

# SACRAMENTO METROPOLITAN AIR QUALITY MANAGEMENT DISTRICT

## **RULE 310 - PERMIT FEES - AGRICULTURAL SOURCE**

*(Adopted 10-26-06)*

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**100 GENERAL**

101 **PURPOSE:** To establish fees to be charged to owners/operators of agricultural sources required to obtain a permit by Rule 215, AGRICULTURAL PERMIT REQUIREMENTS AND NEW AGRICULTURAL PERMIT REVIEW.

102 **PUBLIC AGENCIES NOT EXEMPT:** Federal, state or local government agencies or public agencies shall pay fees to the extent allowed under Chapter 2, Division 7, Title 1 of the Government Code (commencing with Section 6100) and Section 42311 of Division 26 of the California Health and Safety Code.

**200 DEFINITIONS** Unless otherwise defined below, the terms in this rule are defined in Rule 215, AGRICULTURAL PERMIT REQUIREMENTS AND NEW AGRICULTURAL PERMIT REVIEW.

201 **CANCELED APPLICATION:** Any application which has been withdrawn by the applicant.

202 **CHANGE OF LOCATION:** Any transfer of an existing permitted source from one location to another not on the same property or agricultural stationary source.

203 **CHANGE OF OWNERSHIP:** Any transfer of an existing permitted source from one person to another.

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

205 **PERMIT RENEWAL FEE:** A fee required for the annual renewal of a permit.

**300 STANDARDS**

301 **INITIAL PERMIT FEE FOR EXISTING AGRICULTURAL EMISSION UNIT:** Every applicant for an agricultural permit for agricultural emission units that were in operation within Sacramento County prior to January 1, 2004 and complied with the application compliance timeframes in Section 402 of Rule 215, AGRICULTURAL PERMIT REQUIREMENTS AND NEW AGRICULTURAL PERMIT REVIEW, shall pay the permit renewal fee in Section 307 of this rule for the issuance of the permit.

302 **INITIAL PERMIT FEE:** Every applicant for a new or modified agricultural permit shall pay the initial permit fee in 307 or in 302.1, 302.2, 302.3, or 302.4 of this rule, as applicable, for the issuance of the permit.

302.1 Within 30 days of receipt of an application, 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 compliance. This fee shall be assessed in accordance with the hourly rate established in Section 307.6. This estimate may include costs associated with planning meetings and/or design evaluations prior to actual submission of a complete application. The applicant may request a conference with the Air Pollution Control Officer to review the cost estimate. The applicant may propose to provide additional information with the application that would reduce the time spent by the Air Pollution Control Officer in reviewing the application. The Air Pollution Control Officer's cost estimate shall be reduced accordingly.

302.2 When an application is filed for a permit involving the modification of a permit subject to the fee in Section 307.2 or 307.3, the applicant shall pay the initial permit fee based on the rating of the new equipment(s) or on the increase in rating of the modified equipment(s).

302.3 When an application is filed for a revision of conditions on an agricultural permit not involving the modification of the agricultural emissions unit, the applicant shall pay a permit fee of \$294.

302.4 When an application is filed for a permit involving the modification of a permit subject to the fee in Section 307.4 or 307.5, the applicant shall pay the renewal permit fee.

303 **PERMIT RENEWAL FEE:** Every holder of a permit shall pay a fee for the annual permit renewal. The permit renewal fee shall be the total of:

303.1 The Permit Renewal Fee indicated by the appropriate schedule of Section 307 of this rule, and

303.2 The calculated fee for the total tons of each pollutant emitted during the prior calendar year as indicated by the following table. The minimum fee shall be that for one ton per year. The total tons of each pollutant shall be the actual emission rounded up to the next whole ton.

<b>Pollutant</b>	<b>Fee Per Ton of Pollutant Emitted During 12-Month Period</b>
Carbon Monoxide (CO)	\$54
Nitrogen Oxides (NOx)	\$54
Reactive Organic Compound (ROC)	\$54
Sulfur Oxides (SOx)	\$54
PM10	\$54

303.3 The holder of permits with more than one anniversary date may request a common renewal date and those fees be prorated as necessary.

