

**AGENCY OF NATURAL RESOURCES**

**Waterbury, Vermont**

**ENVIRONMENTAL PROTECTION REGULATIONS**

**CHAPTER 5**

**AIR POLLUTION CONTROL**

**Subchapter VIII. Registration of Air Contaminant Sources**

**Section 5-803 Registration Procedure**

- (1) On or before February 1 of each year, the operator of each source subject to registration shall submit to the Air Pollution Control Officer source emissions data and any other information required to determine the appropriate registration fee. This data shall be supplied by completion of forms which are available from the Air Pollution Control Officer. The forms will not be deemed completed unless and until all information required by the forms has been supplied. The Air Pollution Control Officer may require such information to be submitted with respect to any source which he or she has reason to believe may be a source subject to registration. This subsection is not intended to limit any powers otherwise held by the Air Pollution Control Officer.
- (2) The Air Pollution Control Officer shall determine the registration fee based upon the information required by the preceding subsection, upon other information reasonably required by him or her, and any other relevant information. Upon such determination, the Air Pollution Control Officer shall promptly notify each operator in writing of the registration fee required, if any.
- (3) Any operator may request reconsideration of a fee determination within 30 calendar days of receiving notice of such determination. Such request shall be in writing addressed to the Air Pollution Control Officer and shall include the operator's own calculation of the fee due along with all supporting documentation. Within 20 calendar days of receipt of such timely written request, the Air Pollution Control Officer shall notify the operator of the decision.
- (4) Any operator who chooses to contest the decision of the Air Pollution Control Officer described in the preceding subsection may, within 15 calendar days after receipt of such decision, request an administrative conference of the Commissioner of Environmental Conservation. Said conference shall be held as soon as reasonably possible, shall be

informal in nature and shall serve as an opportunity for the operator to contest the decision of the Air Pollution Control Officer to the Commissioner by presenting emissions data and any other relevant information to the Commissioner or his or her representative. Such administrative conference shall not be considered a "contested case" as defined by 3 V.S.A. ch. 25. The Commissioner shall notify the operator of the decision within 30 days of the administrative conference. Should the Commissioner's decision be wholly or partially adverse to the operator, such notice shall include an explanation of the grounds for the decision.

- (5) Each operator from whom a registration fee is due shall pay said fee to the Air Pollution Control Officer on or before May 15 of each year. Payment shall be by check or money order made payable to the State of Vermont. If the amount of the fee is at that time the subject of an administrative appeal or judicial review, the fee amount most recently decided or determined by the Air Pollution Control Officer or Commissioner of Environmental Conservation is due. No registration will be issued for those sources for which a required registration fee has not been paid in full. If, however, at the conclusion of any and all administrative appeals and judicial review, the fee paid is greater than that which has been determined to be correct, the difference shall be promptly refunded to the operator.
- (6) The period of each registration or renewal shall be from the first day of July of each year through the last day of June of the following calendar year.