

# BAY AREA AIR QUALITY MANAGEMENT DISTRICT

## **REGULATION 3 – FEES**

*(Adopted June 18, 1980) (Last Amended August 1, 2001)*

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## REGULATION 3 FEES

(Adopted June 18, 1980)

### 3-100 GENERAL

**3-101 Description:** This regulation establishes fees to be charged for Hearing Board filings, for permits, banking, experimental exemptions, renewal of permits, costs of environmental documentation, asbestos operations, air toxics inventories, and soil aeration and underground tank removals.

*(Amended 7/6/83; 11/2/83; 2/21/90; 12/16/92; 8/2/95; 12/2/98)*

**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, and P.

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

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

**3-105 Exemption, Aeration 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 aeration 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 notification as required by Regulation 8, Rule 40, Section 401 or 402.

*(Adopted January 5, 1994)*

**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 \$500,000 that is not an affiliate of a non-small business.

*(Amended 6/4/86; 6/6/90; 6/7/00)*

**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 PM<sub>10</sub> in an amount calculated by the APCO equal to or exceeding 50 tons per year.

*(Adopted 11/2/83; Amended 2/21/90; 6/6/90; 8/2/95; 6/7/00)*

**3-214 Deleted effective March 1, 2000**

*(Amended 10/20/99)*

**3-215 Deleted effective March 1, 2000**

*(Amended 10/20/99)*

**3-216 Deleted effective March 1, 2000**

*(Amended 10/20/99)*

**3-217 Deleted effective March 1, 2000**

*(Amended 10/20/99)*

**3-218 Deleted effective March 1, 2000**

*(Amended 10/20/99)*

**3-219 Deleted effective March 1, 2000**

*(Amended 10/20/99)*

**3-220 Deleted effective March 1, 2000**

*(Amended 10/20/99)*

**3-221 Deleted effective March 1, 2000**

*(Amended 10/20/99)*

**3-222 Deleted effective March 1, 2000**

*(Amended 10/20/99)*

**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 or G-4 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 June 6, 1990)*

**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 pollutants 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 October 21, 1992)*

- 3-227 Toxic Air Pollutant:** For the purpose of this fee regulation, a "toxic air pollutant" is any air pollutant that is included in the District's list of Toxic Air Pollutants and Emission Weighting Factors (Schedule N).

*(Adopted October 21, 1992)*

**3-228 Deleted December 2, 1998**

**3-229 Deleted December 2, 1998**

**3-230 Deleted December 2, 1998**

**3-231 Deleted December 2, 1998**

**3-232 Deleted December 2, 1998**

**3-233 Deleted December 2, 1998**

**3-234 Deleted December 2, 1998**

**3-235 Deleted December 2, 1998**

**3-236 Deleted December 2, 1998**

**3-237 PM<sub>10</sub>:** See Section 2-1-229 of Regulation 2, Rule 1.

*(Adopted June 7, 2000)*

### **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 a filing fee of \$238 per source plus the initial fee and the permit to operate fee 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 a filing fee of \$238 per source plus the initial fee and any incremental increase in permit to operate fees given in Schedules B, C, D, E, F, H, I or K. 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 sources covered by Schedules D.1. and 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.

302.1 An applicant who qualifies as a small business shall pay one half of the filing fee and, if the source falls under schedules B, C, D.3., E, F, H, I or K, one half of the initial fee and the full permit to operate fee. If the source falls under schedule D.1., the applicant shall pay the full filing fee, the full initial fee and the permit to operate fee.

302.2 Deleted July 3, 1991

302.3 Applicants for an authority to construct and permit to operate abatement devices where there is no other modification to the source shall pay a \$238 filing fee and an initial fee equivalent to 50% of the initial fee 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 Applicants for a Permit to Operate reactivated, previously permitted equipment shall pay the full filing, initial, and permit fees.

