

COMMONWEALTH OF VIRGINIA
STATE AIR POLLUTION CONTROL BOARD
REGULATIONS FOR THE CONTROL AND ABATEMENT OF AIR POLLUTION

9VAC5 CHAPTER 80
PERMITS FOR STATIONARY SOURCES

PART II
Permit Procedures

ARTICLE 10.
PERMIT APPLICATION FEES FOR STATIONARY SOURCES.

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9VAC5-80-2250. Applicability.

A. Except as provided in subsection C of this section, the provisions of this article apply to permit applications as follows:

1. Permit applications subject to review under the provisions of Article 1 (9VAC5-80-50 et seq.) or Article 3 (9VAC5-80-360 et seq.) of this part.

2. Permit applications subject to review under the provisions of Article 5 (9VAC5-80-800 et seq.) of this part.

3. Permit applications subject to review under the provisions of Article 6 (9VAC5-80-1100 et seq.) of this part.

4. Permit applications subject to review under the provisions of Article 7 (9VAC5-80-1400 et seq.) of this part.

5. Permit applications subject to review under the provisions of Article 8 (9VAC5-80-1605 et seq.) or Article 9 (9VAC5-80-2000 et seq.) of this part.

6. Permit applications subject to review under the provisions of 9VAC5-85 (Permits for Stationary Sources of Pollutants Subject to Regulation).

B. The provisions of this article apply throughout the Commonwealth of Virginia.

C. The provisions of this article shall not apply to the following:

1. Applications that are received by the appropriate regional office prior to July 1, 2012, except that applications that are received prior to July 1, 2012 and are amended on or after July 1, 2012, may be subject to the permit application fee due as if the application was received on or after July 1, 2012, less any permit application fee amount paid for that application prior to July 1, 2012. The provisions of 9VAC5-80-2290 apply to amended permit applications.

2. Applications for an administrative permit amendment or an administrative permit modification to an existing permit.

3. Applications for permits or changes to permits for a true minor source.

D. The department shall make any final determinations required by this article, including, but not limited to:

1. The applicability of this article;

2. Any applicability determinations required pursuant to Articles 1 (9VAC5-80-50 et seq.), 3 (9VAC5-80-360 et seq.), 5 (9VAC5-80-800 et seq.), 6 (9VAC5-80-1100 et seq.), 7 (9VAC5-80-1400 et seq.), 8 (9VAC5-80-1605 et seq.) and 9 (9VAC5-80-2000 et seq.) of this part and pursuant to 9VAC5-85 (Permits for Stationary Sources of Pollutants Subject to Regulation) that affect the applicability of this article;

3. The amount of permit application fees owed; and

4. The applicability of words or terms to a particular stationary source or permit application.

9VAC5-80-2260. Definitions.

A. For the purpose of applying this article in the context of the Regulations for the Control and Abatement of Air Pollution and related uses, the words or terms shall have the meanings given them in subsection D of this section.

B. As used in this article, all words and terms not defined in subsection D of this section shall have the meanings given them in 9VAC5-80-60 C, 9VAC5-80-370, 9VAC5-80-810 C, 9VAC5-80-1110 C, 9VAC5-80-1410 C, 9VAC5-80-1615 C, 9VAC5-80-2010 C, 9VAC5-85-30 C, 9VAC5-85-50 C, or 9VAC5-85-70 C as may apply, unless otherwise required by context.

C. All words and terms not defined in subsection D of this section and not defined as provided in subsection B of this section shall have the meanings given them in 9VAC5-80-5 or 9VAC5-10 (General Definitions), unless otherwise required by context.

D. Terms defined.

"Complete" means, in reference to an application for a permit, that the application contains all of the information necessary for processing the application. Designating an application complete for the purposes of permit processing does not preclude the department from requesting or accepting any additional information.

"Major new source review permit" or "major NSR permit" means a permit that is issued under the major new source review (major NSR) program or a permit that is issued pursuant to the minor new source review (minor NSR) program in which one or more of the provisions have been combined from a permit issued under the major NSR program. A major NSR permit may contain provisions that are subject to the requirements of the minor NSR program.

"Major new source review (major NSR) program" means a preconstruction review and permit program (i) for new major stationary sources or major modifications (physical changes or changes in the method of operation); (ii) established to implement the requirements of §§ 112, 165 and 173 of the federal Clean Air Act and associated regulations; and (iii) codified in Article 7 (9VAC5-80-1400 et seq.), Article 8 (9VAC5-80-1605 et seq.), and Article 9 (9VAC5-80-2000 et seq.) of this part and Part III (9VAC5-85-40 et seq.) of 9VAC5-85 (Permits for Stationary Sources of Pollutants Subject to Regulation).

