

**REGULATION VI
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Rule 601 **Technical Report - Charges For**

Information circulars, reports of technical work and other reports prepared by the Air Quality Management District, when applied to other governmental agencies or individuals or groups requesting copies of the same, may be charged for by the district in a sum not to exceed the cost of preparation and distribution of such documents. All such monies collected shall be turned into the general funds of the said District.

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Rule 602 **Hearing Board Fees**

- A. Every Applicant or petitioner for a variance, or for the extension, revocation, or modification of a variance, or for an appeal from a denial or conditional approval of an Authority to Construct or a Permit to Operate, which requires the consideration of the full Hearing Board, shall pay the clerk of the hearing board, on filing, a nonreturnable fee in the sum of six hundred seventy-five Dollars (\$675). In the event that a petition takes District staff longer than ten hours to complete, the petitioner shall pay a fee equal to the additional hours multiplied by the District Evaluation Fee as specified in Rule 603.A.4.

- B. Every applicant or petitioner for a variance, or for the extension, revocation, or modification of a variance, or for an appeal from a denial or conditional approval of an Authority to Construct or a Permit to Operate, which requires the consideration by only the Hearing Board Chairperson, shall pay the clerk of the hearing board, on filing, a nonrefundable fee in the sum of two hundred seventy-five Dollars (\$275). In the event that a petition takes District staff longer than five hours to complete, the petitioner shall pay a fee equal to the additional hours multiplied by the District Evaluation Fee, as specified in Rule 603.A.4.

- C. Any person requesting a transcript of the hearing shall pay the cost of such transcript.

- D. This rule shall not apply to petitions filed by the Air Pollution Control Officer.

- E. The petitioner shall pay per diem costs for each Hearing Board member at \$50.00 (fifty) per day.

- F. The petitioner or applicant for a variance shall pay to the Clerk of the Hearing Board, in addition to the filing fees required in Rule 602.A or B, an emissions fee based on the total weight of emissions discharged, during the variance period in excess of that allowed by these rules in accordance with the schedule set forth in Table 1.

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Schedule of Excess Emissions Fees
Table 1

<u>Air Contaminant</u>	<u>Dollar per Ton</u>
Organic gases, except methane and those containing sulfur	\$200.00
Oxides of Nitrogen (expressed as nitrogen dioxide)	\$100.00
Oxides of Sulfur (expressed as sulfur dioxide)	\$100.00
Total Reduces sulfur compounds (expressed as hydrogen sulfide)	\$200.00
Particulate Matter	\$200.00

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Rule 603 **Permit Fees** *(Fee Amounts Valid July 1, 2011 through June 30, 2012)*

Fees herein shall be adjusted annually in accordance with the California Health and Safety Code Section 42311 and Revenue and Taxation Code Section 2212 to account for changes in the California Consumer Price Index (CPI) for all urban consumers, as reported by the California Department of Industrial Relations. These adjustments shall be effective beginning July 1 of each year in an amount not to exceed the annual increase in the CPI for the preceding calendar year.

A. **Stationary Source Fees**

1. **Filing Fees**

- a. Except as provided below, every applicant for an Authority to Construct / Permit to Operate shall pay a filing fee of **\$ 339.70**. If an application for a permit is canceled, or is denied, the filing fee required herein shall neither be refunded nor applied to any subsequent application.

- b. Every applicant for a Vapor Recovery permit shall pay a filing fee of **\$ 136.96**. If an application for a permit is canceled, or is denied, the filing fee required herein shall neither be refunded nor applied to any subsequent application.

2. **Base Fee**

Except as otherwise required for gasoline storage and dispensing, every applicant for an annual stationary source Permit to Operate shall pay an annual Base Fee of **\$ 119.19** per permit, in addition to the filing fee prescribed herein.

3. **Emissions Fees**

Every applicant for an annual Permit to Operate shall pay an emissions fee, in addition to the base fee and filing fee prescribed herein, for annual emissions by the source. Such emissions shall be calculated by the District on the basis of source test data, production data, and good engineering practice and as set forth in the following schedule:

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<u>Air Pollutant Dollars Per Ton</u>	
Total Suspended Particulate (TSP)	\$ 36.95
Oxides of Nitrogen (NO _x) (expressed as nitrogen dioxide)	\$ 38.10
Oxides of Sulfur (SO _x) (expressed as sulfur dioxide)	\$ 28.56
Volatile Organic Compounds (VOCs)	\$ 38.10
Carbon Monoxide (CO)	\$ 10.69

4. **Evaluation Fee**

Every applicant issued or applying for an Authority to Construct or Permit to Operate equipment for which a permit is required by the rules of the Air Quality Management District, shall pay an engineering evaluation/air quality impact assessment fee. This fee shall also apply to stationary source risk assessments and public notification processes required under the California Health and Safety Code. The fee shall be calculated using staff hours expended and the prevailing weighted labor rate of **\$ 107.21** per hour.

