



SMG Reg Watch

July 2018/ Scott R. Smith

Reg Watch is a periodic summary of regulations that we are currently tracking. The regulations we watch address energy, environmental, health, safety, educational issues relating to sustainability and public utilities. This is not an all-encompassing list of regulations being considered at the state or federal level. Contact me if you want to add additional issues, need copies of the proposed or final regulations or have questions about these or other regulations you've heard about.

DO YOU KNOW SOMEONE WHO WANTS TO RECEIVE THESE UPDATES? QUESTIONS, COMMENTS, ADDITIONAL INFORMATION: Scott R. Smith, scottr.smith@smithmanage.com.

Scott's Thoughts

There's a lot of activity on the air and water fronts in Kentucky at this time. New air forms, KY Water Quality Standards and threatened and endangered species are all in play and described below.

The US oil industry is really getting their job done. Despite infrastructure issues in the Permian Basin, the Energy Information Administration (EIA) still forecasts that US oil output will hit 11.8 million barrels per day (bpd) next year - higher than the agency's estimate in June - making the US the world's largest producer of crude. EIA left its output projection for 2018 at 10.79 million bpd, more than 1 million bpd higher than the 1970 record. It would be good to find a way for Kentucky producers to be able to take advantage of the production bonanza. It seems that the US also needs to increase its refining capacity to really be able to take advantage of our production gains. According to EIA, the newest refinery with significant downstream unit capacity is Marathon's facility in Garyville, Louisiana. That facility came online in 1977. Capacity has also been added to a few existing refineries through upgrades or new construction.

Organizations that receive federal funding or need federal approval to advance a project may want to participate in the current comment period open until **August 20, 2018** concerning changes being considered to regulations guiding federal agency decision-making required under NEPA. NEPA, as it is interpreted today, has a wide range of impacts for projects that have "Major Federal Actions" significantly affecting the quality of the human environment. The NEPA card is a favorite tactic used by environmental groups to slow down or stop projects. Over the years, these actions have been deemed to include a lot more than the original statutory language might suggest. Others have noted that federal funding toward private projects and minor federal approvals for entirely private projects have been swept into the federal agencies purview. Keep your eye on this one. U.S. Army Corps of Engineers permits, and many other federal permits or approvals are covered under this statute.

On July 17, 2018, EPA convened a public hearing on the proposed rule "Strengthening Transparency in Regulatory Science". This proposed regulation has the environmental community and the regulatory agencies, even at the state level, scared to death. I've provided information on the proposed regulation to increase transparency over

the past couple of months. This proposed rule would prohibit the use of scientific studies to support new regulations unless the studies' underlying data is publicly available for independent validation. I think this makes sense. With states unable to develop their own standards, we must rely more and more on EPA. The standards they develop have substantial impact on industry and local governments and we need to be able to see the basis for the standards we are required to meet.

Bergeson & Campbell filed this report on the July public hearing.

40 persons, representing about 25 organizations, provided oral comments. Four witnesses offered support for the proposal, one was ambivalent, and the remaining witnesses opposed the rulemaking. Here's the best part, particularly vocal at the hearing was the Environmental Defense Fund. They had multiple representatives. When they show up in mass, they have a significant case of indigestion.

Commentaries made in support of the rulemaking included: Industry groups have been harmed by EPA using data from studies that were inappropriate or unreasonable; EPA should extend the rule beyond application for final rules or dose effects; it is critical that EPA use data that are reproducible; peer reviewed publications are not the gold standard in identifying good science. If EPA opts to rely on scientific claims that are inconsistent with other information, access to the underlying data is necessary for those claims to ensure they are appropriate for regulatory decision making.

Comments opposing the proposal rulemaking included: The rule is a bad solution in search of a problem; the current methodology for EPA assessment of science works; no changes are needed; the concern with "secret science" does not reflect reality; the rule is not needed and weakens EPA's foundation; validity of data and research is based on multiple grounds, including peer review. Shared data is not a factor to determine validity. While there is no dispute on the objective of greater transparency, having access to all underlying data is not necessary.

Lots of hoopla in July regarding endangered species in Washington. The endangered species rules over the years have gone well beyond their intended purpose. A good example of how the rules have morphed is that if US Fish and Wildlife or anyone else locates a species (even a single animal) in a Kentucky stream, the stream can become an Outstanding Resource Water. We all know what happens to development along an Outstanding Resource Water. The environmental community has long used endangered species to limit development in the coal and natural gas areas of Kentucky. There are numerous new ORSWs proposed currently in the Triennial Review. The basis for listing some of these stream reaches was that a single animal that was endangered was found. It doesn't surprise me to see activity on this front in DC. The US Fish and Wildlife Service and National Marine Fisheries Service recently published proposed revisions to the Endangered Species Act. The changes include:

Lexington
1405 Mercer Road
Lexington, KY 40511
859-231-8936
859-231-8997 fax

Louisville
1860 B Williamson Court
Louisville, KY 40223
502-587-6482
502-587-6572 fax



- regulations governing federal agency consultations (Section 7),
- the criteria by which species are listed or delisted and critical habitat is designated (Section 4), and
- the protections covering threatened species (Section 4(d)).

The revisions generally provide the Services with more flexibility, such as by allowing greater use of programmatic consultations and the incorporation of previous consultations into environmental baselines. While the regulators are making changes in their areas, we need to watch to see if Congress has decided to take a bite at this apple this fall.

The Hill, a DC based publication, has provided some of the most objective reporting regarding Congress' assessment of the Endangered Species Act. Congress' work is above and beyond what the agencies are trying to accomplish. If you look at most reports, they have photos of grizzly bears, wolfs and polar bears. We all know that this issue goes well beyond these pretty pictures. The Hill pointed out that the debates in the House and Senate were on bills with specific, limited purposes, not the full-scale comprehensive reforms that Republicans and some industries have been craving.

