



Air Pollution Control District
San Luis Obispo County

PROPOSED BUDGET

**Fiscal Year
2024-2025**

April 12, 2024

**AIR POLLUTION CONTROL DISTRICT
SAN LUIS OBISPO COUNTY**

NOTICE TO THE GENERAL PUBLIC

**Public Review of Fiscal Year 2024-2025 Proposed Budget and
Schedule of Fees for the San Luis Obispo County Air Pollution Control District**

The San Luis Obispo County Air Pollution Control District Board hereby gives notice as follows:

The Air Pollution Control District's budget request of \$6,032,583 for Fiscal Year (FY) 2024-2025 represents a 9% decrease from the current budget for FY 2023-2024. A summary of the FY 2024-2025 Proposed Budget and schedule of District fees is scheduled to be available for public review beginning April 12, 2024, on the District's website at slocleanair.org and at the District office, 3433 Roberto Court, San Luis Obispo, CA during office hours (Mondays -Thursdays 8:00 a.m. to 12:00 noon and 1:00 p.m. to 5:00 p.m., Fridays by appointment). Copies will also be available for review at the public libraries in Arroyo Grande, Atascadero, Morro Bay, Nipomo, Paso Robles, and San Luis Obispo during their normal business hours.

Incorporated with the summary of the proposed budget are supporting documents, including a current schedule of fees charged by the District. Per District Rule 302, amended in June 2022, the following changes apply:

- The District's permit renewal factor "x", which is applicable to all permit renewal fee categories detailed in Rule 302, Section E, increases 6%, from \$93 to \$99. Individual permit renewal fees increase accordingly based on each stipulated fee formula.
- The District's hourly billing rate "r" for reimbursable permit services is adjusted 2.0%, increasing from \$194.22 to \$198.10 based on the Consumer Price Index (CPI).

The Air Pollution Control District Board will hold two public budget hearings: May 15, 2024, at 9:00 a.m. in the Board of Supervisors Chambers and June 19, 2024 at 9:00 a.m. in Room D161, both in the County Government Center, 1055 Monterey Street, San Luis Obispo, California. These hearings are for the express purpose of considering oral or written comments on the Air Pollution Control District's proposed FY 2024-2025 budget. Any proposals to modify the District's budget must be presented orally at either hearing or in writing submitted via email to boardclerk@slocleanair.org or U.S. Mail to Clerk of the Board, 3433 Roberto Court, San Luis Obispo, CA 93401. Written comments must be received by 1:00 p.m. on June 18, 2024. For questions regarding the written submittal process, contact the Clerk of the Board at 805-781-5912. Any member of the general public may appear and be heard at these hearings regarding any item of the budget.

Following these hearings, formal adoption of the Air Pollution Control District's budget by the Air Pollution Control District Board has been scheduled for their meeting on June 19, 2024, in Room D161 of the County Government Center location noted above.

Alyssa Roslan, Clerk of the Air Pollution Control District Board



Air Pollution Control District
San Luis Obispo County

SUMMARY OF PROPOSED BUDGET FOR FISCAL YEAR 2024-2025

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**AIR POLLUTION CONTROL DISTRICT
SAN LUIS OBISPO COUNTY
FISCAL YEAR 2024-2025**

STATEMENT OF PURPOSE

The San Luis Obispo County Air Pollution Control District protects public health and welfare from the impacts of air pollution, provides protection from air pollution damage to property and agricultural/nursery crops, and protects atmospheric visibility through the control of air pollution at its source. The District is responsible for ensuring state and federal air quality standards are achieved and maintained and that deterioration of air quality does not take place where the standards are not now exceeded. The District is also committed to protect the public from exposure to known and suspected airborne toxins. This is accomplished by the monitoring and evaluation of local air quality, implementation of the Clean Air Plan for San Luis Obispo County, and enforcement of District Rules and Regulations through the service programs described below.

SUMMARY OF SERVICE PROGRAMS

Fiscal & Administrative Services - Service Program #1

Fiscal management includes the preparation of the annual budget and adjustments during the year, accounting control of all revenues, expenditures, and reserves, financial status reporting to the District Board, preparation of the Fiscal Plan, compliance with annual independent audit requirements, and mandated annual financial reporting to federal, state, and local authorities.

Administrative services provides clerical support for all three service programs, including: word processing and other software application support to prepare reports, records for permits and facilities, mutual settlement program and CEQA review correspondence; handling burn permit and other cash sales to the public, billings, accounts receivable, and deposits; payment and accounting for mitigation grant funds; maintaining databases for asbestos notification, burn permits, and land use projects; maintaining District library and files. Support also includes purchasing, contracting, and accounts payable activities; maintaining the District's property inventory and office facility, serving as Clerk to the District Hearing Board and assisting with preparation of Hearing Board and court case materials, serving as Clerk to the District Board of Directors, recording meeting minutes, preparing and processing District Board meeting agenda materials including resolutions; acting as support staff to the Basin Control Council; and providing human resources administration, including labor negotiations, payroll oversight, and fringe benefits administration.

Computer operations support manages District information technology resources and network facilities, determines computer equipment needs and coordinates acquisition and installation, leads internal software development to provide integrated information management of District data from all service programs, and provides technical support to District staff.

Staffing: Fiscal & Administrative Division Manager (1), Administrative Services Officer/Clerk of the Board (1), Fiscal & Admin Tech (1), Administrative Assistants (2), Systems Administrator (1).

Engineering & Compliance - Service Program #2

Engineering staff evaluate applications for permits on proposed new and existing sources to determine compliance with control strategies and impacts on general air quality, manage the emissions testing program, including protocol development, observing, and reviewing results of tests at facilities; prepare annual county-wide inventories of criteria emissions from sources within the county to determine overall progress of air quality management programs; responsible for preparation, revision and implementation of stationary source-related District rules and regulations; conduct industrial surveys; develop and assist in case preparation for Hearing Board; responsible for administration of District Emission Reduction Credit Program (Emissions Bank); manage the airborne toxics and hazardous emission program, including risk assessment and risk management analyses, as part of implementation of the Air Toxics Hot Spots Information and Assessment Act (AB 2588); implement federal regulations concerning sources on the Outer Continental Shelf; implement the Federal Clean Air Act Amendment Title V Permit Program, Title IV Acid Rain Program, and Title III Hazardous Air Pollutant Program; implement Federal New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants; assist in negotiating emission mitigations; and issue Authority to Construct and Permits to Operate.

Compliance staff are responsible for determining the compliance of sources of air pollution with District Rules and Regulations, as well as enforcing all applicable federal and state laws, including mandated and delegated programs from the Federal Clean Air Act and the CCAA. Staff conduct inspections of regulated sources, including open burning; assist in conducting source tests; administer the District's mutual settlement program, direct the preparation of permit renewals, including fee calculations and permit condition review; coordinate with city and County Public Works, city and County Planning, and District Planning staff on tracking and enforcement of construction mitigation requirements; educate source operators on the intent and purpose of District Rules, and conduct field surveillance and investigate citizen complaints. Other duties include issuing Notices of Violation, Notices to Apply, and Notices to Comply; preparation for hearings, and enforcement of federal national emission standards, Prevention of Significant Deterioration (PSD), and New Source Review. Lastly, staff act as a liaison between the District, industry, other government agencies, and the public; maintain records and reports on all Compliance activities, and complete reporting requirements to the California Air Resources Board (CARB) and the U.S. Environmental Protection Agency (USEPA).

Staffing: Engineering & Compliance Division Managers (2), Air Pollution Control Engineers (2), and Compliance Air Quality Specialists (4).

