

State of California
AIR RESOURCES BOARD

Notice of Availability of Modified Text
and Supporting Documents and Information

PUBLIC HEARING TO CONSIDER THE ADOPTION OF REGULATIONS REGARDING
THE ATMOSPHERIC ACIDITY PROTECTION PROGRAM FEES

Public Hearing Date: April 8, 1993
Public Availability Date: April 26, 1993
Deadline for Public Comment: May 10, 1993

At its April 8, 1993 public hearing, the Air Resources Board (the "Board") considered adoption of a new section 90621.4 and a conforming amendment to section 90622, Title 17, California Code of Regulations (CCR), requiring local and unified air pollution control districts and air quality management districts to collect permit fees from nonvehicular sources which emit 500 tons per year or more of oxides of nitrogen or oxides of sulfur. The fees, which are to be remitted to the Board, are necessary to cover the costs to the Board of implementing the the Atmospheric Acidity Protection Program (Stats. 1988, c. 1518). The proposed regulatory action is described in detail in the Staff Report, released on February 19, 1993.

At the hearing the Board approved adoption of new section 90621.4. The Board approved modifications to the proposed regulations which were based on new information received since the staff report was published on February 19, 1993. These modifications included a recalculation of the fee rate due to emission changes reported by districts. In recalculating the fees, the fee rate of \$8.03 per ton shown in the staff report was changed to \$8.17 per ton, and the total amount of fees to be remitted to the Board by the affected districts was adjusted to reflect the new fee rate.

Attached is a copy of the Board Resolution 93-22 approving adoption of new section 90621.4, as modified. Attachment A to the resolution contains the approved regulations with additions to the originally proposed text shown by double underline. Deletions to the originally proposed text as a result of modifications are shown by slashes. Also attached to this notice is a revision to Table 1 and Attachment D of the staff report. Table 1 is a summary of the emission and fee amounts for each district in the fee program. Attachment D is a list of affected facilities and the emissions that are subject to the fees. The revised versions reflect the final emission data reported by the districts, including data reported by districts after January 29, 1993.

In accordance with section 11346.8 of the Government Code, the Board directed the Executive Officer to adopt new section 90621.4, Title 17, CCR, as approved, after making them available to the public for comment for a period of at least 15 days, provided that the Executive Officer shall consider such written comments as may be submitted during this period, shall make such modifications as may be appropriate in light of the comments received, and shall present the regulations to the Board for further consideration if he determines that this is warranted.

Comments must be submitted to the Board Secretary, Air Resources Board, P.O. Box 2815, Sacramento, California 95812, no later than May 10, 1993, for consideration by the Executive Office prior to final action. Only comments relating to the above-described modifications of the regulations and supporting documents will be considered by the Executive Officer.

Attachments

State of California
AIR RESOURCES BOARD

Resolution 93-22

April 8, 1993

Agenda Item No.: 93-6-2

WHEREAS, sections 39600 and 39601 of the Health and Safety Code authorize the Air Resources Board (the "Board") to adopt standards, rules and regulations and to do such acts as may be necessary for the proper execution of the powers and duties granted to and imposed upon the Board by law;

WHEREAS, in the Atmospheric Acidity Protection Act of 1988 (Stats. 1988, ch. 1518, Health and Safety Code sections 39900-39911), the Legislature declared that the deposition of atmospheric acidity resulting from other than natural sources is occurring in various regions in California, and that the continued deposition of this acidity, alone or in combination with other man-made pollutants and naturally occurring phenomena, could have potentially significant adverse effects on public health, the environment and the economy;

WHEREAS, in section 39904 of the Health and Safety Code, the Legislature directed the Board to adopt and implement the Atmospheric Acidity Protection Act program to determine the nature and extent of potential damage to public health and the State's ecosystems which may be expected to result from atmospheric acidity, and to develop measures which may be needed for the protection of public health and sensitive ecosystems within the State;

WHEREAS, section 39906 of the the Health and Safety Code authorizes the Board to require local air pollution control districts and air quality management districts ("districts") to impose additional permit and variance fees on nonvehicular sources which emit 500 tons or more per year of sulfur oxides or nitrogen oxides to recover the costs of the acid deposition research and monitoring program which is required to provide districts and the Board with the necessary basis for evaluating the public health and environmental impact of the emissions of acid deposition precursors from large nonvehicular sources and for determining the feasibility and cost of control measures and air quality management strategies to mitigate the efforts of those emissions;

WHEREAS, the Air Resources Board staff, in consultation with representatives of the local districts and affected industries, has developed the proposed fee regulations for Fiscal Year 1993-94;

WHEREAS, in accordance with Health and Safety Code section 39909, the proposed fee regulations have been designed to provide the Board net revenues in Fiscal Year 1993-94 in an amount which is the lesser of one million five hundred thousand dollars (\$1,500,000) or the amount appropriated from state funds for the acid deposition research and monitoring program by the Legislature;

WHEREAS, the proposed fee regulations specify by district the amount to be transmitted to the Board for deposit in the Air Pollution Control Fund in Fiscal Year 1993-94 and authorize each district to assess additional fees to recover the administrative costs of collecting the fees;

WHEREAS, the proposed emissions fee regulations are based on the most current annual emissions data available from the districts, which are for the calendar year 1991;

WHEREAS, the California Environmental Quality Act and Board regulations require that no project which may have significant adverse environmental impacts be adopted as originally proposed if feasible alternatives or mitigation measures are available to reduce or eliminate such impacts;

WHEREAS, a public hearing and other administrative proceedings have been held in accordance with the provisions of Chapter 3.5 (commencing with section 11340), Part 1, Division 3, Title 2 of the Government Code;

WHEREAS, the Board finds that:

The funds to be collected pursuant to the proposed fee regulations are needed to implement the acid deposition research and monitoring program established pursuant to the Atmospheric Acidity Protection Act;

The proposed regulations eliminate the carry-over of funding from preceding fiscal years to subsequent fiscal years since this is the fifth and final year that funds may be collected;

The proposed regulations are based on the most recent data available for annual emissions of sulfur oxides or nitrogen oxides from permitted sources emitting 500 tons or more per year of either pollutant;

The proposed fee regulations will not have a significant adverse economic impact on affected sources of sulfur oxides or nitrogen oxides, on other businesses or private persons affected, or on the districts, which are authorized to recover their administrative costs of collecting the fees; and

WHEREAS, the Board has determined, pursuant to the requirements of the California Environmental Quality Act and Air Resources Board regulations, that this regulatory action will have no significant adverse impact on the environment.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby approves section 90621.4, Title 17, California Code of Regulations, as set forth in Attachment A.