"Minor new source review permit" or "minor NSR permit" means a permit that is issued pursuant to the minor new source review (minor NSR) program in which none of the provisions have been combined from a major NSR permit.

"Permit amendment" means (i) a change to a permit that was issued pursuant to Article 5 (9VAC5-80-800 et seq.), Article 6 (9VAC5-80-1100 et seq.), Article 7 (9VAC5-80-1400 et seq.), Article 8 (9VAC5-80-1605 et seq.), or Article 9 (9VAC5-80-2000 et seq.) of this part; (ii) an administrative change to a permit issued pursuant to Article 1 (9VAC5-80-50 et seq.) or Article 3 (9VAC5-80-360 et seq.) of this part; or (iii) a change to a permit issued pursuant to Part III (9VAC5-85-40 et seq.) or Part IV (9VAC5-85-60 et seq.) of 9VAC5-85 (Permits for Stationary Sources of Pollutants Subject to Regulation).

"Permit modification" means a change, other than an administrative permit amendment, to a permit that was issued pursuant to Article 1 (9VAC5-80-50 et seq.) or Article 3 (9VAC5-80-360 et seq.) of this part or pursuant to Part II (9VAC5-85-20 et seq.) of 9VAC5-85 (Permits for Stationary Sources of Pollutants Subject to Regulation).

"State major permit" means a minor NSR permit that is issued for a stationary source having the potential to emit 100 tons per year or more of any air pollutant, considering the state enforceable and federally enforceable permit limits in that permit.

"State operating permit" means a permit issued pursuant to Article 5 (9VAC5-80-800 et seq.) of this part or Part IV (9VAC5-85-60 et seq.) of 9VAC5-85 (Permits for Stationary Sources of Pollutants Subject to Regulation).

"Synthetic minor permit" means a permit that is issued under the provisions of Article 5 (9VAC5-80-800 et seq.) or Article 6 (9VAC5-80-1100 et seq.) of this part or Part IV (9VAC5-85-60 et seq.) of 9VAC5-85 (Permits for Stationary Sources of Pollutants Subject to Regulation) for a stationary source that would otherwise be subject to permit requirements under Article 1 (9VAC5-80-50 et seq.) or Article 3 (9VAC5-80-360 et seq.) of this part or Part II (9VAC5-85-20 et seq.) of 9VAC5-85 (Permits for Stationary Sources of Pollutants Subject to Regulation) except for state enforceable and federally enforceable permit limits in that permit.

"Title V permit" means a federal operating permit issued pursuant to Article 1 (9VAC5-80-50 et seq.) or Article 3 (9VAC5-80-360 et seq.) of this part or Part II (9VAC5-85-20 et seq.) of 9VAC5-85 (Permits for Stationary Sources of Pollutants Subject to Regulation).

"Title V general permit" means a general permit issued pursuant to the provisions of 9VAC5-80-120.

"True minor source" means a stationary source that would not be subject to permit requirements under Article 1 (9VAC5-80-50 et seq.) or Article 3 (9VAC5-80-360 et seq.) of this part or Part II (9VAC5-85-20 et seq.) of 9VAC5-85 (Permits for Stationary Sources of Pollutants Subject to Regulation) even without considering any state enforceable or federally enforceable permit limitations.

9VAC5-80-2270. General.

A. Any person submitting a permit application subject to this article shall pay a permit application fee in the amount determined in accordance with 9VAC5-80-2280 or 9VAC5-80-2282, as appropriate.

B. Permit application fees collected pursuant to this article for sources subject to Article 1 (9VAC5-80-50 et seq.) or Article 3 (9VAC5-80-360 et seq.) of this part or subject to Part II (9VAC5-85-20 et seq.) of 9VAC5-85 (Permits for Stationary Sources of Pollutants Subject to Regulation) shall not be used for any purpose other than as provided in Title V of the federal Clean Air Act and associated regulations and policies.

9VAC5-80-2280. Permit application fee calculation prior to January 1, 2018.

Each permit application subject to this article that is received by the appropriate regional office prior to January 1, 2018 shall be subject to a permit application fee. The amount of the application fee shall be calculated as follows:

1. The amount of the permit application fee shall be the largest applicable

base permit application fee amount from Table 8-10A, adjusted annually by the change in the Consumer Price Index (CPI) as specified in subdivision 2 of this subsection.

