State of California
AIR RESOURCES BOARD

Response to Significant Environmental Issues

Item: PUBLIC HEARING TO CONSIDER THE ADOPTION OF PERMIT FEE REGULATIONS FOR NONVEHICULAR SOURCES PURSUANT TO THE CALIFORNIA CLEAN AIR ACT

Agenda Item No.: 93-6-1

Public Hearing Date: April 8, 1993

Issuing Authority: Air Resources Board

Comment: No comments were received identifying any significant environmental issues pertaining to this item. The staff report identified no adverse environmental effects.

Response: N/A

Certified: Pat Hutchens
Pat Hutchens
Board Secretary

Date: 5/3/93

State of California
AIR RESOURCES BOARD

Resolution 93-21

April 8, 1993

Agenda Item No.: 93-6-1

WHEREAS, sections 39600 and 39601 of the Health and Safety Code authorize the Air Resources Board (the "Board") to adopt standards, rules and regulations and to do such acts as may be necessary for the proper execution of the powers and duties granted to and imposed upon the Board by law;

WHEREAS, the Legislature in 1988 enacted the California Clean Air Act of 1988 (the "Act"; Stats. 1988, ch. 1568) to address the problem of air pollution in California;

WHEREAS, in the California Clean Air Act the Legislature declared that attainment of the Board's health-based ambient air quality standards is necessary to protect public health, particularly of children, older people, and those with respiratory diseases and directed that these standards be attained at the earliest practicable date;

WHEREAS, the California Clean Air Act directs the Board to perform numerous tasks related to both vehicular and nonvehicular sources of air pollution;

WHEREAS, section 39612 of the Health and Safety Code authorizes the Board to require air pollution control and air quality management districts ("districts"), beginning July 1, 1989, to impose additional permit fees on nonvehicular sources which emit 500 tons per year or more of any nonattainment pollutant or its precursors in order to recover costs of additional state programs related to nonvehicular sources authorized or required by the Act;

WHEREAS, the Board staff has conferred with representatives of local districts and with their assistance has developed a proposed fee program which specifies the amount of fees to be collected by each district for transmission to the Board;

WHEREAS, the proposed fee regulations have been designed to provide the Board with net revenues of three million dollars ($3,000,000) to cover budgeted expenses for Fiscal Year 1993-94 of implementing nonvehicular source related activities under the Act;

WHEREAS, the proposed fee regulations provide that any excess fees collected shall be carried over and considered when setting fees in future years;

WHEREAS, the proposed fee regulations specify by district the amount to be transmitted to the Board for deposit in the Air Pollution Control Fund in Fiscal Year 1993-94 and authorize each district to assess additional fees to recover the administrative costs to the district of collecting the fees;

WHEREAS, pursuant to section 39612 of the Health and Safety Code the proposed fee program for Fiscal Year 1993-94 is based on emissions of nonattainment pollutants or their precursors, as provided in the Act, using the most current statewide emission data available from the districts, which are for calendar year 1991;

WHEREAS, the California Environmental Quality Act and Board regulations require that no project which may have significant adverse environmental impacts be adopted as originally proposed if feasible alternatives or mitigation measures are available to reduce or eliminate such impacts;

WHEREAS, a public hearing and other administrative proceedings have been held in accordance with the provisions of Chapter 3.5 (commencing with section 11340), Part 1, Division 3, Title 2 of the Government Code;

WHEREAS, the Board finds that:

The funds which would be collected pursuant to the proposed fee regulations are needed to implement the nonvehicular source related programs established pursuant to the California Clean Air Act;

The proposed fee regulations include a 10% adjustment factor to insure collection of net revenues of $3,000,000 to cover budgeted expenses for Fiscal Year 1993-94 of implementing nonvehicular source related activities under the Act;

The excess fees collected in Fiscal Year 1991-92 have been carried over and considered in the calculation of fees in the proposed regulation;

The proposed fee regulations are based on annual emissions of nonattainment pollutants from facilities that emit 500 tons per year or more of any nonattainment pollutant or its precursors based on the most recent statewide data available;

The proposed fee regulations will not have a significant adverse economic impact on either the affected sources, on other businesses or private persons affected, or on the districts, which are authorized to recover the administrative costs of collecting the fees; and

WHEREAS, the Board has determined, pursuant to the requirements of the California Environmental Quality Act and the Board's regulations, that this

regulatory action will not have any significant adverse impact on the environment.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby approves sections 90800.4 and 90803, Title 17, California Code of Regulations, as set forth in Attachment A hereto.

