

NORTH COAST AIR QUALITY MANAGEMENT DISTRICT

Rule 406 - Title V Fees

(Recodified and Revised May 19, 2005).

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RULE 406 TITLE V FEES

The fees collected pursuant to this Rule for stationary sources subject to Regulation V of these Rules and Regulations *Title V - Federal Operating Permits*, shall supplement the fee requirements in Rule 400 of this Regulation *Stationary Source Permit Fees* and Rule 414 of this Regulation *Air Toxics "Hot Spots" Fees* (AB2588), if applicable.

- 1.0 CLEAN AIR ACT TITLE V FEES:** In addition to the permit fee, specified in Rule 400 and Rule 407 of this Regulation, each major source as defined in Regulation 5, shall pay a Clean Air Act Title V fee equal in amount to one and one-half times the permit fee.

The permittee shall pay the permit fee and Clean Air Act Title V fee to the AQMD Office in person or by mail postmarked no later than August 30 of that year. If the fees (permit and Clean Air Act Title V) are not paid by August 30, the fee shall be increased by one-half the amount thereof, and the AQMD shall thereupon promptly notify the permittee by mail of the increased fee. If the increased fees are not paid within 60 days after such notice, the permit shall be immediately suspended and the AQMD shall so notify the permittee 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 initial fee. 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. Fees for less than a one-year period will be prorated for the balance of the annual permit period.

- 2.0 PAYMENT OF SUPPLEMENTAL FEE:** [Reference: 40 CFR Part 70.9 (b) (2) (i)] The owner/operator, or his or her delegee, shall pay an annual supplemental fee for a Permit to Operate pursuant to this Rule as determined by the calculation method in Section 4 of this Rule to meet an

overall fee rate of \$x per ton where x is \$57.50 of fee-based emissions unless Section 3 below applies.

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

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

3.0 NO SUPPLEMENTAL FEE: [Reference: 40 CFR Part 70.9(b) (1)] There shall not be a supplemental annual fee if the total annual fee rate paid by the source under Rule 400 and Rule 406 equals or exceeds \$x per ton of fee-based emissions. Only those AB 2588 Toxic Hot Spots fees that fund direct and indirect costs associated with activities related to the operating permits program as specified in section 502(b) (3) (A) of the CAA are to be used to meet the overall fee rate of \$x per ton of fee-based emissions.

4.0 DETERMINATION OF SUPPLEMENTAL FEE: The supplemental annual fee shall be determined by completing the following steps:

Step 1: Calculation of Supplemental Annual Fee

$$s = [\text{\$x per ton} \times e] - f$$

where:

s = supplemental annual fee in dollars

e = fee-based emissions in tons per year

f = sum (in dollars) of annual fee under Rule 400 and that portion of Rule 406 fees that funds direct and indirect costs associated with activities related to the operating permits program as specified in section 502(b) (3) (A) of the CAA.

Step 2: When the Supplemental Annual Fee is Zero

If "f" is equal to or greater than "[\\$x per ton x e]," then "s" shall be zero and Section 2, above, applies. If "f" is less than "[\\$x per ton x e]," then "s" shall be as calculated in Step 1.

5.0 SUBMITTAL OF INFORMATION: [Reference: 40 CFR Part 70.6(a) (7)] The owner/operator, or his or her delegee, shall provide the APCO sufficient information to determine the supplemental fee.