Nonetheless, the GOP made it clear that they want to make significant changes to the law that they see as outdated, ineffective and unnecessarily costly for states and land users. The Hill provided great insight from hearings regarding this matter.

"In short, the ESA doesn't work," said Natural Resources Committee Chairman Rob Bishop (R-Utah). "We have to find a way to reform it so that it actually solves problems, not just continues on the process. Hopefully, working with our colleagues in the Senate and the administration, we can lay a foundation for ESA reform that will do us well."

Bishop said the mission of the ESA "has changed and has been misused to try and control land, to block a host of economic activities, jobs, energy, infrastructure and forest management. It also has proliferated costly litigation, which is actually taking taxpayers' resources away from actual conservation."

Greg Sheehan, acting director of the FWS stated, "The ESA hospital was never intended to keep all patients indefinitely," Sheehan said. "There are limited resources to manage the patients, and we need to focus those resources on those that are in the greatest need, not those who are recovered and simply waiting to be released. Success of the ESA will ultimately be defined by the number of patients leaving the hospital, not the number going in."

The Association of Plastics Recyclers and Plastics Recycling Europe recently developed a global definition for the term "recyclable" as it relates to plastic packaging and products. The groups identified four conditions that a product must meet to be considered recyclable: It must be made with a plastic that is

Lexington

1405 Mercer Road
Lexington, KY 40511
859-231-8936
859-231-8997 fax

Louisville

1860 B Williamson Court
Louisville, KY 40223
502-587-6482
502-587-6572 fax



collected for recycling, have a market value and/or is supported by a legislatively mandated program; it must be sorted and aggregated into defined streams for recycling processes; it can be processed and reclaimed/recycled with commercial recycling processes; and the recycled plastic becomes a raw material that is used in the production of new products.

Kentucky Department for Environmental Protection Commissioner Tony Hatton recently announced the appointments of three top DEP officials. Sean Alteri has been appointed Deputy Commissioner of the Department, Michael Kroeger has been named Division Director of the Division of Enforcement (DENF) and Amanda Lefevre has been named Division Director of the Division of Compliance Assistance (DCA). Good luck to all!

File this under groups that don't have enough to do. The Organic Consumers Association filed a lawsuit against Ben & Jerry's and its parent company Unilever alleging deceptive labeling and marketing of Ben & Jerry's ice cream products in violation of the DC Consumer Protection Procedures Act. They don't like the idea that B&J's packaging states that the ingredients (milk and cream) are made from "happy cows".

Kentucky's 2008 NAAQS Interstate Transport SIP was approved by EPA on July 17. The approval addresses the requirements of the "good neighbor" provision for the 2008 ozone NAAQS and resolves any obligation remaining under the good neighbor provisions after promulgation of the CSAPR Update FIP. One of the structural requirements of the "good neighbor" provision which requires SIPs to contain adequate provisions to prohibit in-state emissions activities from having certain adverse air quality effects on downwind states due to interstate transport of air. The rule is effective August 16, 2018.

Sean Alteri, Director of the Division of Air Quality recently has made a power point presentation to interested organizations regarding Title V permitting fees. Almost all the cost to run the Division is paid for by the Title V fees. Sean is trying to meet with and explain his dilemma and possible solutions to affected groups. Here is a copy of his [presentation](#) for you to review.

KDOW recently issued a General Permit for stormwater associated with industrial activities. Owners and operators wishing to be covered under the General Permit must file a Notice of Intent prior to October 30, 2018. The new General Permit has a requirement that if your discharge of Total Suspended Solids exceeds 100 milligrams/liter over two consecutive sampling events, then enhanced best management practices for the site will need to be implemented.

On July 30, 2018, the Division for Air Quality filed two proposed administrative regulations.

- Proposed regulation for Permit application, registration application and compliance forms [401 KAR 52:050](#).

Lexington
1405 Mercer Road
Lexington, KY 40511
859-231-8936
859-231-8997 fax

Louisville
1860 B Williamson Court
Louisville, KY 40223
502-587-6482
502-587-6572 fax



- Proposed changes to the regulations that pertain to the registration of air contaminant sources [401 KAR 52:070](#).

Dates To Remember

- August 20, 2018 comments due regarding the Update to the Regulations for Implementing the Procedural Provisions of NEPA.
- September 24, 2018 comments due for proposed amendments to portions of regulations that implement section 7 of the Endangered Species Act of 1973, as amended.
- August 24, 2018 comments due on EPA's Spill Prevention regulations.
- September 24, 2018 comments due for portions of regulations that implement section 4 of the Endangered Species Act of 1973, as amended (Act).
September 24, 2018 comments due for revisions to regulations extending most of the prohibitions for activities involving endangered species to threatened species. Also, under section 4(d) of the Endangered Species Act, to determine what, if any, protective regulations are appropriate for species that the Service in the future determines to be threatened.
- September 27, 2018, Public Hearing for DAQ form and application proposed regulations. Hearing will be held at 10:00, Conference Room 111 at 300 Sower Blvd, Frankfort.
- October 30 deadline for owners and operators to file a Notice of Intent to be covered under Kentucky's New Industrial Stormwater Permit.

Regulatory Science

Strengthening Transparency in Regulatory Science

AGENCY: EPA.

ACTION: Proposed rule.

SUMMARY: This document proposes a regulation intended to strengthen the transparency of EPA regulatory science. The proposed regulation provides that when EPA develops regulations, including regulations for which the public is likely to bear the cost of compliance, with regard to those scientific studies that are pivotal to the action being taken, EPA should ensure that the data underlying those are publicly available in a manner sufficient for independent validation. In

this notice, EPA solicits comment on this proposal and how it can best be promulgated and implemented in light of existing law and prior Federal policies that already require increasing public access to data and influential scientific information used to inform federal regulation.