302.5 Applicants for minor modifications to permitted sources subject to Schedules G-3 or G-4 shall pay filing fees and the initial and permit to operate fees specified under Schedule G-2. Permit renewal fees will continue to be charged under Schedules G-3 and G-4.

*(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)*

- 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 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 maximum back fee shall not exceed five years' permit fees.

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

**3-304 Replacement:** Applicants who are replacing sources with identical equipment shall pay only the filing fee. An application for replacement of components with non-identical components shall pay fees for a change in conditions. Applicants who are replacing sources or equipment with non-identical equipment will pay the filing fee plus the initial fee and the permit to operate fee.

*(Amended 6/4/86; 11/15/00)*

**3-305 Cancellation or Withdrawal:** There will be no refund of initial 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)*

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

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

1.1 The condition change applies to a single source or a group of sources with shared permit conditions.

1.2 The condition change does not subject the source(s) to any District Regulations or requirements that were not previously applicable.

1.3 The condition change does not result in any increase in emissions of POC, NPOC, NO<sub>x</sub>, CO, SO<sub>2</sub>, or PM<sub>10</sub> at any source or the emission of a toxic air contaminant above the trigger levels identified in Regulation 2, Rule 1, Table 2-1-316.

1.4 The condition change does not require a public notice.

306.2 Other Condition Changes: Applicant shall pay the filing and initial 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.

*(Amended 7/6/83; 6/4/86; 6/6/90; 10/8/97; 6/7/00)*

**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. 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)*

**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. The applicant shall pay the filing fee, the initial fee and permit to operate fee if the move is not on the same facility.

*(Amended 7/6/83; 6/4/86)*

**3-309 Duplicate Permit:** An applicant for a duplicate permit to operate shall pay a fee of \$25.00 per permit.

*(Amended May 19, 1999)*

**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 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 source falling under Schedule D.1 that is not required to pay an initial fee shall pay a fee equal to 100% of the filing fee.

310.2 Sources previously exempt from permit requirements which lose their exemption due to changes in District, state, or federal regulations shall pay a

permit to operate fee for the coming year and any back fees pursuant to Section 3-303.

- 310.3 Sources previously exempt from permit requirements which 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.

*(Amended 7/6/83; 4/18/84; 6/4/86; 6/6/90; 7/3/91; 8/2/95; 10/8/97)*

- 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 \$238 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 \$238.

*(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)*

- 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 shall pay an annual fee of \$600 for each source included in the alternative compliance plan, not to exceed \$6000.

*(Adopted 5/19/82; Amended 6/4/86; 5/19/99; 6/7/00; 6/6/01)*

- 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 for which the District is a lead agency 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 December 18, 1985)*

- 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;

318.1 A minimum fee of \$900 per application, and

318.2 The District's cost exceeding \$900 of preparing and distributing the public notice to the affected persons specified in Regulation 2-1-412.

*(Adopted 11/1/89; Amended 10/8/97; 7/1/98; 5/19/99; 6/7/00)*

- 3-319 Major Stationary Source Fees:** Any major stationary source emitting 50 tons per year of organic compounds, sulfur oxides, nitrogen oxides, or PM<sub>10</sub> shall pay a fee based on Schedule M. This fee is in addition to permit and other fees otherwise authorized to be collected from such facilities and shall be included as part of the annual permit renewal fees.

*(Adopted 6/6/90; Amended 8/2/95; 6/7/00)*

- 3-320 Toxic Inventory Fees:** Any stationary source that emits one or more potentially toxic air pollutants (listed in Schedule N) 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 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 \$5,750 per year.

*(Adopted 10/21/92; Amended 5/19/99)*

**3-321 Deleted December 2, 1998**

**3-322 Aeration of Contaminated Soil and Removal of Underground Storage Tank Operation Fees:** Persons submitting a written notification for a given site to conduct either aeration of contaminated soil or removal of underground storage tanks as required by Regulation 8, Rule 40, Section 401 or 402, shall pay a fee based on Schedule Q.

