
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 #23-290**TITLE V AIR PERMIT FEES****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 Title V air permit fees as required by Senate Enrolled Act (SEA) 155. 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 that are 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. Title V fees are established in [IC 13-17-8](#) and implemented in [326 IAC 2-1.1-7](#).

SEA 155 increases the annual base fee for two Title V permits, Part 70 and Federally Enforceable State Operating Permits (FESOPs). The increase from \$2,381 to \$6,100 will impact the affected Title V permits that are first due and subject to collection by the department after December 31, 2023, and before January 1, 2029. The law requires the Environmental Rules Board to adopt rules under [IC 4-22-2](#) and [IC 13-14-9](#), including emergency rules under [IC 4-22-2-37.1](#), to change the amounts of these fees in [326 IAC 2-1.1-7](#). The fee increase does not change the emission based portion of the Part 70 annual fee.

[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 SEA 155.

Potential Fiscal Impact

There is no fiscal impact beyond what is required by SEA 155. This statute requires two Title V air permit fees, Part 70 and FESOP fees, to be increased. The annual base fee for both of these types of Title V permits will be increased from \$2,381 to \$6,100. The emission based portion of the Part 70 annual fee is not being changed. IDEM currently bills 553 Part 70 permits and 608 FESOP permits. The fee increase will result in a cost to sources for each affected permit of \$3,719 each year and an increase in revenue to support the permitting program of \$4,317,759 each year.

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:

Kari Clevenger
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:

Matthew Jaworowski
Small Business Ombudsman
Indiana Economic Development Corporation
One North Capitol, Suite 700
Indianapolis, IN 46204
(317) 650-0126
majaworowski@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:

Drake Abramson
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
dabramso@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 SEA 155.
- (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.

Brian Rockensuess
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 #23-290 Title V Fee Increase
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 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.**

Contact Karla Kindrick at kkindric@idem.in.gov or (317) 232-8922 if another method of submitting comments within the comment period is desired. Regardless of the delivery method used, in order 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 May 19, 2023. 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) 234-9535 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 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 must reflect **the** most current fee schedule.

(3) Except for interim permits under subsection (l), fees 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~~ **not** 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 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 and must not be refunded or applied to ~~any~~ **a** 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) Seven hundred ninety-three dollars (\$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) Five thousand five hundred fifty-six dollars (\$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) Nine thousand five hundred twenty-five dollars (\$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 ~~two thousand three hundred eighty-one dollars (\$2,381)~~ **six thousand one hundred dollars (\$6,100)** and an additional fee of fifty-two dollars and thirty-eight cents (\$52.38) per ton for each ton of regulated air pollutant emitted, to be limited to not more than:

