



MISSISSIPPI DEPARTMENT OF  
ENVIRONMENTAL QUALITY

# Guide to Completing and Submitting the Annual Emissions Reporting Form (AERF) for the Purpose of Assessing the Title V Program Fee

*March 2023*

## *STATEMENT OF PURPOSE AND DISCLAIMER*

*Pursuant to informal discussions between the staff of DEQ and members of the regulated community, an agreement was reached that more comprehensive guidance and instruction needed to be provided to facilities regarding the reporting of actual annual emissions for purposes of the Title V program fee. Consequently, this guide was developed to assist facilities in preparing and submitting a report of actual emissions for purposes of basing the Title V program fee on the reported actual emissions instead of the allowable emissions.*

*This second-generation version of the guidance has received limited review within DEQ and the regulated community. Since the guide may need to be modified to improve its usefulness, it is not yet considered DEQ policy or been adopted through formal administrative procedures as such. Except for noted regulation excerpts which are verbatim, the guidance, interpretative explanations, suggestions, and cautionary statements in this guide are offered merely as guidance and do not create any enforceable right or duty separate from the Mississippi Title V regulations (11 Miss. Admin. Code Pt. 2, Ch. 6).*

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# Introduction

The Title V program fee is due **September 1** of each calendar year. This guide is intended to assist facilities required to hold a Title V permit in properly completing and submitting the report used to assess the Title V program fee, which includes the following two components:

- the emissions portion of the fee, which is based on actual emissions and/or potential emissions, and
- the complexity portion of the fee, which is based on the number of applicable air regulations included in the annual fee schedule. The actual list of air regulations established by the Commission to be used for fee assessment purposes may vary annually. The final list will be found the Commission's order each Spring. (NOTE: For the fee due September 1, 2023, these regulations are anticipated to be the federal air regulations found in 40 CFR Parts 60, 61, 63, and 68 and is the basis used in this guidance.

This guide is not intended to address other requirements of the Title V program or provide assistance in non-Title V fee areas, though the actual emissions provided by the facility may also be used for reporting obligations under the Air Emissions Reporting Requirements (AERR) of 40 CFR Part 51, Subpart A and submitted separately to the Emissions Inventory Branch.

The Annual Emissions Reporting Form (AERF) is the form used to assure emissions data from all facilities wishing to have the fee based on actual emissions is reported in a consistent manner. The AERF was revised in 2023 to reflect revisions to the Title V regulations, which were amended in 2022 to modify the Title V fee system. While the AERF retains much of the previous design, a new section was added for the complexity portion of the fee, which is determined by the number of air regulations to which a facility is subject.

Guidance on completing and submitting the AERF is provided in the following pages. The guidance is divided into three parts:

- a concise list of the basic procedural steps for completing and submitting the AERF (provided for those persons/facilities already familiar with the reporting procedures);
- the same list of procedural steps containing significantly more detail, including recommendations to ensure completeness (provided for those persons/facilities less familiar with the AERF procedures); and
- appendices containing information referenced in the procedural steps but separated to improve readability and comprehension.

Due to length, the entirety of the Mississippi Title V regulations (11 Miss. Admin. Code Pt. 2, Ch. 6). is not included as part of this guide. Rule 6.6 *Program Fees* of the regulations (which sets the requirements for reporting for fees) is referenced in some of the guidance; therefore, a copy of Rule 6.6. has been included in Appendix 3. The full version of the regulations can be found on the DEQ website at <https://www.mdeq.ms.gov/about-mdeq/regulations/air-regulations/>.

## Basic Procedure for Completing and Submitting the AERF

*(see Expanded Procedure Section for more information for each item)*

1. Upon receipt, review the AERF for accuracy of all pre-printed information. (A sample AERF with clarifying notes is provided in Appendix 6 to aid in understanding the information provided on the form.)
2. For the emissions component of the fee, collect all emissions data, operational records, reference materials, and other supporting documentation needed to calculate emissions for the preceding calendar year.
3. Calculate/determine the total actual annual emissions for each pollutant to be reported on the AERF. (See Appendices 1 and 2)
4. Prepare sample calculations and/or explanations of how the supporting documentation was used to develop the actual emissions values reported on the AERF. Please ensure all calculations are properly explained and the source of each input value is referenced.
5. When you are satisfied the actual emissions data is complete and correct, transfer the data to the AERF provided by DEQ. (NOTE: If the emissions data on the AERF do not match the information in the supporting documentation, review of the data cannot be concluded and may cause the fee to be charged on allowable emissions.)
6. For the complexity component, confirm the facility's applicability to the air regulations listed. The list of regulations used to calculate the complexity component may vary annually and will be included in the Commission's Order to set the fee schedule each Spring.
7. Have the AERF signed by the appropriate responsible official or duly authorized representative. (NOTE: If the person signing the AERF is not or cannot be verified to be the proper signatory per the DEQ regulations, the AERF cannot be accepted for review by DEQ.)
8. Place the original, signed AERF with the supporting documentation and calculations into a single package for transmittal to DEQ.
9. Address the package to one of the following DEQ addresses or hand deliver to the reception desk at the physical address:

<b><u>Mailing Address</u></b>	<b><u>Physical Address</u></b>
Title V Operating Permit Program, AERF Mississippi Dept. of Environmental Quality OPC, Air Division – Laura James PO Box 2261 Jackson, MS 39225-2261	Title V Operating Permit Program, AERF Mississippi Dept. of Environmental Quality OPC, Air Division – Laura James 515 East Amite Street Jackson, MS 39201

10. Submit the package via U.S. Postal Service or a commercial delivery service on or before July 1. If received after July 1, there must be a postmark or delivery service receipt denoting a mailing date no later than July 1; therefore, parcel delivery with tracking is recommended. To ensure timely receipt, an electronic copy may also be submitted via email to LJames@mdeq.ms.gov. (NOTE: Late submission will result in the fee being based on allowable emissions for at least one quarter of the fee year. See Appendix 3 for more information.)

