



BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT

STAFF REPORT

PROPOSED AMENDMENTS TO BAAQMD REGULATION 3: FEES AND REGULATION 5: OPEN BURNING

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1. EXECUTIVE SUMMARY

District staff has prepared proposed amendments to District Regulation 3: Fees for Fiscal Year Ending (FYE) 2014 (i.e., July 1, 2013 to June 30, 2014) that would increase revenue to enable the Bay Area Air Quality Management District (District) to continue to effectively implement and enforce regulatory programs for stationary sources of air pollution. A recently completed 2013 Cost Recovery Study (a copy of which is available on request) indicates that a significant cost recovery gap exists. For the most recently completed fiscal year (FYE 2012), fee revenue recovered 76 percent of program activity costs.

The proposed fee amendments for FYE 2014 are consistent with the District's Cost Recovery Policy, which was adopted on March 7, 2012 by the District's Board of Directors (see Appendix A). This policy indicates that the District should amend its fee regulation in a manner sufficient to increase overall recovery of regulatory program activity costs to 85 percent by the end of FYE 2016. The policy also indicates 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.

Staff estimates that fee revenue will need to be increased by an average of 6.4 percent per year through FYE 2016 in order to meet the Cost Recovery Policy's 85 percent cost recovery goal (this estimate is based on the assumption that program activity costs will increase by 2 percent per year over this period). The proposed fee amendments for FYE 2014 were designed to increase fee revenue by approximately 6.4 percent (relative to fee revenue that would be expected without the amendments).

The results of the 2013 Cost Recovery Study (a copy of which is available on request) were used to establish proposed fee amendments for each existing fee schedule based on the degree to which existing fee revenue recovers the regulatory program activity costs associated with the schedule. Based on this approach, the fee rates in certain fee schedules would not be increased, while other fee schedules would be increased by 5, 7, or 9 percent. Several fees that are administrative in nature (e.g. permit application filing fees and permit renewal processing fees) would be increased by 3 percent.

Two new fees are also proposed: (1) an Incident Response Fee would recover the District's costs of responding to non-routine releases of air contaminants that may cause adverse health consequences to the public, and (2) an Open Burning Fee would recover the District's costs associated with allowed open burning events. A new Schedule V would be added to Regulation 3, Fees and language referencing Schedule V would be added to Regulation 5, Open Burning.

The proposed fee amendments would increase annual permit renewal fees for most small businesses that require District permits by less than \$100, with the exception of gas stations with more than four, three-product gasoline dispensing nozzles, which would have larger fee increases (e.g., a typical gas station with 10, three-product gasoline dispensing nozzles would have an increase of \$126 in annual permit renewal

fees). For larger facilities, increases in annual permit renewal fees would cover a considerable range due to differences in the facility's size, type of emission sources, and emissions. District permit fees would generally remain well below those of the South Coast AQMD, where fee revenue recovers a higher percentage of associated program activity costs relative to the Bay Area AQMD.

The proposed fee amendments would increase overall District fee revenue in FYE 2014 by approximately \$2 million relative to fee revenue that would be expected without the amendments. These revenue projections have been included in the draft FYE 2014 budget prepared by District staff.

District staff recommends that the Board of Directors adopt the proposed amendments to Regulation 3: Fees and Regulation 5, Open Burning with an effective date of July 1, 2013, and approve the filing of a CEQA Notice of Exemption following the 2nd public hearing scheduled to consider this matter on June 19, 2013.

2. BACKGROUND

State law authorizes the 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 District fees is collected under provisions that allow the District to impose permit fees sufficient to recover the costs of program activities related to permitted sources. The 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 District, (2) sources subject to the requirements of the State Air Toxics Hot Spots Program (Assembly Bill 2588), and (3) activities related to the District's Hearing Board involving variances or appeals from District decisions on the issuance of permits. The District has established, and regularly updates, a fee regulation (District Regulation 3: Fees) under these authorities.

The District has 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 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 District Board of Directors 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 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 District adjusted fees only to account for inflation (with the exception of FYE 2005, in which the District also approved further

increases in Title V permit fees and a new permit renewal processing fee).

In 2004, the 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 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 District adopted fee amendments that increased overall projected fee revenue by an average of 8.9 percent per year. In order 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 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 District's Climate Protection Program. In FYE 2011, the 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 District's 2010 Cost Recovery Study indicated that Fee Schedule P recovered only 46 percent of program activity costs).

In September 2010, the 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 District's current cost containment strategies, and provided recommendations to improve the management of the 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 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). In order 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 District should consider the adoption of a Cost Recovery Policy to guide future fee amendments. 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 District's Board of Directors on March 7, 2012 (see Appendix A). This policy states that the District should amend its fee regulation in a manner sufficient to increase overall recovery of regulatory program activity costs to 85 percent by the end of FYE 2016. The policy also indicates 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.

Staff has updated the cost recovery analysis for the most recently completed fiscal year (FYE 2012) using the methodology established by Matrix Consulting Group. This 2013 Cost Recovery Study (a copy of which is available on request) indicates that overall cost recovery increased from 67 percent in FYE 2011 to 76 percent in FYE 2012. The increase in cost recovery observed relative to the prior fiscal year was due largely to aggressive cost containment measures implemented by the District including maintaining historically high vacancy rates and reducing capital expenditures.

3. PROPOSED FEE AMENDMENTS FOR FYE 2014

3.1 OVERVIEW OF PROPOSED AMENDMENTS

For FYE 2014, District staff has developed proposed amendments to Regulation 3 that would increase fee revenue by approximately 6.4 percent (relative to fee revenue that would result without the fee amendments). Staff estimates that a 6.4 percent annual increase in fee revenue will be needed over the next three years in order to meet the recently adopted Cost Recovery Policy's goal of achieving 85 percent overall cost recovery by the end of FYE 2016. This estimate is based on projections of an increase in program costs of 2 percent per year for FYE 2014 through FYE 2016.

The results of the 2013 Cost Recovery Study (a copy of which is available on request) were used to establish proposed fee amendments for existing fee schedules based on the degree to which existing fee revenue recovers the activity costs associated with the schedule. Based on this approach, the fee rates in certain fee schedules would not be increased, while the fee rates in other fee schedules would be increased by 5, 7, or 9 percent. The specific basis for these proposed fee amendments is summarized in Table 1 as follows.

Table 1. Proposed Fee Changes Based on Cost Recovery by Fee Schedule

Revenue from Fee Schedule as a Percentage of Program Activity Costs (from 2013 Cost Recovery Study)	Change in Fees	Affected Fee Schedules
Revenue exceeds 95% of costs	No Change	C, G-4, M, N, Q, T, U
Revenue is 85 to 95% of costs	5% increase	B, D, G-5, I
Revenue is 70 to 84% of costs	7% increase	F
Revenue is less than 70% of costs	9% increase	A, E, G-1, G-2, G-3, H, K, L, P, R, S

Cost recovery for Schedule D, Gasoline Transfer at Gasoline Dispensing Facilities and Schedule I, Dry Cleaners for FYE 2012 was less than 70%, however, a 5% fee increase is proposed for these schedules since the District's permitting and compliance costs in these areas have decreased in FYE 2013. The District's regulatory activities related to gasoline dispensing have trended lower due to the completed installation of enhanced vapor recovery and in-station diagnostics over the past several years as required by state law. Similarly, changes in state law prohibiting the use of perchloroethylene in dry cleaning operations have led to a shift in resources from permitted dry cleaning operations to non-halogenated solvent operations subject to the District's registration requirements. These trends are expected to continue into FYE 2014.

In addition to the proposed amendments to fee schedules, District staff is proposing to increase several administrative fees that appear in the Standards section of Regulation 3 by three percent. This includes permit application filing fees and permit renewal processing fees. Existing permit fees are well below the point of full cost recovery, and these fee increases are proposed to help the District reduce its cost recovery gap.

Finally, two additional new fees are proposed to recover costs of activities that do not currently have a fee:

Incident Response Fee

The proposed amendments to Regulation 3 would add a new fee for incident response activities conducted by the District. An incident is defined as 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. The proposed fee would apply to any incident response during which the District investigates a release of an air contaminant from a permitted stationary source, area-wide or indirect source. District incident response activities have included responding to major petroleum refinery, or chemical plant upsets, chemical spills, and commercial building fires.

The Incident Response Fee will be based on the actual time and materials spent by each staff member on performing activities directly in response to the incident. Staff from the District's Compliance & Enforcement, Technical Services and Engineering Divisions are primarily assigned to incident response activities. The District's costs associated with an incident may include responding to the scene of the release, conducting sampling and monitoring, analyzing samples, air modeling, responding to complaints, identifying the areas impacted by the release, supporting emergency responders and other governmental agencies, gathering information about the initial cause, nature, quantity and extent of the release, and investigating and documenting potential violations of Federal, State and District regulations. As an example, the August 6, 2012 fire at Chevron's Richmond Refinery would have generated an Incident Response fee of approximately \$45,000.

Open Burning Fee

The proposed amendments to Regulation 3, Fees include Schedule V, Open Burning, which would apply to each type of open burn allowed under District Regulation 5. Open burning activities subject to the proposed fees would include: (1) Allowable fires that require notification to the District prior to burning; (2) Wildland Vegetation Management fires (prescribed burns) and Marsh Management fires that require an District-approved smoke management plan and receiving an acreage burning allocation from the District prior to burning; (3) Stubble fires that require receiving an acreage burning allocation from the District prior to burning; and (4) Filmmaking fires and Public Exhibition fires that require an District-approved petition prior to burning. The District's 2011 Annual Burning Report to the California Air Resources Board, which is based on notifications received from burners, indicates that the majority of the material burned in the Bay Area can be attributed to agricultural fires and in particular to Orchard Pruning & Attrition fires conducted in Sonoma, Napa, and Santa Clara Counties.

Proposed Schedule V is structured to recover 73 percent of the cost of the District's Open Burning Program, which is estimated to be approximately \$436,000/year (FYE 2012). A \$98 fee would be assessed for any burn that requires notification, and variable fees would be assessed, depending on the size of the burn, for marsh management, prescribed burning and stubble burning. The \$98 prior notification fee accounts for more than 90 percent of the estimated total number of open burns conducted annually in the District. Filmmaking and public exhibition burns would be assessed a \$505 fee. Amendments to Regulation 5: Open Burning would reference the new fee requirement.

Other air districts in the state have existing fees in effect for both agricultural and non-agricultural burning. The District's proposed fee schedule is comparable to the open burning fees paid by entities in the South Coast Air Quality Management District, San Joaquin Valley Air Pollution Control District (APCD) and Placer County APCD.

3.2 PROPOSED RULE AMENDMENTS

The complete text of the proposed changes to 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 changes to Regulation 5, Open Burning are

included in Appendix C. Additional details on the proposed fee amendments follow.

- Section 3-101: Description

The proposed amendment to Section 3-101 simplifies the description of Regulation 3, Fees. The new language states that the regulation establishes the regulatory fees charged by the District.

- Section 3-242: Incident

The proposed new Section 3-242 defines an incident as 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. Significant incidents may include events such as petroleum refinery upsets, chemical plant spills, and other unanticipated industrial releases.

- Section 2-243: Incident Response

The proposed new Section 2-243 includes various activities the District may conduct in response to an incident. These activities may include the inspection of incident-emitting equipment and facility records, the identification and analysis of air quality impacts using air modeling, monitoring, and source sampling, and engineering analyses.

- Section 2-244: Permit to Operate Renewal Date

The proposed new Section 2-244 defines the Permit to Operate Renewal Date as the first day of the permit renewal period.

- Section 2-245: Permit Renewal Period

The proposed new Section 245 defines the Permit Renewal Period as the length of time the source is authorized to operate pursuant to a Permit to Operate.

