



BAY AREA  
AIR QUALITY  
MANAGEMENT  
DISTRICT

## **STAFF REPORT**

### **Proposed Amendments to BAAQMD REGULATION 3: FEES**

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## EXECUTIVE SUMMARY

Bay Area Air Quality Management District (Air District or BAAQMD) staff has proposed amendments to Regulation 3: Fees for Fiscal Year Ending (FYE) 2023 that would increase revenue for effectively implementing and enforcing regulatory programs for stationary sources of air pollution. FYE 2024 represents July 1, 2023, to June 30, 2024.

The 2023 Cost Recovery Report shows that the most-recent 3-year average fee revenue (FYE 2020 to 2022) stood at 84.3 percent of program activity costs. Cost recovery fee percentages are impacted by changes to several factors, including but not limited to, new and enhanced programs/rules, staffing levels, Air District priorities, facility emissions and facility permitting. Therefore, cost recovery is evaluated annually and aligned with the proposed budget for the next fiscal year. The overall cost recovery percentage does not consider work backlog, the staff time needed for the Air District to meet its regulatory obligations and the reduced level of service. In other words, the driving factor on the cost side only accounts for time spent on fee-recoverable work with the existing staff regardless of the timeliness and the quality of the work.

Typical work that is supported by fees in Regulation 3, includes but is not limited to:

- Permitting and notification programs
- Compliance and Enforcement of permitted and registered facilities
- Compliance assistance to permitted and registered facilities
- Source Testing at permitted facilities
- Rule development for regulated industries
- Emissions inventory from permitted and registered facilities
- Other (e.g., Implementation of Regulation 11, Rule 18: Reduction of Risk from Toxic Air emissions at Existing Facilities)

Examples of work backlog include but not limited to:

- Delays in issuing permits, registrations, and notifications, reviewing source test reports, completing rule studies and rule development, implementing regulatory requirements, and evaluating facility-wide health risk assessments;
- Longer inspection frequencies;
- Limited time to quality control data and emissions inventories; and
- Increased response times to air quality complaints, inquiries, requests for information, and general assistance.

To close the existing cost recovery gap, the Air District's strategy as directed by the Board of Directors (Board) implements the following methodology based on a fee schedule's 3-year cost recovery percentage:

- 110% or above = 0% increase
- 100% but less than 110% = CPI-W<sup>1</sup> increase

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<sup>1</sup> The annual Consumer Price Index for Bay Area Urban Wage Earners and Clerical Workers (CPI-W) increase.

- Less than 100% = 15% increase

The CPI-W for 2022 is 6.3%. The proposal increases administrative fees in Section 300 by CPI-W with a few exceptions where no increase is recommended.

The Air District has over 10,000 facilities with more than 26,000 devices and operations with an active Permit to Operate and/or Registration. If the above proposed amendments are approved, the impact of the changes to a facility’s permit renewal fees are approximately the following:

**Estimated Impact of the FYE 2024 Fee Changes:  
Permit Renewal Fees**

| <b>Facility type</b>                 | <b>Percent impact</b> |
|--------------------------------------|-----------------------|
| Registered only                      | No change             |
| Gas dispensing facility <sup>1</sup> | <0.3                  |
| Emergency generator (minimum fee)    | 11                    |
| Auto body operation only             | 12                    |
| Power plant <sup>2</sup>             | 7.3 to 12             |
| Petroleum refinery <sup>2</sup>      | 8.1 to 9.4            |

<sup>1</sup> Based on a common configuration of 6 islands with 3 triple product nozzles

<sup>2</sup> Based on the same permitting scenario as the previous year

The proposed fee amendments would increase overall Air District fee revenue in FYE 2024 by approximately \$5.3 million relative to fee revenue that would be expected without the amendments for the same permitted facility inventory.

The proposal also includes administrative cleanup, clarifying language and the following significant changes. In an ongoing effort to fund mandated work that is not being charged a fee or to clarify existing practices, the proposal includes amending Section 311 (Emission Banking Fees) and adding new sections Section 330.1 (Expired Authority to Construct), 345 (Evaluation of Plans, Regulation 6), 346 (Request for a Petition, Regulation 8) and 347 (Evaluation of Reports, Organic Waste Recovery Sites). These fees have a filing fee plus an hourly rate for the work. The rate is equivalent to a fully-recovered rate for an Air Quality Engineer I for FYE 2023.

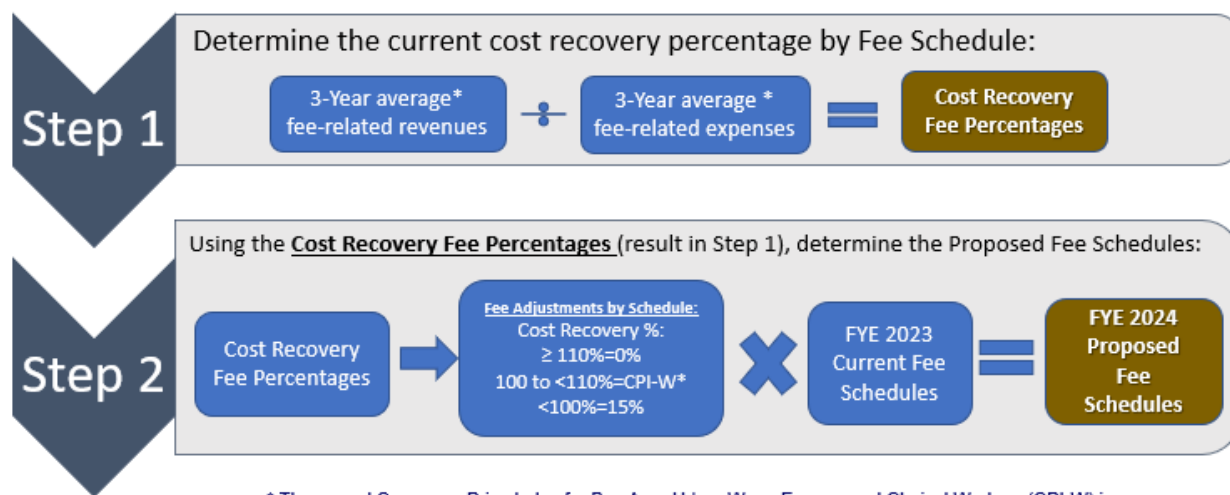
To charge the appropriate fee for operations in the unclassified miscellaneous source schedule, Schedule F, the proposal recommended classifying metal shredding operations to Schedule G2 if the maximum capacity is less than or equal to 150 pounds per hour or Schedule G3 if the maximum capacity is greater than 150 pounds per hour.

The Board of Directors (Board) received testimony on May 3, 2023 regarding the proposed amendments to Regulation 3: Fees. Air District staff recommends that the Board consider adoption of the proposed amendments to Regulation 3: Fees with an effective date of July 1, 2023.

## BACKGROUND

State law authorizes the Air District to assess fees to generate revenue to recover the reasonable costs of regulatory program activities for stationary sources of air pollution. The largest portion of Air District fees is collected under provisions that allow the Air District to impose permit fees sufficient to recover the costs of program activities related to permitted sources. The Air District is also authorized to assess fees for: (1) area-wide or indirect sources of emissions which are regulated, but for which permits are not issued by the Air District, (2) sources subject to the requirements of the State Air Toxics Hot Spots Program (Assembly Bill 2588), and (3) activities related to the Air District's Hearing Board involving variances or appeals from Air District decisions on the issuance of permits. The Air District has established, and regularly updates, a fee regulation, Regulation 3: Fees, under these authorities.

For existing fees, the amendments are proposed in a manner sufficient to increase overall recovery of regulatory program activity costs, not to exceed 15 percent. The amendments follow the following strategy as directed by the Board by analyzing the cost recovery fee percentage of individual fee schedules, averages over the previous 3 years, and applying a recommended fee action.



\* The annual Consumer Price Index for Bay Area Urban Wage Earners and Clerical Workers (CPI-W) increase.

The proposed amendments contain new fees to recover costs from new programs and rules and significant work previously not charged a fee.

The Air District continues to implement several cost containment and efficiency-based strategies. Some of these strategies include timekeeping improvements to bill codes, periodic review of time accounting, greater web-based capabilities, annual updates to cost recovery, improved public education, submittal of online permit applications, and transitioning to the new Cloud-based data system, the New Production System (NPS). Implementing these strategies has resulted in efficiencies as well as the ability to provide a higher service level.

## **COST RECOVERY**

The Air District analyzed whether fees result in the collection of a sufficient and appropriate amount of revenue in comparison to the costs of related program activities. In 1999, a comprehensive review of the Air District's fee structure and revenue was completed by the firm KPMG Peat Marwick LLP (*Bay Area Air Quality Management District Cost Recovery Study, Final Report: Phase One – Evaluation of Fee Revenues and Activity Costs*, KPMG Peat Marwick LLP, February 16, 1999). This 1999 Cost Recovery Study indicated that fee revenue did not nearly offset the full costs of program activities associated with sources subject to fees as authorized by State law. Property tax revenue and, in some years, reserve funds had been used to close this cost recovery gap.

The Board adopted an across-the-board fee increase of 15 percent, the maximum allowed by State law for permit fees, for FYE 2000 as a step toward more complete cost recovery. The Air District also implemented a detailed employee time accounting system to improve the ability to track costs by program activities moving forward. In each of the next five years, the Air District adjusted fees only to account for inflation except for FYE 2005, in which the Air District also approved further increases in Title V permit fees and a new permit renewal processing fee.

In 2004, the Air District funded an updated Cost Recovery Study. The accounting firm Stonefield Josephson, Inc. completed this study in March 2005 (*Bay Area Air Quality Management District Cost Recovery Study, Final Report*, Stonefield Josephson, Inc., March 30, 2005). This 2005 Cost Recovery Study indicated that a significant cost recovery gap continued to exist. The study also provided cost recovery results at the level of each individual fee schedule based on detailed time accounting data. Finally, the contractor provided a model that could be used by Air District staff to update the analysis of cost recovery on an annual basis using a consistent methodology.

For the five years following the completion of the 2005 Cost Recovery Study (i.e., FYE 2006 through 2010), the Air District adopted fee amendments that increased overall projected fee revenue by an average of 8.9 percent per year. To address fee equity issues, the various fees were not all increased in a uniform manner. Rather, individual fee schedules were amended based on the magnitude of the cost recovery gap for that schedule, with the schedules with the more significant cost recovery gaps receiving more significant fee increases. In FYE 2009, the Air District's fee amendments also included a new greenhouse gas (GHG) fee schedule. The GHG fee schedule recovers costs from stationary source activities related to the Air District's Climate Protection Program. In FYE 2011, the Air District adopted an across-the-board 5 percent fee increase, except for the Title V fee schedule (Schedule P) which was increased by 10 percent (the Air District's 2010 Cost Recovery Study indicated that Fee Schedule P recovered only 46 percent of program activity costs).

In September 2010, the Air District contracted with the firm Matrix Consulting Group to complete an updated analysis of cost recovery that could be used in developing fee

amendments for FYE 2012 and beyond. This study also included a review of the Air District's current cost containment strategies and provided recommendations to improve the management of the Air District's costs and the quality of services provided to stakeholders. The study was completed in March 2011 (*Cost Recovery and Containment Study, Bay Area Air Quality Management District*, Final Report, Matrix Consulting Group, March 9, 2011). The 2011 Cost Recovery and Containment Study concluded that, for FYE 2010, overall fee revenue recovered 64 percent of related program activity costs. The study also provided cost recovery results at the level of each individual fee schedule based on detailed time accounting data and provided a methodology for Air District staff to update the analysis of cost recovery on an annual basis using a consistent methodology.

The results of the 2011 Cost Recovery and Containment Study were used to establish fee amendments for FYE 2012 that were designed to increase overall fee revenue by 10 percent (relative to fee revenue that would result without the fee amendments). To address fee equity issues, the various fees were not all increased in a uniform manner. Rather, existing fee schedules were amended based on the magnitude of the cost recovery gap for that schedule, with the schedules with the more significant cost recovery gaps receiving more significant fee increases. Based on this approach, the fee rates in several fee schedules were not increased, while the fee rates in other fee schedules were increased by 10, 12, or 14 percent.

One of the recommendations made by Matrix Consulting Group in their 2011 Cost Recovery and Containment Study indicated that the Air District should consider the adoption of a Cost Recovery Policy to guide future fee amendments. Air District staff initiated a process to develop such a Policy in May 2011, and a Stakeholder Advisory Group was convened to provide input in this regard. A Cost Recovery Policy was adopted by the Board on March 7, 2012. This policy specified that the Air District should amend its fee regulation in a manner sufficient to increase overall recovery of regulatory program activity costs to a minimum of 85 percent. The policy also indicated that amendments to specific fee schedules should continue to be made in consideration of cost recovery analyses conducted at the fee schedule-level, with larger increases being adopted for the schedules that have the larger cost recovery gaps.

The Matrix Consulting Group was retained by the Air District in September 2017 to provide a cost recovery and containment study for the fiscal year ended June 30, 2017, to update the study done in 2011. This assessment used multiple analytical tools to evaluate the Air District's process for allocation of indirect costs, validate current cost recovery levels, and determine progress from their 2011 recommendations for cost recovery and savings. The primary purpose of this study was to evaluate the indirect overhead and the cost recovery associated with the fees charged. The project team reviewed the Air District's programs and confirmed their classification as direct or indirect, and reviewed time tracking data associated with each of the different fee schedules. The report also provided specific recommendations related to direct and indirect cost recovery, as well as potential cost efficiencies.

The 2018 Matrix Cost Recovery Study recommended the following fee rate changes based on the past 3-year average of cost recovery calculated for each individual fee schedule:

| <b>Cost Recovery Rate Range</b> | <b>Proposed Fee Rate Changes</b> |
|---------------------------------|----------------------------------|
| Above 110%                      | No increase                      |
| 95 – 110%                       | CPI-W                            |
| 85 – 94%                        | 7% increase                      |
| 75 – 84%                        | 8% increase                      |
| 50 – 74%                        | 9% increase                      |
| Less than 50%                   | 15% increase                     |

The Matrix Consulting Group was retained by the Air District in July 2021 to provide a cost recovery and containment study to update the study completed in 2018. This assessment used multiple analytical tools to evaluate the Air District’s process for allocation of indirect costs, validate current cost recovery levels, and determine progress from their 2018 recommendations for cost recovery and savings. The primary purpose of this study was to review and verify current cost recovery calculation methodology, determine options for achieving 100% cost recovery, ensure compliance with all legal regulations (Proposition 26, Proposition 218, and the California Health and Safety Code), and continue best management practices by having an outside auditor reassess the fee calculations approximately every five years. This rule proposal follows one of the scenarios in the current Cost Recovery and Containment Study to reach 100% cost recovery.

The project team interviewed internal and external stakeholders, reviewed the Air District’s programs and confirmed their cost classification as direct or indirect, and reviewed time tracking data associated with each of the different fee schedules. The final report was released in April 2022 and provided specific recommendations related to direct and indirect cost recovery, as well as potential cost efficiencies.

In December 2022, the Board updated the Cost Recovery and Containment policy. One key change was to increase the overall cost recovery target from 85 percent to 100 percent for fee-based work. The direction to staff was to implement the following strategy:

| <b>Cost Recovery Rate Range</b> | <b>Proposed Fee Rate Changes</b> |
|---------------------------------|----------------------------------|
| Above 110%                      | No increase                      |
| 100 < 110%                      | CPI-W                            |
| Less than 100%                  | 15% increase                     |

For the 2023 Cost Recovery Report, staff updated the cost recovery analysis for FYE 2022. The study indicates that the overall cost recovery rate for FYE 2022 was 84 percent. This rate is based on a 3-year average of the previous fiscal years. Excluding Schedule I, which has no current applicability, the schedules with the lowest cost recovery



fee percentages are Schedules K (11.6 percent), S (20.6 percent) and W (24.6 percent).

Cost recovery fee percentages are impacted by several factors. For costs that are funded by fee revenue, new and enhanced programs, staffing levels, and priorities impact cost recovery. Allocation of Air District full-time employees (FTEs) to fee-based activities impacts cost recovery of individual schedules. For revenue, permit renewals, facility shutdowns, permit applications, notifications and revenue from emission levels impact cost recovery. Facilities that do not renew their permits or notify the Air District that they are operating new equipment with an Authority to Construct, not only impacts revenue but their compliance status is uncertain.

## **PROPOSED FEE AMENDMENTS FOR FYE 2024**

### **OVERVIEW OF PROPOSED AMENDMENTS**

The Air District is proposing increases to fees and fee schedules based on their cost recovery status. In addition, the proposal includes new fees to recover for work not being charged a fee, moving the metal shredding from Schedule F (Miscellaneous – Undefined), deleting Schedule U (Indirect Source Review Fees), realignment of Risk Assessment fees, clarifying language, and administrative clean-up. Examples of work currently being performed without a fee include processing petitions, evaluating reports and plans, and follow up of applications on Authority to Construct.

#### **Fee Schedule Increases:**

Fee schedules with a cost recovery fee percentage greater than or equal to 100 percent but below 110 percent are recommended for CPI-W increase. These fees are listed in Table 1. Schedule I is included in this group even though the cost recovery fee percentage is 6.7 percent in FYE 2022 because there are no current active facilities using this fee schedule since perchloroethylene was banned. There is a theoretical possibility that a large dry cleaner using a solvent based cleaner could require a permit which is the reason the schedule is not being deleted at this time. Schedule M is included as an administrative fee increase.

**Table 1. Fee Schedules Proposed for a 6.3% Increase**

| <b>Schedule</b> | <b>Description</b>                     |
|-----------------|--|
| Schedule I:     | Dry Cleaners (not registered machines) |
| Schedule M:     | Major Stationary Source Fees           |
| Schedule N:     | Toxic Inventory Fees                   |
| Schedule P:     | Major Facility Review Fees             |

Fee schedules with a cost recovery fee percentage below 100 percent are recommended for a 15 percent increase. These fees are listed in Table 2.

**Table 2. Fee Schedules Proposed for a 15% Increase**

| <b>Schedule</b> | <b>Description</b>  |
|-----------------|---|
| Schedule A:     | Hearing Board Fees  |
| Schedule B:     | Combustion of Fuels   |
| Schedule E:     | Solvent Evaporating Sources                                       |
| Schedule F:     | Misc. Sources (e.g., storage silos, abrasive blasting)            |
| Schedule G-1:   | Misc. Sources (e.g., glass manufacturing, soil remediation)       |
| Schedule G-2:   | Misc. Sources (e.g., asphaltic concrete, furnaces)                |
| Schedule G-3:   | Misc. Sources (e.g., metal melting, cracking units)               |
| Schedule G-4:   | Misc. Sources (e.g., cement kilns, sulfur removal & coking units) |
| Schedule H:     | Semiconductor and Related Operations                              |
| Schedule K:     | Solid Waste Disposal Sites  |
| Schedule S:     | Naturally Occurring Asbestos Operations                           |
| Schedule T:     | Greenhouse Gas Fees   |
| Schedule V:     | Open Burning  |
| Schedule W:     | Petroleum Refining Emissions Tracking Fees                        |

The complete text of the proposed changes to Air District Regulation 3: Fees, has been prepared in strikethrough (deletion of existing text) and underline (new text) format, and is included in Appendix B. Proposed fee increases have been rounded to the nearest whole dollar.

**PROPOSED RULE AMENDMENTS IN SECTION 200**

Section 3-203: Filing Fee

The language was amended to clarify that this administrative fee is not limited to an Authority to Construct.

Section 3-204: Initial Fee

The language was amended to allow the concept of the initial fee to apply to other activities beyond fees for new or modified sources.

**PROPOSED RULE AMENDMENTS IN SECTION 300**

The following sections of Regulation 3 are proposed to be increased by 6.3 percent:

- Section 3-302: New and modified source filing fees
- Section 3-311: Emission Banking Fees
- Section 3-312: Regulation 2, Rule 9 Alternative Compliance Plan fee
- Section 3-320: Toxic Inventory maximum fee
- Section 3-327: Permit to Operate renewal processing fee
- Section 3-337: Exemption Fee
- Section 3-341: Fee for Risk Reduction Plan

- Section 3-342: Fee for Facility-Wide Health Risk Assessment
- Section 3-343: Fees for Air Dispersion Modeling

### Section 3-302: Fees for New and Modified Sources

The language was amended to clarify which version of Regulation 3 applied based on a permit application's submit date. Language pertaining to the Industry Compliance School is consolidated to a new section, Section 3-419.

### Section 3-302.8: Risk Assessment Fee

The intent of this new subsection is to clarify how a Risk Assessment Fee is calculated when multiple sources in a permit application triggering this fee are covered by different fee schedules.

### Section 3-307: Transfers

Language was added to clarify that the new owner/operator of a transferred facility is responsible for outstanding fees. This is an equity issue for facilities that maintain a permit in good standing and some entities that transfer a permit to avoid payment of valid fees. The new owner may want to consider recovering these outstanding fees as part of a business transaction for which the Air District is not involved.

### Section 3-311: Emission Banking Fee

Language was amended to clarify other activity that occurs in maintaining existing Emission Reduction Credits (ERCs). Reference to Interchangeable Emission Reduction Credit (IERC) was moved to Section 3-311.2.

### Section 3-311.4: Evaluation of Existing ERCs for PM<sub>2.5</sub>

This language was added to allow the Air District to assess the fee in line with the actual work. Currently, Section 3-311.2, Converting Existing ERCs, would apply. In some situations, that fee would overcharge for the level of effort, therefore, the Air District proposes an administrative fee plus an hourly rate with a backstop of the initial fee. This strategy also addresses the potential variability of the analysis if a flat fee were proposed. The administrative fee is equivalent to the filing fee and the rate is equivalent to a fully recovered hourly rate for an Air Quality Engineer I.

### Section 3-311.5: ERC Condition Change

This language was added to allow the Air District to assess the fee in line with the actual work. Currently, Section 3-311.2, Converting Existing ERCs, would be the best fit, but that methodology has the potential to overcharge for the level of effort. The Air District proposes an administrative fee plus an hourly rate with a backstop of the initial fee. This strategy also addresses the potential variability of the analysis if a flat fee were proposed.

The administrative fee is equivalent to the filing fee and the rate is equivalent to a fully recovered hourly rate for an Air Quality Engineer I.

#### Section 3-330.1: Fee for Renewing an Authority to Construct

The Air District currently has a back log of expired Authority to Construct permits. This new fee is intended to cover the cost of following up with the applicant, owner/operator on file or current owner/operator to determine its status.

#### Section 3-331: Registration Fees

Language pertaining to the Industry Compliance School is consolidated to a new section, Section 3-419.

#### Section 3-345: Evaluation of Plans, Regulation 6

The Air District proposes an administrative fee plus an hourly rate with a backstop of the initial fee. This strategy also addresses the potential variability of the analysis if a flat fee were proposed. The administrative fee is equivalent to the filing fee and the rate is equivalent to a fully recovered hourly rate for an Air Quality Engineer I.

#### Section 3-346: Request for a Petition, Regulation 8

Several Regulation 8 rules require an owner/operator to obtain approval to use special coatings by the Air District via a petition. Examples include Regulation 8, Rule 19 (Surface Preparation and Coating of Miscellaneous Metal Parts and Products), Regulation 8, rule 31 (Surface Preparation and Coating of Plastic Parts and Products), and Regulation 8, Rule 32 (Wood Products Coatings). Currently there is no fee to process these petitions. The Air District proposes an administrative fee plus an hourly rate with a backstop of the initial fee in Schedule E. This strategy also addresses the potential variability of the analysis if a flat fee were proposed. The administrative fee is equivalent to the filing fee and the rate is equivalent to a fully recovered hourly rate for an Air Quality Engineer I. Requests for usages of coatings that trigger a health risk assessment (HRA) are handled as a permit application.

