the following permits that are not subject to PSD under [326 IAC 2-2](#), or emission offsets under [326 IAC 2-3](#) or section 5 of this rule:

(A) Construction permit under [326 IAC 2-5.1](#).

(B) Significant permit revision under [326 IAC 2-8-11.1](#)(f) or [326 IAC 2-8-11.1](#)(g).

(C) Permit renewal with significant permit revision under:

(i) [326 IAC 2-8-3](#) or [326 IAC 2-8-7](#); and

(ii) [326 IAC 2-8-11.1](#)(f) or [326 IAC 2-8-11.1](#)(g).

(4) ~~Seven Nine~~ thousand five hundred **twenty-five** dollars ~~(\$7,500) (\$9,525)~~ for the following permits that are subject to PSD under [326 IAC 2-2](#), or emission offsets under [326 IAC 2-3](#) or section 5 of this rule:

(A) Construction permit under [326 IAC 2-5.1](#).

(B) Significant permit revision under [326 IAC 2-8-11.1](#)(f) or [326 IAC 2-8-11.1](#)(g).

(C) Permit renewal with significant permit revision under:

(i) [326 IAC 2-8-3](#) or [326 IAC 2-8-7](#); and

(ii) [326 IAC 2-8-11.1](#)(f) or [326 IAC 2-8-11.1](#)(g).

(5) An annual fee of ~~one two thousand eight three~~ hundred ~~seventy-five~~ **eighty-one** dollars ~~(\$1,875) (\$2,381)~~ under [326 IAC 2-8-16](#)(b).

(6) Fees for establishing a PAL are as follows:

(A) A separate fee ~~shall must~~ be assessed for each PAL pollutant.

(B) The fee for each PAL pollutant ~~shall be fifty~~ **is sixty-three** dollars ~~(\$50) (\$63)~~ per ton of the allowable emissions for that PAL pollutant.

(C) The maximum combined fee for all PAL pollutants ~~shall must~~ not exceed ~~fifty sixty-three~~ **thousand five hundred** dollars ~~(\$50,000); (\$63,500)~~.

(f) A source that applies for a FESOP general permit under [326 IAC 2-8-18](#) shall submit the following fees, as applicable:

(1) An application fee of ~~six seven~~ hundred ~~twenty-five~~ **ninety-three** dollars ~~(\$625) (\$793)~~ under [326 IAC 2-8-18](#).

(2) An annual fee of one thousand ~~two five~~ hundred ~~fifty~~ **eighty-seven** dollars ~~(\$1,250) (\$1,587)~~ under [326 IAC 2-8-18](#).

(g) A source that applies for a SSOA under [326 IAC 2-9](#) shall submit the following fees, as applicable:

(1) ~~Four~~ **Five** thousand ~~three~~ **five** hundred ~~seventy-five~~ **fifty-six** dollars (~~\$4,375~~) (**\$5,556**) for a construction permit under [326 IAC 2-5.1](#).

(2) For an existing source, for up to four (4) SSOAs on the same application, an application fee of ~~six~~ **seven** hundred ~~twenty-five~~ **ninety-three** dollars (~~\$625~~) (**\$793**) under [326 IAC 2-9](#) as follows:

(A) Industrial or commercial surface coatings under [326 IAC 2-9-2.5](#).

(B) Surface coating or graphic arts operations under [326 IAC 2-9-3](#).

(C) Woodworking operations under [326 IAC 2-9-4](#).

(D) Abrasive cleaning operations under [326 IAC 2-9-5](#).

(E) Grain elevators under [326 IAC 2-9-6](#).

(F) Sand and gravel plants under [326 IAC 2-9-7](#).

(G) Crushed stone processing plants under [326 IAC 2-9-8](#).

(H) Ready-mix concrete batch plants under [326 IAC 2-9-9](#).

(I) Coal mines and coal preparation plants under [326 IAC 2-9-10](#).

(J) Automobile refinishing operations under [326 IAC 2-9-11](#).

(K) Degreasing operations under [326 IAC 2-9-12](#).

(L) External combustion sources [326 IAC 2-9-13](#).