DATES: Comments must be received on or before August 16, 2018.

www.gpo.gov/fdsys/pkg/FR-2018-04-30/pdf/2018-09078.pdf

Increasing Consistency and Transparency in Considering Costs and Benefits in the Rulemaking Process

AGENCY: EPA.

Lexington

1405 Mercer Road
Lexington, KY 40511
859-231-8936
859-231-8997 fax

Louisville

1860 B Williamson Court
Louisville, KY 40223
502-587-6482
502-587-6572 fax



ACTION: Advance notice of proposed rulemaking.

SUMMARY: EPA promulgates regulations under authority provided in the federal environmental statutes such as the Clean Air Act (CAA), Clean Water Act (CWA), Safe Drinking Water Act (SDWA), and many others. Most statutory provisions require or allow some consideration of cost and benefits when setting pollution standards, but there is variation in terminology and specificity provided in each law regarding the nature and scope of the cost and benefit considerations. In this advance notice of proposed rulemaking (ANPRM), EPA is soliciting comment on whether and how EPA should promulgate regulations that provide a consistent and transparent interpretation relating to the consideration of weighing costs and benefits in making regulatory decisions in a manner consistent with applicable authorizing statutes. EPA is also soliciting comment on whether and how these regulations, if promulgated, could also prescribe specific analytic

approaches to quantifying the costs and benefits of EPA regulations. This ANPRM does not propose any regulatory requirements.

DATES: Comments must be received on or before July 13, 2018

<https://www.gpo.gov/fdsys/pkg/FR-2018-06-13/pdf/2018-12707.pdf>

Endangered and Threatened Wildlife and Plants -3 Proposed Rules

AGENCY: U.S. Fish and Wildlife Service (FWS), Interior; National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Proposed rule.

SUMMARY: FWS and NMFS (collectively referred to as the “Services” or “we”), propose to amend portions of our regulations that implement section 7 of the Endangered Species Act of 1973, as amended. The Services are

proposing these changes to improve and clarify the interagency consultation processes and make them more efficient and consistent.

DATES: We will accept comments from all interested parties until September 24, 2018

<https://www.gpo.gov/fdsys/pkg/FR-2018-07-25/pdf/2018-15812.pdf>

AGENCIES: U.S. Fish and Wildlife Service, Interior; National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Commerce.

ACTION: Proposed rule.

SUMMARY: We, the U.S. Fish and Wildlife Service (FWS) and the National Marine Fisheries Service (NMFS) (collectively referred to as the “Services” or “we”), propose to revise portions of our regulations that implement section 4 of the Endangered Species Act of 1973, as amended (Act). The proposed revisions to the regulations clarify, interpret, and implement portions of the Act concerning the procedures and criteria used for listing or removing species from the Lists of Endangered and Threatened Wildlife and Plants and designating critical habitat. We also propose to make multiple technical revisions to update existing sections or to refer appropriately to other sections.

DATES: We will accept comments from all interested parties until September 24, 2018

<https://www.gpo.gov/fdsys/pkg/FR-2018-07-25/pdf/2018-15810.pdf>

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: We, the U.S. Fish and Wildlife Service, propose to revise our regulations extending most of the prohibitions for activities involving endangered species to threatened species. For species already listed as a threatened species, the proposed regulations would not alter the applicable prohibitions. The proposed regulations would require the Service, pursuant to section 4(d) of the Endangered Species Act, to determine what, if any, protective regulations are appropriate for

Lexington

1405 Mercer Road
Lexington, KY 40511
859-231-8936
859-231-8997 fax

Louisville

1860 B Williamson Court
Louisville, KY 40223
502-587-6482
502-587-6572 fax



species that the Service in the future determines to be threatened.

DATES: We will accept comments received or postmarked on or before September 24, 2018
<https://www.gpo.gov/fdsys/pkg/FR-2018-07-25/pdf/2018-15811.pdf>

2016 Effluent Guidelines Program Plan

Final 2016 Effluent Guidelines Program Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability.

SUMMARY: This notice announces the availability of the Environmental Protection Agency's (EPA) Final 2016 Effluent Guidelines Program Plan (Final 2016 Plan). Section 304(m) of the Clean Water Act (CWA) requires the EPA to biennially publish a plan for new and revised effluent limitations guidelines, after public review and comment.

Notices existing industrial categories selected for effluent guidelines or pretreatment standards and provides a schedule for their development. The information and analyses from the EPA's 2015 and 2016 Annual Reviews, in addition to input from public comments on the Preliminary 2016 Plan, were used in developing the Final 2016 Plan. The Final 2016 Plan and the 2015 and 2016 Annual Effluent Guidelines Review Reports can be found at https://www.epa.gov/sites/production/files/2018-05/documents/final-2016-eg-plan_april-2018.pdf

NEPA Regulation Update

Update to the Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act

AGENCY: Council on Environmental Quality (CEQ).

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Council on Environmental Quality (CEQ) is considering updating its implementing regulations for the procedural provisions of the National Environmental Policy Act (NEPA). Over the past four decades, CEQ has issued numerous guidance documents but has amended its regulations substantively only once. Given the length of time since its NEPA implementing regulations were issued, CEQ solicits public comment on potential revisions to update the regulations and ensure a more efficient, timely, and effective NEPA process consistent with the national environmental policy stated in NEPA.

DATES: Comments should be submitted on or before July 20, 2018.

<https://www.gpo.gov/fdsys/pkg/FR-2018-06-20/pdf/2018-13246.pdf>

Semi-Annual Regulatory Agenda

Spring 2018 Unified Agenda of Regulatory and Deregulatory Actions AGENCY: Environmental Protection Agency.

ACTION: Semiannual regulatory agenda.

