

SECTION .0200 - PERMIT FEES**.0201 APPLICABILITY**

- (a) This Section is applicable:
- (1) as of the permit anniversary date on or after July 1, 1994, to facilities that have or will have actual emissions of:
 - (A) 100 tons per year or more of particulate, sulfur dioxide, nitrogen oxides, volatile organic compounds, or carbon monoxide;
 - (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; and
 - (2) as of the permit anniversary date on or after October 1, 1994, to all facilities other than the facilities described in Subparagraph (a)(1) of this Rule.
- (b) A general facility obtaining a permit under Rule .0509 of this Chapter shall comply with provisions of this Section that are applicable to a Title V facility except that the fees are different as stated.
- (c) Rule .0207 of this Section is applicable to all facilities as of its effective date.

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.0202 DEFINITIONS

For the purposes of this Section, 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 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 include fugitive emissions as specified in the definition of major source in 40 CFR 70.2. For fee applicability and calculation purposes under Rule .0201 or .0203 of this Section and emissions reporting purposes under Rule .0207 of this Section, actual emissions do not include emissions beyond the normal emissions during violations, malfunctions, start-ups,

and shut-downs, do not include a facility's secondary emissions such as those from motor vehicles associated with the facility, and do not include emissions from insignificant activities because of category as defined under Rule .0503 of this Chapter.

- (2) "Title V facility" means a facility that is required to have a permit under Section .0500 of this Chapter except perchloroethylene dry cleaners whose potential emissions are less than:
 - (a) 10 tons per year of each hazardous air pollutant,
 - (b) 25 tons per year of all hazardous air pollutants combined, and
 - (c) 100 tons per year of each regulated air pollutant.
- (3) "Minor modification" means a modification made pursuant to Chapter 17 .0515, Minor Permit Modifications.
- (4) "Synthetic minor facility" means a facility that would be a Title V facility except that the potential emissions are reduced below the thresholds in Paragraph (2) of this Rule by one or more physical or operational limitations on the capacity of the facility to emit an air pollutant. Such limitations must be enforceable by EPA and may include air pollution control equipment and restrictions on hours of operation, the type or amount of material combusted, stored, or processed.
- (5) "Significant modification" means a modification made pursuant to Chapter 17 .0516, Significant Permit Modification.
- (6) "General facility" means a facility obtaining a permit under Rule .0310 or .0509 of this Chapter.
- (7) "Small facility" means a facility that is not a Title V facility, a synthetic minor facility, a general facility, nor solely a transportation facility.
- (8) "Local" means all demolitions and asbestos renovations not regulated under 40 CFR 61.145. Such demolitions and renovations are regulated under Chapter 4.1110(h).
- (9) "Demolition" means the wrecking or taking out of any load-supporting structural member of a facility together with any related handling operations or the intentional burning of any facility.
- (10) "Renovation" means altering a facility or one or more facility components in any way, including the stripping or removal of regulated asbestos containing material (RACM) from a facility component. Operations in which load-supporting structural members are wrecked or taken out are demolitions.
- (11) "NESHAP Facility" means a facility subject to a national emission standard for hazardous air pollutants in Chapter 4.1110 - "National Emission Standards for Hazardous Air Pollutants".

- (12) “Friable asbestos material” means any material containing more than 1 percent asbestos as determined using the method specified in appendix E, subpart E, 40 CFR part 763, section 1, Polarized Light Microscopy, that, when dry, can be crumbled, pulverized, or reduced to powder by hand pressure. If the asbestos content is less than 10 percent as determined by a method other than point counting by polarized light microscopy (PLM), verify the asbestos content by point counting using PLM.
- (13) “Category I nonfriable asbestos-containing material (ACM)” means asbestos-containing packings, gaskets, resilient floor covering, and asphalt roofing products containing more than 1 percent asbestos as determined using the method specified in appendix E, subpart E, 40 CFR part 763, section 1, Polarized Light Microscopy.
- (14) “Category II nonfriable ACM” means any material, excluding Category I nonfriable ACM, containing more than 1 percent asbestos as determined using the methods specified in appendix E, subpart E, 40 CFR part 763, section 1, Polarized Light Microscopy that, when dry, cannot be crumbled, pulverized, or reduced to powder by hand pressure.

