

## CHAPTER III - FEES

### RULE 1-300 - PERMIT FEES

#### (a) Application Fee

Every applicant, including any federal, state or local government agency or public district, for an Authority to Construct or a Permit to Operate any stationary source of air contaminant emissions for which an Authority to Construct or a Permit to Operate is required by the Rules and Regulations of the District or federal and state laws, including any applicant for a permit pursuant to Regulation 5, Title V, shall pay an application fee in the amount prescribed in Rule 1-310. The fee schedule shall be adjusted annually in accordance with Section 42311 of the California Health and Safety Code and Section 2212 of the Revenue and Taxation Code to account for changes in the California Consumer Price Index for the preceding year. The fees shall not exceed the actual cost of District programs for the immediately preceding year with an adjustment not greater than the change in the annual California Consumer Price Index. The schedule of fees shall be calculated on an annual basis by the Air Pollution Control Officer.

[Adopted 6/01/93; Amended 9/14/93; Amended 5/6/03]

#### (b) New Source Review Fees

Every applicant, including any federal, state or local government agency or public district, for an Authority to Construct or a Permit to Operate any stationary source of air contaminant emissions for which the additional new source review procedures of Rule 1-220(b) are required, shall pay an additional fee to the District as determined by the Air Pollution Control Officer in accordance with Rule 1-330, Technical Services Fees. The new source review fee shall not exceed the District's actual cost to administer the new source review requirements.

[Adopted 6/01/93; Amended 9/14/93; Amended 5/6/03]

#### (c) Cancellation or Denial

If an application for an Authority to Construct or a Permit to Operate is cancelled by the applicant, or if an Authority to Construct or a Permit to Operate is denied and the denial becomes final, the application fee required herein shall not be refunded nor applied to any subsequent application.

[Adopted 6/01/93; Amended 9/14/93]

#### (d) Change of Location or Transfer of Ownership

- (1) An applicant for a Permit to Operate an existing source of air contaminant emissions because of change of location or ownership, for which a Permit to Operate has previously been granted under Chapter II, and to which no modifications have been made, shall pay a \$50.00 fee per facility.

- (2) Sources of air contaminants subject to the provisions of Regulation 5, or of Regulation 1, Rule 1-220 or 1-490 or 1-492, or in cases where the relocation of a source may contribute to the exceedance of a state or national ambient air quality standard shall pay the application fee set in Rule 1-300(a) in addition to applicable New Source Review fees pursuant to Rule 1-300(b).

[Adopted 6/26/90; Amended 6/01/93; Amended 9/14/93; Amended 5/6/03]

**(e) Revision of Permit**

An applicant for a revision of an Authority to Construct or a Permit to Operate or for a change in the conditions applying to such permit shall pay an application fee as specified in Rule 1-300(a).

[Adopted 6/01/93; Amended 9/14/93; Amended 5/6/03]

**(f) Annual Permit Fee**

On July 1 of each year, all holders of an Authority to Construct or Permit to Operate shall be notified by the District of the annual permit fee based on the amount prescribed in Rule 1-310. The fee schedule shall be adjusted annually in accordance with Section 42311 of the California Health and Safety Code and Section 2212 of the Revenue and Taxation Code to account for changes in the California Consumer Price Index for the preceding year. The fees shall not exceed the actual cost of District programs for the immediately preceding year with an adjustment not greater than the change in the annual California Consumer Price Index. The schedule of fees shall be calculated on an annual basis by the Air Pollution Control Officer.

The base year shall be 2003.

The Permit Holder shall pay the annual permit fee to the Air Quality Management District Office in person or by mail postmarked no later than August 30 of that year. If the permit fee is not paid by August 30, the fee shall be increased by one-half the amount thereof, and the District shall thereupon promptly notify the Permit Holder by mail of the increased fee. If the increased fee is not paid within 60 days after notice, the permit shall be immediately suspended and the District shall so notify the Permit Holder by mail. Any suspended permit may be reinstated only upon payment in full of all accrued fees and penalties or by filing a new application complete with application fee. Annual permit fees will continue to be required until such time as the Authority to Construct and/or Permit to Operate cancellation or denial becomes final and all operations involving the stationary source have ceased.

[Adopted 6/01/93; Amended 9/14/93; Amended 5/6/03]

**(g) Multiple Locations**

- (1) Permits issued to operate movable equipment at two or more locations shall pay only one annual permit fee.

- (2) Sources of air contaminants subject to the provisions of Regulation 5 or of Regulation 1, Rules 1-220 or 1-490 or 1-492 shall pay a permit fee or application fee as specified in Rules 1-300(a) and 1-300(f), in addition to applicable New Source Review fees pursuant to Rule 1-300(b) for each location in which the source is permitted to operate.

