§ 72-0302. State air quality control fees.

1. All persons, except those required to pay a fee under section 72-0303 of this title, who are required to obtain a permit, registration or approval pursuant to the state air quality control program and the rules and regulations adopted by the department hereunder shall submit to the department a per emission point fee in an amount established as follows:

a. $11,000.00 for a stationary combustion installation having a maximum operating heat input equal to or greater than fifty million British thermal units per hour as stated on the most recent application for a permit or registration to operate and which emits or has the potential to emit equal to or greater than any one of the following:

(i) one hundred tons per year of oxides of nitrogen, or if located in a severe ozone nonattainment area, twenty-five tons per year; or

(ii) one hundred tons per year of sulfur dioxide; or

(iii) one hundred tons per year of particulates.

b. $2,000.00 for all stationary combustion installations which are not included under paragraph a of this subdivision and which have a maximum operating heat input greater than fifty million British thermal units per hour as stated on the most recent application for a permit or registration to operate.

c. $100.00 for a stationary combustion installation having a maximum operating heat input less than fifty million British thermal units per hour as stated on the most recent application for a permit or registration to operate.

d. $2,000.00 for a process air contamination source for an annual emission rate equal to or greater than twenty-five tons per year of any one of the following: sulfur dioxide, nitrogen dioxide, total particulates, carbon monoxide, total volatile organic compounds and other specific air contaminants. The annual emission rate shall be the actual annual emission rate as stated on the most recent application for a permit or registration to operate. In the event that hours of

operation have not been specified on the application then maximum possible hours of operation (8760 hours) will be used to calculate actual annual emissions.

e. $160.00 for a process air contamination source, except a gasoline dispensing site, for an annual emission rate less than twenty-five tons per year of any one of the following: sulfur dioxide, nitrogen dioxide, total particulates, carbon monoxide, total volatile organic compounds and other specific air contaminants. The annual emission rate shall be the actual annual emission rate as applied for on the most recent application for a permit or registration to operate. In the event that hours of operation have not been specified on the application then maximum possible hours of operation (8760 hours) will be used to calculate actual annual emissions.

f. $2,000.00 for an incinerator capable of charging two thousand pounds of refuse per hour or greater. The charging capacity will be established in accordance with the application for the most recent permit or registration to operate the incinerator source and will be calculated on an emission point basis.

g. $160.00 for an incinerator with a maximum design charge rate of less than two thousand pounds of refuse per hour. The charging capacity will be established in accordance with the application for the most recent permit or registration to operate the incinerator source and will be calculated on an emission point basis.

Provided, however, that where a city or county is delegated the authority to administer the state air quality control program, or any portion thereof, pursuant to paragraph p of subdivision two of section 3-0301 of this chapter and such city or county collects a fee in connection with the issuance of a permit, registration or approval pursuant to the state air quality control program, no additional liability for fees under this section shall accrue for the particular combustion installation, incinerator or process air contamination source that is subject to the delegation.