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.0203 PERMIT AND APPLICATION FEES

- (a) The owner or operator of any facility holding a permit shall pay the following permit fees:
- (1) Beginning May 11, 1998 all Title V facilities shall pay an annual permit fee of \$13.53 per ton of Regulated Air Pollutants emitted during each calendar year. This permit fee will be due on July 1, of each year for the previous year's emissions. Beginning August 14, 2000, Title V tonnage fees will be set by the Agency's Board during the annual budget approval process to offset the Agency's Title V budgetary requirements.
- (2) Beginning September 27, 2021, with each application the following fees are due:

APPLICATION FEES	
Non Title V Facilities	Fee
Initial Application	
Small Sources	\$300
Synthetic Minor Sources	\$750
Dry Cleaners	\$150
Stage I Sources	\$200
112(R) Sources	\$250
Modifications	
Small Sources	\$300
Synthetic Minor Sources	\$750
Dry Cleaners	\$100
Stage I Sources	\$200
112(R) Sources	\$250
Title V Facilities	
Initial Application, Major Modification, or Renewal	\$10,000
Initial Application or Major Modification (PSD or NSR/NAA)	\$15,000
Initial Application or Major Modification (PSD and NSR/NAA)	\$30,000
Minor Modification	\$3,000
17.0300 Permit	\$1,000
General Title V Air Curtain Incinerator	10% of the Otherwise Applicable Fee
Administrative Change Initiated by Facility	\$100
Limited And Temporary Permit	\$300
Open Burning	
Residential	
Hand Piled	\$0
Machine Piled	\$250 Per Acre
Industrial/Commercial	
Machine Piled	
Each Acre or Part Thereof	\$350 Per Acre
Asbestos	
City of Asheville And Buncombe County Demolition and Renovation Permit Review	
Single Family Structure	\$25 Per Structure
Commercial	\$50 Per Structure
Demolition	
Residential	\$200
40 CFR Part 61 NESHAP	\$250 Plus \$0.05 Per Square Footage of Building
Fire Training	\$500
Asbestos Removal (Includes 40 CFR Part 61 NESHAP Demolitions, Renovations and Local)	
Residential Non-Friable Asbestos Containing Material (ACM)	\$100 Plus \$0.20 Per Square Foot of Material
Commercial Non-Friable ACM	\$150 Plus \$0.20 Per Square Foot of Material

Commercial and Residential Friable ACM	\$200 Plus \$0.50 Per Square Foot of Material
Buncombe County Manufactured Home Removal Program	\$100 per structure
Total Asbestos Fees Shall Not Exceed \$3,500	

Application fees for Title V facilities in this Paragraph shall be adjusted for inflation as described in Chapter 17 .0204.

- (3) Beginning September 27, 2021, all facilities will be billed the following fees annually within 60 days of the anniversary of their permit expiration date:

ANNUAL SMALL AND AREA SOURCE PERMIT FEES	
Combustion Sources	Fee
Boilers & Other Combustion Sources	
1 To 4.99 Mm Btu/hr	\$300
5 To 14.99 Mm Btu/hr	\$400
15 To 34.99 Mm Btu/hr	\$500
35 To 74.99 Mm Btu/hr	\$600
75 To 99.99 Mm Btu/hr	\$700
100 And Greater	\$800
Generators	\$46/100 KW
Other Reciprocating Internal Combustion Engines	\$30/100 HP
Incinerators	
Waste	\$400
Biological	\$400
Particulate Emission Sources	
Controlled	\$350
Uncontrolled	\$350
VOC Emission Sources	
Paint Spray Booths	\$350
Printing Operations	\$350
Solvent Cleaners/Degreasers	\$150
Others	\$350
Non-Metallic Mineral Processing	
Crushers	\$150
Screens	\$50
Conveyors	\$10
Grinders	\$350
Others	\$250
Miscellaneous Processes	
Uncontrolled	\$350
Controlled	\$350
Other Sources	
Dry Cleaners	\$150
Stage 1	
Under 200,000 Gallons Gasoline Dispensed per Year	\$175

