

Chapter NR 410

AIR PERMIT FEES

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NR 410.01 Purpose. The purpose of this chapter is to establish, pursuant to s. 144.399, Stats., the requirements and the procedures for the payment of application fees and implementation and enforcement fees by persons who are required or authorized to obtain air pollution control permits.

History: Cr. Register, April, 1984, No. 340, eff. 5-1-84.

NR 410.02 Applicability. This chapter applies to all persons who are required or authorized to obtain an air pollution control permit for the construction, reconstruction, replacement or modification and operation of an air contaminant source and to all persons who own or operate an air contaminant source for which an air pollution control permit has been issued.

History: Cr. Register, April, 1984, No. 340, eff. 5-1-84.

NR 410.03 Definitions. The following definitions are applicable to the terms used in this chapter:

- (1) "Air contaminant source" has the meaning designated in s. 144.30 (2), Stats.
- (2) "Air pollution control permit" has the meaning designated in s. 144.30 (3), Stats.
- (3) "Basic emissions unit" has the meaning designated in s. NR 154.01 (27m).
- (4) "Best available control technology" or "BACT" has the meaning designated in s. 144.30 (9), Stats.
- (5) "Emissions offset" means the reduction of emissions from existing sources to compensate for the increase in emissions from the construction, reconstruction, replacement or modification and operation of the source which is the subject of the permit application.
- (6) "Environmental assessment" has the meaning designated in s. NR 150.02 (8).
- (7) "Lowest achievable emission rate" or "LAER" has the meaning designated in s. 144.30 (15), Stats.
- (8) "Major source" means any stationary source which is a nonattainment area major source or an attainment area major source under the criteria in s. 144.391 (1) (a) or (2) (a), Stats.
- (9) "Minor source" means any stationary source which is not a major source.

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(10) "Modification" has the meaning designated in s. 144.30 (20), Stats.

(11) "Nonattainment area source" means any source which is located in a nonattainment area or which may affect significantly the air quality in a nonattainment area and which, considering air pollution control equipment, is capable of emitting an air contaminant for which the area is classified as a nonattainment area.

(12) "Person" has the meaning designated in s. 144.01 (9m), Stats.

History: Cr. Register, April, 1984, No. 340, eff. 5-1-84.

NR 410.04 Application fee. Except as provided under s. 144.399 (3) (a), Stats., any person required or authorized under s. 144.391, Stats., to obtain an air pollution control permit shall pay an application fee, consisting of the sum of the basic fee under sub. (1) and any additional fees under sub. (2).

(1) **BASIC FEES.** (a) Except as provided in par. (b), each person who applies for and is issued an air pollution control permit for which an application fee is authorized shall pay a basic fee according to the following amounts:

1. \$1,050 if the permit is for the construction or replacement of a minor source;
2. \$800 if the permit is for the modification of a minor source;
3. \$2,550 if the permit is for the construction, reconstruction or replacement of a major source; or
4. \$1,400 if the permit is for the modification of a major source.

(b) The basic fees prescribed in par. (a) shall be reduced by the following amounts:

1. \$100 if the permit applicant publishes the class 1 newspaper notice required under s. 144.392 (5) (c), Stats., and
2. That portion of the amount of any environmental impact statement fee assessed under s. NR 150.11 which related to an air quality analysis as required under s. 144.399 (2), Stats.

(2) **ADDITIONAL FEES.** In addition to the basic fee prescribed in sub. (1), each person who applies for and is issued an air pollution control permit for which an application fee is authorized shall pay the following applicable additional fees in the amounts indicated:

- (a) \$250 if the permit application requires the review and analysis of 2 or more basic emissions units;
- (b) \$200 if the permit application is for a nonattainment area source;
- (c) \$800 if the permit application is for a source which requires an emissions offset;
- (d) \$1,500 if the permit application is for a source which requires a BACT or LAER determination;
- (e) \$500 if the permit application is for a source whose projected air quality impact requires a detailed air quality modeling analysis;

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(f) \$500 if the permit application is for a source which may emit a toxic or hazardous substance listed in s. NR 154.04 (2) (b)5. or 154.19;

(g) \$150 if the permit application is for a source which requires an environmental assessment under ch. NR 150;

(h) \$500 if the permit application is for a source which requires a stack test prior to the department's issuance of a release for permanent operation; and

(i) \$250 if the permit application is for the modification of a major source whose net increase in emissions of any of the following pollutants would equal or exceed any of the following rates:

1. Carbon monoxide: 100 tons per year
2. Nitrogen oxides: 40 tons per year
3. Sulfur dioxide: 40 tons per year
4. Particulate matter: 25 tons per year
5. Volatile organic compounds: 40 tons per year
6. Lead: 0.6 tons per year
7. Asbestos: 0.007 tons per year
8. Beryllium: 0.0004 tons per year
9. Mercury: 0.1 tons per year
10. Vinyl chloride: 1 ton per year
11. Fluorides: 3 tons per year
12. Sulfuric acid mist: 7 tons per year
13. Hydrogen sulfide (H₂S): 10 tons per year
14. Total reduced sulfur (including H₂S): 10 tons per year
15. Reduced sulfur compounds (including H₂S): 10 tons per year

(3) PAYMENT. The department shall mail a billing statement for the required application fee to the person applying for the permit at the time the permit is issued. The application fee shall be paid within 30 days of the date of the billing statement. The department may not issue the release for permanent operation of the source until the department receives full payment of the application fee.

History: Cr. Register, April, 1984, No. 340, eff. 5-1-84.

NR 410.05 Implementation and enforcement fee. (1) FEE REQUIRED. Any person who owns or operates an air contaminant source for which an air pollution control permit has been issued shall pay an annual fee for the implementation and enforcement of the permit conditions according to the amount established in sub. (2).

(2) AMOUNT OF FEE. The amount of the annual implementation and enforcement fee shall be:

- (a) \$500 per year for a major source; or

(b) \$200 per year for a minor source.

(3) **PAYMENT.** Annually the department shall mail billing statements to persons owning or operating air contaminant sources for which the payment of an implementation and enforcement fee is required. Persons required to pay an enforcement and implementation fee shall pay the fee within 30 days of the date of the billing statement.

History: Cr. Register, April, 1984, No. 340, eff. 5-1-84.