

CHEROKEE NATION ENVIRONMENTAL PROTECTION COMMISSION RULES

**CHAPTER 7  
ENVIRONMENTAL PERMIT FEES**

**750. Water permit fees.**

The following permit fee schedule shall be applicable to water permit programs.

**750.1 Maximum Water Permit Fees**

The following maximum fees for water permits, including construction permits and initial, annual, renewal and modified permits, shall apply to each such permit issued by the CNEPC. Actual permit fees will be calculated and assessed in accordance with the provisions of this section.

**(A) Construction Permits**

Construction of a contained treatment system, other than lagoons or POTWs, shall not exceed \$1,000 per permit.

**(B) Discharge and UIC Program Permits**

Discharge permits and permits issued under the Underground Injection Control (UIC) Programs.

- (1) Initial and Annual ..... \$30,000
- (2) Modification of Permit
  - (a) Major Modification ..... \$10,000
  - (b) Minor Modification\* ..... \$ 1,000

NOTE: \* Minor modifications of discharge and UIC permits are restricted to those defined in 40 CFR 122.63 and 144.41, respectively.

- (C) No-Discharge stormwater lagoon permits or contained systems .....\$ 900
- (D) Municipal (other than POTW) or industrial lagoons or land application.....\$ 3,000

**750.2 Construction Fees.**

All applicants for construction permits shall be assessed a fee of \$500 for each permit or modification thereto. Construction permit fees shall be in addition to any water permit fees.

**750.3 Fees for Discharge Permits.**

**(A) Non-Municipal Major Facilities**

(1) All facilities classified as Non-Municipal Major Facilities, with a Major/Minor Permit Rating (MRAT) equal to or greater than 100, except for Discretionary Major Facilities, are subject to fees as follows:

- (a) Initial Fee ..... \$15,000
- (b) Annual Fee ..... \$15,000
- (c) Modification Fee
  - (1) Major..... \$ 5,000
  - (2) Minor\* ..... \$ 1,000

(2) Non-Municipal Major Facilities with MRAT less than 100 and Discretionary Major Facilities are subject to fees as follows:

CHEROKEE NATION ENVIRONMENTAL PROTECTION COMMISSION RULES

- (a) Initial Fee ..... \$11,000
- (b) Annual Fee..... \$11,000
- (c) Modification
  - (1) Major..... \$ 5,000
  - (2) Minor\* ..... \$ 1,000

(B) Major Municipal Facilities

All Major Municipal Facilities, as defined in Chapter 2, are subject to fees as follows:

(1) Initial and annual fees shall be calculated as follows:  $Fee = \$5,000 + 900 Q'$  (mgd) where  $Q' = \text{Design flow (Q)} - 1 \text{ mgd}$

(2) Modification

- (a) Major ..... \$ 5,000
- (b) Minor\* ..... \$ 1,000

(C) Minor Municipal and Non-Municipal Facilities

(1) Facilities without toxics, priority pollutants, or hazardous substances, as defined in 40 CFR 122, Appendix D, Tables II, III, and V, or Whole Effluent Toxicity (WET) limits, limited in the permit:

(a) Initial and annual fees shall be calculated as follows:  $Fee = \$200 + 5600 \times Q$ (mgd) with Maximum Fee = \$10,000

(b) Modification

- (1) Major .....\$ 2,000
- (2) Minor\* .....\$ 1,000

(2) Facilities with toxics, priority pollutants or hazardous substances, as defined in 40 CFR 122, Appendix D, Tables II, III and V, or Whole Effluent Toxicity (WET) limits, limited in the permit:

(a) Initial and annual fees shall be calculated as follows:

$Fee = \$200 + 21500 \times Q$ (mgd) with Maximum Fee = \$15,000

(b) Modification

- (1) Major..... \$ 2,000
- (2) Minor\* ..... \$ 1,000

(3) Non-contact cooling water and non-contaminated storm water discharges:

(a) Initial and annual fees shall be calculated as follows:  $Fee = \$200 + 700 \times Q$ (mgd) with Maximum Fee = \$10,000

(b) Modification

- (1) Major ..... \$ 2,000
- (2) Minor\* ..... \$ 1,000

(4) Aquatic animal production facilities (fish hatcheries, etc.) with flowthrough systems shall be subject to the following fees:

(a) Initial and Annual ..... \$ 2,500

(b) Modification

- (1) Major ..... \$ 2,000
- (2) Minor\* ..... \$ 500

(5) Variable Discharge (storm water and land clearing not otherwise addressed, sand and gravel operations, mining operations under 3 acres, etc.)