*(Adopted 1/5/94; Amended 8/2/95)*

**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. The fee required for the annual renewal of a permit to operate is the permit to operate fee listed in Schedules B, C, D, E, F, H, I and K. Where more than one of the schedules is applicable to a source, the fee paid shall be the highest of the applicable schedules. This annual renewal fee is applicable to all sources required to obtain permits to operate in accordance with District regulations.

*(Adopted June 7, 2000)*

**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)*

### **3-400 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 50 percent of an annual Permit to Operate Fee.

2.2 Fees received more than 30 days after the due date must include an additional late fee equal to 100 percent of an annual Permit to Operate Fee.

405.3 Renewal of Permit to Operate: The facility will be notified that the permit has lapsed and that further operation is no longer authorized. Reinstatement of lapsed Permits to Operate will require the payment of reinstatement fees

in addition to the Permit to Operate Fee. Permit to Operate Fees shall be calculated using fee schedules in effect at either the time of reinstatement or at the time additional fees are assessed under subsection 3-405.2.

- 3.1 Fees received during the first 30 days following the due date must include the Permit to Operate Fee for the period covered on the invoice plus a reinstatement fee equal to 50 percent of the annual Permit to Operate Fee.
  - 3.2 Fees received more than 30 days after the due date, but less than one year after the due date, must include the Permit to Operate Fee for the period covered by the invoice plus a reinstatement fee equal to 100 percent of the annual Permit to Operate Fee.
  - 3.3 Fees received more than one year after the due date must include the Permit to Operate Fee, prorated from the date the permit expired to the current permit anniversary date, plus a reinstatement fee equal to 150 percent of the annual Permit to Operate Fee.
- 405.4 Other Fees: Persons who have not paid the fee by the invoice due date, shall pay a 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.
- 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)*

**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 whose 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)*

**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)*



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

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

		Large Companies	Small Business	Third Party
1.	For each application for variance exceeding 90 days, in accordance with §42350, including applications on behalf of a class of applicants, which meet the requirements of the Hearing Board Rules for a valid and proper class action for variance ..... 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 .....	\$1044  \$522	\$156  \$52	
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 .....	\$626  \$313	\$156  \$52	
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 .....	\$417  \$313	\$52  \$52	
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 .....	\$417  \$313	\$52  \$52	
5.	For each application to revoke a variance .....	\$626	\$52	
6.	For each application for approval of a Schedule of Increments of Progress in accordance with §41703 .....	\$417	\$52	
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 .....	\$1044  \$522	\$156  \$52	
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 .....	\$626  \$313	\$156  \$52	
9.	For each Appeal (Permit, Banking, Title V).....	\$1044 per hearing day	\$522 per hearing day	\$522 for entire appeal period
10.	For each application for intervention in accordance with Hearing Board Rules §§2.3, 3.4 & 4.6.....	\$522 per hearing day	\$104	\$261 for entire period
11.	For each application to Modify or Terminate an abatement order .....	\$1044 per hearing day	\$522 per hearing day	
12.	For each application for an interim variance in accordance with §42351	\$522	\$104	
13.	For each application for an emergency variance in accordance with			

		<b>Large Companies</b>	<b>Small Business</b>	<b>Third Party</b>
	§42359.5 .....	\$261	\$52	
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	\$522	\$156	\$156
17.	For each published Notice of Public Hearing .....	Cost of Publication	\$0	\$0
18.	Court Reporter Fee .....	\$104 or cost per day if hearing solely dedicated to one Docket	\$0	\$0

NOTE 1 Any person who certifies under penalty of perjury that payment of the foregoing fees will cause an unreasonable hardship, may be excused from the payment of fees by order of the Hearing Board on that account.

*(Amended 10/8/97; 5/19/99; 6/7/00; 6/6/01)*

**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 only to those rules or permit conditions that specify quantitative emission limits.