SUMMARY: The Environmental Protection Agency (EPA) publishes the Semiannual Agenda of Regulatory and Deregulatory Actions online at <http://www.reginfo.gov> and at www.regulations.gov to update the public. This document contains information about: Regulations in the Semiannual Agenda that are under development, completed, or canceled since the last agenda; and Reviews of regulations with small business impacts under Section 610 of the Regulatory Flexibility Act.

https://www.reginfo.gov/public/do/eAgendaMain?operation=OPERATION_GET_AGENCY_RULE_LIST¤tPub=true&agencyCode=&showStAge=active&agencyCd=2000&Image58.x=28&Image58.y=7&Image58=Submit

Spill Prevention Regulations

Clean Water Act Hazardous Substances Spill Prevention

Lexington

1405 Mercer Road
 Lexington, KY 40511
 859-231-8936
 859-231-8997 fax

Louisville

1860 B Williamson Court
 Louisville, KY 40223
 502-587-6482
 502-587-6572 fax



AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed action.

SUMMARY: EPA is proposing to establish no new requirements under Clean Water Act (CWA), section 311. This section directs the President to issue regulations to prevent discharges of oil and hazardous substances from onshore and offshore facilities, and to contain such discharges. On July 21, 2015, EPA was sued for failing to comply with the alleged duty to issue regulations to prevent and contain CWA hazardous substance discharges. On February 16, 2016, the United States District Court for the Southern District of New York entered a Consent Decree between EPA and the litigants that required EPA to sign a notice of proposed rulemaking pertaining to the issuance of hazardous substance regulations and take

final action after notice and comment on said notice. Based on an analysis of the frequency and impacts of reported CWA HS discharges and the existing framework of EPA regulatory requirements, the Agency is not proposing additional regulatory requirements at this time. This proposed action is intended to comply with the Consent Decree and to provide an opportunity for public notice and comment on EPA's proposed approach to satisfy the CWA requirements.

DATES: Comments must be received on or before August 24, 2018.

<https://www.gpo.gov/fdsys/pkg/FR-2018-06-25/pdf/2018-13470.pdf>

Lexington

1405 Mercer Road
Lexington, KY 40511
859-231-8936
859-231-8997 fax

Louisville

1860 B Williamson Court
Louisville, KY 40223
502-587-6482
502-587-6572 fax



Air Fee Discussion

Kentucky Energy and Environment Cabinet
Department for Environmental Protection
Division for Air Quality

August 1, 2018



KENTUCKY ENERGY &
ENVIRONMENT CABINET

Kentucky Division for Air Quality Mission Statement

To protect human health and the environment by achieving and maintaining acceptable air quality through:

- Operation of a comprehensive air monitoring network;
- Creating effective partnerships with air pollution sources and the public;
- Timely dissemination of accurate and useful information and data;
- Judicious use of program resources; and
- Maintenance of a reasonable and effective compliance program.



Legislative History

KRS 224.20-100, Finding as to necessity for act.

The Kentucky General Assembly hereby finds that it is necessary to the health and welfare of the citizens of Kentucky that there be maintained at all times both now and in the future a reasonable degree of purity of the air resources of this Commonwealth consistent with maximum employment and full industrial development necessary for the protection of the public health, the general welfare, and the property and people in this Commonwealth; and foster the comfort and convenience of its inhabitants and facilitate the enjoyment of the natural attractions of the state.

Effective: June 16, 1966



Legislative History

KRS 224.20-050 Fee for administration of air quality program.

- (1) The cabinet, or an air pollution control district created pursuant to KRS Chapters 77 and 224, may promulgate regulations adopting fees for the cost of administering the air quality program authorized by this chapter, **as mandated under Title V of the Clean Air Act Amendments of 1990** (Public Law 101-549, as amended)...

Effective: July 15, 1994



Legislative History

KRS 224.20-050 Fee for administration of air quality program.

(2) The cabinet may continue to use the operating fee structure based on emissions which has been implemented by administrative regulations to generate funds to finance the cabinet's operating permit program. The cabinet's emissions fee structure **shall not generate moneys in excess of the amount authorized in the enacted budget bill.**



Legislative History

KRS 224.20-050 Fee for administration of air quality program.

(4) Moneys generated by an emissions fee structure shall be deposited into a separate and distinct interest-bearing account and invested in accordance with administrative regulations promulgated by the State Investment Commission pursuant to KRS 42.525. Moneys not expended at the end of a fiscal year shall be carried forward to the next fiscal year. Any available balance shall be credited against the fee required in the succeeding fiscal year, and shall be credited to each source according to the proportion of the total of all emission fees which were paid by that source in a timely manner.



Regulatory Implementation

401 KAR 50:038. Air emissions fee.

RELATES TO: KRS 224.10-100, 224.10-230, 224.20-050, 224.20-100, 224.20-130, 40 C.F.R. Part 70, 42 U.S.C. 7401-7671q, et seq.

STATUTORY AUTHORITY: KRS 224.10-100, 224.10-230, 224.20-050, 224.20-100, 224.20-130, 40 C.F.R. Part 70, 42 U.S.C. 7401-7671q, et seq.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 224.10-100 requires the Environmental and Public Protection Cabinet to prescribe administrative regulations for the prevention, abatement, and control of air pollution. This administrative regulation provides for the assessment of fees necessary to fund the state permit program as defined in Section 1(8) of this administrative regulation.



Regulatory Implementation

(8) "Permit program" means the issuance and enforcement of permits for all sources subject to this administrative regulation.

(a) Permit program includes:

1. The review of permit applications and exemptions;
2. The issuance of permits to air pollution sources;
3. Inspections of air pollution sources;
4. Enforcement activities other than prosecutions in a court of law or administrative hearings;
5. Air quality and emissions monitoring, including quality assurance;



Regulatory Implementation

6. The preparation of generally applicable reports, plans, administrative regulations, and statutes;
7. Responses to inquiries;
8. Preparing inventories and tracking emissions;
9. The preparation and maintenance of records, including computerized data bases;
10. Air quality modeling, analyses, and demonstrations; and
11. Providing direct and indirect support through a small business technical assistance program.