(a) Initial and Annual..... \$ 500

CHEROKEE NATION ENVIRONMENTAL PROTECTION COMMISSION RULES

(b) Modification  
(Major and Minor) ..... \$ 300

\*Minor modifications to discharge permits are restricted to those defined in 40 CFR 122.63

**750.4 General Discharge Permits.**

In lieu of the fee schedules described above, persons authorized to discharge wastewater under a general discharge permit shall be subject to a \$500.00 annual fee. The initial fee shall be remitted with the Notice of Intent (NOI) for coverage under the applicable general permit. Until a Notice of Termination (NOT) is submitted to and approved by the Administrator, the Permittee shall be billed annually thereafter on the anniversary date of coverage.

**750.5 Fees for No-discharge Permits.**

- (A) Salt Water Disposal
  - (1) Initial Fee ..... \$ 250
  - (2) Annual Fee..... \$ 250
  - (3) Modification Fee \* ..... \$ 250
- (B) Small Commercial Septic Tank Systems (<5000 gpd)
  - (1) Initial Fee..... \$ 250
  - (2) Annual Fee..... \$ 200
  - (3) Modification Fee \* ..... \$ 200
- (C) Commercial or industrial (non-agricultural, non-UIC, commercial septic tank systems) (> 5000 gpd)
  - (1) Initial Fee ..... \$ 1,500
  - (2) Annual Fee..... \$ 500
  - (3) Modification Fee \* ..... \$ 500
- (D) Industrial sludge or wastewater land application (i.e. food processing, reserve pit, hatchery systems, etc.)
  - (1) Initial Fee ..... \$ 1,500
  - (2) Annual Fee..... \$ 500
  - (3) Modification Fee \* ..... \$ 500
- (E) Publicly Owned Treatment Works (POTW) Non-discharge with Land Application of Wastewater
  - (1) Initial Fee ..... \$ 800
  - (2) Annual Fee..... \$ 500
  - (3) Modification Fee \* ..... \$ 500
- (F) Municipal or Industrial (including agricultural) Surface Impoundments
  - (1) Initial Fee..... \$ 2,000
  - (2) Annual Fee..... \$ 500
  - (3) Modification Fee..... \$ 500

NOTE: \* Defined as a ten percent (10%) or greater change in application or storage volumes or a change in the method of application or disposal

CHEROKEE NATION ENVIRONMENTAL PROTECTION COMMISSION RULES

**750.6 Fees for Underground Injection Control (UIC) Permits** (Injection well classifications are defined in 40 CFR 144.6.)

(A) Class I, III and IV

(1) Initial Fee.....	\$ 15,000
(2) Annual Fee.....	\$ 15,000
(3) Modification Fee	
(a) Major .....	\$ 10,000
(b) Minor *.....	\$ 1,000

\* Minor modifications are limited to those actions defined in 40 CFR 144.41.

(B) Class V

(1) Initial Fee.....	\$ 500
(2) Annual Fee .....	\$ 500
(3) Modification Fee .....	\$ 500

**750.7 Administrative Permit Amendments.**

The Administrator may waive the fee charged for minor water permit modifications involving only administrative amendments or revisions to a permit. For purposes of this Chapter, minor modifications are restricted to those defined in 40 CFR 122.63 or 40 CFR 144.41. The Administrator, in his or her discretion, may decide whether a minor modification is considered to be an administrative amendment.

**751. AIR PERMIT FEES.**

**751.1 Applicability.**

The air permit fees contained in this section are applicable to (1) non-part 70 permits, (2) part 70 permits, and (3) general permits.