**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, 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 \$1.00 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 \$5.00 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:

$$\text{Fee} = (\text{Opacity}^* \text{ equivalent} - 20) \times \text{number of days allowed in variance} \times \$1.12$$

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

$$\text{Fee} = (\text{Opacity}^* \text{ equivalent} - 40) \times \text{number of days allowed by variance} \times \$1.12$$

- \* 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 June 7, 2000)*

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

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

1. INITIAL FEE: \$31.30 per MM BTU/HOUR
  - a. All ratings rounded to the nearest MM BTU/Hr
  - b. The minimum fee per source is: \$167
  - c. The maximum fee per source is: \$58,460
  
2. PERMIT TO OPERATE FEE: \$15.65 per MM BTU/HOUR
  - a. All ratings rounded to the nearest MM BTU/HR
  - b. The minimum fee per source is: \$120
  - c. The maximum fee per source is: \$29,230
  
3. 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.
  
4. Toxic Surcharge Fee: The initial fee shall be doubled and the permit to operate fee shall be raised by ten percent, for sources which emit one or more toxic air contaminant (TAC), identified by the Air Resources Board, at a rate which exceeds the trigger levels listed in Table 2-1-316 of Regulation 2, Rule 1. This fee shall not be assessed for TACs not listed in Table 2-1-316.
  
5. Applicants for an authority to construct and permit to operate a project, which burns municipal waste or refuse-derived fuel, shall pay in addition to all required fees, an additional fee to cover the costs incurred by the State Department of Health Services, and/or a qualified contractor designated by the State Department of Health Services, in reviewing a risk assessment as required under H&S Code Section 42315. The fee shall be transmitted by the District to the Department of Health Services and/or the qualified contractor upon completion of the review and submission of comments in writing to the District.
  
6. A surcharge equal to 100% of all required initial and permit to operate fees shall be charged for sources permitted to burn one or more of the following fuels: coke, coal, wood, tires, black liquor, and municipal solid waste.

NOTE: MM BTU is million BTU  
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; 5/19/99; 6/7/00; 6/6/01)*

**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: 0.150 cents per gallon
  - a. The minimum fee per source is: \$167
  - b. The maximum fee per source is: \$22,750
  
2. PERMIT TO OPERATE FEE: 0.075 cents per gallon
  - a. The minimum fee per source is: \$120
  - b. The maximum fee per source is: \$11,375
  
3. 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.
  
4. Toxic Surcharge Fee: The initial fee shall be doubled and the permit to operate fee shall be raised by ten percent, for sources which emit one or more toxic air contaminant (TAC), identified by the Air Resources Board, at a rate which exceeds the trigger levels listed in Table 2-1-316 of Regulation 2, Rule 1. This fee shall not be assessed for TACs not listed in Table 2-1-316.

*(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)*

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

1. All gasoline dispensing facilities shall pay the following fees:
  - a. INITIAL FEE: \$75.95 per single product nozzle (spn)  
\$75.95 per product for each multi-product nozzle (mpn)
  - b. PERMIT TO OPERATE FEE: \$29.00 per single product nozzle (spn)  
\$29.00 per product for each multi-product nozzle (mpn)

Modifications at a currently permitted gasoline dispensing facility shall pay the following fees with no change to the facilities' expiration date:

- c. MODIFICATION FEE:  

$$\$105.00 \times \{[(mpn_{proposed})(products\ per\ nozzle) + spn_{proposed}] - [(mpn_{existing})(products\ per\ nozzle) + spn_{existing}]\}$$
  
*mpn* = multi-product nozzles  
*spn* = single product nozzles

If the above formula yields zero or negative results, no modification fee shall be charged. These projects shall pay a filing fee only.

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 pay a filing fee only.