Regulatory Implementation

(b) Permit program does not include:

1. The control of asbestos emissions from renovations or demolitions, or any activities required under the Asbestos Hazard Emergency Response Act (AHERA);
2. The issuance of permits or the enforcement of permit conditions required only by 401 KAR 63:020, 63:021, or 63:022, or any other applicable requirement, as defined in 401 KAR 52:001, that is not required to be federally enforceable; or
3. The control and enforcement of any activity not required to be permitted, and the enforcement of applicable requirements at any source not required to have a permit.



Regulatory Implementation

[50:038]

401 KAR 50:038. Air emissions fee.

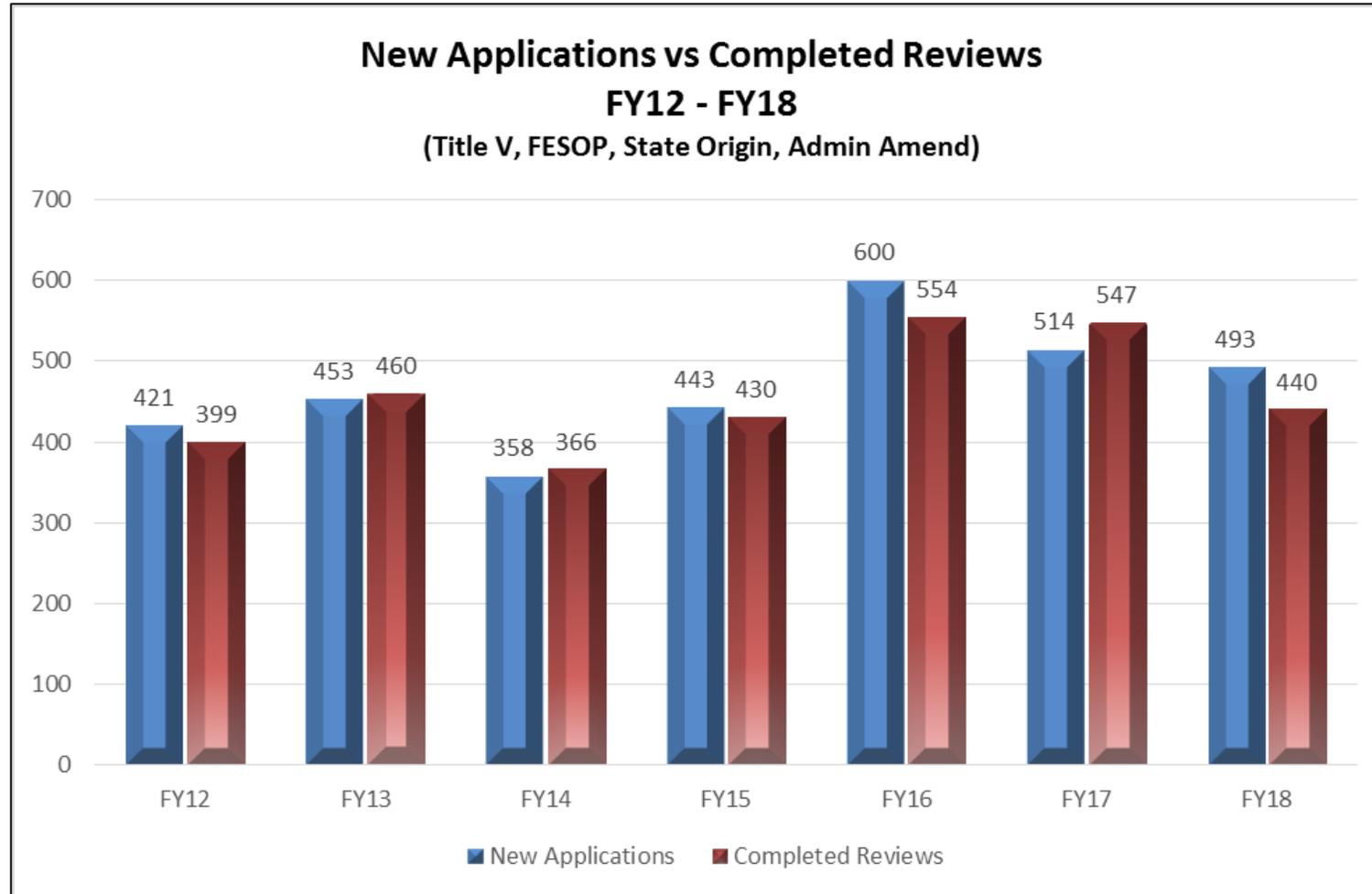
CURRENT STATUS: Federally Enforceable Regulation
 Approved to Kentucky Title V Program
 Replaced 401 KAR 50:037