5. **Analysis Fees**

Whenever the Air Pollution Control Officer finds that analysis of the emissions from any source is necessary to determine the extent and amount of pollutants being discharged into the atmosphere, which cannot be determined by visual observation, he may order the collection of samples and the physical analysis made or the collection of data and the engineering analysis made by qualified personnel as determined by the Air Pollution Control Officer.

The time required for collecting samples, making the physical or engineering analysis, and preparing the necessary reports, but excluding time required in going to and from such premises, may be charged against the owner or operator of said premises in a reasonable sum to be determined by the Air Pollution Control Officer, which said sum is not to exceed the actual cost of such work.

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6. **Permit Fee Penalty**

When the Permit to Operate is issued, it shall be accompanied by a statement of the fee to be paid. If the fee is not paid within 30 days after the permit is issued, the fee shall be increased by one-half the amount thereof, and the Air Pollution Control Officer shall thereupon promptly notify the applicant of the increased fee by mail. If the increased fee is not paid within 30 days after the applicant is notified, the application shall be deemed withdrawn and canceled. The Air Pollution Control Officer shall so notify the applicant by mail, and the permit shall be void.

7. **Permit Granted By Hearing Board**

In the event that a Permit to Operate is granted by the Hearing Board after denial by the Air Pollution Control Officer, the fee provisions of this Rule shall still apply.

8. **Revising Permit Conditions**

Where an application is filed for a Permit to Operate exclusively involving revisions to the conditions of an existing Permit to Operate, the applicant shall pay an evaluation fee in addition to the amount of the filing fee required herein. The annual permit fee will be due and payable on the anniversary date of the original permit.

9. **OPEN**

10. **Source Test Plan Review and Evaluation Fees**

Every person required to conduct a source test under the auspices of Rule 515 - Provision of Sampling and Testing Facilities shall pay a fee of \$ 834.35 per test. Said fee shall be submitted concurrently with the source test plan/protocol. Said fee shall be used to offset the District's expenses of reviewing the source test plan, attending the test and conducting Rule 202-Visible Emissions evaluations.

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11. **Benzene Emission Control Fee**

Every applicant who is or may be subject to Rule 214, and/or Rule 215 shall pay a fee to cover the District's cost of implementing this state mandated program as follows:

- a. Gasoline storage and dispensing registration fee of **\$ 71.45 per year** per facility (facilities not under permit for Phase I or Phase II vapor recovery).
- b. First year Permit to Operate fee of **\$ 78.65** per vapor recovery nozzle.
- c. Annual renewal (after first year) of permit to operate fee of **\$ 45.18** per vapor recovery nozzle.

12. **Soil Aeration/Remediation Fee**

Every applicant for a soil aeration permit shall pay a permit evaluation and review fee of **\$ 274.05** per application. Any risk assessment conducted by the District shall be billed in accordance with Rule 603 A.4.

13. **Major Sources Subject to Title V**

Major sources subject to Title V of the Clean Air Act of 1990 shall pay a supplementary fee in accordance with the requirements of Rule 605.

14. **Miscellaneous Inspection Fee**

Every applicant or person that requires an inspection for miscellaneous (woodstove certification) reasons, purposes, or certifications, not previously mentioned, shall pay a fee of **\$ 41.70** per permit, application, or certification.

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B. Open Burning Air Pollution Fees

The following fees apply to all open burning conducted within the District. Each type of Air Pollution permit for which the applicable fees have been paid shall be valid for 1 year from the date of issuance, unless otherwise specified on the Air Pollution permit.

