

RULE 601 PERMIT FEES

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100 GENERAL

101 PURPOSE: This Rule requires that fees be paid for:

- Filing of permit applications
- Engineering evaluation (engineering analysis and emission reduction credit analysis)
- Annual operating fee based on equipment ratings
- Environmental documentation and air quality modeling
- Transfer of ownership of equipment
- Alterations or additions to equipment
- Revision of permit conditions
- Issuance of duplicate permit
- Annual emissions from prior year
- Emission reduction credits
- Initial Title V operating permit and renewal of a Title V operating permit
- Prevention of Significant Deterioration (PSD) permits
- Synthetic minor source status requests
- Air toxic emissions inventory and analyses
- Agricultural Stationary Diesel Engine Registration and Renewal
- Plan review for emission sources not included in permit system
- Excess emissions from non-complying emission sources
- Regulated sources of emissions that are not permitted

102 APPLICABILITY: This Rule is applicable to the Lake Tahoe, Sacramento Valley, and Mountain Counties Air Basin portions of the District.

103 PUBLIC AGENCIES NOT EXEMPT: Federal, state or local governmental agencies or public districts shall pay the fees to the extent allowed under Chapter 2, Division 7, Title 1 of the Government Code (commencing with section 6103) and Chapter 55, Part 3, Division 26 of the Health and Safety Code.

200 DEFINITIONS: Unless otherwise defined below, the terms in this Rule are defined in Rule 102, DEFINITIONS.

201 AUTHORITY TO CONSTRUCT: A permit authorized by the Air Pollution Control Officer to build, erect, place on site, alter or replace any article, machine, equipment or other contrivance, the use of which may cause, eliminate, reduce, or control the issuance of air contaminants.

202 CANCELED OR WITHDRAWN APPLICATION: Any application which has been cancelled by the Air Pollution Control Officer or withdrawn by the applicant.

203 CHANGE OF LOCATION: Any transfer of an existing permitted source from one location to another not on the same property or facility.

204 CHANGE OF OWNERSHIP OR NAME: An administrative name change on the permit(s) where no change in previously permitted equipment or change of location has occurred.

205 INITIAL PERMIT FEE: A fee for each new permit based on the type and size of the source.

206 INITIAL TITLE V OPERATING PERMIT: A new Title V application that is submitted pursuant to Rule 507, FEDERAL OPERATING PERMIT PROGRAM.

- 207 EMISSIONS UNIT:** An identifiable operation or piece of process equipment such as an article, machine, or other contrivance which controls, emits, may emit, or results in the emissions of any air pollutant directly or as fugitive emissions.
- 208 PERMIT TO OPERATE:** A written permit from the Air Pollution Control Officer issued in accordance with Rule 501, GENERAL PERMIT REQUIREMENTS.
- 209 PREVENTION OF SIGNIFICANT DETERIORATION (PSD):** The prevention of significant deterioration program is a federally mandated construction permitting program for new major sources, and major modifications to existing major sources, of pollutants that are located in areas classified as attainment or in areas that are unclassifiable for the criteria air pollutant that is discharged. PSD Permits are issued pursuant to Rule 518, PREVENTION OF SIGNIFICANT DETERIORATION (PSD) PERMIT PROGRAM
- 210 SOURCE:** Any operation that produces and/or emits air pollutants.
- 211 SYNTHETIC MINOR SOURCE:** A synthetic minor source is a stationary source pursuant to Rule 512, REQUEST FOR SYNTHETIC MINOR SOURCE STATUS, or another mechanism, that is subject to federally enforceable conditions that limit its potential to emit to below major source thresholds. In addition, a synthetic minor source is subject to all applicable State and District rules, regulations, and other requirements.
- 212 TABLE:** For the purposes of this Rule, with regard to denoting specific classes of fees of the District Fee Schedule, "table" shall be considered synonymous with "schedule".
- 213 TITLE V APPLICATION:** An application submitted pursuant to Rule 507, FEDERAL OPERATING PERMIT PROGRAM. Title V provides for the establishment of federally enforceable operating permits for stationary sources, which emit regulated air pollutants, including attainment and nonattainment pollutants.
- 214 TITLE V OPERATING PERMIT RENEWAL:** A Title V application submitted to renew the Title V operating permit pursuant to Rule 507, FEDERAL OPERATING PERMIT PROGRAM (typically every 5 years).
- 300 STANDARDS**
- 301 APPLICATION FILING FEE:**
- 301.1 Except as provided in Subsections 301.2, and Subsection 301.3, every applicant filing for a new initial permit, a modification of permitted equipment, the revision of conditions, or determination of emission reduction credits shall pay a filing fee as set forth in Schedule 601-A.1, of the District Fee Schedule.
- 301.2 Applicants for Title V and Prevention of Significant Deterioration (PSD) permits to operate, shall pay a filing fee as set forth in Schedule 601-A.2, of the District Fee Schedule, for the initial permit application or for mandatory re-opening, non-administrative modification, or permit renewal.
- 301.3 Sources requesting Synthetic Minor Source Status, pursuant to Rule 512, REQUEST FOR SYNTHETIC MINOR SOURCE STATUS, shall pay

a filing fee as set forth in Schedule 601-A.3, of the District Fee Schedule, unless a higher fee is required by another applicable schedule.