## Expanded Procedure for Completing and Submitting the AERF

1. Upon receipt, review the AERF for accuracy of all pre-printed information. A sample AERF with clarifying notes is provided in Appendix 6 to aid in understanding the information provided on the form.
  - ◆ **Review the information immediately.**
  - ◆ **DO NOT make administrative corrections on the AERF.**
  - ◆ **Contact the appropriate permit manager in the Environmental Permits Division (EPD) (601-961-5171) regarding any errors** in the administrative information or the allowable emissions values. The EPD permit manager will determine whether corrections and updates to the information can simply be made or if the permit must be modified. Changes to the allowable emissions values on the AERF will be made after EPD provides notification regarding their determination. This is especially critical for pollutants having a value of zero in the allowable emissions column on the AERF for which you have known actual emissions you expect to report.

If the facility's inventory and the inventory associated with the permit are the same, but the value on the AERF is different, this is likely due to a data entry error or the database not being up to date. If such is the case and the emissions portion of the fee will be assessed based on allowables due to late, incomplete, or no submission of actual emissions, the inventory associated with the active permit will be used in the calculation.
  - ◆ **Make corrections on the Contact Information page.** Please clearly mark all corrections and end dates to the listed contacts. If a new contact is being added, please provide all applicable information at the end of the list.
2. For the emissions component of the fee, collect all emissions data, operational records, reference materials, and other supporting documentation needed to calculate emissions for the preceding calendar year.
  - ◆ **Utilize any emissions summaries and operational reports which were created for Title V annual certification of compliance purposes or monitoring reports.** This will help prevent duplicate data collection efforts.
  - ◆ **Provide a copy of such information in the supporting documentation.** Air Program Development staff do not conduct file reviews of EPD and ECED's original permit applications and compliance reports; therefore, any information used to support the completed AERF should be submitted with the AERF for completeness.
  - ◆ **Provide a reference or source for all emission factors.**
  - ◆ **Provide a summary report** (preferably a single page) on which all emission sources and the pollutants emitted from each are tabulated.
  - ◆ **Provide a paper copy** (preferably on 8.5" by 11" paper) **of all supporting information.** At this time, there is no provision for submitting emissions information

in electronic form in lieu of a paper report.

3. Calculate/determine the total actual annual emissions for each pollutant to be reported on the AERF. (See Appendices 1 and 2)
  - ◆ **Include emissions from Insignificant Activities (IAs) which were listed in the Title V application.** This is one of the most often overlooked portions of actual emissions data by sources. (Note: the regulations do not exempt IA emissions from fees or from emissions reported for the AERR. The exemption from having to quantify emissions from IAs applies only to emissions data reported in Title V applications. However, current DEQ policy allows facilities to exclude emissions from activities listed in Rule 6.7.A in actual emissions calculations.)
  - ◆ **Calculate totals to two decimal places.** This is especially important when the total for a pollutant is summed for a large number of emission points. If using AERF supporting calculations to suffice for the AERR calculations, criteria air pollutants must be calculated to **two decimal places** and hazardous air pollutants must be calculated to **four decimal places**.
  - ◆ **Include VOC HAPs in both the VOC and HAP, Total (VOC) lines.** HAPs which are counted in other pollutant totals (e.g., VOCs or PM) will not be double counted for fees. All reporting facilities are required to report both VOC HAPs and non-VOC HAPs in the same manner (i.e., as both separate line items and with any other broader pollutant they are part of) to reduce the number of follow-up contacts needed to clarify the data's meaning.
  - ◆ **Enter zeroes for pollutants which were not emitted at all or which do not total over 0.0049 tons/year. (Remember, for HAPs the AERR requires reporting to four decimal places, so this threshold would not apply.)** *DO NOT* insert a dash, the word “negligible”, or leave the value blank. Any data in the actuals column which is not a numeric value will result in use of the allowable emissions for that pollutant as the basis for the emissions portion of the fee. Air Division staff cannot change the information reported on the AERF, even when such a change is requested by the facility. A correction or change of any AERF data will require resubmittal of a revised AERF form and revised support documentation, if relevant, in order for the correction to be made.
4. Prepare sample calculations and/or explanations of how the supporting documentation was used to develop the actual emissions values reported on the AERF. Please ensure all calculations are properly explained and the source of input values are referenced.
  - ◆ **Provide all formulas used to calculate the emissions** from the applied to the supporting documentation.
  - ◆ **Ensure calculations use appropriate information.** The calculations should be based on the facility information from the appropriate year and any updated emission factors or recent test data.
  - ◆ **Provide a detailed reference or explanation** of any emissions factors utilized from publicly available documents.