HISTORY

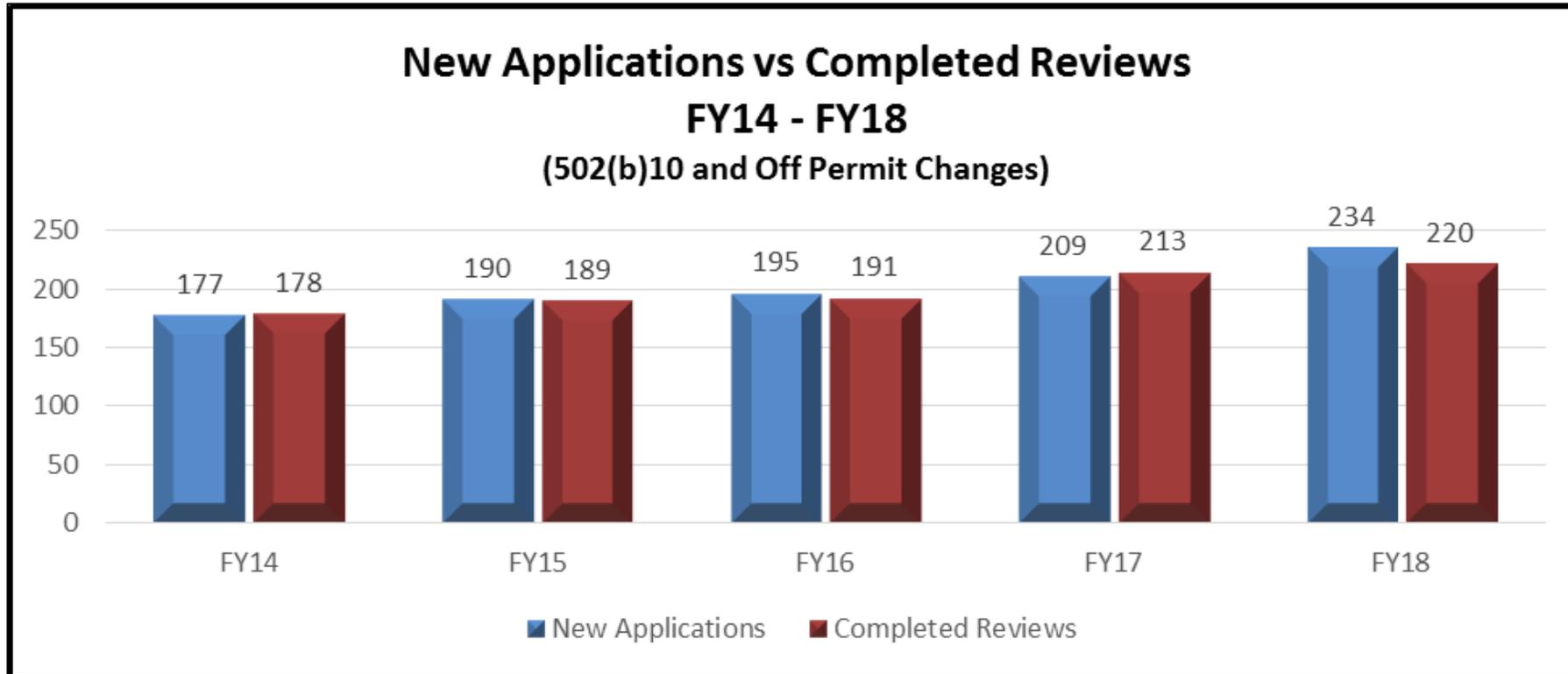
<u>KY Effective Date</u>	<u>Submitted to EPA</u>	<u>Federal Register Publication</u>
NOV 29, 1993	JAN 18, 1994	
OCT 14, 1994 (Emergency Amendment)	NOV 15, 1994	
APR 12, 1995	MAY 22, 1995	60 FR 57186, NOV 14, 1995 FR Effective DEC 14, 1995 (Source Category Limited Final Interim Approval)
		61 FR 56368, OCT 31, 1996 FR Effective DEC 02, 1996 (Extension of Limited Final Interim Approval) (Limited Approval until OCT 14, 1998)
		66 FR 54953, OCT 31, 2001 FR Effective NOV 30, 2001 (Final, Full Title V Approval)



