

**Title 33  
ENVIRONMENTAL QUALITY  
Part III. Air**

**Chapter 2. Rules and Regulations for the Fee System of the Air Quality Control Programs**

**§207. Application Fees**

Each application or amendments thereto for which a fee is prescribed shall be accompanied by a remittance in the full amount of the fee. No application or amendments thereto shall be accepted or processed prior to payment of the full amount specified a permit fee, **when it is determined that a permit fee is due.** No permit, license, registration, or variance, unless otherwise authorized by the secretary, shall be issued until the full amount of the fee has been paid and such check or draft has been accepted by the bank or drawee and the department's account has been credited with the amount of the fee, **when it is determined that a permit fee is due.**

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended LR 14:610 (September 1988), LR 19:1373 (October 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:\*\*\*\*

**§209. Annual Fees**

All parties conducting activities for which an annual **maintenance** fee is provided shall be subject to the payment of such fee by the due date indicated on the invoice. **The annual maintenance fees are based on a state fiscal year from July 1 to June 30. All major and all minor sources that have been issued a permit for air pollution emissions shall pay an annual maintenance fee.**

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended LR 14:611 (September 1988), LR 19:1373 (October 1993), amended by the Office of Management and Finance, Fiscal Services Division, LR 22:17 (January 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:\*\*\*\*

**§211. Methodology**

A. Formula to Apportion Fees

<p>Air Toxics Permit Application Fee for major sources of toxic air pollutants (based on type of facility and on rated production capacity/throughput)</p>	<p>Surcharge of 10% of the permit application fee to be charged when there is an increase in air toxics toxic air pollutant emissions above the Minimum Emission Rates (MER) listed in LAC 33:III.5112 Table 51.1</p>
<p>Air Toxics Annual Emission Fee for major sources of toxic air pollutants (based on Air Toxic Pollutants emitted)</p>	<p>Variable</p>
<p>Annual Maintenance Fee (based on type of facility and on rated production capacity/throughput)</p>	<p>Variable</p>
<p>New Application Fee (based on type of facility and on rated production capacity/throughput)</p>	<p>Variable</p>
<p>Major and Minor Modification Modified Permit Fee (based on type of facility and on rated production capacity/throughput)</p>	<p>Variable</p>
<p>PSD Application Fee (based on type of facility and on rated production capacity/throughput)</p>	<p>Surcharge of 50% of the application fee when a PSD permit application is being processed</p>
<p>"NESHAP" Maintenance Fee (based on type of facility and on rated production capacity/throughput)</p>	<p>Surcharge of 25% of the Annual Maintenance Fee for that particular process/plant to be added to the Annual Maintenance Fee</p>
<p>"NSPS" Maintenance Fee (based on type of facility and on rated production capacity/throughput)</p>	<p>Surcharge of 25% of the permit application fee to be charged for any permit application that includes the addition of new equipment subject to NSPS regulation</p>

\* \* \*

[See Prior Text in B]

1. All persons required to obtain a new or modified permit shall be subject to a permit fee (see fee schedule). This fee shall be submitted with any application for a new or modified permit. The annual maintenance fee for a new or modified source shall be paid during the fiscal year in which the process specified in the permit comes on line fees required by this Chapter are listed in LAC 33:III.223, Fee Schedule Listing, which shall be referred to as the *Fee Schedule* in the remainder of this Chapter. All persons required to obtain a new or modified permit shall be subject to a permit application fee (see

Fee Schedule) unless otherwise exempted. This fee shall be submitted with any application for a new or modified permit. The annual maintenance fee for a new or modified source shall be paid during the fiscal year (July 1 to June 30) in which the process specified in the permit comes on line.

2. The Standard Industrial Classification (SIC) codes listed in the Fee Schedule shall be used to assist in the determination of the proper fees to assess fees.

3. The permit fee for multiple source permits ~~sources or facilities with multiple processes~~ shall be equal to the total amounts required by the individual processes involved, as listed in the ~~Table~~ Fee Schedule, unless the entire facility is covered by a single fee category.

\* \* \*

**[See Prior Text in B.4-5]**

6. If a process is not listed in the Fee Schedule and is not a source type exempted from fees by this regulation, then the department shall assign a fee based on the most similar processes in the Fee Schedule and negotiated separately. If a process or facility is specifically listed in the Fee Schedule, then the fee cannot be negotiated. The Air Quality Division (AQD) department shall analyze each permit request to determine the number of processes involved and the permit fee associated with each.