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

The proposed amendment to Section 3-302 is a 3 percent increase in the filing fee for permit applications for new/modified sources and abatement devices (rounded to the nearest whole dollar), from \$416 to \$428.

- Section 3-307: Transfers

The proposed amendment to Section 3-307 includes an administrative fee of \$428 for the transferring of a permit to the new owner/operator of record.

- Section 3-309: Duplicate Permit

The proposed amendment adds registered equipment to Section 3-309. Currently the duplication fee only applies to a Permit to Operate.

- Section 3-311: Banking

The proposed amendment to Section 3-311 is a 3 percent increase in the filing fee for banking applications (rounded to the nearest whole dollar), from \$416 to \$428.

- Section 3-312: Emission Caps and Alternative Compliance Plans

No change in regulatory language is proposed for subsection 3-312.1, which requires an additional annual fee equal to fifteen percent of the facility's Permit to Operate fee for facilities that elect to use an Alternative Compliance Plan (ACP) for compliance with Regulation 8, or Regulation 2, Rule 2. These ACP fees would change along with the proposed changes in Permit to Operate renewal fees listed in Table 1 for sources in Schedules B, C, D, E, F, G-1, G-2, G-3, G-4, G-5, H, I, and K.

The proposed amendment to subsection 3-312.2 is a 3 percent increase in the annual fee (rounded to the nearest whole dollar) for a facility that elects to use an ACP contained in Regulation 2, Rule 9: Interchangeable Emission Reduction Credits. The fee for each source included in the ACP would be increased from \$1,051 to \$1,083 and the maximum fee would be increased from \$10,515 to \$10,830. In addition, reference to a draft ACP currently under development in Regulation 9, Rule 10 would be added.

- Section 3-327: Permit to Operate, Renewal Fees

The processing fees for renewal of Permits to Operate specified in subsections 3-327.1 through 3-327.6 would be increased by 3 percent (rounded to the nearest whole dollar).

- Section 3-329: Fee for Risk Screening

No change in regulatory language is proposed for Section 3-329: Fee for Risk Screening. Increases in risk screening fees are instead specified in Schedules B, C, D, E, F, G-1, G-2, G-3, G-4, G-5, H, I, and K. For each applicable fee schedule, the base fee for each application that requires a Health Risk Screening Analysis would be increased by 3 percent from \$416 to \$428. The portion of the risk screening fee that is based on the type of source involved would be changed along with the proposed changes in Permit to Operate renewal fees listed in Table 1 for sources in Schedules B, C, D, E, F, G-1, G-2, G-3, G-4, G-5, H, I, and K.

- Section 3-336: Open Burning Operation Fees

The proposed new Section 3-336 requires that 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 to conduct a wildland vegetation management or marsh management fire shall pay the fee given in Schedule V.

- Section 3-337: Exemption Fee

The proposed amendment to Section 3-337 includes a filing fee of \$428 per exempt source only for applicants who wish to receive a formal notice of exemption from the District. This proposed amendment does not establish a requirement to obtain such notice.

- Section 3-339: Incident Response Fee

The proposed new Section 3-339 states that 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, 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. The purpose of this section is to recover the cost of the District's incident response based on the actual time and materials spent performing activities in response to the incident.

- Section 3-405: Fees Not Paid

The proposed amendments to Section 3-405 are intended to clarify the rule language to conform to the District's policy regarding the reinstatement of a lapsed Permit to Operate. This section describes the method by which the District calculates back fees to ensure that the appropriate fee rate is used for permits that have lapsed for more than one year.

- Fee Schedules

Schedule A: Hearing Board Fees

Based on the cost recovery methodology listed in Table 1, the fees in Schedule A would be increased by 9 percent (rounded to the nearest whole dollar). The schedules of fees for excess emissions (Schedule A: Table I) and visible emissions (Schedule A: Table II) would also be increased by 9 percent.

Schedule B: Combustion of Fuel

Based on the cost recovery methodology listed in Table 1, the fees in Schedule B would be increased by 5 percent (rounded to the nearest whole dollar). The base fee for a health risk screening analysis for a source covered by Schedule B would be increased by 3 percent from \$416 to \$428.

Schedule C: Stationary Containers for the Storage of Organic Liquids

Based on the cost recovery methodology listed in Table 1, the fees in Schedule C would not be changed, except for the base fee for a health risk screening analysis for a source covered by Schedule C, which would be increased by 3 percent from \$416 to \$428.

Schedule D: Gasoline Transfer at Gasoline Dispensing Facilities, Bulk Plants and Terminals

Based on the cost recovery methodology listed in Table 1, the fees in Schedule D would be increased by 5 percent, except for the base fee for a health risk screening analysis for a source covered by Schedule D, which would be increased by 3 percent from \$416 to \$428. For bulk plants, terminals or other facilities subject to Schedule D, Part B., the base fee for a health risk screening analysis is included in the Risk Screening Fee (RSF) for the first TAC source in the application.

Schedule E: Solvent Evaporating Sources

Based on the cost recovery methodology listed in Table 1, the fees in Schedule E would be increased by 9 percent, except for the base fee for a health risk screening analysis for a source covered by Schedule E, which would be increased by 3 percent from \$416 to \$428.

Schedule F: Miscellaneous Sources

Based on the cost recovery methodology listed in Table 1, the fees in Schedule F would be increased by 7 percent. The base fee for a health risk screening analysis for a source covered by Schedule F would be increased by 3 percent, from \$416 to \$428. The base fee for a health risk screening analysis in Schedule F is included in the RSF for the first TAC source in the application.

Schedule G-1: Miscellaneous Sources

Based on the cost recovery methodology listed in Table 1, the fees in Schedule G-1 would be increased by 9 percent, except for the base fee for a health risk screening analysis for a source covered by Schedule G-1, which would be increased by 3 percent from \$416 to \$428. The base fee for a health risk screening analysis in Schedule G-1 is included in the RSF for the first TAC source in the application.

Schedule G-2: Miscellaneous Sources

Based on the cost recovery methodology listed in Table 1, the fees in Schedule G-2 would be increased by 9 percent, except for the base fee for a health risk screening analysis for a source covered by Schedule G-2 which would be increased by 3 percent from \$416 to \$428. The base fee for a health risk screening analysis in Schedule G-2 is included in the RSF for the first TAC source in the application.

Schedule G-3: Miscellaneous Sources

Based on the cost recovery methodology listed in Table 1, the fees in Schedule G-3 would be increased by 9 percent, except for the base fee for a health risk screening analysis for a source covered by Schedule G-3, which would be increased by 3 percent from \$416 to \$428. The base fee for a health risk screening analysis in Schedule G-3 is included in the RSF for the first TAC source in the application.

Schedule G-4: Miscellaneous Sources

Based on the cost recovery methodology listed in Table 1, the fees in Schedule G-4 would not be changed, except for the base fee for a health risk screening analysis for a source covered by Schedule G-4, which would be increased by 3 percent from \$416 to \$428. The base fee for a health risk screening analysis in Schedule G-4 is included in the RSF for the first TAC source in the application.

Schedule G-5: Miscellaneous Sources

Based on the cost recovery methodology listed in Table 1, the fees in Schedule G-5 would be increased by 5 percent. The base fee for a health risk screening analysis for a source covered by Schedule G-5 (included in the RSF for the first TAC source in the application), would also be increased by 3 percent from \$416 to \$428. The base fee for a health risk screening analysis in Schedule G-5 is included in the RSF for the first TAC source in the application.

Schedule H: Semiconductor and Related Sources

Based on the cost recovery methodology listed in Table 1, the fees in Schedule H would be increased by 9 percent, except for the base fee for a health risk screening analysis for a source covered by Schedule H, which would be increased by 3 percent from \$416 to \$428.

Schedule I: Dry Cleaners

Based on the cost recovery methodology listed in Table 1, the fees in Schedule I would be increased by 5 percent, except for the base fee for a health risk screening analysis for a source covered by Schedule I, which would be increased by 3 percent from \$416 to \$428.

Schedule K: Solid Waste Disposal Sites

Based on the cost recovery methodology listed in Table 1, the fees in Schedule K would be increased by 9 percent, except for the base fee for a health risk screening analysis for a source covered by Schedule K, which would be increased by 3 percent from \$416 to \$428.

Schedule L: Asbestos Operations

Based on the cost recovery methodology listed in Table 1, the fees in Schedule L would be increased by 9 percent.

Schedule M: Major Stationary Source Fees

Schedule M is an emissions-based fee schedule that applies to various permitted facilities emitting 50 tons per year or more of organic compounds, sulfur oxides, nitrogen oxides, and/or PM₁₀. The District's time accounting system does not provide data to allow for direct analyses of cost recovery for this schedule. Rather, the fee revenue collected from Fee Schedule M is allocated to the other source category-based permit fee schedules (i.e., Fee Schedules B, C, D, E, F, H, I, and K) based on the specific sources that are subject to Schedule M fees and their level of emissions. In this manner, the cost recovery for Schedule M is indirectly accounted for in the cost recovery analyses completed for the source-category based fee schedules. District staff is proposing no change for Fee Schedule M for FYE 2014.

Schedule N: Toxic Inventory Fees

Based on the cost recovery methodology listed in Table 1, the fees in Schedule N would not be changed. Fees for Schedule N are calculated by a formula that includes the fee revenue that is to be collected for District purposes, as well as the fee revenue that is to be passed through to the State to recover State agency costs related to the Air Toxics Hot Spots Program. The value of the variable F_T , the total amount of fees to be collected, used to calculate fees for Schedule N is proposed to be remain unchanged for FYE 2014.

Schedule P: Major Facility Review Fees

Based on the cost recovery methodology listed in Table 1, the fees in Schedule P would be increased by 9 percent, except for the cap on the cost of a public hearing specified under Part 5.a., which would remain unchanged since the existing cap has never been exceeded.

Schedule Q: Excavation of Contaminated Soil and Removal of Underground Storage Tanks

Based on the cost recovery methodology listed in Table 1, the fees in Schedule T would not be changed.

Schedule R: Equipment Registration Fees

Based on the cost recovery methodology listed in Table 1, the fees in Schedule R would be increased by 9 percent.

Schedule S: Naturally Occurring Asbestos Operations

Based on the cost recovery methodology listed in Table 1, the fees in Schedule S would be increased by 9 percent.

Schedule T: Greenhouse Gas Fees

Based on the cost recovery methodology listed in Table 1, the fees in Schedule T would not be changed.

Schedule U: Indirect Source Review Fees

District staff is proposing no changes in Schedule U: Indirect Source Review Fees. Schedule U was adopted in 2009 to establish fees for an upcoming District Indirect Source Review (ISR) rule. The ISR rule has been included as a Land Use and Local Impact Measure in the Bay Area 2010 Clean Air Plan, and the fees in Schedule U will be considered for amendment concurrent with any future rule development process.

Schedule V: Open Burning

District staff is proposing a new fee that would be created as Schedule V, Open Burning. Schedule V would be added to recover costs associated with allowed open burning. A \$98 fee would be assessed for any burn that requires notification, and variable fees would be assessed, depending on the size of the burn, for marsh management, prescribed burning and stubble burning. Filmmaking and public exhibition burns would be assessed a \$505 fee.

Regulation 5: Open Burning

The draft proposed amendments to Regulation 5 are non-substantive and are only intended to serve as a simple cross-reference between Regulation 5 and the proposed fee amendments in Regulation 3 (see Appendix C). District staff is proposing to amend Regulation 5: Open Burning by adding Section 5-411: Open Burning Fees. This section would reference fees for notifications, smoke management plans, acreage burning allocations, and petitions as required by Regulation 3, Schedule V.

