

RULE 610 - AIR TOXICS "HOT SPOTS" FEES

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100 GENERAL

101 PURPOSE: The purpose of this rule is to recover costs that are associated with the implementation of the Air Toxics "Hot Spots" Information and Assessment Act, beginning with Section 44300 of Division 26 of the California Health and Safety Code.

102 APPLICABILITY:

102.1 **GEOGRAPHY:** The provisions of this rule shall apply to all facilities located in Placer County, as defined by California Code of Regulations, Title 17, Division 3, Chapter 1, Subchapter 1.5, Article 1, Section 60106, 60111 and 60113.

102.2 **FACILITIES:** This rule is applicable to any facility which manufactures, formulates, uses, or releases any of the substances listed pursuant to Section 44321 of the Health and Safety Code, or any other substance which reacts to form a substance so listed.

200 DEFINITIONS

For the purpose of this rule the following definitions shall apply. All other terms are as defined in Rule 102, Definitions.

201 DISTRICT UPDATE FACILITY: Any facility that has been prioritized by the district in accordance with Health and Safety Code Section 44360(a), and is consistent with the procedures of the California Air Pollution Control Officers Association (CAPCOA) "Air Toxics 'Hot Spots' Program Facility Prioritization Guidelines, July 1990". The facility is also required by the District to submit a quadrennial emissions inventory update pursuant to Health and Safety Code Section 44344 during the applicable fiscal year. The prioritization scores for cancer and non-cancer health effects must be both greater than 1.0 and equal to or less than 10.0.

202 EMISSIONS INVENTORY: An inventory of a facility's emissions as specified by Chapter 3 of Part 6 of Division 26 of the California Health and Safety Code.

203 FACILITY: Any building, structure, appurtenance, installation, and improvement.

203.1 Building, structure or emission unit includes all pollutant emitting activities which:

- a. Belong to the same industrial grouping, and;
- b. Are located on one property or two or more contiguous properties, and;
- c. Are under the same or common ownership, operation, or control or which are owned or operated by entities which are under common control.

203.2 Pollutant emitting activities shall be considered part of the same industrial grouping if:

- a. They belong to the same two-digit standard industrial classification code; or
- b. They are part of a common production process. (Common production process includes industrial process, manufacturing process and any connected processing involving a common material.)

204 HEALTH RISK ASSESSMENT (HRA): A detailed comprehensive analysis prepared

pursuant to Section 44360 of the California Health and Safety Code. A health risk assessment evaluates and predicts the dispersion of hazardous substances in the environment and the potential for exposure of human populations.

205 INDUSTRYWIDE FACILITY: Any facility included in a class that the district finds and determines meets either of the following conditions:

205.1 All facilities that release, or have the potential to release, less than ten tons per year of each criteria pollutant and are in a class that falls within the following four-digit Standard Industrial Classification Code:

- a. Autobody shops, as described by SIC Codes 5511-5521 or 7532; and
- b. Gasoline stations, as described by SIC Code 5541; and
- c. Dry cleaners, as described by SIC Code 7216; and
- d. Printing and publishing, as described by SIC Codes 2711- 2771 or 2782; and
- e. Facilities with only diesel engine permits described by SCC Codes 20100101, 20200102, or 20300101

205.2 Releases from the facility can easily and generically be characterized and calculated.

206 OPERATOR: The person who owns or operates a facility or part of a facility.

207 PLAN: The emissions inventory plan that meets the conditions specified in Section 44342 of the California Health and Safety Code.

208 PLAN AND REPORT FACILITY: Any facility that, by April 1 of the calendar year prior to the fiscal year, has been required by the district to prepare an individual plan and report in accordance with Sections 44340, 44341, and 44344 of the State of California Health and Safety Code. This includes facilities completing an update plan, an update report, and a quadrennial update category form.

208.1 **COMPLEX FACILITY:** A plan and report facility that has more than five processes as determined by a six-digit Source Classification Code (SCC).

208.2 **INTERMEDIATE FACILITY:** A plan and report facility that has three to five processes as determined by a six-digit SCC.

