

**FREQUENTLY ASKED QUESTIONS
CONCERNING
NEW FEE STRUCTURE AND NEW FEE SCHEDULE
FOR AIR EMISSION LICENSED SOURCES**

Q1: Will my billing month change?

A1: The billing month for the air emissions license will not change, however, bills will now be issued quarterly, rather than monthly. This means that facilities previously billed during the months of January, February or March will now receive their bills by the middle of January and have until the end of February to pay in full. **Table 1** below explains this change:

Table 1

If your billing month was...	You will now receive your bill in...	And payment will be due at the end of ...
January, February or March	January	February
April, May or June	April	May
July, August or September	July	August
October, November or December	October	November

Q2: When will the quarterly billing changes and the new air toxics fee program go into effect?

A2: All changes will go into effect beginning with the November 2008 billing cycle.

Q3: Will I continue to be billed both the air license fee and the air toxics fee at the same time?

A3: Yes.

Q4: How does the new air toxics fee program differ from the existing one?

A4: The following major changes were made to the air toxics fee program:

- 1) The new fee will be based on Chapter 137 data, whereas the old fee was based on TRI data;
- 2) There are new toxicity factors applied; and
- 3) The annual fee surcharge was adjusted from \$13.10 per every 1,000 air quality units to \$2 per every 1,000 air quality units

Q5: How is the new air toxics fee calculated?

A5: *Step One:* We compare the total tons of each hazardous air pollutant (HAP) reported during the base year inventory (see Question 6) to the thresholds in Chapter 137, Appendix A. If the threshold is exceeded, the pollutant is carried to the next step. If not, the pollutant is disregarded and not used for fee calculation purposes.

Step Two: We multiply the total tons of each pollutant identified in Step One by 2000 (to convert to pounds) and then by the toxicity score provided by the Maine Department of Health and Human Services, Center for Disease Control. The result is the number of air quality units for the facility. All HAP air quality units are then totaled.

Step Three: We divide those air quality units by 1,000, as the fee is based per every 1,000 units.

Step Four: The current air quality surcharge (\$2 per 1,000 air quality units) is multiplied by the air quality units from Step Three.

Q6: Does every facility pay an air toxics fee?

A6: No, a facility must have an air emissions license, emit HAPs above the minimum reporting thresholds in Chapter 137, Appendix A, and, when totaled, have an air quality surcharge greater than \$134 (current fee floor, as adjusted by the Consumer Price Index).

Q7: Is there a cap on the amount of air toxics fee my facility will be expected to pay?

A7: Yes, the cap – or maximum fee a facility may be charged – has been established at \$67,500 and will be adjusted annually by the Consumer Price Index.

Q8: What is a base year inventory?

A8: The base year inventory is the last, fully quality assured, triennial HAP inventory that was collected by Maine DEP. Currently, 2005 is the base year inventory on which fees will be assessed. The next base year inventory will be the 2008 annual emissions inventory, which will be collected in 2009 and not fully quality assured until early 2010.

Q9: Will I see how my air toxics fee is calculated before I receive the invoice?

A9: Yes. A facility will be given an opportunity to review their base year air toxics inventory in a “pre-bill” mailed to facilities about a month before an invoice is generated by the state. Facilities may request changes to their base year inventory until DEP issues the invoice, which will include a final statement of the emissions data used to calculate the surcharge.

Q10: After I receive my “pre-bill,” how do I make changes to my base year inventory?

A10: You must submit requested changes in writing (either by mail or email) to DEP. Allowable changes include the use of a different emission factor or stack test results. The base year inventory cannot be modified for equipment, process or other operational changes that occurred after the base year. However, facilities that cease operation and surrender their license will not be billed for an air toxics surcharge.

Q11: I stack tested for several HAPs after the base year. Can I use those stack test results to change my base year inventory?

A11: Yes, those results can be used to adjust your reported emission rate(s) if your equipment and processes at the time of the testing are the same as they were during the base year. If a HAP for which you stack tested is not detected, one-half the detection limit of that method will be used to calculate emissions.

Q12: If I miss the chance to request changes to my base year inventory following the pre-bill, can I still request changes after I receive my invoice?

A12: Yes, but the fee for the current year will not be changed for submissions received after the “pre-bill” submittal deadline. Any changes made after the deadline will become effective with the next billing cycle.

Q13: If I make changes to my base year inventory, must I certify the changes?

A13: Yes. Fees are based upon estimated annual emissions, as maintained in our production database.

Q14: If I don't want to use the base year inventory, can I use an alternate year inventory?

A14: No, because allowing an alternate inventory introduces a number of inequities to the air toxics fee assessment process. The collection of HAP inventory data is a complex and time-consuming process. Allowing some facilities to change to an alternate year inventory would likely place an additional burden on those who cannot meet the data gathering requirements annually or who simply choose not to use an alternate inventory year. For that reason, the base year inventory will be the one on which fees are billed for a three-year period.

Facilities with significant process and equipment changes that increase or decrease HAP emissions will be able to demonstrate those changes during the next triennial HAP inventory. Facilities which are newly licensed or which first report emissions under Chapter 137 during a non-HAP inventory year will be waived from paying air toxics fees until the next triennial HAP inventory and the application of that inventory to the fee system.

Q15: Are any changes I make automatically reported to EPA?

A15: Unfortunately, no. Currently, Maine DEP can only submit revised HAP data to EPA during select periods when they are accepting new data. However, Maine DEP expects that process to change in the near future and will inform facilities about these changes when they occur.

Q16: Is the air toxics fee subject to the CPI (consumer price index) adjustment as the annual license fee rate is?

A16: Like all air fees, the air toxics fee is subject to annual CPI adjustment.

Q17: Besides the CPI adjustment, are there other reasons my air toxics fee may change?

A17: Yes. When the Maine Legislature enacted the new fee law, it allowed the Commissioner of the Department of Environmental Protection to increase the fee rate (up to \$4 per 1,000 units) to achieve a minimum revenue threshold. The total fees collected will be assessed annually to determine if the minimum revenue threshold has been met and, if not, the rate will be adjusted as needed. This adjustment will occur annually in November.

Q18: My facility does not pay an air toxics fee now. Will I never have to pay one?

A18: Fees are calculated based on Chapter 137. If you did not need to file a HAPs inventory under Chapter 137 for 2005, you will not be billed in 2008 or 2009. If circumstances change and you are required to report HAPs to the DEP based on Chapter 137 in 2008 (or triennially after that), you may be billed.