[Adopted 6/01/93; Amended 9/14/93; Amended 5/6/03]

**(h) Duplicate Permit**

A request for a duplicate Permit to Operate shall be made in writing to the District within 10 days after the destruction, loss or defacement of a Permit to Operate and shall contain the reason a duplicate permit is being requested. A fee of \$30.00 shall be paid for a duplicate Permit to Operate.

[Adopted 6/26/90; Amended 6/01/93; Adopted 9/14/93; Amended 5/6/03]

**(i) Late Fee Penalty**

If any stationary source of air contaminant emissions is constructed, modified, operated or replaced (except for identical replacement) without the owner or operator obtaining an Authority to Construct in accordance with Rule 1-200, the applicant shall be assessed a late fee penalty that is one and one-half times the applicable initial fee. The assessment of a late fee penalty shall not limit the District's right to pursue any other remedy provided for by law.

[Adopted 6/01/93; Amended 9/14/93]

**RULE 1-310 - FEE SCHEDULES**

It is hereby determined that the cost of reviewing permit applications, issuing authorizations, and of inspections, testing and monitoring pertaining to such issuance, exceeds the fees prescribed herein. In determining the fees to be charged, identical or like equipment within each process unit that requires a permit may be totaled for each schedule. In the event that more than one fee schedule is applicable to an Authority to Construct or Permit to Operate, the governing schedule shall be that which results in the highest fee. The fee schedule shall be adjusted annually in accordance with Section 42311 of the California Health and Safety Code and Section 2212 of the Revenue and Taxation Code to account for changes in the California Consumer Price Index for the preceding year. The fees shall not exceed the actual cost of District programs for the immediately preceding year with an adjustment not greater than the change in the annual California Consumer Price Index. The schedule of fees shall be calculated on an annual basis by the Air Pollution Control Officer.

Amended 5/6/03

## SCHEDULE 1

### MOTOR OR ENGINE HORSEPOWER SCHEDULE

Any source of air contaminant emissions for which an Authority to Construct or a Permit to Operate is required, where an electric motor or internal combustion engine or other equivalent drive unit is used as the power supply, shall be assessed a permit fee based on the total rated horsepower of all such drive units, or their horsepower equivalent in kilovolt amperes (1 KVA=1.34 HP), included in such source in accordance with the following schedule. (See Schedule 10 for internal combustion engines)

<b>Horsepower</b>	<b>Initial Application Fee</b>	<b>Annual Permit Fee</b>
Less than 10	\$0.00	\$0.00
10 or greater but less than 25	150.00	75.00
25 or greater but less than 50	300.00	150.00
50 or greater but less than 100	450.00	225.00
100 or greater but less than 200	750.00	325.00
200 or greater but less than 500	1,200.00	600.00
500 or greater but less than 1,000	1,800.00	900.00
1,000 or greater	3,000.00	1,500.00

Adjusted annually to account for changes in the previous years CPI factor.

[Adopted 6/26/90; Amended 6/01/93; amended 9/14/93; Amended 5/6/03]

## SCHEDULE 2

### FUEL BURNING AND POWER GENERATION EQUIPMENT SCHEDULE

Any source of air contaminant emissions, for which an Authority to Construct or Permit to Operate is required, in which fuel may at any time be burned or in which power may be generated, shall be assessed a permit fee based upon its rated design capacity of heat input expressed in millions of British Thermal Units (BTU) per hour, using gross heating value of the fuel or its equivalent, in accordance with the following schedule:

<b>British Thermal Units Per Hour</b>	<b>Initial Application Fee</b>	<b>Annual Permit Fee</b>
Less than 1 million BTU per hour	\$200.00	\$100.00
1 million BTU per hour or greater (*or fraction thereof greater than 1 million BTU per hour)	\$200.00 plus \$20.00 per million BTU*	\$100 plus \$10.00 per million BTU*

Adjusted annually to account for changes in the previous years CPI factor.

[Adopted 6/26/90; Amended 6/01/93; Amended 9/14/93; Amended 5/6/03]

### SCHEDULE 3

#### INCINERATOR AND REFUSE BURNER SCHEDULE

Any source of air contaminant emissions, for which an Authority to Construct or Permit to Operate is required, for the disposal of combustibles for burning in the permitted device, shall be assessed a permit fee based on the maximum horizontal inside cross sectional area of the primary combustion chamber, in accordance with the following schedule.

<b>Area, Square Feet</b>	<b>Initial Application Fee</b>	<b>Annual Permit Fee</b>
Less than 12	\$150.00	\$75.00
12 or greater but less than 20	300.00	150.00
20 or greater but less than 30	600.00	300.00
30 or greater but less than 39	900.00	450.00
39 or greater	1,200.00	600.00

Adjusted annually to account for changes in the previous years CPI factor.

[Adopted 6/26/90; Amended 6/01/93; Amended 9/14/93; Amended 5/6/03]

### SCHEDULE 4

#### STATIONARY CONTAINER SCHEDULE

Any stationary tank, reservoir, or other container for which an Authority to Construct or Permit to Operate is required, shall be assessed a permit fee based on capacities in gallons or cubic equivalent, in accordance with the following schedule.