304 **CANCELLATION, DENIAL OR WITHDRAWAL:** If the application for a permit is canceled or denied, the fees paid shall not be refunded nor applied to any other application. Fees paid under Section 302.1 that are not used prior to an application being withdrawn by the applicant shall be refunded upon request.

305 **REVOCATION:** If a permit 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 application.

306 **CHANGE OF LOCATION OR OWNERSHIP:** When an application is filed for a permit because the agricultural source has been moved to a new location, or ownership has been transferred from one person to another and an agricultural permit granted for such agricultural source has not been canceled under Section 401 of this rule, the applicant shall pay a permit fee equivalent to the permit renewal fee in Section 303 of this rule.

307 **SCHEDULES FOR INITIAL PERMIT FEE AND PERMIT RENEWAL FEE:**

307.1 If more than one fee schedule is applicable to a permit, the governing schedule shall be that which results in the higher fee. When a group of machines are included in a single permit, the permit fee shall be based on the total rating of the group.

307.2 **SCHEDULE AG1, FUEL BURNING SCHEDULE:** Any agricultural emission unit in which fuel is burned, with the exception of internal combustion engines which are covered in Schedule AG2, shall be assessed a permit fee which is the total of the following:

a. Except for incinerators which are covered in 307.2.b, a fee based upon the design fuel consumption of the equipment expressed in thousands of British Thermal Units (BTU) per hour, using gross heating values of the fuel, in accordance with the following schedule:

<b>Million BTU Per Hour</b>	<b>Initial Permit Fee</b>	<b>Permit Renewal Fee</b>
Less than 1	\$294	\$148
1 to 9	\$589	\$295
10 or greater	\$1178	\$589

and

- b. For 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 maximum horizontal inside cross sectional area, in square feet, of the primary combustion chamber, in accordance with the following schedule:

<b>Area, Square Feet</b>	<b>Initial Permit Fee</b>	<b>Permit Renewal Fee</b>
Less than 10	\$1178	\$589
10 or greater	\$3534	\$1767

- 307.3 **SCHEDULE AG2, INTERNAL COMBUSTION ENGINE HORSEPOWER SCHEDULE:** A permit with internal combustion engines shall be assessed a permit fee based on the cumulative total rated horsepower of all internal combustion engines included, in accordance with the following schedule:

<b>Horsepower</b>	<b>Initial Permit Fee</b>	<b>Permit Renewal Fee</b>
Less than 50	\$294	\$148
50 to 249	\$589	\$295
250 to 499	\$1178	\$589
499 to 999	\$2355	\$1178
1000 or greater	\$4710	\$2355

- 307.4 **SCHEDULE AG3, LARGE CONFINED ANIMAL FACILITIES:** An agricultural emissions unit that is subject to Rule 496, LARGE CONFINED ANIMAL FACILITIES shall be assessed the following permit fee:

- An initial permit fee of \$1178 and a permit renewal fee of \$589; and
- When the actual hours spent on evaluating the application and processing the permit exceeds 10 hours for an initial fee or 5 hours for a permit renewal fee, then each additional hour or portion thereof shall be charged the time and materials labor rate established in Section 307.6; and
- The public notification fee established in Section 313.

- 307.5 **SCHEDULE AG4, GENERAL FARMING/MISCELLANEOUS EQUIPMENT:** A permit which includes agricultural sources not included in the preceding schedules shall be assessed the total of

- An initial permit fee of \$1178 and a permit renewal fee of \$589 and
- For any gasoline fueling equipment at a single location including stationary gasoline storage tanks, dispensers, and vapor recovery systems shall be assessed a permit renewal fee in accordance with the following schedule:

<b>Type of Gasoline Nozzles</b>	<b>Initial Permit Fee</b>	<b>Permit Renewal Fee</b>
Gasoline dispensing equipment with phase I and phase II vapor recovery system	\$1101	\$551
Gasoline dispensing equipment that is exempt from phase II vapor recovery system	\$551	\$275

Notwithstanding Section 307.1, standby and emergency equipment may be included in this schedule.