2. 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.
3. 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:
  - a. INITIAL FEE: \$994 per single product loading arm  
\$994 per product for multi-product arms
  - b. PERMIT TO OPERATE FEE: \$277 per single product loading arm  
\$277 per product for multi-product arms
4. Fees in (1) above are in lieu of tank fees. Fees in (3) above are in addition to tank fees.
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.
6. The initial fee and the permit to operate fee have been raised for the above sources that emit benzene, a toxic air contaminant identified by the Air Resources Board.

*(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)*

**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: \$167
  - b. If usage is not more than 1,000 gallons/year: \$167
  - c. If usage is more than 1,000 gallons/year: \$334 per 1,000 gallons
  - d. The maximum fee per source is: \$13,310
  
2. PERMIT TO OPERATE FEE:
  - a. The minimum fee per source is: \$120
  - b. If usage is not more than 1,000 gallons/year: \$120
  - c. If usage is more than 1,000 gallons/year: \$167 per 1,000 gallons
  - d. The maximum fee per source is: \$6,655
  
3. 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.
  
4. Toxic Surcharge Fee: The initial fee shall be doubled and the permit to operate fee shall be raised by ten percent, for sources which emit one or more toxic air contaminant (TAC), identified by the Air Resources Board, at a rate which exceeds the trigger levels listed in Table 2-1-316 of Regulation 2, Rule 1. This fee shall not be assessed for TACs not listed in Table 2-1-316.

*(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)*

**SCHEDULE F**  
**MISCELLANEOUS SOURCES**  
(Adopted June 18, 1980)

For each source not governed by Schedules B, C, D, E, H or I, the initial fee is \$167 and the permit to operate fee is \$120, except for those sources in the special classification lists below:

List of special classifications requiring graduated fees is shown in Schedules G-1, G-2, G-3, and G-4.

1. FEE FOR SCHEDULE G-1
  - a. The initial fee is: \$997
  - b. The permit to operate fee is: \$498
2. FEE FOR SCHEDULE G-2
  - a. The initial fee is: \$1,994
  - b. The permit to operate fee is: \$997
3. FEE FOR SCHEDULE G-3
  - a. The initial fee is: \$15,200
  - b. The permit to operate fee is: \$7,600
4. FEE FOR SCHEDULE G-4
  - a. The initial fee is: \$43,420
  - b. The permit to operate fee is: \$21,710
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.
6. Toxic Surcharge Fee: The initial fee shall be doubled and the permit to operate fee shall be raised by ten percent, for sources which emit one or more toxic air contaminant (TAC), identified by the Air Resources Board, at a rate which exceeds the trigger levels listed in Table 2-1-316 of Regulation 2, Rule 1. This fee shall not be assessed for TACs not listed in Table 2-1-316.

*(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)*

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

<b>Equipment or Process Description</b>	<b>Materials Processed or Produced</b>
Asphalt Roofing Manufacturing – Asphalt Dipping	Asphalt Roofing or Related Materials
Calcining Kilns, excluding those processing cement, lime, or coke (see G-4 for cement, lime, or coke Calcining Kilns)	Any Materials except cement, lime, or coke
Chemical Manufacturing, Inorganic – Processing Units with a Capacity of 1000 Gallons/Hour or more	Any Inorganic Materials
Chemical Manufacturing, Inorganic – Processing Units with a Capacity of 5 Tons/Hour or more	Any Inorganic Materials
Chemical Manufacturing, Inorganic – Reactors with a Capacity of 1000 Gallons or more	Any Inorganic Materials
Chemical Manufacturing, Organic - Latex Dipping	Any latex materials
Chemical Manufacturing, Organic – Processing Units with a Capacity of 1000 Gallons/Hour or more	Any Organic Materials
Chemical Manufacturing, Organic – Processing Units with a Capacity of 5 Tons/Hour or more	Any Organic Materials
Chemical Manufacturing, Organic – Reactors with a Capacity of 1000 Gallons or more	Any Organic Materials
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	Decorative or Hard Chrome only
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

