Frequently Asked Questions

Proposed Air Quality Permit Fees

Docket # 58-0101-2602

General Overview

When will these new fees go into effect if proposed rule is approved?

The proposed fees, if approved would go into effect **July 1, 2027.**

What are the proposed rules to govern air quality permit fees?

In Idaho's proposed rule, Sections 250 through 253 of IDAPA 58.01.01 establish the fee structure for permit by rule registrations, permits to construct, general minor permits, and Tier II operating permits. These sections also establish the annual fee applicable to all permitted facilities not subject to Title V operating permit fees under Sections 390 through 397 or Sections 760 through 764.

How long is the current fee schedule valid?

The fee schedule in Section 251 is valid for each state fiscal year from July 1, 2027 through June 30, 2032 (covering FY2028 through FY2032). The fee structure will be updated every five years. The fees in effect during the final year of the schedule remain in effect until new fees are established. (See Section 251.)

Fee Structure

What is the proposed fee structure?

The types of fees are organized into a 3 step process depending on your permit and facility type.

- Step 1- Application Fee or Permit by Rule Registration Fee
- Step 2- Processing Fee
- Step 3- Annual Fee

What is the Step 1 Application or Registration Fee?

The Step 1 fee is an upfront application or registration fee paid at the time of original submission. It applies to permits to construct (PTC), Tier II operating permits, permit by rule registrations, general minor permits, name or ownership changes, exemption concurrence requests, and certain other submissions. This fee is retained by DEQ regardless of whether a permit is ultimately issued. (See Sections 250.01 and 253.)

- **PTC or Tier II Operating Permit-** Application fee for a new or modified Permit to Construct (PTC) or for a Tier II Operating Permit. A PTC is generally required before constructing or modifying a source that emits or may emit air pollutants. A Tier II Operating Permit may be used to establish facility emission caps, synthetic minor limits, or other applicable requirements.

- **Permit by Rule Registration-** Fee to register a facility under a Permit by Rule (PBR). A PBR is an alternative to obtaining a site- specific PTC. The requirements are established in rule and apply to eligible sources within a particular industry.

- **General Minor Permit-** Application fee for obtaining coverage under a General Minor Permit. A General Minor Permit uses standardized requirements for eligible sources with similar operations and emissions.

- **Name or Ownership Change-** Fee to process a change to the legal name of a permitted facility or a change in ownership of a permitted facility. This is an administrative change and does not, by itself, authorize changes to the facility's emissions or operations.

- **Portable Equipment Relocation Form-** Fee associated with notifying DEQ that permitted portable equipment will be relocated. The relocation notification allows DEQ to update its records and determine whether any additional permitting requirements apply at the new location.

- **Pre- Permit Construction-** Fee for requesting approval to begin construction before DEQ issues the applicable Permit to Construct. This option is available only for projects that meet the requirements for pre-permit construction approval.

- **Exemption Concurrence Request-** Fee for requesting DEQ review of whether a proposed source or modification qualifies for an exemption from the Permit to Construct requirement.

- **Typographical Errors-** Permit changes to correct typographical errors provided in an application that do not affect emissions – Fee for correcting a typographical or clerical error in the application when the correction does not change emissions or the substantive requirements of the permit.

What is the Step 2 Processing Fee?

The Step 2 processing fee covers DEQ's cost to review and process a permit application, including any engineering analysis. The fee amount varies based on the type of permit and the size of the associated emissions increase. Permit by rule registrations, general minor permits, name or ownership changes, and corrections of typographical errors carry a $0 processing fee. For permits to construct and Tier II operating permits, the processing fee is tiered by total combined pollutant emissions increase. (See Sections 250.02 and 251.)

Which pollutants are included in the processing fee calculation?

For purposes of calculating processing fees under Sections 250 through 253, the included pollutants are: carbon monoxide (CO), nitrogen oxides (NOx), sulfur dioxide (SO_2), particulate matter (PM_{10}), volatile organic compounds (VOC), and hazardous air pollutants (HAPs). Fugitive emissions are not included in the fee calculation. (See Section 250.02.)

What is the Step 3 Annual Fee?

The annual fee applies to all permitted facilities that are not subject to Title V operating permit fees. All currently permitted facilities will be subject to the annual fee starting July 1, 2027. The fee amount is based on the facility's source classification as of July 1 of each year, using the highest applicable classification. The three classifications and their FY2028 annual fees are:

- **B Source** (minor stationary source): $750
- **SM Source** (synthetic minor stationary source, below SM80 thresholds): $1,250
- **SM80 Source** (synthetic minor stationary source at or above SM80 thresholds): $3,000

Source Classifications for Annual Fees

What is a "B Source"?

A B Source is a minor stationary source with an uncontrolled potential to emit less than 100 tons per year for each criteria air pollutant, and less than 10 tons per year individually (and less than 25 tons per year combined) for hazardous air pollutants. (See Section 250.03.)

What is an "SM Source"?

An SM Source is a synthetic minor stationary source — a source whose permit limits its emissions below major thresholds. Specifically, an SM Source has an uncontrolled potential to emit greater than 100 tons per year for one or more criteria pollutants but a permitted potential to emit less than 80 tons per year; or an uncontrolled potential to emit greater than 10 tons per year individually or 25 tons per year combined for HAPs but a permitted potential to emit less than 8 tons per year individually or 20 tons per year combined. (See Section 250.03.)

What is an "SM80 Source"?

An SM80 Source is a synthetic minor stationary source with an uncontrolled potential to emit at or above 100 tons per year and a permitted potential to emit between 80 and less than 100 tons per year for one or more criteria pollutants; or an uncontrolled potential to emit between 8 and less than 10 tons per year individually (or 20 to less than 25 tons per year combined) for HAPs. SM80 Sources pay a higher annual fee due to their proximity to major source thresholds. (See Section 250.03.)

