

SECTION 29. OPERATING AND CONSTRUCTION PERMIT EMISSION FEES.

- (A) Applicability. The provisions of this section shall apply to any person who owns or operates a source that is required to obtain a Class I or Class II operating permit in accordance with Article 2, Section 5, or is required to obtain a construction permit in accordance with Article 2, Section 17.
- (B) Calculation of Fee. Beginning July 1, 1995, owners or operators of sources identified in paragraph (A) of this section shall pay an annual emission fee for each ton of a regulated air pollutant for fee purposes emitted to the air by the facility. Any temporary source issued an operating permit under Article 2, Section 10 shall pay an annual emission fee for emissions during the time period the source was located and operated in Lincoln or Lancaster County. The fee shall be based on the actual emission tonnage and as established in the emission inventory for the previous calendar year, beginning with calendar year 1994. For purposes of this section, a pollutant which may be regulated under more than one provision of the LLCAPCPRS need only be counted once.
- (1) The emission fee shall be determined by multiplying \$25 per ton of regulated air pollutant for fee purposes reported in the annual emission inventory report required in Article 2, Section 6. The emission fee shall be increased or decreased annually by the Department in each year, beginning after 1991, by the percentage difference between the Consumer Price Index (CPI) for the most recent year ending before the beginning of such year and the CPI for the year 1989 or as required to pay all reasonable direct and indirect costs of developing and administering the air quality permit programs identified in the LLCAPCPRS.
 - (2) The emission fee shall be as required to pay all reasonable direct and indirect costs of developing and administering the air quality permit programs identified in the LLCAPCPRS.
 - (3) The emission fee for each ton of actual emissions shall be established annually in Article 1, Section 6, paragraph (A)(2).
 - (4) The emission fee is due and payable on actual emissions up to and including four thousand (4,000) tons per year for each regulated air pollutant for fee purposes.