- 301.3.1 If it is determined during the evaluation of an Authority to Construct application that either a Title V permit or Synthetic Minor Source Status will be required, and the applicant requests limiting permit conditions to establish Synthetic Minor Source Status, the amount of the Synthetic Minor Source Status filing fee shall be added to the fees due and payable for the issuance of the Authority to Construct.
- 301.4 No processing of an application will commence until the required application filing fee has been paid. The filing of an application and payment of a filing fee, without the information required to evaluate compliance and identify permitted equipment, does not constitute a complete application.
- 301.5 If an application for a permit is withdrawn or canceled, or is denied and such denial becomes final, the filing fee or transfer fee required herein shall not be refunded nor applied to any subsequent application.

302 AUTHORITY TO CONSTRUCT FEE:

- 302.1 Except as provided in Section 310 for changes in ownership or name, and Section 311 for permit alterations, additions, or revisions, every applicant who files an application for a permit, including one for change of location, shall, in addition to the paying a filing fee, pay an engineering evaluation fee which includes the appropriate engineering analysis fee set forth in Section 305 and an emissions reduction credit analysis fee, when applicable.
- 302.1.1 Applicants requesting the processing of a permit application in advance of the normal schedule, based upon the filing date, shall pay the expedited permit processing fee set forth in Section 307 in place of the engineering analysis fee that would otherwise apply.
- 302.2 An emissions reduction credit analysis fee shall be paid when an applicant proposes to reduce emissions of air contaminants from equipment to establish emission reduction credits, pursuant to Rule 504, EMISSION REDUCTION CREDITS from the emission unit or equipment that is the subject of the permit application.
- 302.2.1 In those circumstances where an application proposes an emission increase requiring offsets and also proposes an emissions reduction credit, a separate application shall be required for each analysis.
- 302.2.2 The emissions reduction credit analysis fee shall be assessed in accordance with the hourly rate established in the District's Engineering Analysis Time and Materials Rate, as set forth in Section 305, subsection 305.9 (Schedule 601-E.9), of the District Fee Schedule.
- 302.2.3 The contemporaneous offset of new emission increases by emission decreases from existing emission units does not require the establishment of emission reduction credits.
- 302.3 Fees payable under this Section shall be paid within the time and upon the notification specified in Subsection 302.7.

- 302.4 If more than one fee schedule is applicable, the governing schedule shall be that which results in the higher fee. When a group of articles, machines, equipment or other contrivances, the use of which may cause, eliminate, reduce, or control the issuance of air contaminants, are included in a single permit, the permit fee shall be based on the total rating of the group. If a single application includes more than one emission unit and emission units are allocated for permit issuance to separate Authority to Construct or Permits to Operate by the District, acknowledging that the processes are separate, the Authority to Construct engineering analysis fee assessed shall be based on the aggregated total rating of the separate Authority to Construct or Permits to Operate.
- 302.5 The Air Pollution Control Officer may notify the applicant that, due to the complexity of the application, the permit processing fees shall be based on the actual hours spent by the District staff in evaluating the application and verifying equipment compliance. This fee shall be assessed in accordance with the hourly rate established in the District's Engineering Analysis Time and Materials Rate, as set forth in subsection 305.9 (Schedule 601-E.9) of the District Fee Schedule. The applicant shall deposit with the District the amount estimated by the Air Pollution Control Officer to be charged for processing the Authority to Construct. This estimate may include costs associated with planning meetings and/or design evaluations prior to actual submission of a complete application.
- 302.5.1 The deposit may be required for the following, as determined by the Air Pollution Control Officer:
- a. Equipment associated with cogeneration projects.
 - b. Equipment associated with resource recovery projects.
 - c. Equipment associated with landfill projects.
 - d. Equipment associated with power plants.
 - e. Equipment involving the disposal by incineration, or other thermal process, of hazardous, toxic or infectious waste.
 - f. Equipment involving the emission of hazardous or toxic materials.
 - g. Equipment which is expected to emit 25 tons, or more, per year of any pollutant, or which is expected to increase the emissions of any pollutant from an existing facility by 25 tons, or more, per year.
 - h. Any project for which the evaluation is expected to take 10 hours or more.
- 302.5.2 The Air Pollution Control Officer shall provide the applicant with an estimate of the time to process the application, and the cost that will be incurred.
- 302.5.3 The applicant may request a conference with the Air Pollution Control Officer or his/her designee to review the cost estimate. If the applicant provides additional information that will reduce the amount of time the District staff needs to process the application, the cost estimate for the application fee shall be reduced accordingly.
- 302.5.4 The estimated application fee shall be paid in full, to the District, prior to District staff processing the application.
- 302.5.5 Prior to issuing a permit or upon denial of a permit, the District shall bill the applicant for any application processing costs, based on actual District labor costs set forth in Schedule 601-E.9, that exceed the estimated fee amount. The applicant shall pay the additional fee amount prior to the District issuing a

permit.