**751.2 Terms Used in Air Fee Formulas.**

(A) \$/ton factor is \$16/ton until September 2006, after which time it shall be increased annually by the percentage, if any, by which the federal Consumer Price Index exceeds that of the previous year.

(B) tons/year predominant air contaminant is the permitted emission rate of the most predominant air contaminant (other than carbon monoxide). The maximum value shall be no greater than 4,000 tons/year per facility.

(C) tons/year chargeable emissions is the sum of the permitted emission rates of all air contaminants (other than carbon monoxide). The maximum value per air contaminant shall not exceed 4,000 tons/year per facility.

**751.3 Initial Fees for Air Permits.**

Initial fees shall be assessed according to the following formulas:

(A) Non-part 70 permits

initial fee = \$/ton factor x tons/year predominant air contaminant Provided, however, no initial fee shall be less than \$500 except for general permits issued to Non-part 70 sources.

(B) Part 70 permits

## CHEROKEE NATION ENVIRONMENTAL PROTECTION COMMISSION RULES

(1) Permits issued to part 70 sources already holding an active air permit: initial fee = [\$/ton factor x tons/year chargeable emissions] - amount of last annual air permit fee invoice Provided, however, that no initial fee shall be less than \$1,000.

(2) Permits issued to part 70 sources which do not hold an active air permit: initial fee = \$/ton factor x tons/year chargeable emissions Provided, however, that no initial fee shall be less than the \$/ton factor x 100.

### **751.4 Annual Fees for Air Permits.**

Annual fees shall be assessed according to the following formulas:

(A) Non-part 70 permits

annual fee = \$/ton factor x tons/year predominant air contaminant Provided, however, that no annual fee shall be charged for a permit in which the tons/year predominant air contaminant is less than 10 tons/year.

(B) Part 70 permits

annual fee = \$/ton factor x tons/year chargeable emissions Provided, however, that no annual fee shall be less than the \$/ton factor x 100.

### **751.5 Modification Fees for Air Permits.**

Modification and renewal fees for air permits shall be assessed according to the following formulas:

(A) Non-part 70 permits modification fee = \$/ton factor x tons/year net emissions increase of predominant air contaminant However, no modification fee shall be less than \$400, or more than the \$/ton factor x 4,000.

(B) Part 70 permits

(1) For each non-minor permit modification or each renewal permit involving a non-minor permit modification: fee = \$/ton factor x tons/year net emission increase of chargeable emissions However, no fee shall be less than \$1,000 or more than the \$/ton factor x 4,000.

(2) \$500 for each minor permit modification or each renewal permit involving only a minor permit modification.

### **751.6 Administrative Permit Amendments and Renewal Permits for Air.**

The fee may be waived by the CNEPC for administrative permit amendments or renewal permits not involving a permit modification.

### **751.7 General Permits for Air.**

In lieu of the fee schedules described above, sources which qualify for a general permit shall be subject to an initial fee of \$200.00 and annual fee of \$200.00 thereafter.

## **752. SOLID WASTE PERMIT FEES.**

### **752.1 Fee Categories for Solid Waste.**

Facility types established by the State of Arkansas are hereby adopted by reference for purposes of Part 5 to establish fees. Separate fees for the Initial fees (Pre-Application and Application), Annual Fees, Modification Fees, Permit Transfer Fees, and Post Closure

## CHEROKEE NATION ENVIRONMENTAL PROTECTION COMMISSION RULES

Fees will be assessed for each applicable permit category. For purposes of assessing fees, permit categories include the following types of solid waste management facilities: Class 1, Class 3C (Commercial), Class 3N (Non-Commercial), Class 3T (Tire), and Class 4 Landfills; Transfer Stations, Composting Facilities and Solid Waste Material Recovery Facilities; provided, however, fees for a Solid Waste Material Recovery Facility will not be assessed where limited recycling and material recovery activities occur at a Transfer Station site.