- ◆ **Provide justification of suitability and accuracy for any industry-derived emissions factors.**
5. When you are satisfied that the actual emissions data are complete and correct, transfer the data to the original AERF sent by DEQ.
- ◆ **Use only the official AERF to report actual emissions.** A generic electronic copy of the AERF can be found on the DEQ website, if needed, or a duplicate electronic copy of the facility’s AERF may be obtained by contacting Laura James at 601-961-5675 or [LJames@mdeq.ms.gov](mailto:LJames@mdeq.ms.gov).
  - ◆ **Transfer the actual emissions total for each pollutant to the corresponding blank cells in the right-hand column of the AERF.** Do not enter data into other columns or to the side of the columns. Do not footnote data in the actual emission rate column; if notes to explain the data are necessary, put them on the summary page of the supporting documentation.
  - ◆ **Total emissions reported on the AERF must match the information provided in the supporting documentation.** If the emissions do not match, you will be contacted to provide an opportunity to resolve discrepancies. Due to the limited time available to review all AERFs, we encourage prompt response to any questions or requests from DEQ staff regarding potential errors. For pollutants with unresolved discrepancies at the billing deadline, the data used for fee calculations will be the allowable emissions.
  - ◆ **Ensure emissions submitted for the AERR, if required, match the AERF emissions.** If subsequent corrections or updates are made after original submittal, this information must be submitted to both the Air Program Development Branch and Emissions Inventory Branch.
6. For the complexity component of the fee, confirm the facility’s applicability with the air regulations listed in the second table on the AERF.
- ◆ **Only air regulations included in the annual fee schedule established by the Commission will be evaluated to determine complexity.** This year’s list of air regulations included in the fee schedule are anticipated to be the federal air regulations found in 40 CFR Parts 60, 61, 63, and 68; therefore, this guide was developed based on this expectation. The actual list established by the Commission may vary annually. A copy of the Commission’s order will be placed on the DEQ website.
  - ◆ **For purposes of this portion of the fee, each applicable subpart of 40 CFR Part 60, 61, and 63 will be considered a separate air regulation; however, all subparts of 40 CFR Part 68 will be considered a single applicable regulation.**
  - ◆ **Confirm the listed regulation is applicable to the facility by circling “Y”. If the regulation does not apply, circle “N”.** For those marked “N”, please provide a separate sheet explaining why the regulation does not apply. DEQ may follow up with the facility regarding those regulations the facility believes do not apply.
  - ◆ **Add any applicable federal air regulations in 40 CFR Parts 60, 61, 63, and 68 missing from the list.** Please use a separate sheet to provide the missing subparts



from 40 CFR Parts 60, 61, or 63. If 40 CFR Part 68 is applicable, please note that on a separate sheet as well.

- ◆ **If there are incorrect or duplicate subparts, understand DEQ will not include these in the evaluation of complexity.** Please be patient as DEQ implements this new fee system.
- ◆ **Only subparts directly applicable to the facility will be used when calculating the complexity component of the fee assessment.** For example, if you are subject to 40 CFR Part 63, Subpart U, which requires compliance using the monitoring, recordkeeping, and/or reporting in Subparts F, G, and H (though you are not directly subject to F, G, or H), only applicability to Subpart U will be used to evaluate complexity. In this example, Subparts F, G, and H should not appear on the AERF and should be marked “N” if they do.
- ◆ **Generally, all stationary internal combustion engines are subject to 40 CFR 63 (MACT), Subpart ZZZZ,** even if they are also subject to 40 CFR 60 (NSPS), Subpart IIII or JJJJ. Therefore, you should note “Y” for MACT Subpart ZZZZ and the applicable NSPS.
- ◆ **The General Provisions of Subpart A for Parts 60, 61, and 63 may be shown as applicable subparts but will not be used when calculating the complexity component of the fee assessment.** Please mark Subpart A as applicable if there is a corresponding subpart that applies. For example, 40 CFR Part 60, Subpart A applies if any other subpart of 40 CFR Part 60 applies to the facility.

7. The AERF must be signed by the appropriate responsible official (RO) or duly authorized representative (DAR).

- ◆ **The AERF must be signed by the RO or by the DAR.** If this requirement is not met, the emissions report cannot be accepted for review by DEQ. The certification contained on the AERF is considered to extend to the attached supporting documentation, and no additional certification statement or signature for attached information is needed. The definition of a Responsible Official in 11 Miss. Admin. Code Pt. 2, R. 6.1.A(26). is as follows:

*(26) Responsible official means as follows:*

*(a) for a corporation: a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of such person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit and either:*

*(1) the facilities employ more than 250 persons or have gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars); or*

*(2) the delegation of authority to such representative is approved in advance by the DEQ;*

*(b) for a partnership or sole proprietorship: a general partner or the proprietor,*

*respectively;*

*(c) for a municipality, state, federal, or other public agency: either a principal executive officer or ranking elected official (for the purposes of these regulations, a principal executive officer of a Federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., a Regional Administrator of EPA); or*

*(d) for affected sources:*

*(1) the designated representative in so far as actions, standards, requirements, or prohibitions under Title IV of the Federal Act or the regulations promulgated thereunder are concerned; and*

*(2) the designated representative for any other purposes under Title V.*

- ◆ **The person assembling the AERF package should verify (well in advance of the July 1 deadline) that the required signatory will be available to sign the AERF** when complete. Electronic copies of specimen signatures will be accepted; however, software generated electronic signatures (e.g., Adobe Fill and Sign) are not accepted.
  - ◆ **A cover letter signed by the RO or DAR is not a substitute for a properly signed AERF.**
  - ◆ **The AERF cannot be used to notify DEQ of changes in the RO or DAR.** Information for a new RO or DAR should be submitted to the appropriate permit manager in EPD. A DAR form is available at <https://www.mdeq.ms.gov/applications>.
8. Place the original, signed AERF with the supporting documentation into a single package for transmittal to DEQ.
- ◆ **Staple or clip all the pages of the submittal together to prevent separation by DEQ mailroom staff.**
  - ◆ **A hard copy of the AERF and attached documentation must be submitted.** An electronic of the AERF and attached documentation may also be submitted to [LJames@mdeq.ms.gov](mailto:LJames@mdeq.ms.gov).
  - ◆ **Make a copy of your AERF packet submittal.** If for some reason your AERF package does not arrive, a copy of the packet and certified mail receipt (or the like) is needed to prove the AERF was submitted timely.