(M) Internal combustion sources [326 IAC 2-9-14](#).

(3) An annual fee of one thousand ~~two~~ **hundred seventy** dollars (~~\$1,000~~) (**\$1,270**) for crushed stone processing plants under [326 IAC 2-9-8\(b\)\(3\)](#).

(4) An annual fee of ~~seven~~ **nine** hundred ~~fifty~~ **fifty-two** dollars (~~\$750~~) (**\$952**) for coal mines and coal preparation plants under [326 IAC 2-9-10](#).

(h) A source that applies for an MSOP under [326 IAC 2-6.1](#) shall submit the following fees, as applicable:

(1) One hundred dollars (\$100) for an initial MSOP under [326 IAC 2-6.1](#).

(2) Six hundred dollars (\$600) for the following:

(A) Minor permit revision under [326 IAC 2-6.1-6\(g\)](#).

(B) Permit renewal with minor permit revision under [326 IAC 2-6.1-7](#) and [326 IAC 2-6.1-6\(g\)](#).

(3) One hundred dollars (\$100) for an MSOP renewal under [326 IAC 2-6.1-7](#).

(4) Three thousand five hundred dollars (\$3,500) for the following permits that are not subject to PSD under [326 IAC 2-2](#), or emission offsets under [326 IAC 2-3](#) or section 5 of this rule:

(A) Construction permit under [326 IAC 2-5.1](#).

(B) Significant permit revision under [326 IAC 2-6.1-6\(i\)](#).

(C) Permit renewal with significant permit revision under [326 IAC 2-6.1-7](#) and [326 IAC 2-6.1-6\(i\)](#).

(5) Six thousand dollars (\$6,000) for the following permits that are subject to PSD under [326 IAC 2-2](#), or emission offsets under [326 IAC 2-3](#) or section 5 of this rule:

(A) Construction permit under [326 IAC 2-5.1](#).

(B) Significant permit revision under [326 IAC 2-6.1-6\(i\)](#).

(C) Permit renewal with significant permit revision under [326 IAC 2-6.1-7](#) and [326 IAC 2-6.1-6\(i\)](#).

(6) An annual operating fee of two hundred dollars (\$200) under [326 IAC 2-6.1](#).

(7) Fees for establishing a PAL are as follows:

(A) A separate fee ~~shall~~ **must** be assessed for each PAL pollutant.

(B) The fee for each PAL pollutant ~~shall be~~ **is** forty dollars (\$40) per ton of the allowable emissions for that PAL pollutant.

(C) The maximum combined fee for all PAL pollutants ~~shall~~ **must** not exceed forty thousand dollars (\$40,000).

(i) Applicable transition fees ~~shall~~ **must** be submitted as follows:

(1) One thousand ~~two~~ **five** hundred ~~fifty~~ **eighty-seven** dollars (~~\$1,250~~) (**\$1,587**) for a transition from a Part 70 permit to a FESOP.

(2) Except for a transition under subdivision (1), a transition fee ~~shall be~~ **is** the fee associated with the registration, operating agreement, or type of permit for which an application has been submitted to the department.

(j) Sources required to have a registration under [326 IAC 2-5.1-2](#) or [326 IAC 2-5.5](#) shall submit a fee of six hundred dollars (\$600).

(k) General permit sources under [326 IAC 2-12](#) shall submit a fee of six hundred twenty-five dollars (\$625).

(l) Sources seeking an interim permit approval under [326 IAC 2-13-1](#) shall submit a fee as follows:

(1) Title V, FESOP, and SSOA sources shall submit ~~six~~ **seven** hundred ~~twenty-five~~ **ninety-three** dollars ~~(\$625)~~ **(\$793)** with the application for an interim permit approval.

(2) MSOP, registration, or exempt sources shall submit five hundred dollars (\$500) with the application for an interim permit approval.

(3) The fee ~~shall~~ **must** be paid by:

(A) mail or in person; and

(B) check or money order, payable to "Cashier, Indiana Department of Environmental Management" at the time of application.

Nonpayment may result in denial of a permit application or revocation of the permit.

