

# **Air Reporting System (ARS) Emission Fees**

**Emission Inventory Reporting**

**Wisconsin DNR Bureau of Air Management**

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# Emission Fees

## *Air Emission Environmental Fee*

2009 Wisconsin Act 28 (the 2009-2011 biennial budget) revised the methodology to calculate air emission fee billing effective January 1, 2010. In previous years, air emission fees were based on the levels of billable pollutants emitted by a facility. For the 2011 data year, major sources will still be billed this way. However, for non-major sources environmental fees are determined based on the facility's permit in force or requested permit on file as of December 31, 2011 and EPA Class Code determined based on that permit status. See the "Finding EPA Class Codes" section below if you need to determine the class code for your facility.

Emission Fee Information by Permit Type			
	Statutory Definition	Emission Fee Determination (all fees determined based on permit in force or requested permit on file on December 31 of the emission inventory reporting year)	Permit Description
<b>Major Source</b>	Fees for stationary sources required to have a FOP calculated based on emissions	Based on EPA class code of A. The emission fee is calculated based \$35.71 per ton of billable pollutant. The total amount of <a href="#">billable pollutant</a> must exceed five tons.	Requested or Issued FOP
<b>Non-Major Source</b>	A source that has been issued an operation permit to limit PTE so that the source is not a major source shall pay \$4,100 per year if the operation permit includes federally enforceable conditions that allow emissions of at least 80% of the MST	Based on EPA Class code of SM80 and having been <i>issued</i> an operation permit, \$4,100	Issued SM80 FESOP
	A source for which an operation permit is required .... shall pay to the department a fee of \$300 per year.	Based on EPA Class Code of SM or B and the requirement to have an operation permit, \$300	Requested SM80 FESOP
			Requested or Issued SM FESOP
			Requested or Issued SOP
			Requested or Issued ROP
			Requested or Issued GOP
	Exempt from permitting.	No fee.	Exempt From Permitting

Permit Information By EPA Class Code			
EPA Class Code	Permit Designation	Permit Type	Permit Type Determination
A	FOP	PSD Major	Maximum Theoretical Emission (MTE) and Potential Theoretical Emission (PTE) $\geq$ 250 tons per year (TPY), or PTE > 100 TPY for 26 source categories
		Part 70 Major	MTE and PTE > 100 TPY all air contaminants regulated under the Clean Air Act, or MTE and PTE > 10 TPY for individual federal HAP or MTE and PTE > 25 TPY in total for federal hazardous air pollutants (HAP)
		Major for Criteria Pollutants	MTE and PTE $\geq$ 100 TPY for criteria pollutants
		Major for HAPs	MTE and PTE > 10/25 TPY for federal HAPs
		Nonattainment Area (NAA) Major	VOC (a.k.a. ROG) or NO <sub>x</sub> , MTE and PTE > 100 TPY (for moderate ozone NAA counties).
SM80	FESOP	Synthetic Minor, Non Part 70	MTE > MST, and the source has its PTE limited by federally enforceable permit conditions so that it is not a major source and PTE > 80% of MST.
SM	FESOP	Synthetic Minor, Non Part 70	MTE > MST, and the source has its PTE limited by federally enforceable permit conditions so that it is not a major source; and PTE < 80% of MST
	GOP		
	ROP		
B	ROP	Natural Minor	MTE < MST, and is not otherwise designated a Major or Synthetic Minor source, but has not yet been found to be exempt from permitting
	SOP		
	GOP		
B	Exempt	Exempt	MTE < MST, and has been found to be exempt from being required to have an operation permit under chapter NR 407, Wis. Adm. Code.

## Definitions

**Major Source Threshold (MST)** – 100 tons per year for any pollutant except particulate matter or federal hazardous air pollutants. For particulate matter, the threshold is 100 tons per year of PM<sub>10</sub>. For federal hazardous air pollutants, the threshold is 10 tons per year of any single pollutant, or 25 tons per year of all hazardous air pollutants in combination. (See definition in NR 407.02(4), Wis. Adm. Code).