200,000-799,999 Gallons Gasoline Dispensed per Year	\$300
800,000-1,500,000 Gallons Gasoline Dispensed Per Year	\$425
>=1,500,001 Gallons Gasoline Dispensed Per Year	\$550
Small Source Tonnage Fee	\$53 Per Ton
Federal Standards	
MACT or GACT	\$350
NSPS	\$350
The total base fee for Small Sources shall not exceed \$4,000	
ANNUAL SYNTHETIC MINOR AND TITLE V SOURCE FEES	
Title V	\$10,000 Base Fee + Title V Tonnage Fee
Title V	\$4,000 Nonattainment Area Added Fee
Title V	\$2,500 Added Medium Complex Facility Fee (3-5 Federal Programs)
Title V	\$7,500 Added Highly Complex Facility Fee (6 or more Federal Programs)
General Title V Air Curtain Incinerator	10% Of the Otherwise Applicable Fee
Synthetic Minor	\$4,000 Base Fee + Synthetic Minor Tonnage Fee
Synthetic Minor Tonnage Fee	\$53 Per Ton

(b) The fee schedule referenced in .0203(a)(3) shall apply to the issuance of all Permits to Construct and Operate. Annual permit fees for Title V facilities in this Paragraph shall be adjusted for inflation as described in Chapter 17. 0204.

(c) Annual permit fees for Title V facilities in this Paragraph are equal to the sum of the basic permit fee, tonnage factor fee and nonattainment area added fee, as applicable.

(d) In addition to the annual permit fees required by Paragraph (a) of this Rule, the owner or operator of a Title V facility shall pay the following annual complexity fee, as applicable:

- (1) For facilities subject to at least three and no greater than five of the federal programs identified in Paragraph (e) of this Rule, the added annual complexity fee shall be two thousand five hundred dollars (\$2,500); or
- (2) For facilities subject to six or greater of the federal programs identified in Paragraph (e) of this Rule, the added annual complexity fee shall be seven thousand five hundred dollars (\$7,500).

Annual complexity fees for Title V facilities shall be adjusted for inflation as described in Chapter 17 .0204.

(e) Each of the programs and regulations identified in Subparagraphs (1) through (5) of this Paragraph are considered a federal program for the purposes of determining annual complexity fees under Paragraph (b) of this Rule:

- (1) The PSD program is considered one federal program for any facility that is subject to Chapter 4 .0530;
- (2) The Risk Management Program under Section 112r of the Clean Air Act is considered 1 one federal program for any facility that is subject to Chapter 4 .2100;
- (3) Each Subpart under 40 CFR Part 60, New Source Performance Standards (NSPS) is considered one federal program, with the exception of Subparts A, B, Ba, and C;
- (4) Each Subpart under 40 CFR Part 61, National Emission Standards for Hazardous Air Pollutants (NESHAP) is considered one federal program, with the exception of Subpart A; and
- (5) Each Subpart under 40 CFR Part 63, NESHAP for Source Categories, is considered one federal program, with the exception of Subparts A, B, C, D, and E.

The sum of all applicable federal programs identified in Subparagraphs (1) through (5) of this Paragraph shall be used to determine the annual complexity fee in accordance with Paragraph (d) of this rule.

(f) Current annual permit fees, annual complexity fees, and permit application fees shall be found on the Agency's website at <https://www.buncombecounty.org/governing/depts/wncair/regulations/regulations-forms.aspx>.

(g) Tonnage factor fees shall be applicable to small, synthetic minor, and Title V facilities. The Title V tonnage fee is referenced in subparagraph (a)(1) of this Section. The small and synthetic minor source tonnage fees are listed in the table in subparagraph (a)(3) of this Section. Tonnage factor fees shall be computed by multiplying the applicable tonnage rates indicated in subparagraph (a)(1) or (a)(3) of this Section by the facility's combined total actual emissions of all regulated air pollutants, rounded to the nearest ton. The calculation shall not include:

- (1) carbon monoxide;
- (2) any pollutant that is regulated solely because it is a Class I or II substance listed under Section 602 of the federal Clean Air Act (ozone depleters);
- (3) any pollutant that is regulated solely because it is subject to a regulation or standard under Section 112(r) of the federal Clean Air Act (accidental releases); and
- (4) the amount of actual emissions of each pollutant that exceeds 4,000 tons per year. Even though a pollutant may be classified in more than one pollutant category, the amount of pollutant emitted is counted only once for tonnage factor fee purposes and in a pollutant category chosen by the permittee.

Title V facilities are billed a minimum emissions fee of 100 tons.