What if a facility qualifies under more than one source classification?

If a facility meets criteria for more than one classification, the highest applicable annual fee is used. (See Section 250.03.)

Fee Amounts

The following fees apply for FY2028 (July 1, 2027 – June 30, 2028), with annual increases through FY2032:

Step 1 Application and Registration Fee	FY2028	FY2029	FY2030	FY2031	FY2032
Permit to Construct or Tier II Operating Permit	$1,500	$1,550	$1,600	$1,650	$1,700
Permit By Rule Registration	$500	$520	$540	$560	$580
General Minor Permit	$500	$520	$540	$560	$580
Name or Ownership Change	$500	$520	$540	$560	$580
Portable Equipment Relocation Form	$0	$0	$0	$0	$0
Pre-Permit Construction	$3,000	$3,090	$3,180	$3,280	$3,380
Exemption Concurrence Request	$500	$520	$540	$560	$580
Typographical errors: Permit changes to correct typographical errors provided in application that do not affect emissions	$250	$260	$270	$280	$290

Step 2 Processing Fee	FY2028	FY2029	FY2030	FY2031	FY2032
Permit By Rule	$0	$0	$0	$0	$0
General Minor Permit	$0	$0	$0	$0	$0
Name or Ownership Change	$0	$0	$0	$0	$0
Typographical errors: Permit changes to correct typographical errors provided in application that do not affect emissions	$0	$0	$0	$0	$0
Permit revisions where no engineering analysis is required[a]	$375	$390	$400	$410	$420
Permits to Construct [b]:					
New source or modification to existing source with combined pollutant emissions increase of:					
less than 1 ton per year (or a requested decrease in potential emissions)	$1,500	$1,550	$1,600	$1,650	$1,700
1 ton per year to less than 10 tons per year	$3,750	$3,860	$3,980	$4,100	$4,220
10 tons per year to less than 100 tons per year	$7,500	$7,730	$7,960	$8,200	$8,450
100 tons per year or more	$11,250	$11,590	$11,940	$12,300	$12,670
New major facility or major modification (first 150 hours)	$15,000	$15,450	$15,910	$16,390	$16,880
151 hours or more requires an additional hourly fee for service[c] for actual expenses incurred	$hourly	$hourly	$hourly	$hourly	$hourly
Tier II Operating Permits [b]:					
New source and renewal of existing source based on facility-wide potential to emit for combined pollutants; or modification of existing source based on the change in potential to emit for the modification; with potential to emit increase of:					
less than 1 ton per year (or a requested decrease in potential emissions)	$1,875	$1,930	$1,990	$2,050	$2,110
1 ton per year to less than 10 tons per year	$3,750	$3,860	$3,980	$4,100	$4,220
10 tons per year to less than 100 tons per year	$7,500	$7,730	$7,960	$8,200	$8,450
100 tons per year or more	$15,000	$15,450	$15,910	$16,390	$16,880
Synthetic minor stationary source with permitted emissions below a major threshold level	$15,000	$15,450	$15,910	$16,390	$16,880
Step 3: Annual Fee	**FY2028**	**FY2029**	**FY2030**	**FY2031**	**FY2032**
B Source	$750	$770	$790	$810	$830
SM Source	$1,250	$1,290	$1,330	$1,370	$1,410
SM80 Source	$3,000	$3,090	$3,180	$3,280	$3,380

a. For example, including but not limited to, no change of emissions or modeling is evaluated, or no applicability review of state or federal standards.
b. Fee is based on the total Facility Emission Cap limits for initial permits and renewals.
c. Fee is based on actual time expended and expenses incurred by the Department following application submittal

Payment and Deadlines

When must the application or registration fee be paid?

The Step 1 application fee or permit by rule registration fee must be submitted at the time the application or registration is originally filed. DEQ will not begin processing any application until the appropriate fee has been received. (See Section 252.01.)

When must the processing fee be paid?

The Step 2 processing fee is payable upon receipt of an assessment issued by DEQ to the permittee. No permit will be issued until the processing fee has been paid. (See Section 252.01.)

When must the annual fee be paid?

DEQ will issue an annual fee invoice no later than September 15 of each year, based on the facility's source classification as of July 1 of that year. The annual fee must be paid to and received by DEQ no later than October 31 of the same year. (See Section 252.02.) All currently permitted facilities will be subject to the annual fee.

What happens if fees are not paid on time?

If the application or registration fee is not submitted, DEQ will not process the application. If the processing fee is not submitted, no permit will be issued. If annual fees are unpaid, DEQ will not process any permit, registration, or automatic permit transfer for that facility. Failure to pay the annual fee may also result in a violation. (See Section 252.)

Where do I make fee payments?

Payment information is available on the DEQ website at https://www.deq.idaho.gov. (See Sections 252.01 and 252.02.)

Are application fees refunded if a permit is not issued?

No. Application fees and permit by rule registration fees are retained by DEQ regardless of whether a permit or exemption concurrence is ultimately issued. (See Section 253.)

Use of Collected Fees

How does DEQ use the permit fees it collects?

Fees collected under Sections 250 through 252 are deposited by DEQ into a stationary source permit account. These funds support DEQ's air quality permitting activities. Importantly, monies from this account may not be used for activities that are supported by the Title V operating permit program fund. (See Section 253.)

This FAQ is a draft companion document to Idaho IDAPA 58.01.01 Negotiated Rule Draft 3 — Permit Fee provisions (Sections 224, 250–253, 407, 800). It is intended for informational purposes only and does not carry the force of law. For the authoritative text, refer to the rule itself.