<b>Gallons</b>	<b>Initial Application Fee</b>	<b>Annual Permit Fee</b>
250 or greater but less than 4,000	\$150.00	\$75.00
4,000 or greater but less than 40,000	300.00	150.00
40,000 or greater but less than 100,000	450.00	225.00
100,000 or greater but less than 200,000	1,200.00	600.00
200,000 and greater	2,400.00	1,200.00

Adjusted annually to account for changes in the previous years CPI factor.

[Adopted 6/26/90; Amended 6/01/93; Amended 9/14/93]

## SCHEDULE 5

### PROCESS WEIGHT SCHEDULE

Any source of air contaminant emissions, for which an Authority to Construct or Permit to Operate is required, shall be assessed a permit fee based upon the annual average process weight rate calculated in pounds per hour.

<b>Average Pounds Per Hour</b>	<b>Initial Application Fee</b>	<b>Annual Permit Fee</b>
Less than 5,000	\$150.00	\$75.00
5,000 or greater but less than 20,000	300.00	150.00
20,000 or greater but less than 50,000	600.00	300.00
50,000 or greater but less than 100,000	900.00	450.00
100,000 or greater but less than 200,000	1,500.00	750.00
200,000 or greater but less than 400,000	2,100.00	1,050.00
400,000 or greater	3,000.00	1,500.00

Adjusted annually to account for changes in the previous years CPI factor.

[Adopted 6/26/90; Amended 6/01/93; Amended 9/14/93; Amended 5/6/03]

## SCHEDULE 6

### MISCELLANEOUS SCHEDULE

Any source of air contaminant emissions, for which an Authority to Construct or Permit to Operate is required, shall be assessed a permit fee based upon the volumetric exhaust rate from the source, expressed in actual cubic feet per minute.

<b>Volume Exhausted (cfm)</b>	<b>Initial Application Fee</b>	<b>Annual Permit Fee</b>
Less than 2,000	\$ 150.00	\$ 75.00
2,000 or greater but less than 5,000	300.00	150.00
5,000 or greater but less than 20,000	450.00	225.00
20,000 or greater but less than 50,000	750.00	375.00
50,000 or greater but less than 100,000	1,500.00	750.00
100,000 or greater but less than 200,000	3,000.00	1,500.00
200,000 or greater	6,000.00	3,000.00

Adjusted annually to account for changes in the previous years CPI factor.

[Adopted 6/26/90; Amended 6/01/93; Amended 9/14/93; Amended 5/6/03]

**SCHEDULE 7**

**GEOHERMAL DEVELOPMENT SCHEDULE**

Any source of air contaminant emissions relative to the production or utilization of geothermal steam, for which an Authority to Construct or Permit to Operate is required, shall be assessed a permit fee in accordance with the following schedule.

<b>Geothermal Sources</b>	<b>Initial Application Fee</b>	<b>Annual Permit Fee</b>
Geothermal Well	\$ 900.00	\$450.00
Geothermal Well Air Pollution Control Device	150.00	75.00
Power Plant Unit	15,000.00	7,500.00
Power Plant Unit Air Pollution Control Device	750.00	325.00

Adjusted annually to account for changes in the previous years CPI factor.

[Adopted 6/26/90; Amended 6/01/93; Amended 9/14/93; Amended 5/6/03]

**SCHEDULE 8**

**ASBESTOS OPERATIONS FEE SCHEDULE**

Anyone conducting a demolition or renovation project subject to the provisions of Title 40 of the Code of Federal Regulations, Part 61, Subpart M for asbestos and required to submit a written notification of the project to the District shall pay to the District the following fee:

**Asbestos operations other than single-family residential dwellings of less than five units.**

Less than 100 lineal feet or less than 100 square feet .....	\$ 35.00
100 to 200 square feet or 100 to 300 lineal feet.....	65.00
200 to 500 square feet or 300 to 600 lineal feet.....	130.00
500 to 2,000 square feet or 600 to 2,400 lineal feet.....	200.00
2,000 to 20,000 square feet or 2,400 to 20,000 lineal feet.....	325.00
greater than 20,000 square feet or 20,000 lineal feet .....	650.00

If, upon inspection or in the course of a demolition or renovation project, it is discovered that the project properly belongs in a higher fee category than was initially determined, the owner or operator shall pay the balance of the fee for the higher category.

The appropriate fees listed above shall accompany the notification form. Failure to pay the appropriate fee at the time of notification form will be considered a failure to notify. In such case the owner or operator could be subject to significant penalties pursuant to federal law and regulation.

Any demolition or renovation project requiring an inspection by the Air Quality Management District shall pay an additional fee to the District for the actual cost of the inspection as determined by the Air Pollution Control Officer in accordance with Rule 1-330, Technical Services Fees.

Schedule 8 is not subject to annual CPI factor adjustments.