Planning, Monitoring, & Grants - Service Program #3

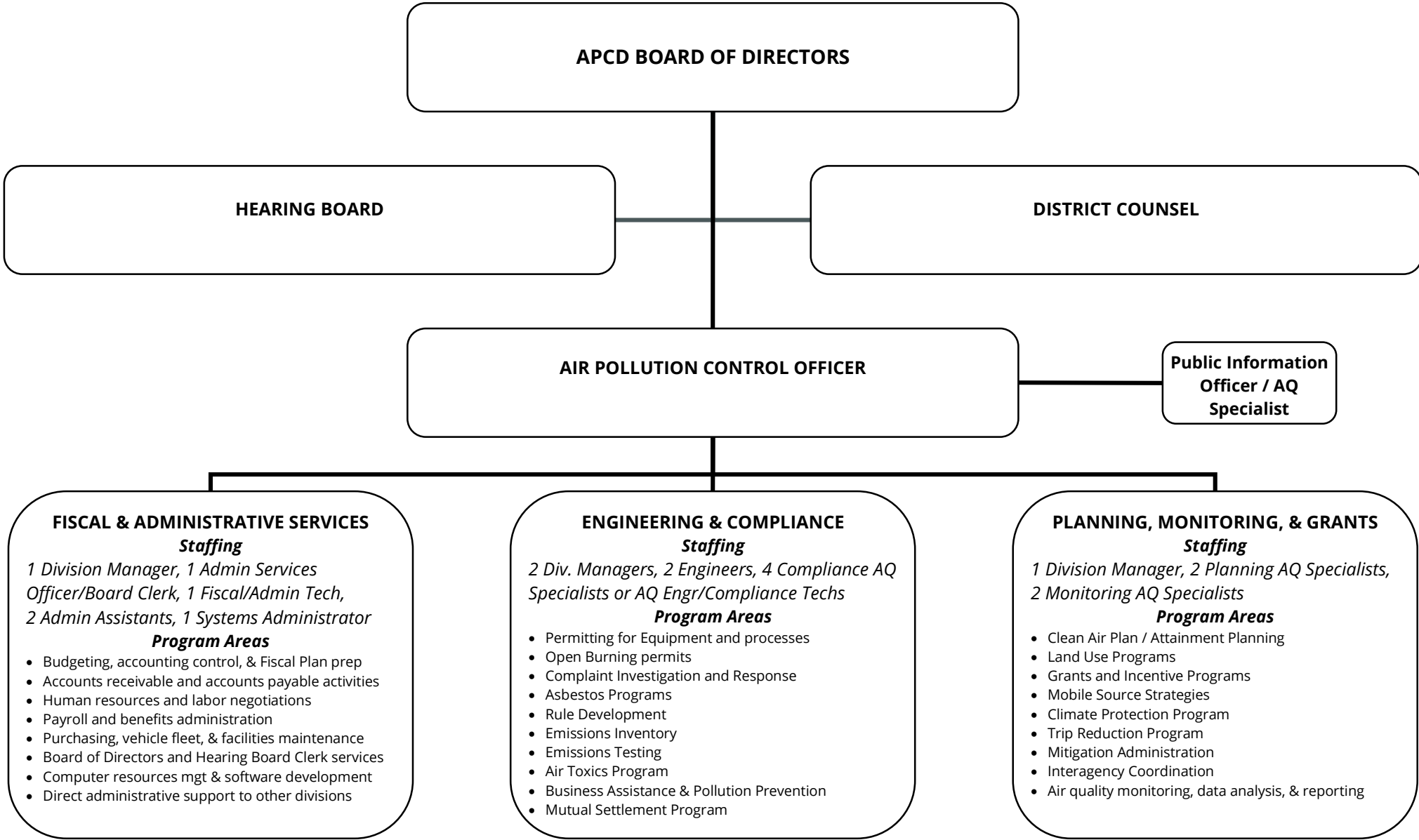
Planning responsibilities include District implementation of the California Clean Air Act (CCAA), including the development, implementation and updating of the District's Clean Air Plan for attaining the health-based ozone standard in San Luis Obispo County. Development of multi-pollutant emission reduction strategies (ozone, PM, toxics and greenhouse gases) requires predictions of future air pollutant levels by analyzing air quality, emissions and population trends; participation in development of emissions inventories; and recommendations of the most reasonable and cost-effective strategies for maintaining current and future air quality within health standards. The CCAA mandates the development and implementation of control programs to reduce emissions

from transportation and urban development. Thus, staff help develop and implement rules, support SLOCOG's SLO Regional Rideshare work with employers and schools in developing and implementing voluntary trip reduction programs, administer incentive grant programs to fund local projects that reduce mobile source and agricultural emissions, prepare and evaluate air quality impact analyses for urban and industrial projects through CEQA and NEPA; recommend and monitor implementation of mitigation on proposed urban development, work with local jurisdictions to incorporate air quality provisions in local general and climate action plans, support the Central Coast Clean Cities Coalition and Electric Drive 805 to promote alternative fueled vehicles, and support SLOCOG with updates to their Sustainable Community Strategies/Regional Transportation Plan. The division is also responsible for supporting regional actions that are consistent with state GHG reduction goal in [SB 32](#) (Pavley: 40% GHG reduction by 2030) and [AB 1279](#) (Muratsuchi: carbon neutrality by 2045), helping develop county-wide GHG inventories, and developing and implementing updated CEQA GHG significance thresholds for new land use development and assisting local jurisdictions with their efforts to inventory and develop Climate Action Plans to reduce GHG emissions. Interagency coordination is a key responsibility for Planning staff.

Air monitoring duties involve the collection of ambient air quality and related meteorological data, as mandated by the CCAA, at eight permanent District monitoring stations in the county. This includes performing siting and assessing monitoring equipment needs for the monitoring stations, installing and maintaining air monitoring equipment and computerized data collection systems, developing monitoring protocols and implementing the quality assurance program for District air monitoring, collecting, analyzing, and evaluating emissions data obtained from District, state and private industry monitoring stations to determine the county's status with respect to state and federal air quality standards; preparing quarterly and annual air quality reports and reporting data to the California Air Resources Board (CARB) and the U.S. Environmental Protection Agency (USEPA), analyzing air quality trends and providing guidance in the design of control strategies, maintaining ambient monitoring and related data archives, participating in special air quality studies, and providing technical assistance to other agencies, groups and private industry.

Staffing: Planning, Monitoring, & Grants Division Manager (1), Planning Air Quality Specialists (2), and Monitoring Air Quality Specialists (2).

AIR POLLUTION CONTROL DISTRICT ORGANIZATIONAL CHART



**AIR POLLUTION CONTROL DISTRICT
SAN LUIS OBISPO COUNTY
FY 2024-2025 PROPOSED BUDGET**

PROPOSED BUDGET SUMMARY

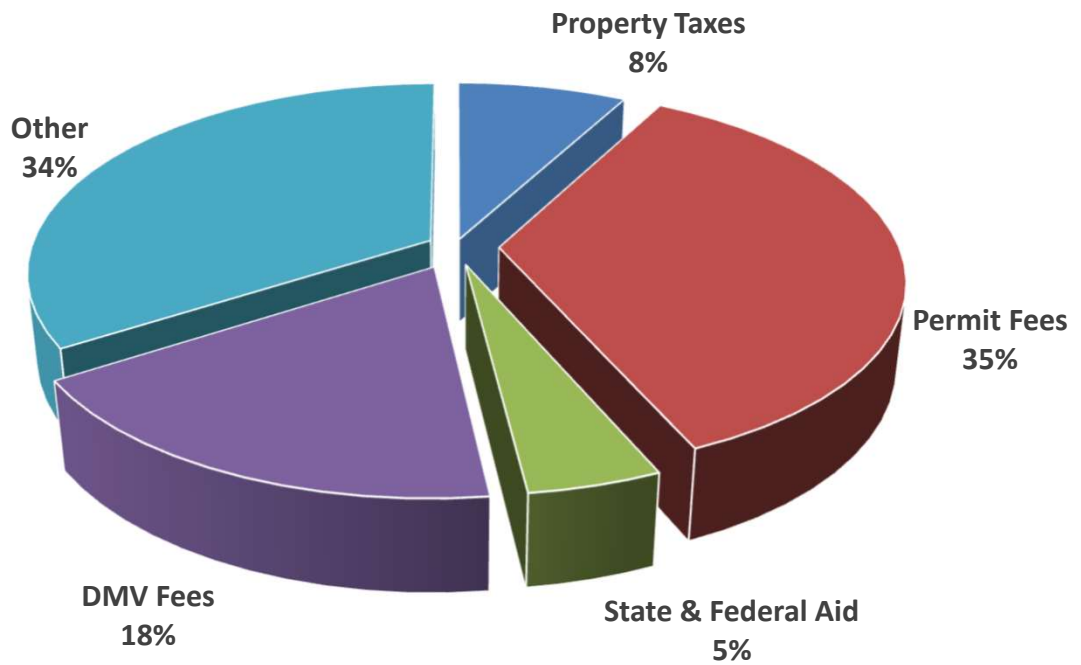
<u>EXPENDITURE / REVENUE CLASSIFICATION</u>	<u>BUDGET 2023-24</u>	<u>ESTIMATED 2023-24</u>	<u>REQUESTED 2024-25</u>
Salaries, Benefits, & Taxes	\$ 4,714,820	\$ 3,799,011	\$ 4,637,620
Services & Supplies	1,099,883	779,698	1,201,836
Other Charges	2,000	2,000	3,000
Fixed Assets	131,740	75,151	-
Subtotal	<u>5,948,443</u>	<u>4,655,860</u>	<u>5,842,456</u>
Contingencies	162,132	-	175,274
Reserve & Designation Increases	548,888	548,888	14,853
Total Expenditures	<u>6,659,463</u>	<u>5,204,748</u>	<u>6,032,583</u>
Revenues	4,615,674	4,877,582	4,282,423
Fund Balance	1,760,284	1,793,821	1,750,160
Cancelled Reserves	240,407	240,407	-
Encumbrance Reserve (prior year)	43,098	43,098	-
Total Financing Sources	<u>6,659,463</u>	<u>6,954,908</u>	<u>6,032,583</u>
Net District Cost	<u>\$ -</u>	<u>\$ (1,750,160)</u>	<u>\$ -</u>