BE IT FURTHER RESOLVED that the Board directs the Executive Officer to adopt sections 90800.4 and 90803, Title 17, California Code of Regulations, after making them available to the public for a period of 15 days, provided that the Executive Officer shall consider such written comments as may be submitted during this period, shall make modifications as may be appropriate in light of the comments received, and shall present the regulations to the Board for further consideration if he determines that this is warranted.

BE IT FURTHER RESOLVED that the Board directs the Executive Officer to forward the attached regulations to the affected districts for appropriate action, and to the Department of Finance, the Legislative Analyst, and the State Controller, for information and for appropriate action.

BE IT FURTHER RESOLVED that the Board gives notice of its intention to review the status of the program to implement the provisions of the California Clean Air Act in 1994, and to reconsider at that time the renewal and modification, as necessary, of the fee program in order to reflect changes in program needs and capabilities, base year emissions, and such other factors as may influence funding requirements of the Act.

I hereby certify that the above is a true and correct copy of Resolution 93-21, as adopted by the Air Resources Board.

Pat Hutchens

Pat Hutchens, Board Secretary

RECEIVED BY
Office of the Secretary
MAY 27 1993
STATE OF CALIFORNIA

Attachment A

PERMIT FEE REGULATIONS FOR NONVEHICULAR SOURCES PURSUANT TO THE CALIFORNIA CLEAN AIR ACT REVISED REGULATIONS

NOTE: The existing regulations are not being repealed. The adopted new section 90800.4 and amendment to existing section 90803 are being proposed and are shown in underline and strikeout format. Single underlines indicate those additions and amendments to the regulations that were originally proposed in the staff report. Changes presented at the April 8, 1993, Board meeting to reflect new information received since the staff report was published are shown with strikeouts to indicate deletions from and double underlines to indicate additions to the originally proposed regulations.

PROPOSED

CALIFORNIA CLEAN AIR ACT
NONVEHICULAR SOURCE FEE REGULATIONS

Adopt New Section 90800.4
and Amend Section 90803
Subchapter 3.8, California Clean Air Act
Nonvehicular Source Fee Regulations[1],
as follows:

90800. Fee Requirements for Fiscal Year 1989-90.

(a) No later than 180 days after the effective date of Sections 90800-90803, each district identified below shall transmit the dollar amount specified below to the Board for deposit into the Air Pollution Control Fund. The amount transmitted shall be collected from facilities which are the holders of permits for sources which emitted 500 tons or more per year of any nonattainment pollutant or precursors during the period from January 1, 1987, through December 31, 1987, inclusive. The fees shall be in addition to permit and other fees already authorized to be collected from such sources. The fee to be charged shall be nine dollars and ninety-two cents ($9.92) per ton.

(1) Bay Area Air Quality Management District: six hundred seven thousand two hundred ninety-five dollars ($607,295);

1/ The current regulations are not being repealed/ The proposed new section 90800/4 and amendment to existing section 90803 are shown in underline to indicate additions to existing regulations/

(2) Butte County Air Pollution Control District: eight thousand nine hundred fifty-eight dollars ($8,958);

(3) Fresno County Air Pollution Control District: thirty-four thousand one hundred fifty-five dollars ($34,155);

(4) Kern County Air Pollution Control District: four hundred eighty-eight thousand eight hundred fifty-eight dollars ($488,858);

(5) Kings County Air Pollution Control District: six thousand two hundred ninety-nine dollars ($6,299);

(6) Monterey Bay Unified Air Pollution Control District: seventy-six thousand three hundred thirty-six dollars ($76,336);

(7) North Coast Unified Air Pollution Control District: forty-nine thousand five hundred seventy-one dollars ($49,571);