9. Address the package to one of the following DEQ addresses or hand deliver to the reception desk at the physical address:

<u>Mailing Address</u>	<u>Physical Address</u>
Title V Operating Permit Program, AERF Mississippi Dept. of Environmental Quality OPC, Air Division – Laura James PO Box 2261 Jackson, MS 39225	Title V Operating Permit Program, AERF Mississippi Dept. of Environmental Quality OPC, Air Division – Laura James 515 East Amite Street Jackson, MS 39201

10. Deliver the package into the hands of the U.S. Postal Service or a commercial delivery service on or before July 1. If received by DEQ after July 1, there must be a postmark or delivery service receipt denoting a mailing date no later than July 1; therefore, parcel delivery with tracking is recommended.

- ◆ **DO NOT send the AERF by U.S. Postal Service Registered Mail.** Registered mail requires a specific addressee and requires that the specific addressee sign for the delivery. If you wish to have the advantage of receiving a receipt to show that the package was delivered, send it by Certified Mail instead of Registered Mail. Anyone at the delivery address can sign for Certified Mail to acknowledge delivery.
- ◆ **Assure that the delivery agent understands that delivery is possible only on a business day, i.e., Monday through Friday except holidays.** If the delivery agent attempts delivery on a Saturday, Sunday, or public holiday, the office will not be open, and there will be no one to receive the delivery. Make sure the agent will attempt delivery again on a business day.
- ◆ **Make a copy of your mail receipt or delivery confirmation.** If for some reason your AERF package does not arrive, a copy of the packet and certified mail receipt is needed to prove the AERF was submitted timely.
- ◆ **Submit the AERF early.** If issues arise (e.g., corrections), the facility will have more time to respond if the AERF is submitted early versus waiting until July 1<sup>st</sup>.
- ◆ **Late submission will result in the fee being based on allowables for at least one quarter of the fee year.** See Appendix 3 for the regulation excerpt which explains how late reports will be dealt with in terms of fee billing.

# Appendix 1

## Methods for Calculation of Actual Emissions

Acceptable methods of calculating actual emissions include:

- If available, use of emission monitoring data or direct emissions measurements for the pollutant(s) (e.g., continuous emissions monitoring systems (CEMS), predictive emissions monitoring systems (PEMS), or stack test results).
- Use of mass balance calculations such as the amounts of the pollutant(s) entering and leaving process equipment. Where mass balance calculations can be supported by direct measurement of process parameters, such direct measurement data shall be supplied.
- Use of published emission factors such as those relating release quantities to throughput or equipment type (e.g., EPA's AP-42 factors or factors determined by industry groups).
- Use of engineering calculations including those used in emissions estimation software (e.g., software estimating tank emissions or EPA's LandGEM and WATER9 software).
- Use of best engineering judgments where such judgments are derived from process and/or emissions data which supports the estimates of maximum actual emissions.

If the method used to calculate actual emissions fails to reasonably represent actual emissions or if the DEQ determines there is not sufficient information available on a facility's emissions, the determination of the fee shall be based upon the permitted allowable emissions until such time as an adequate determination of actual emissions is made.

## Appendix 2

### Determining Actual Emissions Based on the Available Data

This example applies to a source which has no documented exceedances of the applicable emission limit.

A facility has a natural gas-fired boiler subject to 40 CFR Part 60, Subpart Db for NO<sub>x</sub> emissions but does not measure or monitor any parameter from which a true actual emission rate of NO<sub>x</sub> can be determined. The allowable NO<sub>x</sub> emission rate under Subpart Db is 0.20 lb/MMBtu. Records are kept on the hours of operation and on the maintenance condition of the boiler. The boiler has no restriction on hours of operation; therefore, the annual allowable NO<sub>x</sub> emission rate would be calculated for the permit by determining the allowable pound per hour NO<sub>x</sub> emission rate at the maximum firing rate specified in the facility's application and then converting that hourly rate to an annual rate in tons per year based on operating 8,760 hours per year.

If the facility knows from operating records no breakdowns or other events caused there to be a possible exceedance of the NO<sub>x</sub> emission rate and can determine the actual hours of operation during the calendar year, the maximum actual emissions of NO<sub>x</sub> can be determined by multiplying the allowable hourly emissions rate by the actual hours operated.

**Boiler maximum firing rate:** 120 MMBtu/hr

**Allowable NO<sub>x</sub> emissions rate:** 120 MMBtu/hr x 0.20 lb/MMBtu = 24 lb/hr

**Annual allowable:** (24 lb/hr x 8760 hr/yr) / 2000 lb/ton = 105 tons/year

**Actual hours operated based on operating log:**

5 days/wk x 24 hr/day x 50 wk/yr = 6000 hr/yr

**Actual annual emissions:** (24 lb/hr x 6000 hr/yr) / 2000 lb/ton = 72 tons/yr

#### NOTES:

In this same scenario, you could adjust the actual annual emissions based on additional data collected, including 1) actual amount of natural gas fired in the boiler during the year, 2) results of a recent stack test conducted on the boiler for purposes of demonstrating compliance with the NSPS, and/or 3) the boiler manufacturer's emissions guarantee for NO<sub>x</sub>. In all cases, the documentation supporting use of this additional information should be attached with the AERF calculations.

