

1.5231 AIR QUALITY FEES

(a) For the purpose of this Regulation, the following definitions apply:

- (1) **“Actual Emissions”** means the actual rate of emissions in tons per year of any air pollutant emitted from the facility over the preceding calendar year. Actual emissions shall be calculated using the source’s or sources’ actual operating hours, production rates, in-place control equipment, and types of materials processed, stored, or combusted during the preceding calendar year. Actual emissions shall include fugitive emissions as specified in the definition of major source in 40 CFR 70.2. For fee applicability and calculation purposes under this Regulation, actual emissions shall not include emissions beyond the normal emissions such as during violations, malfunctions, start-ups and shut downs, and emissions from permit exempt activities listed in MCAPCO Regulations 1.5211 - “Applicability”, Subparagraphs (g)(1) and (g)(2) [for non-Title V facilities] or 1.5503 - “Definitions”, Subparagraph (7) “Insignificant activities because of category” [for Title V facilities].
- (2) **“Administrative Change”** means an ownership transfer, or change to a construction date, test date, monitoring range, or reporting procedure.
- (3) **“Ambient Monitoring”** means the systematic assessment of pollutant levels by measuring the quantity and types of pollutants in the surrounding, outdoor air. For fee applicability purposes, facilities having actual emissions of any regulated air pollutant shall pay an ambient monitoring fee based on Facility Category as listed in Table 1 of this Regulation.
- (4) **“B Facility”** means a facility whose potential emissions are equal to or exceed 25 tons per year, but are less than 100 tons per year for any regulated pollutant under MCAPCO Article 2.0000 - “Air Pollution Control Regulations and Procedures”.
- (5) **“Burning Approval Inspection”** means the activity conducted by the Mecklenburg County Fire Marshal to verify information necessary for the issuance of special burning approvals as specified in MCAPCO Regulation 1.5106 - “Open Burning”.
- (6) **“C Facility”** means a facility whose potential emissions are less than 25 tons per year for any regulated pollutant under MCAPCO Article 2.0000 - “Air Pollution Control Regulations and Procedures”.
- (7) **“Fiscal Year”** means the Federal Fiscal Year (FFY). The Federal Fiscal Year runs from October 1 of the prior year through September 30 of the year being described. For example, the 2012 Federal Fiscal Year (FFY2012) is the period from October 1, 2011 through September 30, 2012.
- (8) **“General Facility”** means a facility obtaining a permit under MCAPCO Regulations 1.5221 - “Permitting of Numerous Similar Facilities” or 1.5509 - “Permitting of Numerous Similar Facilities”.
- (9) **“Minor Modification”** means a Title V permit modification made pursuant to MCAPCO Regulation 1.5515 – “Minor Permit Modifications”.
- (10) **“Model”** means a refined modeling demonstration required to be submitted by the facility to determine compliance with MCAPCO Section 2.1100 – “Control of Toxic Air Pollutants”.
- (11) **“NESHAP Facility”** means a facility subject to a national emission standard for hazardous air pollutants in MCAPCO Regulation 2.1110 - “National Emission Standards for Hazardous Air Pollutants”.
- (12) **“NESHAP Amounts of Asbestos”** means amounts of asbestos containing materials that

when measured equals or exceeds 160 square feet or 260 linear feet or 35 cubic feet and regulated by MCAPCO Regulation 2.1110 - "National Emission Standards for Hazardous Air Pollutants", which references 40 CFR 61.141 "Definitions".