SERVICE PROGRAM SUMMARY

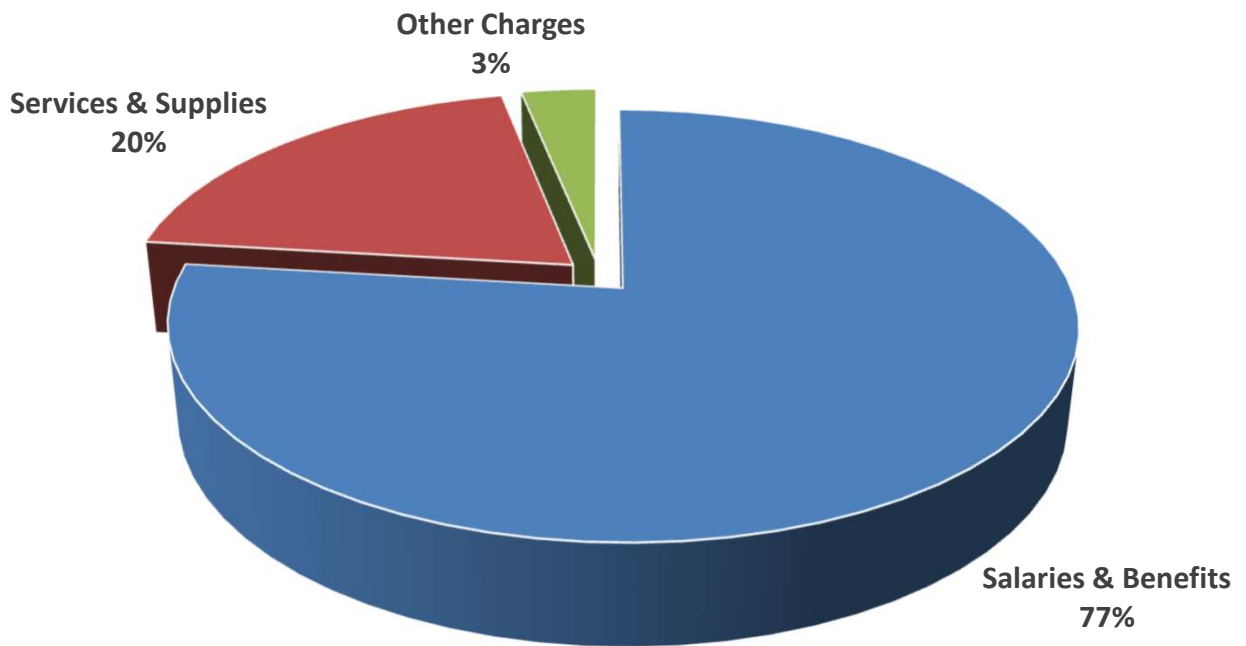
<u>SERVICE PROGRAM</u>	<u>2023-2024 BUDGET</u>		<u>2024-2025 PROPOSED</u>		<u>CHANGES</u>	
	<u>Appropriation</u>	<u>FTE*</u>	<u>Appropriation</u>	<u>FTE</u>	<u>Appropriation</u>	<u>FTE</u>
Fiscal/Admin Services	\$ 945,334	2.56	\$ 937,026	2.75	\$ (8,308)	0.19
Engineering/Compliance	2,739,315	11.80	2,825,054	10.75	85,739	(1.05)
Planning/Monitoring/Grants	2,263,794	6.64	2,080,376	7.50	(183,418)	0.86
Contingencies/Reserves	711,020		190,127		(520,893)	
Totals	<u>\$ 6,659,463</u>	<u>21.00</u>	<u>\$ 6,032,583</u>	<u>21.00</u>	<u>\$ (626,880)</u>	<u>0.00</u>

* Full-time Equivalent positions

APCD Funding Sources



APCD Expenditures



**AIR POLLUTION CONTROL DISTRICT
SAN LUIS OBISPO COUNTY
FY 2024-2025 PROPOSED BUDGET**

POSITION ALLOCATION LIST

Job Class	Title	Current Allocation	Proposed Allocation	Change
841	AIR POLLUTION CONTROL ENG - Tech or I or II or III*	2.00	2.00	0.00
3093	AIR POLLUTION CONTROL OFFICER	1.00	1.00	0.00
839	AIR QUALITY SPECIALIST - Trainee or Tech or I or II or III*	9.00	9.00	0.00
300678	APCD ADMIN SV OFFICER/CLERK OF THE BOARD	1.00	1.00	0.00
3100	APCD ADMINISTRATIVE ASSISTANT - I or II or III*	2.00	2.00	0.00
3096	APCD DIVISION MANAGER	3.00	3.00	0.00
300677	APCD FISCAL AND ADMIN TECH	1.00	1.00	0.00
4001	FISCAL/ADMINISTRATIVE DIVISION MANAGER	1.00	1.00	0.00
3103	APCD SYSTEM ADMINISTRATOR - I or II or III*	1.00	1.00	0.00
TOTAL:		21.00	21.00	0.00

* Career series where positions may be filled at any level in the series.

**AIR POLLUTION CONTROL DISTRICT
SAN LUIS OBISPO COUNTY
FY 2024-2025 PROPOSED BUDGET**

JOB CLASS LISTING BY TITLE

Job ID	Classification	Monthly Step 1	Monthly Step 5
4002	ADMIN SUPERVISOR/CLERK OF THE BOARD-CONF	\$6,765.20	\$8,222.93
832	AIR POLLUTION CONTROL ENG I	\$7,144.80	\$8,684.00
829	AIR POLLUTION CONTROL ENG II	\$8,009.73	\$9,737.87
841	AIR POLLUTION CONTROL ENG III	\$9,051.47	\$11,001.47
3093	AIR POLLUTION CONTROL OFFICER	\$19,760.00	-
3104	AIR QUALITY ENGINEERING & COMPLIANCE TECH	\$5,978.27	\$7,266.13
835	AIR QUALITY SPECIALIST I	\$6,266.00	\$7,616.27
836	AIR QUALITY SPECIALIST II	\$7,065.07	\$8,588.67
839	AIR QUALITY SPECIALIST III	\$8,136.27	\$9,890.40
834	AIR QUALITY SPECIALIST TRAINEE	\$5,726.93	\$6,959.33
300678	APCD ADMIN SV OFFICER/CLERK OF THE BOARD	\$8,136.27	\$9,890.40
3097	APCD ADMINISTRATIVE ASSISTANT AIDE	\$3,484.00	\$4,236.27
3098	APCD ADMINISTRATIVE ASSISTANT I	\$3,834.13	\$4,660.93
3099	APCD ADMINISTRATIVE ASSISTANT II	\$4,224.13	\$5,134.13
3100	APCD ADMINISTRATIVE ASSISTANT III	\$4,771.87	\$5,801.47
3096	APCD DIVISION MANAGER	\$10,783.07	\$13,107.47
300677	APCD FISCAL AND ADMIN TECH	\$5,392.40	\$6,555.47
3094	APCD FISCAL/ADMIN SVCS MGR	\$9,193.60	\$11,173.07
3095	APCD SUPV ADMIN CLERK II	\$5,487.73	\$6,669.87
3101	APCD SYSTEM ADMINISTRATOR I	\$6,843.20	\$8,318.27
3102	APCD SYSTEM ADMINISTRATOR II	\$7,734.13	\$9,399.87
3103	APCD SYSTEM ADMINISTRATOR III	\$8,739.47	\$10,623.60
4001	FISCAL/ADMINISTRATIVE DIVISION MANAGER	\$10,783.07	\$13,107.47
300252	SENIOR AIR QUALITY SCIENTIST	\$9,193.60	\$11,173.07
842	SUPV AIR POLLUTION CONTROL ENG	\$10,224.93	\$12,428.00
840	SUPV AIR QUALITY SPECIALIST-ENGINEERING	\$9,193.60	\$11,173.07
843	SUPV AIR QUALITY SPECIALIST-PLANNING	\$9,193.60	\$11,173.07

**AIR POLLUTION CONTROL DISTRICT
SAN LUIS OBISPO COUNTY
FISCAL YEAR 2024-2025 FEE SCHEDULE**

April 12, 2024

Regulation III, partially reproduced on the following pages, includes Rules 301 through 308. These relate to fees charged by the District for a variety of services. Per Rule 302, amended in June 2022, the District's permit renewal factor "x" increases 6% (from \$93 to \$99) and the hourly labor rate "r", which is associated with evaluating new permit applications and related activities, increases 2.0% (from \$194.22 to \$198.10) per the Consumer Price Index (CPI), effective July 1, 2024. District renewal fees and labor-rate-based charges invoiced on or after July 1, 2024 increase accordingly per the detailed schedules in Rule 302.