## Appendix 3

### Rule 6.6. Excerpt From Title V Regulation

#### *Rule 6.6 Program Fees.*

- A. Fees. The owner or operator of any stationary source that is required to hold a Title V permit shall pay to the Department an annual fee based on a fee schedule established by the Commission. The fee schedule for Title V program fees shall be set each year by order of the Commission in an amount sufficient to cover the costs of development and administration of the program. The Commission's order shall follow receipt of the annual report and recommendation of the Title V Advisory Council, if timely received, and completion of a public hearing held to receive comments regarding the proposed annual fee.
- B. Fee System. Each owner or operator's annual Title V program fee shall be calculated and assessed according to the following:
- (1) A portion of the fee shall be based on the source's annual quantity of emissions.
    - (a) Allowable emissions determined on the date of the fee calculation shall be used as the basis for this portion of the fee, except when the use of actual emissions is allowed under paragraph (b). Allowable emissions are those emissions limited by the Title V permit, as well as those emissions not expressly limited by the Title V permit but otherwise allowed by the permit, as represented in the Title V application (refer to R.6.2C.(3)).
    - (b) Actual emissions may be used as the basis for this portion of the fee if the owner or operator submits a report of the source's actual emissions for the previous calendar year by July 1. The report shall include, at a minimum, the completed annual fee reporting form provided by the Department and any calculations and supporting information used in completing the form. Supporting information shall include, but is not limited to, emissions monitoring data, direct emissions measurements, published emission factors, process data, or other data used to calculate the actual emissions reported on the annual fee reporting form.
    - (c) Notwithstanding paragraphs (a) and (b) above, when calculating this portion of the fee, a minimum annual fee shall be assessed according to the fee schedule established by the Commission.
  - (2) A portion of the fee shall be based on the complexity of the source, as determined by the number of air regulations applicable to the source on the date of the fee calculation, according to the fee schedule established by the Commission. Only air regulations required to be addressed by a Title V permit may be included in the annual fee schedule.
  - (3) The Department shall provide an annual fee reporting form to be used in reporting the information necessary to calculate the appropriate annual fee for each owner or operator. The Department may require additional information to support the annual fee reporting form, where necessary, to determine the appropriate annual fee for

any owner or operator.

- (a) The owner or operator shall submit the completed annual fee reporting form to the Department by close of business on July 1 of each year. It is incumbent upon the owner or operator to demonstrate any submittal was made in a timely manner.
- (b) The annual fee reporting form shall be certified by a responsible official according to Rule 6.2.E.
- (c) If the annual fee reporting form is not filled out completely and accurately, certified in accordance with Rule 6.2.E., accompanied by all necessary calculations and supporting information, and received by the Department by close of business on July 1, allowable emissions or other information necessary to determine the appropriate annual fee shall be used in the fee calculation.
- (d) If the Commission determines that there is not sufficient information available to the owner or operator to accurately complete and submit the annual fee reporting form by July 1, but such information becomes available and is submitted to the Department after July 1, the fee calculation and assessment may be altered according to the annual fee schedule. No fee actually paid to the Department shall be refunded due to a change in the fee calculation. If a fee is recalculated such that the amount assessed for an annual period is reduced and the source has already paid all or a portion of the fee, the revised fee assessment may not be reduced to an amount less than what the owner or operator has already paid regardless of the results of the recalculation.

C. Excess Fees. If the annual fees collected exceed the cost of administering the Title V program for that fiscal year, then the excess shall be applied to the cost of administering the program for the succeeding fiscal year. If necessary, in the succeeding fiscal year, the assessment rates shall be adjusted to ensure that the excess anticipated to be retained in the fund does not exceed the current annual cost of administering the program.

D. Disputed Fees. Any owner or operator required to pay the Title V program fee set forth under this chapter who disagrees with the calculation or applicability of the fee may petition the Commission in writing for a hearing in accordance with State Law. Any disputed portion of the fee for which a hearing has been requested will not incur any penalty or interest from and after the receipt by the Commission of the hearing petition.

E. Due Dates.

(1) The Title V program fee shall be due September 1 of each year. An owner or operator may elect a quarterly payment method of four (4) equal payments with the payments due September 1, December 1, March 1 and June 1. The owner or operator shall notify the Department that the quarterly payment method will be used by September 1.

- (a) If any part of the Title V program fee imposed is not paid within thirty (30) days after the due date, a penalty often percent (10%) of the amount due shall at once accrue and be added thereto. If the fee is not paid in full,

including any interest and penalty within sixty (60) days of the due date, the Permit Board may revoke the permit upon proper notice and hearing as required by law.

- (b) If at any time within the year the Commission determines that the information submitted by the owner or operator is insufficient or incorrect, the owner or operator will be notified of the deficiencies and the adjusted fee assessment. Past due fees from the adjusted fee assessment will be due at the time of the next scheduled quarterly payment.
- (2) All newly applicable sources required to hold a Title V permit shall pay an annual fee to the Department in accordance with the following:
- (a) any source commencing operation or increasing emissions between and including January 1 and September 1 of any year, such that the Title V program becomes applicable, shall pay a Title V program fee on or before September 1 of that year; and
  - (b) any source commencing operation or increasing emissions between and including September 2 and December 31 of any year, such that the Title V program becomes applicable, shall pay a Title V program fee on or before September 1 of the following year.

Source: Miss. Code Ann. §§ 49-2-9(1)(b), 49-17-17, 49-17-28, 49-17-29, 49-17-30, 49-17-32, 49-2-1, et seq. and 49-17-1, et seq.



## Appendix 4

### Frequently Asked Questions

**Q1. My facility is new and did not operate during the last calendar year. Do I have to pay a fee this year?**

**A1.** Yes, you have to pay a fee this year because the fees are used to support DEQ operations for the upcoming fee year which begins September 1. If you had no emissions during the previous calendar year, you can report zeroes for all the pollutants and support the zero emissions with a statement that no operation occurred. The facility will pay the applicable minimum fee of the emissions portion and their complexity portion (i.e., maintenance fee) for applicable air regulations.

