

REGULATIONS FOR THE CONTROL AND ABATEMENT OF AIR POLLUTION (9 VAC 5 CHAPTER 80)

9 VAC 5 CHAPTER 80.  
PERMITS FOR STATIONARY SOURCES.

PART II.  
Permit Procedures.

ARTICLE 10.  
Permit Application Fees for Stationary Sources.

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9 VAC 5-80-2250. Applicability.

A. Except as provided in subsection C of this section, the provisions of this article apply as follows:

1. For permit applications subject to review under the provisions of Article 6 (9 VAC 5-80-1100 et seq.) of this part, the provisions of this article shall apply to any of the following:

a. Permit applications for the construction of a major stationary source at an undeveloped site.

b. Permit applications for the construction of a major source, as defined in 40 CFR 63.2.

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                  c.      Applications for coverage of a major stationary source (or portion thereof) or a major source (or portion thereof) under a general permit issued for a stationary source category, if the source is to be located at an undeveloped site.

                  d.      Permit applications for the reactivation of any major source or major stationary source that was shut down in accordance with 9 VAC 5-20-220.

                  2.      For permit applications subject to review under the provisions of Article 7 (9 VAC 5-80-1400 et seq.) of this part, the provisions of this article apply to permit applications for the construction of a major source at an undeveloped site.

                  3.      For permit applications subject to review under the provisions of Article 8 (9 VAC 5-80-1700 et seq.) or Article 9 (9 VAC 5-80-2000 et seq.) of this part, the provisions of this article apply to any of the following:

                  a.      Permit applications for the construction of a major stationary source at an undeveloped site.

                  b.      Permit applications for the reactivation of any major stationary source that was shut down in accordance with 9 VAC 5-80-1930 or 9 VAC 5-20-220.

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B. The provisions of this article apply throughout the Commonwealth of Virginia.

C. The provisions of this article shall not apply to the following:

1. Applications for permits for reconstruction of all or part of any stationary source, providing that the application is not otherwise subject to permit application fees pursuant to the provisions of subsection A of this section.

2. Applications that are deemed complete prior to July 1, 2004.

D. The department shall make any final determinations required by this article, including, but not limited to:

1. The applicability of this article:

2. Any applicability determinations required pursuant to Article 6 (9 VAC 5-80-1100 et seq.), Article 7 (9 VAC 5-80-1400 et seq.), Article 8 (9 VAC 5-80-1700 et seq.) and Article 9 (9 VAC 5-80-2000 et seq.) of this part that affect the applicability of this article; and

3. The amount of permit application fees owed.

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9 VAC 5-80-2260. Definitions.

A. For the purpose of this article and subsequent amendments or any orders issued by the board, the words or phrases shall have the meaning given them in subsection D of this section.

B. All words and phrases not defined in subsection D of this section shall have the meaning given them in Article 6 (9 VAC 5-80-1110 C), Article 7 (9 VAC 5-80-1410 C), Article 8 (9 VAC 5-80-1710 C) or Article 9 (9 VAC 5-80-2010 C) of this part, as may apply, unless otherwise required by context.

C. All words and phrases not defined in subsection D of this section and not defined in applicable subsections of Article 6 (9 VAC 5-80-1110 C), Article 7 (9 VAC 5-80-1410 C), Article 8 (9 VAC 5-80-1710 C) or Article 9 (9 VAC 5-80-2010 C) of this part, shall have the meaning given them in 9 VAC 5 Chapter 10 (9 VAC 5-10-10 et seq.) unless otherwise required by context.

D. Terms defined.

"Complete" means, in reference to an application for a permit, that the application contains all of the information necessary for processing the application. Designating an application complete for the purposes of permit processing does not

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preclude the board from requesting or accepting any additional information.

"Reactivation" means beginning operation of an emissions unit that has been shut down.

"Undeveloped site" means any site or facility at which no emissions units are located.

9 VAC 5-80-2270. General.

Any person submitting a permit application subject to this article shall pay a permit application fee in the amount determined in accordance with 9 VAC 5-80-2280.

9 VAC 5-80-2280. Permit application fee calculation.

A. The amount of the permit application fee shall be the sum of the following, as applicable:

1. Permit applications subject to review pursuant to the provisions of Article 9 (9 VAC 5-80-2000 et seq.) of this part shall be subject to a permit application fee of \$20,000.

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2. Permit applications subject to review pursuant to the provisions of Article 8 (9 VAC 5-80-1700 et seq.) of this part shall be subject to a permit application fee of \$30,000.

3. Permit applications subject to review pursuant to the provisions of Article 7 (9 VAC 5-80-1400 et seq.) of this part shall be subject to a permit application fee of \$15,000.

4. Permit applications subject to the provisions of Article 6 (9 VAC 5-80-1100 et seq.) of this part (other than applications for coverage under general permits issued under 9 VAC 5-80-1250) shall be subject to a permit application fee of \$5,300.

5. Applications for coverage under a general permit pursuant to the provisions of Article 6 (9 VAC 5-80-1250) of this part shall be subject to a permit application fee of \$300.

B. The total amount of the fee for a single permit application shall not exceed \$30,000.

9 VAC 5-80-2290. Permit application fee payment.

A. The permit application fee required by this article is due on the date that the

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permit application is received by the department. The permit application fee is non-refundable. Incomplete payment shall be deemed as non-payment.

B. The permit application shall not be considered complete until a permit application fee for the proper amount is received. Review of the application will not proceed past an initial applicability determination until a permit application fee for the proper amount is received.

C. The fee shall be paid by check, draft or postal money order made payable to the "Treasurer of Virginia" and shall be sent to the Department of Environmental Quality, Receipts Control, P.O. Box 10150, Richmond, Virginia 23240. When the department is able to accept electronic payments, payments may be submitted electronically.

D. The permit application should be mailed to the appropriate regional office.

9 VAC 5-80-2300. Annual permit program fee credit.

A. The amount of the permit application fee paid by the owner shall be credited towards the amount of annual permit program fees owed pursuant to Article 2 (9 VAC 5-80-310 et seq.) of this part as follows:

1. The amount of the credit applied shall not exceed the amount of

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annual permit program fees owed during the first two years of the source's operation.

2. The credit shall be applied as follows:

a. A portion of the permit application fee shall be credited toward the annual permit program fee owed for the first year of operation, up to the full amount of the permit application fee or up to the full amount of the annual permit program fee owed, whichever is less.

b. Any remainder of credit for the permit application fee shall be applied to the annual permit program fee owed for the second year of operation, up to the amount of those annual permit program fees. Any amount of the permit application fee remaining after applying credit for the first two years of operation shall not be carried forward as credit for annual permit program fees for a third year of operation or any later year.

b. In the event that the proper credit for the permit application fee is not reflected in the annual permit program fee billed to the owner, the owner shall request that the bill for the annual permit program fee amount be revised in accordance with 9 VAC 5-80-350 B 3. Failure to request such a revision shall not be grounds for applying remaining credit to annual permit program fees owed for the third year of operation or any later year.

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CERTIFICATION

REGULATION 9 VAC 5 CHAPTER 80, REVISION C04  
CONCERNING  
Permit Application Fees

I certify that this regulation is full, true, and correctly dated.

Signature: \_\_\_\_\_

Name of Certifying Official: Robert G. Burnley

Title: Director

Agency: Department of Environmental Quality

Date: \_\_\_\_\_

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