[Adopted 6/01/93; Amended 9/14/93; Amended 5/6/03]

## SCHEDULE 9

### FUEL STORAGE AND DISPENSING FACILITY SCHEDULE

Any source of air contaminant emissions for which an Authority to Construct or a Permit to Operate is required, through which fuel is stored and/or dispensed, shall be assessed a permit fee based upon the previous year's throughput in gallons per year in accordance with the following schedule:

<b>Control System</b>	<b>Initial Application Fee</b>	<b>Annual Permit Fee</b>
No vapor recovery system	\$100 + \$2.00/1000gal	\$60 + \$2.50/1000gal
Phase I vapor recovery system only	\$200 + \$3.00/1000gal	\$60 + \$2.25/1000gal
Phase II vapor recovery system only	\$200 + \$3.00/1000gal	\$60 + \$2.00/1000gal
Phase I and II vapor recovery system	\$300 + \$4.00/1000gal	\$60 + \$1.75/1000gal

Adjusted annually to account for changes in the previous years CPI factor.

[Adopted 5/6/03]

## SCHEDULE 10

### STATIONARY AND PORTABLE INTERNAL COMBUSTION ENGINE SCHEDULE

Any source of air contaminant emissions for which an Authority to Construct or a Permit to Operate is required, where a compression ignition internal combustion engine or other equivalent drive unit is used as the power supply, shall be assessed a permit fee based on the total rated horsepower and the previous year's annual hours of operation in accordance with the following schedule:

<b>Engine Size/Age</b>	<b>Initial Application Fee</b>	<b>Annual Permit Fee</b>
Diesel less than 50bhp, all ages	\$0.00	\$0.00
Pre 1990 diesel engine	\$800.00	\$400+\$8/1000hp-hr
1990-1995 diesel engine	\$700.00	\$350+\$4/1000hp-hr
1996 diesel engine or newer	\$500.00	\$250+\$2/1000hp-hr
Multiple diesel engines individually less than 50bhp aggregating more than 90bhp <sup>1</sup>	\$300.00 per engine	\$100+ rate for appropriate age
Non-Diesel greater than 250bhp	\$500.00	\$200+\$1/1000hp-hr
Multiple non-diesel engines individually less than 250bhp aggregating more than 400bhp <sup>1</sup>	\$100.00 per engine	\$50+ rate for appropriate age

<sup>1</sup>At one facility or site

Adjusted annually to account for changes in the previous years CPI factor.

[Adopted 5/6/03]



## SCHEDULE 11

### PAINTING AND AUTO BODY REPAIR FACILITIES

Any source of air contaminant emissions for which an Authority to Construct or a Permit to Operate is required, where paint is applied with a spray gun, shall be assessed a permit fee based on the annual throughput of paint in gallons per year in accordance with the following schedule:

<b>Application Configuration</b>	<b>Initial Application Fee</b>	<b>Annual Permit Fee</b>
Open outdoor application	\$10.00 per gallon	\$10.00 per gallon
Indoor application	\$15.00 per gallon	\$ 7.50 per gallon
Application in spray booth	\$20.00 per gallon	\$ 5.00 per gallon

In no case shall the application fee be less than \$500, or the annual permit fee be less than \$250.

Adjusted annually to account for changes in the previous years CPI factor. [Adopted 5/6/03]

## SCHEDULE 12

### WOOD SAWING, MILLING, AND PLANING OPERATIONS

Any source of air contaminant emissions for which an Authority to Construct or a Permit to Operate is required, where wood is sawn, milled, or planed shall be assessed a permit fee based on the annual throughput of lumber in total number of board feet processed through the facility expressed in increments of one hundred thousand board feet or fraction thereof times the number of emitting devices (saws, planers, etc.) in accordance with the following schedule:

<b>Configuration</b>	<b>Application Fee (per emitting device)</b>	<b>Annual Permit Fee (per emitting device)</b>
With abatement devices	\$100+\$0.75/100,000 bd. ft.	\$50+\$0.32/100,000 bd. ft.
Without abatement devices	\$100+\$1.00/100,000 bd. ft.	\$50+\$0.50/100,000 bd. ft.

Adjusted annually to account for changes in the previous years CPI factor.