(8) Sacramento County Air Pollution Control District: eleven thousand nine hundred fourteen dollars ($11,914);

(9) San Bernardino County Air Pollution Control District: two hundred six thousand one hundred forty-two dollars ($206,142);

(10) San Diego County Air Pollution Control District: fifty-three thousand six hundred thirty-nine dollars ($53,639);

(11) San Joaquin County Air Pollution Control District: thirty-three thousand two hundred thirteen dollars ($33,213);

(12) San Luis Obispo County Air Pollution Control District: eighty-nine thousand two hundred thirty-two dollars ($89,232);

(13) Santa Barbara County Air Pollution Control District: twenty-four thousand eight hundred eighty dollars ($24,880);

(14) Shasta County Air Pollution Control District: thirteen thousand nine hundred forty-eight dollars ($13,948);

(15) South Coast Air Quality Management District: five hundred eighty-five thousand five hundred ninety dollars ($585,590);

(16) Stanislaus County Air Pollution Control District: nine thousand seven hundred fifty-two dollars ($9,752);

(17) Ventura County Air Pollution Control District: forty-eight thousand seven hundred eighteen dollars ($48,718).

(b) Emissions from facilities identified on or before June 12, 1989, as having emitted 500 tons or more per year of any nonattainment pollutant or precursors during the period January 1, 1987, through December 31, 1987, shall be used to determine compliance with these regulations.

(c) In addition to the amount cited in subsection (a) above, a district shall, for any facility identified after June 12, 1989, as having emitted 500 tons or more per year of any nonattainment pollutant or its precursors during the period from January 1, 1987, through December 31, 1987, transmit to the Board for deposit into the Air Pollution Control Fund nine dollars and ninety-two cents ($9.92) per ton of such pollutant or precursor.

NOTE: Authority cited: Sections 39600, 39601 and 39612, Health and Safety Code. Reference: Sections 39002, 39500, 39600 and 39612 , Health and Safety Code.

90800.1 Fee Requirements for Fiscal Year 1990-91.

(a) No later than 180 days after the operative date of this section, each district identified below shall transmit the dollar amount specified below to the Board for deposit into the Air Pollution Control Fund. The amount transmitted shall be collected from facilities which are the holders of permits for sources which emitted 500 tons or more per year of any nonattainment pollutant or precursors during the period from January 1, 1988, through December 31, 1988, inclusive. The fees shall be in addition to permit and other fees already authorized to be collected from such sources. The fee to be charged shall be twelve dollars and eighty-nine cents ($12.89).

(1) Bay Area Air Quality Management District: eight hundred fifty-four thousand five hundred six dollars ($854,506);

(2) Fresno County Air Pollution Control District: forty-eight thousand seven hundred thirty-nine dollars ($48,739);

(3) Imperial County Air Pollution Control District: ten thousand four hundred three dollars ($10,403);

(4) Kern County Air Pollution Control District: six hundred thirteen thousand one hundred twenty dollars ($613,120);

(5) Kings County Air Pollution Control District: eight thousand seven hundred seventy-eight dollars ($8,778);

(6) Monterey Bay Unified Air Pollution Control District: one hundred fifty-three thousand four hundred forty-eight dollars ($153,448);

(7) North Coast Unified Air Pollution Control District: seventy thousand one hundred sixty-three dollars ($70,163);

(8) Sacramento County Air Pollution Control District: twenty-three thousand nine hundred fifty dollars ($23,950);

(9) San Bernardino County Air Pollution Control District: three hundred forty-two thousand nine hundred eleven dollars ($342,911);

(10) San Diego County Air Pollution Control District: eighty-eight thousand eight hundred two dollars ($88,802);

(11) San Joaquin County Air Pollution Control District: forty-nine thousand two hundred ninety-three dollars ($49,293);

(12) San Luis Obispo County Air Pollution Control District: one hundred forty-six thousand three hundred seventy-one dollars ($146,371);

(13) Santa Barbara County Air Pollution Control District: eighteen thousand nine hundred eighty-eight dollars ($18,988);

(14) Shasta County Air Pollution Control District: seventeen thousand seven hundred fifty dollars ($17,750);

(15) South Coast Air Quality Management District: seven hundred eighty-one thousand one hundred eight dollars ($781,108);

(16) Stanislaus County Air Pollution Control District: fourteen thousand five hundred sixty-six dollars ($14,566);

(17) Ventura County Air Pollution Control District: fifty-seven thousand one hundred five dollars ($57,105).