307.6 **SCHEDULE AG5, TIME AND MATERIALS LABOR RATE:** The rate for time and materials shall be \$123 per hour.

308 **PERMIT GRANTED BY HEARING BOARD:** Permits granted by the Hearing Board after denial by the Air Pollution Control Officer are subject to this Rule.

309 **SOURCE TEST OBSERVATION AND REPORT EVALUATION:** A fee of \$1178 will be charged against the owner or operator of an agricultural emissions unit whenever the Air Pollution Control Officer finds that a source test is required and must be observed and the report evaluated by district personnel to determine the actual emissions from the emission unit for the purpose of issuing or renewing a permit. When multiple source tests are performed and the results submitted in one consolidated report, the source test fee of \$1178 shall apply to the first 10 hours of District work. Each additional hour or portion thereof required for reviewing the source test shall be charged the time and materials labor rate established in Section 307.6.

310 **ANALYSIS FEES:** Whenever the Air Pollution Control Officer finds that an analysis of the emissions from any agricultural emissions unit is necessary to determine the extent and amount of pollutants being discharged into the atmosphere which cannot be determined by visual observation, he may collect and analyze emissions samples. The cost of collecting samples, making the analysis and preparing the necessary reports shall be charged against the owner or operator of said source. The Air Pollution Control Officer shall provide the applicant with an estimate of the actual cost of such work. The applicant may request a conference with the Air Pollution Control Officer to review the cost estimate. The applicant may provide additional information that would reduce the time spent by the Air Pollution Control Officer in performing an analysis of the emission from the source. The Air Pollution Control Officer's cost estimate shall be reduced accordingly.

311 **REINSPECTION FEE:** If, during an inspection for the purpose of issuing (1) a permit, or (2) renewal of a permit, an agricultural emission unit operation cannot be evaluated or approved due to circumstances beyond the control of the Air Quality Management District, the owner/operator shall pay the actual cost of a reinspection. The fee for the reinspection shall be assessed in accordance with the hourly rate established in Section 307.6.

312 **LARGE CONFINED ANIMAL FACILITY EMISSION MITIGATION PLAN UPDATE FEE:** The fee for evaluation of the emission mitigation plan update as required by Rule 496, LARGE CONFINED ANIMAL FACILITIES, shall be based on the actual hours spent by the District staff in evaluating and processing the update. The fee shall be assessed in accordance with the hourly rate established in Section 307.6.

313 **PUBLIC NOTIFICATION FEE:** In addition to the fees required pursuant to Sections 307 or 312, if the permit modification or plan update requires public notification pursuant to Rule 215, AGRICULTURAL PERMIT REQUIREMENTS AND NEW AGRICULTURAL PERMIT REVIEW or Rule 496, LARGE CONFINED ANIMAL FACILITIES then the applicant shall pay for the cost of publishing the notice.

#### 400 **ADMINISTRATIVE REQUIREMENTS**

401 **NOTIFICATION OF INITIAL PERMIT FEE OR PERMIT RENEWAL FEE DUE:** After the provisions for granting permits as set forth in Division 26 of the Health and Safety Code and these rules and regulations have been complied with or on the renewal date of a permit, the applicant/permittee will be notified by 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 by one half the amount and the applicant/permittee shall be notified by 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. A canceled application/permit may be reinstated by payment of the applicable permit fee plus fee increases.

- 402     **CONSUMER PRICE INDEXING OF FEES:** Permit fees may be adjusted on an annual basis. If the Air Pollution Control Officer anticipates the need for a change, 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). The rate change must be noticed as part of the proposed and final budgets. 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.
- 402     **NEGOTIATED PAYMENT SCHEDULE:** If a permittee certifies to the Air Pollution Control Officer's satisfaction through declaration that payment in full of the permit fee(s) would result in undue financial hardship, the District 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. Failure to make any payments by any negotiated due date may result in penalties as otherwise authorized in this rule and/or cancellation of the permit.

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