**Maximum Theoretical Emissions (MTE)** – The quantity of air contaminants that could theoretically be emitted by a source before control devices, based on the design capacity or maximum production capacity of the source. (See definition in NR 400.02(95), Wis. Adm. Code)

**Potential To Emit (PTE)** – The maximum capacity of a source to emit air contaminants under its physical and operational design, taking into account control equipment and enforceable permit limitations. (See definition in NR 400.02(127), Wis. Adm. Code)

## Acronyms

**FOP** - Federal Operation Permit

**FESOP** - Federal Enforceable State Operation Permit

**GOP** - General Operation Permit

**ROP** - Registration Operation Permit

**SM** - Synthetic Minor

**SM80** - Synthetic Minor at 80% or above the MST

**SOP** - State Operation Permit

## Exempt Sources

These sources were not required to obtain an operation permit and had received an exemption status from DNR.

- **Before 2009 Wisconsin Act 28.** If the source had actual emissions of a regulated pollutant in excess of 3 tons then the source was charged \$300 for the year.
- **After 2009 Wisconsin Act 28.** While the source is charged a one time fee for an official determination that a permit is not needed, they will not be billed an annual fee.

## Finding EPA Class Codes

In order to find the EPA Class Code for your facility, you must log into the DNR Switchboard using your Web Access Management System (WAMS) ID and password. To log onto the DNR Switchboard do the following:

1. Go to this web page - <https://dnrx.wisconsin.gov/switchboard/capture.do>
2. Enter your WAMS user id and WAMS password. Click the log in button.
3. You will now see a page titled 'The Switchboard - your information at your fingertips!'. This page summarizes everything regarding reporting that DNR has authorized you to do.
4. Find the name of the facility in left column of the table. [Note: If you do not find the name of your facility in that column then you do not have the proper authorization. Send Ralph Patterson an email message at [Ralph.Patterson@wisconsin.gov](mailto:Ralph.Patterson@wisconsin.gov) requesting that authorization.]
5. On the right column find and click on the hyperlink that says "View Facility Air Data (and Upload)".
6. You will now see a page listing general information about the facility with a slider bar on your right. Either slide the page down to the bottom or use the down arrow on your keyboard to reach the bottom of the web page.
7. The EPA Class Code will be shown in web page section labeled **Facility Information in Air Management**.

[Email questions](#) regarding this topic.

## Air Emission Inventory Fee Billable Pollutants

Section NR 410.04(2), Wis. Adm. Code identifies the air pollutants subject to an air emission fee. These pollutants are further identified in Table 1 of s. NR 438.03, Wis. Adm. Code. The pollutants and their reporting thresholds are listed in the table below. The billable pollutant must exceed a reporting threshold to be eligible for an emission fee. Also the total amount of billable pollutant for a facility must exceed 5 tons of billable emissions before an air emission fee is assessed to a facility. (**Note:** Since the passage of [2009 Wisconsin Act 28](#), the billable emissions listed in the table below are only applicable to large emission sources which are also known as Title V, majors, or Type A air emission sources.)

<b>Section NR 410.04 and Table 1 of NR 438.03 Wis. Adm. Code, Billable Pollutants</b>		
<b>NAME</b>	<b>Chemical Abstract Symbol</b>	<b>NR 438 Reporting THRESHOLD in lbs</b>
1,1,1-Trichloroethane	71-55-6	6,000.00
1-Chloro-1,1-difluoroethane (Hydrochlorofluorocarbon - 142b; HCFC 142b; R- 142b)	75-68-3	6,000.00
Ammonia	7664-41-7	4,097.00
Arsine	7784-42-1	4.44
Boron trifluoride	7637-07-2	907.00
Bromine	7726-95-6	154.00
Bromine pentafluoride	7789-30-2	168.00
Carbon disulfide	75-15-0	6,000.00
Carbonyl sulfide	463-58-1	6,000.00
Chlorine	7782-50-5	341.00
Chlorine dioxide	10049-04-4	64.9
Chlorine trifluoride	7790-91-2	124.00
Chlorodifluoromethane (Hydrochlorofluorocarbon-22)	75-45-6	6,000.00
Chlorofluorocarbon-11 (CFC-11, R-11)	75-69-4	6,000.00
Chlorofluorocarbon-111 (CFC-111)	954-56-3	6,000.00
Chlorofluorocarbon-112 (CFC-112)	76-12-0	6,000.00
Chlorofluorocarbon-113 (CFC-113, R-113)	76-13-1	6,000.00
Chlorofluorocarbon-114 (CFC-114, R-114)	76-14-2	6,000.00
Chlorofluorocarbon-115 (CFC-115, R-115)	76-15-3	6,000.00
Chlorofluorocarbon-12 (CFC-12 ; R-12; Dichlorodifluoromethane)	75-71-8	6,000.00
Chlorofluorocarbon-13 (CFC-13, R-13)	75-72-9	6,000.00
Chlorofluorocarbon-211 (CFC-211, R-211)	422-78-6	6,000.00
Chlorofluorocarbon-212 (CFC-212, R-212)	3182-26-1	6,000.00
Chlorofluorocarbon-213 (CFC-213, R-213)	2354-06-5	6,000.00
Chlorofluorocarbon-214 (CFC-214, R-214)	29255-31-0	6,000.00
Chlorofluorocarbon-215 (CFC-215, R-215)	4259-43-2	6,000.00
Chlorofluorocarbon-216 (CFC-216, R-216)	661-97-2	6,000.00