#### Section 3-347: Evaluation of Reports, Organic Waste Recovery Sites

There are several requirements to review reports mandated for organic recovery sites. Some of these are listed in Schedule K with a flat fee but that is not a complete list. To address the uncertainty for unlisted reports and the variability of the level of effort, the Air District proposes an administrative fee plus an hourly rate with a backstop of the initial fee in Schedule K. The administrative fee is equivalent to the filing fee and the rate is equivalent to a fully recovered hourly rate for an Air Quality Engineer I.

#### Section 3-418: Temporary Incentive for Online or Electronic Transactions

Language was amended to make the language more understandable to non-Air District entities.

### Section 3-419: Industry Compliance School

Language was consolidated from several citations throughout the rule.

## **OTHER FEE SCHEDULE CHANGES**

The following are specific details and or changes to fee schedules beyond the percent fee increase as shown in Tables 1 and 2.

### Schedule C: Stationary Containers for the Storage of Organic Liquids

To align calculation for the Risk Assessment Fee (RAF) with the filing fee in Section 3-302, the base fee was changed in Schedule C.2.a.

### Schedule D.A: Gasoline Transfer at Gasoline Dispensing Facilities

The RAF for existing GDFs is proposed for a 15 percent increase in Schedule D.A.4.b. This will improve alignment of the RAF fee already being charged to new GDFs for the same work.

### Metal Shredding Operations

Individual fees and source categories being charged Schedule F are reviewed against the level of effort. Permitted sources and operations are charged Schedule F (Miscellaneous – Unclassified) when no other fee schedule applies. Schedule F has lower fees compared to most other fee schedules.

Due to the complexity, regulatory agency interest, and public interest of these facilities, metal shredder projects often involve public workshops, legal discussion, increased enforcement, modeling, source testing and emissions verification. Additional processing time for emission impact analyses, health risk assessments, and presentations for these projects has been required and is expected to continue.

Staff reviewed cost data for from January 2020 to December 2022 for a metal shredding operation which has a capacity greater than 150 pounds per hour. Activity included recurring permit application work, even after issuance of the Authority to Construct and after the Permit to Operate. Due to increased scrutiny, another application has been received to enclose another shredder with a capacity greater than 150 pounds per hour. Staff costs are the following:

- The estimated cost of processing an application from receipt to the issuance of the Permit to Operate was at least \$79,680.
  - \$73,677 in direct permit work and \$6,003 in support meetings from other

- staff.
  - Ancillary work from support work was not included.
- The estimated annual cost of maintaining the Permit to Operate was at least \$21,435.

The analysis of permit applications and the permit maintenance of smaller metal shredding operations, defined as having a capacity less than or equal to 150 pounds per hour is commiserate with Schedule G-2 rather than Schedule F. Similar to shredders that have a capacity greater than 150 tons per hour, complexity and interest have increased, but not to the same extent as the larger shredders recommended for reclassification to G-3.

#### Schedule U: Indirect Source Review Fees

Staff proposes that this fee schedule be deleted. This fee schedule was adopted in 2009 in anticipation of work on a new program; however, the program was never developed. By deleting this schedule, the Air District can propose a new fee or fee schedule comparable to the work of the program.

## **FEE REVENUE AND COSTS OF PROGRAM ACTIVITIES**

The 2023 Cost Recovery Report concluded that, for FYE 2022, fee revenue recovered 84.3 percent of regulatory program activity costs, with revenue of \$54.4 million and costs of \$63.3 million. This resulted in a shortfall based on a 3-year average, or cost recovery gap, of \$8.9 million which was filled by county tax revenue.

The proposed fee amendments for FYE 2024 are projected to increase overall Air District fee revenue by approximately \$5.3 million relative to fee revenue levels that would be expected without the amendments. Revenue in FYE 2024 is expected to remain below the Air District's regulatory program costs for both permitted and non-permitted sources.

The Air District implements cost containment measures as needed including reducing capital expenditures and delaying the hiring of staff. The latter may improve the cost recovery rate but ignores the work backlog. In the FYE 2024 Budget, the Air District proposes no increase in FTEs. If existing FTEs are shifted to programs supported by fees, cost recovery will be impacted.

Some of the efficiency-based and cost management strategies that have been implemented include timekeeping improvements including auditing, review and updates to the cost recovery evaluation, improved public education, training, improved accessibility of information, and expansion of online services. Implementing these strategies has resulted in efficiencies as well as the ability to provide a higher service level.

The Air District is actively transitioning to the NPS, which currently includes an online

portal for the regulated community for high-volume categories including gas stations, dry cleaners, auto body shops, emergency diesel engine-only facilities, remediation operations, solvent cleaning, other permit registrations, and asbestos notifications for renovation and demolition projects.

As of May 17, 2023, 1,532 active facilities have been migrated into NPS from the legacy system in FYE 2023. Currently, 84.4 percent of active permitted and registered facilities are fully managed by NPS. Staff continues to develop the system to manage additional device types and facility configurations. In FYE 2023, system modules to handle coating and solvent use sources were launched. In 2022, approximately 6,200 renovations and demolition asbestos notifications were processed through NPS. Through the online portal, these tools will increase efficiency and accuracy by allowing customers to submit applications and notifications, report data for the emissions inventory, pay invoices and have access to permit documents.

The Air District expanded the ability to pay most invoices online and submit forms via email such as permit applications, annual data updates and administrative forms. In 2022, the Air District processed approximately 11,600 permit applications and renewal invoice payments. The trends of online payments are:

| <b>Year</b>       | <b>Fax</b> | <b>Online</b> | <b>Manual</b> |
|-------------------|------------|---------------|---------------|
| 2020              | 512 (5%)   | 1729 (17%)    | 7856 (78%)    |
| 2021              | 57 (0.5%)  | 2896 (26%)    | 8047 (73%)    |
| 2022              | 6 (0.05%)  | 3208 (28%)    | 8440 (72%)    |
| 2023 (as of 5/19) | 0          | 1442 (31%)    | 3197 (67%)    |

Approximately, 1 FTE amount of work is used to process manual payments, refunds and reconciliation. Increasing online payment acceptance will reduce resources needed to follow-up with expired permits, reconcile over/under payments and issue renewed permit documents in a timely manner. For the asbestos program all payments are processed online.

Several facilities subject to Criteria Air Pollutants and Toxic Air Contaminants reporting (CTR) have transitioned reporting to the Air District from paper forms to electronic spreadsheets reporting. Instead of manually typing the information into the database, the electronic submittal may be uploaded directly into the system. The Air District will continue to implement automated features to improve efficiency.

The Air District continues to be fiscally prudent by maintaining its reserves. Reserves address future capital equipment and facility needs, uncertainties in State funding and external factors affecting the economy that could impact the Air District's ability to balance its budgets.

## STATUTORY AUTHORITY FOR PROPOSED FEE INCREASES

The Air District is a regional regulatory agency, and its fees are used to recover the costs of issuing permits, performing inspections, and other associated regulatory activities. The Air District's fees fall into the category specified in Section 1(e) of Article XIII C of the California Constitution which specifies that charges of this type assessed to regulated entities to recover regulatory program activity costs are not taxes. The amount of fee revenue collected by the Air District has been clearly shown to be much less than the costs of the Air District's regulatory program activities both for permitted and non-permitted sources.

The Air District's fee regulation, with its various fee schedules, is used to allocate regulatory program costs to fee payers in a manner which bears a fair or reasonable relationship to the payer's burden on, or benefits received from, regulatory activities. Permit fees are based on the type and size of the source being regulated, with minimum and maximum fees being set in recognition of the practical limits to regulatory costs that exist based on source size. Add-on fees are used to allocate costs of specific regulatory requirements that apply to some sources but not others (e.g., health risk screening fees, public notification fees, alternative compliance plan fees). Emissions-based fees are used to allocate costs of regulatory activities not reasonably identifiable with specific fee payers.

Since 2006, the Air District has used annual analyses of cost recovery performed at the fee-schedule level, which is based on data collected from a labor-tracking system, to adjust fees. These adjustments are needed as the Air District's regulatory program activities change over time based on changes in statutes, rules and regulations, enforcement priorities, and other factors.

State law authorizes air districts to adopt fee schedules to cover the costs of various air pollution programs. California Health and Safety Code (H&S Code) section 42311(a) provides authority for an air district to collect permit fees to cover the costs of air district programs related to permitted stationary sources. H&S Code section 42311(f) further authorizes the Air District to assess additional permit fees to cover the costs of programs related to toxic air contaminants. H&S Code section 41512.7(b) provides that the Air District shall not "increase any existing fees for authority-to-construct permits or permits to operate by more than 15 percent in any calendar year."

H&S Code section 44380(a) authorizes air districts to adopt a fee schedule that recovers the costs to the air district and State agencies of the Air Toxics Hot Spots Program (AB 2588). The section provides the authority for the Air District to collect toxic inventory fees under Schedule N.

H&S Code section 42311(h) authorizes air districts to adopt a schedule of fees to cover the reasonable costs of the Hearing Board incurred as a result of appeals from air district decisions on the issuance of permits. Section 42364(a) provides similar authority to collect fees for the filing of applications for variances or to revoke or modify variances.



These sections provide the authority for the Air District to collect Hearing Board fees under Schedule A.

H&S Code section 42311(g) authorizes air districts to adopt a schedule of fees to be assessed on area-wide or indirect sources of emissions, which are regulated but for which permits are not issued by the air district, to recover the costs of air district programs related to these sources. This section provides the authority for the Air District to collect asbestos fees (including fees for Naturally Occurring Asbestos operations), soil excavation reporting fees, registration fees for various types of regulated equipment, for Indirect Source Review, and fees for open burning.

The proposed fee amendments are in accordance with all applicable authorities. The Air District fees subject to this rulemaking are in amounts no more than necessary to cover the reasonable costs of the Air District's regulatory activities, and the manner in which the Air District fees allocate those costs to a payer bear a fair and reasonable relationship to the payer's burdens on the Air District regulatory activities and benefits received from those activities. Permit fee revenue (after adoption of the proposed amendments) would still be well below the Air District's regulatory program activity costs associated with permitted sources. Similarly, fee revenue for non-permitted area wide sources would be below the Air District's costs of regulatory programs related to these sources. Hearing Board fee revenue would be below the Air District's costs associated with Hearing Board activities related to variances and permit appeals. Fee increases would comply with H&S Code section 41512.7(b) strict requirement that the Air District shall not "increase any existing fees for authority-to-construct permits or permits to operate by more than 15 percent in any calendar year."

## **ASSOCIATED IMPACTS AND OTHER RULE DEVELOPMENT REQUIREMENTS**

### **EMISSIONS IMPACTS**

There will be no direct change in air emissions because of the proposed amendments.

### **ECONOMIC IMPACTS**

The Air District must, in some cases, consider the socioeconomic impacts and incremental costs of proposed rules or amendments. Section 40728.5(a) of the California H&S Code requires that socioeconomic impacts be analyzed whenever an air district proposes the adoption, amendment, or repeal of a rule or regulation that will significantly affect air quality or emissions limitations. The proposed fee amendments will not significantly affect air quality or emissions limitations, and so a socioeconomic impact analysis is not required.

Section 40920.6 of the H&S Code specifies that an air district is required to perform an incremental cost analysis for a proposed rule, if the purpose of the rule is to meet the requirement for best available retrofit control technology or for a feasible measure. The proposed fee amendments are not best available retrofit control technology requirements, nor are they a feasible measure required under the California Clean Air Act; therefore, an incremental cost analysis is not required.

Because cost recovery strategies only look at work already completed, work backlog, which has grown over the last several years, is not considered. Underfunding and understaffing FTEs in fee-based programs impact the regulated community, the public and the economy that relies on the Air District to perform work on a timely basis.

The financial impact of the proposed fee amendments on small businesses depends on the applicable fee schedule of the primary device/operation and whether the facility is located in an OBC. The Air District has over 10,000 active permitted and registered facilities with varying configurations, so it is difficult to show the impact for all situations. It is common for a facility to have a mixture of operations and device types that are charged different fee schedules.

Many small businesses operate only one or two permitted sources, and generally pay only the minimum permit renewal fees. Since Schedule R is proposed to have no increase, facilities with only registered sources will have no increase in FYE 2024. Whereas an auto body shop's primary operation is the painting operation under Schedule E with a proposed 15 percent increase.

**Table 3. Estimated Impact of Regulation 3 Amendments to Annual Renewal Fees for Typical Small Businesses Not Located in an OBC**

| Facility Type                    | Fee Schedule | Current fee: Not OBC | Current fee: OBC | Proposed fee: Not OBC | Proposed fee: OBC |
|----------------------------------|--------------|----------------------|------------------|-----------------------|-------------------|
| Back-up Generator <sup>1,2</sup> | B            | \$438                | \$500            | \$493<br>+11%         | \$563<br>+11%     |
| Gas Station <sup>3</sup>         | D.A          | \$2,729              | \$3,121          | \$2,737<br>+0.3%      | \$3,124<br>+0.1%  |
| Auto Body Shop <sup>1,2</sup>    | E            | \$938                | \$1,073          | \$1,067<br>+12%       | \$1,220<br>+12%   |
| Coffee Roaster                   | F            | \$739                | \$845            | \$839<br>+12%         | \$960<br>+12%     |
| Dry Cleaner <sup>1</sup>         | R            | \$259                | \$259            | \$0                   | \$0               |

1. Assuming facility has only one source.
2. Assuming source qualifies for minimum fee.
3. Assuming a configuration of 6 islands with 3-triple product nozzles.

For larger facilities, such as refineries and power plants, increases in annual permit renewal fees would cover a considerable range due to differences in the facility's size, mix of emission sources, pollutant emission rates and applicable fee schedules.

As shown in Table 4, the FYE 2024 projected annual permit fee increase for the five Bay Area refineries would range from approximately 8.1 and 9.4 percent with the exception of the Tesoro Refinery. Tesoro has surrendered many of their Permits to Operate for their traditional refinery operations as they transition to alternative fuels operation. Their permit renewal fees are expected to slightly decrease next fiscal year.

The estimated increase in annual permit fees for power generating facilities shown in Table 5 would range from 7.3 and 12 percent. Projected FYE 2024 fee increases are based on FYE 2022 material throughput data.

Tables 4 and 5 also include current Permit to Operate fees paid and historical annual fee increases. The proposed fees have less of an impact on the Valero Refinery and Crockett Cogen than similar facilities in their category because they are not located in an OBC and therefore are not subject to the OBC renewal fee.

The tables also show that the actual and predicted fee impact is difficult to determine with certainty. For large facilities, operational swings from year to year may have a significant impact on a facility's permit renewal fees.

**Table 4. Comparison of Petroleum Refinery Annual Permit Fee Increase/Decrease with Projected FYE 2023 Impact**

| Facility              | FYE 2022<br>% Fee change,<br>predicted/actual |      | FYE 2022<br>renewal fee | FYE 2023<br>% Fee change,<br>predicted/actual |     | FYE 2023<br>renewal fee | FYE 2024<br><u>Projected</u> ,<br>% fee<br>change |
|-----------------------|---|------|-------------------------|---|-----|-------------------------|---|
|                       |   |      |                         |   |     |                         |   |
| Chevron               | 6.1   | -7.9 | \$3.8 million           | 17.7  | 18  | \$4.5 million           | 8.1   |
| Martinez Refining Co. | 6.9   | 0.8  | \$4.0 million           | 17.8  | 37  | \$5.5 million           | 8.9   |
| Phillips 66           | 8.1   | 13   | \$2.4 million           | 22.5  | 11  | \$2.7 million           | 9.5   |
| Tesoro                | 6.2   | -12  | \$2.6 million           | 21.2  | -26 | \$1.9 million           | -1.0  |
| Valero                | 6.9   | 3.4  | \$2.7 million           | 12.9  | 8.1 | \$2.9 million           | 9.4   |

**Table 5. Comparison of Power Plant Annual Permit Fee Increase/Decrease with Projected FYE 2023 Impact**

| Facility       | FYE 2022<br>% Fee change,<br>predicted/actual |     | FYE 2022<br>renewal<br>fee | FYE 2023<br>% Fee change,<br>predicted/actual |     | FYE 2023<br>renewal<br>fee*       | FYE 2024,<br><u>Projected</u><br>% fee<br>change |
|----------------|---|-----|----------------------------|---|-----|-----------------------------------|--|
|                |   |     |                            |   |     |                                   |  |
| Crockett Cogen | 9.1   | 6.6 | \$289,000                  | 15  | 21  | \$349,000                         | 7.3  |
| Delta Energy   | 9.2   | 21  | \$608,800                  | 15  | 16  | \$704,100                         | 12   |
| Gateway        | 9.3   | 31  | \$390,000                  | 13  | N/A | Not yet<br>invoiced in<br>FYE2023 | 12   |
| Los Medanos    | 9.4   | 20  | \$483,200                  | 15  | N/A | Not yet<br>invoiced in<br>FYE2023 | 12   |

## **ENVIRONMENTAL IMPACTS**

The California Environmental Quality Act (CEQA), Public Resources Code section 21000 et seq., and the CEQA Guidelines, 14 CCR 15000 et seq., require a government agency that undertakes or approves a discretionary project to prepare documentation addressing the potential impacts of that project on all environmental media. Certain types of agency actions are, however, exempt from CEQA requirements. The proposed fee amendments are exempt from the requirements of the CEQA under Section 15273 of the CEQA Guidelines, which state: "CEQA does not apply to the establishment, modification, structuring, restructuring, or approval of rates, tolls, fares, and other charges by public agencies...." (See also Public Resources Code Section 21080(b) (8)).

Section 40727.2 of the H&S Code imposes requirements on the adoption, amendment, or repeal of air district regulations. It requires an air district to identify existing federal and air district air pollution control requirements for the equipment or source type affected by the proposed change in air district rules. The air district must then note any differences between these existing requirements and the requirements imposed by the proposed change. This fee proposal does not impose a new standard, make an existing standard more stringent, or impose new or more stringent administrative requirements. Therefore, section 40727.2 of the H&S Code does not apply.

## **STATUTORY FINDINGS**

Pursuant to H&S Code section 40727, regulatory amendments must meet findings of necessity, authority, clarity, consistency, non-duplication, and reference. The proposed amendments to Regulation 3:

- Are necessary to fund the Air District's efforts to attain and maintain federal and state air quality standards, and to reduce public exposure to toxic air contaminants;
- Are authorized by H&S Code sections 42311, 42311.2, 41512.7, 42364, 44380 and 40 CFR Part 70.9;
- Are clear, in that the amendments are written so that the meaning can be understood by the affected parties;
- Are consistent with other Air District rules, and not in conflict with any state or federal law;
- Are not duplicative of other statutes, rules or regulations; and
- Reference H&S Code sections 42311, 42311.2, 41512.7, 42364, 44380 and 40 CFR Part 70.9.

## **RULE DEVELOPMENT PROCESS**

Regulation 3 rule development process runs in parallel with the proposed budget for the next fiscal year. 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 amendments are adopted or revised. This provision applies to Schedule L: Asbestos Operations, Schedule Q: Excavation of Contaminated Soil and Removal of Underground Storage Tanks, Schedule R: Equipment Registration Fees, Schedule S: Naturally Occurring Asbestos Operations, Schedule U: Indirect Source Fees, and Schedule V: Open Burning. The following are the key dates and activities in the rule development process:

| <b>Rule Development Step</b>  | <b>Date</b>       |
|---|-------------------|
| Budget Advisory Group (BAG) meeting #1                                | February 3, 2023  |
| Public workshop for Regulation 3 amendments                           | February 16, 2023 |
| BAG meeting #2  | March 13, 2023    |
| Written workshop comments due   | March 14, 2023    |
| Finance and Administration Committee briefing                         | April 5, 2023     |
| First public hearing on Regulation 3 to receive testimony             | May 3, 2023       |
| First public hearing on budget to receive testimony                   | May 17, 2023      |
| Written Public Hearing comments on Regulation 3 due                   | May 27, 2023      |
| Second public hearing on budget and Regulation 3 to consider adoption | June 7, 2023      |
| Budget and fee amendments effective, if adopted                       | July 1, 2023      |

From January 2023 through March 2023, working meetings and the public workshop were held virtually. Since April, briefings to the board committee and the public hearing were presented in-person at the Air District headquarters. They were conducted as hybrid meetings with participation both in-person and via Zoom.

To provide early input from external stakeholders, the Air District established a Budget Advisory Group (BAG) to make the process more transparent. The group discussed this year's budget calendar, the state of the economy, cost recovery, last year's adopted and this year's proposed Fee Regulation Amendments, and the Fee Amendments relationship to the Air District's budget. The workgroup is comprised of the chair and vice-chair of the Air District's Budget and Finance Committee, Air District staff, and regulated industry associations. Air District staff continue to outreach small business associations such as those representing auto body shops, retail gas dispensing facilities and dry cleaners.

The Air District distributed the notice for a public workshop to all Air District-permitted and registered facilities, asbestos contractors, and other potentially interested stakeholders and posted the notice on the Air District website. At the February 16 workshop, staff presented the initial concepts for the draft Regulation 3 amendments. There were twenty (20) stakeholders that attended the public workshop held as a Zoom webinar. On February 23, the Air District posted its initial draft rule proposal. Additional documents were posted to the Regulation 3 Rule Development webpage as they became available, such as the 2023 Cost Recovery Report. The legal notice for the second public hearing was published on May 4.

## **PUBLIC COMMENTS**

All written comments along with Air District responses from the public workshop until the end of the public comment period of May 27, 2023 are documented in Appendix A.

## **CONCLUSIONS**

Air District staff finds that the proposed fee amendments meet the findings of necessity, authority, clarity, consistency, non-duplication and reference specified in H&S Code section 40727. The proposed amendments:

- Are necessary to fund the Air District's efforts to attain and maintain federal and state air quality standards, and to reduce public exposure to toxic air contaminants;
- Are authorized by H&S Code sections 42311, 42311.2, 41512.7, 42364, 44380 and 40 CFR Part 70.9;
- Are clear, in that the amendments are written so that the meaning can be understood by the affected parties;
- Are consistent with other Air District rules, and not in conflict with any state or federal law;
- Are not duplicative of other statutes, rules or regulations; and
- Reference H&S Code sections 42311, 42311.2, 41512.7, 42364, 44380 and 40 CFR Part 70.9.

The proposed fee amendments will be used by the Air District to recover the costs of issuing permits and notifications, ensuring and verifying compliance, verifying emissions, and other associated regulatory activities. The Air District fees subject to this rulemaking are in amounts no more than necessary to cover the reasonable costs of the Air District's regulatory activities, and the manner in which the Air District fees allocate those costs to a payer bear a fair and reasonable relationship to the payer's burdens on the Air District regulatory activities and benefits received from those activities. After adoption of the proposed amendments, permit fee revenue would still be below the Air District's regulatory program activity costs associated with permitted sources. Similarly, fee revenue for non-permitted sources would be below the Air District's costs of regulatory programs related to these sources. Fee increases for authorities to construct and permits to operate would not exceed 15 percent per year as required under H&S Code section 41512.7. The proposed amendments to Regulation 3 are exempt from the requirements of the CEQA under Section 15273 of the CEQA Guidelines.

**APPENDIX A:  
WRITTEN COMMENTS AND RESPONSES  
FROM THE WORKSHOP AND PUBLIC  
MEETINGS**



## Commenter 1

- Submitted: February 17, 2023
- Bob Norrbom, Battalion Chief – Sonoma Valley Fire District

**Comment 1:** *My concern is that the continual rise in the fee structure for Open Burning may discourage residents from removing hazardous material. Therefore, I propose that you separate residential customers from commercial customers in the fee structure. It doesn't seem fair that a resident on a fixed income should pay the same rate as a large commercial vineyard. With the changes you have made in your online permit process, it should be fairly easy to accomplish separating the two types of customers.*

**Air District Response to Comment 1:** The Air District appreciates the Sonoma Valley Fire District's comment. The Air District will explore a separate notification fee structure for residential hazardous material (fuel reduction) fires in the future.