[Adopted 5/6/03]

## SCHEDULE 13

### GRADING OPERATIONS

Any source of air contaminant emissions for which an Authority to Construct or a Permit to Operate is required, where grading activities occur, shall be assessed a permit fee based on the size of the area disturbed expressed in increments of one acre or one mile of dirt road in accordance with the following schedule:

<b>Configuration</b>	<b>Application Fee</b>
Grading operations	\$100+\$50 per acre or mile

Adjusted annually to account for changes in the previous years CPI factor. [Adopted 12/5/06]

## **RULE 1-320 - HEARING BOARD AND VARIANCE FEES**

### **(a) Purpose**

The purpose of this Rule is twofold:

- (1) To recover, as much as possible, the costs to the District of administration of the variances granted by the Mendocino County Air Quality Management District Hearing Board and other orders of the Hearing Board, including those incurred as a result of appeals from District decisions on the issuance of permits and issuance of abatement orders, including all costs of holding hearings. Such costs include consultations with applicants, reviewing applications, holding hearings, drafting and publishing variance orders, required notification of the responsible state and federal authorities, maintenance of records, reviewing progress toward compliance and conducting inspections.
- (2) To avoid enforcement action by the U.S. Environmental Protection Agency against permit holders in the District by charging fees for operation under variance. Operation under variance constitutes a violation of federal regulations, which do not recognize variances. The U.S. Environmental Protection Agency has a program of "over-filing" when, in their opinion, penalties extracted for violations are not sufficient.

[Adopted 6/01/93; Amended 5/6/03]

### **(b) Applicability**

This Rule shall apply to anyone who petitions or applies to the Hearing Board for any of the forms of relief in subdivision (n) or who is the subject of an abatement order having the effect of a variance. This rule shall not apply to the Air Pollution Control Officer. The provisions of Rule 1-320 (e), (f), (g) and (h) shall apply to anyone seeking a variance from a rule or permit condition that specifies quantitative emission limits, including federally enforceable emission limitations, or that may be interpreted as implying such a limitation. Rule 1-320 (e), (f), (g) and (h) shall also apply to anyone who is the subject of an abatement order having the effect of such a variance. As used in this Rule, the term "variance" includes any order of the Hearing Board allowing operation of a source of air contaminants in violation of Health and Safety Code, Section 41701, or in violation of the Rules and Regulations of the District, or in violation of a limitation or condition on a permit, unless the context dictates otherwise.

[Adopted 6/01/93 Amended 5/6/03]

**(c) Filing Fees and Other Hearing Board Fees**

Every applicant or petitioner for variance, or for the extension, revocation or modification of a variance, or for an appeal from a denial or conditional approval of an Authority to Construct or Permit to Operate or appeal of a Hearing Board decision, or request for a rehearing, or for intervention in any matter before the Hearing Board, and any person to whom this Rule is otherwise applicable, including any federal, state or local governmental agency or public district, shall pay to the Clerk of the Hearing Board, on filing, a basic fee as provided in Rule 1-320(n). It is hereby determined that the cost of administration of the Hearing Board and Variance Procedures of Chapter VI of this regulation exceeds these fees. Additional Hearing Board fees and costs may be assessed by the Hearing Board to recover the costs arising from the action that the applicant or petitioner has brought before the Hearing Board, or that has otherwise come before the Hearing Board, including, but not limited to the cost of holding hearings, the costs of conducting inspections and reviewing compliance with orders issued by the Hearing Board, the costs of preparing and maintaining records of hearings, the cost of counsel for the Hearing Board, and any other costs that may be reasonably ascribed to the administration of orders issued by the Hearing Board.

[Adopted 6/01/93; Amended 5/6/03]

**(d) Partial Refund of Appellant's Fee When Decision is Overturned**

In the event that a third party appeal to the Hearing Board or rehearing leads to the overturning of a previous decision by the Hearing Board or the Air Pollution Control Officer, 50% of the appellant's filing fee will be refunded.

[Adopted 6/01/93]

**(e) Cost of Transcripts or Tape Recordings of Hearings**

Any person requesting a written transcript or tape recording of the hearing shall pay the cost of such transcript or recording. The Hearing Board may direct the parties to its proceedings to pay the cost of transcripts necessary for the Hearing Board's determination of the matter, in such proportion as the Hearing Board may order.

[Adopted 6/01/93]

**(f) Excess Emission Fees**

In addition to the filing fees and other fees required in Rule 1-320(c), each recipient of a variance from the Rules and Regulations of the District, or from a permit limitation shall pay to the Clerk of the Hearing Board excess emissions fees. The excess emissions fees shall be based on the total weight of emissions discharged in excess of the amounts allowed by these rules or by permit condition, other than those described in Rule 1-320(g) below, during the variance period. The excess emissions fees shall be calculated in accordance with the schedule in Rule 1-320(m), or as provided in Rule 1-320(h), whichever is greater and adjusted annually in accordance with Section 42311 of the California Health and Safety Code and Section 2212 of the Revenue and Taxation Code to account for changes in the California Consumer Price Index for the preceding year as described in Rule 1-310 – Fee Schedules.

Where an applicant receives a variance from more than one rule or permit condition limiting the discharge of the same contaminant, the emission for that contaminant shall be shall be cumulative; the fee shall be determined in the same fashion as if the applicant were seeking separate variances from separate rules, laws or permit conditions limiting the emissions of different pollutants. Moreover, for the purposes of this Rule, opacity rules and particulate mass emission rates will not be considered rules limiting the discharge of the same contaminant.

