



PUBLIC HEARING NOTICE

April 2, 2010

TO: INTERESTED PARTIES
FROM: EXECUTIVE OFFICER / APCO
SUBJECT: **PUBLIC HEARING: PROPOSED AMENDMENTS TO REGULATION 3: FEES**

On **Wednesday, May 5, 2010**, the Board of Directors of the Bay Area Air Quality Management District will conduct a public hearing to accept testimony on proposed amendments to District Regulation 3: Fees. California Health and Safety Code Section 41512.5 requires a district board, prior to adopting or revising fees applicable to emission sources that are not permitted, to hold a public hearing at least 30 days prior to the meeting of the district board at which the fees are adopted or revised. Notice is also given that the Board of Directors will conduct a second public hearing on **Wednesday, June 16, 2010**, at the District Headquarters Board Room to consider adoption of the proposed amendments to District Regulation 3: Fees and to approve the filing of a Notice of Exemption from the California Environmental Quality Act (CEQA). The hearings will be held in the 7th floor Board Room of the District Office, 939 Ellis Street, San Francisco. **District Board meetings commence at 9:45 a.m.**

The proposed amendments to the District's fee regulation would be effective on July 1, 2010, and would increase fee revenue in order to allow the District to continue to effectively implement and enforce regulatory programs for stationary sources of air pollution. The proposed amendments would increase all existing fees in Regulation 3 by 5%, with the exception of the fees established under Fee Schedule P: Major Facility Review Fees, which would be increased by 10%. Fee Schedule P applies to larger facilities that are required to have Title V or Synthetic Minor Operating Permits.

The following additional amendments are proposed: (1) Provide a discount on permit application and/or registration fees, by an amount deemed appropriate by the Air Pollution Control Officer, for businesses that attend a District-sponsored Industry Compliance School, (2) revise the definition of "small business" by increasing the gross annual income limit from \$600,000 to \$750,000 so that more businesses qualify for a small business discount on permit application fees and hearing board fees, (3) establish a new 10% discount on permit application fees for businesses that have been certified under the Bay Area Green Business Program, (4) establish a provision in Regulation 3 that allows the Air Pollution Control Officer to declare an amnesty period, during which the District may waive all or part of the penalty fees for sources that are currently operating without valid Permits to Operate and/or equipment registrations.

The District has determined that these amendments to Regulation 3 are exempt from provisions of the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) pursuant to State CEQA Guidelines, Sections 15061, subd. (b)(3) and 15273. The amendments increase District fees that are used to meet District operating expenses. The amendments are administrative in nature, do not affect air emissions from any sources, and can be seen with certainty to have no possibility of causing significant environmental effects. The District intends to file a Notice of Exemption pursuant to State CEQA Guidelines, Section 15062.

The proposed regulatory language is available on the District's website at <http://www.baaqmd.gov/Divisions/Planning-and-Research/Rule-Development/Current-Regulatory-Public-Hearings.aspx>. Copies are also available by calling the Engineering Division at (415) 749-4990. Staff will accept written comments on the proposed amendments until **Wednesday, June 2, 2010**. Please direct comments or questions to Brian Bateman, the District's Director of Engineering, at (415) 749-4653, or electronically at bbateman@baaqmd.gov.

PUBLIC TRANSPORTATION

MUNI -- #47 AND 49 NORTH AND SOUTH ON VAN NESS AVENUE

BART -- CIVIC CENTER STATION 8TH AND MARKET STREETS

Attendees are encouraged to ride public transit, rideshare, bicycle, walk or use other non-motorized modes to and from the District.