

LINCOLN-LANCASTER COUNTY AIR POLLUTION CONTROL PROGRAM

ARTICLE 2. REGULATIONS AND STANDARDS

SECTION 29. OPERATING PERMIT EMISSION FEES

(A) Applicability--The provisions of these Regulations and Standards section shall apply to any person who owns or operates a major source as defined in Section 2 who is required to obtain a Class I permit in accordance with Section 5 of these Regulations and Standards.

(B) Calculation of Fee. Beginning July 1, 1995, owners or operators of major sources, identified in (A) above, shall pay an annual emission fee for each ton of a regulated pollutant for fee purposes emitted to the air by the facility. Any temporary source issued a Class I permit under Section 10 shall pay an annual emission fee for emissions during the time period the source was located and operated in the State. The fee shall be based on the actual emission tonnages and as established in the emission inventory for the previous calendar year, beginning with calendar year 1994. For purposes of this section, a pollutant which may be regulated under more than one provision of these regulations and standards, need only be counted once.

(1) The emission fee shall be determined by multiplying \$25 per ton of regulated pollutant for fee purposes reported in the annual emission inventory report required in Section 6. The emission fee shall be increased or decreased annually by the Department in each year, beginning after 1991, by the percentage difference between the Consumer Price Index (CPI) for the most recent year ending before the beginning of such year and the CPI for the year 1989 or as required to pay all reasonable direct and indirect costs of developing and administering the air quality permit programs as identified in these Regulations and Standards.

(2) The emission fee is due and payable on actual emissions up to and including 4,000 tons per year for each regulated pollutant.

(C) Any person subject to the requirements of this section who fails to submit an annual emissions inventory report when required by Section 6 shall pay an annual emission fee based on the source's potential to emit as defined in Section 1 of these Regulations and Standards.

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(D) Payment of fees--Any person required to submit fees pursuant to this Section, shall submit the fees to the Director of the Department by check, or other authorized transfer, made payable to the Lincoln-Lancaster County Health Department. The fees shall be due and payable on July 1 of each year, beginning with calendar year 1995, with submission of the annual emission inventory report form. All fees paid in accordance with this Section shall be non-refundable.

(E) Failure to submit the fees required by this section, in addition to other relief allowed by law, shall be cause for:

- (1) Revocation of the source's Class I operating permit; and
- (2) Assessment of a late payment fee of 20 percent of the payment due, which late payment fee shall be increased by an additional 10 percent of the original payment due for each additional 30 day period that the payment is late. Such late payment fee shall be payable to the Department as provided in paragraph (D) above.

(F) If the Director determines that the annual emission inventory report form is incomplete or inaccurate for the purposes of calculation of fees under this section, the Director may require the source to submit additional data or other information, as well as an explanation of the source's calculation. If any annual emission inventory report form which is modified pursuant to this Section results in the assessment of additional fees, such additional fees shall be payable within 30 days of notice of the assessment in accordance with paragraph (D) above.

(G) The rate structure will be reviewed annually by the Director, and a report submitted to the Board of Health. The Board of Health shall recommend any modifications to the Lincoln City Council and the Lancaster County Board of Commissioners. The new rate structure will be adopted by Resolution of the two governing bodies.

(H) All money collected from the permit fees, and air quality service charges herein provided for shall be payable to the Lincoln-Lancaster County Health Department and shall be credited to the Air Pollution Control Fund.

Ref: Title 129, Chapter 29, Nebraska Department of Environmental Quality

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EPA Rulemakings

CFR: 40 C.F.R. 70, Appendix A, Lincoln-Lancaster County (c)
FRM: 60 FR 53872 (10/18/95), Correction Notice 61 FR 7073 (2/26/96)
PRM: 60 FR 5883 (1/31/95)
State Submission: 11/12/93
State Proposal: 2/28/95
State Final: 5/16/95 (effective date locally)
APDB File: NE-32b
Description: EPA fully approved the operating permits program submitted by Lincoln-Lancaster County for the purpose of complying with Federal requirements for an approvable program to issue operating permits to all major stationary sources and certain other sources. EPA also approved, under 112(l), the county's program for accepting delegation of section 112 standards to enforce air toxics regulations. The Lincoln-Lancaster County Air Pollution Control Program rules replaced Chapter 8.64 regulations of the City of Lincoln and Resolution No. 3155 of Lancaster County in their entirety.