[Adopted 6/01/93; Amended 5/6/03]

**(g) Excess Visible Emission Fees**

In addition to the filing fees and other fees required by Rule 1-320(c), and the excess emissions fees required by Rule 1-320(f) (if any), each recipient of a variance from Health and Safety Code, Section 41701, from Rule 1-410(b), or from a permit limitation on opacity of emissions shall pay to the Clerk of the Hearing Board an excess visible emissions fee. The fee shall be based on the difference between the opacity allowed by Health and Safety Code, Section 41701, Rule 1-410(b), or the permit limitation and the opacity of emissions allowed from the source or sources while operating under the variance or other order of the Hearing Board, in accordance with the procedure set forth in Rule 1-320 (m), and adjusted annually in accordance with Section 42311 of the California Health and Safety Code and Section 2212 of the Revenue and Taxation Code to account for changes in the California Consumer Price Index for the preceding year as described in Rule 1-310 – Fee Schedules .

Where an applicant seeks a variance from more than one limit on the opacity of emissions (Health and Safety Code, Section 41701, Rule 1-410(b) or permit condition), the excess visible emissions fees shall be shall be cumulative; the fees shall be determined in the same fashion as if the applicant were seeking separate variances from separate rules, laws or permit conditions limiting the emissions of different pollutants.

Adopted 6/01/93; Amended 5/6/03]

**(h) Minimum Fees**

Except as otherwise provided by the Hearing Board in accordance with Rule 1-320(k), the excess emissions fees shall be not less than \$50.00 per day, adjusted annually in accordance with Section 42311 of the California Health and Safety Code and Section 2212 of the Revenue and Taxation Code to account for changes in the California Consumer Price Index for the preceding year as described in Rule 1-310 – Fee Schedules.

[Adopted 6/01/93; Amended 5/6/03]

**(i) Fee Determination**

- (1) The petitioner shall calculate the excess emissions fees as required by Rule 1-320 (f), (g) and (h). The calculations and proposed fees shall be set forth in the petition.
- (2) The Hearing Boards may adjust the excess emissions fees and excess visible emissions fees required by Rule 1-320 (f) and (g) based on evidence regarding emissions presented at the time of the hearing.

- (3) The amount of excess emissions fees and excess visible emissions fees shall not exceed \$1,000.00 per day for each law, rule or permit limitation from which a variance is sought.

[Adopted 6/01/93; Amended 5/6/03]

**(j) Fee Payment**

Excess emissions fees are due and payable immediately upon issuance of the Hearing Board's order. Failure to pay the excess emissions fees or excess visible emissions fees required by Rule 1-320 (f), (g) and (h) within fifteen (15) days of the date of the Hearing Board's order shall invalidate the variance or other order of the Hearing Board having the effect of a variance.

[Adopted 6/01/93; Amended 5/6/03]

**(k) Discretion of the Hearing Board**

Any person applying for a variance may allege that payment of any of the foregoing excess emission fees will cause an unreasonable hardship. The Hearing Board may by order excuse any such person from payment of all or a portion of such fees if the Board in its discretion determines after hearing evidence thereon that payment of such fees would cause unreasonable financial hardship to the petitioner.

[Adopted 6/01/93]

**(l) Schedule of Excess Emissions Fees**

<u>Air Contaminant</u>	<u>Dollars per Ton</u>
Organic Gases, except methane and those containing sulfur	\$300.00
Oxides of nitrogen (expressed as nitrogen dioxide)	\$150.00
Oxides of Sulfur (expressed as sulfur dioxide)	\$150.00
Total reduced sulfur compounds (expressed as hydrogen sulfide)	\$600.00
Particulate matter	\$300.00

[Adopted 6/01/93; Amended 5/6/03]

**(m) Computation of Excess Visible Emissions Fees**

- (1) For each source with opacity of emissions in excess of the limits of Rule 1-410(b) Visible Emissions, or of a permit limitation on opacity, the fee shall be calculated as follows:

Fee = { Prescribed Opacity - Opacity limitation } x \$6.00/day x number of days allowed under the variance.

Example:

$$\text{Fee} = (35 - 20) \times \$6.00 \times 120 \text{ days} = \$10,800$$

or

Fee = Minutes allowed in excess of three above the opacity limitation x \$30.00 x number of days allowed under the variance. (For applicants seeking a variance allowing more time in excess of the opacity limitation.)

Example:

$$\text{Fee} = (6 \text{ min.} - 3 \text{ min}) \times \$30.00 \times 120 \text{ days} = \$10,800.00$$

Note: For purposes of this Rule, "prescribed opacity" means the opacity allowed under the variance for more than 3 minutes in any one hour, and "opacity limitation" means the opacity limitation specified in the rule or permit condition from which a variance is being sought, or in Health and Safety Code, Section 41701. Opacity is expressed as percent, in whole numbers.

