

## 22.106(455B) Title V permit fees.

22.106(1) Fee established. Any person required to obtain a Title V permit shall pay an annual fee based on the total tons of actual emissions of each regulated air pollutant, beginning November 15, 1994. Beginning July 1, 1996, Title V operating permit fees will be paid on or before July 1 of each year. The fee shall be based on actual emissions required to be included in the Title V operating permit application and the annual emissions statement for the previous calendar year. The department and the commission will review the fee structure on an annual basis and adjust the fee as necessary to cover all reasonable costs required to develop and administer the programs required by the Act. The department shall submit the proposed budget for the following fiscal year to the commission no later than the March meeting. The commission shall set the fee based on the reasonable cost to run the program and the proposed budget no later than the May commission meeting of each year. The commission shall provide an opportunity for public comment prior to setting the fee. The commission shall not set the fee higher than \$56 per ton without adopting the change pursuant to formal rule making.

22.106(2) Fee calculation. The fee amount shall be calculated based on the first 4,000 tons of each regulated air pollutant or contaminant emitted each year from each major source.

22.106(3) Fee and documentation due dates.

a. The fee shall be submitted annually by July 1. For emissions located in Polk County or Linn County, the fee shall be submitted with three copies of the following forms. For emissions in all remaining counties, the fee shall be submitted with two copies of the following forms:

1. Form 1.0 "Facility identification";
2. Form 5.0 "Title V annual emissions summary/fee"; and
3. Part 3 "Application certification."

b. For emissions located in Polk County or Linn County, three copies of the following forms shall be submitted annually by March 31 documenting actual emissions for the previous calendar year. For emissions in all other counties, two copies of the following forms shall be submitted:

1. Form 1.0 "Facility identification";
2. Form 4.0 "Emission unit-actual operations and emissions" for each emission unit;

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3. Form 5.0 "Title V annual emissions summary/fee"; and
4. Part 3 "Application certification."

If there are any changes to the emission calculation form, the department shall make revised forms available to the public by January 1. If revised forms are not available by January 1, forms from the previous year may be used and the year of emissions documented changed. The department shall calculate the total statewide Title V emissions for the prior calendar year and make this information available to the public no later than April 30 of each year.

22.106(4) Phase I acid rain sources. No fee shall be required to be paid for emissions which occur during the years 1993 through 1999 inclusive, with respect to any Phase I acid rain affected unit under Section 404 of the Act.

22.106(5) Operation in Iowa. The fee for a portable emissions unit or stationary source which operates both in Iowa and out of state shall be calculated only for emissions from the source while operating in Iowa.

22.106(6) Title V exempted stationary sources. No fee shall be required to be paid for emissions until the year in which sources exempted under subrules 22.102(1) and 22.102(2) are required to apply for a Title V permit. Fees shall be paid for the emission year preceding the year in which the application is due and thereafter.

22.106(7) Insignificant activities. No fee shall be required to be paid for insignificant activities, as defined in rule 22.103(455B).

22.106(8) Correction of errors. If an owner or operator, or the department, finds an error in a Title V emissions inventory or Title V fee payment, the owner or operator shall submit to the department revised forms making the necessary corrections to the Title V emissions inventory or Title V fee payment. Forms shall be submitted as soon as possible after the errors are discovered or upon notification by the department.

EPA Rulemakings

CFR: 40 C.F.R. 70, Appendix A, Iowa (a)  
 FRM: 60 FR 45671 (9/1/95)  
 PRM: 60 FR 20465 (4/26/95)  
 State Submission: 8/17/94  
 State Proposal: N/A  
 State Final: IAC 3/16/94 (Effective 4/20/94)  
 APDB File: IA-36  
 Description: The EPA promulgated interim approval of the Title V operating permits program and approved the state's program for receiving delegation of section 112 standards. Interim approval expires October 1, 1997.

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CFR: 40 C.F.R. 70, Appendix A, Iowa (b)  
 FRM: 62 FR 37514 (7/14/97)  
 PRM: 62 FR 37533 (7/14/97)  
 State Submission: 4/3/97  
 State Proposal: N/A  
 State Final: N/A  
 APDB File: IA-62  
 Description: The EPA granted final full approval to the Title V operating permit program for the purpose of meeting the requirements of 40 C.F.R. Part 70. This fulfills the conditions of the interim approval granted on September 1, 1995, which required the state to submit a revised workload analysis describing how the operating permit program would be implemented.

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CFR: 40 C.F.R. 70, Appendix A, Iowa (c)  
 FRM: 67 FR 9594 (03/04/2002)  
 PRM: 67 FR 9641 (03/04/2002)  
 State Submission: 08/07/2000, 07/18/2001,  
 State Final: IAB 06/16/1999, IAB 02/07/2001  
 APDB File: IA-79  
 Description: This revision adds clarifying language, titles, and new subrules pertaining to Title V permit fees.

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CFR: 40 C.F.R. 70, Appendix A, Iowa (i)  
 FRM: 72 FR 58535 (10/16/2007)  
 PRM: 72 FR 58571 (10/16/2007)  
 State Submission: 04/26/2007  
 State Final: IAB 02/28/2007; effective 04/04/2007  
 APDB File: IA-122; Docket No. EPA-R07-OAR-2007-0718  
 Description: This revision to 22.106(6) corrects cross references to rules for Title V permits, Acid Rain permits, and permits by rule for small sources.

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CFR: 40 C.F.R. 70, Appendix A, Iowa (k)  
 FRM: 74 FR 68692 (12/29/2009)  
 PRM: 74 FR 68761 (12/29/2009)  
 State Submission: 11/18/2008  
 State Final: IAB 9/10/2008, effective 10/15/08  
 APDB File: IA-131 and IA 134; EPA-R07-OAR-2008-0895  
 Description: This revision adds new subrule 22.106(8) which sets forth provisions for correcting errors in Title V emissions inventories and Title V fees.

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CFR: 40 C.F.R. 70, Appendix A, Iowa (l)  
 FRM: 75 FR 9106 (3/1/2010)  
 PRM: 75 FR 9147 (3/1/2010)  
 State Submission: 2/20/2009  
 State Final: IAB 12/31/2008, effective 2/4/09  
 APDB File: IA-139; EPA-R07-OAR-2009-0860  
 Description: This revision amends 22.106(1) increasing the fixed dollar amount of \$29 per ton to \$56 per ton as the maximum annual Title V Operating Permit fee.

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Difference Between the State and EPA-Approved Regulation

None.