**Q2. My facility is new and did not operate during the last calendar year. I have submitted my certification of construction and am allowed to operate for one year prior to submitting a Title V application. I expect to take limits on my allowable emissions and get out of the Title V program before the Title V application is due. Do I still have to pay a fee if I will not hold a Title V permit?**

**A2.** Yes, the fee is not based on whether you hold a Title V permit but on whether you have allowable emissions which exceed a Title V threshold (i.e., the facility is a major Title V source for at least one pollutant). The facility will be considered a major source until a federally-enforceable permit is issued limiting the pollutant(s) below the Title V threshold. This is called a Synthetic Minor Operating Permit (SMOP) under DEQ regulations. If you are issued a SMOP prior to the September 1 fee due date, you will not have to pay the fee; however, simply having an application under review for a SMOP will not forestall the requirement to pay the fee. A SMOP candidate should comply with the actual emissions reporting that is due July 1 as though a fee will have to be paid. If the actual emissions are reported and a SMOP is not issued by September 1, the emissions portion will be based on actuals. Conversely, if the actual emissions are not reported and the SMOP is not issued by September 1, the emissions portion of the fee will be based on the original major source allowable emissions identified in emissions inventory of the construction permit and will potentially be significantly higher. Furthermore, any failure to pay the amount due will prevent the facility from being eligible to receive any additional permits, including the SMOP, until outstanding fees are resolved.

**Q3. The annual allowable emission rates you show on the AERF are not in my permit(s). How can they be considered to be my allowable emissions?**

**A3.** The emission rates shown on the AERF are expressed in tons/year to compare with the fee rate which is expressed in \$/ton and are totaled per pollutant. The rates may not be expressly identified in a permit but are allowed under the permit and derived from emission limits expressed in other units calculated for an annual period or are the potential to emit for pollutants not specifically limited in the permit (i.e., the emissions provided in Section B.2 of the Title V application for the current operating permit). The

allowable emissions should also include emissions from Insignificant Activities included in the application.

**Q4. Previously, I was told that it was not necessary to report all emissions in my permit application, especially those from insignificant activities (IAs). Now DEQ requires the allowable emissions include emissions from IAs and says I should report IA emissions in the actuals. Isn't this contradictory?**

**A4.** No, there is no contradiction. Although Rule 6.7.A allows certain insignificant activities to not be included in the Title V application, it is generally because there are no applicable requirements for these small sources that would need to be addressed in the Title V permit. However, Rule 6.2.C(3)(a). requires any additional information be submitted as necessary to assess Title V fees, including emissions from insignificant activities. Nonetheless, it is current DEQ policy to not require facilities to calculate emissions from activities listed in Rule 6.7.A since the facility is not required to keep records of these activities for any other reason under the Title V program.

**Q5. I cannot determine the basis for, nor calculate the same values for the annual allowable emission rates you show on the AERF. Can I change my allowable emissions on the AERF as long as I support the changes with documentation?**

**A5.** No, the annual allowable emission rates on the AERF are taken directly from the most recent emission inventory prepared in association with a permit issuance or modification. Any disagreements over emission inventory values should have been dealt with when you reviewed the documents associated with the draft or proposed permit. In any event, the values in the database from which the AERF is generated cannot be changed unless and until the inventory associated with the permit is modified/corrected by the EPD.

If the facility's inventory and the inventory associated with the permit are the same, the value on the AERF is likely a data entry error or the database has not been updated. If the facility will be charged on potentials and the database has not been corrected, the information in the inventory associated with the active permit will be used in the fee calculations.

**Q6. The AERF shows zero allowable emissions for some pollutants, but I know we have some minor emissions of those pollutants. I have the following questions:**

*a. Should I report my actual emissions of those zero-allowable pollutants?*

*b. If I do report actual emissions, will I be at risk for being found to be out-of-compliance?*

*c. What steps should I take to get this straightened out?*

**A6.** Responding in the order of the questions:

- a. Yes, report any actual emissions you can support with data.
- b. Since the emissions reporting for fees is not a compliance evaluation portion of the program, you will not be at risk of being deemed out-of-compliance by reporting non-zero actual emissions on the AERF; however, to avoid the possibility of a compliance question arising in the future, you should bring this issue to the attention of the appropriate person(s) in EPD.
- c. Contact EPD to start a dialogue to determine what updates to information previously provided need to be made. Updates could be as simple as correcting the emissions inventory in our files or as complicated as having to file a revised application and modifying the permit. If the resolution resulting from these corrections show that you have violated a regulation, non-compliance will be resolved by the Environmental Compliance & Enforcement Division (ECED) and will not impact emissions accounting for fees as long as the actual emissions are accurately represented.

**Q7. Can I use the process weight formula ( $E=4.1p^{0.67}$ ) to calculate my actual particulate emissions?**

A7. No. The process weight formula applies only to manufacturing processes (which includes materials handling systems) to which no more restrictive new source standard applies. It is used to calculate the allowable emission rate of particulate in pounds per hour for a specific process input rate in tons per hour. Actual emissions should be determined by one or more of the methods allowed (Appendix 1), which would take into account the specific operating parameters of the source.

**Q8. Do I have to determine an actual emissions value for every pollutant listed on the AERF?**

A8. No. The reporting of actuals is an alternative which a facility may opt to use to mitigate the fee that will be charged. Many of the AERFs submitted do not have an accounting of the actual emissions for every pollutant or for specific emission sources of that pollutant. The allowable emissions value shown on the AERF will be the default value used in fee determination when a properly supported actual emissions value is not provided. If no actual emissions will be reported, the table cell on the AERF for that value can be left blank.

Some Title V pollutants (CO and CFCs/HCFCs) are not subject to fees, so reporting of actuals is not necessary since no fee mitigation will occur. However, for facilities using the AERF documentation to suffice for the AERR, Carbon Monoxide is required to be calculated and submitted with the AERF. The AERR also requires reporting of any Ammonia emissions, which is a pollutant not otherwise regulated by DEQ and not included in the summary table of the AERR.

