

455B.133C Air quality fund — fees and appropriations.

1. As used in [this section](#), unless the context otherwise requires:

a. “*Federal Clean Air Act Amendments of 1990*” means the same as defined in [section 455B.133B](#).

b. “*State fiscal year*” means the fiscal year described in [section 3.12](#).

2. An air quality fund is created in the office of the treasurer of state under the control of the department. The fund shall be composed of a major source account, a minor source account, and an asbestos account as provided in [this section](#).

3. The commission may establish fees to be imposed and collected by the department upon air contaminant sources required by [567 IAC ch. 22, 31, or 33](#), to obtain a permit, registration, template, or permit by rule, or to provide notification under [567 IAC 23.1\(3\)](#). In establishing the fees, the commission shall use the calculated estimate described in [this section](#). The fees collected shall be credited to the fund. The fund may include any other moneys appropriated by the general assembly or otherwise available to and obtained or accepted by the department for deposit in the fund.

4. a. The commission shall establish each fee amount based on the department’s calculated estimate of total revenues from all fees predicted to be credited to each account in the fund, but not to exceed a ceiling amount for each account as provided in [this section](#). However, [this subsection](#) does not require that an account have a zero ending balance at the close of a state fiscal year.

b. Each state fiscal year the department shall recompute its calculated estimate and obtain approval from the commission if an established fee amount must be adjusted.

c. (1) The department shall annually convene air quality fees stakeholder meetings. The department shall provide a report on the fees and budgets to the stakeholders regarding each account described in [this section](#). The department shall consider any recommendations of the stakeholders when computing its calculated estimate for the following state fiscal year.

(2) A person invited to attend a stakeholder meeting is not entitled to receive a per diem as specified in [section 7E.6](#) and shall not be reimbursed for expenses incurred while attending the meeting.

5. a. The major source account shall include all fees established by the commission to be imposed and collected by the department for accepting applications for new source review permits including permit revisions submitted by major sources as defined in section 502 of the federal Clean Air Act Amendments of 1990, 42 U.S.C. §7661, under new source review programs pursuant to that federal Act, including as provided under [567 IAC ch. 22, 31, and 33](#).

b. (1) The department’s calculated estimate for the major source account shall be computed to produce total revenues sufficient to pay for reasonable direct and indirect costs of implementing and administering new source review programs described in paragraph “a” on a state fiscal year basis.

(2) The reasonable direct and indirect costs described in subparagraph (1) shall be limited to all of the following:

(a) Reviewing and acting on any application for a new source review permit, including the determination of all applicable requirements and dispersion modeling as part of the processing of a permit or permit revision, or an applicability determination.

(b) General administrative costs of administering new source review programs including supporting and tracking of any application for a new source review permit and related data entry.

(c) (i) Developing and implementing an expedited new source review permit application process.

(ii) Additional fees associated with subparagraph subdivision (i).

c. (1) The department’s calculated estimate for the major source account shall not produce total revenues in excess of one million five hundred thousand dollars during any state fiscal year.

(2) Notwithstanding subparagraph (1), the department’s calculated estimate for the major source account shall not include the additional fees described in paragraph “b”, subparagraph (2), subparagraph division (c), subparagraph subdivision (ii).

d. Moneys in the major source account are appropriated to the department to pay for reasonable direct and indirect costs of implementing and administering new source review programs as specified in paragraph “b”, subparagraph (2).

6. a. The minor source account shall include all fees established by the commission to be imposed and collected by the department for accepting applications submitted by minor air contaminant sources for construction permits or for providing for registrations, permits by rule, or template permits in lieu of obtaining construction permits, under minor source new source review programs pursuant to the federal Clean Air Act Amendments of 1990, including as provided under [567 IAC ch. 22](#).

b. (1) The department’s calculated estimate for the minor source account shall be computed to produce total revenues sufficient to pay for reasonable direct and indirect costs of implementing and administering minor source new source review programs as described in paragraph “a” on a state fiscal year basis.

(2) The reasonable direct and indirect costs described in subparagraph (1) shall include costs associated with a new, modified, or existing minor air contaminant source, and related control equipment.

c. The department’s calculated estimate for the minor source account shall not produce total revenues in excess of two hundred fifty thousand dollars during any state fiscal year.

d. Moneys in the minor source account are appropriated to the department to pay for reasonable direct and indirect costs of implementing and administering minor source new source review programs as specified in paragraph “b”.

7. a. The asbestos account shall include all fees established by the commission to be imposed and collected by the department for accepting notifications involving demolition or renovation projects under the asbestos national emission standard for hazardous air pollutants program pursuant to [567 IAC ch. 23](#).

b. The department’s calculated estimate for the asbestos account shall be computed to produce total revenues sufficient to pay for reasonable direct and indirect costs of implementing and administering the asbestos national emission standard for hazardous air pollutants program as provided in paragraph “a” on a state fiscal year basis.

c. The department’s calculated estimate for the asbestos account shall not produce total revenues in excess of four hundred fifty thousand dollars during any state fiscal year.

d. Moneys in the asbestos account are appropriated to the department to pay for reasonable direct and indirect costs of implementing and administering the asbestos national emission standard for hazardous air pollutants program as specified in paragraph “b”.

8. Fees established pursuant to [this section](#) shall not be imposed for the regulation of an activity that exceeds the requirements of the federal Clean Air Act Amendments of 1990.

9. a. The commission or department shall not transfer moneys credited from one account to another account of the fund.

b. Notwithstanding [section 8.33](#), any unexpended balance in an account of the fund at the end of each state fiscal year shall be retained in that account.

c. Notwithstanding [section 12C.7](#), any interest and earnings on investments from moneys in an account of the fund shall be credited to that account.

[2015 Acts, ch 100, §3, 7; 2016 Acts, ch 1011, §76](#)

Referred to in [§455B.133B](#)