Fee revenue from annual operating permits is budgeted to increase \$140,000 (8.5%) from \$1,650,000 to \$1,790,000, while construction and modified permit revenues are projected to increase \$3,000 (2%) from \$150,000 to \$153,000. A total increase of \$144,800 (7%) is projected for revenue from all District permit fees. Fiscal Year (FY) 2024-2025 is the third year of the approved multi-year phase-in of program cost recovery adjustments and fee structure equity; budgeted permit fee revenues are still slightly (4%) below FY 2021-22 levels. These fees are necessary to recover the District's costs to administer its permit program, including implementing stationary source air pollution emission reduction programs to protect public health, as well as unfunded State and Federal regulatory mandates.

The Air Pollution Control District's permit to operate program, and fees derived therefrom, provides the basic funding mechanism for the stationary source permit program and allows implementation of other District services, including monitoring for compliance, compliance assistance, source testing, air toxics emissions inventory, and ambient air monitoring. To cover the District's costs of implementing the stationary source permit program, fees are assessed and collected when issuing an authority to construct and when issuing or renewing a permit to operate. Other actions associated with fee collection include the filing of applications and review of project proposals involving the removal of asbestos. District Regulation III – Fees, including Rules 301 through 308, establishes and describes these fees.

For further details on District fees, please contact Engineering & Compliance Division Manager Dora Drexler at 3433 Roberto Court, San Luis Obispo, CA 93401 or phone (805) 781-5912.

REGULATION III

FEES

RULE 301. FEES

(Adopted 8/2/76; Revised 9/24/79 and 6/18/97)

- A. All filing fees and fees for an Authority to Construct or Permit to Operate and other fees provided for in these Rules and Regulations shall be adopted by resolution of the Air Pollution Control Board of San Luis Obispo County, which resolution shall set such fees in reasonable amounts based as much as possible on the cost of the services performed for which such fee is charged.
- B. If an application for an Authority to Construct or a Permit to Operate is cancelled, or if an Authority to Construct or a Permit to Operate is denied and such denial becomes final, the fee required herein shall not be refunded nor applied to any subsequent applications.
- C. Refunds
 - 1. If a Permit to Operate is cancelled due to ownership change, all permit renewal fees previously paid shall not be refundable but will be applied as the new owner's fees until the next scheduled renewal.
 - 2. If a Permit to Operate is cancelled due to non-operation, and upon written request by the permittee concurrent with the cancellation, permit fees previously paid shall be refunded as follows:
 - a. For Permits to Operate which are renewed annually, one-half of the unused portion of the renewal fees paid for the current renewal year. The unused portion of the renewal fees shall be determined by multiplying the renewal fees paid times the quotient of the number of months remaining in the renewal year, at the time of cancellation, divided by twelve.
 - b. For Permits to Operate which are renewed less frequently than annually, one-half of the yearly prorated, unused portion of the renewal fees for the current renewal year plus the full amount of the yearly prorated fees for all subsequent renewal years. The yearly prorated fee shall be determined by dividing the total renewal fees paid by the number of years during the renewal period.

RULE 302. SCHEDULE OF FEES *(Adopted 8/2/76; Last revision 6/22/2022)*

- A. FEE UNITS. Fees assessed for the issuance of a Permit to Operate or Conditional Permit Exemption for a new or modified source shall not exceed the total costs to the District for processing nor shall be less than 2 times the District hourly rate “r”.
- B. FILING FEES. Except for any State or Local Government or Public District, every applicant for an Authority to Construct or a Permit to Operate any new, modified, or relocated article, machine, equipment, or other contrivance, shall pay a filing fee of 2 times the District hourly rate “r”. The filing fee shall be applied to the fee prescribed for the issuance of an Authority to Construct, a Permit to Operate or a Conditional Permit Exemption.
- C. AUTHORITY TO CONSTRUCT FEE, DISTRICT HOURLY LABOR RATE AND ANNUAL FEE ADJUSTMENTS.
1. Every applicant for an Authority to Construct shall pay a fee for the issuance of an Authority to Construct based upon actual hours spent by District staff at the District hourly labor rate and any other actual costs incurred by the District in evaluating the application. The applicant may be billed periodically for actual costs of evaluating an application over an extended time.
 2. The District hourly labor rate (r) is \$180 per hour effective July 1, 2022 and shall be adjusted annually on July 1st thereafter by the CPI defined below.
 3. Fees and hourly rate will be adjusted annually per the Consumer Price Index (CPI). CPI is based upon Bureau of Labor Statistics CPI-W (Los Angeles-Long Beach-Anaheim, CA,) or the most closely related index, if this index is discontinued. In all instances where CPI is referenced in this Rule, no adjustments to fees will be made in years where a negative CPI is indicated.
- D. PERMIT TO OPERATE FEE
1. Initial Issuance Fee: Every applicant for a Permit to Operate or a Permit to Sell or Rent shall pay a fee for the issuance of the permit based upon actual hours spent by the District staff at a rate which reflects labor costs as set periodically by the Air Pollution Control Board and actual costs incurred by the District in evaluating the application.
 2. Penalty Fee: In addition to the fees required under Section D.1, a person seeking a Permit to Operate or a Permit to Sell or Rent for an article, machine, equipment or other contrivance for which an Authority to Construct was required but not obtained, or for which the 90-day grace period of Rule 202.A.8 has expired, shall pay a penalty fee of up to one and one-half times the amount required by Section D.1 and up to the sum of the Permit Renewal Fees that would have been due if a Permit to Operate would have been obtained when required. Payment of this penalty fee shall not automatically relieve the applicant of additional enforcement action.
 3. Initial Periodic Permit to Operate Fee: In addition to all other fees required under this Section, every applicant for a Permit to Operate or a Permit to Sell or Rent shall,

upon issuance of the permit, pay an initial operating period fee equivalent to those fees required under Section E.

- a. The Air Pollution Control Officer may waive the first renewal period's operating fee for applicants who qualify. To seek this waiver, an Application for Initial Operating Fee Waiver must be submitted during the permit application process.

E. **PERMIT RENEWAL FEE SCHEDULE.** Any article, machine, equipment or other contrivance in the categories listed below for which a Permit to Operate or a Permit to Sell or Rent is issued, shall be re-evaluated and the permit renewed periodically, and renewal fees assessed in accordance with the schedule below. The renewal fees for a Permit to Sell or Rent shall be one-half of that amount indicated in that schedule. Total renewal fees shall be determined for each emission unit by multiplying the permit renewal factor "x" by the renewal fee formula shown below. If a permitted article, machine, equipment, process, or other contrivance does not fall under a specific category listed below, fees related to the total electrical horsepower (hp) or power rating (KVA) of the equipment or process will be applied. The permit renewal factor "x" is shown in the table below:

	FY 22-23	FY 23-24 6% increase	FY 24-25 6% increase	FY 25-26 6% increase	FY 26-27 and beyond adjusted per CPI *
Permit Renewal Factor "x"	\$88	\$93	\$99	\$104	\$104 times CPI adjustment

* CPI Based upon Bureau of Labor Statistics CPI-W (Los Angeles-Long Beach- Anaheim, CA). The "x" factor shall be adjusted annually starting on July 1, 2025. Each 12-month period shall be calculated individually and any year where the change is negative, no adjustment shall be made.