- 302.5.6 The District will refund any unused portion of the application fee if the applicant withdraws the application, or the application is withdrawn or canceled, or actual labor costs from processing the application are less than estimated.
- 302.6 With the exception of fees deposited pursuant to Subsection 302.5, after the provisions for granting or denying an Authority to Construct as set forth in Division 26 of the Health and Safety Code and these Rules and Regulations have been complied with, the applicant shall pay the engineering analysis fee within the time and upon the notification specified in Subsection 302.7.
- 302.7 The applicant shall be notified, in writing, of the fees to be paid. Such notice may be given by personal service, or by mail, or by e-mail, and payment to the District shall be due 30 days from the date of invoicing. Non-payment of fees within this period of time will result in cancellation of the application and voiding of the Authority to Construct, or Permit to Operate. No further applications will be accepted from the applicant until such time as the overdue engineering analysis fees have been fully paid. No Authority to Construct or Permit to Operate will be issued until all due and overdue fees owed by the applicant to the District have been paid in full.
- 302.8 In the case of application(s) received for equipment already constructed without the prior issuance of a District permit, a Permit to Operate may be issued in lieu of an Authority to Construct. The applicant shall pay a fee for failure to obtain required permit(s), as provided for in Section 405, which shall be paid at the time the Permit to Operate is granted or denied.
- 302.9 If an application for a permit is withdrawn or canceled, an engineering analysis fee will not be charged if no action to evaluate the application has been taken. If action has been taken to evaluate the application the District shall bill the applicant for the work done. The fee shall be assessed in accordance with the District's Engineering Analysis Time and Materials Rate, as set forth in Schedule 601-E.9 of the District Fee Schedule, or the equipment based Engineering Analysis Fee that would have applied had the application not been withdrawn or canceled, whichever results in the higher fee.
- 303 ANNUAL PERMIT TO OPERATE FEES:** Every holder of a Permit to Operate shall pay permit fees annually.
- 303.1 The annual Permit to Operate fee shall be the total of:
- 303.1.1 The annual operating fee, based on equipment rating, specified by Section 304 and the appropriate schedule of Section 305 of this Rule, and
- 303.1.2 The emission-based fee specified by Section 306 calculated for the total tons of each pollutant emitted during the prior calendar year, except that another year may be used if it is determined to be representative.

- 303.2 If a Permit to Operate is revoked, the permit renewal fee applicable to that portion of the year during which the permit is invalid shall not be refunded nor applied to any other permit or application.
- 303.3 If the annual operating fee and/or the emission-based fee, if applicable, is not paid when due, the fee shall be increased fifty (50) percent of the amount thereof, as a late payment fee, and the permittee shall be notified by mail or e-mail of the increased fee. Except as provided by Subsection 303.5, if the increased fee and all other due and overdue fees are not paid within 30 days after such notice, and the permit renewal date has passed, the permit will expire and no longer be valid.
- 303.4 An expired permit may be reinstated by the payment in full of due and past due fees, including the fee increase for the late payment, that are owed to the District.
- 303.4.1 A permit that has been canceled by the Air Pollution Control Officer for non-operation pursuant to Rule 501, GENERAL PERMIT REQUIREMENTS, Section 411, and not voluntarily surrendered, shall not be reinstated.
- 303.4.2 When permitted operations are discontinued and the permit is surrendered prior to expiration, so that the permit is not to be renewed, the annual operating fee of Section 304 is not owed to the District. Emission-based annual fees are due and payable for surrendered permits upon notice, as provided in Subsection 306.4.
- 303.4.3 Reinstatement of an expired permit shall not limit the District's right to pursue any other remedy provided for by law for operating during the time that a permit was expired.
- 303.5 If the expiration date of a Permit to Operate, and/or an Authority to Construct serving as a temporary Permit to Operate, has passed without the issuance of a renewal permit due solely to a delay or failure by the District, the permit may be extended by the Air Pollution Control Officer as follows:
- 303.5.1 If the due and overdue fees are paid as required by Sections 304 and 306, and the delay in the issuance of a renewal permit is solely due to the District not completing its required review, the permit is extended until the review is completed, and the renewal permit is issued.
- 303.5.2 If the due and overdue fees are paid as required by Sections 304 and 306, and the delay in the issuance of a renewal permit is solely due to the District's not having issued the permit, the permit is extended until the renewal permit is issued.
- 303.5.3 If the delay in the issuance of a renewal permit is solely due to the District not having billed for fees required by Sections 304 and 306, the permit is extended until the billing is properly completed and the renewal permit is issued, provided that invoiced due and overdue fees are paid within the applicable payment period.

