

RULE 505 Title V Fees

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RULE 505

1 **APPLICABILITY:** [Reference: 40 CFR Part 70.9(b)(2)(i)] The owner or operator of a stationary source subject to Rule 1101 of these Rules and Regulations Title V - *Federal Operating Permits*, shall pay an annual fee for a federal Permit to Operate as determined by the calculation method in Section 3 of this Rule.

2 DEFINITIONS

2.1 **Actual Fee-based Emissions:** The actual rate of emissions in tons per year of any fee pollutant, including fugitive emissions, emitted from the stationary source over the preceding year or any other period determined by the Air Pollution Control Officer (APCO) to be representative of normal operation. Fee-based emissions shall be calculated using each emission unit's actual operating hours, production rates, and in-place control equipment; type of material processed, stored, or combusted during the preceding calendar year, or other time period established by the APCO. [Reference: 40 CFR Part 70.9 (b) (2) (iii)]

2.2 **Carbon Dioxide equivalents (CO₂e):** A measure for comparing carbon dioxide with other Greenhouse Gases (GHGs), based on the quantity of those gases multiplied by the appropriate global warming potential (GWP) factor as stated in 40 CFR Part 98 Subpart A Table A-1 (Global Warming Potentials) as promulgated by EPA on October 30, 2009.

2.3 **CPI Adjusted Fee:** For all fee pollutants except Greenhouse Gas (GHG) emissions, a fee of \$25 per ton of fee pollutant adjusted by the percentage, if any, by which the Consumer Price Index (CPI) of the year exceeds the CPI for calendar year 1989. The value of CPI adjusted fee shall be obtained from EPA. [Reference: 40 CFR Part 70.9(b) (2) (iv)]

2.4 **Fee Pollutant:** Oxides of nitrogen, volatile organic compounds, any pollutant for which a national ambient air quality standard has been promulgated by the United States Environmental Protection Agency (EPA) (excluding carbon monoxide), and any other pollutant that is subject to a standard or regulation promulgated by EPA under the federal Clean Air Act (CAA) or adopted by the Butte County Air Quality Management District (DISTRICT) pursuant to section 112(g) and (j) of the CAA. Any air pollutant that is regulated solely because of a standard or regulation under section 112(r) of the CAA for accidental release or under Title VI of the CAA for stratospheric ozone protection shall not be included. [Reference: 40 CFR Part 70.2 Regulated Pollutant (for Presumptive Fee Calculation)]

2.5 GHG CPI Adjusted Fee: For Greenhouse Gas pollutants, a fee of one-tenth of one percent of \$25 adjusted by the percentage, if any, by which the CPI for the year exceeds the CPI for calendar year 1989. The value of the fee shall be obtained from EPA. [Reference: 40 CFR Part 70.9(b) (2) (iv)]

3 DETERMINATION OF FEE:

Calculation of Annual Fee:

$$s = [\text{CPI Adjusted fee} \times e] + [\text{GHG CPI Adjusted Fee} \times f]$$

where:

s = supplemental annual fee in dollars

e = Actual fee-based emissions, except Greenhouse Gas emissions, in tons per year

f = Actual Greenhouse Gas emissions, calculated as CO₂e, in tons per year

4 SUBMITTAL OF INFORMATION: [Reference: 40 CFR Part 70.6(a) (7)] The owner or operator shall provide the APCO sufficient information to determine the annual fee.