(m) Title V, FESOP, and SSOA sources subject to this article shall submit other applicable fees identified on the bill as follows:

(1) Fees for air quality analyses are as follows:

(A) A fee of ~~four~~ **five** thousand ~~three~~ **five** hundred ~~seventy-five~~ **fifty-six** dollars ~~(\$4,375)~~ **shall (\$5,556) must** be submitted if an air quality analysis is required under [326 IAC 2-2-5](#) or [326 IAC 2-3-3](#).

(B) In lieu of the fee under clause (A), a fee of ~~seven~~ **nine** thousand five hundred ~~twenty-five~~ **dollars (\$7,500) **shall (\$9,525) must** be submitted for an air quality analysis per pollutant performed by the department upon request of the source owner or operator. The commissioner may deny a request to perform an air quality analysis.**

(2) Fees for control technology analyses for best available control technology (BACT) under [326 IAC 2-2-3](#) or lowest achievable emission rate (LAER) under [326 IAC 2-3-3](#) are as follows per pollutant and per emissions unit or group of identical emissions units for which a control technology analysis is required:

(A) A fee of ~~three~~ **four** thousand seven hundred ~~fifty~~ **sixty-two** dollars ~~(\$3,750)~~ **shall (\$4,762) must** be submitted if two (2) to five (5) control technology analyses are required.

(B) A fee of ~~seven~~ **nine** thousand five hundred ~~twenty-five~~ **dollars (\$7,500) **shall (\$9,525) must** be submitted if six (6) to ten (10) control technology analyses are required.**

(C) A fee of ~~twelve~~ **fifteen** thousand ~~five~~ **eight** hundred ~~seventy-five~~ **dollars (\$12,500) **shall (\$15,875) must** be submitted if more than ten (10) control technology analyses are required.**

(3) A fee of ~~six~~ **seven** hundred ~~twenty-five~~ **ninety-three** dollars ~~(\$625)~~ **shall (\$793) must** be submitted for each review for an applicable:

(A) national emission standard for hazardous air pollutants under:

(i) [326 IAC 14](#);

(ii) [326 IAC 20](#);

(iii) 40 CFR 61; or

(iv) 40 CFR 63; or

(B) new source performance standard under:

(i) [326 IAC 12](#); or

(ii) 40 CFR 60.

(4) A fee of ~~six~~ **seven** hundred ~~twenty-five~~ **ninety-three** dollars ~~(\$625)~~ **shall (\$793) must** be submitted for each public hearing conducted prior to issuance of the permit, permit modification, or permit revision approval.

(5) A fee of ~~seven~~ **nine** hundred ~~fifty~~ **fifty-two** dollars ~~(\$750)~~ **shall (\$952) must** be submitted for each control technology analysis for BACT for volatile organic compounds under [326 IAC 8-1-6](#) and for maximum achievable control technology under [326 IAC 2-4-1](#).

(6) A fee of one hundred ~~twenty-five~~ **fifty-eight** dollars ~~(\$125)~~ **shall (\$158) must** be submitted for each experimental trial approval under section 3(h)(3) of this rule.

(7) Except for Part 70 and FESOP sources, a fee of one hundred ~~twenty-five~~ **fifty-eight** dollars ~~(\$125)~~ **shall (\$158) must** be submitted for each relocation approval for a portable source under [326 IAC 2-14](#).

(8) Except for Part 70 and FESOP sources, a fee of ~~eight~~ **one thousand one** hundred ~~seventy-five~~ **eleven** dollars ~~(\$875)~~ **shall (\$1,111) must** be submitted for a review under [326 IAC 3](#) of any source sampling test required by permit, per emissions unit. This fee shall be paid upon submittal of a protocol for the stack test as required by [326 IAC 3](#).

(n) MSOP, registration, or exempt sources subject to this article ~~shall~~ **must** submit other applicable fees identified on the bill as follows:

(1) A fee of one hundred dollars (\$100) for an exemption under section 3 of this rule or [326 IAC 2-5.1-1](#)(1).

(2) Fees for air quality analyses are as follows:

(A) A fee of three thousand five hundred dollars (\$3,500) ~~shall~~ **must** be submitted if an air quality analysis is required under [326 IAC 2-2-5](#) or [326 IAC 2-3-3](#).