303.5.4 A permit will not be extended if the Air Pollution Control Officer or the Hearing Board has initiated action to suspend or revoke the permit pursuant to Health and Safety Code Section 42304, 42307, or 42309, and that action has resulted in a final determination by the Air Pollution Control Officer or the Hearing Board to suspend or revoke the permit, and all appeals have been exhausted or the time for appeals from that final determination has been exhausted.

304 ANNUAL OPERATING FEE BASED ON EQUIPMENT RATING:

304.1 The Air Pollution Control Officer shall establish an annual renewal date for each permittee for all permits associated with the same premises. Thereafter, each Permit to Operate shall be renewable as set forth in this Section upon payment of applicable annual operating fees, emission-based fees and other applicable fees, subject to any other requirements of these Rules and Regulations and of state law, regarding validity, suspension or revocation of permits.

304.1.1 If at the time the Permit to Operate is granted or denied it is determined that the annual operating fee had been based on the wrong schedule, the applicant shall be billed for or credited with the difference, as appropriate.

304.1.2 If more than one schedule is applicable to a permit, then the schedule resulting in the highest fee shall be used.

304.2 In those instances where a permit is due to expire on the permittee's annual renewal date established by the Air Pollution Control Officer, the permit may be renewed upon payment of the annual operating fee prescribed in the appropriate schedule in Section 305 and, if applicable, the emission-based fee of Section 306.

304.3 In those instances where a permit is due to expire on a date different than the annual renewal date established for the permittee, the permit may be renewed upon payment of an annual operating fee.

304.3.1 Such fee shall be calculated based upon the appropriate schedule in Section 305 of this Rule, but prorated based upon the number of months between the expiration date of the permit and the permittee's annual renewal date.

304.3.2 If the Air Pollution Control Officer determines that for administrative purposes a change to the annual renewal date is required, a renewal permit may be set to expire upon a date different than the annual renewal date previously established and the fee calculated as set forth in Subsection 304.3.1.

304.4 An issued Authority to Construct which has not been withdrawn, canceled, suspended, or revoked shall be considered a temporary Permit to Operate on the date the applicant completes final construction and commences operation, pursuant to Rule 501, Section 301.

304.4.1 For the purposes of this Subsection, the date specified as the estimated completion date on the application for an Authority to Construct shall be considered the date of commencement of operation unless the applicant notifies the District in writing that operation will commence on another date, or operation has been verified by the District.

- 304.4.2 Such a temporary Permit to Operate shall be valid for the period of time between commencement of operation and the applicant's next annual operating fee due date following commencement of operation. At that time the temporary permit will be made permanent, provided that the District has determined that the operation will comply with the conditions specified in the Authority to Construct. Each year thereafter, the annual operating fee for the Permit to Operate shall be due in the amount prescribed in the appropriate schedule in Section 305. The fee shall be based upon the size, rating, or capacity of the equipment covered by the Permit to Operate, if any, as prescribed in Section 305.
- 304.5 The same annual operating fee due date shall apply for a change of ownership from one owner to another.
- 304.6 At least thirty (30) days before the annual renewal date, the permittee will be notified by mail or e-mail of the annual operating fee due and the due date. The annual operating fee for each permit shall be in the amount shown in the schedules set forth in Section 305. If the fee is not paid when due, the late payment fee of Subsection 303.3 shall apply.
- 304.7 At the time that the annual operating fee is assessed the District may include in the bill to be paid any other due and overdue fees accruing to the permittee.
- 304.8 The annual operating fee is for prospective services over the period of the renewed permit and is not for services rendered at the time of billing. Accordingly the annual operating fee is not owed to the District if permitted operations are discontinued prior to permit expiration and the permit is surrendered.
- 304.9 In the case of equipment operating, where an Authority to Construct was not issued, the annual operating fee will be due on the facility's next annual operating fee due date, following the submission of the completed application for a Permit to Operate pursuant to Subsection 302.8 and payment of applicable fees of Section 405 for failure to obtain a permit. If no annual renewal date has been established, the Air Pollution Control Officer will set one upon receipt of the application.

305 SCHEDULES FOR THE ENGINEERING ANALYSIS FEE AND ANNUAL OPERATING FEE (Schedule E):

305.1 Schedule E.1, Electrical Motor Horsepower Schedule:

Any equipment using electric motors as a power source shall be assessed a permit fee based on the cumulative total rated horsepower of all motors in accordance with Schedule 601-E.1, of the District Fee Schedule.

305.2 Schedule E.2, Fuel Burning Schedule:

Any equipment in which fuel is burned, including cogeneration and internal combustion engines, shall be assessed a permit fee based upon the design fuel consumption of the equipment expressed in millions of British Thermal Units (BTU) per hour, using gross heating values of the

fuel, in accordance with Schedule 601-E.2, of the District Fee Schedule.

305.3 Schedule E.3, Electrical Energy Schedule:

Any equipment which uses electrical energy, with the exception of motors covered in Schedule E.1 herein, shall be assessed a permit fee based on the total kilovolt ampere (KVA) ratings, in accordance with Schedule 601-E.3, of the District Fee Schedule.