BE IT FURTHER RESOLVED that the Board directs the Executive Officer to adopt section, 90621.4, Title 17, California Code of Regulations, after making them available to the public for a period of 15 days, provided that the Executive Officer shall consider such written comments as may be submitted during this period, shall make modifications as may be appropriate in light of the comments received, and shall present the regulations to the Board for further consideration if he determines that this is warranted.

BE IT FURTHER RESOLVED that the Board directs the Executive Officer to forward the attached regulations to the affected districts for appropriate action, and to the Department of Finance, the Legislative Analyst, and the State Controller, for information and for appropriate action.

I hereby certify that the above is a true and correct copy of Resolution 93-22, as adopted by the Air Resources Board.

Pat Hutchens
Pat Hutchens, Board Secretary

ATTACHMENT A

Proposed Regulations

Adopt new Section 90621.4 and amend section 90622, Article 1, Subchapter 3.6, Chapter 1, Part III, Title 17, California Code of Regulations, to read as follows:

Article 1. Fee Requirements to be implemented by
Air Pollution Control Districts and Air Quality Management
Districts for the Atmospheric Acidity Protection Act Program

90620. General Requirements.

To provide revenue for the Atmospheric Acidity Protection Act program, each district identified in this article shall adopt regulations, which provide for collection of fees as required by this article.

Note: Authority cited: Sections 39600, 39601, 39904, and 39906, Health and Safety Code. Reference: Sections 39002, 39500, 39600, and 39904-39910, Health and Safety Code.

90621. Fee Requirements for Fiscal Year 1989-90.

(a) No later than 180 days after effective date of sections 90620-90623, each district specified in this section shall transmit the amount specified below to the state board. The fees shall be collected from the holders of permits for sources which emitted 500 tons per year or more of either sulfur oxides or nitrogen oxides from January 1, 1987 through December 31, 1987. The fees collected shall be in addition to permit and other fees already authorized to be collected from such sources. The fees shall not exceed eight dollars twenty-eight cents (\$8.28) per ton of sulfur oxides or nitrogen oxides emitted. With respect to sources identified on or before June 9, 1989, as having emitted 500 tons per year or more of sulfur oxides or nitrogen oxides during the period from January 1, 1987 through December 31, 1987, the amount of emissions as determined by the executive officer of the state board on June 9, 1989 shall be used to determine compliance with this limitation and with the fee requirements of this subsection.

(1) Bay Area Air Quality Management District: three hundred seventy-nine thousand nine hundred three dollars (\$379,903);

(2) Fresno County Air Pollution Control District: twenty-eight thousand five hundred eight dollars (\$28,508);

(3) Kern County Air Pollution Control District: three hundred seventy thousand six hundred forty-six dollars (\$370,646);

(4) Kings County Air Pollution Control District: five thousand two hundred fifty-eight dollars (\$5,258);

(5) Monterey Bay Unified Air Pollution Control District: sixty-three thousand seven hundred fifteen dollars (\$63,715);

(6) North Coast Unified Air Quality Management District: twenty-six thousand four hundred sixty-three dollars (\$26,463);

- (7) San Bernardino County Air Pollution Control District: one hundred sixty-seven thousand two hundred fifteen dollars (\$167,215);
- (8) San Diego County Air Pollution Control District: twenty-eight thousand eight hundred seventy-two dollars (\$28,872);
- (9) San Joaquin County Air Pollution Control District: twenty-seven thousand seven hundred twenty-one dollars (\$27,721);
- (10) San Luis Obispo County Air Pollution Control District: seventy-four thousand four hundred seventy-nine dollars (\$74,479);
- (11) Santa Barbara County Air Pollution Control District: sixteen thousand five hundred eighty-five dollars (\$16,585);
- (12) Shasta County Air Pollution Control District: eleven thousand six hundred forty-two dollars (\$11,642);
- (13) South Coast Air Quality Management District: four hundred thousand six hundred sixty-one dollars (\$400,661);
- (14) Stanislaus County Air Pollution Control District: eight thousand one hundred thirty-nine dollars (\$8,139); and
- (15) Ventura County Air Pollution Control District: forty thousand six hundred sixty-three dollars (\$40,663).

(b) In addition to the fees specified in subsection (a) above, a district shall, for any source identified after June 9, 1989 as having emitted 500 tons per year or more of sulfur oxides or nitrogen oxides during the period from January 1, 1987 through December 31, 1987, transmit to the state board eight dollars twenty-eight cents (\$8.28) per ton of such pollutant.

Note: Authority cited: Sections 39600, 39601, 39904 and 39906, Health and Safety Code. Reference: Sections 39002, 39500, 39600, and 39904-39910, Health and Safety Code.