- (i) two hundred thirty-eight thousand one hundred twenty-five dollars (\$238,125); or
- (ii) three hundred seventeen thousand five hundred dollars (\$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) 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 must be assessed for each PAL pollutant.
- (B) The fee for each PAL pollutant is sixty-three dollars (\$63) per ton of the allowable emissions for that PAL pollutant.
- (C) The maximum combined fee for all PAL pollutants must not exceed sixty-three thousand five hundred dollars (\$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) Four thousand seven hundred sixty-two dollars (\$4,762) for an initial FESOP under [326 IAC 2-8-3](#).
- (2) Seven hundred ninety-three dollars (\$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) Five thousand five hundred fifty-six dollars (\$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).
 - (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).
- (4) Nine thousand five hundred twenty-five dollars (\$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).
 - (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).
- (5) An annual fee of ~~two thousand three hundred eighty-one dollars (\$2,381)~~ **six thousand one hundred dollars (\$6,100)** under [326 IAC 2-8-16](#)(b).
- (6) Fees for establishing a PAL are as follows:
 - (A) A separate fee must be assessed for each PAL pollutant.
 - (B) The fee for each PAL pollutant is sixty-three dollars (\$63) per ton of the allowable emissions for that PAL pollutant.
 - (C) The maximum combined fee for all PAL pollutants must not exceed sixty-three thousand five hundred dollars (\$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 seven hundred ninety-three dollars (\$793) under [326 IAC 2-8-18](#).
 - (2) An annual fee of one thousand five hundred eighty-seven dollars (\$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) Five thousand five hundred fifty-six dollars (\$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 seven hundred ninety-three dollars (\$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 (\$1,270) for crushed stone processing plants under [326 IAC 2-9-8](#)(b)(3).
 - (4) An annual fee of nine hundred fifty-two dollars (\$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 must be assessed for each PAL pollutant.
 - (B) The fee for each PAL pollutant is forty dollars (\$40) per ton of the allowable emissions for that PAL pollutant.
 - (C) The maximum combined fee for all PAL pollutants must not exceed forty thousand dollars (\$40,000).
- (i) Applicable transition fees must be submitted as follows:
- (1) One thousand five hundred eighty-seven dollars (\$1,587) for a transition from a Part 70 permit to a FESOP.
 - (2) Except for a transition under subdivision (1), a transition fee 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 and FESOP sources shall submit seven hundred ninety-three dollars (\$793) with the application for an interim permit approval.
 - (2) MSOP sources shall submit five hundred dollars (\$500) with the application for an interim permit approval.
 - (3) The fee 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 five thousand five hundred fifty-six dollars (\$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 nine thousand five hundred twenty-five dollars (\$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 four thousand seven hundred sixty-two dollars (\$4,762) must be submitted if two (2) to five (5) control technology analyses are required.
 - (B) A fee of nine thousand five hundred twenty-five dollars (\$9,525) must be submitted if six (6) to ten (10) control technology analyses are required.
 - (C) A fee of fifteen thousand eight hundred seventy-five dollars (\$15,875) must be submitted if more than ten (10) control technology analyses are required.
 - (3) A fee of seven hundred ninety-three dollars (\$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 seven hundred ninety-three dollars (\$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 nine hundred fifty-two dollars (\$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 fifty-eight dollars (\$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 fifty-eight dollars (\$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 one thousand one hundred eleven dollars (\$1,111) must be submitted for a review under [326 IAC 3](#) of ~~any~~ a 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 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) 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) 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) must be submitted if two (2) to five (5) control technology analyses are required.
 - (B) A fee of six thousand dollars (\$6,000) must be submitted if six (6) to ten (10) control technology analyses are required.
 - (C) A fee of ten thousand dollars (\$10,000) must be submitted if more than ten (10) control technology analyses are required.
 - (4) A fee of five hundred dollars (\$500) 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) 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) 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) must be submitted for each experimental trial approval under section 3(h)(3) of this rule.
 - (8) A fee of one hundred dollars (\$100) must be submitted for each relocation approval for a portable source under [326 IAC 2-14](#).
 - (9) A fee of seven hundred dollars (\$700) must be submitted for review under [326 IAC 3](#) of ~~any~~ a source sampling test required by permit, per emissions unit. This fee must be paid upon submittal of a protocol for the stack test as required by [326 IAC 3](#).
- (o) Other annual operating permit fees 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* must be submitted. ~~Any~~ **A** fee collected under this subdivision must not exceed one

hundred fifty-six thousand two hundred fifty dollars (\$156,250).

(2) A fee of thirty-one thousand seven hundred fifty dollars (\$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	\$793	326 IAC 2-7-10.5(e)
	Renewal with Minor Source Modification	\$793	326 IAC 2-7-4 , 326 IAC 2-7-8 , 326 IAC 2-7-10.5(e)
	Construction Permit	\$5,556	326 IAC 2-5.1
	Construction Permit with PSD or Emission Offset	\$9,525	326 IAC 2-1.1-5 , 326 IAC 2-2 , 326 IAC 2-3 , 326 IAC 2-5.1
	Significant Source Modification	\$5,556	326 IAC 2-7-10.5(g)
	Significant Source Modification with PSD or Emission Offset	\$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	\$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	\$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 \$63,500.)	\$63 per ton of allowable emissions	326 IAC 2-2.4 , 326 IAC 2-3.4
FESOP Fees			
	Initial FESOP	\$4,762	326 IAC 2-8-3
	Minor Permit Revision	\$793	326 IAC 2-8-11.1(d)
	Renewal with Minor Permit Revision	\$793	326 IAC 2-8-3 , 326 IAC 2-8-7 , 326 IAC 2-8-11.1(d)
	Construction Permit	\$5,556	326 IAC 2-5.1
	Construction Permit with PSD or Emission Offset	\$9,525	326 IAC 2-1.1-5 , 326 IAC 2-2 , 326 IAC 2-3 , 326 IAC 2-5.1
	Significant Permit Revision	\$5,556	326 IAC 2-8-11.1(f)
	Significant Permit Revision with PSD or Emission Offset	\$9,525	326 IAC 2-1.1-5 , 326 IAC 2-2 , 326 IAC 2-3 , 326 IAC 2-8-11.1(f)
	Renewal with Significant Permit Revision	\$5,556	326 IAC 2-8-3 , 326 IAC 2-8-7 , 326 IAC 2-8-11.1(f)
	Renewal with Significant Permit Revision and PSD or Emission Offset	\$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)
	PAL (Separate fee per PAL pollutant. Maximum combined fee for all PAL pollutants not to exceed \$63,500.)	\$63 per ton of allowable emissions	326 IAC 2-2.4 , 326 IAC 2-3.4
	FESOP general permit	\$793	326 IAC 2-8-18
SSOA Fees			
	Construction Permit	\$5,556	326 IAC 2-5.1 , 326 IAC 2-9
	Industrial or Commercial Surface Coatings	\$793	326 IAC 2-9-2.5
	Surface Coating or Graphic Arts Operations	\$793	326 IAC 2-9-3
	Woodworking Operations	\$793	326 IAC 2-9-4
	Abrasive Cleaning Operations	\$793	326 IAC 2-9-5