305.4 Schedule E.4, Incinerator Schedule:

Any equipment designed and used primarily to dispose of combustible refuse by wholly consuming the material charged, leaving only the ashes or residue, shall be assessed a permit fee based on the schedule of the maximum horizontal inside cross sectional area, in square feet, of the primary combustion chamber of Schedule 601-E.4, of the District Fee Schedule.

305.5 Schedule E.5, Stationary Container Schedule:

Any stationary tank, reservoir, or other container, with the exception of stationary storage tanks covered in Schedule E.6 herein, shall be assessed a permit fee on the schedule of capacities in gallons or cubic equivalent of Schedule 601-E.5, of the District Fee Schedule.

305.6 Schedule E.6, Gasoline Fueling Equipment Schedule:

Any gasoline fueling equipment at a single location including stationary gasoline storage tank(s) and dispenser(s) that are subject to Rule 214, TRANSFER OF GASOLINE INTO VEHICLE FUEL TANKS shall be assessed a single permit fee based on the number of gasoline dispensing nozzles, in accordance with Schedule 601-E.6, of the District Fee Schedule.

305.7 Schedule E.7, Semiconductor Process Equipment:

Any semiconductor manufacturing process equipment that either emits an air contaminant subject to regulation or is controlled by air pollution control equipment, shall be assessed a permit fee in accordance with Schedule 601-E.7 of the District Fee Schedule.

305.8 Schedule E.8, Permit Fee Exceptions:

The following equipment shall be assessed an engineering analysis fee and an annual operating fee in accordance Schedule 601-E.8, of the District Fee Schedule.

305.8.1 Each permit of a dry cleaning plant.

305.8.2 Equipment with a capacity less than 15,000 liters (4,000 gallons) used exclusively to mix solvents and surface coatings.

305.8.3 Spray coating equipment operated outside of a control enclosure.

305.8.4 Vapor degreasing equipment.

- 305.8.5 Portable abrasive blasting equipment.
 - 305.8.6 Mobile asphalt or coal tar pitch roofing equipment.
 - 305.8.7 Internal combustion engines of less than 4,000 brake horsepower driving electrical emergency generators or emergency fire pumps.
 - 305.8.8 Any equipment which is not included in any of the preceding Schedules.
- 305.9 Schedule E.9, Engineering Analysis Time and Materials Labor Rate: At the discretion of the Air Pollution Control Officer, this schedule shall apply to the engineering evaluation fee of Section 302 if the actual costs of the analysis exceed the fee determined under the applicable schedule of Subsections 305.1 through 305.8 (schedules E.1 through E.8). The rate for time and materials shall be as set forth in Schedule 601-E.9, of the District Fee Schedule based on the total direct salary and benefit costs, and overhead costs, including administrative and management costs, of a journey Senior Air Pollution Control Engineer.
- 305.9.1 A minimum fee based on 2.5 hours shall be assessed when applying this schedule to Subsections 302.5, 302.9, and Section 311.

306 ANNUAL PERMIT FEE BASED ON EMISSIONS:

- 306.1 The operator of all equipment, operating under permit, shall pay an annual permit fee based on the total mass of emissions in the preceding calendar year of each of the contaminants specified in Subsection 306.2 from equipment on the premises. Such fee shall be in addition to other fees payable under this Rule. As used in this paragraph, "premises" means one parcel of land, or continuous parcels of land under the same ownership or entitlement to use not including the parcels which are remotely located and connected only by land carrying a pipeline.
- 306.2 The fee for the total tons of each pollutant emitted during the preceding calendar year will be calculated and a fee assessed for each ton (rounded up to the next whole ton) of the following air contaminants: gaseous sulfur compounds (expressed as sulfur dioxide), volatile organic compounds, oxides of nitrogen (expressed as nitrogen dioxide), particulate matter; and carbon monoxide, as set forth in Schedule 601-D, of the District Fee Schedule. The minimum fee shall be that for one ton per year for each pollutant emitted.
- 306.3 The Air Pollution Control Officer shall determine the total emissions for the preceding calendar year for each of the air contaminants listed in Subsection 306.2 from all of the equipment on the premises of the permitted facility.
- 306.3.1 The Air Pollution Control Officer shall determine the emission factors applicable to each emission unit or group of emission units, and provide them to the permittee upon request. In determining emission factors, the Air Pollution Control Officer shall use the best available data. "Emission Factor", as used in this Subsection, means the amount of air contaminant emitted per unit of time or per unit of material handled, processed,