90621.1 Fee Requirements for Fiscal Year 1990-91.

(a) No later than 180 days after the operative date of this section, each district identified in this section shall transmit the amount specified below to the state board. The fees shall be collected from the holders of permits for sources which emitted 500 tons per year or more of either sulfur oxides or nitrogen oxides from January 1, 1988 through December 31, 1988. The fees collected shall be in addition to permit and other fees already authorized to be collected from such sources. The fee to be charged shall be seven dollars and seventy-six cents (\$7.76) per ton of sulfur oxides or nitrogen oxides emitted for the pollutant or pollutants emitted at the 500 ton per year or more level. With respect to sources identified by the state board on or before March 5, 1990, as having emitted 500 tons per year or more of sulfur oxides or nitrogen oxides during the period from January 1, 1988 through December 31, 1988, the amount of emissions as determined by the executive officer of the state board on November 28, 1990 shall be used to determine compliance with the fee requirements of this subsection.

- (1) Bay Area Air Quality Management District: four hundred fifteen thousand nine hundred thirty-six dollars (\$415,936);
- (2) Fresno County Air Pollution Control District: twenty-nine thousand three hundred forty-one dollars (\$29,341);

- (3) Imperial County Air Pollution Control District: six thousand two hundred sixty-two dollars (\$6,262);
- (4) Kern County Air Pollution Control District: three hundred thirty-three thousand two hundred sixty-nine dollars (\$333,269);
- (5) Kings County Air Pollution Control District: five thousand two hundred eighty-five dollars (\$5,285);
- (6) Monterey Bay Unified Air Pollution Control District: ninety-two thousand three hundred seventy-five dollars (\$92,375);
- (7) North Coast Unified Air Quality Management District: twenty-seven thousand nine hundred thirty-six dollars (\$27,936);
- (8) Sacramento Metropolitan Air Quality Management District: four thousand three hundred twenty-two dollars (\$4,322);
- (9) San Bernardino County Air Pollution Control District: two hundred two thousand three hundred eighty-nine dollars (\$202,389);
- (10) San Diego County Air Pollution Control District: forty-two thousand nine hundred ninety-eight dollars (\$42,998);
- (11) San Joaquin County Air Pollution Control District: twenty-nine thousand six hundred seventy-four dollars (\$29,674);
- (12) San Luis Obispo County Air Pollution Control District: eighty-eight thousand one hundred fifteen dollars (\$88,115);
- (13) Santa Barbara County Air Pollution Control District: eleven thousand four hundred thirty dollars (\$11,430);
- (14) Shasta County Air Pollution Control District: ten thousand six hundred eighty-six dollars (\$10,686);
- (15) South Coast Air Quality Management District: three hundred seven thousand one hundred eighty-seven dollars (\$307,187);
- (16) Stanislaus County Air Pollution Control District: eight thousand seven hundred sixty-nine dollars (\$8,769); and
- (17) Ventura County Air Pollution Control District: thirty-four thousand three hundred seventy-seven dollars (\$34,377).

(b) In addition to the fees specified in subsection (a) above, a district shall, for any source identified after November 28, 1990 as having emitted 500 tons per year or more of sulfur oxides or nitrogen oxides during the period from January 1, 1988 through December 31, 1988, transmit to the state board seven dollars seventy-six cents (\$7.76) per ton of such pollutant.

Note: Authority cited: Sections 39600, 39601, 39904 and 39906, Health and Safety Code. Reference: Sections 39002, 39500, 39600, and 39904-39910, Health and Safety Code.

90621.2 Fee Requirements for Fiscal Year 1991-92.

(a) No later than 180 days after the operative date of this section, each district identified in this section shall transmit the amount specified below to the state board. The fees shall be collected from the holders of permits for sources which emitted 500 tons per year or more of either sulfur oxides or nitrogen oxides from January 1, 1989 through December 31, 1989. The fees collected shall be in addition to permit and other fees already authorized to be collected from such sources. The fee to be charged shall be seven dollars and eighteen cents (\$7.18) per ton of sulfur oxides or nitrogen oxides emitted for the pollutant or pollutants emitted at the 500 ton per

year or more level. With respect to sources identified by the state board on or before January 31, 1991, as having emitted 500 tons per year or more of sulfur oxides or nitrogen oxides during the period from January 1, 1989 through December 31, 1989, the amount of emissions as determined by the executive officer of the state board on April 11, 1991 shall be used to determine compliance with the fee requirements of this subsection.

- (1) Bay Area Air Quality Management District: three hundred eighty-three thousand seven hundred seventy-one dollars (\$383,771);
- (2) Imperial County Air Pollution Control District: nine thousand fifty-four dollars (\$9,054);
- (3) Kern County Air Pollution Control District (SEDAB); forty-two thousand five hundred thirteen dollars (\$42,513);
- (4) Monterey Bay Unified Air Pollution Control District: seventy-four thousand six hundred seventy-three dollars (\$74,673);
- (5) North Coast Unified Air Quality Management District: twenty-one thousand eighty-one dollars (\$21,081);
- (6) Sacramento Metropolitan Air Quality Management District: three thousand seven hundred thirty-four dollars (\$3,734);
- (7) San Bernardino County Air Pollution Control District: one hundred eighty thousand seven hundred twenty-nine (\$180,729);
- (8) San Diego County Air Pollution Control District: forty-five thousand two hundred thirty-five (\$45,235);
- (9) San Joaquin Valley Unified Air Pollution Control District:

~~Fresno County Zone: forty-six thousand five hundred forty-one dollars (\$46,541);~~

~~Kern County Zone: two hundred sixteen thousand two hundred eleven dollars (\$216,211);~~

~~Kings County Zone: six thousand one hundred thirty-two dollars (\$6,132);~~

~~Madera County Zone: five thousand three hundred thirteen dollars (\$5,313);~~

~~San Joaquin County Zone: twenty-four thousand one hundred forty-seven dollars (\$24,147);~~

~~Stanislaus County Zone: eight thousand five hundred sixty-six dollars (\$8,566);~~

- (10) San Luis Obispo County Air Pollution Control District: seventy-six thousand seven hundred thirty-nine dollars (\$76,739);
- (11) Santa Barbara County Air Pollution Control District: ten thousand three hundred three dollars (\$10,303);
- (12) Shasta County Air Pollution Control District: four thousand eight hundred twenty-five dollars (\$4,825);
- (13) South Coast Air Quality Management District: three hundred twelve thousand five hundred eighty-two (\$312,582); and
- (14) Ventura County Air Pollution Control District: twenty-seven thousand four hundred twenty dollars (\$27,420);

(b) In addition to the fees specified in subsection (a) above, a district shall, for any source identified after January 31, 1991 as having emitted 500 tons per year or more of sulfur oxides or nitrogen oxides during the period from January 1, 1989 through December 31, 1989, transmit to the

state board seven dollars and eighteen cents (\$7.18) per ton of such pollutant.