1. Agricultural Burning (as defined per Rule 300.A. and conducted per Rule 304):

Permit Base Fee **\$ 60.75**
Acreage Fee **\$ 1.01** per acre

2. Range Improvement Burning (as defined per Rule 300.M. and conducted per Rule 305):

Permit Base Fee **\$ 60.75**
Acreage Fee **\$ 1.01** per acre
(ten acres or less exempt from acreage fee)

3. Forest Management Burning (as defined per Rule 300.I. and conducted per Rule 306):

Permit Base Fee **\$ 60.75**
Acreage Fee **\$ 2.02** per acre
(ten acres or less exempt from acreage fee)

4. Wildlands Vegetation Management Burning (as defined per Rule 300.R. and conducted per Rule 307):

Permit Base Fee **\$ 60.75**
Acreage Fee **\$ 1.01** per acre
(ten acres or less exempt from acreage fee)

5. Land Development Clearing Burning (as conducted per Rule 308):

Permit Base Fee **\$ 60.75**
Acreage Fee **\$ 2.02** per acre
(one acre or less exempt from acreage fee)

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6. Ditch, Road, and Right-of-Way Maintenance Burning (as conducted per Rule 309):

Permit Base Fee	\$ 60.75
Acreage Fee	none

7. Hazard Reduction Burning (as conducted per Rule 310):

Permit Base Fee	\$ 60.75
Acreage Fee	none

8. Residential Maintenance Burning (as conducted per Rule 311):

Permit Base Fee	\$ 60.75
Acreage Fee	none

9. Special Permit to Burn on a "No-Burn-Day" (as conducted per Rule 313.3):

Permit Base Fee	\$ 77.36
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10. Permit fees are assessed and due when the permit is issued, unless otherwise provided for by the APCO. Project burns conducted under Range Improvement Burning, Forest Management Burning, and Wildlands Vegetation Management Burning, may, at the discretion of the APCO, pay fees billed for actual burning conducted between October 1 through September 30. Any fees not paid within 30 days of the due date shall be subject to a late fee of an additional 50% of the original amount.

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Rule 604 **AB-2588 Fees**

Any stationary source facility which is subject to the Air Toxics "Hot Spots" Information and Assessment Act of 1987 (the "Act"; Stats 1987 ch 1252; Health and Safety Code 44300 et seq) shall be assessed fees each year to cover the costs of both the State and the District, that are associated with the implementation of this mandated statewide program:

- A. The State portion of the fee shall be proportionate to the extent of the releases identified in the toxics emission inventory and the level of priority assigned by the District pursuant to section 44360 of the Health and Safety Code, and in accordance with Title 17, California Code of Regulations, sections 90700 to 90705.

- B. The District portion of the fee shall be the following:
 - 1. The owner or operator of any facility that has a prioritization score greater than 1.0 but less than or equal to 10.0 shall be assessed a fee of \$125.00 per facility every fourth year to cover the costs of processing the quadrennial emissions update reports.
 - 2. The owner or operator of any facility that emits greater than 10 tons per year of any criteria pollutant and either has a prioritization score greater than 10.0 or is unprioritized shall be assessed a fee of \$304.00 per facility per year.
 - 3. The owner or operator of any facility that emits less than 10 tons per year of any criteria pollutant and either has a prioritization score greater than 10.0 or is unprioritized shall be assessed a fee of \$100.00 per facility per year.

- C. Assessed fees shall be past due sixty days after notice of the assessment by the District and subject to a penalty increase of 50% of the past due amount thereof, and the District shall thereupon notify (second notice) the owner or operator of the increased fee. If the owner or operator fails to pay the increased fee within 120 days of this second notice, the District may initiate permit revocation.

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RULE 605 TITLE V PERMIT SUPPLEMENTARY FEES

The fees collected pursuant to this section shall supplement the fee requirements in Rule 603. The terms shown in italics in this rule are defined in Rule 522, Part 2.0.

A. Payment of Supplemental Fee

An *owner or operator*, or his or her delegee, shall pay an annual supplemental fee for a permit to operate pursuant to this rule as determined by the calculation method in subsection C. below to meet an overall fee rate of \$25 per ton of fee-based emissions (CPI adjusted), unless subsection B. below applies.

1. "Fee-based emissions" means the actual rate of emissions in tons per year of any fee pollutant, including *fugitive emissions*, emitted from the *stationary source* over the preceding year or any other period determined by the *APCO* to be representative of normal operation. Fee-based emissions shall be calculated using each *emission unit's* actual operating hours, production rates, and in-place control equipment; types of material processed, stored, or combusted during the preceding calendar year, or other time period established by the *APCO*.
2. "Fee pollutant" means oxides of nitrogen, volatile organic compounds, any pollutant for which a national ambient air quality standard has been promulgated by the *U.S. EPA* (excluding carbon monoxide), and any other pollutant that is subject to a standard or regulation promulgated by the *U.S. EPA* under the *CAA* or adopted by the *District* pursuant to section 112(g) and (j) of the *CAA*. Any air pollutant that is regulated solely because of a standard or regulation under section 112(r) of the *CAA* for accidental release or under Title VI of the *CAA* for stratospheric ozone protection shall not be included.
3. "(CPI adjusted)" means adjusted by the percentage, if any, by which the Consumer Price Index of the year exceeds the Consumer Price Index for calendar year 1989. The value for (CPI adjusted) shall be obtained from the *U.S. EPA*.