## Commenter 2

- Submitted: March 14, 2023
- Christine Wolfe, Policy Director – California Council for Environmental and Economic Balance (CCEEB)

**Comment 1:** *CCEEB requests clarification as to why 15% increases are warranted across all fee schedules when the Air District's goal is to arrive at overall 100% cost recovery over the next several years, and does not differentiate between fee schedules at different cost recovery rates.*

**Air District Response to Comment 1:** The Air District is not proposing a 15% increase across all fee schedules. The Air District's current methodology uses the three-year average cost recovery of each fee schedule to determine the recommended fee schedule increases based on the Board of Director's 12/7/2022 Amended Cost Recovery and Containment Policy with a goal to achieve overall 100% cost recovery ( $\geq 110\% = 0\%$ ,  $100$  to  $<110\%$  - CPI-W,  $<100\% = 15\%$ ).

**Comment 2:** *CCEEB requests that staff provide an estimate of the average number of staff hours spent on Rules 3-345, 3-346, and 3-347.*

**Air District Response to Comment 2:** The Air District has some experience. For example, for simple coating petitions, we estimate 3 hours of effort. If toxics emissions are involved, the level of effort is greater. For emission reduction credits, the range is wide from a few hours to several hours. Because there is no set fee that covers the variation of evaluations and reviews, the Air District is proposing an hourly rate with back stops to better meet cost recovery goals.

**Comment 3:** *CCEEB comments that the Amended Cost Recovery and Containment Policy also states that “the Air District’s annual budget documents should include a summary of cost containment measures that are being implemented.” CCEEB looks forward to understanding and discussing these matters once they are released alongside the annual budget documents.*

**Air District Response to Comment 3:** The Air District will continue to work with stakeholders on considering and implementing cost containment strategies. Program efficiencies and resource needs are partly addressed in the current cost recovery methodology. Program efficiencies can contribute to cost containment, which affects staff time worked under certain fee schedules. Resource needs are being addressed through the current Management Audit and resulting Air District actions.

**Comment 4:** *CCEEB encourages the Air District to continue to investigate the root causes of lower cost recovery within particular fee schedules.*

**Air District Response to Comment 4:** The Air District continuously reviews fee schedules that are not fully-recovered. The Air District is limited to raising fees by more than 15% per year by state law. In some cases, the current fee schedule does not reflect the current resource needs required for that particular source category. In addition, the Air District looks for cost containment and efficiency opportunities.

**Comment 5:** *CCEEB asserts that there is a discrepancy between when fee-paying entities prepare their annual budgets and when the Air District presents and adopts their fee increases. CCEEB asks the staff to consider adopting fee increases a year before they come into effect in order to allow facilities to budget for fee increases. A three- or five-year lookout would also assist facilities in planning.*

**Air District Response to Comment 5:** The Air District’s budget calendar and proposed fee amendments are carefully scheduled each year to meet Air District and state requirements and to allow for stakeholder participation and predictability. Adopting fees increases a year before they come into effect is not feasible due to the many required considerations. The annual Cost Recovery Report provides tables of the cost recovery fee percentages by schedule for each of the last 3 years and the most recent 3-year average. Facilities may want to use that information as an indicator of the fee percentage increase for the next cycle. As presented to the Board, cost recovery becomes less predictable when projections look beyond one year because of the many contributing factors.

**Comment 6:** *CCEEB comments that the details of the Incident Monitoring Fee are in development pending discussions at the Board’s Incident Monitoring Ad Hoc Committee, but emphasize that staff communicate the applicability and scale of such of a fee, if proposed, to the public with sufficient notice to budget for the fee.*

**Air District Response to Comment 6:** The Air District will provide the public and affected facilities with as much early public notice and information on the proposal as possible. This fee was tabled for this rule development process.

**Comment 7:** *CCEEB asserts that the fees assessed by Rule 3-327-2, the Assembly Bill 617 Community Health Impact Fee, Rule 3-327-3, the Criteria Pollutant and Toxic Emissions Reporting fee, and Rule 3-327-4, the Overburdened Community renewal fee, are duplicative and the streams of work are still current and distinct from each other.*

**Air District Response to Comment 7:** Each of these fees were adopted in a different year for a different purpose as outlined in the respective rule development staff reports.

AB617 Community Health Impact Fee: FYE2020 adoption for stationary source work of partially fee recoverable work not covered by the AB617 grant, for example modeling of an AB617 community with a mix of stationary and mobile sources. The fee covers the portion of work for the stationary source modeling. Only Title V permitted facilities are charged this fee due to emissions impacts on the community.

Criteria Pollutant and Toxic Emissions Reporting Fee: FYE2021 adoption for transitioning and implementing the CARB Criteria and Toxics Reporting regulation. Planning, designing, and testing the New Production System to handle CTR regulation reporting while implementing Applicability 1&2 with current tools, includes outreach to smaller facilities for reporting. These fees are for reporting tools and outreach and all permitted facilities are charged this fee.

Overburdened Community Renewal Fee: FYE2022 adoption to facilities in an overburdened community. Recover fees for implementation, mapping tool, additional resources for compliance assistance, verification, and enforcement. Permits may require initial and periodic compliance verification through monitoring and source tests. The increase in public notices requires staffing.

Each of these fees are determined on the base renewal fee – prior to the application of each of these. The purpose of the fees raised are not related.

**Comment 8:** *CCEEB requests clarification on if the three fees mentioned in Comment 7 above are distinct from the work that is assessed under Schedules N and W.*

**Air District Response to Comment 8:** Yes, the work done under the fees assessed by Rule 3-327-2, the Assembly Bill 617 Community Health Impact Fee, Rule 3-327-3, the Criteria Pollutant and Toxic Emissions Reporting fee, and Rule 3-327-4, the Overburdened Community renewal fee are distinct from the work done under Schedules N and W.

Schedule N fees are for: (1) CARB's AB2588 fees, (2) Health Risk Assessments (any costs not recovered via New Source Review risk screen fees or Rule 11-18 risk assessment fees), (3) toxic emission inventory improvements, and (4) any other fees

needed to recover the costs of the Air District's Toxics Section. These fees support the entire toxics program.

Regarding Schedule W, the Air District is responsible for evaluating and validating refinery emissions. For the Regulation 12, Rule 15 program, each refinery typically submits upwards of 30 to 40 Excel workbooks and associated documents comprising of upwards to 40 to 50 spreadsheets resulting in millions of cells. The Air District reviews underlying formulas, assumptions, cited references, and established methodologies and identifies deficiencies in the submittals. Previous Air District reviews have identified numerous deficiencies accounting for hundreds of tons of differences in originally submitted emissions inventories and revised emissions inventories. The Air District also expends a considerable amount of time discussing the emissions inventories with the individual refineries and in the WSPA forum. The refinery inventories are complex and detailed, each must be carefully reviewed by Air District staff.

### **Commenter 3**

- Submitted: March 14, 2023
- Bob Brown, Senior Director, Bay Area Region – Western States Petroleum Association (WSPA)

***Comment 1:*** WSPA appreciates the Air District's efforts to keep them informed through the Budget Advisory Group in recent years.

**Air District Response to Comment 1:** Comment noted.

***Comment 2:*** WSPA hopes that the Budget Advisory Group can be expanded to additional small and large business organizations and various regulated entities for a broader discussion of fees and budget transparency.

Air District Response to Comment 2: The Air District will continue to make efforts to broaden the Budget Advisory Group's participation.

***Comment 3:*** WSPA suggests that to achieve better predictability and alignment in budget planning for the regulated community, perhaps a periodic workshop or progress report where staff present the status of budget expenditures and how fees are affecting the level of service.

**Air District Response to Comment 3:** The annual cost recovery per fee schedule is in the 2023 Cost Recovery report. The three-year average is used to determine the recommended permit fee increase by fee schedule based on the Board's policy-to get to 100% cost recovery. The fee revenue shortfall is limiting the staff resources available to service permit applications. Level of service is one of the areas to be addressed and reviewed by the management audit.

**Comment 4:** *WSPA comments that the Air District should consider how the management audit findings going forward may address prioritization and resource alignment related to the budget and fee collection.*

**Air District Response to Comment 4:** The impacts of the Air District's management audit findings on the budget and fee collection process will be assessed by the Air District staff.

**Comment 5:** *WSPA asserts that staff do not directly use the Regulation 12-15 emissions inventories for the annual permit to operate fees.*

**Air District Response to Comment 5:** This is not related to the proposed fee amendments, but Regulation 12-15 comments can be discussed with the Engineering and Rule Development staff.

**Comment 6:** *WSPA continues to request that the Air District modify its labor timecoding system to cite the permitted source of work to hours billed, which would be clearer for the regulated facilities.*

**Air District Response to Comment 6:** The Air District's current labor code timekeeping system allocates the staff time based on the work in the specific fee schedules, which are distinguishable from each other based on the categories of equipment regulated, or by the specific regulated program. The existing timecoding methods ensure that we correctly calibrate the fees that we charge for our programs, in accordance with law. Further timekeeping detail would not change our fee setting methodology, and it is unclear what the added value would be to our permitted facilities.

**Comment 7:** *WSPA asks whether there will be a deeper review of cost containment opportunities.*

**Air District Response to Comment 7:** The Air District continuously reviews and implements cost containment and efficiency improvement opportunities in its programs.

**Comment 8:** *WSPA asks if there will be a comparison with other public agencies or large air districts in seeking best practices for the fees and budget process.*

**Air District Response to Comment 8:** The Air District has looked at other large air districts, however, the budget processes, requirements and programs vary widely for the air districts, so a comparison would not be a useful exercise at this time.

**Comment 9:** *WSPA asks if the Air District can reach full cost recovery while continuing to adopt new fee schedules, programs, and more staffing.*

**Air District Response to Comment 9:** Cost recovery analyzes work in fee-based programs that has already happened, not future needs. Factors that affect revenues include, but are not limited to: new fees, fee changes, facilities, sources, emissions, and

operational changes, and number of notifications and applications. Factors that affect expenses include, but are not limited to: new and enhanced programs/rules, efficient use of resources, shifts in priorities, and staffing levels. Theoretically, if these factors are kept constant, full cost recovery could be achieved.

#### **Commenter 4**

- Submitted: May 26, 2023
- Bob Brown, Senior Director, Bay Area Region – Western States Petroleum Association (WSPA)

**Comment 1:** *Same as March 14, 2023, Comment 3 from WSPA above regarding having periodic workshop or progress reports to improve predictability.*

**Air District Response to Comment 1:** Same as response for *March 14, 2023, Comment 3 from WSPA above.*

**Comment 2:** *Same as March 14, 2023, Comment 4 from WSPA above regarding using the audit findings to address prioritization and resource alignment.*

**Air District Response to Comment 2:** Same as response for *March 14, 2023, Comment 4 from WSPA above.*

**Comment 3:** *Same as March 14, 2023, Comment 5 from WSPA above regarding Regulation 12-15 emissions inventories.*

**Air District Response to Comment 3:** Same as response for *March 14, 2023, Comment 5 from WSPA above.*

**Comment 4:** *WSPA asks for more consistency and transparency with permitting practices, including information to track permit evaluation progress.*

**Air District Response to Comment 4:** The Air District will continue to make improvements in efficiency and consistency in the permitting program. Some of these issues may come up during the management audit. The Air District welcomes any specific systematic issues you may have. The Air District periodically reports timelines and backlog issues to the Board or Board committees but will look at other opportunities to provide metrics.

**Comment 5:** *Same as March 14, 2023, Comment 6 from WSPA above regarding the Air District modify its labor timecoding system to cite the permitted source of work to hours billed.*

**Air District Response to Comment 5:** Same as response for *March 14, 2023, Comment 6 from WSPA above.*

**Comment 6:** *Same as March 14, 2023, Comment 7 from WSPA above regarding cost containment and efficiency improvement.*

**Air District Response to Comment 6:** Same as response for *March 14, 2023*, Comment 7 from WSPA above.

**Comment 7:** *WSPA proposes that a facility subject to Schedule X be given the opportunity to request a refund of fees paid if a facility shuts down before a community monitor is installed.*

**Air District Response to Comment 7:** Fees from Schedule X: Major Stationary Source Community Air Monitoring Fees, are used to fund a monitoring program. The fees paid by a facility do not pay for a specific monitor.

**APPENDIX B:  
PROPOSED REGULATORY LANGUAGE –  
REGULATION 3: FEES**



**REGULATION 3  
FEES  
INDEX**

**3-100 GENERAL**

- 3-101 Description
- 3-102 Deleted July 12, 1989
- 3-103 Exemption, Abatement Devices
- 3-104 Deleted August 2, 1995
- 3-105 Exemption, Excavation of Contaminated Soil and Removal of Underground Storage Tank  
Operation Fees
- 3-106 Deleted December 2, 1998
- 3-107 Exemption, Sources Exempt from Permit Requirements

**3-200 DEFINITIONS**

- 3-201 Cancelled Application
- 3-202 Gasoline Dispensing Facility
- 3-203 Filing Fee
- 3-204 Initial Fee
- 3-205 Authority to Construct
- 3-206 Modification
- 3-207 Permit to Operate Fee
- 3-208 Deleted June 4, 1986
- 3-209 Small Business
- 3-210 Solvent Evaporating Source
- 3-211 Source
- 3-212 Deleted August 2, 1995
- 3-213 Major Stationary Source
- 3-214 Deleted March 1, 2000
- 3-215 Deleted March 1, 2000
- 3-216 Deleted March 1, 2000
- 3-217 Deleted March 1, 2000
- 3-218 Deleted March 1, 2000
- 3-219 Deleted March 1, 2000
- 3-220 Deleted March 1, 2000
- 3-321 Deleted March 1, 2000
- 3-222 Deleted March 1, 2000
- 3-223 Start-up Date
- 3-224 Permit to Operate
- 3-225 Deleted June 3, 2015
- 3-226 Air Toxics "Hot Spots" Information and Assessment Act of 1987
- 3-227 Toxic Air Contaminant, or TAC
- 3-228 Deleted December 2, 1998
- 3-229 Deleted December 2, 1998
- 3-230 Deleted December 2, 1998
- 3-231 Deleted December 2, 1998
- 3-232 Deleted December 2, 1998
- 3-233 Deleted December 2, 1998
- 3-234 Deleted December 2, 1998
- 3-235 Deleted December 2, 1998
- 3-236 Deleted December 2, 1998
- 3-237 PM<sub>10</sub>
- 3-238 Risk Assessment Fee

- 3-239 Toxic Surcharge
- 3-240 Biogenic Carbon Dioxide
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- 3-242 Incident
- 3-243 Incident Response
- 3-244 Permit to Operate Renewal Date
- 3-245 Permit Renewal Period
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**3-300 STANDARDS**

- 3-301 Hearing Board Fees
- 3-302 Fees for New and Modified Sources
- 3-303 Back Fees
- 3-304 Alteration
- 3-305 Cancellation or Withdrawal
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- 3-307 Transfers
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- 3-311 Banking
- 3-312 Emission Caps and Alternative Compliance Plans
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- 3-314 Deleted August 2, 1995
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- 3-321 Deleted December 2, 1998
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- 3-323 Pre-Certification Fees
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- 3-325 Deleted December 2, 1998
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- 3-329 Fees for New Source Review Health Risk Assessment
- 3-330 Fee for Renewing an Authority to Construct
- 3-331 Registration Fees
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- 3-333 Major Facility Review (MFR) and Synthetic Minor Application Fees
- 3-334 Greenhouse Gas Fees
- 3-335 Indirect Source Review Fees
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- 3-338 Incident Response Fees
- 3-339 Refining Emissions Tracking Fees
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- 3-343 Fees for Air Dispersion Modeling
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- 3-346 Request for a Petition, Regulation 8
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**3-400 ADMINISTRATIVE REQUIREMENTS**

- 3-401 Permits
- 3-402 Single Anniversary Date
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- 3-404 Deleted June 7, 2000
- 3-405 Fees Not Paid
- 3-406 Deleted June 4, 1986
- 3-407 Deleted August 2, 1995
- 3-408 Permit to Operate Valid for 12 Months
- 3-409 Deleted June 7, 2000
- 3-410 Deleted August 2, 1995
- 3-411 Advance Deposit of Funds
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- 3-413 Toxic "Hot Spots" Information and Assessment Act Revenues
- 3-414 Deleted December 2, 1998
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**3-500 MONITORING AND RECORDS (None Included)**

**3-600 MANUAL OF PROCEDURES (None Included)**

**FEE SCHEDULES**

- SCHEDULE A HEARING BOARD FEES
- SCHEDULE B COMBUSTION OF FUEL
- SCHEDULE C STATIONARY CONTAINERS FOR THE STORAGE OF ORGANIC LIQUIDS
- SCHEDULE D GASOLINE TRANSFER AT GASOLINE DISPENSING FACILITIES, BULK PLANTS AND TERMINALS
- SCHEDULE E SOLVENT EVAPORATING SOURCES
- SCHEDULE F MISCELLANEOUS SOURCES
- SCHEDULE H SEMICONDUCTOR AND RELATED OPERATIONS
- SCHEDULE I DRY CLEANERS
- SCHEDULE J DELETED February 19, 1992
- SCHEDULE K SOLID WASTE DISPOSAL SITES
- SCHEDULE L ASBESTOS OPERATIONS
- SCHEDULE M MAJOR STATIONARY SOURCE FEES
- SCHEDULE N TOXIC INVENTORY FEES
- SCHEDULE O DELETED May 19, 1999
- SCHEDULE P MAJOR FACILITY REVIEW FEES
- SCHEDULE Q EXCAVATION OF CONTAMINATED SOIL AND REMOVAL OF UNDERGROUND STORAGE TANKS
- SCHEDULE R EQUIPMENT REGISTRATION FEES
- SCHEDULE S NATURALLY OCCURRING ASBESTOS OPERATIONS
- SCHEDULE T GREENHOUSE GAS FEES
- SCHEDULE U ~~INDIRECT SOURCE REVIEW FEES~~ DELETED XXXXX, XX, 2023
- SCHEDULE V OPEN BURNING

SCHEDULE W      REFINING EMISSIONS TRACKING FEES  
SCHEDULE X      MAJOR STATIONARY SOURCE COMMUNITY AIR MONITORING FEES

## REGULATION 3 FEES

(Adopted June 18, 1980)

### 3-100 GENERAL

**3-101 Description:** This regulation establishes the regulatory fees charged by the District.  
*(Amended 7/6/83, 11/2/83, 2/21/90, 12/16/92, 8/2/95, 12/2/98, 5/21/03, 5/21/08, 5/20/09, 6/19/13)*

**3-102 Deleted July 12, 1989**

**3-103 Exemption, Abatement Devices:** Installation, modification, or replacement of abatement devices on existing sources are subject to fees pursuant to Section 3-302.3. All abatement devices are exempt from annual permit renewal fees. However, emissions from abatement devices, including any secondary emissions, shall be included in facility-wide emissions calculations when determining the applicability of and the fees associated with Schedules M, N, P, and T.

*(Amended 6/4/86; 7/1/98; 6/7/00; 5/21/08)*

**3-104 Deleted August 2, 1995**

**3-105 Exemption, Excavation of Contaminated Soil and Removal of Underground Storage Tank Operation Fees:** Fees shall not be required, pursuant to Section 3-322, for operations associated with the excavation of contaminated soil and the removal of underground storage tanks if one of the following is met:

105.1 The tank removal operation is being conducted within a jurisdiction where the APCO has determined that a public authority has a program equivalent to the District program and persons conducting the operations have met all the requirements of the public authority.

105.2 Persons submitting a written notification for a given site have obtained an Authority to Construct or Permit to Operate in accordance with Regulation 2, Rule 1, Section 301 or 302. Evidence of the Authority to Construct or the Permit to Operate must be provided with any notification required by Regulation 8, Rule 40.

*(Adopted 1/5/94; Amended 5/21/03)*

**3-106 Deleted December 2, 1998**

**3-107 Exemption, Sources Exempt from Permit Requirements:** Any source that is exempt from permit requirements pursuant to Regulation 2, Rule 1, Sections 103 through 128 is exempt from permit fees. However, emissions from exempt sources shall be included in facility-wide emissions calculations when determining the applicability of and the fees associated with Schedules M, N, and P.

*(Adopted 6/7/00)*

### 3-200 DEFINITIONS

**3-201 Cancelled Application:** Any application which has been withdrawn by the applicant or cancelled by the APCO for failure to pay fees or to provide the information requested to make an application complete.

*(Amended 6/4/86, 4/6/88)*

**3-202 Gasoline Dispensing Facility:** Any stationary facility which dispenses gasoline directly into the fuel tanks of vehicles, such as motor vehicles, aircraft or boats. The facility shall be treated as a single source which includes all necessary equipment for the exclusive use of the facility, such as nozzles, dispensers, pumps, vapor return lines, plumbing and storage tanks.