Note: Authority cited: Sections 39600, 39601, 39904 and 39906, Health and Safety Code. Reference: Sections 39002, 39500, 39600, and 39904-39910, Health and Safety Code.

90621.3 Fee Requirements for Fiscal Year 1992-93.

(a) No later than 180 days after the operative date of this section, each district identified in this section shall transmit the amount specified below to the state board. The fees shall be collected from the holders of permits for sources which emitted 500 tons per year or more of either sulfur oxides or nitrogen oxides from January 1, 1990 through December 31, 1990. The fees collected shall be in addition to permit and other fees already authorized to be collected from such sources. The fee to be charged shall be eight dollars and twenty-three cents (\$8.23) per ton of sulfur oxides or nitrogen oxides emitted for the pollutant or pollutants emitted at the 500 ton per year or more level. With respect to sources identified by the state board on or before April 9, 1992, as having emitted 500 tons per year or more of sulfur oxides or nitrogen oxides during the period from January 1, 1990 through December 31, 1990, the amount of emissions as determined by the executive officer of the state board on April 9, 1992 shall be used to determine compliance with the fee requirements of this subsection.

- (1) Bay Area Air Quality Management District: three hundred ninety-seven thousand fifty-seven dollars (\$397,057);
- (2) Imperial County Air Pollution Control District: sixteen thousand nine hundred four dollars (\$16,904);
- (3) Kern County Air Pollution Control District (SEDAB): fifty-nine thousand seventy-four dollars (\$59,074);
- (4) Monterey Bay Unified Air Pollution Control District: seventy-five thousand six hundred eighteen dollars (\$75,618);
- (5) North Coast Unified Air Quality Management District: seventeen thousand two hundred forty-two dollars (\$17,242);
- (6) San Bernardino County Air Pollution Control District: two hundred ten thousand sixty-four dollars (\$210,064);
- (7) San Diego County Air Pollution Control District: thirty-six thousand nine hundred four dollars (\$36,904);
- (8) San Joaquin Valley Unified Air Pollution Control District:
 - Fresno County Zone: Fifty-one thousand nine hundred ninety dollars (\$51,990);
 - Kern County Zone: two hundred forty-nine thousand two hundred eighty-six dollars (\$249,286);
 - Kings County Zone: ten thousand one hundred ninety-seven dollars (\$10,197);
 - Madera County Zone: six thousand seven hundred forty-nine dollars (\$6,749);
 - San Joaquin County Zone: twenty-four thousand eight hundred sixty-three dollars (\$24,863);
 - Stanislaus County Zone: eight thousand ninety dollars (\$8,090).
- (9) San Luis Obispo County Air Pollution Control District: seventy-one thousand five hundred thirty-five dollars (\$71,535);

(10) South Coast Air Quality Management District: two hundred forty-three thousand seven hundred sixty-three dollars (\$243,763); and

(11) Ventura County Air Pollution Control District: seventeen thousand six hundred twenty-one dollars (\$17,621).

(b) In addition to the fees specified in subsection (a) above, a district shall, for any source identified after April 9, 1992 as having emitted 500 tons per year or more of sulfur oxides or nitrogen oxides during the period from January 1, 1990 through December 31, 1990, transmit to the state board eight dollars and twenty-three cents (\$8.23) per ton of such pollutant.

Note: Authority cited: Sections 39600, 39601, 39904 and 39906, Health and Safety Code. Reference: Sections 39002, 39500, 39600, and 39904-39910, Health and Safety Code.

90621.4 Fee Requirements for Fiscal Year 1993-94.

(a) No later than 180 days after the operative date of this section, each district identified in this section shall transmit the amount specified below to the state board. The fees shall be collected from the holders of permits for sources which emitted 500 tons per year or more of either sulfur oxides or nitrogen oxides from January 1, 1991 through December 31, 1991. The fees collected shall be in addition to permit and other fees already authorized to be collected from such sources. The fee to be charged shall be ~~eight dollars and three cents (\$8.03)~~ eight dollars and seventeen cents (\$8.17) per ton of sulfur oxides or nitrogen oxides emitted for the pollutant or pollutants emitted at the 500 ton per year or more level. With respect to sources identified by the state board on or before April 8, 1993, as having emitted 500 tons per year or more of sulfur oxides or nitrogen oxides during the period from January 1, 1991 through December 31, 1991, the amount of emissions as determined by the executive officer of the state board on April 8, 1993 shall be used to determine compliance with the fee requirements of this subsection.