- produced or burned.
- 306.3.2 Actual emission data may be provided by the permittee and, if approved by the Air Pollution Control Officer, may be used for the determination of emissions.
- 306.3.3 The Air Pollution Control Officer may use the total mass emissions of each pollutant that have been calculated for a prior calendar year, and not the calendar year immediately preceding the fee assessment, if the prior year data is determined to be representative of the emissions from each emission unit or group of emission units.
- a. Upon request the Air Pollution Control Officer shall recalculate the total emissions and provide them to the permittee.
- 306.3.4 No annual permit fee based upon emissions shall be required for air contaminants listed in Subsection 306.2 for which the total emissions calculated from all equipment on the premises of a permitted facility is deemed by the Air Pollution Control Officer to be an insignificant amount.
- 306.4 At least thirty (30) days before the annual renewal date the permittee will be notified by mail or e-mail of the annual emission-based fee due along with the due date.
- 307 EXPEDITED PERMIT PROCESSING FEE:** In addition to the applicable filing fees of Section 301 and in place of the engineering analysis fees of Section 302 for Authority to Construct permits, applicants requesting the processing of a permit application in advance of the normal schedule, based upon filing date, shall pay two (2) times the engineering analysis fee that would otherwise apply.
- 308 TIME AND MATERIALS LABOR RATES (Schedule M):**
- 308.1 Schedule M.1, General Time and Materials Labor Rate: This rate shall be used to establish fees for work by District staff pursuant to Rule 603, ANALYSIS FEE; air toxic inventory, risk assessments, and reporting which are not including in the fees of Rule 610, AIR TOXICS HOT SPOTS FEES; re-inspections that are required due to circumstances beyond the control of the District; and other such special studies or analysis by District staff. The general time and materials labor rate shall be as set forth in Schedule 601-M.1, of the District Fee Schedule based on the total direct salary and benefit costs, and overhead costs, including administrative and management costs, of a journey Air Pollution Control Specialist II.
- 308.2 Schedule M.2 Title V and PSD Time and Materials Labor Rate: In addition to the filing fee of Section 301, the time and materials rate for the review and processing of Title V permit applications pursuant to Rule 507, FEDERAL OPERATING PERMIT PROGRAM; Prevention of Significant Deterioration (PSD) permit applications, pursuant to Rule 518, PREVENTION OF SIGNIFICANT DETERIORATION PERMIT PROGRAM; requests for Synthetic Minor status, pursuant to Rule 512, REQUEST FOR SYNTHETIC MINOR SOURCE STATUS; applications for initial permits; permit modification; mandatory permit re-opening; and permit preparation, including for Title V and PSD permit renewals, shall be as set forth in Schedule 601-M.2, of the District Fee Schedule based on the total direct salary and benefit costs, and overhead costs, including administrative and management costs, of a journey Senior Air Pollution

Control Engineer.

309 AGRICULTURAL STATIONARY COMPRESSION IGNITION ENGINE REGISTRATION AND RENEWAL FEES (Schedule P):

309.1 Schedule P.1: For registration applications received after June 30, 2008, the application fee shall be equal to the cost of 1.1 labor hours at the District's general time and materials rate at the time of the registration application as specified in Schedule 601-M.1 as set forth in Schedule-P.1 of the District Fee Schedule.

309.2 Schedule P.2: A triennial renewal of the Certificate of Registration shall be accompanied with a renewal fee in the amount equal to the cost of 0.6 labor hours at the District's general time and materials rate at the time of the renewal as specified in Schedule 601-M.1 and as set forth in Schedule-P.2 of the District Fee Schedule.

310 CHANGE OF OWNERSHIP OR NAME (Schedule F): When an application for change of ownership or name is filed for equipment previously permitted, the applicant shall pay, in lieu of a filing fee and initial permit fee (the fees provided for in Subsection 301.1 and Section 302), a transfer fee for each permit unit being transferred from one person to another, or for which the name is to be changed, in accordance with Schedule 601-F, of the District Fee Schedule, payable at the time the application is filed. An application for transfer of ownership only, or change in operator only, of any article, machine, equipment, or contrivance which had a valid Permit to Operate within the two-year period immediately preceding the application shall be for a temporary Permit to Operate. Issuance of the final Permit to Operate shall be conditional upon a determination by the District that the criteria specified in subdivisions (b) and (e) of Section 42301 of the California Health and Safety Code are met, if the permit was not surrendered as a condition to receiving emission reduction credits.

310.1 The applicable fee shall be assessed per permit and shall not exceed a fee equal to the fee of four (4) permits.

311 ALTERATIONS, ADDITIONS, OR REVISIONS: When an application is filed for a permit involving alterations or additions resulting in a change to any existing equipment for which a Permit to Operate was granted and has not expired, the applicant shall pay the application filing fee as provided in Subsection 301.1 in addition to paying the engineering analysis fees based upon the increase in rating, capacity, or increase in the number of nozzles resulting from such change, as determined from the fee schedules in Section 305. When there is no incremental increase in rating, capacity, or increase in the number of nozzles, the applicant shall pay as specified in Subsection 301.1 in addition to an engineering analysis fee equal to the lowest tier of the appropriate fee schedule in Section 305, or the applicable fee based on the Engineering Analysis Time and Materials Labor Rate set forth in Schedule 601-E.9, of the District Fee Schedule, whichever is higher.

312 DUPLICATE PERMITS: A request for a printed and mailed duplicate permit made by the permittee after the destruction, loss, or defacement of a permit, shall be made in writing. The fee specified in Schedule 601-H, of the District Fee schedule, shall be charged for issuing a printed duplicate permit. There is no charge for an electronic copy of a permit.