B. No Supplemental Fee

There shall not be a supplemental annual fee if the total annual fee rate paid by the source under Rule 603 and *H&SC* section 44380 (AB 2588 Toxic Hot Spots) equals or exceeds \$25 per ton of fee-based emissions (CPI adjusted).

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Only those AB 2588 Toxic Hot Spots fees that fund direct and indirect costs associated with activities related to the operating permits program as specified in section 502(b)(3)(A) of the CAA are to be used to meet the overall fee rate of \$25 per ton of fee-based emissions (CPI adjusted).

C. Determination of Supplemental Fee

The supplemental annual fee shall be determined by completing the following steps:

Step 1: Calculation of Supplemental Annual Fee

$$s = [\$25 \text{ per ton (CPI adjusted)} \times e] - f$$

where:

s = supplemental annual fee in dollars

e = fee-based emissions in tons per year

f = sum (in dollars) of annual fee under Rule 603 and that portion of AB 2588 Toxic Hot Spots fees that funds direct and indirect costs associated with activities related to the operating permits program as specified in section 502(b)(3)(A) of the CAA

Step 2: When the Supplemental Annual Fee is Zero

If "f" is equal to or greater than "[\$25 per ton (CPI adjusted) x e]," then "s" shall be zero and subsection B., above, applies. If "f" is less than "[\$25 per ton (CPI adjusted) x e]," then "s" shall be as calculated in Step 1.

D. Submittal of Information

An owner or operator of a source, or his or her delegee, shall provide the APCO sufficient information to determine the supplemental fee{ TC \11 "

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RULE 606 Portable Equipment Registration Fees

Operators that opt to register portable equipment applicable to Rule 523 - Portable Equipment registration Rule, in lieu of, or in addition to, normal Authority to Construct and Permit to Operate per applicable rules in Regulation IV and V shall pay fees according to the schedule described herein. Refer to Rule 523 for definitions of terms included herein.

A. Initial Registration Fee

Every applicant for a portable equipment registration shall pay to the administering district a non-refundable filing fee of \$200 per emissions unit.

B. Annual Registration Renewal Fee

On the anniversary of the issuance of a registration, the owner or operator shall pay a renewal fee of \$150 per emissions unit to the administering district, unless the owner or operator declares non-operational status for the emissions unit. The administering district may prorate the renewal payments to a single anniversary date for the holder of registrations with more than one anniversary date. If the renewal fee is not paid within 60 days of the due date, the fee shall be increased by 50%. Nonpayment of the increased fee and penalty within 90 days of the due date may result in cancellation of the registration.

C. Administrative Fees

No administrative fees shall be required for emissions units operated in the administering district. If a unit is operated within a participating district, the owner or operator of registered portable equipment shall pay to that district an administrative fee of \$75 per year for each emissions unit. If the administrative fee is not paid within 60 days of the due date, the fee shall be increased by 50%. Nonpayment of the increased fee and penalty within 90 days of the due date may result in cancellation of the registration.

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D. Inspection Fees

No inspection fees shall be required for emissions units operated in the administering district. If a unit is inspected by a participating district, the owner or operator of registered portable equipment shall pay to the district in which the equipment is operated, an inspection fee of \$75 per year for each emissions unit. If the inspection fee is not paid within 60 days of the due date, the fee shall be increased by 50%. Nonpayment of the increased fee and penalty within 90 days of the due date may result in cancellation of the registration.

E. Non-Operational Equipment Fees

Upon receipt of the invoice for annual registration renewal, the registered owner or operator may choose to declare the equipment as non-operational for a non-refundable fee of \$35, in lieu of paying the annual registration fee. To declare an emissions unit as non-operational, the registered owner or operator shall state in writing the intention to not operate the said equipment until registration is renewed. Prior to operating the emissions unit, the registered owner or operator shall pay the annual registration fee in full to the district.