

**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 100. AIR POLLUTION CONTROL**

**SUBCHAPTER 5. REGISTRATION, EMISSION INVENTORY AND ANNUAL
OPERATING FEES**

252:100-5-2.3. Annual operating fees for toxics emissions (regulated toxic air pollutants)

(a) Applicability.

Stationary sources that release or discharge regulated toxic air pollutants into the ambient air are subject to annual operating fees as provided in this section. Regulated toxic air pollutants are hazardous air pollutants listed in section 112(b) of the federal Clean Air Act, lead, lead compounds, and the toxic air contaminants listed in Appendix O of this chapter.

(b) Fee schedule.

(1) Mercury and mercury compounds. Stationary sources shall pay annual operating fees of \$100 per pound of mercury and mercury compounds emitted.

(2) Lead and lead compounds. Stationary sources shall pay annual operating fees of \$50 per pound of lead and lead compounds emitted.

(3) Permitted sources. Stationary sources that are subject to the permitting requirements in OAC 252:100-7 or 252:100-8 and that emit any toxic air pollutants except mercury, mercury compounds, lead, lead compounds, or ammonia shall pay an annual operating fee of \$50 per ton of toxic air pollutant emitted. For emissions of toxic air pollutants that total less than one ton, the minimum annual operating fee will be \$50.

(4) Gasoline dispensing facilities. Gasoline dispensing facility area sources that are subject to 40 CFR Part 63, Subpart CCCCCC, National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Dispensing Facilities, but not subject to the permitting requirements in OAC 252:100-7 or 252:100-8 shall pay an annual operating fee based on average monthly gasoline throughput.

(A) Gasoline stations with throughput of 10,000 gallons or less shall pay an annual operating fee of \$250.

(B) Gasoline stations with throughput of more than 10,000 gallons but less than 100,000 gallons shall pay an annual operating fee of \$500.

(C) Gasoline stations with throughput of 100,000 gallons or more shall pay an annual operating fee of \$750.

(5) Gasoline distribution bulk terminals, bulk plants, and pipeline facilities. Area source gasoline distribution bulk terminals, bulk plants, and pipeline facilities that are subject to 40 CFR Part 63, Subpart BBBB, National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities, but not subject to the permitting requirements in OAC 252:100-7 or 252:100-8 shall pay an annual operating fee of \$500.

(6) Other existing area sources. Area sources as defined in 40 CFR § 63.2 that are not subject to the permitting requirements in OAC 252:100-7 or 252:100-8 but are subject to one or more NESHAP shall pay an annual operating fee of \$250.

(7) Fee for ammonia. The annual operating fee assessed for ammonia emissions shall be equal to the fee assessed for regulated air pollutants described in OAC 252:100-5-2.2(b).

(c) Payment. Stationary sources that are assessed annual operating fees for regulated toxic air pollutant emissions are subject to the provisions of OAC 252:100-5-2.2(c).

(d) **Basis for annual operating fees for permitted sources.** Annual operating fees for permitted sources shall be calculated on a source-specific basis and based on actual emissions of regulated toxic air pollutants as set forth in the facility emissions inventory unless the owner or operator elects to pay fees on allowable emissions.

(e) **Provisions for fee adjustment.** The invoiced annual operating fees shall be discounted appropriately in any given year if the Department determines that other revenues, including appropriated state general revenue funds, have increased sufficiently to adequately fund the air program.