(B) In lieu of the fee under clause (A), a fee of six thousand dollars (\$6,000) ~~shall~~ **must** be submitted for an

air quality analysis per pollutant performed by the department upon request of the source owner or operator.

The commissioner may deny a request to perform an air quality analysis.

(3) Fees for control technology analyses for BACT under [326 IAC 2-2-3](#) or LAER under [326 IAC 2-3-3](#) are as follows per pollutant and per emissions unit or group of identical emissions units for which a control technology analysis is required:

(A) A fee of three thousand dollars (\$3,000) ~~shall~~ **must** be submitted if two (2) to five (5) control technology analyses are required.

(B) A fee of six thousand dollars (\$6,000) ~~shall~~ **must** be submitted if six (6) to ten (10) control technology analyses are required.

(C) A fee of ten thousand dollars (\$10,000) ~~shall~~ **must** be submitted if more than ten (10) control technology analyses are required.

(4) A fee of five hundred dollars (\$500) ~~shall~~ **must** be submitted for each review for an applicable:

(A) national emission standard for hazardous air pollutants under:

(i) [326 IAC 14](#);

(ii) [326 IAC 20](#);

(iii) 40 CFR 61; or

(iv) 40 CFR 63; or

(B) new source performance standard under:

(i) [326 IAC 12](#); or

(ii) 40 CFR 60.

(5) A fee of five hundred dollars (\$500) ~~shall~~ **must** be submitted for each public hearing conducted prior to issuance of the permit or revision approval.

(6) A fee of six hundred dollars (\$600) ~~shall~~ **must** be submitted for each control technology analysis for BACT for volatile organic compounds under [326 IAC 8-1-6](#) and for maximum achievable control technology under [326 IAC 2-4-1](#).

(7) A fee of one hundred dollars (\$100) ~~shall~~ **must** be submitted for each experimental trial approval under section 3(h)(3) of this rule.

(8) A fee of one hundred dollars (\$100) ~~shall~~ **must** be submitted for each relocation approval for a portable source under [326 IAC 2-14](#).

(9) A fee of seven hundred dollars (\$700) ~~shall~~ **must** be submitted for review under [326 IAC 3](#) of any source sampling test required by permit, per emissions unit. This fee ~~shall~~ **must** be paid upon submittal of a protocol for the stack test as required by [326 IAC 3](#).

(o) Other annual operating permit fees ~~shall~~ **must** be assessed for identified source categories as follows:

(1) In addition to the applicable fees in this section, a fee for each coke plant equal to the costs to the commissioner associated with conducting the surveillance activities required to determine compliance with 40 CFR Part 63, Subpart L* ~~shall~~ **must** be submitted. Any fee collected under this subdivision ~~shall~~ **must** not exceed one hundred fifty-six thousand two hundred fifty dollars (\$156,250).

(2) A fee of ~~twenty-five thousand~~ **thirty-one thousand seven hundred fifty** dollars (~~\$25,000~~ **\$31,750**) **must** be submitted for a municipal solid waste incinerator with capacity greater than two hundred fifty (250) tons per day.

(p) The following table is provided as a reference to the fees described in this section:

DESCRIPTION		FEE	REFERENCE
Part 70 Fees			
	Minor Source Modification	\$625 \$793	326 IAC 2-7-10.5(e)
	Renewal with Minor Source Modification	\$625 \$793	326 IAC 2-7-4 , 326 IAC 2-7-8 , 326 IAC 2-7-10.5(e)
	Construction Permit	\$4,375 \$5,556	326 IAC 2-5.1
	Construction Permit with PSD or Emission Offset	\$7,500 \$9,525	326 IAC 2-1.1-5 , 326 IAC 2-2 , 326 IAC 2-3 , 326 IAC 2-5.1
	Significant Source Modification	\$4,375 \$5,556	326 IAC 2-7-10.5(g)
	Significant Source Modification with PSD or Emission Offset	\$7,500 \$9,525	326 IAC 2-1.1-5 , 326 IAC 2-2 , 326 IAC 2-3 , 326 IAC 2-7-10.5(g)
	Renewal with Significant Source Modification	\$4,375 \$5,556	326 IAC 2-7-4 , 326 IAC 2-7-8 , 326 IAC 2-7-10.5(g)