4. FEE REVENUE AND COSTS OF PROGRAM ACTIVITIES

On an overall basis, the 2013 Cost Recovery Study (a copy of which is available on request) concluded that, for FYE 2012, fee revenue recovered 76 percent of regulatory program activity costs, with revenue of \$30.8 million and costs of \$40.5 million. This resulted in a shortfall, or cost recovery gap, of \$9.7 million which was filled by county tax revenue. For permitted sources, fees recovered 79 percent of costs, with revenue of \$28.4 million and costs of \$35.9 million. For non-permitted sources (asbestos related operations and registered equipment), fees recovered 51 percent of costs, with revenue of \$1.7 million and costs of \$3.4 million. The proposed fee amendments for FYE 2014 are projected to increase overall District fee revenue in FYE 2014 by approximately \$2

million relative to fee revenue levels that would be expected without the amendments. Revenue in FYE 2014 is expected to remain well below the District's regulatory program costs for both permitted and non-permitted sources.

Over the past three years, the District has implemented aggressive cost containment measures including maintaining historically high vacancy rates (15%) and reducing capital expenditures. In FYE 2014, the District is proposing to fill nine vacancies in the Compliance and Enforcement, Engineering and Technical Services Divisions that will support mandated stationary source programs and ensure that these core functions will be maintained at levels necessary to adequately service the regulated community.

5. STATUTORY AUTHORITY FOR PROPOSED FEE INCREASES

The 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 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 District has been clearly shown to be much less than the costs of the District's regulatory program activities both for permitted and non-permitted sources.

The 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 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 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 District to assess additional permit fees to cover the costs of programs related to toxic air contaminants. H&S Code section 41512.7 limits the allowable percentage increase in fees for authorities to construct and permits to operate to 15 percent per 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 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 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 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 (proposed in Schedule V).

The proposed fee amendments are in accordance with all applicable authorities. Based on the results of the 2013 Cost Recovery Study (a copy of which is available on request), the District fees subject to this rulemaking are in amounts no more than necessary to cover the reasonable costs of the District's regulatory activities, and the manner in which the District fees allocate those costs to a payer bear a fair and reasonable relationship to the payer's burdens on the District regulatory activities and benefits received from those activities. Permit fee revenue (after adoption of the proposed amendments) would still be well below the District's regulatory program activity costs associated with permitted sources. Similarly, fee revenue for non-permitted area wide sources would be below the District's costs of regulatory programs related to these sources. Hearing Board fee revenue would be below the District's costs associated with Hearing Board activities related to variances and permit appeals. Fee increases for authorities to construct and permits to operate would be less than 15 percent per year.

6. ASSOCIATED IMPACTS AND OTHER RULE DEVELOPMENT REQUIREMENTS

6.1 EMISSIONS IMPACTS

There will be no direct change in air emissions as a result of the proposed amendments.

6.2 ECONOMIC IMPACTS

The 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 a 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.

The financial impact of the proposed fee amendments on small businesses is expected to be minor. Many small businesses operate only one or two permitted sources, and generally pay only the minimum permit renewal fees. As is shown in Table 2, increases in annual permit and registration renewal fees for most small businesses would be under \$100, with the exception of gas stations that have ten or more multiproduct gasoline nozzles.

Table 2. Changes in Annual Permit / Registration Renewal Fees for Typical Small Businesses

Facility Type	Facility Description	Fee Increase	Total Fee
Gas Station	10 multi-product gasoline nozzles	\$126	\$2,746
Dry Cleaner (permitted)	One machine: 1,400 lb/yr Perc emissions	\$20	\$525
Dry Cleaner (registered)	One machine: 800 lb/yr VOC emissions	\$13	\$159
Auto Body Shop	one spray booth: 400 gal/yr paint 100 gal/yr cleanup solvent	\$33	\$458
Back-up Generator	One 300 hp engine	\$12	\$309

For reference, District permit fees are generally well below that of the South Coast AQMD, the other major metropolitan air district in the state with a cost of living similar to that of the Bay Area. South Coast AQMD staff have indicated that their fee revenue recovers a much higher percentage of associated program activity costs (i.e., about 90 percent) relative to the Bay Area AQMD. A comparison of permit renewal fees recently completed by District staff for 12 different categories of small and medium-sized sources are provided in Figures 1 and 2 as follows.

Figure 1. Comparison of FYE 2013 Bay Area AQMD and South Coast AQMD Permit Renewal Fees for Various Small Sources

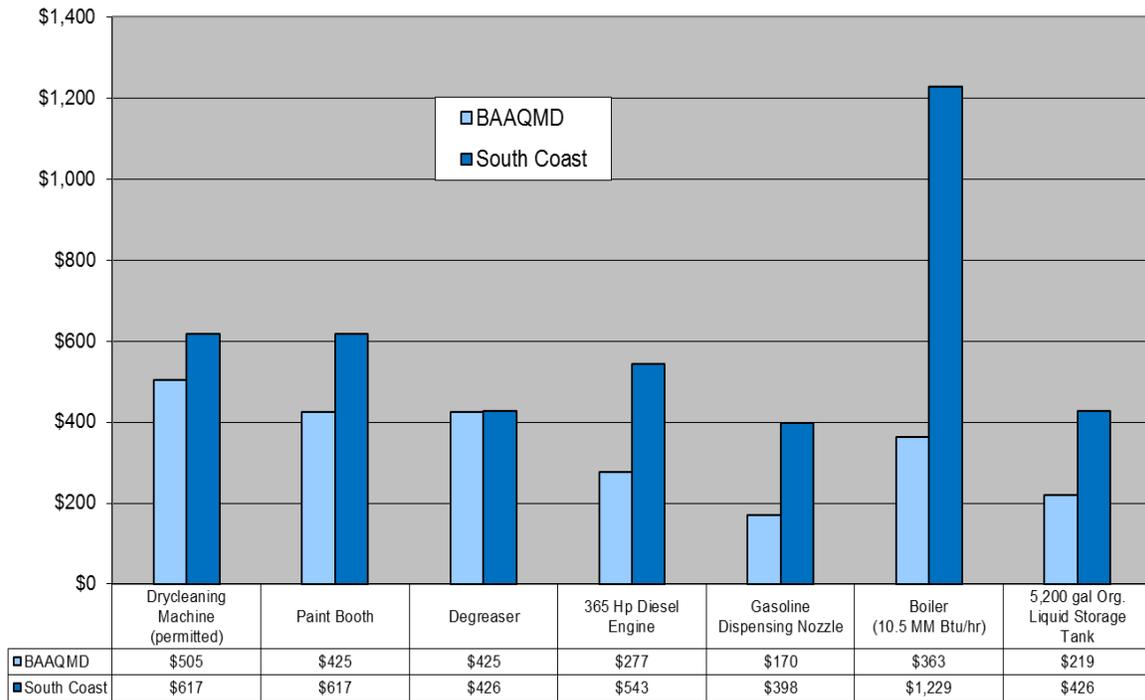
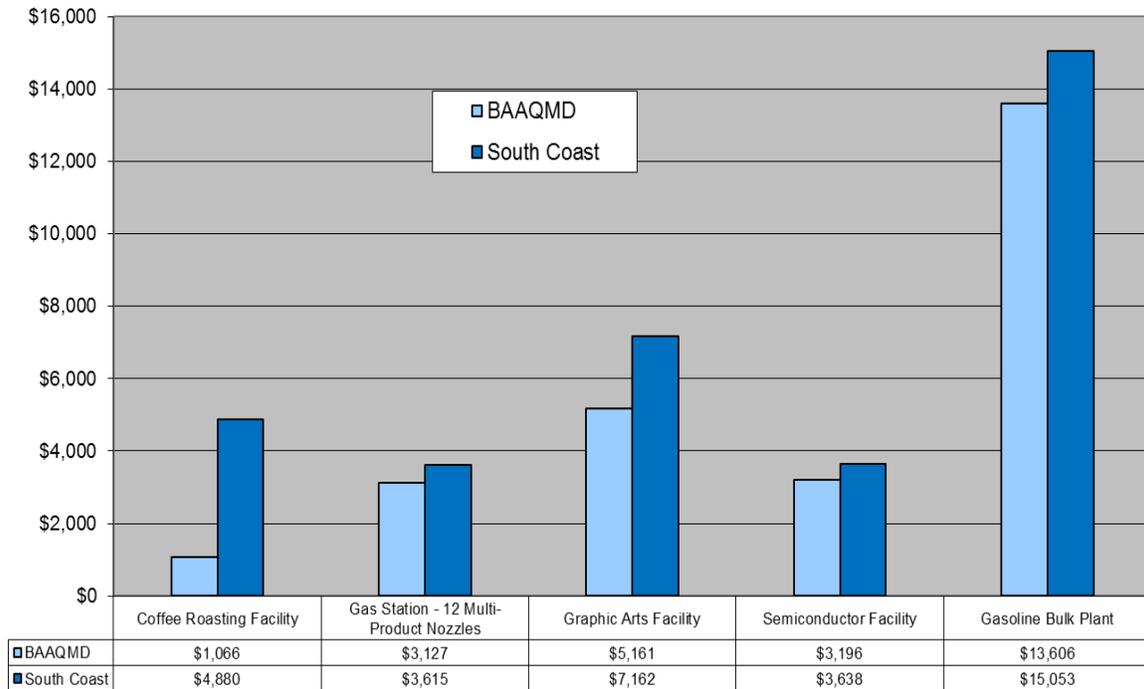


Figure 2. Comparison of FYE 2013 Bay Area AQMD and South Coast AQMD Permit Renewal Fees for Various Medium-sized Sources



For larger facilities, increases in annual permit renewal fees would cover a considerable range due to differences in the facility's size, type of emission sources, and emissions. The annual permit renewal fees for five Bay Area refineries, the District's highest fee payers, would increase within an estimated range of 2.7 to 4.1 percent (\$33,000 to \$103,000).

District staff is sympathetic to businesses that are impacted by persistent economic uncertainties, but feel that additional revenue is needed to continue the District's core regulatory programs and other air quality initiatives. In general, District fee increases are expected to have a minor financial impact on businesses relative to other factors (e.g., the costs of property and labor).

6.3 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.

6.4 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 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 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.

7. RULE DEVELOPMENT PROCESS

On February 1, 2013, the District issued a notice for a public workshop to discuss with interested parties an initial proposal to amend Regulation 3, Fees. Distribution of this notice included all District-permitted and registered facilities, asbestos contractors, and a number of other potentially interested stakeholders. The notice was also posted on the District website. A public workshop and simultaneous webcast was held on February 28, 2013 to discuss the initial fee proposal. Six members of the public attended the workshop.

District staff also conducted a separate series of workshops and webcasts to discuss draft amendments to Regulation 3, Fees specifically related to Open Burning. On January 17, 2013, the District issued a notice for public workshops to parties interested in the proposed Open Burning fees including fire departments, land use and parks agencies, agricultural organizations, film commissions, and other community groups. A total of nine workshops were held between February 4, 2013 and February 27, 2013. The initial workshop was held at the District and webcasted. Subsequent workshops were conducted at various offsite locations in Gilroy, Concord, Petaluma, Livermore, Yountville, Point Reyes, and Fairfield. Approximately seventy members of the public attended the workshops.

On March 27, 2013 and April 24, 2013, District staff provided a briefing on the proposed fee amendments to the District Board of Directors' Budget and Finance Committee. On May 2, 2013, District staff met with representatives of the Marin and Sonoma County Farm Bureaus, the Marin County Fire Department and District Board Member Susan Adams to discuss their concerns regarding the proposed Open Burning Fee.

Under H&S Code section 41512.5, the adoption or revision of fees for non-permitted sources requires two public hearings that are held at least 30 days apart from one another. 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 and Schedule V: Open Burning. A Public Hearing Notice for the proposed Regulation 3 and Regulation 5 amendments was published on April 15, 2013. An initial public hearing to consider testimony on the proposed amendments has been scheduled for May 15, 2013. A second public hearing, to consider adoption of the proposed fee amendments, has been scheduled for June 19, 2013. If adopted, the amendments would be made effective on July 1, 2013, which is the beginning of FYE 2014.