(1) Bay Area Air Quality Management District: ~~three hundred eighty/six thousand six hundred eighty/four dollars (\$386,684)~~ three hundred ninty-three thousand four hundred twenty-six dollars (\$393,426):

(2) Imperial County Air Pollution Control District: ~~ten thousand four hundred thirty/one dollars (\$10,431)~~ ten thousand six hundred thirteen dollars (\$10,613):

(3) Kern County Air Pollution Control District (SEDAB): ~~thirty/five thousand eight hundred forty/six dollars (\$35,846)~~ thirty-six thousand four hundred seventy-one dollars (\$36,471):

(4) Monterey Bay Unified Air Pollution Control District: ~~forty/eight thousand thousand three dollars (\$48,003)~~ forty-eight thousand eight hundred forty dollars (\$48,840)

(5) North Coast Unified Air Quality Management District: ~~eight thousand three hundred forty/four dollars (\$8,344)~~ four thousand two hundred sixty-five dollars (\$4,265):

(6) San Bernardino County Air Pollution Control District: ~~one hundred eighty-two thousand eight hundred forty/two dollars (\$182,842)~~ one hundred eighty-six thousand thirty-one dollars (\$186,031):

(7) San Diego County Air Pollution Control District: twenty/six thousand two hundred seventy/four dollars (\$26,274) twenty-six thousand seven hundred thirty-two dollars (\$26,732);

(8) San Joaquin Valley Unified Air Pollution Control District: two hundred ninety thousand four hundred six dollars (\$290,406) two hundred eighty-four thousand one hundred thirty-seven dollars (\$284,137);

(9) San Luis Obispo County Air Pollution Control District: sixty thousand four hundred forty/one dollars (\$60,441) sixty-one thousand four hundred ninety-six dollars (\$61,496);

(10) South Coast Air Quality Management District: two hundred seven thousand one hundred eighty/three dollars (\$207,183) two hundred four thousand one hundred sixty-seven dollars (\$204,167); and

(11) Ventura County Air Pollution Control District: twelve thousand one hundred ninety/eight dollars (\$12,198) twelve thousand four hundred ten dollars (\$12,410).

(b) In addition to the fees specified in subsection (a) above, a district shall, for any source identified after April 8, 1993 as having emitted 500 tons per year or more of sulfur oxides or nitrogen oxides during the period from January 1, 1991 through December 31, 1991, transmit to the state board eight dollars and three cents (\$8.03) eight dollars and seventeen cents (\$8.17) per ton of such pollutant.

Note: Authority cited: Sections 39600, 39601, 39904 and 39906, Health and Safety Code. Reference: Sections 39002, 39500, 39600, and 39904-39910, Health and Safety Code.

90622. Fee Payment and Collection.

(a) To pay for the administrative costs of collecting the fees required by this article, each district may collect additional fees in an amount equal to the costs incurred by the district in establishing the program, and collecting and transmitting the fees. These fees to cover districts' administrative costs shall be in addition to the fees collected by each district for transmittal to the state board as specified in this article. Each district shall submit to the state board, within 30 days of request, documentation to substantiate such administrative costs.

(b) Each district shall submit to the state board, within 30 days of request, information relating to the assessed total tons of nitrogen oxides and sulfur oxides, the amount of fees per pollutant from each major nonvehicular source, and the additional fees charged by the district as its administrative costs.

(c) Each district shall notify and assess the operator of each facility subject to the permit fees, as provided for in these regulations, in writing of the fee due. The fee shall be past due 60 days after receipt by the operator of the fee assessment notice.

(d) Each district shall assess an additional fee, to be paid to the district, on operators failing to pay the fee within 60 days of receipt of the fee assessment notice. The district shall set the late fee in an amount sufficient to pay the district's additional expenses incurred by the operator's untimely payment.

(e) Any fees submitted to the state which exceed costs to the state of additional state programs authorized or required by the Atmospheric Acidity Protection Act related to nonvehicular sources, shall be carried over by the state for expenditure for these purposes.

Note: Authority cited: Sections 39600, 39601, 39904 and 39906, Health and Safety Code. Reference: Sections 39002, 39500, 39600, and 39904-39910, Health and Safety Code.

90623. Exemption.

In the event that any district is unable to collect the acid deposition fees assessed pursuant to district rules and regulations from any source due to circumstances beyond the control of the district, including but not limited to plant closure or refusal of the source owner or operator to pay despite permit revocation and/or other enforcement action, such district shall notify the executive officer of the state board, and for demonstrated good cause may be relieved, on a prorated basis, from that portion of the fee collection requirement for the district, as set forth in this article.

~~Nothing herein shall relieve the owner or operator from any legal obligation to pay any fees assessed pursuant to district rules and regulations.~~

Note: Authority cited: Sections 39600, 39601, 39904 and 39906, Health and Safety Code. Reference: Sections 39002, 39500, 39600, and 39904-39910, Health and Safety Code.

TABLE I
 ATMOSPHERIC ACIDITY PROTECTION ACT
 EMISSIONS FEES FOR 1993-94
 1991 EMISSIONS FROM SOURCES EMITTING
 500 TONS OR MORE PER YEAR
 OF SULFUR OXIDES OR NITROGEN OXIDES

<u>DISTRICT</u>	<u>NO. OF SOURCES</u>	<u>EMISSIONS (TONS PER YEAR)</u>			<u>PROPOSED FEES ^{1/} (\$)</u>
		<u>SOx</u>	<u>NOx</u>	<u>Total</u>	
Bay Area	14	16,791	31,364	48,155	<u>393,426</u>
Imperial	2	-0-	1,299	1,299	<u>10,613</u>
Kern (SEDAB)	4	-0-	4,464	4,464	<u>36,471</u>
Monterey	3	-0-	5,978	5,978	<u>48,840</u>
North Coast	<u>1</u>	-0-	<u>522</u>	<u>522</u>	<u>4,265</u>
San Bernardino	11	-0-	22,770	22,770	<u>186,031</u>
San Diego	2	-0-	3,272	3,272	<u>26,732</u>
San Joaquin Unified	<u>21</u>	<u>4,883</u>	<u>29,895</u>	<u>34,778</u>	<u>284,137</u>
San Luis Obispo	3	4,088	3,439	7,527	<u>61,496</u>
South Coast	<u>14</u>	<u>5,342</u>	<u>19,648</u>	<u>24,990</u>	<u>204,167</u>
Ventura	2	-0-	1,519	1,519	<u>12,410</u>
TOTAL	<u>77</u>	<u>31,104</u>	<u>124,170</u>	<u>155,274</u>	<u>1,268,588^{2/}</u>

^{1/} Fee rate = \$8.17 per ton

^{2/} This amount is slightly less than \$1,269,000 (\$1,500,000 - \$231,000*) because of rounding of dollars.