*(Amended 2/20/85)*

**3-203 Filing Fee:** A fixed ~~administrative fee for each source in an authority to construct.~~

*(Amended 6/4/86)*

**3-204 Initial Fee:** The fee required ~~for each new or modified source~~ based on the type and size of the source ~~or an hourly rate of actual costs incurred by the District. The fee is applicable to new and modified sources seeking to obtain an authority to construct. Operation of a new or modified source is not allowed until the permit to operate fee is paid.~~

*(Amended 6/4/86)*

- 3-205 Authority to Construct:** Written authorization from the APCO, pursuant to Section 2-1-301, for a source to be constructed or modified or for a source whose emissions will be reduced by the construction or modification of an abatement device.  
(Amended ~~June 4, 1964~~/86)
- 3-206 Modification:** See Section 1-217 of Regulation 1.
- 3-207 Permit to Operate Fee:** The fee required for the annual renewal of a permit to operate or for the first year of operation (or prorated portion thereof) of a new or modified source which received an authority to construct.  
(Amended 6/4/86, 7/15/87, 12/2/98, 6/7/00)
- 3-208 Deleted June 4, 1986**
- 3-209 Small Business:** A business with no more than 10 employees and gross annual income of no more than \$750,000 that is not an affiliate of a non-small business.  
(Amended 6/4/86, 6/6/90, 6/7/00, 6/15/05, 6/16/10)
- 3-210 Solvent Evaporating Source:** Any source utilizing organic solvent, as part of a process in which evaporation of the solvent is a necessary step. Such processes include, but are not limited to, solvent cleaning operations, painting and surface coating, rotogravure coating and printing, flexographic printing, adhesive laminating, etc. Manufacture or mixing of solvents or surface coatings is not included.  
(Amended 7/3/91)
- 3-211 Source:** See Section 1-227 of Regulation 1.
- 3-212 Deleted August 2, 1995**
- 3-213 Major Stationary Source:** For the purpose of Schedule M, a major stationary source shall be any District permitted plant, building, structure, stationary facility or group of facilities under the same ownership, leasehold, or operator which, in the base calendar year, emitted to the atmosphere organic compounds, oxides of nitrogen (expressed as nitrogen dioxide), oxides of sulfur (expressed as sulfur dioxide), or PM<sub>10</sub> in an amount calculated by the APCO equal to or exceeding 50 tons per year.  
(Adopted 11/2/83; Amended 2/21/90, 6/6/90, 8/2/95, 6/7/00)
- 3-214 Deleted October 20, 1999, effective March 1, 2000**
- 3-215 Deleted October 20, 1999, effective March 1, 2000**
- 3-216 Deleted October 20, 1999, effective March 1, 2000**
- 3-217 Deleted October 20, 1999, effective March 1, 2000**
- 3-218 Deleted October 20, 1999, effective March 1, 2000**
- 3-219 Deleted October 20, 1999, effective March 1, 2000**
- 3-220 Deleted October 20, 1999, effective March 1, 2000**
- 3-221 Deleted October 20, 1999, effective March 1, 2000**
- 3-222 Deleted October 20, 1999, effective March 1, 2000**
- 3-223 Start-up Date:** Date when new or modified equipment under an authority to construct begins operating. The holder of an authority to construct is required to notify the APCO of this date at least 3 days in advance. For new sources, or modified sources whose authorities to construct have expired, operating fees are charged from the startup date.  
(Adopted 6/4/86; Amended 6/6/90)
- 3-224 Permit to Operate:** Written authorization from the APCO pursuant to Section 2-1-302.  
(Adopted 6/4/86; Amended 6/7/00)
- 3-225 Deleted June 3, 2015**
- 3-226 Air Toxics "Hot Spots" Information and Assessment Act of 1987:** The Air Toxics "Hot Spots" Information and Assessment Act of 1987 directs the California Air Resources Board and the Air Quality Management Districts to collect information from industry on emissions of potentially toxic air contaminants and to inform the public about such emissions and their impact on public health. It also directs the Air Quality Management District to collect fees sufficient to cover the necessary state and District costs of implementing the program.  
(Adopted 10/21/92; Amended 6/15/05)
- 3-227 Toxic Air Contaminant, or TAC:** An air pollutant that may cause or contribute to an increase in mortality or in serious illness or that may pose a present or potential hazard to human health. For the purposes of this rule, TACs consist of the substances listed in Table 2-5-1 of Regulation 2, Rule 5.  
(Adopted 10/21/92; Amended 6/15/05)

- 3-228 Deleted December 2, 1998  
 3-229 Deleted December 2, 1998  
 3-230 Deleted December 2, 1998  
 3-231 Deleted December 2, 1998  
 3-232 Deleted December 2, 1998  
 3-233 Deleted December 2, 1998  
 3-234 Deleted December 2, 1998  
 3-235 Deleted December 2, 1998  
 3-236 Deleted December 2, 1998  
 3-237 **PM<sub>10</sub>**: See Section 2-1-229 of Regulation 2, Rule 1. *(Adopted 6/7/00)*
- 3-238 **Risk Assessment Fee**: Fee for a new or modified source of toxic air contaminants for which a health risk assessment (HRA) is required under Regulation 2-5-401, for an HRA required under Regulation 11, Rule 18, or for an HRA prepared for other purposes (e.g., for determination of permit exemption in accordance with Regulations 2-1-316, 2-5-301 and 2-5-302; or for determination of exemption from emission control requirements pursuant to Regulation 8-47-113 and 8-47-402). *(Adopted 6/15/05; Amended 6/21/17)*
- 3-239 **Toxic Surcharge**: Fee paid in addition to the permit to operate fee for a source that emits one or more toxic air contaminants at a rate which exceeds a chronic trigger level listed in Table 2-5-1. *(Adopted 6/15/05)*
- 3-240 **Biogenic Carbon Dioxide**: Carbon dioxide emissions resulting from materials that are derived from living cells, excluding fossil fuels, limestone and other materials that have been transformed by geological processes. Biogenic carbon dioxide originates from carbon (released in the form of emissions) that is present in materials that include, but are not limited to, wood, paper, vegetable oils, animal fat, and food, animal and yard waste. *(Adopted 5/21/08)*
- 3-241 **Green Business**: A business or government agency that has been certified under the Bay Area Green Business Program coordinated by the Association of Bay Area Governments and implemented by participating counties. *(Adopted 6/19/10)*
- 3-242 **Incident**: A non-routine release of an air contaminant that may cause adverse health consequences to the public or to emergency personnel responding to the release, or that may cause a public nuisance or off-site environmental damage. *(Adopted 6/19/13)*
- 3-243 **Incident Response**: The District's response to an incident. The District's incident response may include the following activities: i) inspection of the incident-emitting equipment and facility records associated with operation of the equipment; ii) identification and analysis of air quality impacts, including without limitation, identifying areas impacted by the incident, modeling, air monitoring, and source sampling; iii) engineering analysis of the specifications or operation of the equipment; and iv) administrative tasks associated with processing complaints and reports. *(Adopted 6/19/13)*
- 3-244 **Permit to Operate Renewal Date**: The first day of a Permit to Operate's Permit Renewal Period. *(Adopted 6/19/13)*
- 3-245 **Permit Renewal Period**: The length of time the source is authorized to operate pursuant to a Permit to Operate. *(Adopted 6/19/13)*
- 3-246 **Overburdened Community**: As defined in Regulation 2, Rule 1 *(Adopted 6/15/22)*
- 3-300 **STANDARDS**
- 3-301 **Hearing Board Fees**: Applicants for variances or appeals or those seeking to revoke or modify variances or abatement orders or to rehear a Hearing Board decision shall pay the applicable fees, including excess emission fees, set forth in Schedule A. *(Amended 6/7/00)*

**3-302**

**Fees for New and Modified Sources:** Applicants for authorities to construct and permits to operate new sources shall pay for each new source: a filing fee of ~~\$593630~~, the initial fee, the risk assessment fee, the permit to operate fee, and toxic surcharge (given in Schedules B, C, D, E, F, H, I or K). Applicants for authorities to construct and permits to operate modified sources shall pay for each modified source, a filing fee of ~~\$593630~~, the initial fee, the risk assessment fee, and any incremental increase in permit to operate and toxic surcharge fees. Where more than one of the schedules is applicable to a source, the fee paid shall be the highest of the applicable schedules. If any person requests more than three HRA scenarios required pursuant to Regulation 2, Rule 5 in any single permit application, they shall pay an additional risk assessment fee for each of these scenarios. Except for gasoline dispensing facilities (Schedule D) and semiconductor facilities (Schedule H), the size to be used for a source when applying the schedules shall be the maximum size the source will have after the construction or modification. Where applicable, fees for new or modified sources shall be based on maximum permitted usage levels or maximum potential to emit including any secondary emissions from abatement equipment. The fee rate applied shall be based on the fee rate in force on the date the application is ~~declared by the APCO to be complete according to 2-1-402, excluding 2-1-402.3 feessubmitted. The APCO may reduce the fees for new and modified sources by an amount deemed appropriate if the owner or operator of the source attends an Industry Compliance School sponsored by the District.~~

302.1 Small Business Discount: If an applicant qualifies as a small business and the source falls under schedules B, C, D (excluding gasoline dispensing facilities), E, F, H, I or K, the filing fee, initial fee, and risk assessment fee shall be reduced by 50%. All other applicable fees shall be paid in full. If an applicant also qualifies for a Green Business Discount, only the Small Business Discount (i.e., the 50% discount) shall apply.

302.2 Deleted July 3, 1991

302.3 Fees for Abatement Devices: Applicants for an authority to construct and permit to operate abatement devices where there is no other modification to the source shall pay a ~~\$593630~~ filing fee and initial and risk assessment fees that are equivalent to 50% of the initial and risk assessment fees for the source being abated, not to exceed a total of ~~\$42,35913,138~~. For abatement devices abating more than one source, the initial fee shall be 50% of the initial fee for the source having the highest initial fee.

302.4 Fees for Reactivated Sources: Applicants for a Permit to Operate reactivated, previously permitted equipment shall pay the full filing, initial, risk assessment, permit, and toxic surcharge fees.

302.5 Deleted June 3, 2015

302.6 Green Business Discount: If an applicant qualifies as a green business, the filing fee, initial fee, and risk assessment fee shall be reduced by 10%. All other applicable fees shall be paid in full.

302.7 Fee for applications in an Overburdened Community: An applicant with a project that requires a Health Risk Assessment in an Overburdened Community shall pay a fee of \$1,000 in addition to any other permit application fees.

302.8 Risk Assessment Fee: When the Risk Assessment Fee (RAF) is required for more than one source, the first toxic air contaminant (TAC) source is the source with the highest calculated RAF.

*(Amended 5/19/82, 7/6/83, 6/4/86, 7/15/87, 6/6/90, 7/3/91, 6/15/94, 10/8/97, 7/1/98, 5/19/99, 6/7/00, 6/6/01,5/1/02, 5/21/03, 6/2/04, 6/15/05, 6/7/06, 5/2/07, 5/21/08, 5/20/09, 6/16/10, 5/4/11, 6/6/12, 6/19/13, 6/4/14, 6/3/15, 6/15/16, 6/21/17, 6/6/18, 6/5/19, 6/16/21, 6/15/22, TBD)*

**3-303**

**Back Fees:** An applicant required to obtain a permit to operate existing equipment in accordance with District regulations shall pay back fees equal to the permit to operate fees and toxic surcharges given in the appropriate Schedule (B, C, D, E, F, H, I or K) prorated from the effective date of permit requirements. Where more than one of these schedules is applicable to a source, the fee paid shall be the highest of the applicable schedules. The applicant shall also pay back fees equal to toxic inventory fees pursuant to Section 3-320 and Schedule N. The maximum back fee shall not exceed a total of five years' permit, toxic surcharge, and toxic inventory fees. An owner/operator required to register existing equipment in accordance with District regulations shall pay back fees equal to the annual renewal fee given in Schedule R prorated from the effective date of registration requirements, up to a maximum of five years.



(Amended 5/19/82, 7/6/83, 6/4/86, 7/15/87, 6/6/90, 7/3/91, 10/8/97, 6/15/05, 5/20/09)

**3-304 Alteration:** Except as provided below, an applicant to alter an existing permitted source shall pay the filing fee and 50% of the initial fee for the source, provided that the alteration does not result in an increase in emissions of any regulated air pollutant. For gasoline dispensing facilities subject to Schedule D, an applicant for an alteration shall pay a fee of 1.75 times the filing fee.

304.1 Schedule D Fees: Applicants for alteration to a gasoline dispensing facility subject to Schedule D shall pay a fee of 1.75 times the filing fee.

304.2 Schedule G Fees: Applicants for alteration to a permitted source subject to Schedule G-3, G-4, or G-5 shall pay the filing fee, 100% of the initial fee, and, if District regulations require a health risk assessment of the alteration, the risk assessment fee provided for in Schedule G-2. The applicant shall pay the permit renewal and the toxic surcharge fees applicable to the source under Schedules G-3, G-4, or G-5.

(Amended 6/4/86, 11/15/00, 6/2/04, 6/3/15, 6/15/16, 6/6/18, 6/5/19)

**3-305 Cancellation or Withdrawal:** There will be no refund of the initial fee and filing fee if an application is cancelled or withdrawn. There will be no refund of the risk assessment fee if the risk assessment has been conducted prior to the application being cancelled or withdrawn. If an application for identical equipment for the same project is submitted within six months of the date of cancellation or withdrawal, the initial fee will be credited in full against the fee for the new application.

(Amended 7/6/83, 4/6/88, 10/8/97, 6/15/05, 6/21/17, 6/16/21)

**3-306 Change in Conditions:** If an applicant applies to change the conditions on an existing authority to construct or permit to operate, the applicant will pay the following fees. There will be no change in anniversary date.

306.1 Administrative Condition Changes: An applicant applying for an administrative change in permit conditions shall pay a fee equal to the filing fee for a single source, provided the following criteria are met:

- 1.1 The condition change applies to a single source or a group of sources with shared permit conditions.
- 1.2 The condition change does not subject the source(s) to any District Regulations or requirements that were not previously applicable.
- 1.3 The condition change does not result in any increase in emissions of POC, NPOC, NO<sub>x</sub>, CO, SO<sub>2</sub>, or PM<sub>10</sub> at any source or the emission of a toxic air contaminant above the trigger levels identified in Table 2-5-1
- 1.4 The condition change does not require a public notice.

306.2 Other Permit Condition Changes: Applicant shall pay the filing, initial, and risk assessment fees required for new and modified equipment under Section 3-302. If the condition change will result in higher permit to operate fees, the applicant shall also pay any incremental increases in permit to operate fees and toxic surcharges.

(Amended 7/6/83, 6/4/86, 6/6/90, 10/8/97, 6/7/00, 6/15/05, 6/21/17)

**3-307 Transfers:** The owner/operator of record is the person to whom a permit is issued or, if no permit has yet been issued to a facility, the person who applied for a permit. Permits are valid only for the owner/operator of record. Upon submittal of a \$102 transfer of ownership fee, permits are re-issued to the new owner/operator of record with no change in expiration dates. For expired permits or registrations, the new owner/operator is responsible for all outstanding fees.

(Amended 2/20/85, 6/4/86, 11/5/86, 4/6/88, 10/8/97, 5/1/02, 5/21/03, 6/02/04, 6/19/13, 6/4/14, 6/15/16)

**3-308 Change of Location:** An applicant who wishes to move an existing source, which has a permit to operate, shall pay no fee if the move is on the same facility. If the move is not on the same facility, the source shall be considered a new source and subject to Section 3-302. This section does not apply to portable permits meeting the requirements of Regulation 2-1-220 and 413.

(Amended 7/6/83; 6/4/86; 6/15/05)

**3-309** Deleted June 21, 2017

**3-310 Fee for Constructing Without a Permit:** An applicant for an authority to construct and a permit to operate a source, which has been constructed or modified without an authority to construct, shall pay the following fees:

310.1 Sources subject to permit requirements on the date of initial operation shall pay fees for new construction pursuant to Section 3-302, any back fees pursuant to Section 3-

303, and a late fee equal to 100% of the initial fee. A modified gasoline dispensing facility subject to Schedule D that is not required to pay an initial fee shall pay fees for a modified source pursuant to Section 3-302, back fees, and a late fee equal to 100% of the filing fee.

310.2 Sources previously exempt from permit requirements that lose their exemption due to changes in District, state, or federal regulations shall pay a permit to operate fee and toxic surcharge for the coming year and any back fees pursuant to Section 3-303.

310.3 Sources previously exempt from permit requirements that lose their exemption due to a change in the manner or mode of operation, such as an increased throughput, shall pay fees for new construction pursuant to Section 3-302. In addition, sources applying for permits after commencing operation in a non-exempt mode shall also pay a late fee equal to 100% of the initial fee and any back fees pursuant to Section 3-303.

310.4 Sources modified without a required authority to construct shall pay fees for modification pursuant to Section 3-302 and a late fee equal to 100% of the initial fee.

*(Amended 7/6/83, 4/18/84, 6/4/86, 6/6/90, 7/3/91, 8/2/95, 10/8/97, 6/02/04, 6/15/05, 6/6/12)*

### 3-311

**Emission Banking Fees:** An applicant to bank emissions for future use, to convert an emission reduction credit (ERC) ~~into an Interchangeable Emission Reduction Credit (IERC), to change assigned conditions, or~~ to transfer ownership of an ERCs, or to make any administrative changes shall pay the following fees:

311.1 Banking ERCs: An applicant to bank emissions for future use shall pay a filing fee of ~~\$593630~~ per source plus the initial fee given in Schedules B, C, D, E, F, H, I or K. Where more than one of these schedules is applicable to a source, the fee paid shall be the highest of the applicable schedules.

311.2 Converting Existing ERCs to Interchangeable Emission Reduction Credits (IERCs): An applicant to convert an existing ERC into an IERC shall pay a filing fee of ~~\$593630~~ per source plus the initial fee given in Schedules B, C, D, E, F, H, I or K. Where more than one of these schedules is applicable to a source, the fee paid shall be the highest of the applicable schedules.

311.3 Transferring ERC Ownership: An applicant to transfer an ERC it currently owns to another owner shall pay a filing fee of ~~\$593630~~.

311.4 Evaluation of Existing ERCs for PM<sub>2.5</sub>: An applicant to evaluate an existing PM<sub>10</sub> ERC shall pay a filing fee of \$630 per source and an evaluation fee equivalent to the total actual and reasonable time incurred by District staff at the hourly rate of \$193 per hour not to exceed the initial fee given in Schedules B, C, D, E, F, H, I or K. Where more than one of these schedules is applicable to a source, the fee paid shall be the highest of the applicable schedules.

311.5 ERC Condition Change: An applicant to request a change in condition shall pay a filing fee of \$630 and an evaluation fee equivalent to the total actual and reasonable time incurred by District staff at the hourly rate of \$193 per hour not to exceed the initial fee given in Schedules B, C, D, E, F, H, I or K. Where more than one of these schedules is applicable to a source, the fee paid shall be the highest of the applicable schedules.

*(Amended 7/6/83, 6/4/86, 7/15/87, 7/3/91, 6/15/94, 7/1/98, 5/19/99, 6/7/00, 6/6/01, 5/1/02, 5/21/03, 6/02/04, 6/15/05, 6/7/06, 5/2/07, 5/21/08, 5/20/09, 6/16/10, 5/4/11, 6/6/12, 6/19/13, 6/4/14, 6/3/15, 6/15/16, 6/21/17, 6/6/18, 6/5/19, 6/16/21, 6/15/22)*

### 3-312

**Emission Caps and Alternative Compliance Plans:** Any facility which elects to use an alternative compliance plan contained in:

312.1 Regulation 8 ("bubble") to comply with a District emission limitation or to use an annual or monthly emission limit to acquire a permit in accordance with the provisions of Regulation 2, Rule 2, shall pay an additional annual fee equal to fifteen percent of the total plant permit to operate fee.

312.2 Regulation 2, Rule 9, or Regulation 9, Rule 10 shall pay an annual fee of ~~\$4,5041,596~~ for each source included in the alternative compliance plan, not to exceed ~~\$45,04415,957~~.

*(Adopted 5/19/82; Amended 6/4/86, 5/19/99, 6/7/00, 6/6/01, 5/1/02, 5/23/03, 6/2/04, 6/15/05, 6/7/06, 5/2/07, 5/21/08, 5/20/09, 6/16/10, 5/4/11, 6/6/12, 6/19/13, 6/4/14, 6/3/15, 6/15/16, 6/21/17, 6/6/18, 6/5/19, 6/16/21, 6/15/22)*

### 3-313

**Deleted May 19, 1999**

### 3-314

**Deleted August 2, 1995**

- 3-315** **Costs of Environmental Documentation:** An applicant for an Authority to Construct shall pay, in addition to the fees required under Section 3-302 and in any applicable schedule, the District's costs of performing any environmental evaluation and preparing and filing any documents pursuant to the California Environmental Quality Act (Public Resources Code, Section 21000, et seq), including the costs of any outside consulting assistance which the District may employ in connection with the preparation of any such evaluation or documentation, as well as the District's reasonable internal costs (including overhead) of processing, reviewing, or filing any environmental evaluation or documentation.  
*(Adopted 12/18/85; Amended 5/1/02, 6/3/15)*
- 3-316** **Deleted June 6, 1990**
- 3-317** **Asbestos Operation Fees:** After July 1, 1988, persons submitting a written plan, as required by Regulation 11, Rule 2, Section 401, to conduct an asbestos operation shall pay the fee given in Schedule L.  
*(Adopted 7/6/88; Renumbered 9/7/88; Amended 8/2/95)*
- 3-318** **Public Notice Fee:** An applicant for an authority to construct or permit to operate subject to the public notice requirements of Regulation 2-1-412 shall pay, in addition to the fees required under Section 3-302 and in any applicable schedule, a fee to cover the expense of preparing and distributing the public notices to the affected persons specified in Regulation 2-1-412 as follows:  
318.1 A fee of \$2,272 per application, and  
318.2 The District's cost exceeding \$2,272 of preparing and distributing the public notice.  
318.3 The District shall refund to the applicant the portion of any fee paid under this Section that exceeds the District's cost of preparing and distributing the public notice.  
*(Adopted 11/1/89; Amended 10/8/97, 7/1/98, 5/19/99, 6/7/00, 5/21/03, 6/2/04, 6/16/10, 6/15/16, 6/21/17, 6/6/18)*
- 3-319** **Major Stationary Source Fees:** Any major stationary source emitting 50 tons per year of organic compounds, sulfur oxides, nitrogen oxides, or PM<sub>10</sub> shall pay a fee based on Schedule M. This fee is in addition to permit and other fees otherwise authorized to be collected from such facilities and shall be included as part of the annual permit renewal fees.  
*(Adopted 6/6/90; Amended 8/2/95, 6/7/00)*
- 3-320** **Toxic Inventory Fees:** Any facility that emits one or more toxic air contaminants in quantities above a minimum threshold level shall pay an annual fee based on Schedule N. This fee will be in addition to permit to operate, toxic surcharge, and other fees otherwise authorized to be collected from such facilities.  
320.1 An applicant who qualifies as a small business under Regulation 3-209 shall pay a Toxic Inventory Fee as set out in Schedule N up to a maximum fee of ~~\$11,738~~12,477 per year.  
*(Adopted 10/21/92; Amended 5/19/99, 5/21/03, 6/2/04, 6/15/05, 6/7/06, 5/2/07, 5/20/09, 6/16/10, 5/4/11, 6/15/16, 6/21/17, 6/5/19, 6/16/21, 6/15/22)*
- 3-321** **Deleted December 2, 1998**
- 3-322** **Excavation of Contaminated Soil and Removal of Underground Storage Tank Operation Fees:** Persons submitting a written notification for a given site to conduct either excavation of contaminated soil or removal of underground storage tanks as required by Regulation 8, Rule 40, Section 401, 402, 403 or 405 shall pay a fee based on Schedule Q.  
*(Adopted 1/5/94; Amended 8/2/95; 5/21/03)*
- 3-323** **Pre-Certification Fees:** An applicant seeking to pre-certify a source, in accordance with Regulation 2, Rule 1, Section 415, shall pay the filing fee, initial fee and permit to operate fee given in the appropriate schedule.  
*(Adopted June 7, 1995)*
- 3-324** **Deleted June 7, 2000**
- 3-325** **Deleted December 2, 1998**
- 3-326** **Deleted December 2, 1998**
- 3-327** **Permit to Operate, Renewal Fees:** After the expiration of the initial permit to operate, the permit to operate shall be renewed on an annual basis or other time period as approved by the APCO. The fee required for the renewal of a permit to operate is the permit to operate fee and toxic surcharge listed in Schedules B, C, D, E, F, H, I, and K, prorated for the period of coverage. When more than one of the schedules is applicable to a source, the fee paid shall be the highest of the applicable schedules. This renewal fee is applicable to all sources required to obtain permits to operate in accordance with District regulations. The permit

renewal invoice shall also specify any applicable major stationary source fees based on Schedule M, toxic inventory fees based on Schedule N, major facility review fees based on Schedule P, greenhouse gas fees based on Schedule T, refining emissions tracking fees based on Schedule W, and community air monitoring fees based on Schedule X. Where applicable, renewal fees shall be based on actual usage or emission levels that have been reported to or calculated by the District.

327.1 Renewal Processing Fee: In addition, the facility shall also pay a processing fee at the time of renewal that covers each Permit Renewal Period as follows:

- 1.1 ~~\$147,124~~ for facilities with one permitted source, including gasoline dispensing facilities,
- 1.2 ~~\$234,246~~ for facilities with 2 to 5 permitted sources,
- 1.3 ~~\$461,490~~ for facilities with 6 to 10 permitted sources,
- 1.4 ~~\$692,736~~ for facilities with 11 to 15 permitted sources,
- 1.5 ~~\$919,977~~ for facilities with 16 to 20 permitted sources,
- 1.6 ~~\$1,1491,221~~ for facilities with more than 20 permitted sources.

327.2 Assembly Bill 617 Community Health Impact Fee: An owner/operator of a permitted facility subject to Schedule P (Major Facility Review Fees) shall pay an Assembly Bill 617 community health impact fee of 5.7 percent of the facility's total renewal fee, up to a maximum fee of ~~\$115,000~~122,245 per year per facility owner.

327.3 Criteria Pollutant and Toxic Emissions Reporting (CTR): The owner/operator of a permitted facility shall pay a CTR fee of 4.4 percent of the facility's total renewal fee, up to a maximum fee of ~~\$57,500~~61,123 per year.

327.4 Overburdened Community renewal fee: The owner/operator of a permitted facility in an Overburdened Community shall pay a fee of 15 percent of the facility's total renewal fee, up to a maximum fee of ~~\$250,000~~265,750 per year.

