

40 C.F.R. § 70.9

Fee determination and certification.

- (a) *Fee requirement.* The State program shall require that the owners or operators of part 70 sources pay annual fees, or the equivalent over some other period, that are sufficient to cover the permit program costs and shall ensure that any fee required by this section will be used solely for permit program costs.
- (b) *Fee schedule adequacy.* (1) The State program shall establish a fee schedule that results in the collection and retention of revenues sufficient to cover the permit program costs. These costs include, but are not limited to, the costs of the following activities as they relate to the operating permit program for stationary sources:
- (i) Preparing generally applicable regulations or guidance regarding the permit program or its implementation or enforcement;
 - (ii) Reviewing and acting on any application for a permit, permit revision, or permit renewal, including the development of an applicable requirement as part of the processing of a permit, or permit revision or renewal;
 - (iii) General administrative costs of running the permit program, including the supporting and tracking of permit applications, compliance certification, and related data entry;
 - (iv) Implementing and enforcing the terms of any part 70 permit (not including any court costs or other costs associated with an enforcement action), including adequate resources to determine which sources are subject to the program;
 - (v) Emissions and ambient monitoring;
 - (vi) Modeling, analyses, or demonstrations;

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