* Carry-over revenues from previous collections

April 8, 1993

ATTACHMENT D

APRIL 8, 1993

EMISSIONS OF NONATTAINMENT
POLLUTANTS OR PRECURSORS
TONS PER YEAR IN 1991

DISTRICT	FACILITY NAME	ROG	NOx	SOx	PM10	CO
BAY AREA	OWENS-BROCKWAY GLASS FACILITY ID 30 OAKLAND		870			
	NEW UNITED MOTOR MANUFACTURING FACILITY ID 1438 FREMONT	1230				
	CHEVRON USA, INC. FACILITY ID 10 RICHMOND	3920	3910	1150		
	SHELL OIL CO. FACILITY ID 11 MARTINEZ	2040	5038	2321		
	PG & E FACILITY ID 12 PITTSBURG		4594			
	TOSCO CORP. FACILITY ID 13 MARTINEZ	2670	3590	5380		
	UNOCAL CORP. FACILITY ID 16 RODEO	990	1640	670		
	PG & E FACILITY ID 18 ANTIOCH		2608			
	UNION CHEMICALS FACILITY ID 22 RODEO		614	1650		

EMISSIONS OF NONATTAINMENT
 POLLUTANTS OR PRECURSORS
 TONS PER YEAR IN 1991

DISTRICT	FACILITY NAME	ROG	NOX	SOX	PM10	CO
BAY AREA (CONT.)	DOW CHEMICAL CO. FACILITY ID 31 PITTSBURG		784			
	GAYLORD CONTAINER CORP. FACILITY ID 3257 ANTIOCH		561			
	PG & E, EVANS AVE. FACILITY ID 24 SAN FRANCISCO		1147			
	PG & E, ILLINOIS ST. FACILITY ID 26 SAN FRANCISCO		1234			
	KAISER CEMENT & GYPSUM FACILITY ID 17 CUPERTINO		1614			
	EXXON CORP. FACILITY ID 15 BENICIA	1330	3160	5620		
TOTAL BAY AREA		12180	31364	16791		

EMISSIONS OF NONATTAINMENT
POLLUTANTS OR PRECURSORS
TONS PER YEAR IN 1991

DISTRICT	FACILITY NAME	ROG	NOx	SOx	PM10	CO
IMPERIAL	IMPERIAL IRRIG. DIST. FACILITY ID 15 EL CENTRO		690			
	GOLD FIELDS CO. MESQUITE FACILITY ID 46 BRAWLEY		609		720	
			1299		720	
TOTAL IMPERIAL						

EMISSIONS OF NONATTAINMENT
POLLUTANTS OR PRECURSORS
TONS PER YEAR IN 1991

DISTRICT	FACILITY NAME	ROG	NOx	SOx	PM10	CO
KERN (SEDAB)	CAL PORTLAND CEMENT FACILITY ID 9 MOJAVE		1452		1700	
	CALAVERAS CEMENT CO. FACILITY ID 20 MONOLITH		706		1125	
	NATIONAL CEMENT CO. FACILITY ID 21 LEBEC		1349		1661	
	U.S. BOROX FACILITY ID 28 BORON		957			
TOTAL KERN (SEDAB)			4464		4486	

EMISSIONS OF NONATTAINMENT
POLLUTANTS OR PRECURSORS
TONS PER YEAR IN 1991

DISTRICT	FACILITY NAME	ROG	NOx	SOx	PM10	CO
MONTEREY	NATIONAL REFRACTORIES AND MINERALS FACILITY ID 13 MOSS LANDING		571			
	PG & E FACILITY ID 25 MOSS LANDING		4579			
	LONE STAR IND CEMENT FACILITY ID 11 DAVENPORT		828			
	TOTAL MONTEREY		5978			

EMISSIONS OF NONATTAINMENT
POLLUTANTS OR PRECURSORS
TONS PER YEAR IN 1991

DISTRICT	FACILITY NAME	ROG	NOx	SOx	PM10	CO
NO. COAST	SIMPSON PAPER CO. FACILITY ID 21 FAIRMAYEN		517		720	
	LOUISIANA-PACIFIC FACILITY ID 37 SAMOA		522			
TOTAL NO. COAST			<u>522</u> 1039		720	

EMISSIONS OF NONATTAINMENT
 POLLUTANTS OR PRECURSORS
 TONS PER YEAR IN 1991

DISTRICT	FACILITY NAME	ROG	NOX	SOX	PM10	CO
SACRAMENTO	BLUE DIAMOND GROWERS FACILITY ID 67 SACRAMENTO					5965
	TOTAL SACRAMENTO					5965

EMISSIONS OF NONATTAINMENT
 POLLUTANTS OR PRECURSORS
 TONS PER YEAR IN 1991

DISTRICT	FACILITY NAME	ROG	NOX	SOX	PM10	CO
SAN BERNARDINO	MITSUBISHI CEMENT FAC. ID 700000001 LUCERNE VALLEY		2953			
	NORTH AMERICAN CHEMICAL FAC. ID 700000002 TRONA		2100			
	RIVERSIDE CEMENT CO. FAC. ID 700000003 ORO GRANDE		3174			
	SO. CAL. EDISON-COOLWATER FAC. ID 700000004 DAGGETT		634			
	S'WESTERN PTLD CEMENT FAC. ID 700000005 VICTORVILLE		2978			

