

# **Application and Annual Fee Frequently-Asked-Questions (FAQ) For Discharges Other Than Storm Water**

September 22, 2004

**Note:** The questions in this FAQ apply only to NPDES permits for discharges other than storm water.

**Question: What are the NPDES Permit fees?**

Answer: Each NPDES permittee is responsible for two different permit fees. There is an NPDES permit application fee, required whenever a permittee submits an application for issuance, reissuance or modification of an NPDES permit. There is also an annual fee required of each NPDES permittee that is discharging to state waters. NPDES fees are non-refundable.

**Question: How is the application fee assessed?**

Answer: The application fee is assessed in accordance with Section 3120 of the revised Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA). The fee is dependent on the facility classification. A summary of these fees is attached.

**Question: When is the application fee due?**

Answer: An application fee must be submitted with any request for issuance of a new NPDES permit, or reissuance or modification of an existing permit.

**Question: What happens if I don't pay the application fee?**

Answer: Applications that are submitted without the appropriate fee will be considered administratively incomplete and will not be processed until that fee has been received.

**Question: How will the Department process my application?**

Answer: The department shall determine if an application for a new permit is administrative complete within 30 days of the receipt of that application. When the application is deemed administratively complete the department has 180 days to grant or deny that permit, unless the applicant and the Department agree to extend the time period. The department shall determine if an application for reissuance of an existing permit is administrative complete within 90 days of the receipt of that application. When the application is deemed administratively complete the department has until September 30 of the year following the application submittal to grant or deny that permit, unless the applicant and the Department agree to extend the time period.

**Question: What happens if the department fails to grant or deny the permit in the allotted time?**

Answer: If the Department fails to grant or deny the permit in the allotted time, the fee submitted with the application will be returned to the applicant and the applicant will receive a 15 percent annual discount on the annual permit fee required for the issued permit.

**Question: How is the annual fee assessed?**

Answer: The annual fee is assessed in accordance with Section 3120 of the NREPA, as amended. The annual facility fee is dependent on the facility classification. The fee is not based on the facilities discharge. A summary of these fees is attached.

**Question: When is the annual facility fee due?**

Answer: The Department will send invoices for the annual facility fee to all permit holders by December 1 of each year. The fee will be based on the classification of the facility as of October 1 of the same year. Annual fees are due no later than January 15 of each year. Failure of the Department to send an invoice by December 1, or failure to receive an invoice does not relieve the obligation to pay the annual fee. If the Department does not mail out the invoices by December 1, then the annual fee is due no later than 45 days after receiving the invoice.

**Question: Will a change in my permit classification affect my annual permit fee?**

Answer: Yes, a change from individual permit to general permit, EPA major to EPA minor, or a change to the authorized discharge flow or termination of the permit would change the annual fee. Changes made before October 1 of the billing year will reflect the changed fee.

**Question: How should I request a change to my permits classification?**

Answer: Requests for changes to a permits classification are processed as resources allow. They must be submitted to the Department in a timely manner to assure that the change will be completed by October 1 of the billing year billing.

**Question: What happens if I don't pay the annual fee?**

Answer: The Department shall assess a penalty on all annual fees not submitted by the due date. The penalty shall be an amount equal to 0.75 percent of the payment due for each month or portion of a month that the payment remains past due. The Attorney General may bring action for the collection of the annual permit fee.

**Question: Can I challenge the annual permit fee?**

Answer: Following the payment of an annual permit fee, a permittee may submit a written challenge of that fee. The Department shall only consider challenges received by March 1 of the year the payment is due. The challenge shall identify the facility and state the grounds for the challenge. Within 30 days of receiving the challenge, the Department shall either provide notification of a revised annual fee and any appropriate refund, or the reasons that the annual permit fee was not revised. If the permittee desires to further challenge the annual permit fee, they may file for a contested case hearing as provided for under the administrative procedures act of 1969 PA 306.

**SUMMARY OF NPDES FEES FOR DISCHARGES OTHER THAN STORM WATER  
FROM ACT 91 OF 2004**

**Permit Application Fees**

EPA major facility, individual permit .....	\$750.00
EPA minor facility individual permit, CSO permit, or wastewater stabilization lagoon individual permit .....	\$400.00
EPA minor facility, general permit .....	\$75.00

**Annual Permit Fees**

**EPA Major Facility Fees**

Industrial-Commercial facilities .....	\$8,700.00
Municipal 500 MGD or greater .....	\$213,000.00
Municipal 50 MGD to less than 500 MGD .....	\$20,000.00
Municipal 10 MGD to less than 50 MGD .....	\$13,000.00
Municipal less than 10 MGD.....	\$5,500.00

**EPA Minor Facility Fees**

Industrial-Commercial General Permit, high-flow .....	\$400.00
Industrial-Commercial General Permit, low-flow.....	\$150.00
Industrial-Commercial Individual Permit, high-flow .....	\$3,650.00
Industrial-Commercial Individual Permit, low-flow .....	\$1,650.00
Municipal, 10 MGD or greater .....	\$3,775.00
Municipal, 1 MGD to less than 10 MGD .....	\$3,000.00
Municipal, less than 1 MGD.....	\$1,950.00
Municipal, General Permit, high-flow .....	\$600.00
Municipal, General Permit, low-flow .....	\$400.00
Municipal CSO .....	\$6,000.00
Wastewater Stabilization Lagoon .....	\$1,525.00

**Agricultural Purpose Fees**

Individual or General Permits .....	\$600.00
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**Unless the facility is an:**

EPA Major Facility (excluding Farmers' Cooperative Corporations) .....	\$8,700.00
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**Or an**

EPA Minor Facility (must qualify for a low-flow general permit) .....	\$150.00
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**Definitions**

MGD = 1,000,000 gallons per day

High Flow = 1 MGD or greater

Low Flow = Less than 1 MGD