(b) Emissions from facilities identified by the Air Resources Board on or before November 28, 1990, as having emitted 500 tons or more per year of any nonattainment pollutant or precursors during the period January 1, 1988, through December 31, 1988, shall be used to determine compliance with these regulations.

(c) In addition to the amount cited in subsection (a) above, a district shall, for any facility identified after November 28, 1990, as having emitted 500 tons or more per year of any nonattainment pollutant or its precursors during the period from January 1, 1988, through December 31, 1988, transmit to the Board for deposit into the Air Pollution Control Fund twelve dollars and eighty-nine cents ($12.89) per ton of such pollutant or precursor.

NOTE: Authority cited: Sections 39600, 39601 and 39612, Health and Safety Code. Reference: Sections 39002, 39500, 39600 and 39612 Health and Safety Code.

90800.2 Fee Requirements for Fiscal Year 1991-92.

(a) No later than 180 days after the operative date of this section, each district identified below shall transmit the dollar amount specified below to the Board for deposit into the Air Pollution Control Fund. The amount transmitted shall be collected from facilities which are the holders of permits for sources which emitted 500 tons or more per year of any nonattainment pollutant or precursors during the period from January 1, 1989, through December 31, 1989, inclusive. The fees shall be in addition to permit and other fees already authorized to be collected from such sources. The fee to be charged shall be eleven dollars and ninety cents ($11.90) per ton.

(1) Bay Area Air Quality Management District: eight hundred eleven thousand five hundred seven dollars ($811,507);

(2) Imperial County Air Pollution Control District: fifteen thousand five dollars ($15,005);

(3) Kern County Air Pollution Control District (SEDAB): seventy thousand four hundred sixty dollars ($70,460);

(4) Monterey Bay Unified Air Pollution Control District: one hundred twenty-three thousand seven hundred forty-nine dollars ($123,749);

(5) North Coast Unified Air Quality Management District: sixty-four thousand one hundred ninety-five dollars ($64,195);

(6) Sacramento Metropolitan Air Quality Management District: sixty-four thousand fifty-two dollars ($64,052);

(7) San Bernardino County Air Pollution Control District: three hundred seventeen thousand seven hundred sixty-one dollars ($317,761);

(8) San Diego County Air Pollution Control District: eighty-eight thousand seven hundred eighteen dollars ($88,718);

(9) San Joaquin Valley Unified Air Pollution Control District:
Fresno County Zone: seventy-seven thousand one hundred twenty-nine dollars ($77,129);
Kern County Zone: four hundred thirty-nine thousand five hundred seventy-five dollars ($439,575);
Kings County Zone: ten thousand one hundred sixty-two dollars ($10,162);
Madera County Zone: eight thousand eight hundred five dollars ($8,805);
San Joaquin County Zone: forty thousand sixteen dollars ($40,016);
Stanislaus County Zone: fourteen thousand one hundred ninety-five dollars ($14,195);

(10) San Luis Obispo County Air Pollution Control District: one hundred twenty-seven thousand one hundred seventy-six dollars ($127,176);

(11) Santa Barbara County Air Pollution Control District: twenty-three thousand one hundred twenty dollars ($23,120);

(12) Shasta County Air Pollution Control District: seven thousand nine hundred ninety-six dollars ($7,996);

(13) South Coast Air Quality Management District: seven hundred forty-three thousand eight hundred twenty-five dollars ($743,825);

(14) Ventura County Air Pollution Control District: forty-five thousand four hundred forty-two dollars ($45,442).

(b) Emissions from facilities identified by the Air Resources Board on or before April 11, 1991, as having emitted 500 tons or more per year of any nonattainment pollutant or precursors during the period January 1, 1989, through December 31, 1989, shall be used to determine compliance with these regulations.