[Adopted 6/01/93; Amended 5/6/03]

- (2) The calculated excess emissions fee shall be adjusted in accordance with Section 42311 of the California Health and Safety Code and Section 2212 of the Revenue and Taxation Code to account for changes in the California Consumer Price Index for the preceding year as described in Rule 1-310 – Fee Schedules.

**(n) Schedule of Filing Fees**

- (1) For each application for variance exceeding 90 days, in accordance with Health and Safety Code, Section 42350, including application 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 ----- \$275

Plus, for each continuation or other hearing in addition to the first hearing necessary to dispose of such a variance application ----- \$225

- (2) For each application for variance not exceeding 90 days, in accordance with Health and Safety Code, Section 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 ----- \$275

Plus, for each continuation or other hearing in addition to the first hearing necessary to dispose of such a variance application ----- \$225

- (3) For each application to modify a variance, in accordance with Health and Safety Code, Section 42356 ----- \$275

Plus, for each continuation or other hearing in addition to the first hearing necessary to dispose of such an application ----- \$225

- (4) For each application to modify a variance's schedule of Increments of Progress or Final Compliance Date, in accordance with Health and Safety Code, Section 42357 ----- \$275  
  
Plus, for each continuation or other hearing in addition to the first hearing necessary to dispose of such an application ----- \$225
- (5) For each application by the District to revoke a variance ----- \$0
- (6) For each application for approval of a Schedule of Increments of Progress in accordance with Health and Safety Code, Section 41703----- \$275  
  
Plus, for each continuation or other hearing in addition to the first hearing necessary to dispose of such an application ----- \$225
- (7) For each application for emergency variance, in accordance with Health and Safety Code, Section 42359.5 ----- \$275
- (8) For each application for Hearing Board review of the District's denial of a permit, in accordance with Health and Safety Code, Section 42302----- \$275  
  
Plus, for each continuation or other hearing in addition to the first hearing necessary to dispose of such an application.----- \$225
- (9) For each petition for Hearing Board review of the District's granting of a permit, in accordance with Health and Safety Code, Section 42302 or Regulation 1, Rule 1-250 ----- \$275  
  
Plus, for each continuation or other hearing in addition to the first hearing necessary to dispose of such an application ----- \$225
- (10) For each application for Hearing Board review of the District suspension of a permit, in accordance with Health and Safety Code, Section 42306----- \$275  
  
Plus, for each continuation or other hearing in addition to the first hearing necessary to dispose of such an application ----- \$225
- (11) For each application for intervention in a matter before the Hearing Board --- \$275  
  
Plus, for each continuation or other hearing in addition to the first hearing in which any intervener participates as an intervener ----- \$225

Hearing Board filing fees are not subject to annual CPI factor adjustments.

[Adopted 6/01/93]

**RULE 1-330 - TECHNICAL SERVICES FEES**

- (a) Every person for whom the District performs technical services shall pay a fee for such services. The fee shall be determined based on the amount of staff time spent providing the services. The District shall keep records of time spent to the nearest quarter-hour, and shall bill Technical Services fees on the basis of these records.
- (b) No fee shall be charged for services paid for pursuant to another rule of the District.
- (c) Technical services shall be billed at a rate determined each year by the Air Pollution Control Officer based on the District’s stationary source program costs.

[Adopted 12/05/95, Amended 5/6/03]

**RULE 1-340 - TECHNICAL REPORT CHARGES**

Information, circulars, reports of technical work, and other reprints prepared by the District, when supplied to other governmental agencies or individuals or groups requesting copies of the same, may be charged by the District in a sum not to exceed the cost of preparation and distribution of such documents. All monies collected shall be deposited to the general revenue fund of the District.

**RULE 1-350 - MAJOR EMISSIONS ASSESSMENT**

- (a) The Air Quality Management District Board may, after notice and a public hearing, adopt a schedule of fees based on an assessment of emissions. For the purposes of this rule, such emissions assessment shall be described as an assessment of those emissions that total an annual combined stationary source release of 25 tons or more of any air contaminant. This schedule shall apply and the indicated charges shall be assessed by the District prior to November 1 of any fiscal year in which the District’s revenues do not cover the cost of operation of the program requirements as outlined in Section 42311 of the Health and Safety Code. This emissions assessment shall be based upon combined total stationary source emissions for the previous calendar year. In determining the emissions assessment, the District shall use a dollar based program deficiency factor that in no case shall exceed the amounts indicated in the unit fee column of part (b) of this rule.
- (b) For each stationary source subject to a major emissions assessment, the fees shall be calculated as follows:

<b>Air Contaminant</b>	<b>Emissions Tons/Year</b>	<b>X</b>	<b>Unit Fee \$/Ton</b>	<b>X</b>	<b>Program Deficiency \$ Factor</b>	<b>=</b>	<b>Emissions Fees</b>
Particulate Matter	_____	X	\$30.00	X	_____	=	_____
Sulfur Oxides as SO <sub>2</sub>	_____	X	\$30.00	X	_____	=	_____
Nitrogen Oxides as NO <sub>2</sub>	_____	X	\$30.00	X	_____	=	_____
Carbon Monoxide	_____	X	\$30.00	X	_____	=	_____
Total Organics	_____	X	\$30.00	X	_____	=	_____
Total Reduced Sulfur	_____	X	\$30.00	X	_____	=	_____
<b>Total Assessment for Major Emissions:</b>							<b>\$</b> _____