TABLE 8-10A
BASE PERMIT APPLICATION FEES FOR STATIONARY SOURCES

Application for:	Base Permit Application Fee Amount
Sources subject to Title V permitting requirements:	--
Major NSR permit	\$30,000
Major NSR permit amendment (except administrative)	\$7,000
State major permit	\$15,000
Minor NSR permit (that is not also a state major permit)	\$1,500
Minor NSR permit amendment (except administrative)	\$750
Title V permit	\$20,000
Title V permit renewal	\$10,000
Title V permit modification (except administrative)	\$3,500
State operating permit	\$7,000
State operating permit amendment (except administrative)	\$3,500
Title V General Permit	\$500
Sources subject to the requirements of a synthetic minor permit:	--
Minor NSR permit	\$500
Minor NSR permit amendment (except administrative)	\$250
State operating permit	\$1,500
State operating permit amendment (except administrative)	\$800

2. The annual adjustment of the permit application fees shall be based upon the annually adjusted permit application fee amounts for the preceding calendar year and the change in the CPI value published by the U.S. Department of Labor for all-urban consumers over the 12-month period ending on August 31 of the calendar year preceding the calendar year in which the application is first received by the appropriate regional office of the department.

a. The CPI for all-urban consumers published by the U.S. Department of Labor may be obtained online from the Bureau of Labor Statistics website at <http://data.bls.gov/cgi-bin/surveymost?cu>.

b. There is no CPI adjustment for applications received prior to January 1, 2013.

3. The amount of the annually CPI-adjusted permit application fee shall be rounded down to the nearest whole dollar.

4. Applications that are received prior to January 1, 2018, and that are amended on or after January 1, 2018, are subject to the permit application fee calculated pursuant to the provisions 9VAC5-80-2282 B.

9VAC5-80-2282. Permit application fee calculation on and after January 1, 2018.

A. Each permit application subject to this article that is received by the appropriate regional office on or after January 1, 2018, shall be subject to a permit application fee. The amount of the application fee shall be calculated as follows:

1. The amount of the permit application fee shall be the largest applicable base permit application fee amount from Table 8-10B, adjusted annually on January 1 of each calendar year after 2018 as specified in subdivisions 2 and 3 of this subsection.

TABLE 8-10B
BASE PERMIT APPLICATION FEES FOR STATIONARY SOURCES

Application for:	Base Permit Application Fee Amount
Sources subject to Title V permitting requirements:	--
Major NSR permit	\$63,000
Major NSR permit amendment (except administrative)	\$10,000
State major permit	\$25,000
Minor NSR permit (that is not also a state major permit)	\$5,000
Minor NSR permit amendment (except administrative)	\$2,500
Title V permit	\$35,000
Title V permit renewal	\$15,000
Title V permit modification (except administrative)	\$4,000
State operating permit	\$10,000
State operating permit amendment (except administrative)	\$4,000
Title V General Permit	\$531
Sources subject to the requirements of a synthetic minor permit:	--
Minor NSR permit	\$3,000
Minor NSR permit amendment (except administrative)	\$1,000
State operating permit	\$5,000
State operating permit amendment (except administrative)	\$2,500

2. Except as provided in subdivision 3 of this subsection, the annual adjustment of the permit application fees shall be based upon the permit application fee amounts for the preceding calendar year and the change in the CPI value published by the U.S. Department of Labor for all-urban consumers over the 12-month period ending on August 31 of the calendar year preceding the calendar year in which the application is received by the appropriate regional office of the department.

a. The CPI for all-urban consumers published by the U.S. Department of Labor may be obtained online from the Bureau of Labor Statistics website at <http://data.bls.gov/cgi-bin/surveymost?cu>.

b. There is no CPI adjustment of fees for applications received

during calendar year 2019.

3. Instead of a CPI adjustment, each permit application fee amount for applications received in calendar year 2019 shall be increased to 10% more than the base permit application fee amount provided in Table 8-10B.

4. The amount of the permit application fee that is calculated as provided in subdivisions 1, 2 and 3 of this subsection shall be rounded down to the nearest whole dollar.

B. The provisions of this section also apply to permit applications received by the appropriate regional office prior to January 1, 2018, and amended on or after January 1, 2018. Those amended applications are subject to the permit application fee due as if the application was received on or after January 1, 2018, less any prior permit application fee amount paid for that application.

9VAC5-80-2290. Permit application fee payment.

A. The permit application fee required by this article is due on the date that the permit application is received by the appropriate regional office of the department. The permit application fee is nonrefundable. Incomplete payment shall be deemed as nonpayment.

B. The permit application shall not be considered complete until a permit application fee for the proper amount is received. Review of the application will not proceed past an initial applicability determination until a permit application fee for the proper amount is received.

C. The permit application fee shall be paid by check, draft, or postal money order made payable to the Treasurer of Virginia and mailed or sent electronically to the address specified by the department.

D. The permit application should be mailed or sent electronically to the appropriate regional office of the department.

9VAC5-80-2300. Repealed.

HISTORICAL NOTES:

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