<b>Equipment or Process Description</b>	<b>Materials Processed or Produced</b>
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, excluding crude oil units with capacity > 1000 barrels/hour (see G-3 for > 1000 barrels/hour crude distillation units)	Any Hydrocarbons
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	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
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)



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

<b>Equipment or Process Description</b>	<b>Materials Processed or Produced</b>
Asphalt Roofing Manufacturing – Asphalt Blowing	Asphalt Roofing or Related Materials
Asphaltic Concrete Manufacturing – Aggregate Dryers	Any Dry Materials
Asphaltic Concrete Manufacturing – Batch Mixers	Any Asphaltic Concrete Products
Asphaltic Concrete Manufacturing – Drum Mixers	Any Asphaltic Concrete Products
Asphaltic Concrete Manufacturing – Other Mixers and/or Dryers	Any Dry Materials or Asphaltic Concrete Products
Concrete or Cement Batching Operations – Mixers	Any cement, concrete, or stone products or similar materials
Furnaces – Electric	Any Mineral or Mineral Product
Furnaces – Electric Induction	Any Mineral or Mineral Product
Furnaces – Glass Manufacturing	Soda Lime only
Furnaces – Reverberatory	Any Ores, Minerals, Metals, Alloys, or Related Materials
Incinerators – Hazardous Waste including any unit required to have a RCRA permit	Any Liquid or Solid Hazardous Wastes
Incinerators – Solid Waste, excluding units burning human/animal remains or pathological waste exclusively (see G-1 for Crematory and Pathological Waste Incinerators)	Any Solid Waste including Sewage Sludge (except human/animal remains or pathological waste)
Metal Rolling Lines, excluding foil rolling lines (see G-1 for Foil Rolling Lines)	Any Metals or Alloys
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)

<b>Equipment or Process Description</b>	<b>Materials Processed or Produced</b>
Furnaces – Electric Arc	Any Metals or Alloys
Furnaces – Electric Induction	Any Metals or Alloys
Incinerators – Medical Waste, excluding units burning pathological waste exclusively (see G-1 for Pathological Waste Incinerators)	Any Medical or Infectious Wastes
Loading and/or Unloading Operations – Marine Berths	Any Organic Materials
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)*

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

<b>Equipment or Process Description</b>	<b>Materials Processed or Produced</b>
Acid Regeneration Units	Sulfuric or Hydrochloric Acid only
Annealing Lines (continuous only)	Metals and Alloys
Calcining Kilns (see G-1 for Calcining Kilns processing other materials)	Cement, Lime, or Coke only
Fluidized Bed Combustors	Solid Fuels only
Nitric Acid Manufacturing – Any Ammonia Oxidation Processes	Ammonia or Ammonia Compounds
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 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: \$167
- b. The maximum fee per source is: \$13,310

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 gal/yr: \$167
  - ii. If gross throughput is more than 3,000 gallons/year: \$113 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/yr: \$167
  - ii. If gross throughput is more than 1,000 gallons/year: \$334 per 1,000 gallon

2. PERMIT TO OPERATE FEE:

- a. The minimum fee per source is: \$120
- b. The maximum fee per source is: \$6,655

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/yr: \$120
  - ii. If gross throughput is more than 3,000 gallons/year: \$56 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/yr: \$120

- ii. If gross throughput is more than 1,000 gallons/year: \$167 per 1,000 gallon
- 3. 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.
- 4. Toxic Surcharge Fee: The initial fee shall be doubled and the permit to operate fee shall be raised by ten percent, for sources which emit one or more toxic air contaminant (TAC), identified by the Air Resources Board, at a rate which exceeds the trigger levels listed in Table 2-1-316 of Regulation 2, Rule 1. This fee shall not be assessed for TACs not listed in Table 2-1-316.