Permit Category	Renewal Fee Formula
1. Air monitoring and data handling oversight - per station	132.2x
2. Asphaltic concrete batch plants	
a. Asphaltic concrete batch plants base fee	32.3x
b. Rubberized asphaltic batch plants subprocess	16.0x
3. Bakery facility with a total heat input rating of all combustion devices that is >3.0 million British thermal units per hour (mmBtu/hr)	58.5x
4. Boilers, steam generators, heaters, or other gaseous, liquid, or solid fuel fired combustion equipment, except fossil fuel fired power plants (in terms of the design heat input rating)	
a. less than 5 mmBtu/hr and limited to 90,000 therms per year or less	10.3x
b. 5.0 million British thermal units per hour (mmBtu/hr) or less	24.4x
c. greater than 5.0 mmBtu/hr but less than or equal to 10.0 mmBtu/hr	36.8x
d. greater than 10.0 mmBtu/hr	42.7x
5. Brick or concrete block manufacturing facilities (in terms of the annual production rate)	
a. 0.50 million blocks per year or less	4.9x
b. greater than 0.50 but less than or equal to 1.0 million blocks per year	9.8x

**Renewal
Fee Formula**

<u>Permit Category</u>	
c. greater than 1.0 million blocks per year	20.7x
6. Cement handling equipment	17.1x
7. Chemical manufacturing process unit	
a. Chemical manufacturing process unit base fee	10.3x
b. Toxics emitting unit report fee	0.9x
8. Coffee roasting (in terms of the annual production rate)	
a. 50.0 tons per year (tpy) or less with emission controls	5.1x
b. 50.0 tpy or less without emission controls	10.3x
c. greater than 50.0 tpy with emission controls	13.6x
d. greater than 50.0 tpy without emission controls	27.1x
9. Concrete batch plants (in terms of the annual production rate)	
a. 10,000.0 yards per year or less	5.3x
b. greater than 10,000.0 but less than or equal to 25,000.0 yards per year	10.6x
c. greater than 25,000.0 yards per year	22.4x
10. Crematory incinerators	8.5x
11. Crude oil and distillate oil storage facilities (basic)	29.3x
12. Crude oil and distillate oil pump station (basic)	24.3x
13. Degreasers	10.3x
14. Driers or kilns	15.2x
15. Dry Cleaning Operations	
a. Perchloroethylene based	10.3x
b. Other solvent based	6.0x
16. Electrolytic plating operations	
a. Electrolytic plating operation base fee	34.1x
b. Electrolytic plating operation per tank toxics reporting fee	0.055x
17. Ethylene Oxide Sterilizers	37.7x
18. Feed and grain mills	
a. any cyclone vented to atmosphere	13.7x
b. no cyclone vented to atmosphere	6.8x
19. Fiberglass products manufacturing	37.7x
20. Fixed or internal floating roof petroleum storage tank	19.4x
21. Floating roof petroleum storage tank	28.5x
22. Fossil fuel fired power plant >100 mmBtu/hr (basic)	
a. total for all boilers at a facility with total oxides of nitrogen emissions of more than 100 tons per year in the previous calendar year	4,218.6x
b. total for all boilers at a facility with total oxides of nitrogen emissions of less than 100 tons per year in the previous calendar year	3,461.6x
c. each gas turbine and any associated duct burner per mmBtu/hr of heat input capacity	0.70x
23. Gasoline dispensing facility and associated vapor recovery system (basic)	2.37x
24. Gasoline dispensing (only one applied to any given nozzle)	
a. vapor recovery nozzle	0.68x
b. multi-product, single nozzle fueling point	2.05x
25. Gasoline storage facility, loading rack, and associated vapor recovery system(s) – bulk	19.87x
26. Gasoline storage facility and associated vapor recovery system - retail and consumer account	3.10x

Renewal
Fee Formula

<u>Permit Category</u>	
27. Gasoline vapor recovery, annual testing	
a. base testing fee	4.10x
b. in-station diagnostics additional testing fee	2.38x
28. Internal combustion engine	
a. first prime use engine per facility	12.96x
b. each additional prime use engine per facility	6.05x
c. additional fee for any engine $\geq 3,000$ bhp	121.83x
d. each emergency standby use engine	5.29x
e. each portable diesel engine used for construction or maintenance	5.29x
f. each portable non-diesel engine used for construction or maintenance	3.24x
g. each engine <50 hp that is part of a process that requires a permit	3.24x
h. New Stationary Engine (Installed after July 1, 2022) greater than 50 hp and less than 3,000 hp, per horsepower toxics reporting fee	0.0051x
29. Landfill gas collection	
a. Landfill gas collection base fee	62.1x
b. Landfill GHG monitoring and oversight fee	5.0x
30. Marine loading terminal	79.2x
31. Marine unloading terminal	40.2x
32. Miscellaneous	10.3x
33. Motor vehicle and mobile equipment coating (in terms of the volatile organic compound (VOC) content of materials used)	
a. 100.0 gallons per year or less	5.29x
b. greater than 100.0 but less than or equal to 700.0 gallons per year	9.94x
c. Greater than 700.0 gallons per year	17.71x
34. Multiple chambered incinerators, including pathological incinerators	39.5x
35. Onshore dewatering process units associated with offshore oil and gas production	96.0x
36. Oil and gas production and processing facilities (basic)	402.2x
a. Oil and Gas production and processing facilities (basic) GHG monitoring and oversight	6.0x
37. Oil and gas production and processing facilities (basic for producers of 300.0 bbl per day or less)	55.8x
a. Less than 300 bbl/day oil and gas production and processing facilities (basic) GHG monitoring and oversight	4.0x
38. Oil production vapor recovery systems	
a. Oil production vapor recovery systems base fee	67.6x
b. GHG monitoring and oversight	6.0x
39. Oily water treatment systems	54.5x
40. Paint bake oven	10.3x
41. Petroleum coke production (basic)	2,036.5x
42. Petroleum loading rack - Note: gasoline bulk plants are covered by the Gasoline Storage (bulk) category above	36.3x
43. Petroleum processing sulfur recovery and tail gas units	97.9x
44. Petroleum refineries (basic)	
a. refineries with authorized capacities below 16.30 mmbbl/yr	971.0x
b. refineries with authorized capacities above 16.30 mmbbl/yr	1,311.0x
45. Petroleum refining process units	121.3x

**Renewal
Fee Formula**

<u>Permit Category</u>	
46. Printing operation (in terms of the VOC content of materials used)	
a. 100.0 gallons per year or less	3.02x
b. greater than 100.0 but less than or equal to 700.0 gallons per year	9.83x
c. greater than 700.0 gallons per year	39.53x
47. Public and private wastewater treatment works	
a. basic operation	13.1x
b. anaerobic digester	3.2x
48. Rock crushing, screening, sizing, and storage operations (in terms of the annual production rate)	
a. 10,000.0 tpy or less	5.3x
b. greater than 10,000.0 but less than or equal to 100,000.0 tpy	10.6x
c. greater than 100,000.0 tpy	22.4x
49. Sand and gravel screening, sizing, handling, and storage operations (in terms of the annual production rate)	
a. 10,000.0 tpy or less	5.3x
b. greater than 10,000.0 but less than or equal to 100,000.0 tpy	10.6x
c. greater than 100,000.0 tpy	22.4x
50. Sandblasting equipment	6.0x
51. Soil decontamination land treatment, landfarm, or thermal destruction unit (in terms of the volume placed into the decontamination process)	
a. 5,000 yards per year or less	53.0x
b. greater than 5,000 yards per year	106.0x
c. monitoring and reporting oversight fee (projects less than 5,000 cubic yards)	2.0x
d. monitoring and reporting oversight fee projects greater than 5,000 cubic yards (per 5,000 cubic yards or portion of)	2.5x
52. Soil decontamination process unit	10.3x
53. Surface coating or adhesive application operation (in terms of the VOC content used) - Note: autobody shops are covered by the Motor Vehicle Coating category above	
a. 100.0 gallons per year or less	3.02x
b. greater than 100.0 but less than or equal to 700.0 gallons per year	9.83x
c. greater than 700.0 gallons per year	39.53x
54. Wine Fermentation and Storage	
Fermentation and wine barrel storage amounts shall be based on a three-calendar year historical average. Calendar year barrel storage is the highest amount in storage at any one time for the calendar year. If there are less than three years of historical data, the amount shall be based on the higher of: 50% of the permitted capacity or the average annual amounts for the available years.	
a. Base fee all facilities	5.3x
b. White wine fermentation fee per 1,000 gallons per year	0.006x
c. Red wine fermentation fee per 1,000 gallons per year	0.015x
d. Wine barrel storage fee per 1,000 gallons	0.045x
55. Wood working operation	9.3x

**Renewal
Fee Formula**

<u>Permit Category</u>	
56. Electric motors where the permit category is not listed (horsepower)	
a. Less than 50	4.38x
b. 50 or greater, but less than 100	8.7x
c. 100 or greater, but less than 200	13.0x
d. 200 or greater, but less than 300	17.4x
e. 300 or greater, but less than 400	21.75x
f. 400 or greater, but less than 500	26.1x
g. 500 or greater, but less than 600	30.49x
h. 600 or greater	34.8x
57. Electrical energy where the permit category is not listed (kilovolt amperes)	
a. less than 150	4.38x
b. 150 or greater, but less than 450	8.7x
c. 450 or greater, but less than 4,500	13.0x
d. 4,500 or greater, but less than 14,500	17.4x
e. 14,500 or greater, but less than 45,000	21.75x
f. 45,000 or greater	26.1x
58. Control equipment	
a. Non-oil and gas (per unit)	2.0x
b. Oil and gas (per unit)	4.0x
c. Source test review (non-oil and gas)	4.0x
d. Source test review (oil and gas)	6.0x
59. Major source decommissioning base fee	106.0x

* Where x is the permit renewal factor set periodically by the Air Pollution Control Board.

