

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

252:100-5-2.1. Emission inventory

(a) **Requirement to file an emission inventory.** The owner or operator of any facility that is a source of air emissions shall submit a complete emission inventory annually on forms obtained from the Division.

(1) The inventory shall cover operations during a calendar year and shall be submitted prior to March 1 of the following year, unless ~~a 30-day extension has been granted by the Division~~ the Division has granted a 30-day extension. An additional 30-day extension may be granted for good cause shown.

(2) ~~Facilities registered under a permit by rule as outlined in Subchapter 7 and emitting 5 tons per year or less of each regulated pollutant are required to submit an emission inventory once every 5 years. The inventory shall cover operations during the last year of each 5-year period and be submitted by March 1 of the following year.~~ Permit exempt facilities, as defined in OAC 252:100-7-1.1, shall submit an emission inventory once every 3 years. The inventory shall cover operations during the last calendar year of each 3-year period and be submitted prior to March 1 of the following year with the first inventory submitted before March 2003. A new permit exempt facility shall submit an emission inventory within two months following its first full year of operation and then submit an emission inventory on the same schedule as existing facilities (i.e. 2006, 2009, etc.).

(3) De minimis facilities as defined in OAC 252:100-7-1.1 are not required to submit an annual emission inventory.

(b) **Content.** ~~All inventories submitted to the Division shall include, but shall not be limited to, the following:~~

(1) All inventories submitted to the Division shall include, but shall not be limited to, the following:

~~(1)(A)~~ (A) For those emissions subject to a permit, the permit number and the permitted allowable emissions as set forth therein.

~~(2)(B)~~ (B) The amount of the actual emissions, including quantifiable excess emissions, and the basis for such determination.

~~(3)(C)~~ (C) If the actual emissions vary from the allowable or from the previous year's actual by more than 30%, an explanation for the difference.

~~(4)(D)~~ (D) For those emissions not the subject of a permit and when requested by the AQD, a list of all OAC 252:100 rules setting forth emission limitations applicable to the facility in question and the maximum yearly allowable for the facility.

(2) In addition to the requirements in subparagraph 1 of this subsection, all inventories submitted to the Division for permit exempt facilities shall include for the facility a list of any applicable:

(A) NSPS (40 CFR Part 60; and,

(B) NESHAP (40 CFR Parts 61 and 63).

(c) **Documentation.** All calculations and assumptions must be verified by proper documentation. All supporting data, including actual production, throughput and measurement records along with engineering calculations and other data utilized in accordance with OAC 252:100-5-2.1(d), below, must be maintained for at least 5 years by

the current owner or operator at the facility in conjunction with facility records of the emission inventory. This information must either be submitted to the Division or made available for inspection upon request.

(d) **Method of calculation.** The best available data at the time the emission inventory is or should have been prepared shall be used to determine emissions. It shall be the burden of the owner or operator to select the best available data, based on an acceptable method of calculation. The method of calculation used to determine emissions shall be binding upon the owner or operator and the Division for the purpose of calculating fees under OAC 252:100-5-2.2 unless challenged by the owner or operator prior to September 1 of the year the inventory is due or by the Division within six (6) months after the date the inventory is received. Acceptable methods of calculation for determining actual emissions are:

- (1) Emission factors utilized in the issuance of a relevant Oklahoma Air Quality permit(s) for the facility.
- (2) Stack tests using appropriate EPA test methods, with advance notification and opportunity for observation by the ~~Air Quality~~ Division.
- (3) Stack tests using appropriate EPA test methods may be used for determining the emissions of identical equipment (i.e., same model, same location, and same operating conditions and parameters) when:
 - (A) Tests are performed by persons qualified by training and experience to perform said tests.
 - (B) Copies of the tests results and methods are available for review by the ~~Air Quality~~ Division.
- (4) Continuous emissions monitoring data, when supported by required certification and calibration data.
- (5) Current AP-42 factors or other factors acceptable to the Division.
- (6) Manufacturer's test data, when approved by the Division as reliable.
- (7) EPA and EPA-contracted industry-specific emission study data when it can be shown to be applicable to the facility in question and approved for use in the emission inventory by the Division.
- (8) Fuel usage and other mass-balance methods when supported by specific records applicable to the materials on which the calculations are based and approved for use in the emission inventory by the Division.
- (9) Any other method that can be shown to be reasonably accurate when supported by engineering data and calculations, and approved for use in the emission inventory by the Division.