*(Adopted 6/7/00; Amended 6/2/04, 6/16/04, 6/15/05, 6/7/06, 5/2/07, 5/21/08, 5/20/09, 6/16/10, 5/4/11, 6/6/12, 6/19/13, 6/4/14, 6/3/15, 6/15/16, 6/21/17, 6/6/18, 6/5/19, 6/3/20, 6/16/21, 11/3/21, 6/15/22)*

**3-328 Fee for OEHHA Risk Assessment Reviews:** Any facility that submits a health risk assessment to the District in accordance with Section 44361 of the California Health and Safety Code shall pay any fee requested by the State Office of Environmental Health Hazard Assessment (OEHHA) for reimbursement of that agency's costs incurred in reviewing the risk assessment.

*(Adopted 6/7/00)*

**3-329 Fees for New Source Review Health Risk Assessment:** Any person required to submit a health risk assessment (HRA) pursuant to Regulation 2-5-401 shall pay an appropriate Risk Assessment Fee pursuant to Regulation 3-302 and Schedules B, C, D, E, F, H, I or K. In addition, any person that requests that the District prepare or review an HRA (e.g., for determination of permit exemption in accordance with Regulations 2-1-316, 2-5-301 and 2-5-302; or for determination of exemption from emission control requirements pursuant to Regulation 8-47-113 and 8-47-402) shall pay a Risk Assessment Fee. A Risk Assessment Fee shall be assessed for each source that is proposed to emit a toxic air contaminant (TAC) at a rate that exceeds a trigger level in Table 2-5-1: Toxic Air Contaminant Trigger Levels. If a project requires an HRA due to total project emissions, but TAC emissions from each individual source are less than the Table 2-5-1 trigger levels, a Risk Assessment Fee shall be assessed for the source in the project with the highest TAC emissions.

*(Adopted 6/15/05; Amended 6/21/17)*

**3-330 Fee for Renewing an Authority to Construct:** An applicant seeking to renew an authority to construct in accordance with Regulation 2-1-407 shall pay a fee of 50% of the initial fee in effect at the time of the renewal. If the District determines that an authority to construct cannot be renewed, any fees paid under this section shall be credited in full against the fee for a new authority to construct for functionally equivalent equipment submitted within six months of the date the original authority to construct expires.

330.1 Expired Authority to Construct: If an applicant does not notify the District with their intent to renew the Authority to Construct prior to its expiration, the applicant shall pay \$100 per application in addition to any other fees under this section if eligible to renew.

*(Adopted June 15, 2005)*

- 3-331 Registration Fees:** Any person who is required to register equipment under District rules shall submit a registration fee, and any annual fee thereafter, as set out in Schedule R. ~~The APCO may reduce registration fees by an amount deemed appropriate if the owner or operator of the equipment attends an Industry Compliance School sponsored by the District.~~  
(Adopted ~~June 6, 206/6/07~~; Amended 6/16/10)
- 3-332 Naturally Occurring Asbestos Fees:** After July 1, 2007, any person required to submit or amend an Asbestos Dust Mitigation Plan (ADMP) pursuant to Title 17 of the California Code of Regulations, Section 93105, Asbestos Air Toxic Control Measure for Construction, Grading, Quarrying, and Surface Mining Operations shall pay the fee(s) set out in Schedule S.  
(Adopted ~~June 6, 206/6/07~~; Amended 6/5/19)
- 3-333 Major Facility Review (MFR) and Synthetic Minor Application Fees:** Any facility that applies for, or is required to undergo, an initial MFR permit, an amendment to an MFR permit, a minor or significant revision to an MFR permit, a reopening of an MFR permit, a renewal of an MFR permit, an initial synthetic minor operating permit, or a revision to a synthetic minor operating permit, shall pay the applicable fees set forth in Schedule P.  
(Adopted ~~May 21, 205/21/08~~)
- 3-334 Greenhouse Gas Fees:** Any permitted facility with greenhouse gas emissions shall pay a fee based on Schedule T. This fee is in addition to permit and other fees otherwise authorized to be collected from such facilities, and shall be included as part of the annual permit renewal fees.  
(Adopted ~~May 21, 205/21/08~~)
- 3-335 Indirect Source Review Fees:** Applicants that must file an Air Quality Impact Assessment pursuant to District rules for a project that is deemed to be an indirect source shall pay a fee based on Schedule U.  
(Adopted ~~May 20, 205/20/09~~)
- 3-336 Open Burning Operation Fees:** Effective July 1, 2013, any person required to provide notification to the District prior to burning; submit a petition to conduct a Filmmaking or Public Exhibition fire; receive an acreage burning allocation to conduct a Stubble fire; or submit a smoke management plan and receive an acreage burning allocation to conduct a Wildland Vegetation Management (Prescribed Burning) fire or Marsh Management fire shall pay the fee given in Schedule V.  
(Adopted June 19, 2013; Amended 6/3/20)
- 3-337 Exemption Fee:** An applicant who wishes to receive a certificate of exemption shall pay a filing fee of ~~\$593630~~ per exempt source.  
(Adopted ~~June 19, 206/19/13~~; Amended 6/4/14; 6/3/15, 6/21/17, 6/16/21, 6/15/22)
- 3-338 Incident Response Fee:** Any facility required to obtain a District permit, and any District-regulated area-wide or indirect source, that is the site where an incident occurs to which the District responds, shall pay a fee equal to the District's actual costs in conducting the incident response as defined in Section 3-243, including without limitation, the actual time and salaries, plus overhead, of the District staff involved in conducting the incident response and the cost of any materials.  
(Adopted ~~June 19, 206/19/13~~)
- 3-339 Refining Emissions Tracking Fees:** Any person required to submit an Annual Emissions Inventory, Monthly Crude Slate Report, or air monitoring plan in accordance with Regulation 12, Rule 15 shall pay the applicable fees set forth in Schedule W.  
(Adopted 6/15/16, Amended 11/03/21)
- 3-340 Major Stationary Source Community Air Monitoring Fees:** Any major stationary source emitting 35 tons per year of organic compounds, sulfur oxides, nitrogen oxides, carbon monoxide or PM<sub>10</sub> shall pay a community air monitoring fee based on Schedule X. This fee is in addition to permit and other fees otherwise authorized to be collected from such facilities and shall be included as part of the annual permit renewal fees.  
(Adopted 6/15/16)
- 3-341 Fee for Risk Reduction Plan:** Any person required to submit a Risk Reduction Plan in accordance with Regulation 11, Rule 18 shall pay the applicable fees set forth below:
- 341.1 ~~\$1,8191,934~~ for facilities with one source subject to risk reduction pursuant to Regulation 11, Rule 18, including gasoline dispensing facilities;
  - 341.2 ~~\$3,6393,868~~ for facilities with 2 to 5 sources subject to risk reduction pursuant to Regulation 11, Rule 18;
  - 341.3 ~~\$7,2777,735~~ for facilities with 6 to 10 sources subject to risk reduction pursuant to

- Regulation 11, Rule 18;
- 341.4 ~~\$14,553~~15,470 for facilities with 11 to 15 sources subject to risk reduction pursuant to Regulation 11, Rule 18;
- 341.5 ~~\$29,107~~30,941 for facilities with 16 to 20 sources subject to risk reduction pursuant to Regulation 11, Rule 18;
- 341.6 ~~\$38,809~~41,254 for facilities with more than 20 sources subject to risk reduction pursuant to Regulation 11, Rule 18.

*(Adopted 6/21/17, Amended 6/5/19, 6/3/20, 6/16/21, 6/15/22)*

**3-342 Fee for Facility-Wide Health Risk Assessment:** Any person required to undergo a health risk assessment (HRA) to assess compliance with the Regulation 11, Rule 18 risk action levels shall pay a risk assessment fee for each source pursuant to Regulation 3-329 and Schedules B, C, D, E, F, H, I or K. The maximum fee required for any single HRA of a facility conducted pursuant to Regulation 11, Rule 18 shall not exceed a total of ~~\$481,946~~193,377.

If a facility retains a District-approved consultant to complete the required facility-wide HRA, the facility shall pay a fee to cover the District's costs of performing the review of the facility-wide HRA, including the costs of any outside consulting assistance which the District may employ in connection with any such review, as well as the District's reasonable internal costs (including overhead) of processing, reviewing, or approving the facility-wide HRA. The total HRA review cost shall be determined based on the District's actual review time in hours multiplied by an hourly charge of ~~\$248-264~~ per hour. Facilities shall pay an HRA review fee as indicated below and the District's cost exceeding the applicable HRA review fees indicated below for performing the review of the facility-wide HRA:

- 342.1 ~~\$2,985~~3,173 for facilities with one to 10 sources subject to risk reduction pursuant to Regulation 11, Rule 18, including gasoline dispensing facilities;
- 342.2 ~~\$8,004~~8,508 for facilities with 11 to 50 sources subject to risk reduction pursuant to Regulation 11, Rule 18;
- 342.3 ~~\$46,979~~18,049 for facilities with more than 50 sources subject to risk reduction pursuant to Regulation 11, Rule 18.

The District shall refund to the applicant the portion of any fee paid under this Section that exceeds the District's cost of performing the review of the facility-wide HRA.

*(Adopted 6/21/17; Amended 6/6/18, 6/5/19, 6/16/21, 6/15/22)*

**3-343 Fees for Air Dispersion Modeling:** An applicant for an Authority to Construct or Permit to Operate shall pay, in addition to the fees required under Section 3-302 and 3-329 and in any applicable schedule, the District's costs of performing any air dispersion modeling needed to determine compliance with any District regulatory requirement. The total air dispersion modeling fee cost shall be determined based on the District's actual review time in hours multiplied by an hourly charge of ~~\$248-264~~ per hour. This fee shall also apply for costs incurred in reviewing air dispersion modeling submittals by applicants and the costs of any outside consulting assistance which the District may employ in connection with the preparation of any such evaluation or documentation, as well as the District's reasonable internal costs (including overhead) of processing, reviewing, or approving the air dispersion modeling.

*(Adopted 6/5/19; Amended 6/16/21, 6/15/22)*

**3-344 Rounding:** Each fee will be rounded to the nearest dollar.

*(Adopted 6/15/22)*

**3-345 Evaluation of Plans, Regulation 6:** For any plan required in any rule in Regulation 6, the requestor shall pay the following fees:

345.1 A filing fee of \$630; and

345.2 An initial fee equivalent to the total actual and reasonable time incurred by District staff at the hourly rate or prorated of \$193 per hour not to exceed the minimum initial fee(s) in the schedule for the applicable source(s).

*(TBD)*

**3-346 Request for a Petition, Regulation 8:** For any petition required in any rule in Regulation 8, the requestor shall pay the following fees:

346.1 A filing fee of \$630; and

346.2 An initial fee equivalent to the total actual and reasonable time incurred by District staff at the hourly rate or prorated of \$193 per hour not to exceed the minimum initial fee in Schedule E.

(TBD)

**3-347** Evaluation of Reports, Organic Waste Recovery Sites: For the evaluation of any report not currently specified in Schedule K as required by federal, state or Air District rule, the owner/operator shall pay the following fees:

347.1 A filing fee of \$630; and

347.2 An initial fee equivalent to the total actual and reasonable time incurred by District staff at the hourly rate or prorated of \$193 per hour.

(TBD)

### **3-400 ADMINISTRATIVE REQUIREMENTS**

**3-401 Permits:** Definitions, standards, and conditions contained in Regulation 2, Permits, are applicable to this regulation.

**3-402 Single Anniversary Date:** The APCO may assign a single anniversary date to a facility on which all its renewable permits to operate expire and will require renewal. Fees will be prorated to compensate for different time periods resulting from change in anniversary date.

**3-403 Change in Operating Parameters:** See Section 2-1-404 of Regulation 2, Rule 1.

**3-404 Deleted June 7, 2000**

**3-405 Fees Not Paid:** If an applicant or owner/operator fails to pay the fees specified on the invoice by the due date, the following procedure(s) shall apply:

405.1 Authority to Construct: The application will be cancelled but can be reactivated upon payment of fees.

405.2 New Permit to Operate: The Permit to Operate shall not be issued, and the facility will be notified that operation, including startup, is not authorized.

2.1 Fees received during the first 30 days following the due date must include a late fee equal to 10 percent of all fees specified on the invoice.

2.2 Fees received more than 30 days after the due date must include a late fee equal to 25 percent of all fees specified on the invoice.

405.3 Renewal of Permit to Operate: The owner-~~or~~/operator of a facility must renew the Permit to Operate in order to continue to be authorized to operate the source. Permit to Operate Fees for the Permit Renewal Period shall be calculated using fee schedules in effect on the Permit to Operate Renewal Date. The permit renewal invoice will include all fees to be paid in order to renew the Permit to Operate, as specified in Section 3-327. If not renewed as of the date of the next Permit Renewal Period, a Permit to Operate lapses and further operation is no longer authorized. The District will notify the facility that the permit has lapsed. Reinstatement of lapsed Permits to Operate will require the payment of all unpaid prior Permit to Operate fees and associated reinstatement fees for each unpaid prior Permit Renewal Period, in addition to all fees specified on the permit renewal invoice.

405.4 Reinstatement of Lapsed Permit to Operate: To reinstate a Permit to Operate, the owner-~~or~~/operator must pay all of the following fees:

4.1 The applicable Permit to Operate Fees for the current year, as specified in Regulation 3-327, and the applicable reinstatement fee, if any, calculated as follows:

4.1.1 Fees received during the first 30 days following the due date must include all fees specified on the permit renewal invoice plus a reinstatement fee equal to 10 percent of all fees specified on the invoice.

4.1.2 Fees received more than 30 days after the due date, but less than one year after the due date, must include all fees specified on the permit renewal invoice plus a reinstatement fee equal to 25 percent of all fees specified on the invoice.

4.2 The applicable Permit to Operate Fees specified in Regulation 3-327 for each prior Permit Renewal Period for which all Permit to Operate Fees and associated reinstatement fees have not been paid. Each year's Permit to Operate Fee shall be calculated at the fee rates in effect on that year's Permit to Operate Renewal Date. The reinstatement fee for each associated previously-unpaid Permit to

Operate Fee shall be calculated in accordance with Regulation 3-405.4.1 and 4.1.2.

Each year or period of the lapsed Permit to Operate is deemed a separate Permit Renewal Period. The oldest outstanding Permit to Operate Fee and reinstatement fees shall be paid first.

405.5 Registration and Other Fees: Persons who have not paid the fee by the invoice due date, shall pay the following late fee in addition to the original invoiced fee. Fees shall be calculated using fee schedules in effect at the time of the fees' original determination.

5.1 Fees received during the first 30 days following the due date must include an additional late fee equal to 10 percent of all fees specified on the invoice.

5.2 Fees received more than 30 days after the due date must include an additional late fee equal to 25 percent of all fees specified on the invoice.

*(Amended 7/6/83, 6/4/86, 11/5/86, 2/15/89, 6/6/90, 7/3/91, 8/2/95, 12/2/98, 6/15/05, 6/7/06, 6/6/12, 6/19/13, 6/4/14, 6/6/18, 6/5/19)*

**3-406 Deleted June 4, 1986**

**3-407 Deleted August 2, 1995**

**3-408 Permit to Operate Valid for 12 Months:** A Permit to Operate is valid for 12 months from the date of issuance or other time period as approved by the APCO.

*(Adopted 6/4/86; Amended 6/7/00)*

**3-409 Deleted June 7, 2000**

**3-410 Deleted August 2, 1995**

**3-411 Advance Deposit of Funds:** The APCO may require that at the time of the filing of an application for an Authority to Construct for a project for which the District is a lead agency under the California Environmental Quality Act (Public Resources Code, Section 21000, et seq.), the applicant shall make an advance deposit of funds, in an amount to be specified by the APCO, to cover the costs which the District estimates to incur in connection with the District's performance of its environmental evaluation and the preparation of any required environmental documentation. In the event the APCO requires such an estimated advance payment to be made, the applicant will be provided with a full accounting of the costs actually incurred by the District in connection with the District's performance of its environmental evaluation and the preparation of any required environmental documentation.

*(Adopted 12/18/85; Amended 8/2/95)*

**3-412 Deleted December 2, 1998**

**3-413 Toxic "Hot Spots" Information and Assessment Act Revenues:** ~~No later than 120 days after the adoption of this regulation, the~~The APCO shall transmit to the California Air Resources Board, for deposit into the Air Toxics "Hot Spots" Information and Assessment Fund, the revenues determined by the ARB to be the District's share of statewide Air Toxics "Hot Spot" Information and Assessment Act expenses.

*(Adopted 10/21/92)*

**3-414 Deleted December 2, 1998**

**3-415 Failure to Pay - Further Actions:** When an applicant or owner/operator fails to pay the fees specified on the invoice by the due date, the APCO may take the following actions against the applicant or owner/operator:

415.1 Issuance of a Notice to Comply.

415.2 Issuance of a Notice of Violation.

415.3 Revocation of an existing Permit to Operate. The APCO shall initiate proceedings to revoke permits to operate for any person who is delinquent for more than one month. The revocation process shall continue until payment in full is made or until permits are revoked.

415.4 The withholding of any other District services as deemed appropriate until payment in full is made.

*(Adopted 8/2/95; Amended 12/2/98, 6/15/05)*

**3-416 Adjustment of Fees:** The APCO or designees may, upon finding administrative error by District staff in the calculation, imposition, noticing, invoicing, and/or collection of any fee set forth in this rule, rescind, reduce, increase, or modify the fee. A request for such relief from an



administrative error, accompanied by a statement of why such relief should be granted, must be received within two years from the date of payment.

*(Adopted 10/8/97)*

**3-417 Temporary Amnesty for Unpermitted and Unregistered Sources:** The APCO has the authority to declare an amnesty period, during which the District may waive all or part of the back fees and/or late fees for sources that are currently operating without valid Permits to Operate and/or equipment registrations.

*(Adopted 6/16/10)*

**3-418 Temporary Incentive for Online ~~Production System~~ or Electronic Transactions:** The APCO has the authority to declare an incentive period for transactions made using the online ~~production~~-system or other electronic processes, during which the District may waive all or any part of the fees for these transactions.

*(Adopted 6/6/18)*

**3-419 Industry Compliance School:** The APCO may reduce fees by an amount deemed appropriate if the owner/operator of the source attends an Industry Compliance School sponsored by the District.

*(TBD)*

**SCHEDULE A  
HEARING BOARD FEES<sup>1</sup>**

Established by the Board of Directors December 7, 1977 Resolution No. 1046  
(Code section references are to the California Health & Safety Code, unless otherwise indicated)

|    |   | Large Companies  | Small Business   | Third Party |
|----|---|--|--|-------------|
| 1. | For each application for variance exceeding 90 days, in accordance with §42350, including applications on behalf of a class of applicants, which meet the requirements of the Hearing Board Rules for a valid and proper class action for variance.....<br>Plus, for each hearing in addition to the first hearing necessary to dispose of said variance application in accordance with §42350, the additional sum of.....      | <u>\$8,0499</u><br><u>.256</u><br><br><u>\$4,0304</u><br><u>.6354,6</u><br><u>35</u> | <u>\$1,204</u><br><u>1,385</u><br><br><u>\$4064</u><br><u>67</u> |             |
| 2. | For each application for variance not exceeding 90 days, in accordance with §42350, including applications on behalf of a class of applicants, which meet the requirements of the Hearing Board Rules for a valid and proper class action for variance.....<br>Plus, for each hearing in addition to the first hearing necessary to dispose of said variance application, in accordance with §42350, the additional sum of..... | <u>\$4,8325</u><br><u>.557</u><br><br><u>\$2,4132</u><br><u>.775</u>                 | <u>\$1,204</u><br><u>1,385</u><br><br><u>\$4064</u><br><u>67</u> |             |
| 3. | For each application to modify a variance in accordance with §42356 ....<br>Plus, for each hearing in addition to the first hearing on said application to modify a variance, in accordance with §42345, necessary to dispose of the application, the additional sum of .....   | <u>\$3,2063</u><br><u>.687</u><br><br><u>\$2,4132</u><br><u>.775</u>                 | <u>\$4064</u><br><u>67</u><br><br><u>\$4064</u><br><u>67</u>     |             |
| 4. | For each application to extend a variance, in accordance with §42357...<br>Plus, for each hearing in addition to the first hearing on an application to extend a variance, in accordance with §42357, necessary to dispose of the application, the additional sum of .....  | <u>\$3,2063</u><br><u>.687</u><br><br><u>\$2,4132</u><br><u>.775</u>                 | <u>\$4064</u><br><u>67</u><br><br><u>\$4064</u><br><u>67</u>     |             |
| 5. | For each application to revoke a variance.....  | <u>\$4,8325</u><br><u>.557</u>   | <u>\$4064</u><br><u>67</u>                                       |             |
| 6. | For each application for approval of a Schedule of Increments of Progress in accordance with §41703 .....   | <u>\$3,2063</u><br><u>.687</u>   | <u>\$4064</u><br><u>67</u>                                       |             |
| 7. | For each application for variance in accordance with §41703, which exceeds 90 days.....<br>Plus, for each hearing in addition to the first hearing on said application for variance in accordance with §41703, the additional sum of.....   | <u>\$8,0499</u><br><u>.256</u><br><br><u>\$4,0304</u><br><u>.6354,6</u><br><u>35</u> | <u>\$1,204</u><br><u>1,385</u><br><br><u>\$4064</u><br><u>67</u> |             |
| 8. | For each application for variance in accordance with §41703, not to exceed 90 days.....<br>Plus, for each hearing in addition to the hearing on said application for a variance in accordance with §41703, the additional sum of .....  | <u>\$4,8325</u><br><u>.557</u><br><br><u>\$2,4132</u><br><u>.775</u>                 | <u>\$1,204</u><br><u>1,385</u><br><br><u>\$4064</u><br><u>67</u> |             |

|     |   | Large Companies  | Small Business                                      | Third Party  |
|-----|---|--|---|--|
| 9.  | For each Appeal (Permit, Banking, Title V) .....  | <del>\$8,0499,2</del><br>56<br>per hearing day   | <del>\$4,0304,</del><br>6354,635<br>per hearing day | <del>\$4,0304,6</del><br>354,635<br>for entire appeal period   |
| 10. | For each application for intervention in accordance with Hearing Board Rules §§2.3, 3.6 & 4.6 ..... | <del>\$4,0304</del><br><del>,6354,6</del><br>35  | <del>\$8109</del><br>32                             |  |
| 11. | For each application to Modify or Terminate an abatement order.....                                 | <del>\$8,0499,2</del><br>56<br>per hearing day   | <del>\$4,0304,</del><br>6354,635<br>per hearing day |  |
| 12. | For each application for an interim variance in accordance with §42351                              | <del>\$4,0304</del><br><del>,6354,6</del><br>35  | <del>\$8109</del><br>32                             |  |
| 13. | For each application for an emergency variance in accordance with §42359.5 .....                    | <del>\$2,0092</del><br>310   | <del>\$4064</del><br>67                             |  |
| 14. | For each application to rehear a Hearing Board decision in accordance with §40861.....              | 100%<br>of previous<br>fee<br>charged  | 100%<br>of previous<br>fee<br>charged               |  |
| 15. | Excess emission fees .....  | See<br>Attachment I  | See<br>Attachment I                                 |  |
| 16. | Miscellaneous filing fee for any hearing not covered above  | <del>\$4,0304</del><br><del>,6354,6</del><br>35  | <del>\$1,204</del><br>1,385                         | <del>\$1,2041</del><br>385   |
| 17. | For each published Notice of Public Hearing .....   | Cost of<br>Publication   | \$0   | \$0  |
| 18. | Court Reporter Fee (to be paid only if Court Reporter required for hearing).....                    | Actual<br>Appearance<br>and<br>Transcript<br>costs per<br>hearing solely<br>dedicated to<br>one Docket | \$0   | Actual<br>Appearance<br>and<br>Transcript<br>costs per<br>hearing solely<br>dedicated to<br>one Docket |

NOTE 1 Any applicant who believes they have a hardship for payment of fees may request a fee waiver from the Hearing Board pursuant to Hearing Board Rules.