(c) In addition to the amount cited in subsection (a) above, a district shall, for any facility identified after April 11, 1991, as having emitted 500 tons or more per year of any nonattainment pollutant or its precursors during the period from January 1, 1989, through December 31, 1989, transmit to the Board for deposit into the Air Pollution Control Fund eleven dollars and ninety cents ($11.90) per ton of such pollutant or precursor.

NOTE: Authority cited: Sections 39600, 39601 and 39612. Health and Safety Code. Reference: Sections 39002, 39500, 39600 and 39612. Health and Safety Code.

90800.3 Fee Requirements for Fiscal Year 1992-93.

(a) No later than 180 days after the operative date of this section, each district identified below shall transmit the dollar amount specified below to the Board for deposit into

the Air Pollution Control Fund. The amount transmitted shall be collected from facilities which are the holders of permits for sources which emitted 500 tons or more per year of any nonattainment pollutant or precursors during the period from January 1, 1990, through December 31, 1990, inclusive. The fees shall be in addition to permit and other fees already authorized to be collected from such sources. The fee to be charged shall be thirteen dollars and twenty-nine cents ($13.29) per ton.

(1) Bay Area Air Quality Management District: eight hundred eight thousand six hundred fifty-eight dollars ($808,658);

(2) Imperial County Air Pollution Control District: twenty-seven thousand two hundred eighty-seven dollars ($27,287);

(3) Kern County Air Pollution Control District (SEDAB): ninety-five thousand three hundred sixty dollars ($95,360);

(4) Monterey Bay Unified Air Pollution Control District: one hundred twenty-two thousand sixty-three dollars ($122,063);

(5) North Coast Unified Air Quality Management District: thirty-seven thousand two hundred seventy-eight dollars ($37,278);

(6) Sacramento Metropolitan Air Quality Management District: fifty-five thousand one hundred nineteen dollars ($55,119);

(7) San Bernardino County Air Pollution Control District: three hundred thirty-nine thousand eighty-six dollars ($339,086);

(8) San Diego County Air Pollution Control District: eighty-four thousand eight hundred sixty-five dollars ($84,865);

(9) San Joaquin Valley Unified Air Pollution Control District: six hundred sixty thousand five hundred fifty-seven dollars ($660,557), apportioned as follows:

Fresno County Zone: eighty-three thousand nine hundred twenty-one dollars ($83,921);

Kern County Zone: four hundred ninety-six thousand eighty-nine dollars ($496,089);

Kings County Zone: sixteen thousand four hundred sixty dollars ($16,460);

Madera County Zone: ten thousand eight hundred ninety-four dollars ($10,894);

San Joaquin County Zone: forty thousand one hundred thirty-four dollars ($40,134);

Stanislaus County Zone: thirteen thousand fifty-nine dollars ($13,059);

(10) San Luis Obispo County Air Pollution Control District: one hundred fifteen thousand four hundred seventy-three dollars ($115,473);

(11) South Coast Air Quality Management District: six hundred twenty-eight thousand eight hundred six dollars ($628,806);

(12) Ventura County Air Pollution Control District: twenty-eight thousand four hundred forty-three dollars ($28,443).

(b) Emissions from facilities identified by the Air Resources Board on or before April 9, 1992, as having emitted 500 tons or more per year of any nonattainment pollutant or precursors during the period January 1, 1990, through December 31, 1990, shall be used to determine compliance with these regulations.

(c) In addition to the amount cited in subsection (a) above, a district shall, for any facility identified after April 9, 1992, as having emitted 500 tons or more per year of any nonattainment pollutant or its precursors during the period from January 1, 1990, through December 31, 1990, transmit to the Board for deposit into the Air Pollution Control Fund thirteen dollars and twenty-nine cents ($13.29) per ton of such pollutant or precursor.

NOTE: Authority cited: Sections 39600, 39601 and 39612. Health and Safety Code. Reference: Sections 39002, 39500, 39600 and 39612. Health and Safety Code.