- (13) "**NESHAP Demolition and Renovation**" means a demolition or renovation project which is subject to the national emission standard for hazardous air pollutants in MCAPCO Regulation 2.1110 - "National Emission Standards for Hazardous Air Pollutants", which references 40 CFR 61.141 "Definitions".
- (14) "**NESHAP Notification**" means the required information for the renovation/demolition of a facility as defined by MCAPCO Regulation 2.1110 - "National Emission Standards for Hazardous Air Pollutants".
- (15) "**New or Significant Modification**" means a Title V permit application for a facility not previously required to have a permit under MCAPCO Section 1.5500 - "Title V Procedures" or a Title V permit modification made pursuant to MCAPCO Regulation 1.5516 - "Significant Permit Modification".
- (16) "**Performance Testing**" means testing required by a facility's permit, or as requested by the Director.
- (17) "**PSD Facility**" means a plant site having one or more sources subject to the prevention of significant deterioration requirements of MCAPCO Regulation 2.0530 - "Prevention of Significant Deterioration" or a plant site applying for a permit for a major stationary source or a major modification subject to MCAPCO Regulation 2.0530 - "Prevention of Significant Deterioration".
- (18) "**Registered Facility**" means a facility supplying information as required in MCAPCO Regulation 2.0202 - "Registration of Air Pollution Sources".
- (19) "**SB (Select B)**" means a B facility as defined in this Regulation, where the potential of pollutant(s) emitted are equal to or exceed 25 tons of either volatile organic compounds (VOCs) or nitrogen oxides (NOx).
- (20) "**Stage I Facility**" means a permitted facility required under MCAPCO Regulation 2.0928 - "Gasoline Service Stations Stage I" to install Stage I controls as defined in MCAPCO Regulation 2.0901 - "Definitions".
- (21) "**Synthetic Minor Facility**" means a facility that would be a Title V facility except that the potential emissions are reduced below the thresholds defined in "Title V facility" of this Regulation by one or more physical or operational limitations on the capacity of the facility to emit an air pollutant. Such limitations shall be enforceable by EPA and may include air pollution control equipment, restrictions on hours of operation, and the type or amount of material combusted, stored or processed.
- (22) "**Title V Facility**" means a facility that has or will have potential emissions of:
- (A) 100 tons per year or more of at least one regulated air pollutant,
 - (B) 10 tons per year or more of at least one hazardous air pollutant, or
 - (C) 25 tons per year or more of all hazardous air pollutants combined.
- (23) "**Variance Request**" means the information submitted subject to MCAPCO Regulation 1.5305 - "Variances".
- (24) "**112(r) Facility**" means a facility that is required to submit and implement a Risk Management Plan under 40 CFR 68 - "Chemical Accident Prevention Provisions"

(b) Fees shall be charged for processing an application or group of applications submitted simultaneously for an air permit, for administering and monitoring compliance with the terms of

a facility's air permit and for other specified air quality activities conducted by the Department. The following fees will be in effect as of July 1, 2023, until revised:

Table 1. Permit Application and Annual Administering and Compliance Fees

FACILITY CATEGORY	PERMIT APPLICATION FEES		ANNUAL ADMINISTERING AND COMPLIANCE FEES			
			FACILITY FEE	ACTUAL EMISSION FEE/TPY	NON ATTAINMENT	Ambient Monitoring
Registered	\$240		N/A	N/A	N/A	N/A
Stage I/II	\$240		\$120	\$60	\$240	\$300
C	\$300		\$750	\$60	\$240	\$300
B	\$300		\$1,500	\$60	\$240	\$300
SB	\$600		\$2,100	\$60	\$600	\$300
Synthetic Minor	\$900		\$6,480	\$60	\$600	\$300
PSD	\$14,400		N/A	N/A	N/A	N/A
NSR	\$14,400		N/A	N/A	N/A	N/A
112(r)	N/A		\$600	N/A	N/A	N/A
General	50% of the otherwise applicable fees					
	NEW, RENEWAL, or SIGNIFICANT MODIFICATION	MINOR MODIFICATION	FACILITY FEE	ACTUAL EMISSION FEE/TPY	NON ATTAINMENT	Ambient Monitoring
Title V	\$12,000	\$1,200	\$11,400	\$60	\$600	\$300

Table 2. Fees Specific to Certain Facility Activities or Requests

Performance Testing	\$600	Submitted with the annual administering and compliance fee for each source test conducted the previous calendar year as listed in the fee invoice
Administrative Change Permit Application	\$120	Submitted with the proper documentation for an ownership transfer, or change to a construction date, test date, monitoring range, or reporting procedure
Model Review	\$600	Submitted with the application fee for any permit application that requires review of a model demonstration to determine compliance with MCAPCO Sections 2.1100 – "Control of Toxic Air Pollutants"

Table 3. Other Air Quality Fees

Variance Request	\$240	Submitted with the required variance documentation
Burning Approval Inspection	\$30	Submitted with application to designated authority

(c) For the purposes of this Regulation, a single facility is defined to be any contiguous area under one ownership and in which permitted activities occur. If a facility or source belongs to more than one category, the fees shall be those of the applicable category with the highest fees. No fees, except for burning approval inspection fees, are required to be paid under this Regulation by a farmer who submits an application or receives an approval that pertains to his farming operations. The fee paid for tons of emissions excludes the following emissions: carbon monoxide, any pollutant that is regulated solely because it is a Class I or II substance listed pursuant to Section 602 of the federal Clean Air Act (ozone depletors), any pollutant that is regulated solely because it is subject to a regulation or standard pursuant to Section 112(r) of the federal Clean Air Act (accidental releases), and the amount of actual emissions of each pollutant that exceeds 4,000 tons per year.