(Amended 10/8/97, 5/19/99, 6/7/00, 6/6/01, 5/1/02, 5/21/03, 6/2/04, 6/15/05, 6/7/06, 5/2/07, 5/21/08, 5/20/09, 6/16/10, 5/4/11, 6/6/12, 6/19/13, 6/4/14, 6/3/15, 6/15/16, 6/21/17, 6/6/18, 6/5/19, 6/16/21, 6/15/22)

**SCHEDULE A  
ATTACHMENT I  
EXCESS EMISSION FEE**

**A. General**

- (1) Each applicant or petitioner for a variance from these Rules and Regulations shall pay to the Clerk or Deputy Clerk of the Hearing Board, in addition to the other filing fees required in Schedule A, an emission fee based on the total weight of emissions discharged, per source or product, other than those described in division (B) below, during the variance period in excess of that allowed by these rules in accordance with the schedule set forth in Table I.
- (2) Where the total weight of emission discharged cannot be easily calculated, the petitioner shall work in concert with District staff to establish the amount of excess emissions to be paid.
- (3) In the event that more than one rule limiting the discharge of the same contaminant is violated, the excess emission fee shall consist of the fee for violation which will result in the payment of the greatest sum. For the purposes of this subdivision, opacity rules and particulate mass emissions shall not be considered rules limiting the discharge of the same contaminant.

**B. Excess Visible Emission Fee**

Each applicant or petitioner for a variance from Regulation 6 or Health and Safety Code Section 41701 shall pay to the Clerk or Deputy Clerk of the Hearing Board, in addition to the filing fees required in Schedule A and the excess emission fees required in (A) above (if any), an emission fee based on the difference between the percent opacity allowed by Regulation 6 and the percent opacity of the emissions allowed from the source or sources operating under the variance, in accordance with the schedule set forth in Table II.

In the event that an applicant or petitioner is exempt from the provisions of Regulation 6, the applicant or petitioner shall pay a fee calculated as described herein above, but such fee shall be calculated based upon the difference between the opacity allowed under the variance and the opacity allowed under the provisions of Health and Safety Code Section 41701, in accordance with the schedule set forth in Table II.

**C. Applicability**

The provisions of subdivision (A) shall apply to all variances that generate excess emissions.

**D. Fee Determination**

- (1) The excess emission fees shall be calculated by the petitioner based upon the requested number of days of operation under variance multiplied by the expected excess emissions as set forth in subdivisions (A) and (B) above. The calculations and proposed fees shall be set forth in the petition.
- (2) The Hearing Board may adjust the excess emission fee required by subdivisions (A) and (B) of this rule based on evidence regarding emissions presented at the time of the hearing.

**E. Small Businesses**

- (1) A small business shall be assessed twenty percent (20%) of the fees required by subdivisions (A) and (B), whichever is applicable. "Small business" is defined in the Fee Regulation.
- (2) Request for exception as a small business shall be made by the petitioner under penalty of perjury on a declaration form provided by the Executive Officer which shall be submitted to the Clerk or Deputy Clerk of the Hearing Board at the time of filing a petition for variance.

**F. Group, Class and Product Variance Fees**

Each petitioner included in a petition for a group, class or product variance shall pay the filing fee specified in Schedule A, and the excess emission fees specified in subdivisions (A) and (B), whichever is applicable.

**G. Adjustment of Fees**

If after the term of a variance for which emission fees have been paid, petitioner can establish, to the satisfaction of the Executive Officer/APCO, that emissions were actually less than those upon which the fee was based, a pro rata refund shall be made.

**H. Fee Payment/Variance Invalidation**

- (1) Excess emission fees required by subdivisions (A) and (B), based on an estimate provided during the variance Hearing, are due and payable within fifteen (15) days of the granting of the variance. The petitioner shall be notified in writing of any adjustment to the amount of excess emission fees due, following District staff's verification of the estimated emissions. Fee payments to be made as a result of an adjustment are due and payable within fifteen (15) days of notification of the amount due.
- (2) Failure to pay the excess emission fees required by subdivisions (A) and (B) within fifteen (15) days of notification that a fee is due shall automatically invalidate the variance. Such notification may be given by personal service or by deposit, postpaid, in the United States mail and shall be due fifteen (15) days from the date of personal service or mailing. For the purpose of this rule, the fee payment shall be considered to be received by the District if it is postmarked by the United States Postal Service on or before the expiration date stated on the billing notice. If the expiration date falls on a Saturday, Sunday, or a state holiday, the fee payment may be postmarked on the next business day following the Saturday, Sunday, or the state holiday with the same effect as if it had been postmarked on the expiration date.

**TABLE I  
SCHEDULE OF EXCESS EMISSIONS FEES**

Air Contaminants All at ~~\$6-707.71~~ per pound

Organic gases, except methane and those containing sulfur  
Carbon Monoxide  
Oxides of nitrogen (expressed as nitrogen dioxide)  
Gaseous sulfur compounds (expressed as sulfur dioxide)  
Particulate matter

Toxic Air Contaminants All at ~~\$33-3538.35~~ per pound

Asbestos  
Benzene  
Cadmium  
Carbon tetrachloride  
Chlorinated dioxins and dibenzofurans (15 species)  
Diesel exhaust particulate matter  
Ethylene dibromide  
Ethylene dichloride  
Ethylene oxide  
Formaldehyde  
Hexavalent chromium  
Methylene chloride  
Nickel  
Perchloroethylene  
1,3-Butadiene  
Inorganic arsenic  
Beryllium  
Polynuclear aromatic hydrocarbons (PAH)  
Vinyl chloride  
Lead  
1,4-Dioxane  
Trichloroethylene

**TABLE II  
SCHEDULE OF EXCESS VISIBLE EMISSION FEE**

For each source with opacity emissions in excess of twenty percent (20%), but less than forty percent (40%) (where the source is in violation of Regulation 6 and California Health and Safety Code Section 41701), the fee is calculated as follows:

$$\text{Fee} = (\text{Opacity}^* \text{ equivalent} - 20) \times \text{number of days allowed in variance} \times \text{\$6-857.88}$$

For each source with opacity emissions in excess of forty percent (40%) (where the source is in violation of Regulation 6 and California Health and Safety Code Section 41701), the fee is calculated as follows:

$$\text{Fee} = (\text{Opacity}^* \text{ equivalent} - 40) \times \text{number of days allowed by variance} \times \text{\$6-857.88}$$

\* Where "Opacity" equals maximum opacity of emissions in percent (not decimal equivalent) allowed by the variance. Where the emissions are darker than the degree of darkness equivalent to the allowed Ringelmann number, the percentage equivalent of the excess degree of darkness shall be used as "opacity."

*(Adopted 6/7/00; Amended 5/1/02, 5/21/03, 6/2/04, 6/15/05, 6/7/06, 5/2/07, 5/21/08, 5/20/09, 6/16/10, 5/4/11, 6/6/12, 6/19/13, 6/4/14, 6/3/15, 6/15/16, 6/21/17, 6/6/18, 6/5/19, 6/16/21)*

**SCHEDULE B  
COMBUSTION OF FUEL**  
(Adopted June 18, 1980)

For each source that burns fuel, which is not a flare and not exempted by Regulation 2, Rule 1, the fee shall be computed based on the maximum gross combustion capacity (expressed as higher heating value, HHV) of the source.

1. INITIAL FEE: ~~\$78.94~~90.75 per MM BTU/HOUR
  - a. The minimum fee per source is: ~~\$421484~~
  - b. The maximum fee per source is: ~~\$147,210~~169,292
2. RISK ASSESSMENT FEE (RAF), if required pursuant to Regulation 3-329 or 3-342.
  - a. RAF for first toxic air contaminant (TAC) source in application: ~~\$593630~~ plus  
~~\$78.94~~90.75 per MM BTU/hr
  - b. Minimum RAF for first TAC source: ~~\$1,0141,166~~
  - c. RAF for each additional TAC source: ~~\$78.94~~90.75 per MM  
BTU/hr\*
  - d. Minimum RAF per additional TAC source: ~~\$421484~~\*
  - e. Maximum RAF per source is: ~~\$169,292~~147,210

\* RAF for additional TAC sources is only applicable to those sources that emit one or more TACs at a rate that exceeds a trigger level listed in Table 2-5-1
3. PERMIT TO OPERATE FEE: ~~\$39.45~~45.37 per MM BTU/HOUR
  - a. The minimum fee per source is: ~~\$299344~~
  - b. The maximum fee per source is: ~~\$73,605~~84,646
4. TOXIC SURCHARGE is only applicable for a source that emits one or more TACs at a rate that exceeds a chronic trigger level listed in Table 2-5-1: the permit to operate fee shall be raised by ten percent. This fee shall not be assessed for TACs not listed in Table 2-5-1.
5. Applicants for an authority to construct and permit to operate a project, which burns municipal waste or refuse-derived fuel, shall pay in addition to all required fees, an additional fee to cover the costs incurred by the State Department of Health Services, and/or a qualified contractor designated by the State Department of Health Services, in reviewing a risk assessment as required under H&S Code Section 42315. The fee shall be transmitted by the District to the Department of Health Services and/or the qualified contractor upon completion of the review and submission of comments in writing to the District.
6. A surcharge equal to 100% of all required initial and permit to operate fees shall be charged for sources permitted to burn one or more of the following fuels: coke, coal, wood, tires, black liquor, and municipal solid waste.

NOTE: MM BTU is million BTU of higher heat value  
One MM BTU/HR = 1.06 gigajoules/HR

*(Amended 6/5/85; 6/4/86, 3/4/87, 6/6/90, 7/3/91, 6/15/94, 10/8/97, 7/1/98, 7/1/98, 5/19/99, 6/7/00, 6/6/01, 5/1/02, 5/21/03, 6/2/04, 6/15/05, 6/7/06, 5/2/07, 5/21/08, 5/20/09, 6/16/10, 5/4/11, 6/6/12, 6/19/13, 6/4/14, 6/3/15, 6/15/16, 6/21/17, 6/6/18, 6/5/19, 6/16/21, 6/15/22)*

**SCHEDULE C**  
**STATIONARY CONTAINERS FOR THE STORAGE OF ORGANIC LIQUIDS**  
(Adopted June 18, 1980)

For each stationary container of organic liquids which is not exempted from permits by Regulation 2 and which is not part of a gasoline dispensing facility, the fee shall be computed based on the container volume, as follows:

1. INITIAL FEE: 0.185 cents per gallon
  - a. The minimum fee per source is: \$204
  - b. The maximum fee per source is: \$27,858
  
2. RISK ASSESSMENT FEE (RAF), if required pursuant to Regulation 3-329 or 3-342.
  - a. RAF for first toxic air contaminant (TAC) source in application: ~~\$593630~~ plus 0.185 cents per gallon
  - b. Minimum RAF for first TAC source: \$678
  - c. RAF for each additional TAC source: 0.185 cents per gallon \*
  - d. Minimum RAF per additional TAC source: \$204 \*
  - e. Maximum RAF per source is: \$27,858

\* RAF for additional TAC sources is only applicable to those sources that emit one or more TACs at a rate that exceeds a trigger level listed in Table 2-5-1
  
3. PERMIT TO OPERATE FEE: 0.093 cents per gallon
  - a. The minimum fee per source is: \$147
  - b. The maximum fee per source is: \$13,928
  
4. TOXIC SURCHARGE is only applicable for a source that emits one or more TACs at a rate that exceeds a chronic trigger level listed in Table 2-5-1: the permit to operate fee shall be raised by ten percent. This fee shall not be assessed for TACs not listed in Table 2-5-1.

*(Amended 2/20/85, 6/5/85, 6/4/86, 7/3/91, 6/15/94, 7/1/98, 5/19/99, 6/7/00, 6/6/01, 5/1/02, 5/21/03, 6/2/04, 6/15/05, 6/7/06, 5/2/07, 5/20/09, 6/16/10, 6/6/12, 6/19/13, 6/4/14, 6/3/15, 6/15/16, 6/21/17, 6/6/18, 6/5/19, 6/16/21, 6/15/22)*



**SCHEDULE D**  
**GASOLINE TRANSFER AT GASOLINE DISPENSING FACILITIES,**  
**BULK PLANTS AND TERMINALS**  
(Adopted June 18, 1980)

- A. All gasoline dispensing facilities shall pay the following fees:
1. INITIAL FEE: \$356.05 per single product nozzle (spn)  
\$356.05 per product for each multi-product nozzle (mpn)
  2. PERMIT TO OPERATE FEE: \$136.38 per single product nozzle (spn)  
\$136.38 per product for each multi-product nozzle (mpn)
  3. Initial fees and permit to operate fees for hardware modifications at a currently permitted gasoline dispensing facility shall be consolidated into a single fee calculated according to the following formula:

$$\$492.42 \times \left\{ \frac{[(mpn_{\text{proposed}})(\text{products per nozzle}) + spn_{\text{proposed}}]}{[(mpn_{\text{existing}})(\text{products per nozzle}) + spn_{\text{existing}}]} \right\} -$$

*mpn* = multi-product nozzles  
*spn* = single product nozzles

The above formula includes a toxic surcharge.

If the above formula yields zero or negative results, no initial fees or permit to operate fees shall be charged.

For the purposes of calculating the above fees, a fuel blended from two or more different grades shall be considered a separate product.

Other modifications to facilities' equipment, including but not limited to tank addition/replacement/conversion, vapor recovery piping replacement, moving or extending pump islands, will not be subject to initial fees or permit to operate fees.

4. RISK ASSESSMENT FEE (RAF) if required pursuant to Regulation 3-329 or 3-342 (including increases in permitted throughput for which a health risk assessment is required.) of:
    - a. \$3,827 per application for a new gas dispensing facility
    - b. ~~\$672-773~~ per application for all other
  5. Nozzles used exclusively for the delivery of diesel fuel or other fuels exempt from permits shall pay no fee. Multi-product nozzles used to deliver both exempt and non-exempt fuels shall pay fees for the non-exempt products only.
- B. All bulk plants, terminals or other facilities using loading racks to transfer gasoline or gasohol into trucks, railcars or ships shall pay the following fees:

1. INITIAL FEE: \$4,676.76 per single product loading arm  
\$4,676.76 per product for multi-product arms
2. RISK ASSESSMENT FEE (RAF), if required pursuant to Regulation 3-329 or 3-342.
  - a. RAF for first toxic air contaminant (TAC) source in application: \$5,295
  - b. RAF for each additional TAC source: \$4,677 \*

\* RAF for additional TAC sources is only applicable to those sources that emit one or more TACs at a rate that exceeds a trigger level listed in Table 2-5-1
3. PERMIT TO OPERATE FEE: \$1,303 per single product loading arm  
\$1,303 per product for multi-product arms
4. TOXIC SURCHARGE is only applicable for a source that emits one or more TACs at a rate that exceeds a chronic trigger level listed in Table 2-5-1: the permit to operate fee shall be raised by ten percent. This fee shall not be assessed for TACs not listed in Table 2-5-1.

C. Fees in (A) above are in lieu of tank fees. Fees in (B) above are in addition to tank fees.

*(Amended 2/20/85, 6/5/85, 6/4/86, 7/3/91, 6/15/94, 10/8/97, 7/1/98, 5/19/99, 6/7/00, 6/6/01, 5/1/02, 5/21/03, 6/2/04, 6/15/05, 6/7/06, 5/2/07, 5/21/08, 5/20/09, 6/16/10, 5/4/11, 6/6/12, 6/19/13, 6/4/14, 6/3/15, 6/15/16, 6/21/17, 6/6/18, 6/5/19, 6/16/21, 6/15/22)*

**SCHEDULE E**  
**SOLVENT EVAPORATING SOURCES**

(Adopted June 18, 1980)

For each solvent evaporating source, as defined in Section 3-210 except for dry cleaners, the fee shall be computed based on the net amount of organic solvent processed through the sources on an annual basis (or anticipated to be processed, for new sources) including solvent used for the cleaning of the sources.

1. INITIAL FEE:
  - a. The fee per source is: \$2,1762,502 per 1,000 gallons
  - b. The minimum fee per source is: \$1,0831,245
  - c. The maximum fee per source is: \$86,45799,426
  
2. RISK ASSESSMENT FEE (RAF), if required pursuant to Regulation 3-329 or 3-342.
  - a. RAF for first toxic air contaminant (TAC) source in application: \$593630 plus initial fee
  - b. Minimum RAF for first TAC source: \$1,7842,052
  - c. RAF for each additional TAC source: equal to initial fee \*
  - d. Minimum RAF per additional TAC source: \$1,0831,245 \*
  - e. Maximum RAF per source is: \$86,45799,426
    - \* RAF for additional TAC sources is only applicable to those sources that emit one or more TACs at a rate that exceeds a trigger level listed in Table 2-5-1
  
3. PERMIT TO OPERATE FEE:
  - a. The fee per source is: \$1,0831,245 per 1,000 gallons
  - b. The minimum fee per source is: \$781898
  - c. The maximum fee per source is: \$43,22549,709
  
4. TOXIC SURCHARGE is only applicable for a source that emits one or more TACs at a rate that exceeds a chronic trigger level listed in Table 2-5-1: the permit to operate fee shall be raised by ten percent. This fee shall not be assessed for TACs not listed in Table 2-5-1.

*(Amended 5/19/82, 10/17/84, 6/5/85, 6/4/86, 10/8/87, 7/3/91, 6/15/94, 7/1/98, 5/19/99, 6/7/00, 6/6/01, 5/1/02, 5/21/03, 6/2/04, 6/15/05, 6/7/06, 5/2/07, 5/21/08, 5/20/09, 6/16/10, 5/4/11, 6/6/12, 6/19/13, 6/4/14, 6/3/15, 6/15/16, 6/21/17, 6/6/18, 6/5/19, 6/16/21, 6/15/22)*

**SCHEDULE F  
MISCELLANEOUS SOURCES**

(Adopted June 18, 1980)

For each source not governed by Schedules B, C, D, E, H or I, (except for those sources in the special classification lists, G-1 - G-5) the fees are:

1. INITIAL FEE: \$813,935
2. RISK ASSESSMENT FEE (RAF), if required pursuant to Regulation 3-329 or 3-342.
  - a. RAF for first (toxic air contaminant) TAC source in application: \$1,5271,756
  - b. RAF for each additional TAC source: \$843,935\*
    - \* RAF for additional TAC sources is only applicable to those sources that emit one or more TACs at a rate that exceeds a trigger level listed in Table 2-5-1
3. PERMIT TO OPERATE FEE: \$594,680
4. TOXIC SURCHARGE is only applicable for a source that emits one or more TACs at a rate that exceeds a chronic trigger level listed in Table 2-5-1: the permit to operate fee shall be raised by ten percent. This fee shall not be assessed for TACs not listed in Table 2-5-1. List of special classifications requiring graduated fees is shown in Schedules G-1, G-2, G-3, G-4, and G-5.

G-1 FEES FOR SCHEDULE G-1. For each source in a G-1 classification, fees are:

1. INITIAL FEE: \$6,6027,592
2. RISK ASSESSMENT FEE (RAF) , if required pursuant to Regulation 3-329 or 3-342.
  - a. RAF for first toxic air contaminant (TAC) source in application: \$7,4928,616
  - b. RAF for each additional TAC source: \$6,6027,592\*
    - \* RAF for additional TAC sources is only applicable to those sources that emit one or more TACs at a rate that exceeds a trigger level listed in Table 2-5-1
3. PERMIT TO OPERATE FEE: \$3,2963,790
4. TOXIC SURCHARGE is only applicable for a source that emits one or more TACs at a rate that exceeds a chronic trigger level listed in Table 2-5-1: the permit to operate fee shall be raised by ten percent. This fee shall not be assessed for TACs not listed in Table 2-5-1.

G-2 FEES FOR SCHEDULE G-2. For each source in a G-2 classification, fees are:

1. INITIAL FEE: \$8,74610,023
2. RISK ASSESSMENT FEE (RAF), if required pursuant to Regulation 3-329 or 3-342.
  - a. RAF for first toxic air contaminant (TAC) source in application: \$9,60511,046
  - b. RAF for each additional TAC source: \$8,74610,023\*
    - \* RAF for additional TAC sources is only applicable to those sources that emit one or more TACs at a rate that exceeds a trigger level listed in Table 2-5-1
3. PERMIT TO OPERATE FEE: \$4,3355,008
4. TOXIC SURCHARGE is only applicable for a source that emits one or more TACs at a rate that exceeds a chronic trigger level listed in Table 2-5-1: the permit to operate fee shall be raised by ten percent. This fee shall not be assessed for TACs not listed in Table 2-5-1.

G-3 FEES FOR SCHEDULE G-3. For each source in a G-3 classification, fees are:

1. INITIAL FEE: \$45,99252,891
2. RISK ASSESSMENT FEE (RAF), if required pursuant to Regulation 3-329 or 3-342.
  - a. RAF for first toxic air contaminant (TAC) source in application: \$46,74353,754
  - b. RAF for each additional TAC source: \$45,99252,891 \*

\* RAF for additional TAC sources is only applicable to those sources that emit one or more TACs at a rate that exceeds a trigger level listed in Table 2-5-1

3. PERMIT TO OPERATE FEE: \$22,99226,441
4. TOXIC SURCHARGE is only applicable for a source that emits one or more TACs at a rate that exceeds a chronic trigger level listed in Table 2-5-1: the permit to operate fee shall be raised by ten percent. This fee shall not be assessed for TACs not listed in Table 2-5-1.

G-4 FEES FOR SCHEDULE G-4. For each source in a G-4 classification, fees are:

1. INITIAL FEE: \$115,238132,524
2. RISK ASSESSMENT FEE (RAF), if required pursuant to Regulation 3-329 or 3-342.
  - a. RAF for first toxic air contaminant (TAC) source in application: \$116,128133,547
  - b. RAF for each additional TAC source: \$115,238132,524\*

\* RAF for additional TAC sources is only applicable to those sources that emit one or more TACs at a rate that exceeds a trigger level listed in Table 2-5-1

3. PERMIT TO OPERATE FEE: \$57,61666,258
4. TOXIC SURCHARGE is only applicable for a source that emits one or more TACs at a rate that exceeds a chronic trigger level listed in Table 2-5-1: the permit to operate fee shall be raised by ten percent. This fee shall not be assessed for TACs not listed in Table 2-5-1.

G-5 FEES FOR SCHEDULE G-5. For each source in a G-5 classification, fees are:

1. INITIAL FEE: \$51,73159,491
2. RISK ASSESSMENT FEE (RAF) is only applicable for new and modified sources of toxic air contaminants (TACs) for which a health risk assessment is required under Regulation 2-5-401.
  - a. RAF for first TAC source in application: \$52,19360,022
  - b. RAF for each additional TAC source: \$51,73159,491\*

\* RAF for additional TAC sources is only applicable to those sources that emit one or more TACs at a rate that exceeds a trigger level listed in Table 2-5-1

3. PERMIT TO OPERATE FEE: \$25,86529,745
4. TOXIC SURCHARGE is only applicable for a source that emits one or more TACs at a rate that exceeds a chronic trigger level listed in Table 2-5-1: the permit to operate fee shall be raised by ten percent. This fee shall not be assessed for TACs not listed in Table 2-5-1.