90800.4 Fee Requirements for Fiscal Year 1993-94.

(a) No later than 180 days after the operative date of this section, each district identified below shall transmit the dollar amount specified below to the Board for deposit into the Air Pollution Control Fund. The amount transmitted shall be collected from facilities which are the holders of permits for sources which emitted 500 tons or more per year of any nonattainment pollutant or precursors during the period from January 1, 1991, through December 31, 1991, inclusive. The fees shall be in addition to permit and other fees already authorized to be collected from such sources. The fee to be charged shall be ~~sixteen dollars and eleven cents ($16/11)~~ sixteen dollars and thirty-nine cents ($16.39) per ton.

(1) Bay Area Air Quality Management District: ~~nine hundred seventy/one thousand nine hundred fifty/one dollars ($971/951)~~ nine hundred eighty-eight thousand eight hundred twenty-one dollars ($988,821);

(2) Imperial County Air Pollution Control District: ~~thirty/two thousand five hundred twenty/five dollars ($32/525)~~ thirty-three thousand eighty-nine dollars ($33,089);

(3) Kern County Air Pollution Control District (SEDAB): ~~one hundred forty/four thousand one hundred seventy/eight dollars ($144/178)~~ one hundred forty-six thousand six hundred eighty dollars ($146,680);

(4) Monterey Bay Unified Air Pollution Control District: ~~ninety/six thousand three hundred one dollars ($96/301)~~ ninety-seven thousand nine hundred seventy-two dollars ($97,972);

(5) North Coast Unified Air Quality Management District: ~~twenty/eight thousand three hundred thirty/six dollars ($28/336)~~ eight thousand five hundred fifty-five dollars ($8,555);

(6) Sacramento Metropolitan Air Quality Management District: ~~ninety/six thousand ninety/two dollars ($96/092)~~ ninety-seven thousand seven hundred fifty-nine dollars ($97,759);

(7) San Bernardino County Air Pollution Control District: ~~three hundred sixty/six thousand eight hundred eight dollars ($366/808)~~ three hundred seventy-three thousand one hundred seventy-four dollars ($373,174);

(8) San Diego County Air Pollution Control District: ~~ninety/five thousand nine hundred ninety/five dollars ($95/995)~~ ninety-seven thousand six hundred sixty-one dollars ($97,661);

(9) San Joaquin Valley Unified Air Pollution Control District: ~~six hundred thirty/two thousand one hundred ninety one dollars ($632/191)~~ six hundred twenty thousand four hundred thirty-two dollars ($620,432);

(10) San Luis Obispo County Air Pollution Control District: ~~one hundred twenty/one thousand two hundred fifty/four dollars ($121/254)~~ one hundred twenty-three thousand three hundred fifty-nine dollars ($123,359);

(11) South Coast Air Quality Management District: ~~six hundred thirty/three thousand four hundred ninety six dollars ($633/496)~~ six hundred thirty-one thousand two hundred dollars ($631,200);

(12) Ventura County Air Pollution Control District: ~~twenty/four thousand four hundred seventy dollars ($24,470)~~ twenty-four thousand eight hundred ninety-five dollars ($24,895);

(13) Amador County Air Pollution Control District,
Butte County Air Pollution Control District,
Calaveras County Air Pollution Control District,
Colusa County Air Pollution Control District,
El Dorado County Air Pollution Control District,
Feather River Air Quality Management District,
Glenn County Air Pollution Control District,
Great Basin Unified Air Pollution Control District,
Mariposa County Air Pollution Control District,
Mendocino County Air Pollution Control District,
Modoc County Air Pollution Control District,
Northern Sierra Air Quality Management District,
Northern Sonoma County Air Pollution Control District,
Placer County Air Pollution Control District,
Santa Barbara County Air Pollution Control District,
Shasta County Air Quality Management District,
Siskiyou County Air Pollution Control District,
Tehama County Air Pollution Control District,
Tuolumne County Air Pollution Control District,
Yolo-Solano Air Pollution Control District:
zero dollars ($0).

(b) Emissions from facilities identified by the Air Resources Board on or before ~~January 29, 1993~~ April 8, 1993, as having emitted 500 tons or more per year of any nonattainment pollutant or precursors during the period January 1, 1991, through December 31, 1991, shall be used to determine compliance with these regulations.

