This draft includes revisions based on the August 24, 2021, meeting discussion and review of written comments received. The revisions are shown in track changes.

Written comment deadline for this draft – October 19, 2021

58.01.01, RULES FOR THE CONTROL OF AIR POLLUTION IN IDAHO

387. TIER 1 REGISTRATION FEE.
Sections 387 through 397 set the procedures for the annual registration and fee assessment for Tier I sources, including facilities that obtained air quality permits that limited potential emissions below Tier 1 source levels during the previous year. Any person owning or operating a Tier 1 source during the previous calendar year must, by April 1 of each year, register with the Department and submit the following information using forms available at http://www.deq.idaho.gov [add specific URL later]:

01. Facility Information. The name, address, telephone number and location of the facility;

02. Owner/Operator Information. The name, address and telephone numbers of the owners and operators;

03. Facility Emission Units. The number and type of emission units present at the facility or the Tier I permit number for the facility; and

04. Pollutant Registration. The actual emissions from the previous calendar year for oxides of sulfur (SOx), oxides of nitrogen (NOx), particulate matter (PM$_{10}$), and volatile organic compounds (VOC) calculated using methods to include, but not limited to, continuous emissions monitoring (CEMS), certified source tests, material balances (mass-balance), state/industry emission factors, or AP-42 emission factors applied to throughput, actual operating hours, production rates, in-place control equipment, or the types of materials processed, stored, or combusted.

388. – 389. (RESERVED)

390. TIER I ANNUAL FEE.
A Tier 1 annual fee includes the following three components: (3-19-07)

01. Fixed Annual Fee. A fixed annual fee for Tier I sources emitting regulated air pollutants listed in Subsection 387.04 as follows:
**02. Fee Based on Presumptive Minimum.** A fee based on the 40 CFR Part 70 presumptive minimum ([https://www.epa.gov/title-v-operating-permits/permit-fees](https://www.epa.gov/title-v-operating-permits/permit-fees)) is calculated by multiplying the presumptive minimum fee in effect on April 1 of each year by the sum of all air pollutant emissions listed in Subsection 387.04, but not to exceed the following maximum values:

<table>
<thead>
<tr>
<th>Emissions (tons/year)</th>
<th>Maximum Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>4500 and above</td>
<td>$181,000</td>
</tr>
<tr>
<td>3000 – 4499</td>
<td>$91,000</td>
</tr>
<tr>
<td>1000 – 2999</td>
<td>$44,400</td>
</tr>
<tr>
<td>500 – 999</td>
<td>$31,500</td>
</tr>
<tr>
<td>200 – 499</td>
<td>$13,500</td>
</tr>
<tr>
<td>0 – 199</td>
<td>$4,550</td>
</tr>
</tbody>
</table>

**03. Fee-for-Service.** A fee for service that the Department will assess based on actual time expended and expenses incurred by the Department in the previous calendar year for Part 70 program activities in an amount not to exceed fifty forty five thousand dollars ($50,450,000) per year.

Discussion 390: Based on the comment received and further evaluation, DEQ is proposing to change the fee for service cap to $45,000 instead of $50,000.

**391. – (RESERVED)**

**392. REGISTRATION FEE ASSESSMENT.**

All applicable facilities must pay to the Department an annual registration fee based on the information supplied by the registrant using the methods described in Section 390. If the facility
fails to submit registration information, the Department will calculate the fee and assess both the fee and the costs of calculating the fee. No later than May 15 of each year, the Department will send to each registrant an assessment of the annual fee.

393. PAYMENT OF TIER I REGISTRATION FEE.

The fee will be paid to and received by the Department no later than July 1 of each year. Information for making payments is available at http://www.deq.idaho.gov. [add specific URL later]

394. EFFECT OF DELINQUENCY ON APPLICATIONS.
No permit to construct or operate will be processed by the Department for any facility or person having Tier I operating permit fees delinquent in full or in part.

395. – 396 (RESERVED)

397. LUMP SUM PAYMENTS OF REGISTRATION FEES.

01. Agreement. The Department may enter an agreement with any person for the lump sum payment of all, or any addition to, the registration fees in Section 390.

02. Minimum Amount. The minimum amount for any lump sum agreement is three hundred thousand dollars ($300,000).

03. Payment Waiver. Upon the execution and full performance of the agreement by the person, the Department will waive the payment requirements of Section 390. All other provisions of Sections 387 through 397 remain applicable to the person.