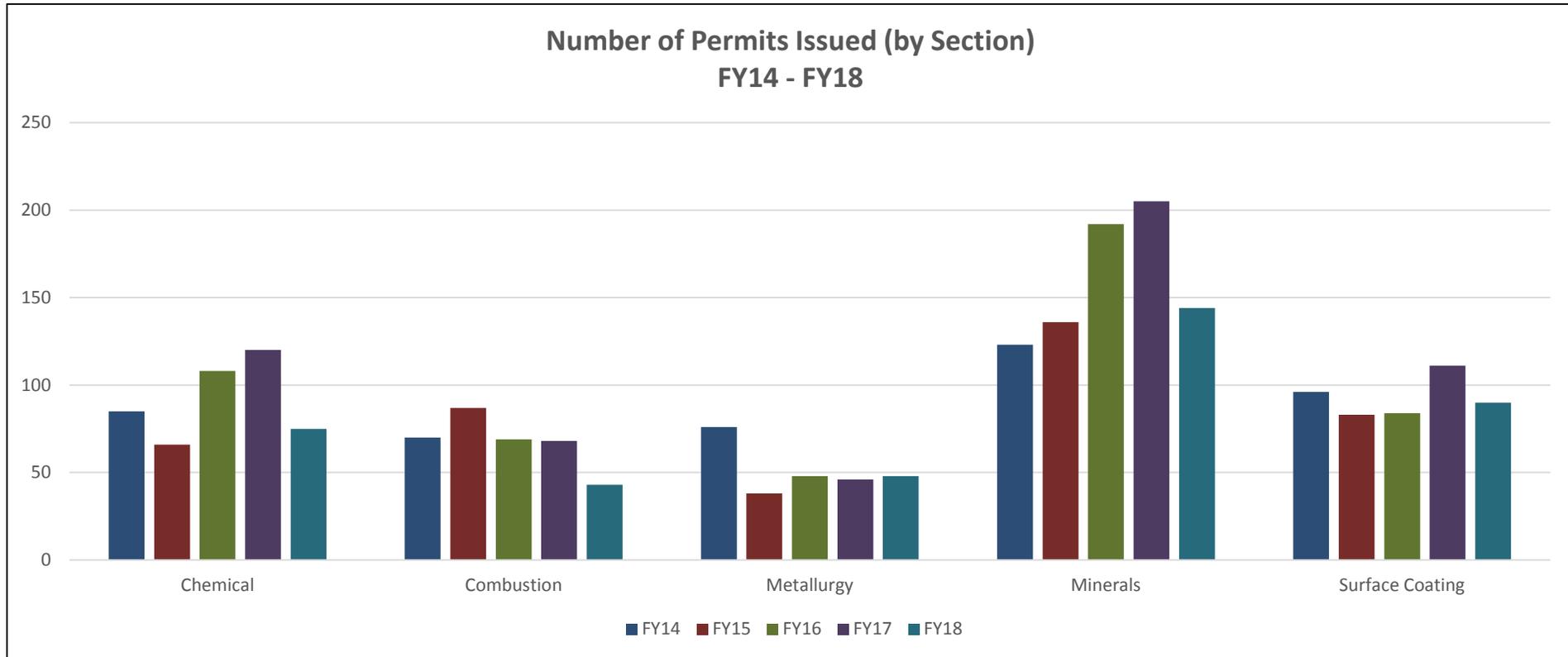
Air Quality Permit Workload



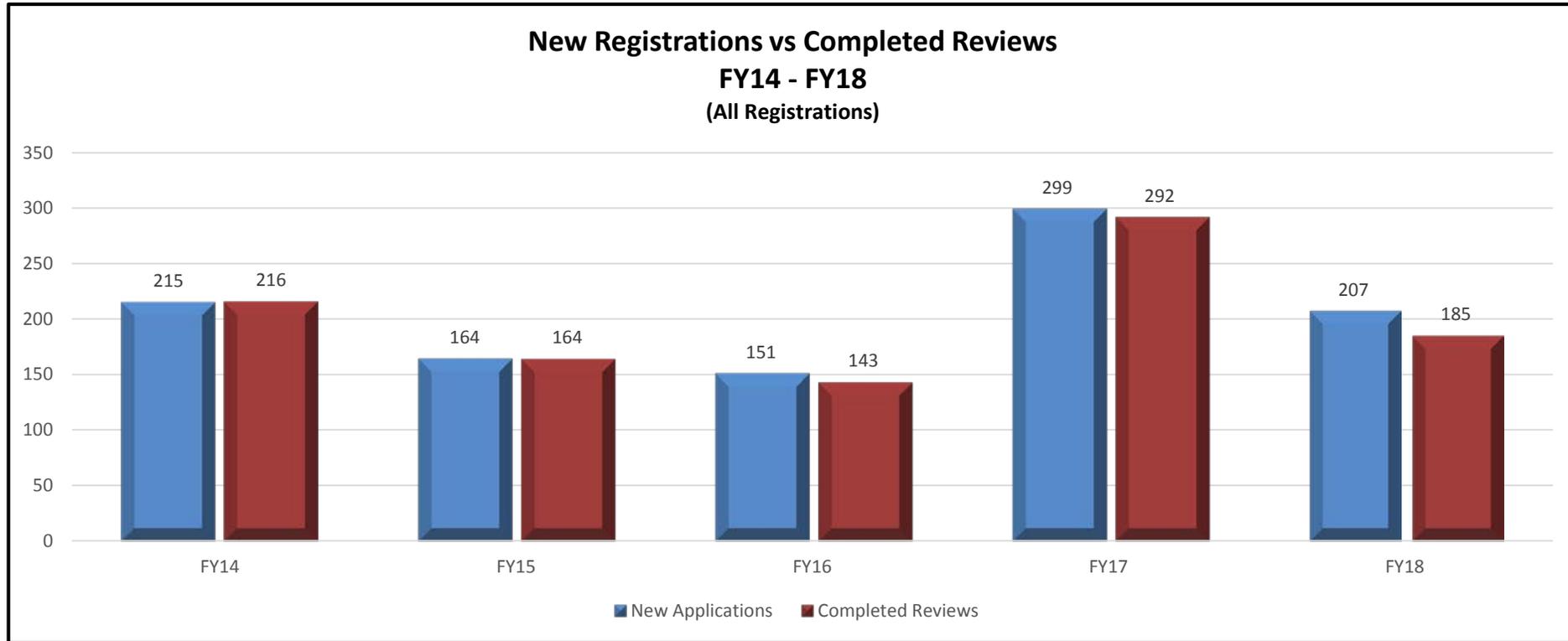
Air Quality Permit Workload



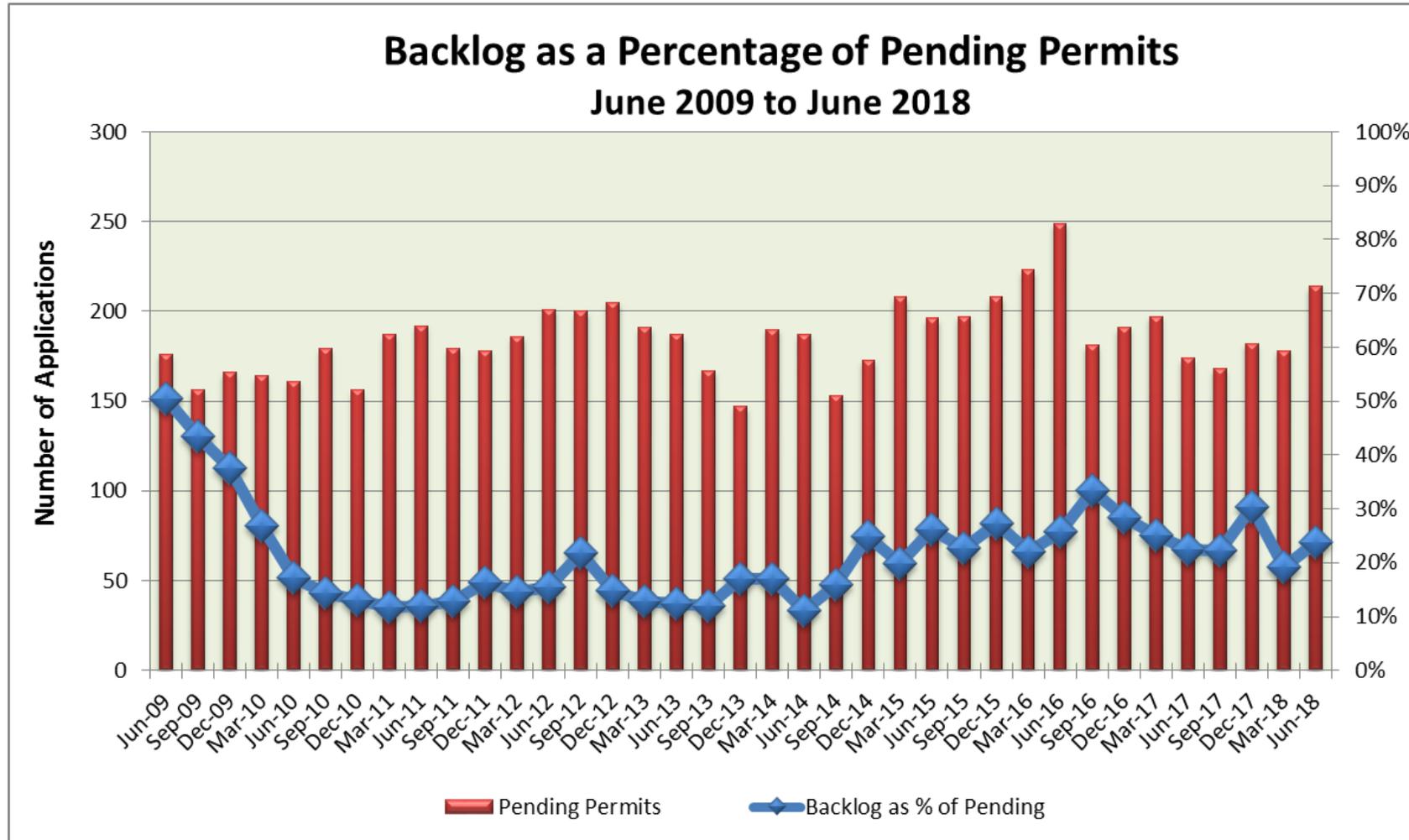
Air Quality Permit Workload



Air Quality Permit Workload



Air Quality Permit Workload



Current Fee Schedule

	CY2016 # of Sources	Per Ton Fee	CY16 Actual Emissions (tons) *	CY16 Billable Emissions with 4,000 tpy cap (tons) *	CY2016 Data (FY18) Total \$ Amount Billed
TV Sources (236 total)					
<i>TV Sources Billed</i>	231				
<i>TV Per ton</i>	168	\$ 96.93	186,011	132,882	\$ 12,880,296.85
<i>TV \$150</i>	63		619	619	\$ 9,450.00
CM Sources (263 total)					
<i>CM Sources Billed</i>	82				
<i>CM Sources per ton</i>	32	\$ 96.93	1,520	1,520	\$ 147,285.14
<i>CM Sources \$150</i>	50		513	513	\$ 7,500.00
Minor Sources (1069 total)					
<i>Minor Sources Billed</i>	373				
<i>Minor Sources Per Ton</i>	44	\$ 96.93	7,193	7,193	\$ 697,204.89
<i>Minor Sources \$150</i>	329		1,810	1,810	\$ 49,350.00
Registered Sources (1617 total)	1617				\$ -
Totals					\$ 13,791,086.87

* These are only the emissions from the sources that were billed.

NOTE: \$ 5,994,546 not collected by limiting 6 sources to 4,000 tpy cap @ the reduced per ton fee:



Current Fee Schedule – No 4,000 tpy Cap

	CY2016 # of Sources	Revised Per Ton Fee	CY16 Actual Emissions (tons) *	CY2016 Data (FY18) Total \$ Amount Billed
TV Sources (236 total)				
<i>TV Sources Billed</i>	231			
<i>TV Per ton</i>	168	\$ 70.48	186,011	\$ 13,110,055.28
<i>TV \$150</i>	63		619	\$ 9,450.00
CM Sources (263 total)				
<i>CM Sources Billed</i>	82			