8. PUBLIC COMMENTS IN RESPONSE TO DRAFT REGULATIONS

8.1 Public Comments - Regulation 3, Fees

The District held a public workshop on February 28, 2013 to discuss draft amendments

to Regulation 3, Fees. This workshop did not include draft amendments regarding proposed Open Burning fees (see Section 8.2 Open Burning Public Comments). Written comments were received on the Regulation 3, Fees proposal as follows: 1) William Quinn of California Council for Environmental and Economic Balance (CCEEB), 2) Douglas Craig of Central Contra Costa Sanitary District (CCCSD), 3) David Armstrong of Lawrence Livermore National Laboratory (LLNL), and 4) Beverly Scott, a resident of Richmond, CA.

CCEEB Comment: The commenter supports the District's goal of achieving 85 percent cost recovery so long as the District continues to implement feasible measures identified in the 2011 Cost Containment Study.

Response: The District has implemented a number of measures outlined in the 2011 Cost Containment Study that have improved the quality and consistency of permit evaluations and conditions. For example, up-front analyses for high volume source categories have been completed in order to reduce the level of effort needed. This eliminates unique engineering decisions on many of these applications, freeing up resources to handle more complex projects with higher emission impacts. These efforts have contributed to reducing the backlog of New Source Review applications by approximately 60 percent.

CCEEB Comment: The commenter questions how the Incident Response Fee is authorized under California Health and Safety Code section 42311.

Response: The Incident Response Fee is authorized as to permitted sources under Health and Safety Code section 42311(a) and as to regulated, unpermitted area wide and indirect sources under Health and Safety Code section 42311(g). Section 42311(a) allows air districts to charge permit fees to recover the cost of district programs related to permitted District sources. Similarly, Section 42311(g) allows districts to charge fees to recover the cost of programs related to unpermitted, regulated area wide and indirect sources. Specifically, the Incident Response Fee is intended to recover currently unrecovered costs related responding to major incidents, a part of the District's regulatory program that goes beyond the District's routine workload related to activities such as compliance inspections, air monitoring, or atmospheric modeling.

CCEEB Comment: The commenter expressed concern that, if the Online Customer Interface Fee is a tax under Article XIIC of the California Constitution, it runs counter to certain provisions of Article XIIC, including the Article XIIC, Section 2, subdivision (d), requirement that any special tax be approved by a two-thirds vote of the electorate.

Response: The Online Customer Interface Fee has been removed from the proposed amendments to Regulation 3, Fees for FYE 2014.

CCEEB Comment: The commenter questions how Greenhouse Gas fees from Schedule T are used and whether District staff costs are related to AB 32 implementation, or to efforts initiated by the District.

Response: Greenhouse gas fees are used to implement District Board directives and federal/state requirements related to stationary sources. AB 32 requirements that result in modifications of a stationary source requiring District permits are included in the fee schedule. This is to ensure that criteria and toxic emissions satisfy District requirements.

The District is involved in a number of climate protection activities. The purpose of the Schedule T is to recover the District's costs of the Climate Protection Program activities related only to stationary sources.

CCEEB Comment: The commenter questions the appropriateness of charging an online customer interface fee for services that may not be realized. The commenter is also concerned with the fairness charging an online customer service fee of \$200 per permitted source at major facilities compared to \$15 per permitted source at most other facilities.

Response: The Online Customer Interface Fee has been removed from the proposed amendments to Regulation 3, Fees for FYE 2014.

LLNL Comment: The commenter requests that their 31 groundwater and soil remediation operations be re-categorized from Schedule G-1 to Schedule F, Miscellaneous Sources due to the high permit fees and low overall emissions.

Response: Schedule F, Miscellaneous Sources apply to operations not governed by other District fee schedules, such as storage silos, or abrasive blasting equipment and would not be appropriate for remediation operations that require a more complex level of review. District staff is working with the commenter on the grouping of sources that may reduce permit fees.

Beverly Scott Comment: The commenter raises the following questions regarding the District's proposed fee changes:

1. How do the proposed fees compare to other air districts?
2. Are the fees meant to solely offset costs, or to deter the operations of certain businesses?
3. Will the dry cleaner fee increase price local businesses out of the market?
4. Is there a campaign to "green" dry cleaning within the county?
5. What are miscellaneous sources?

Response: 1) District permit fees are generally well below that of the South Coast AQMD, the other major metropolitan air district in the state with a cost of living similar to that of the Bay Area. For example, a small auto body shop that currently pays \$425.00 for an annual permit to operate from the BAAQMD would pay \$617.00 if located in Los Angeles. 2) The fees are designed to recover program activity costs associated with regulating sources of air pollution. 3) The proposed annual permit fee increase for a dry cleaner using perchloroethylene is about \$20.00; for a registered (non-halogenated) dry cleaner the increase is \$13.00. These fee changes should not cause undue hardship to local businesses. 4) State law requires the phasing out of perchloroethylene used in

dry cleaning machines. Dry cleaning options today include the use of non-halogenated solvents, aqueous cleaning, CO2 cleaning and other alternatives. 5) Miscellaneous sources, subject to Schedule F, include operations that are not governed by any other District fee schedules. These operations typically include particulate matter sources of air pollution such as storage silos, or abrasive blasting equipment.

CCCSD Comments: The commenter indicates that their annual fee increase is three times that local cost of living allowance (COLA) and that the District should consider reducing permit fees for public agencies due to decreasing revenues and increasing costs.

Response: District staff acknowledges the difficulties public agencies and the private sector are having due to the current economic climate, but believe that the proposed fee increases above a COLA are necessary to maintain core regulatory programs and conform with the cost recovery goals as specified in the Cost Recovery Policy adopted by the District's Board of Directors in March, 2012.

CCCSD Comment: The commenter considers it unfair for the District burden a public agency with the bulk of the cost for the on-line customer interface that will benefits all District users.

Response: The Online Customer Interface Fee has been removed from the proposed amendments to Regulation 3, Fees for FYE 2014.

8.2 Public Comments – Open Burning Fees

District staff conducted a series of workshops to discuss draft amendments to Regulation 3, Fees specifically related to Open Burning. The following written comments were received in response to these workshops:

Comment: Several fire and public land management agencies oppose the proposed Open Burning fees for Fire Training fires, Hazardous Material fires, Contraband fires, Public Exhibition fires, and Wildland Vegetation Management fires because they believe one branch of government should not be imposing fees on other government entities engaged in burning activities that provide a public benefit such as reduced risk or ecological restoration. They request an exemption for all public entities from the proposed fees.

Response: Fire agencies and public land management agencies are regulated entities subject to the requirements of District Regulation 5: Open Burning. All fires conducted by these public entities add to the District's Open Burning program costs. The Open Burning fee proposal is consistent with the District's Cost Recovery Policy to recover regulatory program costs. District staff identified the Open Burning Program as a regulatory program without any cost recovery. In the view of District staff, the fact that certain fires conducted by public entities may benefit the public is not sufficient reason to provide a fee exemption because fire agencies and public land management agencies are currently subject to existing fees to recover the costs of other District

programs.

Comment: The Suisun Resource Conservation District (SRCD) and CA Waterfowl Association (CWA) provided several recommendations for modifications to the proposed marsh burning fees. Specifically, both the SRCD and CWA requested that the proposed fees for “applying” for a burn be refunded or credited to those who are unable to burn or burn all of the acreage they had planned to during a given burn season. The SRCD also suggested the District consider a flat cost/acre fee to be collected after burning and based on acres actually burned, and additional categories and fees for smaller marsh burning projects.

Response: After due consideration of the estimated District costs associated with marsh burning and the proposed fees, staff determined that a credit would not be feasible because the difference between the estimated District costs (for smoke management plan approval or “applying” for a burn) and the proposed fees paid for a given burn that would be available for a credit was too small. The estimated additional District costs incurred for burn forecast and acreage allocation services provided would quickly approach and exceed the proposed fees paid. District staff discussed this cost information with the SRCD and CWA during phone conversations in April 2013 and they concurred.

The District’s proposed “up-front” fee payment requirement is preferred over fee collection after burning because the latter is more costly due to the additional time spent trying to verify the actual acreage burned and attempting to collect the fee when there is a dispute. In addition, staff concluded that a lower fee tier for smaller burns would not be cost effective because the estimated District costs for “smaller” burns are higher than the lowest marsh burn fee proposed (\$350) even without any inspection costs.

Comment: The CAL Fire San Mateo - Santa Cruz Unit (CAL-Fire) expressed the following concerns about the proposed fees for prescribed burning, Fire Training burns and hazard reduction burns:

1. CAL-Fire suggests that the proposed \$98 notification fee for hazard reduction fires could cause landowners to not comply with Public Resources Code (PRC) 4291, which requires landowners to clear and maintain defensible space around structures on their property;
2. The proposed fees have the potential to cause the public to ignore open burning rules and burn during inappropriate and potentially unsafe times when their fires would not be detected by either the District or fire agencies;
3. CAL-Fire believes that if one agrees with the logic of the District’s argument that cost recovery is the basis of the proposed fees, then CAL-Fire should be able to charge the District cost recovery fees for responding to a burn and citing or warning a burner that is burning on a “No-Burn day” or without an Air Quality permit. These on-going CAL-Fire actions help the Air District to accomplish its mission to reduce air pollution;

4. The proposed requirement for “up-front” fee payment prior to burning conflicts with state agency purchasing procedures that prohibit a state agency from paying fees before services are rendered and without an invoice;
5. The proposed fees (ranging from \$98 to \$750) do not seem to be very efficient because CAL-Fire would be required to process payment through their finance system at an estimated cost of \$500 each time a payment works through the system;
6. The proposed fees for fuel reduction projects greater than 5 acres that would increase from \$98 to \$450 or more could be a significant economic obstacle for entities that fund their own projects;
7. The proposed prescribed burning fees could be a significant disincentive to CAL-Fire’s Vegetation Management Prescribed (VMP) burn program;
8. In light of limited funding and disappearing grant funding, the proposed fees will reduce the number of beneficial fuel reduction burns and projects;

Response:

1. District staff considers it unlikely that the proposed \$98 notification fee would cause landowners to not comply with PRC 4291. Compliance with this law depends on a land owner’s willingness to satisfy a fire agency’s order to clear and maintain defensible space, not on what the landowner intends to do with the material generated to create that defensible space. Alternatives to burning the material generated are available to landowners. The proposed notification fee would only be applicable should the landowner decide to burn the material.
2. District staff considers it unlikely that the fee proposal would cause significant numbers of the public to burn illegally. The District has several programs in which it charges a fee for review of a plan or a notification. For example, the District requires the payment of a fee in order for a person to satisfy the notification requirements under District Regulation 11, Rule 2: Asbestos Demolition, Renovation and Manufacturing. The experience of the District does not indicate that compliance rates have fallen in response to increases in fee rates.
3. District staff appreciates the on-going cooperation between public agencies throughout the Bay Area with respect to regulating open burning activities. Collectively, these voluntary efforts help minimize potential adverse impacts caused by open burning by focusing on the requirements of fire safety and air quality regulations. However, the proposed fees are necessary to maintain core regulatory programs and conform with the cost recovery goals as specified in the Cost Recovery Policy adopted by the District’s Board of Directors.