	Renewal with Significant Source Modification and PSD or Emission Offset	\$7,500 \$9,525	326 IAC 2-1.1-5 , 326 IAC 2-2 , 326 IAC 2-3 , 326 IAC 2-7-4 , 326 IAC 2-7-8 , 326 IAC 2-7-10.5(g)
	PAL (Separate fee per PAL pollutant. Maximum combined fee for all PAL pollutants not to exceed \$50,000-) \$63,500.)	\$50 \$63 per ton of allowable emissions	326 IAC 2-2.4 , 326 IAC 2-3.4
FESOP Fees			
	Initial FESOP	\$3,750 \$4,762	326 IAC 2-8-3
	Minor Permit Revision	\$625 \$793	326 IAC 2-8-11.1(d)
	Renewal with Minor Permit Revision	\$625 \$793	326 IAC 2-8-3 , 326 IAC 2-8-7 , 326 IAC 2-8-11.1(d)
	Construction Permit	\$4,375 \$5,556	326 IAC 2-5.1
	Construction Permit with PSD or Emission Offset	\$7,500 \$9,525	326 IAC 2-1.1-5 , 326 IAC 2-2 , 326 IAC 2-3 , 326 IAC 2-5.1
	Significant Permit Revision	\$4,375 \$5,556	326 IAC 2-8-11.1(f) , 326 IAC 2-8-11.1(g)
	Significant Permit Revision with PSD or Emission Offset	\$7,500 \$9,525	326 IAC 2-1.1-5 , 326 IAC 2-2 , 326 IAC 2-3 , 326 IAC 2-8-11.1(f) , 326 IAC 2-8-11.1(g)
	Renewal with Significant Permit Revision	\$4,375 \$5,556	326 IAC 2-8-3 , 326 IAC 2-8-7 , 326 IAC 2-8-11.1(f) , 326 IAC 2-8-11.1(g)
	Renewal with Significant Permit Revision and PSD or Emission Offset	\$7,500 \$9,525	326 IAC 2-1.1-5 , 326 IAC 2-2 , 326 IAC 2-3 , 326 IAC 2-8-3 , 326 IAC 2-8-7 , 326 IAC 2-8-11.1(f) , 326 IAC 2-8-11.1(g)
	PAL (Separate fee per PAL pollutant. Maximum combined fee for all PAL pollutants not to exceed \$50,000-) \$63,500.)	\$50 \$63 per ton of allowable emissions	326 IAC 2-2.4 , 326 IAC 2-3.4
	FESOP general permit	\$625 \$793	326 IAC 2-8-18
SSOA Fees			
	Construction Permit	\$4,375 \$5,556	326 IAC 2-5.1 , 326 IAC 2-9
	Industrial or Commercial Surface Coatings	\$625 \$793	326 IAC 2-9-2.5
	Surface Coating or Graphic Arts Operations	\$625 \$793	326 IAC 2-9-3
	Woodworking Operations	\$625 \$793	326 IAC 2-9-4
	Abrasive Cleaning Operations	\$625 \$793	326 IAC 2-9-5
	Grain Elevators	\$625 \$793	326 IAC 2-9-6
	Sand and Gravel Plants	\$625 \$793	326 IAC 2-9-7
	Crushed Stone Processing Plants	\$625 \$793	326 IAC 2-9-8
	Ready-mix Concrete Batch Plants	\$625 \$793	326 IAC 2-9-9
	Coal Mines and Coal Preparation Plants	\$625 \$793	326 IAC 2-9-10
	Automobile Refinishing Operations	\$625 \$793	326 IAC 2-9-11
	Degreasing Operations	\$625 \$793	326 IAC 2-9-12
	External Combustion Sources	\$625 \$793	326 IAC 2-9-13
	Internal Combustion Sources	\$625 \$793	326 IAC 2-9-14
	A source may apply for up to four SSOAs on a single SSOA application and the fee will be \$625 is \$793 for the application.		
Transition Fees			
	Transition from Part 70 Permit to FESOP	\$1,250 \$1,587	326 IAC 2-1.1-7.5
	All other transition fees shall be are the fee associated with the registration, operating agreement, or type of permit for which an application has been submitted to the department in accordance with 326 IAC 2-1.1-7.5 .		
MSOP Fees			