<i>CM Sources per ton</i>	32	\$ 70.48	1,520	\$ 107,094.36
<i>CM Sources \$150</i>	50		513	\$ 7,500.00
Minor Sources (1069 total)				
<i>Minor Sources Billed</i>	373			
<i>Minor Sources Per Ton</i>	44	\$ 70.48	7,193	\$ 506,953.48
<i>Minor Sources \$150</i>	329		1,810	\$ 49,350.00
Registered Sources (1617 total)	1617			\$ -
Totals				\$ 13,790,403.12

* These are only the emissions from the sources that were billed.



Proposed Fee Schedule

	CY2016 # of Sources	Annual Fee	New Annual Fee \$ Amount Billed	Adjusted Per Ton Fee	CY16 Actual Emissions (tons) *	CY16 Billable Emissions with 4,000 tpy cap (tons) *	New Per Ton \$ Amount Billed	New Total \$ Amount Billed
TV Sources <i>236 surveyed TV sources</i>	236	\$10,000.00	\$ 2,360,000.00	\$ 46.29	186,011	132,882	\$ 6,151,129.07	\$ 8,511,129.07
CM Sources <i>259 surveyed CM sources</i>	263	\$ 7,000.00	\$ 1,841,000.00	\$ 46.29	7,300	7,300	\$ 337,917.00	\$ 2,178,917.00
Minor Sources <i>619 surveyed Minor sources</i>	1069	\$ 1,250.00	\$ 1,336,250.00	\$ 46.29	11,911	11,911	\$ 551,360.19	\$ 1,887,610.19
Registered Sources <i>Cell Tower Back-up Generators</i> <i>Gas Stations</i> <i>Dry Cleaners</i> <i>Other</i> <i>60 surveyed registered sources</i>	1617 632 187 172 699	\$ 750.00	\$ 1,212,750.00	\$ -	0	0	\$ -	\$ 1,212,750.00
Totals			\$6,750,000.00		205,222	152,093	\$7,040,406.26	\$ 13,790,406.26

* These are only the emissions from the sources that were surveyed. We do not have the actual emissions from every minor source.

NOTE: \$ 3,348,597 not collected by limiting 6 sources to 4,000 tpy cap @ the reduced per ton fee:



Open Discussion