4. While the Open Burning fee proposal includes a requirement for “up-front” fee payment, District staff believes that this problem can be resolved through adequate planning by CAL-Fire and by utilizing one of a variety of District fee payment options (i.e., credit card, check, and money order).
5. District staff understands that CAL-Fire incurs an estimated cost of \$500 each time a payment is processed through their finance system. However, Cal-Fire could minimize this cost through their planning efforts. For example, only one payment processing cost would be incurred when the total number and type of burns planned annually is combined so that only one invoice/payment would be necessary, instead of a processing cost for each burn planned.
6. CAL- Fire is incorrect by stating that fuel reduction projects greater than 5 acres would increase the proposed fee from \$98 to \$450 or more. The proposed \$98 notification fee would apply to two types of Hazardous Material (fire hazard reduction) fires: fuel reduction fires of any size that are only related to compliance with PRC 4291 and those fires not related to PRC 4291 up to 10 acres in size. Only those Hazardous Material fires that are not related to PRC 4291 and expected to exceed 10 acres in size would be subject to the proposed fees for Wildland Vegetation Management fires (prescribed burning). The proposed prescribed burning fees, which are determined by the proposed acreage to be burned, range from \$425 (for fires <50 acres), \$575 (for fires >50 acres but <150 acres) and \$750 (for fires >150 acres). The proposed fees should not be a significant economic obstacle for entities that fund their own projects since this cost represents a small percentage of total project costs.
7. The proposed prescribed burning fees would apply to Vegetation Management Prescribed (VMP) burning projects of any size. The \$750 fee proposed for VMP’s greater than 150 acres in size is not expected to be a significant disincentive to the CAL-Fire’s VMP program because this cost does not account for a significant percentage of total project costs. District staff also understands that because a VMP project may take up to three years to complete, the proposed \$750 fee may have to be paid 3 times (or once a year) for a total of \$2,250, instead of one \$750 payment that is valid for 3 years. However, District costs associated with prescribed burning projects are also incurred annually. These costs are targeted for cost recovery through the proposed prescribed burning fees.
8. District staff considers it unlikely that the proposed fees will reduce the number of beneficial fuel reduction burns and projects. The proposed \$98 notification fee for hazard reduction fires and the proposed prescribed burning fees for fuel reduction projects are set at reasonable levels that will not impose a financial burden for private landowners and public entities engaged in burning activities.

9. CONCLUSIONS

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 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 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 District to recover the costs of issuing permits, performing inspections, and other associated regulatory activities. Based on the results of the 2013 Cost Recovery Study (a copy of which is available on request), the District fees subject to this rulemaking are in amounts no more than necessary to cover the reasonable costs of the District's regulatory activities, and the manner in which the District fees allocate those costs to a payer bear a fair and reasonable relationship to the payer's burdens on the District regulatory activities and benefits received from those activities. Permit fee revenue (after adoption of the proposed amendments) would still be well below the District's regulatory program activity costs associated with permitted sources. Similarly, fee revenue for non-permitted sources would be below the 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.

District staff recommends that the Board of Directors adopt the proposed amendments to Regulation 3: Fees and Regulation 5: Open Burning with an effective date of July 1, 2013, and approve the filing of a CEQA Notice of Exemption, following the 2nd public hearing scheduled to consider this matter on June 19, 2013.



BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT

STAFF REPORT

PROPOSED AMENDMENTS TO BAAQMD REGULATION 3: FEES AND REGULATION 5: OPEN BURNING

APPENDIX A COST RECOVERY POLICY (Adopted March 7, 2012)

DRAFT

APRIL 29, 2013

COST RECOVERY POLICY FOR BAY AREA AIR QUALITY MANAGEMENT DISTRICT REGULATORY PROGRAMS

PURPOSE

WHEREAS, the District has the primary authority for the control of air pollution from all sources of air emissions located in the San Francisco Bay Area, other than emissions from motor vehicles, in accordance with the provisions of Health & Safety Code sections 39002 and 40000.

WHEREAS, the District is responsible for implementing and enforcing various District, State, and federal air quality regulatory requirements that apply to non-vehicular sources.

WHEREAS, the District's regulatory programs involve issuing permits, performing inspections, and other associated activities.

WHEREAS, the District is authorized to assess fees to regulated entities for the purpose of recovering the reasonable costs of regulatory program activities, and these authorities include those provided for in California Health and Safety Code sections 42311, 42364, and 44380.

WHEREAS, the District's fees fall within the categories provided in Section 1(e) of Article XIII C of the California Constitution, which indicates that charges assessed to regulated entities to recover regulatory program activity costs, and charges assessed to cover the cost of conferring a privilege or providing a service, are not taxes.

WHEREAS, the District has adopted, and periodically amends, a fee regulation for the purpose of recovering regulatory program activity costs, and this regulation with its various fee schedules, is used to allocate 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.

WHEREAS, the District analyzes whether assessed fees result in the collection of sufficient revenue to recover the costs of related program activities; these analyses have included contractor-conducted fee studies completed in 1999, 2005, and 2011, and annual District staff-conducted cost recovery updates completed in 2006 through 2010. Each fee study and cost recovery update completed revealed that District fee revenue falls significantly short of recovering the costs of related program activities.

WHEREAS, the District's most recently completed fee study (*Cost Recovery*

and Containment Study, Bay Area Air Quality Management District, Final Report, Matrix Consulting Group, March 9, 2011) concluded that in Fiscal Year Ending (FYE) 2010, the District recovered approximately 62 percent of its fee-related activity costs, resulting in an under-recovery of costs (i.e., a cost recovery gap), and a subsidy to fee payers, of approximately \$16.8 million, and that this cost recovery gap resulted despite the implementation of a number of strategies to contain costs.

WHEREAS, cost recovery analyses have indicated that the District's Fee Schedule P: Major Facility Review Fees, which establishes fees for program activities associated with the Title V permit program, has under-recovered costs by an average of \$3.4 million per year over the period FYE 2004 through FYE 2010.

WHEREAS, the District's Board of Directors has recognized since 1999 that the District's cost recovery gap has been an issue that needs to be addressed, and since that time has adopted annual fee amendments in order to increase fee revenue.

WHEREAS, in addition to fee revenue, the District receives revenue from Bay Area counties that is derived from property taxes, and a large portion of this tax revenue has historically been used on an annual basis to fill the cost recovery gap.

WHEREAS, the tax revenue that the District receives varies on a year-to-year basis, and cannot necessarily be relied on to fill the cost recovery gap and also cover other District expenses necessitating, in certain years, the use of reserve funds.

WHEREAS, tax revenue that the District receives, to the extent that it is not needed to fill the cost recovery gap, can be used to fund initiatives or programs that may further the District's mission but that lack a dedicated funding source.

WHEREAS, it may be appropriate as a matter of policy to establish specific fee discounts for small businesses, green businesses, or other regulated entities or members of the public, where tax revenue is used to cover a portion of regulatory program activity costs, and the District's existing fee regulation contains several fee discounts of this type.

POLICY

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Bay Area Air Quality Management District that:

(1) Cost Containment –In order to ensure that the costs of its regulatory programs remain reasonable, the District should continue to implement feasible cost containment measures, including the use of appropriate best management practices, without compromising the District’s effective implementation and enforcement of applicable regulatory requirements. The District’s annual budget documents should include a summary of cost containment measures that are being implemented.

(2) Analysis of Cost Recovery – The District should continue to analyze the extent to which fees recover regulatory program activity costs, both on an overall basis, and at the level of individual fee schedules. These cost recovery analyses should be periodically completed by a qualified District contactor, and should be updated on an annual basis by District staff using a consistent methodology.

(3) Cost Recovery Goals – It is the general policy of the District, except as otherwise noted below, that the costs of regulatory program activities be fully recovered by assessing fees to regulated entities. In order to move towards this goal, the District should amend its fee regulation over the next four years, in conjunction with the adoption of budgets for Fiscal Year Ending (FYE) 2013 through FYE 2016, in a manner sufficient to increase overall recovery of regulatory program activity costs to 85 percent. Amendments to specific fee schedules should also 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. This includes Fee Schedule P: Major Facility Review Fees, which has been determined to under-recover costs by a significant amount. Newly adopted regulatory measures should include fees that are designed to recover increased regulatory program activity costs associated with the measure, unless the Board of Directors determines that a portion of those costs should be covered by tax revenue. Tax revenue should also continue to be used to subsidize existing fee discounts that the District provides (e.g., for small businesses, green businesses, and third-party permit appeals), and to cover the cost of the District’s wood smoke enforcement program.

BE IT FURTHER RESOLVED that this resolution is non-binding in the case of unforeseen financial circumstances, and may also be reconsidered or updated by the District’s Board of Directors.



BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT

STAFF REPORT

PROPOSED AMENDMENTS TO BAAQMD REGULATION 3: FEES AND REGULATION 5: OPEN BURNING

APPENDIX B PROPOSED REGULATORY LANGUAGE REGULATION 3: FEES

DRAFT

APRIL 29, 2013

REGULATION 3 FEES

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REGULATION 3 FEES

(Adopted June 18, 1980)

3-100 GENERAL

3-101 **Description:** This regulation establishes the regulatory fees to be charged by the District for Hearing Board filings, for permits, banking, renewal of permits, costs of environmental documentation, asbestos operations, air toxics inventories, equipment registrations, soil excavation and underground tank removals, indirect source review.

(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)

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 June 7, 2000)

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 February 20, 1985)
- 3-203 Filing Fee:** A fixed fee for each source in an authority to construct.
(Amended June 4, 1986)
- 3-204 Initial Fee:** The fee required for each new or modified source based on the type and size of the source. 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 June 4, 1986)
- 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, 1986)
- 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 July 3, 1991)
- 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 PM₁₀ 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** **Minor Modification:** Any physical change or alteration to a source listed on Schedules G-3, G-4, or G-5 that will not increase emissions of any air contaminant. Such modifications may include alterations to improve energy and operational efficiency and those that reduce emissions. Alterations to increase actual or maximum production capacity shall not be considered minor modifications. Final determination of the applicability of this section shall be made by the APCO.
(Adopted 6/6/90; Amended 5/4/11)
- 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
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- 3-236** Deleted December 2, 1998
- 3-237** **PM₁₀:** See Section 2-1-229 of Regulation 2, Rule 1.
(Adopted June 7, 2000)
- 3-238** **Risk Screening Fee:** Fee for a new or modified source of toxic air contaminants for which a health risk screening analysis (HRSA) is required under Regulation 2-5-401, or for an HRSA 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 June 15, 2005)
- 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 June 15, 2005)
- 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 May 21, 2008)
- 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 June 16, 2010)
- 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 TBD)
- 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 TBD)
- 3-244** **Permit to Operate Renewal Date:** The first day of a Permit to Operate's Permit Renewal Period.
- (Adopted TBD)
- 3-245** **Permit Renewal Period:** The length of time the source is authorized to operate pursuant to a Permit to Operate.
- (Adopted TBD)

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 June 7, 2000)
- 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 ~~\$416~~428, the initial fee, the risk screening 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 ~~\$416~~428, the initial fee, the risk screening 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. 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 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 screening fee shall be reduced by 50%. All other applicable fees shall be paid in full.
- 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 ~~\$416~~428 filing fee and initial and risk screening fees that are equivalent to 50% of the initial and risk screening fees for the source being abated. 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 screening, permit, and toxic surcharge fees.
- 302.5 Schedule G Fees: Applicants for minor modifications to permitted sources subject to

Schedules G-3, G-4, or G-5 shall pay filing, initial, risk screening, permit to operate, and toxic surcharge fees specified under Schedule G-2. Permit renewal fees will continue to be charged under Schedules G-3, G-4, and G-5.

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

(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)

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: An applicant to alter an existing permitted source shall pay only the filing fee, provided that the alteration does not result in an increase in emissions of any regulated air pollutant.

(Amended 6/4/86; 11/15/00; 6/2/04)

3-305 Cancellation or Withdrawal: There will be no refund of initial, risk screening, and filing fees if an application is cancelled or withdrawn. However, if an application for identical equipment 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)

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_x, CO, SO₂, or PM₁₀ 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 Condition Changes: Applicant shall pay the filing, initial, and risk screening 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)

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 \$428 transfer of ownership fee, Permits are re-issued to the new owner/operator of record with no change in expiration dates.