*(Amended 5/19/82, 6/5/85, 6/4/86, 6/6/90, 7/3/91, 6/15/94, 10/8/97, 7/1/98, 5/19/99, 6/7/00, 6/6/01, 5/1/02, 5/21/03, 6/2/04, 6/15/05, 6/7/06, 5/2/07, 5/21/08, 5/20/09, 6/16/10, 5/4/11, 6/6/12, 6/19/13, 6/4/14, 6/3/15, 6/15/16, 6/21/17, 6/6/18, 6/5/19, 6/16/21, 6/15/22)*

**SCHEDULE G-1**  
(Adopted June 18, 1980)

| <b>Equipment or Process Description</b>  | <b>Materials Processed or Produced</b>   |
|--|--|
| Asphalt Roofing Manufacturing – Asphalt Dipping  | Asphalt Roofing or Related Materials   |
| Calcining Kilns, excluding those processing cement, lime, or coke (see G-4 for cement, lime, or coke Calcining Kilns)                    | Any Materials except cement, lime, or coke   |
| Chemical Manufacturing, Inorganic – Processing Units with a Capacity of 1000 Gallons/Hour or more  | Any Inorganic Materials  |
| Chemical Manufacturing, Inorganic – Processing Units with a Capacity of 5 Tons/Hour or more  | Any Inorganic Materials  |
| Chemical Manufacturing, Inorganic – Reactors with a Capacity of 1000 Gallons or more   | Any Inorganic Materials  |
| Chemical Manufacturing, Organic – Latex Dipping  | Any latex materials  |
| Chemical Manufacturing, Organic – Processing Units with a Capacity of 1000 Gallons/Hour or more  | Any Organic Materials  |
| Chemical Manufacturing, Organic – Processing Units with a Capacity of 5 Tons/Hour or more  | Any Organic Materials  |
| Chemical Manufacturing, Organic – Reactors with a Capacity of 1000 Gallons or more   | Any Organic Materials  |
| Compost Operations – Windrows, Static Piles, Aerated Static Piles, In-Vessel, or similar methods   | Any waste materials such as yard waste, food waste, agricultural waste, mixed green waste, bio-solids, animal manures, etc.  |
| Crushers   | Any minerals or mineral products such as rock, aggregate, cement, concrete, or glass; waste products such as building or road construction debris; and any wood, wood waste, green waste; or similar materials |
| Electroplating Equipment   | Hexavalent Decorative Chrome with permitted capacity greater than 500,000 amp-hours per year or Hard Chrome  |
| Foil Manufacturing – Any Converting or Rolling Lines   | Any Metal or Alloy Foils   |
| Galvanizing Equipment  | Any  |
| Glass Manufacturing – Batching Processes including storage and weigh hoppers or bins, conveyors, and elevators                           | Any Dry Materials  |
| Glass Manufacturing – Mixers   | Any Dry Materials  |
| Glass Manufacturing – Molten Glass Holding Tanks   | Any molten glass   |
| Grinders   | Any minerals or mineral products such as rock, aggregate, cement, concrete, or glass; waste products such as building or road construction debris; and any wood, wood waste, green waste; or similar materials |
| Incinerators – Crematory   | Human and/or animal remains  |
| Incinerators – Flares  | Any waste gases  |
| Incinerators – Other (see G-2 for hazardous or municipal solid waste incinerators, see G-3 for medical or infectious waste incinerators) | Any Materials except hazardous wastes, municipal solid waste, medical or infectious waste  |
| Incinerators – Pathological Waste (see G-3 for medical or infectious waste incinerators)   | Pathological waste only  |

| <b>Equipment or Process Description</b>  | <b>Materials Processed or Produced</b>                      |
|--|---|
| Loading and/or Unloading Operations – Bulk Plants and Bulk Terminals, excluding those loading gasoline or gasohol (see Schedule D for Bulk Plants and Terminals loading gasoline or gasohol)                           | Any Organic Materials except gasoline or gasohol            |
| Refining – Alkylation Units  | Any Hydrocarbons  |
| Refining – Asphalt Oxidizers   | Any Hydrocarbons  |
| Refining – Benzene Saturation Units/Plants   | Any Hydrocarbons  |
| Refining – Catalytic Reforming Units   | Any Hydrocarbons  |
| Refining – Chemical Treating Units including alkane, naphthenic acid, and naptha merox treating, or similar processes  | Any Hydrocarbons  |
| Refining – Converting Units including Dimersol Plants, Hydrocarbon Splitters, or similar processes   | Any Hydrocarbons  |
| Refining – Distillation Units, excluding crude oil units with capacity > 1000 barrels/hour (see G-3 for > 1000 barrels/hour crude distillation units)  | Any Hydrocarbons  |
| Refining – Hydrogen Manufacturing  | Hydrogen or Any Hydrocarbons                                |
| Refining – Hydrotreating or Hydrofining  | Any Hydrocarbons  |
| Refining – Isomerization   | Any Hydrocarbons  |
| Refining – MTBE Process Units/Plants   | Any Hydrocarbons  |
| Refining – Sludge Converter  | Any Waste Materials   |
| Refining – Solvent Extraction  | Any Hydrocarbons  |
| Refining – Sour Water Stripping  | Any Process or Wastewater                                   |
| Refining – Storage (enclosed)  | Coke or Coke Products                                       |
| Refining – Waste Gas Flares(not subject to Regulation 12, Rule 11)   | Any Refining Gases  |
| Refining – Miscellaneous Other Process Units   | Any Hydrocarbons  |
| Remediation Operations, Groundwater – Strippers  | Contaminated Groundwater                                    |
| Remediation Operations, Soil – Any Equipment (excluding sub-slab depressurization equipment)   | Contaminated Soil   |
| Spray Dryers   | Any Materials   |
| Sterilization Equipment  | Ethylene Oxide  |
| Wastewater Treatment, Industrial – Oil-Water Separators, excluding oil-water separators at refineries (see G-2 for Refining - Oil-Water Separators)  | Wastewater from any industrial facilities except refineries |
| Wastewater Treatment, Industrial – Strippers including air strippers, nitrogen strippers, dissolved air flotation units, or similar equipment and excluding strippers at refineries (see G-2 for Refining – Strippers) | Wastewater from any industrial facilities except refineries |
| Wastewater Treatment, Industrial - Storage Ponds, excluding storage ponds at refineries (see G-2 for Refining – Storage Ponds)   | Wastewater from any industrial facilities except refineries |
| Wastewater Treatment, Municipal – Preliminary Treatment  | Municipal Wastewater  |
| Wastewater Treatment, Municipal – Primary Treatment  | Municipal Wastewater  |
| Wastewater Treatment, Municipal – Digesters  | Municipal Wastewater  |
| Wastewater Treatment, Municipal – Sludge Handling Processes, excluding sludge incinerators (see G-2 for sludge incinerators)   | Sewage Sludge   |

(Amended 6/4/86, 6/6/90, 5/19/99, 6/7/00, 6/2/04, 6/15/05, 6/6/18, 11/3/21)

**SCHEDULE G-2**  
(Adopted June 6, 1990)

| <b>Equipment or Process Description</b>  | <b>Materials Processed or Produced</b>  |
|--|---|
| Asphalt Roofing Manufacturing – Asphalt Blowing  | Asphalt Roofing or Related Materials  |
| Asphaltic Concrete Manufacturing – Aggregate Dryers  | Any Dry Materials   |
| Asphaltic Concrete Manufacturing – Batch Mixers  | Any Asphaltic Concrete Products   |
| Asphaltic Concrete Manufacturing – Drum Mixers   | Any Asphaltic Concrete Products   |
| Asphaltic Concrete Manufacturing – Other Mixers and/or Dryers  | Any Dry Materials or Asphaltic Concrete Products  |
| Concrete or Cement Batching Operations – Mixers  | Any cement, concrete, or stone products or similar materials                                |
| Furnaces – Electric  | Any Mineral or Mineral Product  |
| Furnaces – Electric Induction  | Any Mineral or Mineral Product  |
| Furnaces – Glass Manufacturing   | Soda Lime only  |
| Furnaces – Reverberatory   | Any Ores, Minerals, Metals, Alloys, or Related Materials                                    |
| Incinerators – Hazardous Waste including any unit required to have a RCRA permit   | Any Liquid or Solid Hazardous Wastes  |
| Incinerators – Solid Waste, excluding units burning human/animal remains or pathological waste exclusively (see G-1 for Crematory and Pathological Waste Incinerators) | Any Solid Waste including Sewage Sludge (except human/animal remains or pathological waste) |
| Metal Rolling Lines, excluding foil rolling lines (see G-1 for Foil Rolling Lines)   | Any Metals or Alloys  |
| <u>Metal Shredding (maximum capacity of less than or equal to 150 tons per hour)</u>   | <u>Any Metals or Alloys</u>   |
| Refining – Stockpiles (open)   | Coke or coke products only  |
| Refining, Wastewater Treatment – Oil-Water Separators  | Wastewater from refineries only   |
| Refining, Wastewater Treatment – Strippers including air strippers, nitrogen strippers, dissolved air flotation units, or similar equipment                            | Wastewater from refineries only   |
| Refining, Wastewater Treatment – Storage Ponds   | Wastewater from refineries only   |
| Pickling Lines or Tanks  | Any Metals or Alloys  |
| Sulfate Pulping Operations – All Units   | Any   |
| Sulfite Pulping Operations – All Units   | Any   |

*(Amended 6/7/00, 11/3/21)*



**SCHEDULE G-3**  
(Adopted June 18, 1980)

| <b>Equipment or Process Description</b>   | <b>Materials Processed or Produced</b> |
|---|--|
| Furnaces – Electric Arc   | Any Metals or Alloys                   |
| Furnaces – Electric Induction   | Any Metals or Alloys                   |
| Incinerators – Medical Waste, excluding units burning pathological waste exclusively (see G-1 for Pathological Waste Incinerators)                        | Any Medical or Infectious Wastes       |
| Loading and/or Unloading Operations – Marine Berths   | Any Organic Materials                  |
| <u>Metal Shredding (maximum capacity greater than 150 tons per hour)</u>  | <u>Any Metals or Alloys</u>            |
| Refining – Cracking Units including hydrocrackers and excluding thermal or fluid catalytic crackers (see G-4 for Thermal Crackers and Catalytic Crackers) | Any Hydrocarbons                       |
| Refining – Distillation Units (crude oils) including any unit with a capacity greater than 1000 barrels/hour (see G-1 for other distillation units)       | Any Crude Oils                         |
| Phosphoric Acid Manufacturing – All Units (by any process)  | Phosphoric Acid                        |

*(Amended 5/19/82; Amended and renumbered 6/6/90; Amended 6/7/00, 6/15/05, 5/2/07, 11/3/21)*

**SCHEDULE G-4**  
(Adopted June 6, 1990)

| <b>Equipment or Process Description</b>   | <b>Materials Processed or Produced</b>               |
|---|--|
| Acid Regeneration Units   | Sulfuric or Hydrochloric Acid only                   |
| Annealing Lines (continuous only)   | Metals and Alloys                                    |
| Calcining Kilns (see G-1 for Calcining Kilns processing other materials)  | Cement, Lime, or Coke only                           |
| Fluidized Bed Combustors  | Solid Fuels only                                     |
| Nitric Acid Manufacturing – Any Ammonia Oxidation Processes   | Ammonia or Ammonia Compounds                         |
| Refining - Coking Units including fluid cokers, delayed cokers, flexicokers, and coke kilns   | Coke and Coke Products                               |
| Refining - Cracking Units including fluid catalytic crackers and thermal crackers and excluding hydrocrackers (see G-3 for Hydrocracking Units) | Any Hydrocarbons                                     |
| Refining - Sulfur Removal including any Claus process or any other process requiring caustic reactants  | Any Refining Gas                                     |
| Sulfuric Acid Manufacturing – Any Chamber or Contact Process  | Any Solid, Liquid or Gaseous Fuels Containing Sulfur |

*(Amended 6/7/00, 11/3/21)*

**SCHEDULE G-5**

| <b>Equipment or Process Description</b>                | <b>Materials Processed or Produced</b>                                      |
|--|---|
| Refinery Flares<br>(subject to Regulation 12, Rule 11) | Any Vent Gas (as defined in<br>section 12-11-210 and section 12-<br>12-213) |

*(Adopted 5/2/07; Amended 11/3/21)*

**SCHEDULE H**  
**SEMICONDUCTOR AND RELATED OPERATIONS**  
(Adopted May 19, 1982)

All of the equipment within a semiconductor fabrication area will be grouped together and considered one source. The fee shall be as indicated:

1. INITIAL FEE:

- a. The minimum fee per source is: \$9441,086
- b. The maximum fee per source is: \$75,53586,865

The initial fee shall include the fees for each type of operation listed below, which is performed at the fabrication area:

c. SOLVENT CLEANING OPERATIONS, such as usage of:

Solvent Sinks (as defined in Regulation 8-30-214);  
Solvent Spray Stations (as defined in Regulation 8-30-221);  
Solvent Vapor Stations (as defined in Regulation 8-30-222); and  
Wipe Cleaning Operation (as defined in Regulation 8-30-225).

The fee is based on the gross throughput of organic solvent processed through the solvent cleaning operations on an annual basis (or anticipated to be processed, for new sources):

\$638-734 per 1,000 gallon

d. COATING OPERATIONS, such as application of:

Photoresist (as defined in Regulation 8-30-215); other wafer coating;  
Solvent-Based Photoresist Developer (as defined in Regulation 8-30-219); and other miscellaneous solvent usage.

The fee is based on the gross throughput of organic solvent processed through the coating operations on an annual basis (or anticipated to be processed, for new sources):

\$1,8962,180 per 1,000 gallon

2. RISK ASSESSMENT FEE (RAF), if required pursuant to Regulation 3-329 or 3-342.

- a. RAF for first toxic air contaminant (TAC) source in application: \$593630 plus initial fee
- b. Minimum RAF for first TAC source: \$1,6421,888
- c. RAF for each additional TAC source: equal to initial fee \*
- d. Minimum RAF per additional TAC source: \$9441,086 \*
- e. Maximum RAF per source is: \$75,53586,865

\* RAF for additional TAC sources is only applicable to those sources that emit one or more TACs at a rate that exceeds a trigger level listed in Table 2-5-1

3. PERMIT TO OPERATE FEE:

- a. The minimum fee per source is: \$683785
- b. The maximum fee per source is: \$37,76143,425

The permit to operate fee shall include the fees for each type of operation listed below, which is performed at the fabrication area:

c. SOLVENT CLEANING OPERATIONS, such as usage of:

Solvent Sinks (as defined in Regulation 8-30-214);

Solvent Spray Stations (as defined in Regulation 8-30-221);  
Solvent Vapor Stations (as defined in Regulation 8-30-222); and  
Wipe Cleaning Operation (as defined in Regulation 8-30-225).

The fee is based on the gross throughput of organic solvent processed through the solvent cleaning operations on an annual basis (or anticipated to be processed, for new sources):

~~\$324-369~~ per 1,000 gallon

d. COATING OPERATIONS, such as application of:

Photoresist (as defined in Regulation 8-30-215); other wafer coating;  
Solvent-Based Photoresist Developer (as defined in Regulation 8-30-219); and other miscellaneous solvent usage.

The fee is based on the gross throughput of organic solvent processed through the coating operations on an annual basis (or anticipated to be processed, for new sources):

~~\$944-1,086~~ per 1,000 gallon

4. TOXIC SURCHARGE is only applicable for a source that emits one or more TACs at a rate that exceeds a chronic trigger level listed in Table 2-5-1: the permit to operate fee shall be raised by ten percent. This fee shall not be assessed for TACs not listed in Table 2-5-1.

*(Amended 1/9/85, 6/5/85, 6/4/86, 7/3/91, 6/15/94, 10/8/97, 7/1/98, 5/19/99, 10/20/99, 6/7/00, 6/6/01, 5/1/02, 5/21/03, 6/2/04, 6/15/05, 6/7/06, 5/2/07, 5/21/08, 5/20/09, 6/16/10, 5/4/11, 6/6/12, 6/19/13, 6/4/14, 6/3/15, 6/15/16, 6/21/17, 6/6/18, 6/5/19, 6/16/21, 6/15/22)*

**SCHEDULE I  
DRY CLEANERS**  
(Adopted July 6, 1983)

For dry cleaners, the fee shall be computed based on each cleaning machine, except that machines with more than one drum shall be charged based on each drum, regardless of the type or quantity of solvent, as follows:

1. INITIAL FEE FOR A DRY CLEANING MACHINE (per drum):
  - a. If the washing or drying capacity is no more than 100 pounds: \$700744
  - b. If the washing or drying capacity exceeds 100 pounds: \$700744 plus  
For that portion of the capacity exceeding 100 pounds: \$20.95 per pound
  
2. RISK ASSESSMENT FEE (RAF), if required pursuant to Regulation 3-329 or 3-342.
  - a. RAF for first toxic air contaminant (TAC) source in application: \$508-630 plus initial fee
  - b. Minimum RAF for first TAC source: \$1,2451,323
  - c. RAF for each additional TAC source: equal to initial fee\*
  - d. Minimum RAF per additional TAC source: \$700744\*

\* RAF for additional TAC sources is only applicable to those sources that emit one or more TACs at a rate that exceeds a trigger level listed in Table 2-5-1
  
3. PERMIT TO OPERATE FEE FOR A DRY CLEANING MACHINE (per drum):
  - a. If the washing or drying capacity is no more than 100 pounds: \$544543
  - b. If the washing or drying capacity exceeds 100 pounds: \$544543 plus  
For that portion of the capacity exceeding 100 pounds: \$40-5211.00 per pound
  
4. TOXIC SURCHARGE is only applicable for a source that emits one or more TACs at a rate that exceeds a chronic trigger level listed in Table 2-5-1: the permit to operate fee shall be raised by ten percent. This fee shall not be assessed for TACs not listed in Table 2-5-1.

*(Amended 10/17/84, 6/5/85, 6/4/86, 7/3/91, 6/15/94, 10/8/97, 7/1/98, 5/19/99, 6/7/00, 6/6/01, 5/1/02, 5/21/03, 6/02/04, 6/15/05, 6/7/06, 5/2/07, 5/21/08, 5/20/09, 6/16/10, 5/4/11, 6/6/12, 6/19/13, 6/4/14, 6/3/15, 6/15/16, 6/21/17, 6/6/18, 6/5/19, 6/15/22)*

**SCHEDULE K**  
**SOLID WASTE DISPOSAL SITES**  
(Adopted July 15, 1987)

1. INITIAL FEE:
  - a. Landfill (Decomposition Process) \$7,6848,833
  - b. Active Landfill (Waste and Cover Material Dumping Process) \$3,8394,415
  - c. Active Landfill (Excavating, Bulldozing, and Compacting Processes) \$3,8394,415
  
2. RISK ASSESSMENT FEE (RAF), if required pursuant to Regulation 3-329 or 3-342.
  - a. RAF for first toxic air contaminant (TAC) source in application: \$593630 plus initial fee
  - b. RAF for each additional TAC source: equal to initial fee\*

\* RAF for additional TAC sources is only applicable to those sources that emit one or more TACs at a rate that exceeds a trigger level listed in Table 2-5-1
  
3. PERMIT TO OPERATE FEE:
  - a. Landfill (Decomposition Process) \$3,8394,415
  - b. Active Landfill (Waste and Cover Material Dumping Process) \$1,9492,207
  - c. Active Landfill (Excavating, Bulldozing, and Compacting Processes) \$1,9492,207
  
4. TOXIC SURCHARGE is only applicable for a source that emits one or more TACs at a rate that exceeds a chronic trigger level listed in Table 2-5-1: the permit to operate fee shall be raised by ten percent. This fee shall not be assessed for TACs not listed in Table 2-5-1.
  
5. Evaluation of Reports and Questionnaires:
  - a. Evaluation of Solid Waste Air Assessment Test Report as required by Health & Safety Code Section 41805.5(g) \$4,2324,867
  - b. Evaluation of Inactive Site Questionnaire as required by Health & Safety Code Section 41805.5(b) \$2,1222,440
  - c. Evaluation of Solid Waste Air Assessment Test Report in conjunction with evaluation of Inactive Site Questionnaire as required by Health & Safety Code Section 41805.5(b) \$2,1222,440
  - d. Evaluation of Initial or Amended Design Capacity Reports as required by Regulation 8, Rule 34, Section 405 \$1,5641,795
  - e. Evaluation of Initial or Periodic NMOC Emission Rate Reports as required by Regulation 8, Rule 34, Sections 406 or 407 \$4,4635,132
  - f. Evaluation of Closure Report as required by Regulation 8, Rule 34, Section 409 \$1,5641,795
  - g. Evaluation of Annual Report as required by Regulation 8, Rule 34, Section 411 \$3,9054,491
  
6. For the purposes of this fee schedule, landfill shall be considered active, if it has accepted solid waste for disposal at any time during the previous 12 months or has plans to accept solid waste for disposal during the next 12 months.

*(Amended 7/3/91, 6/15/94, 10/8/97, 7/1/98, 5/19/99, 10/6/99, 6/7/00, 6/6/01, 5/1/02, 5/21/03, 6/2/04, 6/15/05, 6/7/06, 5/2/07, 5/21/08, 5/20/09, 6/16/10, 5/4/11, 6/6/12, 6/19/13, 6/4/14, 6/3/15, 6/15/16, 6/21/17, 6/6/18, 6/5/19, 6/16/21, 6/15/22)*

**SCHEDULE L**  
**ASBESTOS OPERATIONS**  
(Adopted July 6, 1988)

1. Asbestos Operations conducted at single family dwellings are subject to the following fees:
  - a. OPERATION FEE:     \$185   for amounts 100 to 500 square feet or linear feet.  
                              \$679   for amounts 501 square feet or linear feet to 1000 square feet or linear feet.  
                              \$988   for amounts 1001 square feet or liner feet to 2000 square feet or linear feet.  
                              \$1,358 for amounts greater than 2000 square feet or linear feet.
  - b. Cancellation:         \$90     of above amounts non-refundable for notification processing.
2. Asbestos Operations, other than those conducted at single family dwellings, are subject to the following fees:
  - a. OPERATION FEE:     \$524   for amounts 100 to 159 square feet or 100 to 259 linear feet or 35 cubic feet  
                              \$754   for amounts 160 square feet or 260 linear feet to 500 square feet or linear feet or greater than 35 cubic feet.  
                              \$1,098 for amounts 501 square feet or linear feet to 1000 square feet or linear feet.  
                              \$1,620 for amounts 1001 square feet or liner feet to 2500 square feet or linear feet.  
                              \$2,309 for amounts 2501 square feet or linear feet to 5000 square feet or linear feet.  
                              \$3,169 for amounts 5001 square feet or linear feet to 10000 square feet or linear feet.  
                              \$4,031 for amounts greater than 10000 square feet or linear feet.
  - b. Cancellation:         \$248   of above amounts non-refundable for notification processing.
3. Demolitions (including zero asbestos demolitions) conducted at a single-family dwelling are subject to the following fee:
  - a. OPERATION FEE:     \$90
  - b. Cancellation:         \$90     (100% of fee) non-refundable, for notification processing.
4. Demolitions (including zero asbestos demolitions) other than those conducted at a single family dwelling are subject to the following fee:
  - a. OPERATION FEE:     \$372
  - b. Cancellation:         \$248   of above amount non-refundable for notification processing.
5. Asbestos operations with less than 10 days prior notice (excluding emergencies) are subject to the following additional fee:
  - a. OPERATION FEE:     \$619
6. Asbestos demolition operations for the purpose of fire training are exempt from fees.

