



west virginia department of environmental protection

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Harold D. Ward, Cabinet Secretary
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MEMORANDUM

To: Laura M. Crowder, Director

From: Megan Grose, Fee Coordinator

Date: April 8, 2024

Subject: Policy & Procedures for Completing R30 and R22 Fee Calculations

1. Per §45-30-8.3.a, all subject facilities must report emissions data by the deadline which is:
 - a. March 31st for Title V permitted facilities.
 - b. May 1st for Title V deferred facilities.
2. The following variables from §45-30-8 will be calculated on the next business day following May 1st of every year based on sources' activity status and reported emissions in the Fee Database on that day:
 - a. TPS – total number of sources required to obtain a Title V permit (not the same as the total number of facilities that have a Title V permit).
 - b. TDS – total number of sources that are deferred from having to obtain a Title V permit.
 - c. T111 – total number of Title V sources that are subject to one or more applicable standards promulgated under CAA §111 and 45CSR16 - New Source Performance Standards (NSPS), 45CSR18 - Performance Standards for the Combustion of Solid Waste and 45CSR23 - Performance Standards for Municipal Solid Waste Landfills
 - d. T112 – total number of Title V sources that are subject to one or more applicable standards promulgated under CAA §112, except for §112(r) which is exempt, and 45CSR34 (National Emission Standard for HAPs or NESHAPs).
 - e. TAE – sum of actual emissions of all regulated pollutants (for fee calculation) for all sources subject to 45CSR30 as reported in SLEIS for the most recent calendar year.
3. The following variables from §45-30-8 will be provided by DAQ administrative staff:
 - a. TVE – the three (3) fiscal year average of expenses under Air Pollution Control Fund 3336/9310.

- b. TVI – the interest earned from Air Pollution Control Fund 3336/9310 for the fiscal year.
4. All facilities not subject to 45CSR30 are subject to the operating fees of 45CSR22 and will have fees assessed based on sources' activity status and fee classification in the Fee Database on the next business day following May 1st of every year.
5. For calculating TAE, DAQ will assume zero emissions for facilities that fail to report annual emissions in SLEIS by May 1st.
6. Facilities subject to 45CSR30 that are operating or temporarily shutdown that do not report annual emissions by their deadline will be referred to DAQ Compliance and Enforcement for failure to report annual emissions.
7. Facilities subject to 45CSR30 that have a status of under construction in the Fee Database will be assumed to have zero emissions for all fee calculations and their invoices will be calculated with their base fee and complexity fee but no emissions fee. Should a facility be operating and therefore have emissions for the reporting year, it is the facility's responsibility to submit their actual emissions via SLEIS by their deadline. If DAQ later determines that the facility had emissions for the reporting year that they did not report, the facility will be invoiced for those emissions and any late penalties will also be applied.
8. DAQ will use the latest of the last three years of reported air emissions to calculate an estimated emissions fee on invoices for facilities that fail to report annual emissions in SLEIS by their deadline. However, the permittee is still required to pay annual fees based on actual total emissions for the reporting year by the July 31st deadline. The permittee must report actual emissions in SLEIS and pay any additional fees due before their receipt or CTO will be sent.
9. Facilities that are under construction, operating or temporarily shutdown as of May 1st will be mailed an invoice for annual fees by June 30th using the mailing address on file in the fee database.
10. Payments are due no later than July 31st. However, payments received on or before August 7th will be considered on time. Late payments will subject to a penalty fee equal to five percent (5%) of the annual fees due for each calendar month that the annual fee has not been paid.
11. Certificates to Operate (CTOs) will be sent to facilities subject to 45CSR22 that have paid all annual fees, including any penalty fees that may be assessed.
12. Title V Receipts will be sent to facilities subject to 45CSR30 that have reported their annual emissions and paid all annual fees, including any penalty fees that may be assessed.