

Comments from June 16th Webinar

1. Cody: OIAI Strawman plan sounds like a great idea
2. Marcus Gray: will these slides be available after the presentation?
A copy of the presentation is available on the Division of Air Pollution Control's website at <http://www.tennessee.gov/environment/article/apc-title-v-stakeholder-meetings>.
3. Cody: With the decrease in emissions across the state of Tennessee are their plans to "right-size" the APC to mirror reduced emission rates?
While Title V fee revenues have significantly dropped and are projected to continue to do so, the Title V statutory and regulatory obligations of the Division have not. The Division has initiated several regulatory and procedural changes, such as permit-by-rule, sector-based permitting, and the construction permit LEAN process, that should, in the long run, increase efficiencies and reduce costs. However, any costs savings associated with these changes will take several years to be fully realized and are not expected to reduce expenses in the order of magnitude associated with the recent and projected drop in Title V fee revenue.
4. Cody: Great presentation. The only comment that my team has is that we strongly believe that fees should directly correlate to the amount of emissions being put out by each facility. We strongly believe that the intent of the Clean Air Act is to encourage reduction of emissions. By pushing both base fees and minimum fees the smaller facilities help to subsidize the emissions of the larger facilities to a minor extent (we do recognize that base fees and minimum fees can be necessary as the sheer need for a regulatory body such as the APC does have costs that should be partially taken on by even the smaller companies).
5. Chad Crocker: can you repeat what you said about when we would be able to change from paying by allowable to paying by actual.
In 2015, the Title V fee rule was revised to allow facilities to change the method that is used to calculate fees from what is listed in that facility's Title V permit. That rule revision also allows facilities to change to a calendar year accounting period when calculating fees. In order to take advantage of these new provisions, the responsible official of a facility must submit a determination, in writing, to the Division on or before December 31 prior to the date in which fees are due. These options became available starting with fees due in 2017. Therefore, in order for a facility to change from an allowable to actual fee basis for the fees due 2018, the responsible official must submit a letter to the Division notifying them of their choice by December 31, 2017. The actual regulatory text regarding this provision is found at Tennessee Air Quality Control Rule 1200-03-26-.02(9)(b) which is available at <http://share.tn.gov/sos/rules/1200/1200-03/1200-03-26.20160605.pdf>.