	Grain Elevators	\$793	326 IAC 2-9-6
	Sand and Gravel Plants	\$793	326 IAC 2-9-7
	Crushed Stone Processing Plants	\$793	326 IAC 2-9-8
	Ready-mix Concrete Batch Plants	\$793	326 IAC 2-9-9
	Coal Mines and Coal Preparation Plants	\$793	326 IAC 2-9-10
	Automobile Refinishing Operations	\$793	326 IAC 2-9-11
	Degreasing Operations	\$793	326 IAC 2-9-12
	External Combustion Sources	\$793	326 IAC 2-9-13
	Internal Combustion Sources	\$793	326 IAC 2-9-14
A source may apply for up to four SSOAs on a single SSOA application and the fee is \$793 for the application.			
Transition Fees			
	Transition from Part 70 Permit to FESOP	\$1,587	326 IAC 2-1.1-7.5
	All other transition fees are the fee fees 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)	\$158	326 IAC 2-14
	Relocation of a Portable Source (MSOP, Registration, or Exempt Source)	\$100	326 IAC 2-14
	Interim Permit (Title V or FESOP)	\$793	326 IAC 2-13-1
	Interim Permit (MSOP)	\$500	326 IAC 2-13-1
	Public Hearing (Title V, FESOP, or SSOA Source)	\$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)	\$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)	\$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)	\$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)	\$4,762	326 IAC 2-2-3 , 326 IAC 2-3-3
	6 to 10 Review Analyses (Title V, FESOP, or SSOA source)	\$9,525	326 IAC 2-2-3 , 326 IAC 2-3-3
	11 or More Review Analyses (Title V, FESOP, or SSOA Source)	\$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)	\$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)	\$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)		\$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)		\$1,111	326 IAC 3
Source Sampling Test (MSOP, Registration, or Exempt Source)		\$700	326 IAC 3
Annual Fees			
	Part 70; Limited to \$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, \$317,500. (Or up to 4,000 tons per year for each pollutant)	\$2,384 \$6,100 plus \$52.38 per ton for each regulated air pollutant	326 IAC 2-7
	FESOP Annual Fee	\$2,384 \$6,100	326 IAC 2-8-16 (b)
	FESOP General Permit Annual Fee	\$1,587	326 IAC 2-8-18
	SSOA Crushed Stone Processing Plants, Annual	\$1,270	326 IAC 2-9-8 (b)(3)
	SSOA Coal Mines and Coal Preparation Plants, Annual	\$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	\$31,750	326 IAC 2-7-19 (c)

In any a 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 Publishing Office, www.gpo.gov, or are available for review at the Indiana Department of Environmental Management, Office of Legal Counsel, Indiana Government Center North, 100 North Senate Avenue, Thirteenth Floor, Indianapolis, Indiana IN 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](#); filed Feb 2, 2021, 10:55 a.m.: [20210303-IR-326200021FRA](#))

[Notice of Public Hearing](#)

Posted: 04/19/2023 by Legislative Services Agency
An [html](#) version of this document.