	Initial MSOP	\$100	326 IAC 2-6.1
	Minor Permit Revision	\$600	326 IAC 2-6.1-6(g)
	Renewal with Minor Permit Revision	\$600	326 IAC 2-6.1-7 , 326 IAC 2-6.1-6(g)
	Renewal	\$100	326 IAC 2-6.1-7
	Construction Permit	\$3,500	326 IAC 2-5.1
	Construction Permit with PSD or Emission Offset	\$6,000	326 IAC 2-1.1-5 , 326 IAC 2-2 , 326 IAC 2-3 , 326 IAC 2-5.1
	Significant Permit Revision (no PSD or Emission Offset)	\$3,500	326 IAC 2-6.1-6(i)
	Significant Permit Revision with PSD or Emission Offset	\$6,000	326 IAC 2-1.1-5 , 326 IAC 2-2 , 326 IAC 2-3 , 326 IAC 2-6.1-6(i)
	Renewal with Significant Permit Revision	\$3,500	326 IAC 2-6.1-7 , 326 IAC 2-6.1-6(i)
	Renewal with Significant Permit Revision and PSD or Emission Offset	\$6,000	326 IAC 2-1.1-5 , 326 IAC 2-2 , 326 IAC 2-3 , 326 IAC 2-6.1-7 , 326 IAC 2-6.1-6(i)
	PAL (Separate fee per PAL pollutant. Maximum combined fee for all PAL pollutants not to exceed \$40,000.)	\$40 per ton of allowable emissions	326 IAC 2-2.4 , 326 IAC 2-3.4
Registration		\$600	326 IAC 2-5.1-2 , 326 IAC 2-5.5
General Permit		\$625	326 IAC 2-12
Other Fees			
	Exemption (Exempt Source)	\$100	326 IAC 2-1.1-3 , 326 IAC 2-5.1-1(1)
	Relocation of a Portable Source (SSOA Source)	\$125 \$158	326 IAC 2-14
	Relocation of a Portable Source (MSOP, Registration, or Exempt Source)	\$100	326 IAC 2-14
	Interim Permit (Title V, FESOP, or SSOA Source)	\$625 \$793	326 IAC 2-13-1
	Interim Permit (MSOP, Registration, or Exempt Source)	\$500	326 IAC 2-13-1
	Public Hearing (Title V, FESOP, or SSOA Source)	\$625 \$793	326 IAC 2-7 , 326 IAC 2-8 , 326 IAC 2-9
	Public Hearing (MSOP, Registration, or Exempt Source)	\$500	326 IAC 2-1.1-3 , 326 IAC 2-5.5 , 326 IAC 2-6.1
	NSPS Review (Title V, FESOP, or SSOA Source)	\$625 \$793 each	326 IAC 12-1 , 40 CFR 60
	NSPS Review (MSOP, Registration, or Exempt Source)	\$500 each	326 IAC 12-1 , 40 CFR 60
	NESHAP Review (Title V, FESOP, or SSOA Source)	\$625 \$793 each	326 IAC 14 , 326 IAC 20 , 40 CFR 61, 40 CFR 63
	NESHAP Review (MSOP, Registration, or Exempt Source)	\$500 each	326 IAC 14 , 326 IAC 20 , 40 CFR 61, 40 CFR 63
	VOC BACT or MACT Review (Title V, FESOP, or SSOA Source)	\$750 \$952 each	326 IAC 8-1-6 , 326 IAC 2-4.1
	VOC BACT or MACT Review (MSOP, Registration, or Exempt Source)	\$600 each	326 IAC 8-1-6 , 326 IAC 2-4.1
PSD BACT or LAER Review			
	2 to 5 Review Analyses (Title V, FESOP, or SSOA source)	\$3,750 \$4,762	326 IAC 2-2-3 , 326 IAC 2-3-3
	6 to 10 Review Analyses (Title V, FESOP, or SSOA source)	\$7,500 \$9,525	326 IAC 2-2-3 , 326 IAC 2-3-3
	11 or More Review Analyses (Title V, FESOP, or SSOA Source)	\$12,500 \$15,875	326 IAC 2-2-3 , 326 IAC 2-3-3
	2 to 5 Review Analyses (MSOP, Registration, or Exempt Source)	\$3,000	326 IAC 2-2-3 , 326 IAC 2-3-3
	6 to 10 Review Analyses (MSOP, Registration, or Exempt Source)	\$6,000	326 IAC 2-2-3 , 326 IAC 2-3-3
	11 or More Review Analyses (MSOP, Registration, or Exempt Source)	\$10,000	326 IAC 2-2-3 , 326 IAC 2-3-3

