

77.205 Annual emission fees -- Permit fees.

- (1) The air pollution control board may provide by regulation a schedule of annual emission fees to cover all reasonable direct and indirect costs required to maintain authorization to develop and administer the district's permit program requirements under Title V of the Federal Clean Air Act of 1963 as amended by the Clean Air Act Amendments of 1990. Every person subject to a Title V permit shall pay the fee required by that schedule. Except as otherwise required under this section, the district's per-ton emission fee shall be computed as follows: the approved budget for the district's Title V permit program plus any deficit or minus any surplus from the previous fiscal year divided by the actual emissions of regulated pollutants in the previous year. The district shall exclude from the emission fee calculation the amount of a source's actual emissions of each regulated pollutant that the source emits in excess of four thousand (4,000) tons per year. Carbon monoxide shall not be considered a regulated pollutant for purposes of assessing fees pursuant to this subsection. All emission fees assessed by the district shall be expended to develop and implement the Title V permit program. Emission fees shall be deposited in an interest-bearing account with earned interest to be deposited in the account.
- (2) The air pollution control board may provide by regulation a schedule of permit fees to cover all reasonable direct and indirect costs required to develop and administer the district's non-Title V program.
- (3) Funds unexpended at the end of the fiscal year shall not lapse but shall be carried forward for future use as provided for in this section.

Effective: July 15, 1994

History: Amended 1994 Ky. Acts ch. 420, sec. 7, effective July 15, 1994. -- Created 1952 Ky. Acts ch. 53, sec. 51, effective March 14, 1952.