EMISSIONS OF NONATTAINMENT
 POLLUTANTS OR PRECURSORS
 TONS PER YEAR IN 1991

DISTRICT	FACILITY NAME	ROG	NOx	SOx	PM10	CO
SAN BERNARDINO (CONT.)	AFG INDUSTRIES, INC. FAC. ID 700000935 VICTORVILLE		748			
	SO. CAL. GAS FAC. ID 700000065 NEWBERRY SPRINGS		1533			
	SO. CAL. GAS HWY 95 FAC. ID 700000068 SOUTH NEEDLES		1736			
	SO. CAL. GAS RIVER RD. FAC. ID 700000069 NORTH NEEDLES		932			
	PG & E FAC. ID 700000035 HINKLEY		3466			
	PG & E FAC. ID 700000039 NEEDLES		2516			
TOTAL SAN BERNARDINO			22770			

EMISSIONS OF NONATTAINMENT
 POLLUTANTS OR PRECURSORS
 TONS PER YEAR IN 1991

DISTRICT	FACILITY NAME	ROG	NOX	SOX	PM10	CO
SAN DIEGO	SDG & E CO. FACILITY ID 72 CHULA VISTA		1776			
	SDG & E CO. FACILITY ID 73 CARLSEAD		1496			
	KELCO-DIV, MERCK & CO. FACILITY ID 118 SAN DIEGO	2687				
TOTAL SAN DIEGO		2687	3272			

EMISSIONS OF NONATTAINMENT
POLLUTANTS OR PRECURSORS
TONS PER YEAR IN 1991

DISTRICT	FACILITY NAME	ROG	NOX	SOX	PM10	CO
SAN JOAQUIN UNIFIED: FRESNO	UNION OIL CO. FACILITY ID 68 COALINGA		2616			
	CHEVRON USA FACILITY ID 71 COALINGA		1000 996	820		
	GUARDIAN INDUSTRIES FACILITY ID 77 KINGSBURG		838	622		
	TOTAL FRESNO		4454 4430	1442		

EMISSIONS OF NONATTAINMENT
POLLUTANTS OR PRECURSORS
TONS PER YEAR IN 1991

DISTRICT	FACILITY NAME	ROG	NOX	SOX	PM10	CO
SAN JOAQUIN UNIFIED: KERN	TEXACO REFINING & MKTG FACILITY ID 19 BAKERSFIELD		910 1361	677 910		
	SANTA FE ENERGY FACILITY ID 211 BAKERSFIELD		1560	2764		

EMISSIONS OF NONATTAINMENT
 POLLUTANTS OR PRECURSORS
 TONS PER YEAR IN 1991

FACILITY NAME	ROG	NOX	SOX	PM10	CO
MOBIL OIL CORP. FACILITY ID 247 BAKERSFIELD	1337	942			
CHEVRON USA, INC. FACILITY ID 257 BAKERSFIELD		1424			
ARCO OIL AND GAS CO. FACILITY ID 201 WESTERN DISTRICT		2688			
SWEPI- WEST COAST DIV. FACILITY ID 331 BAKERSFIELD		622			
BRIDGE NAT/ GAS PLANT FACILITY ID 390 BAKERSFIELD		862			
CHEVRON USA, INC. FACILITY ID 395 TAFT		1625			
SHELL KERNRIDGE FACILITY ID 204 MISSOURI TRIANGLE		2699			
KERN RIVER COGEN FACILITY ID 496 OILDALE		2088			
ELK HILLS GAS PLANTS FACILITY ID 419	1742	1993			
ELK HILLS PRODUCTION FACILITY ID 441 TUPMAN		905			

DISTRICT

SAN JOAQUIN
UNIFIED:

KERN (CONT.)

EMISSIONS OF NONATTAINMENT
POLLUTANTS OR PRECURSORS
TONS PER YEAR IN 1991

DISTRICT	FACILITY NAME	ROG	NOx	SOx	PM10	CO
SAN JOAQUIN UNIFIED: KERN (CONT.)	SYCAMORE COGEN CO. FACILITY ID 497 OILDALE		2367			
	TEXACO WEST FACILITY ID 332 MCKITTRICK		521 692			
	TOTAL KERN	3079	20344 21831	3441 3694		

EMISSIONS OF NONATTAINMENT
POLLUTANTS OR PRECURSORS
TONS PER YEAR IN 1991

DISTRICT	FACILITY NAME	ROG	NOx	SOx	PM10	CO
SAN JOAQUIN UNIFIED: KINGS	PG & E FACILITY ID 63 AVENAL		1588 1719			
	TOTAL KINGS		1588 1719			

EMISSIONS OF NONATTAINMENT
 POLLUTANTS OR PRECURSORS
 TONS PER YEAR IN 1991

DISTRICT	FACILITY NAME	ROG	NOX	SOX	PM10
SAN JOAQUIN UNIFIED:					
MADERA	MADERA GLASS CO. FACILITY ID 18 MADERA		855		
TOTAL MADERA			855		

EMISSIONS OF NONATTAINMENT
 POLLUTANTS OR PRECURSORS
 TONS PER YEAR IN 1991

DISTRICT	FACILITY NAME	ROG	NOX	SOX	PM10	CO
SAN JOAQUIN UNIFIED:						
SAN JOAQUIN	LIBBEY OWENS FORD FACILITY ID 8 LATHROP		768			
	OWENS ILLINOIS FACILITY ID 17 TRACY		716			
TOTAL SAN JOAQUIN			1484			

EMISSIONS OF NONATTAINMENT
POLLUTANTS OR PRECURSORS
TONS PER YEAR IN 1991

DISTRICT	FACILITY NAME	ROG	NOX	SOX	PM10	CO
SAN JOAQUIN UNIFIED:						
STANISLAUS	GALLO GLASS CO. FACILITY ID 9 MODESTO		1170			
TOTAL STANISLAUS			1170			
TOTAL SAN JOAQUIN VALLEY UNIFIED		3079	29895 31029	4883 5176		