(h) The nonattainment area added fee shall be applicable only to Title V facilities required to comply with Chapter 4 .0531, Chapter 4 .0900 (Volatile Organic Compounds), or Chapter 4 .1400 (Nitrogen Oxides) and either:

- (1) are in an area designated in 40 CFR 81.334 as nonattainment, or
- (2) are covered by a nonattainment or maintenance State Implementation Plan submitted for approval or approved as part of 40 CFR Part 52, Subpart II.

(i) A Title V (PSD or NSR/NAA) facility is a facility whose application is subject to review under Chapter 4.0530 (Prevention of Significant Deterioration) or Chapter 4 .0531 (Sources in Nonattainment Areas).

(j) A Title V (PSD and NSR/NAA) facility is a facility whose application is subject to review under Chapter 4 .0530 (Prevention of Significant Deterioration) and Chapter 4 .0531 (Sources in Nonattainment Areas).

(k) The permit application fee paid for modifications under Chapter 17 .0400, Acid Rain Procedures, shall be the fee for the same modification if it were under Chapter 17 .0500, Title V Procedures.

(l) Minor modification permit applications that are group processes require the payment of only one permit application fee for the group.

(m) For small and synthetic minor facilities, no permit application fee is required for renewal of an existing permit provided no changes have been made to the permitted facility, or for changes to an unexpired permit when the only reason for the changes is initiated by the Director or the Board. Title V facilities are required to pay a permit renewal fee equal to that of an initial application fee.

(n) When a Public Notice is required the facility shall pay the actual cost of publishing such notice in the local newspapers.

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.0204 FEE ADJUSTMENT

Beginning in 1995, the fees of Rule .0203 of this Section for Title V facilities shall be adjusted as of January 1st of each year based on direct and indirect costs of the Title V Program. The adjustment shall be done by the method described in 40 CFR 70.9(b)(2)(iv), except that the method shall be altered to account for the fact that the fees shown in rule .0203 of this Section are for calendar year 1998. The tonnage factor shall be rounded to a whole cent and the other fees shall be rounded to a whole dollar, except that the ownership change application fee shall be rounded to the nearest ten-dollar (\$10.00) increment.

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WNCRAQA History Note: *Adopted Eff. May 8, 2000. Amended Eff. July 9, 2007.*

.0205 OTHER ADJUSTMENTS

- (a) If a facility changes so that its facility category changes, the annual fee changes with the next annual fee.
- (b) A facility that is moved to a new site may receive credit toward new permit fees for any unused portion of an annual fee if the permit for the old site is relinquished.

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.0206 PAYMENT OF FEES

- (a) Payment of fees required under this Section may be by check or money order made payable to the Agency. Annual permit fee payments shall refer to the permit number.
- (b) If, within 30 days after being billed, the permit holder fails to pay an annual fee required under this Section, the Director may initiate action to terminate the permit under Rule .0309 or .0519 of this Chapter, as appropriate.

(c) A holder of multiple permits may arrange to consolidate the payment of annual fees into one annual payment.

(d) The payment of the permit application fee required by this Section shall accompany the application and is non-refundable.

(e) The Agency shall annually prepare and make publicly available an accounting showing aggregate fee payments collected under this Section from facilities which have obtained or will obtain permits under Section .0500 of this Chapter except synthetic minor facilities and showing a summary of reasonable direct and indirect expenditures required to develop and administer the Title V permit program.

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.0207 ANNUAL EMISSIONS REPORTING

(a) The owner or operator of a Title V facility shall report by June 30th of each year the actual emissions during the previous calendar year of:

- (1) volatile organic compounds,
- (2) nitrogen oxides,
- (3) total suspended particulates,
- (4) sulfur dioxide,
- (5) fluorine,
- (6) hydrogen chloride,
- (7) hydrogen fluoride,
- (8) hydrogen sulfide,
- (9) methyl chloroform,
- (10) methylene chloride,
- (11) ozone,
- (12) chlorine,
- (13) hydrazine,
- (14) phosphine,

- (15) particulate matter (PM10),
- (16) carbon monoxide,
- (17) lead, and
- (18) perchloroethylene.

(b) The accuracy of the report required by Paragraph (a) of this Rule shall be certified by a responsible official of the facility as defined under 40 CFR 70.2.

(c) Reserved.

(d) Reserved.

(e) The report shall be in or on such form as may be established by the Director. The Director may require reporting for sources within a facility, for other facilities, or for other pollutants, parameters, or information, by permit condition or pursuant to Chapter 4 .0202 (Registration of Air Pollution Sources).

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