Major Emissions Fees shall be in addition to any other required fees. Major Emissions Fees shall be considered past due sixty days after notice of the assessment by the District and subject to a penalty of one-half the amount of the original fees. The District shall promptly notify the Permit Holder of the increased fee. If the increased fee is not paid within 60 days after notice, the permit shall be immediately suspended and the District shall so notify the Permit Holder by mail. Any suspended permit may be reinstated only upon payment in full of all accrued fees and penalties or by filing a new application complete with application fee. Annual permit fees will continue to be required until such time as the Authority to Construct and/or Permit to Operate cancellation or denial becomes final and all operations involving the stationary source have ceased. Any revenues received by the District pursuant to this rule that exceed the cost of District programs as described in Section 42311 of the Health and Safety Code during any fiscal year shall be carried over for expenditure in the subsequent fiscal year, and such charges shall be changed to reflect the carryover.

[Amended 5/6/03]

### **RULE 1-370 - AIR TOXICS "HOT SPOTS" ASSESSMENT**

#### **(a) Applicability**

The owner or operator of each facility subject to the Air Toxics "Hot Spots" Information and Assessment Act of 1987 ("the Act" -- Health and Safety Code, Sections 44300-44394) shall pay this fee. The fee consists of two components: distributed costs and facility-specific costs. The fee for each subject facility shall be determined as set forth in Rule 1-370 (d) and (e), below. Except as provided in Rule 1-370 (e) or (f), below, no facility in a category excluded by the California Air Resources Board from the determination of state costs shall be required to pay a fee pursuant to this Rule. (Health and Safety Code, Section 44380)

[Amended 5/6/03]

#### **(b) Date of Billing**

The air toxics assessment shall be sent to the facility owner or operator after February 1 and prior to May 1 of each year, or not later than 60 days after the District's receipt of state costs from the California Air Resources Board following the adoption of those costs and their approval by the state Office of Administrative Law, if the date of receipt is March 1 or later.

#### **(c) Late Payment Penalty**

The air toxics assessment shall be past due sixty days after receipt of the notice of the assessment by the District. Each fee not paid by 60 days after receipt of the billing shall be subject to a penalty of one hundred percent (100%) as provided in Health and Safety Code, Section 44380(c), and the District shall promptly notify the facility operator. If fees remain unpaid longer than 120 days after the date of this second notification, any permits to operate from the District shall be subject to the suspension and reinstatement procedures specified in Rule 1-300(f). (Health and Safety Code, Section 44380(c))

**(d) Assessment of Distributed Costs**

Distributed costs will be apportioned among the subject facilities in proportion to the scores used to determine the ranking of facilities for preparation of risk assessments. These scores are determined using the Emissions and Potency procedure set forth in the document "Report of Hearing Prioritization of Facilities for Risk Assessment Under the Air Toxics "Hot Spots" Act" (Mendocino County Air Quality Management District, January 4, 1994). This part of the fees will be assessed in such amount as to recover the entire distributed costs of the "Hot Spots" program. Distributed costs are the following: state costs; cost of preparing the annual report; costs of establishing criteria for public notification and risk reduction; costs of other reporting to the state; staff training in "Hot Spots" matters; other costs of the program not attributable to a specific facility.

**(e) Assessment of Facility-Specific Costs**

Facility-specific costs will be billed in accordance with Regulation 1, Rule 1-330 -- Technical Services, based upon the amount of staff time spent on "Hot Spots" activities for a specific facility. Facility-specific costs are the costs associated with the following activities: reviewing emission inventory plans; reviewing emission inventories and updates to them; reviewing stack sampling and analysis procedures; observation of stack sampling activities; reviewing health risk assessments; transmittal of documents to the California Air Resources Board or other state agencies; reviewing or preparing public notification materials; reviewing risk reduction plans; making "Hot Spots" documents available to the public; protection of trade secret information; preparation of risk assessments or screening risk assessments; other activities attributable to a specific facility as determined by the Air Pollution Control Officer.

**(f) Industry-Wide Emission Inventories**

Each facility in a category for which the District prepares an industry-wide emissions inventory as provided in Health and Safety Code, Section 44323 shall pay a fee of \$100.00 for the year in which the District prepares the inventory.

**(g) District Documentation**

The Air Pollution Control Officer shall prepare a tabulation of the ranking scores to be used for apportionment of the "Hot Spots" costs as of August 1 of each year. This tabulation shall be based on information in the most recent submittals from subject facilities.

**(h) This Rule shall remain in effect without re-adoption until amended or repealed**