- (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)
- 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 Duplicate Permit or Registration:** An applicant for a duplicate permit to operate or registration shall pay a fee of \$72 per permit or registration.
(Amended 5/19/99; 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)
- 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 Banking:** Any applicant who wishes to bank emissions for future use, or convert an ERC into an IERC, shall pay a filing fee of ~~\$416-428~~ 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. Any applicant for the withdrawal of banked emissions shall pay a fee of ~~\$416-428~~.
(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)
- 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 ~~\$1,0511,083~~ for each source included in the alternative compliance plan, not to exceed ~~\$10,51510,830~~.
(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)
- 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 a project which is subject to review under the California Environmental Quality Act (Public

Resources Code, Section 21000, et seq.) shall pay, in addition to the fees required under Section 3-302 and in any applicable schedule, the District's costs of performing all environmental evaluation required pursuant to the California Environmental Quality Act, the District's costs in preparing any environmental study or Environmental Impact Report (including the costs of any outside consulting assistance which the District may employ in connection with the preparation of any such study or report), as well as the District's reasonable internal costs (including overhead) of processing and reviewing the required environmental documentation.

(Adopted 12/18/85; Amended 5/1/02)

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, Schools: Pursuant to Section 42301.6(b) of the Health and Safety Code, 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 \$2,100 per application, and

318.2 The District's cost exceeding \$2,100 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)

3-319 Major Stationary Source Fees: Any major stationary source emitting 50 tons per year of organic compounds, sulfur oxides, nitrogen oxides, or PM₁₀ 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 \$8,944 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)

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, and greenhouse gas fees based on Schedule T. Where applicable, renewal fees shall be based on actual usage or emission levels that have been reported to or calculated by the District. In addition to these renewal fees for the sources at a facility, the facility shall also pay a processing fee at the time of renewal that covers each Permit Renewal Period as follows:

- 327.1 ~~\$82-84~~ for facilities with one permitted source, including gasoline dispensing facilities,
- 327.2 ~~\$162-167~~ for facilities with 2 to 5 permitted sources,
- 327.3 ~~\$322-332~~ for facilities with 6 to 10 permitted sources,
- 327.4 ~~\$484-499~~ for facilities with 11 to 15 permitted sources,
- 327.5 ~~\$643-662~~ for facilities with 16 to 20 permitted sources,
- 327.6 ~~\$805-829~~ for facilities with more than 20 permitted sources.

(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)

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 June 7, 2000)

3-329 Fee for Risk Screening: A health risk screening analysis (HRSA) required pursuant to Regulation 2, Rule 5 shall be subject to an appropriate Risk Screening 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 HRSA (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 Screening Fee.

(Adopted June 15, 2005)

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.

(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, 2007; Amended 6/16/10)

3-332 Naturally Occurring Asbestos Fees: After July 1, 2007, any person required to submit 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, 2007)

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, 2008)

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, 2008)

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, 2009)

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 fire or Marsh Management fire shall pay the fee given in Schedule V.

(Adopted TBD)

3-337 Exemption Fee: An applicant who wishes to receive a certificate of exemption shall pay a filing fee of \$428 per exempt source.

(Adopted TBD)

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, 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 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 an additional 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 an additional late fee equal to 50 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 facility-District will be notified/notify the facility that the permit has lapsed and that further operation is no longer authorized. 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. Fees shall be calculated using fee schedules in effect at the time an invoice is generated.~~

~~3.1 Fees received during the first 30 days following the due date must include all fees specified on the invoice plus a reinstatement fee equal to 10 percent of all fees specified on the invoice.~~

~~3.2 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 invoice plus a reinstatement fee equal to 50 percent of all fees specified on the 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 50 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.

405.54 Registration and Other Fees: Persons who have not paid the fee by the invoice due date, shall pay a-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.

45.1 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.

45.2 Fees received more than 30 days after the due date must include an additional late fee equal to 50 percent of all fees specified on the invoice.

~~4.1 Fees received more than 30 days after the invoice due date must include a late fee of 10 percent of the original invoiced fee.~~

(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)

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.
(Amended 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 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 October 21, 1992)
- 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 October 8, 1997)
- 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 June 16, 2010)

**SCHEDULE A
HEARING BOARD FEES¹**

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 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	\$29943, 260 \$14971, 632	\$4474 87 \$1501 64	
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 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	\$17961, 958 \$89697 7	\$4474 87 \$1501 64	
3.	For each application to modify a variance in accordance with §42356 ... 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.....	\$11921, 299 \$89697 7	\$1501 64 \$1501 64	
4.	For each application to extend a variance, in accordance with §42357 .. 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.....	\$11921, 299 \$89697 7	\$1501 64 \$1501 64	
5.	For each application to revoke a variance	\$17961, 958	\$1501 64	
6.	For each application for approval of a Schedule of Increments of Progress in accordance with §41703.....	\$11921, 299	\$1501 64	
7.	For each application for variance in accordance with §41703, which exceeds 90 days Plus, for each hearing in addition to the first hearing on said application for variance in accordance with §41703, the additional sum of	\$29943, 260 \$14971, 632	\$4474 87 \$1501 64	
8.	For each application for variance in accordance with §41703, not to exceed 90 days Plus, for each hearing in addition to the hearing on said application for a variance in accordance with §41703, the additional sum of	\$17961, 958 \$89697 7	\$4474 87 \$1501 64	

		Large Companies	Small Business	Third Party
9.	For each Appeal (Permit, Banking, Title V).....	\$29943,26 <u>0</u> per hearing day	\$1497 <u>1,632</u> per hearing day	\$14971,63 <u>2</u> for entire appeal period
10.	For each application for intervention in accordance with Hearing Board Rules §§2.3, 3.6 & 4.6.....	\$14971,632	\$3043 <u>28</u>	
11.	For each application to Modify or Terminate an abatement order	\$29943,26 <u>0</u> per hearing day	\$1497 <u>1,632</u> per hearing day	
12.	For each application for an interim variance in accordance with §42351	\$14971,632	\$3043 <u>28</u>	
13.	For each application for an emergency variance in accordance with §42359.5	\$74781 <u>4</u>	\$1501 <u>64</u>	
14.	For each application to rehear a Hearing Board decision in accordance with §40861	100% of previous fee charged	100% of previous fee charged	
15.	Excess emission fees.....	See Attachment I	See Attachment I	
16.	Miscellaneous filing fee for any hearing not covered above	\$14971,632	\$4474 <u>87</u>	\$44748 <u>7</u>
17.	For each published Notice of Public Hearing.....	Cost of Publication	\$0	\$0
18.	Court Reporter Fee (to be paid only if Court Reporter required for hearing)	Actual Appearance and Transcript costs per hearing solely dedicated to one Docket	\$0	Actual Appearance and Transcript costs per hearing solely dedicated to 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)

**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 \$2.873.13 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 \$14.2615.54 Per Pound
	Asbestos	
	Benzene	
	Cadmium	
	Carbon tetrachloride	
	Chlorinated dioxins and dibenzofurans (15 species)	
	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, the fee is calculated as follows:

	Fee = (Opacity* equivalent - 20) x number of days allowed in variance x \$3.193.48
--	---

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:

	Fee = (Opacity* equivalent - 40) x number of days allowed by variance x \$3.193.48
--	---

* 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)

**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: ~~\$51,3653.93~~ per MM BTU/HOUR
 - a. The minimum fee per source is: ~~\$274288~~
 - b. The maximum fee per source is: ~~\$95,829100,620~~

2. RISK SCREENING FEE (RSF) is only applicable for new and modified sources of toxic air contaminants (TACs) for which a health risk screening analysis is required under Regulation 2-5-401.
 - a. RSF for first TAC source in application: ~~\$416,428~~ plus ~~\$51,3653.93~~ per MM BTU/hr
 - b. Minimum RSF for first TAC source: ~~\$690716~~
 - c. RSF for each additional TAC source: ~~\$51,3653.93~~ per MM BTU/hr *
 - d. Minimum RSF per additional TAC source: ~~\$274288~~ *
 - e. Maximum RSF per source is: ~~\$95,829100,620~~
 - * RSF 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: ~~\$25,6726.95~~ per MM BTU/HOUR
 - a. The minimum fee per source is: ~~\$195205~~
 - b. The maximum fee per source is: ~~\$47,91350,309~~

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. ROUNDING: Fees for each source will be rounded to the nearest dollar. The fee for sources will be rounded up to the nearest dollar for 51 cents and above, and amounts 50 cents and lower will be rounded down to the nearest dollar.

6. 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.

7. 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)

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: 0.173 cents per gallon
 - a. The minimum fee per source is: \$191
 - b. The maximum fee per source is: \$26,046

2. RISK SCREENING FEE (RSF) is only applicable for new and modified sources of toxic air contaminants (TACs) for which a health risk screening analysis is required under Regulation 2-5-401.
 - a. RSF for first TAC source in application: ~~\$416-428~~ plus 0.173 cents per gallon
 - b. Minimum RSF for first TAC source: ~~\$607619~~
 - c. RSF for each additional TAC source: 0.173 cents per gallon *
 - d. Minimum RSF per additional TAC source: \$191 *
 - e. Maximum RSF per source is: \$26,046

* RSF 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: 0.087 cents per gallon
 - a. The minimum fee per source is: \$137
 - b. The maximum fee per source is: \$13,023

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. ROUNDING: Fees for each source will be rounded to the nearest dollar. The fee for sources will be rounded up to the nearest dollar for 51 cents and above, and amounts 50 cents and lower will be rounded down to the nearest dollar.

(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)

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: \$~~216.52227.35~~ per single product nozzle (spn)
\$~~216.52227.35~~ per product for each multi-product nozzle (mpn)
2. PERMIT TO OPERATE FEE: \$~~82.9387.08~~ per single product nozzle (spn)
\$~~82.9387.08~~ 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:

$$\begin{aligned}
 & \$299.44314.41 \times \{[(mpn_{\text{proposed}})(\text{products per nozzle}) + spn_{\text{proposed}}] - \\
 & \qquad \qquad \qquad [(mpn_{\text{existing}})(\text{products per nozzle}) + spn_{\text{existing}}]\} \\
 & mpn = \text{multi-product nozzles} \\
 & spn = \text{single product nozzles}
 \end{aligned}$$

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 SCREENING FEE (RSF) of \$~~416-428~~ per application is only applicable to projects for which a health risk screening analysis is required under Regulation 2-5-401 [including increases in permitted throughput for which a health risk screening analysis is required.]
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: \$~~2,8442,986~~ per single product loading arm
\$~~2,8442,986~~ per product for multi-product arms
2. RISK SCREENING FEE (RSF) is only applicable for new and modified sources of toxic air contaminants (TACs) for which a health risk screening analysis is required under Regulation 2-5-401.
 - a. RSF for first TAC source in application: \$~~3,2683,414~~
 - b. RSF for each additional TAC source: \$~~2,8442,986~~ *

* RSF 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: \$~~792-832~~ per single product loading arm
\$~~792-832~~ 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.
 - D. Fees for each source will be rounded to the nearest dollar. The fee for sources will be rounded up to the nearest dollar for 51 cents and above, and amounts 50 cents and lower will be rounded down to the nearest dollar.