F. PERMIT RENEWAL FEES

1. For the purposes of Section E, the permit renewal fee for the facilities designated "basic" shall be for the facility shown. Additional renewal fees shall be charged for other equipment located in the basic facility and included in the Permit Category list.
2. For the purposes of Section E, the yearly production rate, process rate, or VOC material usage rate will be considered that amount processed in the calendar year immediately prior to permit renewal. The rate used for determining the initial operating fee under subsection D.3 above shall be the maximum rate allowed by the applicable permit.
3. Renewal fees shown in Section E do not include fees for compliance source testing, unless specified. Source testing fees shall be designated per Section G.
4. Any necessary additional District staff time or resources dedicated to determining compliance of a stationary source for the purpose of renewing a Permit to Operate shall be charged to the holder of the Permit at a rate which reflects labor costs as set periodically by the Air Pollution Control Board and actual costs incurred by the District and added to the renewal fees shown in Section E.

5. For permits to operate issued pursuant to Rule 216, Federal Part 70 Permits, or Rule 217, Federal Part 72 Permits, the renewal fees identified in Section E shall be assessed annually as a compliance evaluation fee.
- G. SOURCE TEST FEES. Before granting or denying an application for a Permit to Operate or in renewing a Permit to Operate, the Air Pollution Control Officer (APCO) may require the sampling and testing of air contaminants discharged into the atmosphere from the article, machine, equipment or other contrivance being evaluated. At the option of the applicant, the applicant may contract with an independent testing laboratory for the testing or may request the District to perform the test. If the former option is selected, the choice of test method and testing laboratory is subject to the approval of the APCO. If the latter option is selected and the District is willing to perform the test, the applicant shall pay a fee for the source testing determined by the District based on direct labor hours used, supplies and services expended, and indirect costs incurred.
- H. APPLICATION FOR AN ALTERATION OR MODIFICATION. Where a Permit to Operate has previously been granted for such equipment under Rule 202 and an alteration or modification is to be made, the applicant shall be assessed a fee based upon actual hours spent and costs incurred by the District for application evaluation.
- I. TRANSFER OF OWNER. Where an application is filed for a Permit to Operate or Registration any article, machine, equipment or other contrivance because responsibility will transfer, or has transferred, from one person to another and no alteration, emission increase, or addition has been made, the applicant shall pay 1.5 times the District hourly rate "r".
- J. MODIFIED PERMIT CONDITIONS. When an application is filed involving, exclusively, modifications to the conditions of an existing Permit to Operate, as provided in Rule 206, and there is no change or a decrease in ratings, the applicant shall pay a filing fee of 2 times the District hourly rate "r" and be assessed a total fee based upon the actual hours spent and costs incurred by the District for application evaluation.
- K. LATE FEE
1. When an Authority to Construct, Permit to Operate, Conditional Permit Exemption, or Registration is issued or renewed, it shall be accompanied by a statement of the fee to be paid therefore. If the fee is not paid within thirty calendar days after the statement of the fee has been issued, the APCO shall thereupon promptly notify the applicant of the past due fee by facsimile, e-mail or other method of receipt (i.e., second notice). A fee of $\frac{1}{4}$ of the District hourly rate shall apply to all notices sent by certified mail. Notifications that must be hand delivered because of refusal to accept other notifications shall be assessed a fee equal to amount of staff time at current District hourly rate or contract server costs necessary to deliver the notification. If the past due fee is not paid within thirty calendar days after the second notice has been issued, the fee shall be increased by one-half the amount thereof and the APCO shall thereupon issue to the applicant a statement which reflects the increased fee and send that statement to said applicant by certified mail or other method of receipt. Non-payment of the increased fee within thirty calendar days after the statement of the increased fee has been issued shall result in automatic cancellation of the application or registration or the suspension of the Permit to Operate.

- a. A Permit to Operate or Registration suspended for non-payment of fees shall be reinstated only after payment of the original renewal fee, any late fees, and a charge for all reasonable costs incurred by the District through fee recovery and enforcement actions resulting from said Permit suspension as determined by the APCO; the Permit holder may appeal assessment of this cost recovery charge by petition to the Hearing Board.
 - b. A Permit to Operate suspended for a time period of one year or more for non-payment of fees may be revoked by the Hearing Board after being petitioned to take such action by the APCO. The permittee shall be notified of the pending hearing no less than 10 calendar days prior to the Hearing Board's review of such a petition.
2. For all other fees past due, if the fee is not paid within thirty calendar days after the statement of the fee has been issued, the APCO shall notify the applicant of the past due fee by facsimile, e-mail or other method of receipt (i.e., second notice). A fee of ¼ of the District hourly rate shall apply to all notices sent by certified mail. Notifications that must be hand delivered due to refusal of other notifications shall be assessed a fee equal to amount of staff time at the current District hourly rate, or contract server costs necessary to deliver the notification. If the past due fee is not paid within thirty calendar days after the second notice has been issued, a late fee of the greater of 25% or \$250 shall be assessed and the APCO shall thereupon issue to the applicant a statement which reflects the increased fee and send that statement to said applicant by certified mail or other method of receipt. Fees that are past due greater than 160 days shall be assessed an additional late fee of 15% for every 120 days past due, thereafter.
- L. FEE FOR PERMIT GRANTED BY HEARING BOARD. In the event that a Permit to Operate is granted by the Hearing Board after denial by the APCO or after the applicant deems his application denied, the applicant shall pay the fee prescribed in Section D within thirty calendar days after the date of the decision of the Hearing Board. Non-payment of the fee within this period of time shall result in automatic cancellation of the Permit and the application.
- M. DUPLICATE PERMIT. A request for a duplicate Permit to Operate shall be made in writing to the APCO within ten calendar days after the destruction, loss, or defacement of a Permit to Operate and shall contain the reason a duplicate permit is being requested. A fee of \$0.2r rounded to the nearest dollar shall be paid for issuing each duplicate Permit to Operate.
- N. NESHAPS INSPECTIONS
1. Any District staff time or resources dedicated to determining compliance with Regulation VII, with the exception of asbestos demolition or renovation, shall be charged to the person responsible for the facility subject to that regulation at a rate which reflects labor costs as set periodically by the Air Pollution Control Board and actual costs incurred by the District.
 2. For each demolition and renovation project, minimum fees shall be determined by multiplying the District hourly labor rate "r" by the fee formula shown below.

Demolition Fees	
Fee for each structure less than 9,999 square feet	3.5r
Fee for each structure equal to or greater than 10,000 square feet, but less than 49,999 square feet	7.0r
Fee for each structure greater than 50,000 square feet	14.0r
Regulated Asbestos Containing Material (RACM) Project Fees	
Less than 260 lineal feet of material; less than 160 square feet of material; or less than 35 cubic feet of material	4.5r
260 lineal feet or more of material, but less than 1,000 lineal feet of material; 160 square feet or more of material, but less than 1,000 square feet of material; or 35 cubic feet or more of material, but less than 1,000 cubic feet of material	6.5r
1,000 lineal, square, or cubic feet or more of material, but less than 2,500 lineal, square, or cubic feet of material	9.0r
2,500 lineal, square, or cubic feet or more of material, but less than 7,000 lineal, square, or cubic feet	16.0r
7,000 lineal, square, or cubic feet or more of material, but less than 10,000 lineal, square, or cubic feet	20.0r
10,000 lineal, square, or cubic feet or more of material	30.0r
General Fees	
Any notification revision	1.5r
Any notification cancellation	1.5r
Approved emergency notification	1.5r

O. MISCELLANEOUS SERVICES. Any necessary District staff time or resources expended to provide Federal or State regulation compliance determinations to any person, regardless of permit status, may be charged to that person at a rate which reflects labor costs as set periodically by the Air Pollution Control Board and actual costs incurred by the District.