*(Amended 9/5/90, 1/5/94, 8/20/97, 10/7/98, 7/19/00, 8/1/01, 6/5/02, 7/2/03, 6/2/04, 6/6/07, 5/21/08, 5/20/09, 6/16/10, 6/15/11, 6/6/12, 6/19/13, 6/4/14, 6/3/15, 6/15/16,6/5/19)*



**SCHEDULE M**  
**MAJOR STATIONARY SOURCE FEES**  
(Adopted June 6, 1990)

For each major stationary source emitting 50 tons per year or more of Organic Compounds, Sulfur Oxides, Nitrogen Oxides, and/or PM<sub>10</sub>, the fee shall be based on the following:

|  |    |                   |  |
|--|----|-------------------|--|
|  | 1. | Organic Compounds | \$ <del>145.34</del> <u>154.50</u> per ton |
|  | 2. | Sulfur Oxides     | \$ <del>145.34</del> <u>154.50</u> per ton |
|  | 3. | Nitrogen Oxides   | \$ <del>145.34</del> <u>154.50</u> per ton |
|  | 4. | PM <sub>10</sub>  | \$ <del>145.34</del> <u>154.50</u> per ton |

Emissions calculated by the APCO shall be based on the data reported for the most recent 12-month period prior to billing. In calculating the fee amount, emissions of Organic Compounds, Sulfur Oxides, Nitrogen Oxides, or PM<sub>10</sub>, if occurring in an amount less than 50 tons per year, shall not be counted.

*(Amended 7/3/91, 6/15/94, 7/1/98, 5/9/99, 6/7/00, 6/6/01, 5/1/02, 5/21/03, 6/2/04, 6/15/05, 6/7/06, 5/2/07, 5/21/08, 5/20/09, 6/16/10, 6/4/14, 6/3/15, 6/15/16, 6/21/17, 6/6/18, 6/5/19, 6/16/21, 6/15/22)*

**SCHEDULE N**  
**TOXIC INVENTORY FEES**  
(Adopted October 21, 1992)

For each stationary source emitting substances covered by California Health and Safety Code Section 44300 *et seq.*, the Air Toxics "Hot Spots" Information and Assessment Act of 1987, which have trigger levels listed in Table 2-5-1, a fee based on the weighted emissions of the facility shall be assessed based on the following formulas:

1. A fee of ~~\$77.44~~ for each gasoline product dispensing nozzle in a Gasoline Dispensing Facility;  
or
2. A fee calculated by multiplying the facility's weighted toxic inventory ( $w_i$ ) by the following factor:

Air Toxic Inventory Fee Factor                      ~~\$4061.13~~ per weighted pound per year

Using the last reported data, the facility's weighted toxic inventory ( $w_i$ ) is calculated as a sum of the individual TAC emissions multiplied by either the inhalation cancer potency factor for the TAC (see Regulation 2, Rule 5, Table 2-5-1, column 10) times 28.6 if the emission is a carcinogen, or by the reciprocal of the chronic inhalation reference exposure level for the TAC (see Regulation 2, Rule 5, Table 2-5-1, column 8) if the emission is not a carcinogen.

*(Amended 12/15/93, 6/15/05, 5/2/07, 6/16/10, 5/4/11, 6/4/14, 6/3/15, 6/15/16, 6/6/18, 6/5/19, 6/3/20, 6/16/21, 6/15/22)*

**SCHEDULE P**  
**MAJOR FACILITY REVIEW FEES**  
(Adopted November 3, 1993)

1. MFR / SYNTHETIC MINOR ANNUAL FEES

Each facility, which is required to undergo major facility review in accordance with the requirements of Regulation 2, Rule 6, shall pay annual fees (1a and 1b below) for each source holding a District Permit to Operate. These fees shall be in addition to and shall be paid in conjunction with the annual renewal fees paid by the facility. However, these MFR permit fees shall not be included in the basis to calculate Alternative Emission Control Plan (bubble) or toxic air contaminant surcharges. If a major facility applies for and obtains a synthetic minor operating permit, the requirement to pay the fees in 1a and 1b shall terminate as of the date the APCO issues the synthetic minor operating permit.

- a. MFR SOURCE FEE ..... ~~\$1,070~~1,137 per source
- b. MFR EMISSIONS FEE..... ~~\$42,084~~4,73 per ton of regulated air pollutants emitted

Each MFR facility and each synthetic minor facility shall pay an annual monitoring fee (1c below) for each pollutant measured by a District-approved continuous emission monitor or a District-approved parametric emission monitoring system.

- c. MFR/SYNTHETIC MINOR MONITORING FEES ~~\$10,690~~11,363 per monitor per pollutant

2. SYNTHETIC MINOR APPLICATION FEES

Each facility that applies for a synthetic minor operating permit or a revision to a synthetic minor operating permit shall pay application fees according to 2a and either 2b (for each source holding a District Permit to Operate) or 2c (for each source affected by the revision). If a major facility applies for a synthetic minor operating permit prior to the date on which it would become subject to the annual major facility review fee described above, the facility shall pay, in addition to the application fee, the equivalent of one year of annual fees for each source holding a District Permit to Operate.

- a. SYNTHETIC MINOR FILING FEE ..... ~~\$1,489~~1,583 per application
- b. SYNTHETIC MINOR INITIAL PERMIT FEE ..... ~~\$1,070~~1,137 per source
- c. SYNTHETIC MINOR REVISION FEE..... ~~\$1,070~~1,137 per source modified

3. MFR APPLICATION FEES

Each facility that applies for or is required to undergo: an initial MFR permit, an amendment to an MFR permit, a minor or significant revision to an MFR permit, a reopening of an MFR permit or a renewal of an MFR permit shall pay, with the application and in addition to any other fees required by this regulation, the MFR filing fee and any applicable fees listed in 3b-h below. The fees in 3b apply to each source in the initial permit. The fees in 3g apply to each source in the renewal permit, The fees in 3d-f apply to each source affected by the revision or reopening.

- a. MFR FILING FEE ..... ~~\$1,489~~1,583 per application
- b. MFR INITIAL PERMIT FEE ..... ~~\$1,489~~1,583 per source
- c. MFR ADMINISTRATIVE AMENDMENT FEE ..... ~~\$421~~448 per application
- d. MFR MINOR REVISION FEE ..... ~~\$2,114~~2,247 per source modified
- e. MFR SIGNIFICANT REVISION FEE ..... ~~\$3,941~~4,189 per source modified fluid
- f. MFR REOPENING FEE ..... ~~\$1,293~~1,374 per source modified
- g. MFR RENEWAL FEE ..... ~~\$628~~668 per source

Each facility that requests a permit shield or a revision to a permit shield under the provisions of Regulation 2, Rule 6 shall pay the following fee for each source (or group of sources, if the requirements for these sources are grouped together in a single table in the MFR permit) that is covered by the requested shield. This fee shall be paid in addition to any other applicable fees.

- h. MFR PERMIT SHIELD FEE ..... ~~\$2,226~~2,366 per shielded source or group of sources

4. MFR PUBLIC NOTICE FEES

Each facility that is required to undergo a public notice related to any permit action pursuant to Regulation 2-6 shall pay the following fee upon receipt of a District invoice.

MFR PUBLIC NOTICE FEE ..... Cost of Publication

5. MFR PUBLIC HEARING FEES

If a public hearing is required for any MFR permit action, the facility shall pay the following fees upon receipt of a District invoice.

a. MFR PUBLIC HEARING FEE .... Cost of Public Hearing not to exceed \$~~48,192~~19,338

b. NOTICE OF PUBLIC HEARING FEE ..... Cost of distributing Notice of Public Hearing

6. POTENTIAL TO EMIT DEMONSTRATION FEE

Each facility that makes a potential to emit demonstration under Regulation 2-6-312 in order to avoid the requirement for an MFR permit shall pay the following fee:

a. PTE DEMONSTRATION FEE ..... \$~~254~~270 per source, not to exceed \$~~25,008~~26,584

*(Amended 6/15/94, 10/8/97, 7/1/98, 5/19/99, 6/7/00, 6/6/01, 5/1/02, 5/21/03, 6/2/04, 6/15/05, 6/7/06, 5/2/07, 5/21/08, 5/20/09, 6/16/10, 5/4/11, 6/6/12, 6/19/13, 6/4/14, 6/3/15, 6/15/16, 6/21/17, 6/6/18, 6/5/19, 6/16/21, 6/15/22)*

**SCHEDULE Q  
EXCAVATION OF CONTAMINATED SOIL AND  
REMOVAL OF UNDERGROUND STORAGE TANKS  
(ADOPTED JANUARY 5, 1994)**

1. Persons excavating contaminated soil or removing underground storage tanks subject to the provisions of Regulation 8, Rule 40, Section 401, 402, 403 or 405 are subject to the following fee:
  - a. OPERATION FEE: \$168  
*(Amended 7/19/00, 8/1/01, 6/5/02, 7/2/03, 6/2/04, 6/6/07, 5/21/08, 5/20/09, 6/16/10, 6/15/11, 6/6/12, 6/4/14, 6/3/15, 6/15/16)*

**SCHEDULE R  
EQUIPMENT REGISTRATION FEES**

1. Persons operating commercial cooking equipment who are required to register equipment as required by District rules are subject to the following fees:
  - a. Conveyorized Charbroiler REGISTRATION FEE: \$744 per facility
  - b. Conveyorized Charbroiler ANNUAL RENEWAL FEE: \$209 per facility
  - c. Under-fired Charbroiler REGISTRATION FEE: \$744 per facility
  - d. Under-fired Charbroiler ANNUAL RENEWAL FEE: \$209 per facility
  
2. Persons operating non-halogenated dry cleaning equipment who are required to register equipment as required by District rules are subject to the following fees:
  - a. Dry Cleaning Machine REGISTRATION FEE: \$371
  - b. Dry Cleaning Machine ANNUAL RENEWAL FEE: \$259
  
3. Persons operating diesel engines who are required to register equipment as required by District or State rules are subject to the following fees:
  - a. Diesel Engine REGISTRATION FEE: \$250
  - b. Diesel Engine ANNUAL RENEWAL FEE: \$166
  - c. Diesel Engine ALTERNATIVE COMPLIANCE PLAN FEE (for each plan submitted under District Regulation 11-17-402): \$250
  
4. Persons operating boilers, steam generators and process heaters who are required to register equipment by District Regulation 9-7-404 are subject to the following fees:
  - a. REGISTRATION FEE \$137 per device
  - b. ANNUAL RENEWAL FEE: \$115 per device
  
5. Persons owning or operating graphic arts operations who are required to register equipment by District Regulation 8-20-408 are subject to the following fees:
  - a. REGISTRATION FEE: \$446
  - b. ANNUAL RENEWAL FEE: \$278
  
6. Persons owning or operating mobile refinishing operations who are required to register by District Regulation 8-45-4 are subject to the following fees:
  - a. REGISTRATION FEE \$209
  - b. ANNUAL RENEWAL FEE \$123

*(Adopted 7/6/07, Amended 12/5/07, 5/21/08, 7/30/08, 11/19/08, 12/3/08, 5/20/09, 6/16/10, 6/15/11, 6/6/12, 6/19/13, 6/4/14, 6/3/15, 6/15/16, 6/21/17, 6/6/18)*

**SCHEDULE S  
NATURALLY OCCURRING ASBESTOS OPERATIONS**

1. ASBESTOS DUST MITIGATION PLAN INITIAL REVIEW AND AMENDMENT FEES:

Any person submitting an Asbestos Dust Mitigation Plan (ADMP) for initial review of a Naturally Occurring Asbestos (NOA) project shall pay the following fee (including NOA Discovery Notifications which would trigger an ADMP review): \$~~840,966~~

Any person submitting a request to amend an existing ADMP shall pay the following fee: \$~~430,495~~

2. AIR MONITORING PROCESSING FEE:

NOA projects requiring an Air Monitoring component as part of the ADMP approval are subject to the following fee in addition to the ADMP fee: \$~~6,480,452~~

3. GEOLOGIC EVALUATION FEE:

Any person submitting a Geologic Evaluation for exemption from Section 93105 shall pay the following fee: \$~~3,200,680~~

4. INSPECTION FEES:

a. The owner of any property for which an ADMP is required shall pay fees to cover the costs incurred by the District in conducting inspections to determine compliance with the ADMP on an ongoing basis. Inspection fees shall be invoiced by the District on a quarterly basis, and at the conclusion of dust generating activities covered under the ADMP, based on the actual time spent in conducting such inspections, and the following time and materials rate: \$~~179-206~~ per hour

b. The owner of any property for which Geologic Evaluation is required shall pay fees to cover the costs incurred by the District. Inspection fees shall be invoiced by the District, based on the actual time spent in conducting such inspections, and the following time and materials rate: \$~~179-206~~ per hour

*(Adopted 6/6/07; Amended 5/21/08, 5/20/09, 6/16/10, 6/15/11, 6/6/12, 6/19/13, 6/4/14, 6/3/15, 6/15/16, 6/21/17, 6/6/18, 6/5/19, 6/16/21, 6/15/22)*

**SCHEDULE T  
GREENHOUSE GAS FEES**

For each permitted facility emitting greenhouse gases, the fee shall be based on the following:

1. Carbon Dioxide Equivalent (CDE) Emissions \$~~0.154~~0.174 per metric ton

Emissions calculated by the APCO shall be based on the data reported for the most recent 12-month period prior to billing. The annual emissions of each greenhouse gas (GHG) listed below shall be determined by the APCO for each permitted (i.e., non-exempt) source. For each emitted GHG, the CDE emissions shall be determined by multiplying the annual GHG emissions by the applicable Global Warming Potential (GWP) value. The GHG fee for each facility shall be based on the sum of the CDE emissions for all GHGs emitted by the facility, except that no fee shall be assessed for emissions of biogenic carbon dioxide.

**Global Warming Potential Relative to Carbon Dioxide\***

| GHG                  | CAS Registry Number | GWP**  |
|----------------------|---------------------|--------|
| Carbon Dioxide       | 124-38-9            | 1      |
| Methane              | 74-82-8             | 34     |
| Nitrous Oxide        | 10024-97-2          | 298    |
| Nitrogen Trifluoride | 7783-54-2           | 17,885 |
| Sulfur Hexafluoride  | 2551-62-4           | 26,087 |
| HCFC-22              | 75-45-6             | 2,106  |
| HCFC-123             | 306-83-2            | 96     |
| HCFC-124             | 2837-89-0           | 635    |
| HCFC-141b            | 1717-00-6           | 938    |
| HCFC-142b            | 75-68-3             | 2,345  |
| HCFC-225ca           | 422-56-0            | 155    |
| HCFC-225cb           | 507-55-1            | 633    |
| HFC-23               | 75-46-7             | 13,856 |
| HFC-32               | 75-10-5             | 817    |
| HFC-125              | 354-33-6            | 3,691  |
| HFC-134a             | 811-97-2            | 1,549  |
| HFC-143a             | 420-46-2            | 5,508  |
| HFC-152a             | 75-37-6             | 167    |
| HFC-227ea            | 431-89-0            | 3,860  |
| HFC-236fa            | 690-39-1            | 8,998  |
| HFC-245fa            | 460-73-1            | 1,032  |
| HFC-365mfc           | 406-58-6            | 966    |
| HFC-43-10-mee        | 138495-42-8         | 1,952  |
| PFC-14               | 75-73-0             | 7,349  |
| PFC-116              | 76-16-4             | 12,340 |
| PFC-218              | 76-19-7             | 9,878  |
| PFC-318              | 115-25-3            | 10,592 |

\* Source: Myhre, G., et al., 2013: Anthropogenic and Natural Radiative Forcing (and Supplementary Material). In: Climate Change 2013: The Physical Science Basis. Contribution of Working Group I to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change [Stocker, T.F., et al. (eds.)]. Cambridge University Press, Cambridge, United Kingdom and New York, NY, USA. Available from [www.ipcc.ch](http://www.ipcc.ch).

\*\* GWPs compare the integrated radiative forcing over a specified period (i.e.100 years) from a unit mass pulse emission to compare the potential climate change associated with emissions of different GHGs. GWPs listed include climate-carbon feedbacks.

*(Adopted 5/21/08; Amended 5/20/09, 6/16/10, 6/4/14, 6/3/15, 6/15/16, 6/21/17, 6/6/18,6/5/19, 6/16/21, 6/15/22)*



**SCHEDULE U  
INDIRECT SOURCE REVIEW FEES**

The applicant for any project deemed an indirect source pursuant to District rules shall be subject to the following fees:

**1. APPLICATION FILING FEE**

When an applicant files an Air Quality Impact Assessment as required by District rules, the applicant shall pay a non-refundable Application Filing Fee as follows:

- a. Residential project: \_\_\_\_\_ \$615
- b. Non-residential or mixed use project: \_\_\_\_\_ \$918

**APPLICATION EVALUATION FEE**

Every applicant who files an Air Quality Impact Assessment as required by District rules shall pay an evaluation fee for the review of an air quality analysis and the determination of Offsite Emission Reduction Fees necessary for off-site emission reductions. The Application Evaluation fee will be calculated using the actual staff hours expended and the prevailing weighted labor rate. The Application Filing fee, which assumes eight hours of staff time for residential projects and twelve hours of staff time for non-residential and mixed use projects, shall be credited towards the actual Application Evaluation Fee.

**2. OFFSITE EMISSION REDUCTION FEE**

(To be determined)

*(Adopted 5/20/09; Amended 6/16/10, 6/4/14, 6/3/15, 6/15/16, 6/21/17)*

**SCHEDULE V  
OPEN BURNING**

1. Any prior notification required by Regulation 5, Section 406 is subject to the following fee:

- a. OPERATION FEE: ~~\$173,199~~
- b. The operation fee paid as part of providing notification to the District prior to burning will be determined for each property, as defined in Regulation 5, Section 217, and will be valid for one year from the fee payment date when a given fire is allowed, as specified in Regulation 5, Section 401 for the following fires:

| <b>Regulation 5 Section – Fire</b>                 | <b>Burn Period</b>      |
|--|-------------------------|
| 401.1 - Disease and Pest                           | January 1 – December 31 |
| 401.2 - Crop Replacement <sup>1</sup>              | October 1 – April 30    |
| 401.3 - Orchard Pruning and Attrition <sup>2</sup> | November 1 – April 30   |
| 401.4 - Double Cropping Stubble                    | June 1 – August 31      |
| 401.6 - Hazardous Material <sup>1</sup>            | January 1 – December 31 |
| 401.7 - Fire Training                              | January 1 – December 31 |
| 401.8 - Flood Debris                               | October 1 – May 31      |
| 401.9 - Irrigation Ditches                         | January 1 – December 31 |
| 401.10 - Flood Control                             | January 1 – December 31 |
| 401.11 - Range Management <sup>1</sup>             | July 1 – April 30       |
| 401.12 - Forest Management <sup>1</sup>            | November 1 – April 30   |
| 401.14 - Contraband                                | January 1 – December 31 |

<sup>1</sup> Any Forest Management fire, Range Management fire, Hazardous Material fire not related to Public Resources Code 4291, or any Crop Replacement fire for the purpose of establishing an agricultural crop on previously uncultivated land, that is expected to exceed 10 acres in size or burn piled vegetation cleared or generated from more than 10 acres is defined in Regulation 5, Section 213 as a type of Prescribed Burning and, as such, is subject to the Prescribed Burning operation fee in Section 3 below.

<sup>2</sup> Upon the determination of the APCO that heavy winter rainfall has prevented this type of burning, the burn period may be extended to no later than June 30.

- c. Any person who provided notification required under Regulation 5, Section 406, who seeks to burn an amount of material greater than the amount listed in that initial notification, shall provide a subsequent notification to the District under Regulation 5, Section 406 and shall pay an additional open burning operation fee prior to burning.

2. Any Marsh Management fire conducted pursuant to Regulation 5, Section 401.13 is subject to the following fee, which will be determined for each property by the proposed acreage to be burned:

- a. OPERATION FEE: ~~\$624,714~~ for 50 acres or less  
~~\$844,971~~  
for more than 50 acres but less than or equal to 150 acres  
~~\$1,0641,224~~ for more than 150 acres

- b. The operation fee paid for a Marsh Management fire will be valid for a Fall or Spring burning period, as specified in Regulation 5, Subsection 401.13. Any burning subsequent to either of these time periods shall be subject to an additional open burning operation fee.

3. Any Wildland Vegetation Management fire (Prescribed Burning) conducted pursuant to Regulation 5, Section 401.15 is subject to the following fee, which will be determined for each prescribed burning project by the proposed acreage to be burned:

- a. OPERATION FEE: ~~\$692,796~~ for 50 acres or less

\$9381,079

for more than 50 acres but less than or equal to 150 acres

\$1,2241,404

for more than 150 acres

- b. The operation fee paid for a prescribed burn project will be valid for the burn project approval period, as determined by the District. Any burning subsequent to this time period shall be subject to an additional open burning operation fee.
- 4. Any Filmmaking fire conducted pursuant to Regulation 5, Section 401.16 and any Public Exhibition fire conducted pursuant to Regulation 5, Section 401.17 is subject to the following fee:
  - a. OPERATION FEE: \$8951,029
  - b. The operation fee paid for a Filmmaking or Public Exhibition fire will be valid for the burn project approval period, as determined by the District. Any burning subsequent to this time period shall be subject to an additional open burning operation fee.
- 5. Any Stubble fire conducted pursuant to Regulation 5, Section 401.5 that requires a person to receive an acreage burning allocation prior to ignition is subject to the following fee, which will be determined for each property by the proposed acreage to be burned:
  - a. OPERATION FEE: \$443509 for 25 acres or less  
\$624714 for more than 25 acres but less than or equal to 75 acres  
\$754867 for more than 75 acres but less than or equal to 150 acres  
\$8881,021 for more than 150 acres
  - b. The operation fee paid for a Stubble fire will be valid for one burn period, which is the time period beginning September 1 and ending December 31, each calendar year. Any burning subsequent to this time period shall be subject to an additional open burning operation fee.
- 6. All fees paid pursuant to Schedule V are non-refundable.
- 7. All fees required pursuant to Schedule V must be paid before conducting a fire.

*(Adopted ~~June 19, 206/19~~13; Amended 6/4/14, 6/3/15, 6/15/16, 6/21/17, 6/6/18, 6/5/19, 6/3/20, 6/16/21, 6/15/22)*

**SCHEDULE W  
REFINING EMISSIONS TRACKING FEES**

1. ANNUAL EMISSIONS INVENTORIES:

Any Refinery owner/operator required to submit an Annual Emissions Inventory Report in accordance with Regulation 12, Rule 15, Section 401 shall pay the following fees:

- a. Initial submittal: \$77,84289,518
- b. Each subsequent annual submittal: \$38,92244,760

Any Support Facility owner/operator required to submit an Annual Emissions Inventory Report in accordance with Regulation 12, Rule 15, Section 401 shall pay the following fees:

- a. Initial submittal: \$4,7585,472
- b. Each subsequent annual submittal: \$2,3792,736

2. AIR MONITORING PLANS:

Any person required to submit an air monitoring plan in accordance with Regulation 12, Rule 15, Section 403 shall pay a one-time fee of \$10,81112,433.

*(Adopted 6/15/16; Amended 6/5/19, 6/16/21, 11/3/21, 6/15/22)*

**SCHEDULE X  
MAJOR STATIONARY SOURCE COMMUNITY AIR MONITORING FEES**

For each major stationary source, emitting 35 tons per year or more of Organic Compounds, Sulfur Oxides, Nitrogen Oxides, Carbon Monoxide and/or PM<sub>10</sub> within the vicinity of a District proposed community air monitoring location, the fee shall be based on the following:

- |    |                   |                 |
|----|-------------------|-----------------|
| 1. | Organic Compounds | \$60.61 per ton |
| 2. | Sulfur Oxides     | \$60.61 per ton |
| 3. | Nitrogen Oxides   | \$60.61 per ton |
| 4. | Carbon Monoxide   | \$60.61 per ton |
| 5. | PM <sub>10</sub>  | \$60.61 per ton |

Emissions calculated by the APCO shall be based on the data reported for the most recent 12-month period prior to billing. In calculating the fee amount, emissions of Organic Compounds, Sulfur Oxides, Nitrogen Oxides, Carbon Monoxide, or PM<sub>10</sub>, if occurring in an amount less than 35 tons per year, shall not be counted.

*(Adopted: 6/15/16; Amended: 6/21/17)*