(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)

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 minimum fee per source is: \$476519
 - b. If usage is not more than 1,000 gallons/year: \$476519
 - c. If usage is more than 1,000 gallons/year: \$958-1,044 per 1,000 gallons
 - d. The maximum fee per source is: \$38,07941,506

2. RISK SCREENING FEE (RSF) is only applicable for new and modified sources of toxic air contaminants (TACs) for which a health risk screening analysis is required under Regulation 2-5-401.
 - a. RSF for first TAC source in application: \$416-428 plus initial fee
 - b. Minimum RSF for first TAC source: \$892947
 - c. RSF for each additional TAC source: equal to initial fee *
 - d. Minimum RSF per additional TAC source: \$476-519 *
 - e. Maximum RSF per source is: \$38,07941,506
 - * RSF 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: \$343374
 - b. If usage is not more than 1,000 gallons/year: \$343374
 - c. If usage is more than 1,000 gallons/year: \$476-519 per 1,000 gallons
 - d. The maximum fee per source is: \$49,03820,751

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. Fees for each source will be rounded to the nearest dollar. The fee for sources will be rounded up to the nearest dollar for 51 cents and above, and amounts 50 cents and lower will be rounded down to the nearest dollar.

(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)

**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: \$412441
2. RISK SCREENING FEE (RSF) is only applicable for new and modified sources of toxic air contaminants (TACs) for which a health risk screening analysis is required under Regulation 2-5-401.
 - a. RSF for first TAC source in application: \$828869
 - b. RSF for each additional TAC source: \$412441 *
 - * RSF 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: \$299320
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: \$2,5882,821
2. RISK SCREENING FEE (RSF) is only applicable for new and modified sources of toxic air contaminants (TACs) for which a health risk screening analysis is required under Regulation 2-5-401.
 - a. RSF for first TAC source in application: \$3,0043,249
 - b. RSF for each additional TAC source: \$2,5882,821 *
 - * RSF 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: \$1,2921,408
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: \$3,4173,725
2. RISK SCREENING FEE (RSF) is only applicable for new and modified sources of toxic air contaminants (TACs) for which a health risk screening analysis is required under Regulation 2-5-401.
 - a. RSF for first TAC source in application: \$3,8334,153
 - b. RSF for each additional TAC source: \$3,4173,725 *
 - * RSF 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: \$1,7071,861
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: \$21,613,233,558
2. RISK SCREENING FEE (RSF) is only applicable for new and modified sources of toxic air contaminants (TACs) for which a health risk screening analysis is required under Regulation 2-5-401.
 - a. RSF for first TAC source in application: \$22,029,233,986
 - b. RSF for each additional TAC source: \$21,613,233,558 *
 - * RSF 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: \$40,805,111,777
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: \$49,702
2. RISK SCREENING FEE (RSF) is only applicable for new and modified sources of toxic air contaminants (TACs) for which a health risk screening analysis is required under Regulation 2-5-401.
 - a. RSF for first TAC source in application: \$50,148,300
 - b. RSF for each additional TAC source: \$49,702 *
 - * RSF 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: \$24,850
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: \$46,064,483,367
2. RISK SCREENING FEE (RSF) is only applicable for new and modified sources of toxic air contaminants (TACs) for which a health risk screening analysis is required under Regulation 2-5-401.
 - a. RSF for first TAC source in application: \$46,480,483,795
 - b. RSF for each additional TAC source: \$46,064,483,367 *
 - * RSF 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: \$23,031,241,183
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)

SCHEDULE G-1
(Adopted June 18, 1980)

Equipment or Process Description	Materials Processed or Produced
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

Equipment or Process Description	Materials Processed or Produced
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
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
Petroleum Refining – Alkylation Units	Any Hydrocarbons
Petroleum Refining – Asphalt Oxidizers	Any Hydrocarbons
Petroleum Refining – Benzene Saturation Units/Plants	Any Hydrocarbons
Petroleum Refining – Catalytic Reforming Units	Any Hydrocarbons
Petroleum Refining – Chemical Treating Units including alkane, naphthenic acid, and naptha merox treating, or similar processes	Any Hydrocarbons
Petroleum Refining – Converting Units including Dimersol Plants, Hydrocarbon Splitters, or similar processes	Any Hydrocarbons
Petroleum Refining – Distillation Units,	Any Hydrocarbons

Equipment or Process Description	Materials Processed or Produced
excluding crude oil units with capacity > 1000 barrels/hour (see G-3 for > 1000 barrels/hour crude distillation units)	
Petroleum Refining – Hydrogen Manufacturing	Hydrogen or Any Hydrocarbons
Petroleum Refining – Hydrotreating or Hydrofining	Any Hydrocarbons
Petroleum Refining – Isomerization	Any Hydrocarbons
Petroleum Refining – MTBE Process Units/Plants	Any Hydrocarbons
Petroleum Refining – Sludge Converter	Any Petroleum Waste Materials
Petroleum Refining – Solvent Extraction	Any Hydrocarbons
Petroleum Refining – Sour Water Stripping	Any Petroleum Process or Waste Water
Petroleum Refining – Storage (enclosed)	Petroleum Coke or Coke Products
Petroleum Refining – Waste Gas Flares (not subject to Regulation 12, Rule 11)	Any Petroleum Refining Gases
Petroleum Refining – Miscellaneous Other Process Units	Any Hydrocarbons
Remediation Operations, Groundwater – Strippers	Contaminated Groundwater
Remediation Operations, Soil – Any Equipment	Contaminated Soil
Spray Dryers	Any Materials
Sterilization Equipment	Ethylene Oxide
Wastewater Treatment, Industrial – Oil-Water Separators, excluding oil-water separators at petroleum refineries (see G-2 for Petroleum Refining - Oil-Water Separators)	Wastewater from any industrial facilities except petroleum refineries
Wastewater Treatment, Industrial – Strippers including air strippers, nitrogen strippers, dissolved air flotation units, or similar equipment and excluding strippers at petroleum refineries (see G-2 for Petroleum Refining – Strippers)	Wastewater from any industrial facilities except petroleum refineries
Wastewater Treatment, Industrial - Storage Ponds, excluding storage ponds at petroleum refineries (see G-2 for Petroleum Refining – Storage Ponds)	Wastewater from any industrial facilities except petroleum refineries
Wastewater Treatment, Municipal – Preliminary Treatment	Municipal Wastewater
Wastewater Treatment, Municipal – Primary Treatment	Municipal Wastewater
Wastewater Treatment, Municipal – Digesters	Municipal Wastewater

Equipment or Process Description	Materials Processed or Produced
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)

SCHEDULE G-2
(Adopted June 6, 1990)

Equipment or Process Description	Materials Processed or Produced
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
Petroleum Refining – Stockpiles (open)	Petroleum Coke or coke products only
Petroleum Refining, Wastewater Treatment – Oil-Water Separators	Wastewater from petroleum refineries only
Petroleum Refining, Wastewater Treatment – Strippers including air strippers, nitrogen strippers, dissolved air flotation units, or similar equipment	Wastewater from petroleum refineries only
Petroleum Refining, Wastewater Treatment – Storage Ponds	Wastewater from petroleum refineries only
Pickling Lines or Tanks	Any Metals or Alloys
Sulfate Pulping Operations – All Units	Any
Sulfite Pulping Operations – All Units	Any

(Amended June 7, 2000)

SCHEDULE G-3
(Adopted June 18, 1980)

Equipment or Process Description	Materials Processed or Produced
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
Petroleum Refining – Cracking Units including hydrocrackers and excluding thermal or fluid catalytic crackers (see G-4 for Thermal Crackers and Catalytic Crackers)	Any Hydrocarbons
Petroleum Refining – Distillation Units (crude oils) including any unit with a capacity greater than 1000 barrels/hour (see G-1 for other distillation units)	Any Petroleum 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)

SCHEDULE G-4
(Adopted June 6, 1990)

Equipment or Process Description	Materials Processed or Produced
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
Petroleum Refining - Coking Units including fluid cokers, delayed cokers, flexicokers, and coke kilns	Petroleum Coke and Coke Products
Petroleum Refining - Cracking Units including fluid catalytic crackers and thermal crackers and excluding hydrocrackers (see G-3 for Hydrocracking Units)	Any Hydrocarbons
Petroleum Refining - Sulfur Removal including any Claus process or any other process requiring caustic reactants	Any Petroleum Refining Gas
Sulfuric Acid Manufacturing – Any Chamber or Contact Process	Any Solid, Liquid or Gaseous Fuels Containing Sulfur

(Amended June 7, 2000)

SCHEDULE G-5

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

(Adopted May 2, 2007)

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: \$416453
- b. The maximum fee per source is: \$33,26936,263

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):

- i. If gross throughput is not more than 3,000 gallons/year: \$416453
- ii. If gross throughput is more than 3,000 gallons/year: \$281-306 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):

- i. If gross throughput is not more than 1,000 gallons/year: \$416453
- ii. If gross throughput is more than 1,000 gallons/year: \$836-911 per 1,000 gallon

2. RISK SCREENING FEE (RSF) is only applicable for new and modified sources of toxic air contaminants (TACs) for which a health risk screening analysis is required under Regulation 2-5-401.

- a. RSF for first TAC source in application: \$416-428 plus initial fee
- b. Minimum RSF for first TAC source: \$832881
- c. RSF for each additional TAC source: equal to initial fee *
- d. Minimum RSF per additional TAC source: \$416453 *
- e. Maximum RSF per source is: \$33,26936,263

* RSF 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: \$304328
- b. The maximum fee per source is: \$16,63218,129

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):

- i. If gross throughput is not more than 3,000 gal/year: ~~\$304~~328
- ii. If gross throughput is more than 3,000 gallons/year: ~~\$141-154~~ 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):

- i. If gross throughput is not more than 1,000 gal/year: ~~\$304~~328
- ii. If gross throughput is more than 1,000 gallons/year: ~~\$416-453~~ 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.

5. The fee for each source will be rounded to the whole dollar. Fees for sources will be rounded up to the nearest dollar for 51 cents and above, and amounts 50 cents and lower will be rounded down to the nearest dollar.

(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)

**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: \$427448
 - b. If the washing or drying capacity exceeds 100 pounds: \$427448 plus
For that portion of the capacity exceeding 100 pounds: \$12.7613.40 per pound

2. RISK SCREENING FEE (RSF) is only applicable for new and modified sources of toxic air contaminants (TACs) for which a health risk screening analysis is required under Regulation 2-5-401.
 - a. RSF for first TAC source in application: \$416428 plus initial fee
 - b. Minimum RSF for first TAC source: \$843876
 - c. RSF for each additional TAC source: equal to initial fee *
 - d. Minimum RSF per additional TAC source: \$427448 *

* RSF 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: \$310326
 - b. If the washing or drying capacity exceeds 100 pounds: \$310326 plus
For that portion of the capacity exceeding 100 pounds: \$6.416.73 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.

5. Fees for each source will be rounded to the nearest dollar. The fee for sources will be rounded up to the nearest dollar for 51 cents and above, and amounts 50 cents and lower will be rounded down to the nearest dollar.
(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)

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

1. INITIAL FEE:

a.	Landfill (Decomposition Process)	<u>\$2,8533,110</u>
b.	Active Landfill (Waste and Cover Material Dumping Process)	<u>\$1,4271,555</u>
c.	Active Landfill (Excavating, Bulldozing, and Compacting Processes)	<u>\$1,4271,555</u>

2. RISK SCREENING FEE (RSF) is only applicable for new and modified sources of toxic air contaminants (TACs) for which a health risk screening analysis is required under Regulation 2-5-401.

a.	RSF for first TAC source in application:	<u>\$416-428</u> plus initial fee
b.	RSF for each additional TAC source:	equal to initial fee *

* RSF 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)	<u>\$1,4271,555</u>
b.	Active Landfill (Waste and Cover Material Dumping Process)	<u>\$713777</u>
c.	Active Landfill (Excavating, Bulldozing, and Compacting Processes)	<u>\$713777</u>

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)	<u>\$1,5731,715</u>
b.	Evaluation of Inactive Site Questionnaire as required by Health & Safety Code Section 41805.5(b)	<u>\$789860</u>
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)	<u>\$789860</u>
d.	Evaluation of Initial or Amended Design Capacity Reports as required by Regulation 8, Rule 34, Section 405	<u>\$579631</u>
e.	Evaluation of Initial or Periodic NMOC Emission Rate Reports as required by Regulation 8, Rule 34, Sections 406 or 407	<u>\$1,6591,808</u>
f.	Evaluation of Closure Report as required by Regulation 8, Rule 34, Section 409	<u>\$579631</u>
g.	Evaluation of Annual Report as required by Regulation 8, Rule 34, Section 411	<u>\$1,4521,583</u>

6. Fees for each source will be rounded off to the nearest dollar. The fee for sources will be rounded up or down to the nearest dollar.

