

# Fee Challenge Information

[Sec. 5522](#) (5) of Part 55, Air Pollution Control, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (Act 451), contains the procedures the owner or operator of a fee-subject facility must follow to challenge its assessed fee. The legislation specifies the general procedures as well as the timeframes for making challenges.

## Timelines

After January 1<sup>st</sup> and before January 15<sup>th</sup> of each year, the Air Quality Division (AQD) notifies fee-subject facilities of their assessed annual air quality fee by mailing the fee invoice to each facility. Payment is due within 90 days. To challenge its assessed fee, a facility must submit a challenge in writing to the AQD, within 45 days of the mailing date of the invoice. The AQD will accept an email as a written challenge.

*The fee challenge must be submitted timely.* The statutory language prohibits the AQD from processing a challenge if it is not received within **45** days of the invoice mailing date.

## Challenge Content

The challenge shall identify the facility and state the grounds upon which the challenge is based.

Valid reasons for challenging the fee may include one or more of the following.

- A correction is needed to the quantity of billable emissions upon which the emissions component of the fee invoice is based. The fee challenge must include sufficient detail to enable AQD district staff to evaluate the basis for the request, and to make any appropriate revisions within the Michigan Air Emissions Reporting System (MAERS) on the facility's behalf.
- The facility was sold to a different owner prior to the assessment date of the air quality fee invoice. The fee applies to the owner or operator of the facility at the time of fee assessment. Note that an operator of a facility can have liability for the fee invoice even if they are not the owner.
- The facility's permit or permits were voided prior to the assessment date of the air quality fee invoice.
- The facility's fee classification is incorrect and should be removed or changed to a different fee category.
- The facility's permit or permits were modified such that the fee classification of the facility has changed.
- The facility meets criteria for waiver of the air quality fee, as outlined in AQD Policy and Procedure ["Waivers Affecting Fee Assessment; Closures Affecting Fee Applicability"](#) (AQD-035).

## Challenge Response

Within 30 calendar days of receipt of a fee challenge, the AQD shall determine the validity of the challenge and will respond with a revised fee or a denial of the challenge, which will state the reason(s) why the fee was not revised. An owner or operator who submitted a timely challenge and desires to

further challenge its assessed fee has an opportunity for a [contested case hearing](#) as provided for under Chapter 4 of the [Administrative Procedures Act of 1969](#), 1969 PA 306, MCL 24.271 to 24.288.

### Contact Information

Additional questions concerning air quality fee challenges may be directed to [Dennis McGeen](#), 517-899-6819.