7. Annually, the Air Quality Division (AQD) department shall reevaluate the permit fee schedule based upon the previous fiscal year's reasonable costs involved in the operation of the permit system and submit such revised schedule to the secretary for approval.

8. A permit fee exempt list shall be presented to the administrative authority annually for approval. The permit fee exempt list shall be in the offices of the Air Quality Division and shall be available for public inspection. Any person may request permit fee exemption for a source class by application to the administrative authority. Sources listed in the permit fee exempt list shall be exempt from the permit fee (Fee Schedule) and from having to obtain a permit. The administrative authority may grant initial approval and denial of the class exemption pending consideration by the administrative authority. ~~No Part 70 source shall be exempt under this Chapter except any affected unit under 40 CFR 70.9(b)(4).~~

98. When a company withdraws its application and claims refund for the permit fee, no refund shall be made if the review of the application is essentially completed at the time of withdrawal. However, up to 50 percent refund may be made when the review has been initiated, but is not essentially completed.

109. Annual maintenance fees (AMF) are not prorated. If a facility operates any part of a year or at a reduced rate during the year, the full annual maintenance fee is still charged. In order for the annual maintenance fee to be cancelled, the facility must not operate at all during the year and the permit to operate for the facility must be cancelled and/or changes must be made to the process or facility in order to make the process or facility not subject to regulation by the department. ~~This action~~ The cancellation of the permit would ~~shall~~ require that a new permit be issued before the facility could be operated again. Failure to pay the annual maintenance fee will cause the permit for the facility covered by the fee to be cancelled.

110. When a permanent shutdown occurs and a company properly notifies the Air Quality Division ~~department~~, by official change in the Emission Inventory Questionnaire (EIQ) and

permit, then the maintenance fee would be dropped for that shutdown portion of the process/plant in the appropriate fiscal year only if that portion of the process/plant does not operate at any time during that fiscal year. This fee reduction or cancellation shall apply only in the fiscal years in which the shutdown portion of the plant or process did not operate at all. The EIQ and permit shall also need to be changed to delete the emissions from the shutdown portion of the plant or process before the start of the fiscal year in which the fee would have been charged.

1211. For most fees listed in these regulations, the minor modification fee is equal to the annual maintenance fee (AMF). The major modification fee is three times the AMF, and the new application fee is five times the AMF. Minimum and maximum permit fees shall apply to all categories that have minimum and maximum AMF according to the following table.

Permit Fees	Minimum	Maximum
Minor modification	min. AMF	Max. AMF
Major modification	3 x min. AMF	3 x max. AMF
New application	5 x min. AMF	5 x max. AMF

If the above ratio was not used to establish the major modification and new application fees for a category, then the actual ratio of major modification and new application fee to AMF shall be used.

1312. NSPS fees may be waived when a PSD application fee is imposed.

1413. The AQD administrator and staff department will shall determine the type of fee. This determination will shall be based on the work load created by the permit application and shall be determined based on the factors described as follows:

a. New Application Fee. (based on new capacity or incremental capacity) The new application fee shall be based on the new capacity when a new process or operation is added or the incremental increase in capacity when the capacity is increased by more than 80 percent. It applies when:

- i. a new facility is added;
- ii. a new operation in an existing facility is added; and or
- iii. an existing operation is expanded by more than 80 percent in

capacity.

b. Major Modification Fee. (based on existing capacity) The major modification fee shall be based on the existing capacity when the capacity is increased by more than 40 percent and less than 80 percent. The applicant has the option to choose to base the major modification fee on the incremental capacity increase and using the new permit application rate in cases where the incremental increase is small compared to the existing capacity. In that case, the applicant can choose the smaller fee as long as it is larger than the minimum major modification fee listed for the category. In all cases, the minimum amount of the fee would be equal to or greater than the minimum major modification fee for the category. The major modification fee applies when:

i. the modification will trigger PSD review;

ii. the modification would have triggered PSD review without the use of contemporaneous emission reductions or banked emissions;

iii. the modification will increase emissions by 25 tons/yr/year or more of nonattainment pollutant;

iv. the modification will increase emissions by more than 10 tons/year of an individual toxic air pollutant/25 tons/year of total toxics air pollutants;

v. the modification will change emissions over 100 tons/yr/year of a criteria pollutant for which the standard has been attained; and/or

vi. the modification will increase capacity of an existing operation at least by 40 percent and less than 80 percent.