7. 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)

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: ~~\$142155~~ for amounts 100 to 500 square feet or linear feet.
 ~~\$523570~~ for amounts 501 square feet or linear feet to 1000
 square feet or linear feet.
 ~~\$764829~~ for amounts 1001 square feet or liner feet to 2000
 square feet or linear feet.
 ~~\$10451,139~~ for amounts greater than 2000 square feet or linear feet.
 - b. Cancellation: ~~\$6975~~ 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: ~~\$403439~~ for amounts 100 to 159 square feet or 100 to 259 linear
 feet or 35 cubic feet
 ~~\$584633~~ for amounts 160 square feet or 260 linear feet to 500
 square or linear feet or greater than 35 cubic feet.
 ~~\$845921~~ for amounts 501 square feet or linear feet to 1000
 square feet or linear feet.
 ~~\$1,2471,359~~ for amounts 1001 square feet or liner feet to
 2500 square feet or linear feet.
 ~~\$1,7771,937~~ for amounts 2501 square feet or linear feet to
 5000 square feet or linear feet.
 ~~\$2,4392,659~~ for amounts 5001 square feet or linear feet to
 10000 square feet or linear feet.
 ~~\$34033,382~~ for amounts greater than 10000 square feet or linear
 feet.
 - b. Cancellation: ~~\$494208~~ 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: ~~\$6975~~
 - b. Cancellation: ~~\$6975~~ (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: ~~\$286312~~
 - b. Cancellation: ~~\$494208~~ 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: ~~\$476519~~
6. Asbestos demolition operations for the purpose of fire training are exempt from fees.
7. Floor mastic removal using mechanical buffers and solvent is subject to the following fee:
 - a. OPERATION FEE: ~~\$286312~~
 - b. Cancellation: ~~\$494208~~ of above amount non-refundable for notification
 processing.

(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)

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 PM₁₀, the fee shall be based on the following:

- | | | |
|----|-------------------|------------------|
| 1. | Organic Compounds | \$105.81 per ton |
| 2. | Sulfur Oxides | \$105.81 per ton |
| 3. | Nitrogen Oxides | \$105.81 per ton |
| 4. | PM ₁₀ | \$105.81 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 PM₁₀, 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)

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 \$5 for each gasoline product dispensing nozzle in the facility, if the facility is a Gasoline Dispensing Facility; or
2. A fee of \$82 if the facility has emissions in the current Toxic Emissions Inventory which are greater than or equal to 50 weighted pounds per year and less than 1000 weighted pounds per year; or
3. A fee of \$82 + $S_L \times (w_i - 1000)$ if the facility has emissions in the current Toxic Emissions Inventory which are greater than or equal to 1000 weighted pounds per year;

where the following relationships hold:

w_i = facility weighted emissions for facility j; where the weighted emission for the facility shall be calculated as a sum of the individual emissions of the facility multiplied by either the inhalation cancer potency factor (CPF, in kilogram-day/milligram) for the substance times 28.6 if the emission is a carcinogen, or by the reciprocal of the inhalation chronic reference exposure level (REL_C) for the substance (in cubic meters/microgram) if the emission is not a carcinogen [use CPF and REL as listed in Table 2-5-1]:

$$w_j = \text{Facility Weighted Emission} = \sum_{i=1}^n E_i * Q_i \text{ where}$$

n = number of toxic substances emitted by facility
 E_i = amount of substance i emitted by facility in lbs/year
 Q_i = 28.6 * CPF, if i is a carcinogen; or
 Q_i = $[REL]^{-1}$, if i is not a carcinogen

F_T = Total amount of fees to be collected by the District to cover District and State of California AB 2588 costs as most recently adopted by the Board of Directors of the California Environmental Protection Agency, Air Resources Board, and set out in the most recently published "Amendments to the Air Toxics "Hot Spots" Fee Regulation," published by that agency.

N_L = Number of facilities with emissions in current District Toxic Emissions Inventory greater than 1000 weighted pounds per year.

N_S = Number of facilities with emissions in current District Toxic Emissions Inventory greater than 50 weighted pounds per year and less than 1000 weighted pounds per year.

N_{NOZ} = Number of gasoline-product-dispensing nozzles in currently permitted Gasoline Dispensing Facilities.

S_L = Surcharge per pound of weighted emissions for each pound in excess of 1000 weighted pounds per year, where S_L is given by the following formula:

$$S_L = \frac{F_T - (82 \times N_S) - (82 \times N_L) - (5 \times N_{NOZ})}{\sum_{j=1}^{N_L} (w_j - 1000)}$$

(Amended 12/15/93; 6/15/05; 5/2/07; 6/16/10; 5/4/11)

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 ~~\$497-542~~ per source
- b. MFR EMISSIONS FEE..... ~~\$19-6021.36~~ 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 FEE ~~\$4,9775,425~~ 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 ~~\$693-755~~ per application
- b. SYNTHETIC MINOR INITIAL PERMIT FEE ~~\$486-530~~ per source
- c. SYNTHETIC MINOR REVISION FEE..... ~~\$486-530~~ 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 applicable fees according to 3a-h below. The fees in 3b and 3g apply to each source in the initial or renewal permit, while the fees in 3d-f apply to each source affected by the revision or reopening.

- a. MFR FILING FEE ~~\$693-755~~ per application
- b. MFR INITIAL PERMIT FEE ~~\$674-731~~ per source
- c. MFR ADMINISTRATIVE AMENDMENT FEE ~~\$196-214~~ per application
- d. MFR MINOR REVISION FEE ~~\$984-1,073~~ per source modified
- e. MFR SIGNIFICANT REVISION FEE ~~\$1,8362,001~~ per source modified
- f. MFR REOPENING FEE ~~\$602-656~~ per source modified
- g. MFR RENEWAL FEE ~~\$292-318~~ 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 ~~\$1,0361,129~~ 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 \$10,968

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 ~~\$148-129~~ per source, not to exceed ~~\$14,64312,691~~

(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)

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: \$157
(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)

**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:	\$421-459 per facility
b.	Conveyorized Charbroiler ANNUAL RENEWAL FEE:	\$117-128 per facility
c.	Under-fired Charbroiler REGISTRATION FEE:	\$421-459 per facility
d.	Under-fired Charbroiler ANNUAL RENEWAL FEE:	\$117-128 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:	\$210229
b.	Dry Cleaning Machine ANNUAL RENEWAL FEE:	\$146159

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:	\$144154
b.	Diesel Engine ANNUAL RENEWAL FEE:	\$94102
c.	Diesel Engine ALTERNATIVE COMPLIANCE PLAN FEE (for each plan submitted under District Regulation 11-17-402):	\$144154

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.	Each facility operating a boiler, steam generator or process heater subject to Regulation 9-7-404 REGISTRATION FEE	\$496-541 per facility
b.	Each boiler, steam generator or process heater subject to Regulation 9-7-404, after the first REGISTRATION FEE	\$59-64 per device
c.	ANNUAL RENEWAL FEE:	\$65-71 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:	\$252275
b.	ANNUAL RENEWAL FEE:	\$158172

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	\$117128
b.	ANNUAL RENEWAL FEE	\$7076

(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)

**SCHEDULE S
NATURALLY OCCURRING ASBESTOS OPERATIONS**

1. ASBESTOS DUST MITIGATION PLAN PROCESSING FEE:

Any person submitting an Asbestos Dust Mitigation Plan (ADMP) for review of a Naturally Occurring Asbestos (NOA) project shall pay the following fee (including NOA Discovery Notifications which would trigger an ADMP review): \$348379

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: \$3,0903,368

3. INSPECTION FEE:

The owner of any property for which an ADMP is required shall pay fees to cover the costs incurred by the District after July 1, 2012 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: \$90-98 per hour

(Adopted 6/6/07; Amended 5/21/08; 5/20/09; 6/16/10; 6/15/11; 6/6/12)

**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 \$0.048 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.

Direct Global Warming Potential Relative to Carbon Dioxide*

GHG	GWP**
Carbon Dioxide	1
Methane	21
Nitrous Oxide	310
HCFC-22	1,500
HCFC-123	90
HCFC-124	470
HCFC-142b	1,800
HFC-23	11,700
HFC-32	650
HFC-125	2,800
HFC-134a	1,300
HFC-143a	3,800
HFC-152a	140
HFC-227ea	2,900
HFC-236fa	6,300
HFC-43-10-mee	1,300
PFC-14	6,500
PFC-116	9,200
PFC-218	7,000
PFC-318	8,700
PFC-3-1-10	7,000
PFC-5-1-14	7,400
Sulfur Hexafluoride	23,900

* Source: Intergovernmental Panel on Climate Change (Second Assessment Report: Climate Change 1995).

** 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.

(Adopted 5/21/08; Amended 5/20/09; 6/16/10)

**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: | \$560 |
| b. Non-residential or mixed use project: | \$836 |

2. 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.

3. OFFSITE EMISSION REDUCTION FEE

(To be determined)

(Adopted 5/20/09; Amended 6/16/10)

SCHEDULE V
OPEN BURNING

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

a. OPERATION FEE: \$98

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:

<u>Regulation 5 Section – Fire</u>	<u>Burn Period</u>
<u>401.1 - Disease and Pest</u>	<u>January 1 – December 31</u>
<u>401.2 - Crop Replacement¹</u>	<u>October 1 – April 30</u>
<u>401.3 - Orchard Pruning and Attrition²</u>	<u>November 1 – April 30</u>
<u>401.4 - Double Cropping Stubble</u>	<u>June 1 – August 31</u>
<u>401.6 - Hazardous Material¹</u>	<u>January 1 – December 31</u>
<u>401.7 - Fire Training</u>	<u>January 1 – December 31</u>
<u>401.8 - Flood Debris</u>	<u>October 1 – May 31</u>
<u>401.9 - Irrigation Ditches</u>	<u>January 1 – December 31</u>
<u>401.10 - Flood Control</u>	<u>January 1 – December 31</u>
<u>401.11 - Range Management¹</u>	<u>July 1 – April 30</u>
<u>401.12 - Forest Management¹</u>	<u>November 1 – April 30</u>
<u>401.14 - Contraband</u>	<u>January 1 – December 31</u>

¹ 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.

² 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: \$350 for 50 acres or less
\$475 for more than 50 acres but less than or equal to 150
acres
\$600 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: \$425 for 50 acres or less
 \$575 for more than 50 acres but less than or equal to 150
 acres
 \$750 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: \$505
- 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: \$250 for 25 acres or less
 \$350 for more than 25 acres but less than or equal to 75 acres
 \$425 for more than 75 acres but less than or equal to 150
 acres
 \$500 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.



BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT

STAFF REPORT

PROPOSED AMENDMENTS TO BAAQMD REGULATION 3: FEES AND REGULATION 5: OPEN BURNING

APPENDIX C PROPOSED REGULATORY LANGUAGE REGULATION 5: OPEN BURNING

DRAFT

APRIL 29, 2013

REGULATION 5
OPEN BURNING

Proposed New Reference in Regulation 5 Index:

5-411 Open Burning Fees

Proposed New Section in Regulation 5

5-411 Open Burning Fees: Notification, smoke management plans, acreage burning allocations, and petitions as required by the provisions in this regulation will be subject to the fees contained in Regulation 3, Schedule V.