(c) In addition to the amount cited in subsection (a) above, a district shall, for any facility identified after ~~January 29, 1993~~ April 8, 1993, as having emitted 500 tons or more per year of any nonattainment pollutant or its precursors during the period from January 1, 1991, through December 31, 1991, transmit to the Board for deposit into the Air Pollution Control Fund ~~sixteen dollars and eleven cents ($16.11)~~ sixteen dollars and thirty-nine cents ($16.39) per ton of such pollutant or precursor.

NOTE: Authority cited: Sections 39600, 39601 and 39612, Health and Safety Code. Reference: Sections 39002, 39500, 39600 and 39612, Health and Safety Code.

90801. Definitions.

(a) "Facility" means any nonvehicular source which requires a permit from the district.

(b) "Nonattainment pollutant" means any substance for which an area has been designated in sections 60200-60209 as not having attained a state ambient air quality standard listed in section 70200, Title 17, California Code of Regulations, as of July 1 of the fiscal year for which fees are being collected.

(c) "Nonattainment precursor" means any substance which reacts in the atmosphere to contribute to the production of a nonattainment pollutant or pollutants in an area designated in sections 60200-60209 as not having attained a state ambient air quality standard listed in section 70200, Title 17, California Code of Regulations, as of July 1 of the fiscal year for which fees are being collected.

(d) For the purposes of this regulation, "nonattainment pollutants and precursors" shall be defined as follows:

Substance (as listed in Section 70200, Title 17, CCR):	nonattainment pollutant/precursor:
Ozone	reactive organic gases, oxides of nitrogen
Sulfur Dioxide	oxides of sulfur
Sulfates	oxides of sulfur
Nitrogen Dioxide	oxides of nitrogen
Carbon Monoxide	carbon monoxide
Suspended Particulate Matter (PM_{10})	suspended particulate matter (PM_{10}), oxides of nitrogen, oxides of sulfur reactive organic gases
Visibility Reducing Particles	suspended particulate matter (PM_{10}), oxides of nitrogen, oxides of sulfur reactive organic gases
Hydrogen Sulfide	hydrogen sulfide
Lead	lead

e) "Operator" means the person who owns or operates a facility or part of a facility.

NOTE: Authority cited: Sections 39600, 39601 and 39612, Health and Safety Code. Reference: Sections 39002, 39500, 39600 and 39612, Health and Safety Code.

90802. Fee Payment and Collection.

(a) Each district shall notify and assess the operator of each facility subject to permit fees, as provided for in these regulations, in writing of the fee due. The fee shall be past due 60 days after receipt by the operator of the fee assessment notice.

(b) Each district shall assess an additional fee on operators failing to pay the fee within 60 days of receipt of the fee assessment notice. The district shall set the late fee in an amount sufficient to pay the district's additional expenses incurred by the operator's untimely payment.

(c) Any fees submitted to the state which exceed costs to the state of additional state programs authorized or required by the California Clean Air Act of 1988 related to nonvehicular sources, shall be carried over by the state for expenditure for these purposes.

(d) Each district may recover administrative costs to the district of collecting the fees pursuant to these regulations. At the request of the State Board, a district shall provide to the State Board, within 30 days of the request, substantiation of administrative costs.

NOTE: Authority cited: Sections 39600, 39601 and 39612, Health and Safety Code. Reference: Sections 39002, 39500, 39600 and 39612, Health and Safety Code.

90803. Failure of Facility to Pay Fees.

In the event any district is unable to collect the assessed fee from any source due to circumstances beyond the control of the district, including but not limited to facility closure or refusal of the operator to pay despite permit revocation and/or other enforcement action, such district shall notify the Executive Officer of the State Board. For demonstrated good cause, the district may be relieved from that portion of the fees the district is required to collect and remit to the state as set forth in section 90800 or section 90800.1 or section 90800.2 or section 90800.3 <u>or section 90800.4</u>. Nothing herein shall relieve the operator from any obligation to pay any fees assessed pursuant to this regulation.

NOTE: Authority cited: Sections 39600, 39601 and 39612, Health and Safety Code. Reference: Sections 39002, 39500, 39600 and 39612, Health and Safety Code.