P. NON-AGRICULTURAL OPEN BURNING FEES AND INSPECTIONS

1. For each Developmental Burn plan submitted pursuant to Rule 501.E.1, the minimum fees shall be determined by multiplying the District hourly labor rate "r" by the fee formula shown below:
 - a. For projects involving the burning of wood waste from the removal or pruning of trees, vines, or bushes from an area of one (1) acre or less in size, of up to five (5) tree stumps of any size, or any combination of either, the owner or operator shall pay a plan fee of \$1.4r.
 - b. For projects involving the burning of wood waste from the removal or pruning of trees, vines, or bushes from an area of more than one (1) acre in size, but less than 11 acres in size, of more than five (5) tree stumps of any size, but less than 11 stumps of any size, or any combination of either, the owner or operator shall pay a plan fee of \$2.8r.
 - c. For projects involving the burning of wood waste from the removal or pruning of trees, vines, or bushes from an area of 11 or more acres in size, of 11 or more tree stumps of any size, or any combination of either, the owner or operator shall pay a plan fee of \$5.6r.

- d. Any District staff time or resources dedicated to determining compliance with Rule 501, in addition to the plan fee, shall be charged to the person responsible for the project subject to that regulation at a rate which reflects labor costs as set periodically by the Air Pollution Control Board and actual costs incurred by the District.

Q. AGRICULTURAL AND PRESCRIBED BURNING PERMIT FEE. For each agricultural and prescribed burn permit issued pursuant to Rule 502, the following fee schedule shall apply.

- 1. Up to ten (10) acres or up to 100 tons of stacked or piled material burned
 - a. General agricultural burning projects under Rule 502.C.4: \$100
 - b. Smoke Management Plan under Rule 502.C.5.b: \$100.00
- 2. More than 10 and up to 100 acres or more than 100 tons and up to 500 tons of stacked or piled material burned under Rule 502.C.5.c: \$180.00
- 3. More than 100 and up to 250 acres or more than 500 tons and up to 1,000 tons of stacked or piled material burned under Rule 502.C.5.d: \$265.00
- 4. More than 250 acres or more than 1,000 tons of stacked or piled material burned under Rule 502.C.5.e: \$360.00.

R. GREEN WASTE BURNING PERMIT FEE. For each green waste burn permit issued pursuant to Rule 501, a \$50.00 fee shall apply.

S. NATURALLY OCCURRING ASBESTOS PROJECT REVIEW FEE. For each naturally occurring asbestos plan submitted for the Air Pollution Control Officer's review to ensure compliance with 17CCR93105, Asbestos Airborne Toxic Control Measure for Construction, Grading, Quarrying, and Surface Mining Operations, minimum fees shall be determined by multiplying the District hourly labor rate "r" by the fee formula shown below:

	Basic fee				Additional Fee	
	Geological Evaluation and Full Exemption	Geological Evaluation and Conditional Exemption	Geological Evaluation and one (1.0) acre or less	Geological Evaluation and more than one (1.0) acre	Dust Control Plan Review and Approval	Dust Control Plan Review and Approval with Monitoring
Construction and Grading	1.5r	3.0r	3.5r	4.0r	2.0r	3.0r
Quarrying and Surface Mining	1.5r	3.0r	3.5r	4.0r	2.0r	3.0r
Road Maintenance	1.5r	3.0r	3.5r	4.0r	2.0r	3.0r

T. AGRICULTURAL DIESEL ENGINE REGISTRATION FEE

- a. Annual fees for registration of agricultural engines under Rule 250, Agricultural Diesel Engine Registration shall be 1.473 times the District's hourly labor rate factor (r) per engine, rounded down to the nearest dollar.
- b. For engines that do not have a registration according to the requirements of Rule 250, Registration of Agricultural Diesel Engines, the initial registration fee shall include the sum of all past applicable fees.

U. WINE OPERATIONS REGISTRATION FEE. Fees for registration of wine operations as required by any regulation shall be 2.65 times the District's permit renewal factor "x" (see section E. above).

V. BURN PERMIT HARDSHIP FEE WAIVER

The APCO may waive a burn permit fee if the applicant can demonstrate their income qualifies for Section 8 rental assistance under the US Department of Housing and Urban Development Guidelines.

X. CONDITIONAL PERMIT EXEMPTION FEE

Any article, machine, equipment or other contrivance that has been issued a written permit exemption that requires recordkeeping under Rule 201.A.1 shall be assessed an annual review fee of 1.5 times the District hourly labor rate (r).

RULE 303. HEARING BOARD FEES

(Adopted 8/2/76; Revised 9/24/79, 7/27/2011)

- A. Every petitioner for a Variance, extension, revocation or modification of a Variance; appeal from denial, suspension, revocation, or conditional granting of an Authority to Construct or a Permit to Operate; or any person intervening in any of the above proceedings shall pay to the Clerk of the Hearing Board a filing fee of \$450.00.
 - 1. Two or more persons submitting one common petition shall pay to the Clerk of the Hearing Board a filing fee of \$300.00 plus \$150.00 per petitioner.
- B. The party requesting a Court Reporter shall pay all expenses for this service.
- C. Cost of transcript of hearing by Court Reporter shall be borne by the party requesting said transcript.
- D. This Rule shall not apply to any State or Local Governmental Agency or Public District in the United States.

RULE 304. TECHNICAL REPORTS - CHARGE FOR

(Adopted 8/2/76; Revised 9/24/79)

Information, circulars, reports of technical work, and other reports prepared by the Air Pollution Control District when supplied to other governmental agencies or individuals or groups requesting copies of the same may be charged for the District in a sum not to exceed the cost of preparation and distribution of such documents. All such monies collected shall be paid into the District treasury.

RULE 305. FEES FOR MAJOR NON-VEHICULAR SOURCES

(Adopted 11/21/83; Revised 11/13/84, 7/18/89, and 9/15/92)

A. DEFINITION OF A MAJOR NONVEHICULAR SOURCE

1. For the purposes of this Rule, a major nonvehicular source pursuant to the Atmospheric Acidity Protection Act of 1988 shall mean any plant, building, structure, stationary facility or group of facilities under the same ownership, leasehold, or operator which, in the calendar year two years prior to fee billing, emitted to the atmosphere oxides of nitrogen or oxides of sulfur, expressed as nitrogen dioxide and sulfur dioxide, respectively, in an amount equal to or exceeding 500 tons.
2. For the purposes of this Rule, a major nonvehicular source pursuant to the California Clean Air Act of 1988 shall mean any plant, building, structure, stationary facility or group of facilities under the same ownership, leasehold, or operator which, in the calendar year two years prior to the fee billing, emitted to the atmosphere a nonattainment pollutant or precursor, as defined in Section 90801 of Title 17 of the California Code of Regulations, in an amount equal to or exceeding 500 tons.

B. FEE REQUIREMENTS FOR MAJOR NONVEHICULAR SOURCES

1. For each major nonvehicular source, the permit holder is assessed a fee payable to the Air Pollution Control District due within 60 days of notice of assessment by the Air Pollution Control District, and calculated according to the formula:

Fee Amount = (D x E) + A where:

D = assessment rate as determined by the California Air Resources Board pursuant to the Atmospheric Acidity Protection Act of 1988 or the California Clean Air Act of 1988.

E = mass of emissions in the calendar year two years prior to fee billing of:

- a. oxides of nitrogen and/or oxides of sulfur, expressed as tons of nitrogen dioxide and sulfur dioxide, respectively, pursuant to the Atmospheric Acidity Protection Act of 1988; or
- b. a nonattainment pollutant or precursor pursuant to the California Clean Air Act of 1988;

from the subject major nonvehicular source, as determined by the Air Pollution Control Officer. If only one pollutant is emitted in the amount of 500 tons per year or more, "mass of emissions" shall be determined only on that pollutant.

A = District administrative costs

Separate fees for both the Atmospheric Acidity Protection Act of 1988 and the California Clean Air Act of 1988 are calculated based on the above formula. The two separate calculations may be combined for the purposes of billing.

2. Non-payment of the assessed fees by the permit holder of a major nonvehicular source shall be cause for suspension of Permit to Operate by the Air Pollution Control Officer.

**RULE 306. FEEES FOR VOLUNTARY EMISSION REDUCTION CREDIT
(EMISSION BANKING)**

(Adopted 11/21/83)

Every applicant for a voluntary emission reduction credit account certificate shall pay a fee for the issuance of the certificate based upon actual hours spent by the District staff at a rate which reflects labor costs as set periodically by the Air Pollution Control Board and actual costs incurred by the District in evaluating the application

RULE 307. FEES FOR SOLID WASTE DISPOSAL SITE ASSESSMENT

(Adopted 5/13/86)

A. REQUIREMENTS. Every applicant for a Permit to Operate a large or small landfill shall pay the following fee for the District evaluation of the solid waste disposal site assessment test report, the field evaluation and inspection of the landfill site monitoring and the analysis of the data:

- | | | |
|----|-----------------|------------|
| 1. | Large Landfills | \$2,000.00 |
| 2. | Small Landfills | \$1,000.00 |

B. DEFINITIONS

1. For the purpose of this Rule, a "landfill" means a location, area, tract of land, or premises in use, or which has been used for the disposal of waste.
2. For the purpose of this Rule, a "large landfill" means a landfill covering an area greater than 20 acres.
3. For the purpose of this Rule, a "small landfill" means a landfill covering an area equal to or less than 20 acres.