208.3 **SIMPLE FACILITY:** A plan and report facility that has one or two processes as determined by a six-digit SCC.

209 PRIORITIZATION SCORE GREATER THAN TEN (10.0) FACILITY: Any facility that does not have an approved health risk assessment and has been prioritized by its district in accordance with Health and Safety Code Section 44360(a) using procedures that have undergone public review and that are consistent with the procedures presented in the California Air Pollution Control Officers Association (CAPCOA) "Air Toxics 'Hot Spots' Program Facility Prioritization Guidelines, July 1990", which has been approved by the State Board and is incorporated by reference herein, and the greater of the facility's prioritization scores for cancer and non-cancer effects is greater than 10.0.

210 PRIORITIZATION SCORE GREATER THAN TEN (10.0) FACILITY (COMPLEX): Any facility that meets the criteria set forth in Section 208 and has more than five processes as determined by six-digit Source Classification Codes (SCC).

211 PRIORITIZATION SCORE GREATER THAN TEN (10.0) FACILITY (INTERMEDIATE):

Any facility that meets the criteria set forth in Section 210, and has three to five processes as determined by six-digit SCC.

- 212 PRIORITIZATION SCORE GREATER THAN TEN (10.0) FACILITY (SIMPLE):** Any facility that meets the criteria set forth in Section 210, and has one or two processes as determined by six-digit SCC.
- 213 RISK OF 10.0 OR GREATER PER MILLION FACILITY:** Any facility that has had its health risk assessment approved by the district in accordance with Health and Safety Code Section 44362 and whose risk assessment results meet either of the following criteria:
- 213.1 A total potential cancer risk, summed across all pathways of exposure and all compounds, of greater than or equal to 10.0 cases per million persons or,
- 213.2 A total hazard index for each toxicological endpoint of greater than 1.0.
- 214 RISK OF 10.0 OR GREATER PER MILLION FACILITY (COMPLEX):** Any facility that meets the criteria set forth in Section 213, and has more than five processes as determined by six-digit Source Classification Codes (SCC).
- 215 RISK OF 10.0 OR GREATER PER MILLION FACILITY (INTERMEDIATE):** Any facility that meets the criteria set forth in Section 213, and has three to five processes as determined by six-digit SCC.
- 216 RISK OF 10.0 OR GREATER PER MILLION FACILITY (SIMPLE):** Any facility that meets the criteria set forth in Section 213, and has one or two processes as determined by six-digit SCC.
- 217 SOURCE CLASSIFICATION CODES OR SCC:** Number codes created by the United States Environmental Protection Agency used to identify processes associated with point sources that contribute emissions to the atmosphere.
- 218 STANDARD INDUSTRIAL CLASSIFICATION CODE OR SIC CODE:** Standard Industrial Classification Code which classifies establishments by the type of business activity in which they are engaged, as defined by the Standard Industrial Classification Manual, 1987, published by the Executive Office of the President, Office of Management and Budget, 1987, which is incorporated by reference.
- 219 STATE COSTS:** Cost which will be incurred by the State of California Air Resources Board and the Office of Environmental Health Hazard Assessment to implement and administer the Act.
- 220 STATE INDUSTRYWIDE FACILITY:** Any facility that (1) qualifies to be included in an industrywide emission inventory prepared by an air pollution control or air quality management district pursuant to Health and Safety Code Section 44323, (2) releases, or has the potential to release, less than ten tons per year of each criteria pollutant, and (3) is either of the following:
- 220.1 Any facility in one of the following five classes of facilities:
- a. Autobody shops, as described by SIC Codes 5511-5521 or 7532;
 - b. Gasoline stations, as described by SIC Code 5541;
 - c. Dry cleaners, as described by SIC Code 7216;

d. Printing and publishing, as described by SIC Codes 2711-2771 or 2782;

e. Facilities with only diesel engine permits described by SCC Codes 20100101, 20200102, or 20300101; or,

220.2 Any facility that has not prepared an Individual Plan and Report in accordance with sections 44340, 44341, and 44344 of the Health and Safety Code and for which the district submits documentation for approval by the Executive Officer of the State Board, verifying that the facility meets the requirements of Health and Safety Code Section 44323(a)-(d).