Chlorofluorocarbon-217 (CFC-217, R-217)	422-86-6	6,000.00
Coke oven emissions	*	1.43
Diborane	19287-45-7	26.6
Fluorine	7782-41-4	366.00
Germanium tetrahydride	7782-65-2	147.00
Halon-1211 (Bromochlorodifluoromethane)	353-59-3	6,000.00
Halon-1301 (Bromotrifluoromethane)	75-63-8	6,000.00
Halon-2402 (Dibromotetrafluoroethane)	124-73-2	6,000.00
Hydrochlorofluorocarbon-121 (HCFC-121)	354-14-3	6,000.00
Hydrochlorofluorocarbon-122 (HCFC-122)	41834-16-6	6,000.00
Hydrochlorofluorocarbon-123 (HCFC-123, R-123)	306-83-2	6,000.00
Hydrochlorofluorocarbon-124 (HCFC-124, R-124)	63938-10-3	6,000.00
Hydrochlorofluorocarbon-131 (HCFC-131)	27154-33-2	6,000.00
Hydrochlorofluorocarbon-132b (HCFC-132b)	1649-08-7	6,000.00
Hydrochlorofluorocarbon-133a (HCFC-133a, R-133a)	75-88-7	6,000.00
Hydrochlorofluorocarbon-141b (HCFC-141b, R-141b)	1717-00-6	6,000.00
Hydrochlorofluorocarbon-21 (HCFC-21)	75-43-4	6,000.00
Hydrochlorofluorocarbon-221 (HCFC-221)	29470-94-8	6,000.00
Hydrochlorofluorocarbon-222 (HCFC-222)	421-82-3	6,000.00
Hydrochlorofluorocarbon-223 (HCFC-223)	29470-95-9	6,000.00
Hydrochlorofluorocarbon-224 (HCFC-224)	53063-53-9	6,000.00
Hydrochlorofluorocarbon-225ca (HCFC-225ca)	422-56-0	6,000.00
Hydrochlorofluorocarbon-225cb (HCFC-225cb)	507-55-1	6,000.00
Hydrochlorofluorocarbon-226 (HCFC-226)	28987-04-4	6,000.00
Hydrochlorofluorocarbon-231 (HCFC-231)	421-94-3	6,000.00
Hydrochlorofluorocarbon-232 (HCFC-232)	1112-14-7	6,000.00
Hydrochlorofluorocarbon-233 (HCFC-233)	61623-04-9	6,000.00
Hydrochlorofluorocarbon-234 (HCFC-234)	76140-39-1	6,000.00
Hydrochlorofluorocarbon-235 (HCFC-235)	28103-66-4	6,000.00
Hydrochlorofluorocarbon-241 (HCFC-241)	84816-05-7	6,000.00
Hydrochlorofluorocarbon-242 (HCFC-242)	460-63-9	6,000.00
Hydrochlorofluorocarbon-243 (HCFC-243)	7126-01-4	6,000.00
Hydrochlorofluorocarbon-244 (HCFC-244)	679-85-6	6,000.00
Hydrochlorofluorocarbon-251 (HCFC-251)	84847-80-3	6,000.00
Hydrochlorofluorocarbon-252 (HCFC-252)	1112-01-2	6,000.00
Hydrochlorofluorocarbon-253 (HCFC-253)	26588-23-8	6,000.00
Hydrochlorofluorocarbon-261 (HCFC-261)	7799-56-6	6,000.00
Hydrochlorofluorocarbon-262 (HCFC-262)	421-02-3	6,000.00
Hydrochlorofluorocarbon-271 (HCFC-271)	430-55-7	6,000.00