c. Minor mModification fFee. The minor modification fee (based on existing capacity) applies when a modification is not qualified under new application fee or major modification fee. The minor modification fee shall be based on the existing capacity when the capacity is increased by less than 40 percent. The applicant has the option to choose to base the minor modification fee on the incremental capacity increase and using the new permit application rate in cases where the incremental increase is small compared to the existing capacity. In that case, the applicant can choose the smaller fee as long as it is larger than the minimum minor modification fee listed for the category. In all cases, the minimum amount of the fee would be equal to or greater than the minimum minor modification fee for the category.

d. If a permit modification is such that it does not increase capacity and changes emissions by less than 25 tons/year; of all nonattainment pollutants, by less than 10 tons/year of an individual toxic air pollutant, by less than 25 tons/year of total toxic air pollutants, and by less than 100 tons/year of all other criteria (attainment) pollutants, then the permit fee can shall be charged equal to the minimum minor modification permit fee for each fee process category involved. If no minimum minor modification permit fee is listed in LAC 33:III.223, then the minimum minor modification fee is calculated as follows:

i. if the minor modification fee is greater than \$800, then the minimum minor modification fee is equal to 25 percent of the minor modification fee;

ii. if the minor modification fee is \$200 to \$800, then the minimum minor modification fee is \$200; and

iii. if the minor modification fee is less than \$200, then the minimum minor modification fee is the same as the minor modification fee.

e. Fee Schedule. LAC 33:III.223 does not list a minimum minor modification fee for many fee categories. The minimum minor modification fee for these categories shall be determined as follows:

i. calculate 25 percent of the minor modification fee for the category;

ii. if the calculated fee is greater than \$200, then use that amount as the minimum minor modification fee; and

iii. if the calculated fee is less than \$200, then use \$200 as the minimum minor modification fee, unless the minor modification fee is less than \$200. If the minor modification fee

is less than \$200, then the minimum minor modification fee would be equal to the minor modification fee. ~~f e. Small Source Permit. The small source permit, as defined by LAC 33:III.503.B.2, applies when a permitted source is not a major source. The permitted source must also emit and have the potential to emit less than 25 tons/year of any regulated pollutant. For permit applications with processes specifically listed in the fee schedule that would also qualify for the small source permit fee, the permit fee shall be the lesser of these listed fees.~~

1514. Air Toxics Annual Emission Fees shall be assessed ~~on major sources of toxic air pollutants~~ based on actual annual emissions ~~which~~ that occurred during the previous calendar year.

1615. For permits issued under LAC 33:III.507 (Title V permits) the following applies:

- a. no application fee shall be charged for the initial permit provided no modifications are being made at the facility; and
- b. no application fee shall be charged for renewals of permits issued provided no modifications are being made at the facility.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended LR 14:611 (September 1988), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:1205 (December 1991), LR 18:706 (July 1992), LR 19:1373 (October 1993), LR 19:1419 (November 1993), amended by the Office of Management and Finance, Fiscal Services Division, LR 22:17 (January 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:\*\*\*\*

§223. Fee Schedule Listing

FEE SCHEDULE LISTING						
Fee Number	Air Contaminant Source	SICC	Annual Maintenance Fee	New Permit Application	Modified Permit Fees	
					Major	Minor
* * *						
[See Prior Text in Fee Number 0010]						
0015 *Note 20*	Iron Ore Processing per Million Dollars in Capital Cost	1011	40.00	200.00	120.00	40.00
* * *						
[See Prior Text in Fee Numbers 0020-0030]						
0040	Crude Oil and Natural Gas Production ( <del>Less than 100-249 T/Yr Source</del> )	1311	<del>114.00</del> 68.00	<del>573.00</del> 340.00	<del>344.00</del> 204.00	<del>114.00</del> 68.00
0041	Crude Oil and Natural Gas Production ( <del>equal to or greater than 100 T/Yr and less than 250-499 T/Yr Source</del> )	1311	<del>354.00</del> 114.00	<del>1769.00</del> 573.00	<del>1061.00</del> 344.00	<del>354.00</del> 114.00
0042	Crude Oil and Natural Gas Production <del>Greater than 250 T/Yr to 500 T/Yr Source</del>	1311	<del>589.00</del> 354.00	<del>2358.00</del> 1769.00	<del>1769.00</del> 1061.00	<del>589.00</del> 354.00
0043	Crude Oil and Natural Gas Production <del>Greater than 500 T/Yr Source</del>	1311	589.00	2358.00	1769.00	589.00
* * *						
[See Prior Text in Fee Numbers 0050-0770]						
0773	Fiberglass Swimming Pools	NA	201.00	1003.00	602.00	201.00
* * *						