- 313 PUBLIC NOTIFICATION FEE:** In addition to the fees required by this Rule, the applicant shall pay the actual cost of public notification, including the cost of notice preparation, publication, and if applicable the cost of mailing, when such is required for an Authority to Construct, a Title V operating permit, or a PSD permit, or any other permitting actions that must be publically noticed.
- 314 PLAN REVIEW FEE FOR EMISSION SOURCES NOT INCLUDED IN THE PERMIT SYSTEM:** To cover the estimated reasonable costs of evaluating plans required by law or by District rule or regulation, including, but not limited to the review, inspection, and monitoring related thereto, a schedule of fees may be established in Schedule 601-J of the District Fee Schedule for the assessment of plan review fees, based on the estimated hours to be spent by the District staff at the District's general time and materials rate as set forth in Schedule 601-M.1 of the District Fee Schedule. The fees shall not exceed the estimated costs of reviewing, monitoring, and enforcing the plan for which fees are charged.
- 314.1 To adopt or revise a plan review fee schedule, the District Board shall hold a public hearing at least 30 days prior to the meeting of the District Board at which the schedule is to be considered for approval. Supporting data on the actual or estimated costs required to provide the service for which the fee is proposed to be charged shall be made available at that public hearing. Notice shall be provided as specified by California Health and Safety Code Sections 40131 and 41512.5.
- 314.1.1 The adoption or revision of a plan review fee schedule may be proposed as part of the annual budget process. The Air Pollution Control Officer may adjust fees by up to the maximum rate approved by the Board.
- 315 NON-PERMITTED REGULATED SOURCES OF EMISSIONS:** To cover the costs of programs related to areawide or indirect sources of emissions that are regulated, but for which permits are not issued, the District may establish fees to be paid by such sources of emissions, pursuant to a schedule of fees set forth in Schedule 601-K of the District Fee Schedule.
- 315.1 To adopt or revise a fee schedule for areawide or indirect sources of emissions that are regulated, but for which permits are not issued, the District Board shall hold a public hearing at least 30 days prior to the meeting of the District Board at which the schedule is to be considered for approval. Supporting data on the actual or estimated costs required, to provide the service for which the fee is proposed to be charged, shall be made available at that public hearing. Notice shall be provided as specified by California Health and Safety Code Sections 40131 and 42311(e).
- 315.1.1 The adoption or revision of a fee to recover the costs of regulating sources of emission that are not permitted may be proposed as part of the annual budget process. The Air Pollution Control Officer may adjust fees by up to the maximum rate approved by the Board.
- 316 EXCESS EMISSIONS FROM NON-COMPLYING EMISSION SOURCES:** In conjunction with the granting of a variance, by the District Hearing Board for emissions exceeding that which is allowed by District permit conditions, or District rules or regulations, the District Hearing Board may assess an excess emission fee, based on the emissions in excess of limits that may be discharged or are expected to be discharged and the days during which such excess emissions are allowed to be discharged, during the period of the variance.

- 316.1 The excess emission fee for pollutants shall be expressed in dollars per pound per day as set forth in Schedule 601-C of the District Fee Schedule.
- 316.2 The excess emission fee for opacity shall be determined by the difference in the percent opacity allowed by Rule 202, VISIBLE EMISSIONS, or a lesser percent opacity allowed by permit condition, and the maximum percent opacity of the emissions allowed under the variance - multiplied by the emission-based fee of Schedule 601-C of the District Fee Schedule, expressed in dollars per percent of excess opacity, assessed for each day on which excess opacity emissions occur or are expected to occur during the variance period. 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".
- 316.3 The excess emission fee for each day during which excess emissions occur or are expected to occur during the variance period, regardless of calculations, shall be no less than the minimum daily fee of Schedule 601-C of the District Fee Schedule.
- 316.4 An excess emission fee shall not be assessed if the excess emissions are due to a delay in the installation of required air pollution control for an existing emission source that is required to comply with emission standards or limitations that is not due to a lack of due diligence on the part of the applicant.
- 316.5 The Hearing Board may adjust the excess emissions fee at the request of the petitioner or upon the motion of the Hearing Board, based upon evidence regarding emissions presented at the time of the hearing or as a part of the petition.
- 316.6 An excess emission fee assessed by the District Hearing Board shall be paid within fifteen (15) days of the granting of a variance for the period of time granted by the Hearing Board. A request may be made by the petitioner for an extension, for good cause, and for a period not to exceed 90-days. The request shall be submitted to and subject to the approval of the Air Pollution Control Officer.
- 316.7 In the event that the petition is withdrawn, or the variance is not granted, the petitioner shall be entitled to a full refund of unused excess emission fees.
- 316.8 If the excess emissions occurs for a shorter period of time or the discharge of emissions is less severe than expected, due to efforts to minimize the excess emissions by the operator, upon a request made within 30-days of the expiration of the variance, and provided that there is adequate evidence to make a such a determination, the Air Pollution Control Officer may make a pro rata refund of the excess emission fees paid.

