

FORM INSTRUCTIONS
TITLE V FEE SELECTION FORM (APC 36)

This form should be completed to declare the payment schedule (calendar year or fiscal year) and payment basis (allowable, actual, or a combination of allowable and actual) for Title V annual emission fees. Failure to complete the form in its entirety may result in a delayed effective date of your fee selection. Fee selection forms must be submitted on or before December 31 of the annual accounting period (on or before December 31 of the year prior to the year in which the fee is due).

Emission fees are due April 1 of each year.

Sources choosing to pay annual emission fees on an **allowable emissions basis** shall pay one hundred percent (100%) of the fee due:

- (a) No later than April 1 of the year immediately following the annual accounting period for which the fee is due for sources paying on a calendar year basis; or
- (b) No later than April 1 of the current fiscal year for sources paying on a fiscal year basis.

Sources choosing to pay annual emission fees on an **actual emissions basis** or a **combination of actual and allowable emissions basis** and on a **calendar year basis** shall pay one hundred percent (100%) of the fee due no later than April 1 of the year immediately following the annual accounting period for which the fee is due. The Technical Secretary may approve a request for an extension of this deadline to June 30th as provided in Tenn. Comp. R. & Regs.1200-03-26-.02(9)(g)3.

Sources choosing to pay annual emission fees on an **actual emissions basis** or a **combination of actual and allowable emissions basis** and on a **fiscal year basis** shall pay an estimated sixty-five percent (65%) of the fee due no later than April 1 of the current fiscal year. The remainder of the annual emission fee is due July 1 of each year. The Technical Secretary may approve a request for an extension of the July 1st deadline to September 29th as provided in Tenn. Comp. R. & Regs.1200-03-26-.02(9)(g)3.

Please refer to Rule 1200-03-26-.02(9) of the Tennessee Comprehensive Rules and Regulations for additional information on payment of annual emission fees.

The Tennessee Air Pollution Control Division prefers that Fee Election Forms be submitted via email to the email address Air.Pollution.Control@TN.gov. All Title V Fee Selection forms, and any additional pages, should be scanned into one PDF document and sent as an attachment to the email. If email is not available, then application forms can be mailed to the address on the form.

The items below give a brief explanation of the requested information on the form. The following numbers refer to the specific section of the form:

Facility Information Section

1. The organization's legal name is the name under which the company is registered with the Tennessee Secretary of State (SOS). The organization's legal name and SOS control number can be found on the SOS website at <https://tnbear.tn.gov/Ecommerce/FilingSearch.aspx>. If the organization is not registered with the SOS, then the owner's name must be listed (unless the permittee is a government entity not required to register with the Secretary of State.) This name should be the same as the facility name found on the current Title V operating permit. If not,

please contact the Division of Air Pollution Control using the contact information shown at the top of the form.

2. The site name should be indicated if different from the organization's legal name.
3. The site address should indicate as clearly as possible the actual air contaminant source location including the county in which it is located. This does not have to be a mailing address. This should be the same as the Installation Address found on the current Title V operating permit or active construction permit(s) if no Title V permit has been issued.
4. The Emission Source Reference number can be found on the front page of your current Title V operating permit or active construction permit(s) if no Title V permit has been issued.
5. The Title V permit number can be found on the front page of your current Title V operating permit. If a Title V permit has not yet been issued, include one active construction permit number.

Fee Selection Section

In the paragraph at the top of this section, enter the year in which the fees are due. For example, for fee selection forms that are submitted by the December 31, 2019, deadline, the fee selection is effective beginning January 1, 2020.

6. Select one of the two options provided for the payment schedule of your annual emission fees.
7. Select one of the three options provided for the payment basis of your annual emission fees.
8. For each emission source for which you choose to pay fees based on actual emissions or a combination of actual and allowable emissions, provide a list of the permitted sources, including the source number from your current permit, each pollutant emitted by that source, and the payment basis for each. The source number is the 7th and 8th numbers of the Emission Source Reference Number found in the source description (99-9999-##).

For each emission source for which you choose to pay fees based on actual emissions, provide a description of how emissions will be calculated for that source and example calculations. Calculation methods are subject to review and approval by the Division of Air Pollution Control. If a method for calculating actual emissions is specified in your current permit, provide the condition number.

Additional pages should be attached if necessary. You may provide this information in a separate form in your own format provided it contains the same required information organized in a similar manner.

Contact Information Section

9. The Billing Contact is the individual who is to be contacted concerning possible questions regarding annual emission fees. The mailing address is the address to which fee notices or other correspondence concerning fees will be mailed. The email address should be currently active and clearly legible.

Signature Section

- 10.** Fee Election Forms must be signed by the Responsible Official for the facility. Unsigned and/or undated Fee Election Forms will not be processed. Responsible Official is defined as one of the following:
- (i) For a corporation: a president, secretary, treasurer, or vice-president of the corporation in charge of 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:
 - (I) The facilities employ more than 250 persons or have gross annual sales or expenditures exceeding \$35 million (in second quarter 1980 dollars); or
 - (II) The delegation of authority to such representative is approved in advance by the Technical Secretary;
 - (ii) For a partnership or sole proprietorship: a general partner or the proprietor, respectively;
 - (iii) For a municipality, State, Federal, or other public agency: either a principal executive officer or ranking elected official. For the purposes of this part, 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)