(d) The appropriate permit application fee listed in Paragraph (b) of this Regulation is required for technical changes such as changing the location of a source; adding additional emission sources, pollutants, or control equipment; or changing a permit condition such that a change in air pollutant emissions could result. An administrative change permit application fee is required for administrative changes such as ownership transfers, construction date changes, test date changes, or reporting procedure changes. With exception of permits modified in accordance with MCAPCO Regulation 1.5232 - "Issuance, Revocation, and Enforcement of Permits", no permit application fee is required for changes to a permit initiated by the Director to correct processing errors, to change permit conditions, or to implement new standards.

(e) Payment of permit application fees and annual administering and compliance monitoring fees shall be by check, money order, or electronic payment made payable to Mecklenburg County Air Quality. The payment should refer to the air permit application or permit number.

(f) The payment of the permit application fee required by Paragraphs (b) or (d) of this Regulation shall accompany the permit or permit modification application and is non-refundable. If the permit application fee is not paid when the application is filed, the application shall be considered incomplete until the fee is paid.

(g) Facilities paying the initial administering and compliance monitoring fee will be billed after the facility notifies the Department in accordance with MCAPCO Regulation 1.5214 - "Commencement of Operation".

(h) A facility which has permanently ceased operations at a site and requests that the permit(s) be voided, will not be required to pay the next annual administering and compliance monitoring fee for said permits. To resume the operation(s) after permit(s) have been voided will require the issuance of a new permit. A facility that is moved to a new site may receive credit for any unused portion of an annual administering and compliance monitoring fee if the permit for the

old site is relinquished. Only one annual administering and compliance monitoring fee needs to be paid annually for each facility.

(i) If a permit holder fails to pay an annual administering and compliance monitoring fee within 30 days after being billed, the Director shall rebill and impose a penalty in the amount of 10% of the fee for each month the payment is late. For continued failure to pay past 60 days, the Director may initiate action to revoke the permit.

(j) The fees as determined in Paragraph (b) of this Regulation ~~for Title V facilities~~ may be adjusted ~~as of September 30th~~ of each year for inflation. The inflation adjustment shall be done by the method described in 40 CFR 70.9(b)(2)(iv). The tonnage factor shall be rounded to a whole dollar and the other fees shall be rounded to the nearest ten-dollar (\$10.00) increment. The inflation adjusted fees shall become effective July 1st of each year.

(k) Current fees shall be found on the Department’s website at <https://airquality.mecknc.gov>.

~~(k)~~ (l) The following fees shall be charged for the processing of a NESHAP demolition & renovation notification. The payment of the demolition & renovation NESHAP notification fee shall be by check, money order, or electronic payment made payable to Mecklenburg County.

NESHAP Demolition & Renovation Notification Fees

TYPE OF NOTIFICATION	FEE AMOUNT PER NOTIFICATION	
Renovations subject to notification requirements of MCAPCO 2.1110	\$365	
Moving or relocation of structure (as single unit)	None or < NESHAP amounts of asbestos present	With removal of NESHAP amounts of asbestos
<250 sq. ft.	\$50	\$50
≥250 sq. ft.	\$100	\$100
Demolitions subject to notification requirements of MCAPCO 2.1110	None or < NESHAP amounts of asbestos present	With removal of NESHAP amounts of asbestos
Area or Floor Space		
<500 sq.ft.	\$50	\$50
≥500 but <5000 sq.ft.	\$350	\$650
≥5000 but <10,000 sq.ft.	\$450	\$750

≥10,000 sq.ft.	\$650	\$950
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Should the NESHAP notification be canceled, the fees paid are refundable upon written request to the Director, except for a \$50 service charge for each notification.

MCAQ History Note:

Amended Eff. DATE; June 6, 2023; December 18, 2018