RULE 308. FEES FOR AIR TOXICS "HOT SPOTS" PROGRAM

Adopted 2/9/93; Revised 1/22/97)

A. APPLICABILITY This Rule shall apply to any stationary source which is subject to the requirements of the Air Toxics "Hot Spots" Information and Assessment Act, and:

1. Manufactures, formulates, uses, or releases a listed substance or any other substance which reacts to form any listed substance and emits ten (10) tons per year (tpy) or greater of any criteria pollutant or is listed in any current District toxics use or toxics air emission survey, inventory, or report, or
2. Manufactures, formulates, uses, or releases a listed substance or any other substance which reacts to form any listed substance and emits less than ten (10) tpy of any criteria pollutant and is included in any class listed in Appendix E to the latest version of the Emissions Inventory Criteria and Guidelines Report, as incorporated by reference in Section 93300.5 of Title 17 of the California Code of Regulations.

B. DEFINITIONS

1. "APCO": The Air Pollution Control Officer or his/her designee.
2. "Approved Toxic Emissions Inventory": An inventory of toxic pollutants completed for the purpose of estimating toxic emissions from a facility. The inventory must be approved by the Air Pollution Control District. In the event that a recent toxic emissions inventory report is not available from the owner the District may, at its discretion, prepare a toxic emissions inventory report based on the best available data to the District for the purposes of assigning a prioritization score.
3. "Criteria Pollutant": Total organic compounds or gases, particulate matter, nitrogen oxides, or sulfur oxides.
4. "Complexity": The determination of complexity of a facility is made by the District. It is a function of the number of processes at the facility, the number of devices that make up each process, the degree of difficulty in estimating facility emissions, and the degree of difficulty in modeling toxic releases. The greater the number of processes or devices and the more time and effort required to verify toxic emissions, the greater the complexity of a facility.
5. "Economic Poison": Pursuant to Section 12753 of the 1996 California Food and Agricultural Code (CFAC), Title 3, Chapter 2, Article 1, any spray adjuvant or any substance, or mixture of substances which is intended to be used for defoliating plants, regulating plant growth, or for preventing, destroying, repelling, or mitigating any pest, as defined in Section 12754.5 (CFAC), which may infest or be detrimental to vegetation, man, animals, or households, or be

present in any agricultural or nonagricultural environment whatsoever. A spray adjuvant is defined as any wetting agent, spreading agent, deposit builder, adhesive, emulsifying agent, deflocculating agent, water modifier, or similar agent, with or without toxic properties of its own, which is intended to be used with another economic poison as an aid to the application or effect of the other economic poison, and sold in a package that is separate from that of the economic poison other than a spray adjuvant with which it is to be used.

6. "Listed Substance": Any substance listed by the Air Resources Board pursuant to Health and Safety Code Section 44321 and contained in Appendix A of the Emissions Inventory Criteria and Guidelines Report, as incorporated by reference in Section 93300.5, Title 17 of the California Code of Regulations.
7. "Modeling": A mathematical methodology used to estimate the concentration of toxic emissions released from a facility. Models shall be limited to those approved by the Environmental Protection Agency or Air Resources Board.
8. "Owner": For the purposes of this Rule the owner and/or operator of a facility or business subject to this Rule. "Owner" or "operator" may be used interchangeably.
9. "Prioritization Score": A facility's numerical score for cancer health effects or non-cancer health effects, as determined by the District pursuant to the prioritization and categorization methodology adopted by the District Board by resolution on November 20, 1990. The methodology is referred to as the dispersion adjustment procedure and is consistent with the July 1990 version of the Facility Prioritization Guidelines prepared by the California Air Pollution Control Officers Association and approved by the Air Resources Board. The prioritization score shall be based on the most recent complete, District-approved toxic emissions inventory report.
10. "Process": An emission unit such as, but not limited to, coating operations; plating; printing; tankage; internal combustion engines for pumps, co-generation, or generators; marine vessel loading and unloading; combustion units including boilers and heaters; oil extraction equipment; distillation; and fugitive emissions from valves and flanges.

C. EXEMPTIONS

1. Any facility with a prioritization score equal to or less than ten (10) shall be exempt from State fees, as described in Section D.1.
2. Any facility whose District-approved health risk assessment shows a cancer risk of less than one in a million and a health hazard index of less than 0.1, regardless of any prioritization score determined prior to the health risk assessment, shall be exempt from State fees, as described in Section D.1.

3. Any facility where economic poisons are employed in their pesticidal use is not subject to Section D.1 of this Rule. Pesticidal use does not include the manufacture or formulation of pesticides.

D. REQUIREMENTS

1. To cover annual State costs for administering the Air Toxic "Hot Spots" (ATHS) program:
 - a. The operator of each stationary source which meets the criteria of Section A and with a facility cancer or non-cancer prioritization score of greater than ten (10) shall pay a State-mandated fee proportionate to the extent of the releases identified in the toxics emissions inventory and the level of priority assigned pursuant to Section 44360 of the Health and Safety Code, as specified in Title 17, California Code of Regulations, Sections 90700 to 90705.
 - b. The requirement to pay State fees shall be based on the most recent District-approved toxic emissions inventory report. A prioritization score determined after a health risk assessment has been approved may supersede the results of the health risk assessment, if the prioritization score is based on a more recent toxic emissions inventory, updated release characteristics, or a re-determined distance to the nearest receptor, following the receipt of the health risk assessment by the District.
 - c. A facility that is subject to this Rule for any part of the fiscal year shall be subject to State fees for the entire fiscal year. State fees shall not be apportioned for any part of a fiscal year.
 - d. A facility shall be assessed State fees based on the highest priority score assigned to the facility for the fiscal year. The fiscal year shall be that year stated in the invoice from the Air Resources Board.
 - e. The magnitude of the State fee shall be based solely on the adjusted value of the annual invoice from the Air Resources Board for the Air Toxics Hot Spots (ATHS) Program. The adjusted annual invoice shall equal the sum of the amount invoiced by the Air Resources Board for that fiscal year plus any balance remaining from previous years minus any over payment from previous years.
 - f. State fees shall be apportioned to the facility according to the category to which the facility is assigned by the District. The category assignment shall be based on the degree of complexity for that facility and the facility prioritization score or the results of the health risk assessment.
 - g. Unprioritized and industry-wide sources subject to this Rule shall pay State fees in the amount specified by the Air Resources Board, as defined by the applicable version of the Air Toxics "Hot Spots" Fee Regulation.

2. District's costs for administering toxics-related programs including the ATHS program are covered by initial permit and permit renewal fees, as specified in District Rule 302, Schedule of Fees. Sources subject to the ATHS program but not under District permit shall pay a fee according to Subsection D.2.b:
 - a. Each permitted facility shall be assessed a portion of the initial Permit to Operate Fee and the renewal fee, as described in District Rule 302. The amount shall be determined by the APCO and shall be based on District costs for implementing toxics-related programs including the ATHS program.
 - b. The operator of each stationary source which meets the criteria of Subsection A and is not under District permit shall pay a fee of up to one hundred dollars (\$100.00) to cover District costs for implementing toxics related programs including the ATHS program. The amount of this fee shall be determined by the APCO and be based on the number of District hours required to implement the non-permitted subgroup's portion of the program.

E. COMPLIANCE SCHEDULE

1. The District shall notify and assess the operator of each stationary source subject to Section A of this Rule in writing of the fee due. The operator shall remit the fee to the District within thirty (30) calendar days of the date of the fee assessment notice.
2. If the fees are not paid within thirty (30) calendar days after the statement of the fee has been issued, the APCO shall promptly notify the owner of the past due fee by certified mail (second notice). If the past due fee is not paid within thirty (30) calendar days after the second notice has been issued, the District shall assess an additional administrative civil penalty of not more than one hundred percent (100%) of the assessed fee, but in an amount sufficient in its determination, to pay the District's additional expenses incurred by the non-compliance. The APCO shall issue to the owner a statement which reflects the increased fee and send that statement to said owner by certified mail. If an owner fails to pay within sixty (60) days after issuance of the most recent statement, the District may initiate permit revocation proceedings.
3. If any permit is revoked, it shall be reinstated only upon full payment of the overdue fee plus any late penalty, and a reinstatement fee of a minimum of one hundred dollars (\$100.00) to cover the administrative costs of reinstating the permit. The reinstatement fee shall be based on the total number of hours of District time spent multiplied by the current District hourly rate.