221 TRACKING FACILITY: Any facility that has been prioritized by its district in accordance with Health and Safety Code Section 44360(a) using procedures that have undergone public review and that are consistent with the procedures presented in the California Air Pollution Control Officers Association (CAPCOA) "Air Toxics >Hot Spots" Program Facility Prioritization Guidelines, July 1990", which has been approved by the State Board and which is incorporated by reference herein, and the greater of the facility's prioritization scores for cancer and non-cancer health effects is greater than 10.0, and meets either one of the following criteria:

221.1 The facility that has had its health risk assessment approved by the district in accordance with Health and Safety Code Section 44362 and the risk assessment results show a total potential cancer risk, summed across all pathways of exposure and all compounds, of equal to or greater than 1.0 and less than ten (10) cases per million persons and a total hazard index for each toxicological endpoint both acute and chronic of less than or equal to 1.0, or

221.2 The facility that has had its health risk assessment approved by the district in accordance with Health and Safety Code Section 44362 and the risk assessment results show a total hazard index for each toxicological endpoint either acute and chronic of greater than or equal to 0.1, but less than or equal to 1.0, and a total potential cancer risk, summed across all pathways of exposure and all compounds, of less than ten (10) cases per million persons.

222 TRACKING FACILITY (COMPLEX): Any facility that meets the criteria set forth in Section 221, and has more than five processes as determined by six-digit Source Classification Codes (SCC).

223 TRACKING FACILITY (INTERMEDIATE): Any facility that meets the criteria set forth in Section 221, and has three to five processes as determined by six-digit SCC.

224 TRACKING FACILITY (SIMPLE): Any facility that meets the criteria set forth in Section 221, and has one or two processes as determined by six-digit SCC.

225 UNPRIORITIZED FACILITY: Any facility that has not been prioritized by its district in accordance with Health and Safety Code Section 44360(a) using procedures that have undergone public review.

300 STANDARDS

301 DISTRICT FEE SCHEDULE: Any stationary source subject to this rule shall pay an annual toxics "Hot Spots" fee based on its facility category as set forth in Tables 610-A through 610-F of the District Fee Schedule.

302 STATE AIR TOXIC FEES: In addition to the District Air Toxic Fees described in Section

301 of this rule, operators of facilities subject to the requirements of the State Air Toxics "Hot Spots" Information and Assessment Act (Sections 44340 to 44383 of the California Health and Safety Code) shall pay an annual fee equal to the State cost for the facility for the fiscal year. State costs are published annually in the Air Toxics "Hot Spots" Program Annual Status Report on State Fees found on the California Air Resources Board website. The State fee by facility category is set forth in Tables 610-A through 610-F of the District Fee Schedule.

- 303 ANNUAL ADJUSTMENT:** All District fees specified by this rule shall be automatically adjusted on July 1 of each year based on the change in annual California Consumer Price Index for the preceding calendar year. This does not include State Air Toxics Fees set forth in Tables 610-A through 610-F of the District Fee Schedule.

400 ADMINISTRATIVE REQUIREMENTS

- 401 NOTIFICATION OF FEE DUE:** The operator of the facility for which the fee is assessed will be notified by mail of the fee due and payable and the date the fee is due. The payment due date shall be no earlier than 30 days after the date the fee notice is mailed.

- 402 FEE PENALTIES:** If all fees due have not been received within 60 days after the noticed date to pay such fees, the APCO shall assess a late penalty. The late penalty shall be equal to one half of the total fees due, or \$100, whichever is greater, in accordance with Section 44380 (c) of the State of California Health and Safety Code. If payment is not made within 120 days after receipt of the late payment penalty notice the District may initiate action to revoke all Permits to Operate in accordance with Health and Safety Code Section 42307. A Permit to Operate revoked for nonpayment of fees shall be reinstated only upon payment in full of such overdue fees and accrued penalties. Payment does not assuage violations for operating without a valid permit.