§353-A. Annual air emissions license fees

1. Fees assessed. After the effective date of this section, a licensee must pay an annual fee assessed on the sum of all licensed allowable air pollutants, except for carbon monoxide, as follows:

Annual licensed emissions in tons	Per ton fee
1 - 1,000	$5
1,001 - 4,000	$10
over 4,001	$15

[PL 1993, c. 412, §1 (AMD); PL 1993, c. 412, §10 (AFF).]

1-A. Annual fee surcharge. Beginning November 1, 2008, a licensee shall pay an annual fee surcharge of $2 per every 1,000 air quality units as defined in section 582, subsection 11-E. The minimum revenue threshold for the annual fee surcharge is established at $1,250,000 per year. The commissioner may increase the annual fee surcharge to up to $4 per every 1,000 air quality units if the annual revenue derived from this annual fee surcharge is less than $1,250,000 per year. The commissioner shall report to the joint standing committee of the Legislature having jurisdiction over natural resources matters by January 15, 2010 and every 2 years thereafter on any fee adjustment and the justification for the fee adjustment and the adequacy of the minimum revenue threshold and its ability to support the long-term sustainability of state air quality protection and improvement activities.
[PL 2007, c. 589, §1 (AMD); PL 2007, c. 589, §9 (AFF).]

2. Fee adjustment. The commissioner may adjust the per ton fees, the annual fee surcharge set forth in subsection 1-A and the maximum and minimum fees set forth in subsection 4 on an annual basis according to the United States Consumer Price Index established by the federal Department of Labor, Bureau of Labor Statistics.
[PL 1997, c. 374, §3 (AMD).]

3. Schedule. The effective date of a license is deemed to be the anniversary date. The license fee for a license with an anniversary date in January, February or March must be paid by the end of February. The license fee for a license with an anniversary date in April, May or June must be paid by the end of May. The license fee for a license with an anniversary date in July, August or September must be paid by the end of August. The license fee for a license with an anniversary date in October, November or December must be paid by the end of November. The annual fee for new applications must be estimated and paid at the time of filing the application. When the processing of the application is complete, the final annual fee is determined. Any additional amount is due prior to the issuance of the license. Any overpayment must be refunded. If the application is denied, 50% of the initial annual fee must be refunded.
[PL 2007, c. 589, §2 (AMD); PL 2007, c. 589, §9 (AFF).]

4. Maximum and minimum fees. The minimum annual fee is $250 per year. The maximum annual fee is $150,000 per year. Beginning November 1, 1994, the minimum annual fee surcharge is $100 per year and the maximum annual fee surcharge is $50,000 per year. The commissioner may reduce any fee required under the federal Clean Air Act Amendments of 1990 to take into account the financial resources of a small business stationary source, which for the purposes of this subsection means a source that meets the eligibility requirements of 42 United States Code, Section 7661f.
[PL 2021, c. 36, §23 (AMD).]

5. Transition for existing licenses. A licensee of a source in existence on the effective date of this section may request a revision to that license to reduce the sum of the licensed allowable air pollutants.
[PL 1991, c. 384, §8 (NEW); PL 1991, c. 384, §16 (AFF).]

6. Electrical generating facilities.
[PL 1999, c. 657, §22 (RP).]

7. Renewals and amendments. There are no additional fees assessed for license renewals or amendments.
[PL 1991, c. 384, §8 (NEW); PL 1991, c. 384, §16 (AFF).]

8. Nonpayment of fee. Failure to pay the annual fee within 60 days of the anniversary date of a license is sufficient grounds for revocation of the license under section 342, subsection 11-B.
[PL 2015, c. 124, §3 (AMD).]

9. Funds used solely for air pollution control activities. The money collected from the annual air emission fees must be used solely for air pollution control activities.
[PL 1993, c. 412, §4 (NEW).]

10. Fees for general permit. Licensees regulated under a general permit from the department are subject to an annual fee not to exceed the minimum license fee established under subsection 4.
[PL 2013, c. 300, §10 (AMD).]

SECTION HISTORY

PL 1991, c. 384, §8 (NEW). PL 1991, c. 384, §16 (AFF). PL 1993, c. 412, §§1-4 (AMD). PL 1993, c. 412, §10 (AFF). PL 1993, c. 500, §3 (AMD). PL 1993, c. 500, §5 (AFF). PL 1997, c. 374, §3 (AMD). PL 1999, c. 657, §22 (AMD). PL 2007, c. 297, §1 (AMD). PL 2007, c. 589, §§1-3 (AMD). PL 2007, c. 589, §9 (AFF). PL 2013, c. 300, §10 (AMD). PL 2015, c. 124, §3 (AMD). PL 2021, c. 36, §23 (AMD).

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