Although the facility may opt to pay on allowable emissions for the AERF, the AERR requires an estimate of actual annual emissions be reported. These emissions are publicly

available and are used in many analyses to target emissions reductions or flag potential emission sources for unacceptable toxicity risk. Therefore, a facility should attempt to accurately report actual emissions rather than default to allowable emissions.

**Q9. My facility is fairly complex with a lot of emission points. I don't see how I can determine actual emissions for everything by the July 1 due date. Can I get an extension of time to submit the report? If not, would you advise that I hire a consultant to collect the information?**

**A9.** No, there is no provision for extending the July 1 reporting date. In fact, the regulations were revised to lay out explicitly how post-July 1 actuals reports would be handled with regard to the amount of fees assessed. (See Appendix 3.)

Since the actual emissions accounting must be made for the previous calendar year, we highly recommend the process of calculating actual emissions begin as early in the year as possible, prior to receiving the AERF. For example, production data, hours of operation, fuel usage, and materials consumed should be collected on on-going basis during the year or at the end of the calendar year, well before the AERF is due.

Also, Title V facilities must certify compliance with their permit within 30 to 60 days following the end of the calendar year. For many facilities, the information that forms the basis for the compliance certification is the same information that defines the actual emissions for the calendar year; therefore, much of the actual emissions information should have already been collected if a proper compliance certification is being made.

As to using a consultant, this decision is left up to the facility. We do, however, caution you that using a consultant may not save any time since the consultant will require some time to become familiar with your facility and determine what information is needed from you to prepare the AERF. Also, remember the facility cannot transfer any legal obligation under the regulations to the consultant.

**Q10. I did not receive a copy of the AERF, so I did not submit the report by July 1. Can I get an extension?**

**A10.** No, failure to receive the annual mail out of the AERF and instructions is not a credible excuse for any facility. An electronic copy of a facility's AERF can be obtained by contacting the staff of the Air Program Development branch or Laura James at 601-906-1956 or LJJames@mdeq.ms.gov. A generic AERF can also be found on our website.

Facilities should notify DEQ of personnel or address changes in a timely manner to minimize mailing errors. All mail which is misaddressed due to address changes should be forwarded in accordance with the USPS procedures or returned to DEQ if not forwarded. Any AERF mail returned as undeliverable is followed up with a phone call or other means of contact to understand the issue and to make appropriate corrections. If you need to make changes to the contact information for the facility, please contact your EPD permit writer or Laura James at 601-961-5675 or LJJames@mdeq.ms.gov.

**Q11. I've read the certification statement on the AERF and I'm unclear as to who is supposed to sign the certification. Can you explain?**

A11. Like all reports and compliance certifications required by a Title V permit, the AERF is required to have a truth and accuracy statement signed by a responsible official (RO). In the case of a corporation, a person other than a corporate officer who meets certain qualifications can be designated as a "duly authorized representative" (DAR) to act for the RO. The full definition of responsible official is provided in the Expanded Instructions in Step 7 of this document and in the Title V regulations, 11 Miss. Admin. Code Pt. 2, R. 6.1.A(26). One primary point to note with respect to certifying the AERF is the person signing (RO or corporate DAR) should have established credentials and qualifications to act in that capacity before signing the AERF. If the person signing the AERF cannot be verified to be the RO (or DAR), the AERF cannot be accepted as complete. The AERF process should not be used as a means to designate a different DAR; that process should be resolved with the EPD permit manager before the new DAR signs the AERF by completing and submitting a Duly Authorized Representative Form for Air available online at <https://www.mdeq.ms.gov/applications>.

# Appendix 5

## Glossary

*If a term or acronym is not included, contact us to clarify its meaning.*

**Actual Annual Emissions** – The actual emissions reported for the calendar year preceding the fee due date, with pollutants expressed in tons/year (e.g., calendar year (CY) 2022 emissions are reported July 1, 2023).

**Annual Allowable Emissions** – The allowable emissions currently recorded by EPD as the facility’s potential emissions inventory corresponding to the current TVOP, with pollutants expressed in tons/year. Generally, Sections B.2 and B.3 of the most recent Title V application submitted to DEQ should reflect the allowable (or potential) emissions.

**Annual Emission Reporting Form (AERF)** – The form used by DEQ for reporting information needed to calculate the Title V program fee. The AERF includes two tables, one for the “Emissions Component” and one for the “Complexity Component” showing the pollutants to be reported. The emissions table has three columns: the annual allowable emissions currently specified in the facility’s emissions inventory, the actual annual emissions reported in the last fee year, and a blank column for entry of the actual annual emissions to be considered for the upcoming fee year.

**Background / supporting documentation** – The detailed information from which the total actual annual emissions of each pollutant are determined. This is information such as but not limited to operating records, monitoring results, test results, manufacturer’s data, and emission calculations.

**Duly Authorized Representative (DAR)** – The qualified designee who may represent a corporate Responsible Official in signing official documents and in negotiating permits and enforcement resolutions. A DAR must be responsible for the overall operation of one or more manufacturing, production, or operating facilities and either:

- (1) the facilities employ more than 250 persons or have gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars); or
- (2) the delegation of authority to such representative is approved in advance by the DEQ.

**Environmental Compliance and Enforcement Division (ECED)** – The division of DEQ’s Office of Pollution Control (OPC) responsible for ensuring facilities’ compliance with Air and Water permits as well as managing enforcement matters with those permits. All solid waste permitting, compliance and enforcement is handled by the Waste Division. The division does not deal with emissions reporting for fees or with fee collection unless an enforcement action is required to collect unpaid fees.

**Environmental Permits Division (EPD)** – The division of DEQ’s OPC responsible for issuing air and water permits. The division does not deal with emissions reporting for fees; however, the division does produce the emission inventories which are used to establish a facility’s allowable emissions, which is the default basis on which emissions fees are charged, and maintains the

database of applicable regulatory subparts, which is the basis of the complexity fee. The division also maintains the database identifying the Responsible Officials (ROs) and Duly Authorized Representatives (DARs).