*(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)*

**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: \$167
  - b. If the washing or drying capacity exceeds 100 pounds: \$167 plus  
For that portion of the capacity exceeding 100 pounds: \$4.97 per pound
2. PERMIT TO OPERATE FEE FOR A DRY CLEANING MACHINE (per drum):
  - a. If the washing or drying capacity is no more than 100 pounds: \$120
  - b. If the washing or drying capacity exceeds 100 pounds: \$120 plus  
For that portion of the capacity exceeding 100 pounds: \$2.48 per pound
3. 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.
4. Toxic Surcharge Fee: The initial fee shall be doubled and the permit to operate fee shall be raised by ten percent, for sources which emit one or more toxic air contaminant (TAC), identified by the Air Resources Board, at a rate which exceeds the trigger levels listed in Table 2-1-316 of Regulation 2, Rule 1. This fee shall not be assessed for TACs not listed in Table 2-1-316.

*(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)*

**SCHEDULE K  
SOLID WASTE DISPOSAL SITES**

(Adopted July 15, 1987)

1. INITIAL FEE:
  - a. Inactive or Closed Solid Waste Disposal Sites \$997
  - b. Active Solid Waste Disposal Sites \$1994
  - c. For applications involving only new or modified gas collection system equipment, the initial fee shall be 50% of the appropriate initial fee determined by a. or b. above.
2. PERMIT TO OPERATE FEE:
  - a. Inactive or Closed Solid Waste Disposal Sites \$499
  - b. Active Solid Waste Disposal Sites \$997
3. Evaluation of Reports and Questionnaires:
  - a. Evaluation of Solid Waste Air Assessment Test Report as required by Health & Safety Code Section 41805.5(g) \$793
  - b. Inactive Site Questionnaire evaluation as required by Health & Safety Code Section 41805.5(b) \$397
  - 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) \$397
  - d. Evaluation of Initial or Amended Design Capacity Reports as required by Regulation 8, Rule 34, Section 405 \$292
  - e. Evaluation of Initial or Periodic NMOC Emission Rate Reports as required by Regulation 8, Rule 34, Sections 406 or 407 \$835
  - f. Evaluation of Closure Report as required by Regulation 8, Rule 34, Section 409 \$292
  - g. Evaluation of Annual Report as required by Regulation 8, Rule 34, Section 411 \$731
4. 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.
5. Toxic Surcharge Fee: The initial fee shall be doubled and the permit to operate fee shall be raised by ten percent, for sources which emit one or more toxic air contaminant (TAC), identified by the Air Resources Board, at a rate which exceeds the trigger levels listed in Table 2-1-316 of Regulation 2, Rule 1. This fee shall not be assessed for TACs not listed in Table 2-1-316.
6. For the purposes of this fee schedule, a solid waste disposal site 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)*

**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:     \$82     for amounts 100 to 500 square feet or linear feet.  
                              \$300     for amounts 501 square feet or linear feet to 1000 square feet or linear feet.  
                              \$436     for amounts 1001 square feet or liner feet to 2000 square feet or linear feet.  
                              \$599     for amounts greater than 2000 square feet or linear feet.
  - b. Cancellation:         \$39     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:     \$230     for amounts 100 to 159 square feet or 100 to 259 linear feet or 35 cubic feet  
                              \$333     for amounts 160 square feet or 260 linear feet to 500 square or linear feet or greater than 35 cubic feet.  
                              \$485     for amounts 501 square feet or linear feet to 1000 square feet or linear feet.  
                              \$714     for amounts 1001 square feet or liner feet to 2500 square feet or linear feet.  
                              \$1019     for amounts 2501 square feet or linear feet to 5000 square feet or linear feet.  
                              \$1400     for amounts 5001 square feet or linear feet to 10000 square feet or linear feet.  
                              \$1781     for amounts greater than 10001 square feet or linear feet.
  - b. Cancellation:         \$110     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:     \$39
  - b. Cancellation:         \$39     (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:     \$164
  - b. Cancellation:         \$110     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:     \$272
6. Asbestos demolition operations for the purpose of fire training are exempt from fees.  
*(Amended 9/5/90; 1/5/94; 8/20/97; 10/7/98; 7/19/00; 8/1/01)*