FEE SCHEDULE LISTING						
Fee Number	Air Contaminant Source	SICC	Annual Maintenance Fee	New Permit Application	Modified Permit Fees	
					Major	Minor
[See Prior Text in Fee Numbers 0775-1190]						
1193	Commercial Laundry, Dry Cleaning, and Pressing Machines	3582	429.00	2148.00	1290.00	429.00
* * *						
[See Prior Text in Fee Numbers 1195-1521]						
1525	Sanitary Landfill per Million Mg of Planned Capacity	4953 MIN	100.00 200.00	500.00 1000.00	300.00 600.00	100.00 200.00
* * *						
[See Prior Text in Fee Numbers 1530-1590]						
1600	Floating Bulk Loader: A) Over 100,000 Ton/Yr Throughput	5153	2864.00	14327.00	8596.00	2864.00
1610 *Note 14a*	Floating Bulk Loader: B) Less than or equal to 100,000 or Less and more than 25,000 Ton/Yr Throughput	5153	1433.00	7163.00	4298.00	1433.00
1611 *Note 14a*	Dry Bulk Transfer Derrick Crane Barge Up to 25% Annual Grain Transfer Bulk Loader: 25,000 Ton/Yr or Less Throughput	5153	816.00	4082.00	2449.00	816.00
1612 *Note 14a*	Dry Bulk Transfer Derrick Crane Barge Bulk Loader - No Grain or Dusty Materials Transfer	5153	544.00	2721.00	1632.00	544.00
* * *						
[See Prior Text in Fee Numbers 1620-1720]						

FEE SCHEDULE LISTING						
Fee Number	Air Contaminant Source	SICC	Annual Maintenance Fee	New Permit Application	Modified Permit Fees	
					Major	Minor
1722	Small Source Permit	N/A	108.00	540.00	324.00	108.00

Additional Fees		
Fee Number	Fee Description	Amount
2000	<del>Company Name Change and/or Transfer</del> Company Ownership/Operator Change or Name Change of an Existing Permit	113.00
2010	<del>The Issuance or Denial of Relocation, Administrative Amendments, Variances, Authorization to Construct, Change of Tank Service, Research &amp; Development, and Exemptions</del>	226.00
2015 *Note 15*	<del>The Issuance or Denial of Relocation, Administrative Amendments, Variances, Authorization to Construct, Change of Tank Service, Research &amp; Development, and Exemptions for Small Business Sources</del>	108.00
* * *		
[See Prior Text in Fee Numbers 2020-2914]		

Explanatory Notes for Fee Schedule

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[See Prior Text in Note 1-12]

Note 13. Fees will be determined by aggregating actual annual emissions of each class of toxic air pollutants (as delineated in LAC 33:III.Chapter 51.Table 51.1) for a facility and applying the appropriate fee schedule for that class. Fees shall not be assessed for emissions of a single toxic air pollutant over and above 4,000 tons per year from a facility. The minimum fee for this category shall be \$100.

Note 14. Fees will not be assessed for emissions of a single criteria pollutant over and above 4,000 tons per year from a facility. Criteria

fees will be assessed on actual annual emissions which occurred during the previous calendar year. The minimum fee for this category shall be \$100.

Note 14a. The throughput of these categories shall be based on the amount of grain or other materials that are known to produce significant amounts of particulate emissions. The determination of which materials or grains are considered as dusty materials is based on the material having similar emission factors to grain or having similar properties that can be used to estimate potential emissions.

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**[See Prior Text in Note 15]**

Note 16. The choice of which program level applies is based on the highest level assigned to any process at the facility that applies at any time during the state fiscal year for which the invoice is being prepared (Program 3 being the highest). This annual maintenance fee is charged based on a state fiscal year from July to June.

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**[See Prior Text in Notes 17-Processing Timelines Table]**

Note 20. This fee category applies to facilities that use a direct reduction process to process iron ore. The fees are based on the capital cost of the facility. In determination of fees for this fee category, the capital cost shall be used in the same manner as the capacity in other fee categories.

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