**HAPs** – Acronym for Hazardous Air Pollutants. The list HAPs was established by Clean Air Act section 112(b)(1), 42 U.S.C. 7412(b)(1), and amended in 40 CFR Part 63, Subpart C.

**Insignificant Activities** – Those operations and activities at a Title V source which are described in or defined by Rule 6.7 of the Title V regulations (11 Miss. Admin. Code Pt. 2, Ch. 6).

**Non-VOC HAPs** – Acronym for hazardous air pollutants which are not also volatile organic compounds.

**Responsible Official (RO)** – The facility official defined in the Mississippi Title V regulations as being qualified to sign official documents and negotiate for the facility on permits and enforcement actions. See Step 7 of the Expanded Procedures section for the regulatory definition.

**SMOP** – Acronym for Synthetic Minor Operating Permit. A SMOP is a federally-enforceable State Operating Permit which limits the facility's potential to emit to below major source thresholds on all pollutants which may otherwise be emitted above the major source thresholds.

**Mississippi Title V regulations** – Common term for the “Air Emissions Operating Permit Regulations for the Purposes of Title V of the Federal Clean Air Act.” May also be referenced as 11 Miss. Admin. Code Pt. 2, Ch. 6.

**TVOP** – Acronym for Title V Operating Permit.

**VOC HAPs** – Acronym for hazardous air pollutants which are also volatile organic compounds.

**VOCs** – Acronym for volatile organic compounds. VOCs are defined in 40 CFR 51.100(s) as “any compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate, which participates in atmospheric photochemical reactions. This includes any such organic compound other than the following, which have been determined to have negligible photochemical reactivity: Methane; ethane; methylene chloride (dichloromethane); 1,1,1-trichloroethane (methyl chloroform)...” (See the full definition in 40 CFR 51.100(s) for additional excluded compounds.)

## **Appendix 6**

### **Example AERF**



**MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY  
TITLE V PROGRAM ANNUAL EMISSIONS REPORTING FORM**

c/o Laura James, Air Division  
P.O. BOX 2261  
JACKSON, MS 39225-2261

In accordance with 11 Miss. Admin. Code Pt. 2, R. 6.6., all sources shall submit, by July 1<sup>st</sup> of each year, a completed reporting form with an inventory of emissions along with supporting information for the previous calendar year. For the purpose of this year's emissions portion of the fee assessment, the inventory shall consist of the actual emissions emitted from the facility during Calendar Year (CY) 2022. The submittal shall include all necessary supporting information (i.e. calculations, monitoring and testing data, measurements, etc.) from which the actual emission rates were determined. If a completed form is not submitted timely or supporting information is incomplete or not included, actual emission rates will not be accepted, and the emissions portion of the fee will be based on allowable emissions. The fee also includes a complexity factor based on the number of applicable federal regulations. Facilities should confirm the applicability of the regulations listed and add any missing applicable regulations. The "Guidance for Completing and Submitting the Annual Emissions Reporting Form (AERF) for the Purpose of Assessing the Title V Program Fee" document is available on the DEQ website.

Air Reference #: 999999  
AI ID #: 9999-00999

Administrative information from the database/file. DO NOT CHANGE THIS INFORMATION ON THE FORM.

Facility: Example Facility  
Site Address: Address Line 1  
Address Line 2  
County Name

The values here are taken from the Title V application or the emission inventory prepared when the permit is issued or modified. DO NOT CHANGE THESE VALUES

Although the form asks for emissions of CO and CFCs/HCFCs, no fee is charged for those pollutants.

<i>Emissions Component</i>			
<b>Pollutant</b>	<b>Annual Allowable (Potential) Emission Rate (TPY)</b>	<b>FOR INFO ONLY Actual Emission Rate Reported for CY 2021 (TPY)</b>	<b>Actual Emission Rate in CY 2022 (TPY)</b>
Particulate Matter			
Sulfur Dioxide			
Nitrogen oxides			
Carbon Monoxide			
VOC			
Total reduced sulfur compounds			
Lead			
CFC/HCFC, Total			
Other			
HAP, Total (VOC)			
HAP, Total (NON VOC)			

*Particulate Matter* represents any airborne finely divided solid or liquid material with an aerodynamic diameter smaller than 100 micrometers (i.e. both filterable and condensable).  
*VOC* reflects total VOC from the facility, including VOCs that are HAPs.

Although the form asks about Subpart A, no fee is charged for the Subpart A's in Parts 60, 61, or 63.

Confirm or deny regulation applicability to the site. Provide an explanation for any denials or additions on a separate page.

<i>Complexity Component</i>		
Standards Type	Standards	Confirm applicability (if no, please explain on separate page)
Part 60 (NSPS)	NSPS Subpart A	Y / N
	NSPS Subpart Dc	Y / N
Part 61 (NESHAPS)		
Part 63 (MACT)	MACT Subpart A	Y / N
	MACT Subpart DDDDD	Y / N
	MACT Subpart ZZZZ	Y / N
	MACT Subpart ZZZZ	Y / N
Part 68 (RMP)	RMP Program 3	Y / N

I, the undersigned, am the owner or authorized representative of the facility described on this form. I certify that the statements made on this form and in the supporting information included with my submittal are complete and accurate to the best of my knowledge.

Signature \_\_\_\_\_ Date \_\_\_\_\_

Typed or Printed Name of Responsible Official or DAR \_\_\_\_\_ Title \_\_\_\_\_

Be sure the form is signed by the appropriate RO or DAR before submitting.

Please print or type the signatory's name in this blank. Not all signatures are legible.

Please print or type the signatory's business title in this blank.