Hydrochlorofluorocarbon-31 (HCFC-31, R-31)	593-70-4	6,000.00
Hydrogen bromide	10035-10-6	3,247.00
Hydrogen chloride (Hydrochloric acid; Muriatic acid)	7647-01-0	1,777.00
Hydrogen cyanide	74-90-8	1,699.00
Hydrogen fluoride	7664-39-3	803.00
Hydrogen peroxide	7722-84-1	327.00
Hydrogen sulfide	7783-06-4	3,279.00
Iodine	7553-56-2	340.00
Mercury, as Hg, alkyl compounds	7439-97-6	2.35
Mercury, as Hg, aryl & inorganic compounds, all forms except alkyl	7439-97-6	23.5
Mercury, as Hg, inorganic forms including metallic mercury	7439-97-6	5.88
Methylene chloride (Dichloromethane)	75-09-2	1,830.00
Nitrogen oxides	*	10,000.00
Particulate matter	*	10,000.00
Perchloroethylene (Tetrachloroethylene)	127-18-4	151.00
Perchloromethyl mercaptan	594-42-3	179.00
Phenyl mercaptan	108-98-5	530.00
Phosphine	7803-51-2	98.20
Phosphorus pentachloride	10026-13-8	200.00
Phosphorus trichloride	7719-12-2	264.00
Silicon tetrahydride (Silane)	7803-62-5	1,545.00
Stibine (Antimony hydride)	7803-52-3	120.00
Sulfur dioxide	7446-09-5	10,000.00
Sulfur tetrafluoride	7783-60-0	145.00
Sulfuryl fluoride	2699-79-8	4,911.00
Total reduced sulfur and reduced sulfur compounds	*	10,000.00
Volatile organic compounds (Reactive organic gases)	*	6,000.00

\* Means the same Chemical Abstract Symbol (CAS) for a number of the same pollutants in a category or no CAS available.

## ***Air Emission Inventory Calculation or Emission Fee Dispute Procedure***

### **Air Emission Calculation Dispute**

If you disagree with an emission calculation and you cannot work the problem out with your [regional air contact](#), s. NR 438.03(6) contains a dispute procedure that both you and the DNR can follow to resolve the disagreement.

6) **DISPUTED EMISSIONS.** Any facility that disputes the emissions summary supplied by the department under sub. (5) (c) may request, in writing, that the department review its emissions summary. The department shall review and supply to the facility, within 14 calendar days of receipt of the facility's written request, information used to prepare the emission inventory and summary for that facility. If the facility continues to dispute the emissions summary, it shall supply to the department, within 14 calendar days of receipt of the department's information, the reasons it disputes the summary. The facility shall be notified within 7 calendar days of receipt of this information of the department's decision on whether to adjust the emission inventory and summary. If the facility continues to dispute the summary, it may appeal the department's final decision pursuant to state law. The facility shall certify any emissions not in dispute by June 30 of each year.

### **Air Emission Fee Dispute**

If you disagree with an emission fee calculated from information determined by the calculated air emissions at your facility and you cannot work the problem out with your [regional air contact](#), s. NR 410.04(6)(a) and (b) contains a dispute procedure that both you and the DNR can follow to resolve the disagreement.

(a) The owner or operator of a facility who disputes its annual emissions fee may request, in writing, that the department review the fee. Such a request shall be filed within 30 days of receipt of the bill. The department shall review and supply to the facility, within 14 calendar days of receipt of the written request, all information used to calculate the annual emissions fee. If the facility continues to dispute the fee, it shall supply to the department, within 14 calendar days after receipt of this information, the reasons it disputes the fee. The facility shall be notified by the department, within 7 calendar days of receipt of this information, whether the fee will be adjusted. If the facility continues to dispute the fee, it may appeal the department's final decision pursuant to s. 285.81, Stats.

(b) The facility shall pay the amount of fee not in dispute within 30 days of receipt of the bill.

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