

SAN JOAQUIN VALLEY UNIFIED AIR POLLUTION CONTROL DISTRICT

RULE 3170 -- FEDERALLY MANDATED OZONE NONATTAINMENT FEE

(Adopted May 16, 2002.)

1.0 Purpose

The purpose of this rule is to satisfy requirements specified in Section 185 and Section 182(f) of the federal Clean Air Act.

2.0 Applicability

This rule applies to major sources of NO_x and VOC. The fees required pursuant to this section shall be in addition to the permit fees and other fees required under other Rules and Regulations. This rule shall cease to be effective when the Administrator of the U. S. EPA designates the San Joaquin Valley Air Basin (SJVAB) to be in attainment of the federal one-hour standard for ozone.

3.0 Definitions

3.1 Attainment Year: the year that the SJVAB is mandated to reach attainment of the federal one-hour ozone standard. Under the severe area designation, the attainment year is 2005. Under the extreme area designation, the attainment year is 2010.

3.2 Baseline Period: for each major source, the Baseline Period shall be one of the following periods:

3.2.1 The two consecutive calendar years consisting of the attainment year and the year immediately prior to attainment year; or

3.2.2 At least two consecutive calendar years within the five years immediately prior to the end of the attainment year, if those years are determined by the APCO as more representative of normal source operation.

3.3 Extension Year: as defined in Section 181 (a) (5) of the federal Clean Air Act.

3.4 Major Source: as defined in Rule 2201 (New and Modified Stationary Source Review Rule)

3.5 NO_x: any nitrogen oxide compounds.

3.6 Clean Emissions Unit: an emissions unit that meets one of the following criteria:

3.6.1 The unit is equipped with an emissions control technology with a minimum control efficiency of at least 95% (or at least 85% for lean-burn, internal combustion engines); or

3.6.2 The unit is equipped with emission control technology that meets the requirements for achieved-in-practice Best Available Control Technology as accepted by the APCO during the five years immediately prior to end of the Attainment Year.

3.7 VOC: as defined in Rule 1020 (Definitions).

4.0 Exemptions

4.1 No major source shall be required to pay fees required by this rule for emissions that occur during any Extension Year granted by the U. S. EPA Administrator according to Section 181(a)(5) of the federal Clean Air Act.

4.2 Any emission unit that begins initial operation after the attainment year shall not be subject to the requirements of this rule.

4.3 Any clean emission unit shall not be subject to the requirements of this rule.

5.0 Fee Requirements

5.1 For each pollutant, each major source will be assessed an annual fee payable to the District. The fee shall be calculated as follows, in accordance with Section 185 (b) of the federal Clean Air Act.

$$\text{Fee (in \$)} = [A - (0.8 \times B)] \times C$$

Where:

A = The total amount of VOC or NO_x emissions actually emitted during the applicable fee assessment year, in tons per year.

B = The actual average annual emissions of VOC or NO_x during the baseline period, or the average annual emissions allowed by the facility's permit during the baseline period, whichever is lower, in tons per year.

C = The fee rate of \$5,000 per ton of pollutant, adjusted by the U.S. City Average Consumer Price Index for all-urban consumers, in accordance with Section 502(b)(3)(B)(v) of the federal Clean Air Act.

5.2 In the equation in section 5.1, if A is less than or equal to 80% of B, the fee shall be set to zero.

5.3 By May 1 of the second year after the attainment year and each May 1 thereafter,

the APCO shall assess a fee on each agency or person subject to this rule for emissions in the previous calendar year. The assessed fee shall be calculated in accordance with Section 5.1.

- 5.2 By June 30 of the second year after the attainment year and each June 30 thereafter, each agency or person shall remit the assessed fee to the District.
- 5.3 If all fees due have not been paid by June 30, the fee shall be increased by 50% and the APCO shall thereupon promptly notify the applicant by mail of the increased fees, which is due by July 30. Nonpayment of the fee and penalty fees by July 30 may result in suspension of the facility's Permit(s) to Operate.

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