

TITLE 20 ENVIRONMENT

CHAPTER 3 OPERATING PERMITS

SIP Effective Date: 2/28/05

301—306 [Not in SIP]

307 ENFORCEMENT FOR SEVERE OZONE NONATTAINMENT AREAS

307.1 Pursuant to Section 182 (d) of the federal Clean Air Act, 42 U.S.C. 7511a, if the United States Environmental Protection Agency ("EPA") determines that the District of Columbia has failed to attain the national primary ambient air quality standard for ozone (O₃) by the applicable attainment date for severe ozone nonattainment areas, the owners or operators of each major stationary source of oxides of nitrogen (NO_x) or volatile organic compounds (VOCs) located in the District of Columbia shall, except as otherwise provided under subsection 307.2, pay a fee to the District of Columbia, for NO_x emissions if the stationary source qualifies as major with respect to NO_x emissions, or for VOC emissions if the stationary source qualifies as major with respect to VOC emissions, computed in accordance with paragraphs (a), (b), and (c) of this subsection, for each calendar year beginning after the attainment date, until the area is redesignated as an attainment area for ozone;

(a) The fee shall equal five thousand dollars (\$5,000), adjusted in accordance with paragraph (c), per ton of NO_x or VOC emitted by the source during the calendar year in excess of eighty percent (80%) of the baseline amount, computed under paragraph (b);

(b) For purposes of this section, the baseline amount shall be computed as the lower of the amount of actual NO_x or VOC emissions or NO_x or VOC emissions allowed under the permit applicable to the source (or, if no such permit has been issued for the attainment year, the amount of NO_x or VOC emissions allowed under the State Implementation Plan) during the attainment year. Notwithstanding the preceding sentence, the baseline amount may be determined over a period of more than one calendar year in accordance with guidance issued by the EPA; and

(c) The fee amount under paragraph (a) shall be adjusted annually, beginning in calendar year 1991, in accordance with the federal Clean Air Act section 502(b)(3)(B)(v), 42 U.S.C. 7661a(b)(3)(B)(v), relating to inflation adjustment.

307.2 Notwithstanding any provision of this section, no source shall be required to pay any fee under subsection 307.1 with respect to emissions during any year that is treated as an extension year under the federal Clean Air Act section 181(a)(5), 42 U.S.C. 7511(a)(5).

307.3 Any fees, penalties, and interest collected under this section shall be deposited in a special fund in the District of Columbia Treasury and shall be utilized solely to cover all reasonable direct and indirect costs required to support the air quality program as set forth in Chapter 3.

399 [Not in SIP]