**SCHEDULE M**  
**MAJOR STATIONARY SOURCE FEES**

(Adopted June 6, 1990)

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

- |    |                   |                 |
|----|-------------------|-----------------|
| 1. | Organic Compounds | \$49.80 per ton |
| 2. | Sulfur Oxides     | \$49.80 per ton |
| 3. | Nitrogen Oxides   | \$49.80 per ton |
| 4. | PM <sub>10</sub>  | \$49.80 per ton |

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

*(Amended 7/3/91; 6/15/94; 7/1/98; 5/9/99; 6/7/00; 6/6/01)*

**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, 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 \$125 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 \$125 +  $S_L \times (w_j - 1000)$  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:

$w_j$  = 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 Unit Risk Value for the substance times one hundred thousand (in cubic meters/microgram) if the emission is a carcinogen, or by the reciprocal of the acceptable exposure level (AEL) for the substance (in cubic meters/microgram) if the emission is not a carcinogen:

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

$n$  = number of toxic substances emitted by facility

$E_i$  = amount of substance i emitted by facility in lbs/year

$Q_i$  = Unit Risk Value \*  $10^5$  if i is a carcinogen; or

$Q_i$  = [Acceptable Exposure Level]<sup>-1</sup> 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:

$$S_L = \frac{F_T - (125 \times N_S) - (125 \times N_L) - 5 \times N_{NOZ}}{\sum_{j=1}^{N_L} (w_j - 1000)}$$

(Amended December 15, 1993)

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

1. Each facility which is required to undergo major facility review in accordance with the requirements of Regulation 2-6, shall pay the following annual fee 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 this fee shall terminate as of the date the APCO issues the synthetic minor operating permit.  
MFR ANNUAL FEE . \$145 per source and \$5.69 per ton of regulated air pollutants emitted
2. Effective July 1, 1999, each MFR facility and each synthetic minor facility shall pay an annual monitoring fee for each pollutant measured by a District-approved continuous emission monitor or District-approved parametric emission monitoring system.  
MONITORING FEE .....\$1425 per monitor per pollutant
3. Effective July 1, 1995, each facility that applies for a permit shield under the provisions of Regulation 2-6 shall pay the following application fee for each source covered by the shield.  
PERMIT SHIELD FEE .....\$360 per shielded source or group of identical sources
4. Each facility that applies for a permit, or a permit modification in accordance with the requirements of Regulation 2-6 shall pay the following fee upon receipt of a District invoice.  
PUBLIC NOTICE FEE ..... Cost of Publication
5. Each facility that applies for a synthetic minor operating permit in accordance with the requirements of Regulation 2-6 shall pay (up to a maximum of \$9907) the following application fee for each source holding a District Permit to Operate. 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.  
SYNTHETIC MINOR APPLICATION FEE .....\$142 per source
6. Each facility that applies for a significant permit revision a minor permit revision, or a revision to a synthetic minor operating permit in accordance with the requirements of Regulation 2-6 shall pay, with the application and in addition to any other fee required by this regulation, the following fee for any permitted source affected by the revision.  
PERMIT REVISION FEE ..... \$142 per source modified  
*(Amended 6/15/94; 10/8/97; 7/1/98; 5/19/99; 6/7/00; 6/6/01)*

**SCHEDULE Q**  
**AERATION OF CONTAMINATED SOIL AND**  
**REMOVAL OF UNDERGROUND STORAGE TANKS**  
(Adopted January 5, 1994)

1. Persons aerating contaminated soil or removing underground storage tanks subject to the provisions of Regulation 8, Rule 40, are subject to the following fee:
  - a. OPERATION FEE: \$110

*(Amended 7/19/00; 8/1/01)*