(e) **Methods of verification.** Emission inventories determined by the Division to be substantially incomplete or substantially incorrect shall, upon the request of the Division, be subject to verification if not satisfactorily completed or corrected within a reasonable time. Verification shall be accomplished by an appropriate stack test using EPA approved methods, installation of continuous monitoring equipment, or other methods acceptable to the Division.

(f) **Transfer of ownership or change of name.** The owner or operator of any facility that is required to submit an emission inventory shall notify the Division in writing no later than 10 days following any transfer of ownership or facility name change.

252:100-5-2.2. Annual operating fees

(a) **Applicability.**

(1) This ~~section~~Section applies to all facilities that are sources of air pollution, including government facilities, regardless of whether the source is currently permitted or whether an emission inventory has or has not at any time been submitted for the facility. The owners or operators of Part 70 sources shall pay annual fees that are sufficient to cover the Part 70 program costs. The permitting authority shall ensure that the fees required by OAC 252:100-5-2.2(b)(2) will be used solely for Part 70 program costs.

(2) This ~~section~~Section does not apply to de minimis facilities or to permit exempt facilities as defined in OAC 252:100-7-1.1.

(b) **Fee schedule.**

(1) **Minor facilities.**

(A) Until January 1, 1998, the owner or operator of a facility subject to this ~~section~~Section shall pay an annual operating fee based on annual emissions of regulated pollutants (for fee calculation), in accordance with the following fee schedule:

(i) 10 - 24.99 ~~tons/year~~tpy - \$100/year

(ii) 25 - 49.99 ~~tons/year~~tpy - \$250/year

(iii) 50 - 74.99 ~~tons/year~~tpy - \$500/year

(iv) 75 - 99.99 ~~tons/year~~tpy - \$750/year

(B) In calendar year 1998, annual operating fees shall be invoiced at \$10 per ton of regulated pollutant (for fee calculation).

(C) Beginning January 1, 1999, annual operating fees shall be invoiced at \$17.12 per ton of regulated pollutant (for fee calculation).

(2) **Part 70 Sources.**

(A) From January 1, 1995, until January 1, 1999, the annual operating fee for Part 70 sources shall be \$15.19 per ton of regulated pollutant (for fee calculation).

(B) Beginning January 1, 1999, the annual operating fee for Part 70 sources shall be \$17.12 per ton of regulated pollutant (for fee calculation).

(C) The annual operating fee shall be adjusted automatically each year by the percentage, if any, by which the Consumer Price Index for the most recent calendar year ending before the beginning of such year differs from the Consumer Price Index for the calendar year 1994. The Consumer Price Index for any calendar year is the average of the Consumer Price Index for all-urban consumers published by the Department of Labor, as of the close of the ~~twelve-month~~twelve-month period ending on August 31 of each calendar year.

(c) **Payment.**

(1) Fees are due and payable on the invoice due date(s). Fees shall be considered delinquent 30 days after the invoice due date(s). Within five (5) years but not before a grace period of 120 days from the invoice due date, the DEQ may issue an administrative order to recover such fees and may assess a reasonable administrative fine in accordance with the provisions of the Oklahoma Clean Air Act, 27A O.S. -§§ 2-5-101 *et seq.*, to an owner or operator of a facility who has failed to pay or has underpaid such fees.

- (2) If an owner or operator has failed to submit the required annual emission inventory, the DEQ may issue an administrative order to recover fees that would have been invoiced had the emission inventory been submitted when due. The DEQ may issue such order within five (5) years from the date of billing and may assess a reasonable administrative fine in accordance with the provisions of the Oklahoma Clean Air Act, 27A O.S. §§ 2-5-101 *et seq.*
- (3) When a fee overpayment has been made as a result of an error, an owner or operator may seek a credit for such fee overpayment within five years from the date on which payment of the fee was received by the DEQ.
- (d) **Basis for annual operating fees.**
- (1) Operating fees shall be calculated on a source-specific basis and based on actual emissions of regulated pollutants (for fee calculation) as set forth in the facility emission inventory unless the owner or operator elects to pay fees on allowable emissions.
- (2) Regulated pollutants (for fee calculation) in excess of 4,000 tons per year per pollutant for a Part 70 source shall not be considered in the calculation of the annual fee.