Air Quality Impact Study Review			
	If Applicant Does Analysis (Title V, FESOP, or SSOA Source)	\$4,375 \$5,556	326 IAC 2-2-5 , 326 IAC 2-3-3
	If Applicant Does Analysis (MSOP, Registration, or Exempt Source)	\$3,500	326 IAC 2-2-5 , 326 IAC 2-3-3
	If OAQ Does Analysis (Title V, FESOP, or SSOA Source)	\$7,500 \$9,525 per pollutant	326 IAC 2-2-5 , 326 IAC 2-3-3
	If OAQ Does Analysis (MSOP, Registration, or Exempt Source)	\$6,000 per pollutant	326 IAC 2-2-5 , 326 IAC 2-3-3
Experimental Trial Approval (Title V, FESOP, or SSOA Source)		\$125 \$158	326 IAC 2-1.1-3(h)(3)
Experimental Trial Approval (MSOP, Registration, or Exempt Source)		\$100	326 IAC 2-1.1-3(h)(3)
Source Sampling Test (SSOA Source)		\$875 \$1,111	326 IAC 3
Source Sampling Test (MSOP, Registration, or Exempt Source)		\$700	326 IAC 3
Annual Fees			
	Part 70; Limited to \$187,500 \$238,125 per year or, for sources emitting more than 100 tons NO _x per year and more than 100 tons VOC per year and in serious or severe ozone nonattainment area, \$250,000 \$317,500 . (Or up to 4,000 tons per year for each pollutant)	\$1,875 \$2,381 plus \$41.25 \$52.38 per ton for each regulated air pollutant	326 IAC 2-7
	FESOP Annual Fee	\$1,875 \$2,381	326 IAC 2-8-16(b)
	FESOP General Permit Annual Fee	\$1,250 \$1,587	326 IAC 2-8-18
	SSOA Crushed Stone Processing Plants, Annual	\$1,000 \$1,270	326 IAC 2-9-8(b)(3)
	SSOA Coal Mines and Coal Preparation Plants, Annual	\$750 \$952	326 IAC 2-9-10
	MSOP Annual Fee	\$200	326 IAC 2-6.1
Other Annual Fees			
	Monitoring Coke Oven Batteries	up to \$156,250	
	Municipal Solid Waste Incinerator	\$25,000 \$31,750	326 IAC 2-7-19(c)

In any conflict between subsections (a) through (o) and this table, a source shall comply with the provisions in subsections (a) through (o).

*This document is incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 www.gpo.gov, or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Legal Counsel, Indiana Government Center North, Tenth Floor, 100 North Senate Avenue, Thirteenth Floor, Indianapolis, Indiana 46204.

(Air Pollution Control Division; [326 IAC 2-1.1-7](#); filed Nov 25, 1998, 12:13 p.m.: 22 IR 991; filed May 21, 2002, 10:20 a.m.: 25 IR 3057; filed Aug 10, 2004, 3:35 p.m.: 27 IR 3887; filed Sep 28, 2011, 10:56 a.m.: [20111026-IR-326070286FRA](#); errata filed Jan 2, 2013, 2:19 p.m.: [20130123-IR-326130002ACA](#))

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