400 ADMINISTRATIVE REQUIREMENTS

- 401 NOTIFICATION OF FEE DUE AND LATE PAYMENT PENALTY:** Except as otherwise specified in this Rule, for any fee assessed in accordance with this Rule, the applicant/permittee will be notified by postal mail or e-mail of the fee due and payable and the date the fee is due. If the fee is not paid by the specified due date, the fee shall be increased (50) percent of the amount thereof and the applicant/permittee shall be notified by postal mail or e-mail of the increased fee. If the increased fee is not paid within 30 days after notice the application/permit will be canceled and the applicant/permittee will be notified by mail or e-mail. A canceled Authority to Construct or Permit to Operate application may be reinstated by payment of the applicable permit fees. Payment of late fees shall not limit the District's right to pursue any other remedy provided for by law.
- 402 NEGOTIATED PAYMENT SCHEDULE:** If a permittee certifies to the Air Pollution Control Officer's satisfaction through declaration that payment in full of the annual permit fees would result in undue and severe financial hardship, the District, at the sole discretion of the Air Pollution Control Officer, may negotiate an amended fee payment schedule, provided that the amended schedule includes reimbursing the District for any increased costs of processing the extra payments. The payment schedule and terms of payment shall be executed by means of a contractual payment agreement. A permit so renewed shall be a temporary Permit to Operate that is conditional upon payment in accordance with the agreed upon schedule. Failure to make any payments by any negotiated due date may result in late payment fees as otherwise authorized in this Rule and/or cancellation of the temporary permit. A permittee that has obtained a negotiated payment schedule shall not be eligible for another negotiated payment schedule for three (3) subsequent renewal periods.
- 403 ANNUAL CONSUMER PRICE INDEXING OF FEES:** Except as provided by Section 404, all fees specified by this Rule shall be automatically adjusted on July 1st of each year based on the change in the annual Northern California Consumer Price Index (CPI) for the preceding calendar year.
- 404 FEE INCREASES AND ADJUSTMENTS:** Permit fees may be adjusted on an annual basis. If the Air Pollution Control Officer anticipates the need for a change, other than the CPI adjustment from Section 403, the adjustment must initially be proposed as part of the annual budget process. The proposed rate change must meet the requirements of the California Health and Safety Code, including Sections 41512.7(b) and 42311(a). If the Board of Directors approves a fee change with the final budget, the Air Pollution Control Officer may adjust fees by up to the maximum rate approved by the Board.
- 405 FEE FOR FAILURE TO OBTAIN PERMIT:** When equipment is built, erected, installed, altered, or replaced (except for an identical replacement, which means identical in all respects except for the serial number) without the owner or operator obtaining an Authority to Construct in accordance with Rule 501, GENERAL PERMIT REQUIREMENTS, the applicant shall pay the filing fee required by Subsection 301.1 and one hundred fifty percent (150%) of the engineering analysis fees required by Section 302, and three (3) years of annual operating fees as set forth by the applicable fee schedules of Section 305.
- 405.1 If the submitted application demonstrates to the Air Pollution Control Officer's satisfaction that the equipment for which an Authority to Construct was not obtained was installed one year or less prior to the filing of the application for permit, one (1) year of annual operating fees

shall be assessed in place of the three (3) years of annual operating fees otherwise required.

405.2 The fee for failure to obtain a permit may be waived by the Air Pollution Control Officer if the permit was not obtained because the requirements to have a District permit were not applicable at the time the equipment was constructed.

405.3 Payment of fees for failure to obtain a permit shall not limit the District's right to pursue any other remedy provided for by law for the construction and/or operation without a valid permit.

406 REFUNDS: With the exception of the unused portions of the Engineering Analysis Fee deposited pursuant to Subsection 302.5, application filing fees governed by Subsection 301.4, and annual permit fees for revoked permits governed by Subsection 303.2, no claim for refund for any fee required by this Rule shall be honored unless such claim is submitted within 90 days after the fee was paid and no action has been taken with regard to providing the permit or service for which the fee was paid.

407 PAYMENT COLLECTIONS FEE: When payment is due and payable to the District for services rendered in accordance with adopted fee schedules and a fee is not paid, prior to seeking recovery of the debt owed to the District through the courts the District may refer the debt to a revenue recovery or collection service. The District may increase the payment due to the District by the cost of such collection services. The additional fees shall not exceed the actual cost of collection services.

408 PASS THROUGH OF CHARGES: The actual reasonable and customary charges for the services of source testing contractors, analytical laboratories, air monitoring or inspection contractors, and other evaluation contractors, including reimbursement of the State, for services rendered to the District to determine the compliance and/or emissions of a facility may be assessed as a fee to that facility.

409 APPLICABILITY OF FEES: When an application is submitted for transfer of ownership under Section 310 of this Rule, and for alterations, additions, or revisions under Section 311, of this Rule, the section resulting in the highest permit fee shall apply.