### **752.2 Initial Fees for Solid Waste.**

Due to the unique requirements for a preliminary site survey (pre-site), which may include a geotechnical site review, of a proposed solid waste management facility prior to the submission of a permit application, the initial fee for solid waste permits is composed of two parts, i.e., (A) the pre-application fee, and (B) the application fee. The pre-application fee will help to recover the costs of the preliminary engineering site survey. This pre-site fee shall be nonrefundable and shall be paid prior to conducting the pre-site investigation. Upon a finding of site suitability based on the pre-site investigation, or at the owner's risk if the site is judged to be unsuitable and the owner continues to seek a permit for the site, the initial fee shall be paid.

These fees are applicable to all types of facilities permitted under the Solid Waste Management Code, and any regulations promulgated thereunder.

#### **(A) Pre-Application Fees**

(1) Class 1, Class 3C, Class 3N, Class 3T.....	\$ 2,000
(2) Class 4.....	\$ 1,000
(3) Transfer Stations, Composting, Material Recovery Facilities.....	\$ 450

#### **(B) Application Fees**

(1) Class 1, Class 3C.....	\$ 10,000
(2) Class 3N, Class 3T.....	\$ 5,000
(3) Class 4.....	\$ 1,000
(4) Transfer Stations, Composting, Material Recovery Facilities .....	\$ 450

### **752.3 Annual Fees for Solid Waste.**

Annual Fees are payable each calendar year that the solid waste management facility is in operation. For all solid waste management facilities, subject to fees named herein, annual fees are assessed each calendar year until the solid waste management facility stops receiving waste and the facility is in approved postclosure status. No partial year refund of annual fees will be made.

(A) Class 1 .....	\$ 6,000
(B) Class 3C.....	\$ 5,000
(C) Class 3N, Class 3T .....	\$ 3,000
(D) Class 4 .....	\$ 500
(E) Transfer Stations, Composting, Material Recovery Facilities.....	\$ 450

### **752.4 Modification Fees for Solid Waste Permits.**

(A) Class 1 (Capacity Increase Modification or Major Modification) .....	\$ 4,000
(B) Class 1 (Subtitle "D" Upgrade or Minor Modification).....	\$ 3,000

## CHEROKEE NATION ENVIRONMENTAL PROTECTION COMMISSION RULES

(C) Class 3C, Class 3N, Class 3T .....	\$ 2,000
(D) Class 4 .....	\$ 1,000
(E) Transfer Stations, Composting, Material Recovery Facilities.....	\$ 450

### **752.5 Other Permit Modification or Transfer Fees**

(A) Class 1, Class 3C, Class 3N, Class 3T, Class 4 .....	\$ 1,000
(B) Transfer Stations, Composting, Material Recovery Facilities .....	.\$ 500

### **752.6 Solid Waste Post Closure Fees.**

Post Closure Fees are assessed annually throughout the post closure period for each permit category subject to post closure monitoring. Class 1, Class 3C, Class 3N, Class 3T, Class 4 .....

	\$ 500
--	--------

### **752.7 Special Circumstances.**

Where appropriate under special circumstances, an individual fee schedule may be developed for a particular facility.

## **753. Fees Not Otherwise Specified**

### **753.1 Fees for Facilities or Wastes Not Otherwise Specified.**

A. Fees for CAFOs, LMFOs and other agricultural operations/wastes not otherwise specified shall be consistent with those fees which would otherwise be charged by the state of Oklahoma

B. Fees for facilities or operations involving nuclear wastes, hazardous wastes, mixed wastes or facilities/operations not otherwise covered by the regular fee schedule, shall be established on a case by case basis to cover reasonable costs of pre-site investigations, review of proposals and plans, drafting of permit documents or other activities necessary to the proper processing of applications to construct or operate such facilities.

## **754. Variances or Interim authority Requests**

### **754.1 Processing Fee.**

There shall be an initial processing fee of three hundred dollars (\$ 300.00) assessed for all requests for variances from the requirements of any permit issued by the CNEPC, or any interim authority request to construct or operate during the permit application review and issuance process. The fee shall not be required for a request for an extension of any existing variance or interim authority.

### **754.2 Fees Non-Refundable.**

If a variance or interim authority request is denied, the processing fee is non-refundable.