EMISSIONS OF NONATTAINMENT
POLLUTANTS OR PRECURSORS
TONS PER YEAR IN 1991

DISTRICT	FACILITY NAME	ROG	NOX	SOX	PM10	CO
SAN LUIS OBISPO						
	UNOCAL CHEMICAL FACILITY ID 4 ARROYO GRANDE			3247		
	PG & E FACILITY ID 8 MORRO BAY		3439			
	UNOCAL SMR FACILITY ID 13 ARROYO GRANDE			841		
TOTAL SAN LUIS OBISPO			3439	4088		

EMISSIONS OF NONATTAINMENT
 POLLUTANTS OR PRECURSORS
 TONS PER YEAR IN 1991

DISTRICT	FACILITY NAME	ROG	NOX	SOX	PM10	CO
SOUTH COAST	OWENS-ILLINOIS FAC. ID 7427 VERNON		662 677			
	SO CAL. EDISON FAC. ID 14052 REDONDO BEACH		1196			
	DELTA AIRLINES FAC. ID 74795 LOS ANGELES		2319			565
	SO. CAL. GAS FAC. ID 18869 BLYTHE					
	ARCO UNIT NO. 1 FAC. ID 800012 CARSON	1702	1866	1929	633	
	CHEVRON USA, UNIT N FAC. ID 800030 EL SEGUNDO	2189	2497	845	649	1952
	LA DEPT WATER & POWER FAC. ID 800074 LONG BEACH		796 800			
	MOBIL OIL FAC. ID 800089 TORRANCE		2172	594		
	SHELL OIL FAC. ID 800115 CARSON	937	1838	837		
	SO. CAL. EDISON FAC. ID 800125 LONG BEACH		1001			

EMISSIONS OF NONATTAINMENT
 POLLUTANTS OR PRECURSORS
 TONS PER YEAR IN 1991

DISTRICT	FACILITY NAME	ROG	NOX	SOX	PM10	CO
SOUTH COAST (CONT.)	UNION OIL CO. FAC. ID 800144 WILMINGTON		1671	517		
	GOLDEN WEST REFINERY FAC. ID 800184 SANTA FE SPRINGS	503	519			
	TEXACO FAC. ID 800223 WILMINGTON	1233	1611	620		
	ORANGE CO. SANITATION FAC. ID 29110 HUNTINGTON BEACH					1045
	CAL PORTLAND CEMENT FAC. ID 800181 COLTON		971 1075			
	SO. CAL. EDISON FAC. ID 800126 HUNTINGTON BEACH		529			
	DOUGLAS AIRCRAFT FAC. ID 800038 LONG BEACH					777
	MCP FOODS, INC. FAC. ID 2825 ANAHEIM					
	C/W/ POSS INC/ FAC/ ID 72890		743			
	ULTRAMAR REFINING FAC. ID 800026 WILMINGTON	777	19648 20459	5342	1282	4339
TOTAL SOUTH COAST	7903					

EMISSIONS OF NONATTAINMENT
 POLLUTANTS OR PRECURSORS
 TONS PER YEAR IN 1991

DISTRICT	FACILITY NAME	ROG	NOX	SOX	PM10	CO
VENTURA	SCE MANDALAY GEN STATION FACILITY ID 13 OXNARD		796			
	SCE - ORMOND BEACH GEN STATION FACILITY ID 65 OXNARD		723			
	TOTAL VENTURA		1519			

State of California

MEMORANDUM

To : Victoria Cline
Office of Administrative Law
555 Capitol Mall, Suite 1290
Sacramento, CA 95814

Date : July 7, 1993

1993 JUL -7 PM 4:59

Subject : Substitute Pages
for OAL File No.
93-0527-03S

ADMINISTRATIVE

Diane Moritz Glazer
Diane Moritz Glazer
Staff Counsel

From : Air Resources Board

Attached are substitute pages of the regulatory text for the Atmospheric Acidity Protection Act Fees, OAL File No.1 93-0527-03S. The substitute pages correct **FRO** punctuation in the regulation text and are revised to correctly reflect the current unmodified regulation text.

Thank you for the opportunity to make these nonsubstantive modifications to the rulemaking file. An additional thanks for the timely and cooperative review of the rulemaking file.

Attachments

FINAL REGULATION ORDER

Adopt new Section 90621.4 and amend Section 90622 to delete Subsection (e), Article 1, Subchapter 3.6, Chapter 1, Part III, Title 17, California Code of Regulations, to read as follows:

90621.4 Fee Requirements for Fiscal Year 1993-94.

(a) No later than 180 days after the operative date of this section, each district identified in this section shall transmit the amount specified below to the state board. The fees shall be collected from the holders of permits for sources which emitted 500 tons per year or more of either sulfur oxides or nitrogen oxides from January 1, 1991 through December 31, 1991. The fees collected shall be in addition to permit and other fees already authorized to be collected from such sources. The fee to be charged shall be eight dollars and seventeen cents (\$8.17) per ton of sulfur oxides or nitrogen oxides emitted for the pollutant or pollutants emitted at the 500 ton per year or more level. With respect to sources identified by the state board on or before April 8, 1993, as having emitted 500 tons per year or more of sulfur oxides or nitrogen oxides during the period from January 1, 1991 through December 31, 1991, the amount of emissions as determined by the executive officer of the state board on April 8, 1993 shall be used to determine compliance with the fee requirements of this subsection.

(1) Bay Area Air Quality Management District: three hundred ninety-three thousand four hundred twenty-six dollars (\$393,426);

(2) Imperial County Air Pollution Control District: ten thousand sixty-three dollars (\$10,063);

(3) Kern County Air Pollution Control District (SEDAB): thirty-six thousand four hundred seventy-one dollars (\$36,471);

(4) Monterey Bay Unified Air Pollution Control District: forty-eight thousand eight hundred forty dollars (\$48,840);

(5) North Coast Unified Air Quality Management District: four thousand two hundred sixty-five dollars (\$4,265);

(6) San Bernardino County Air Pollution Control District: one hundred eighty-six thousand thirty-one dollars (\$186,031);

(7) San Diego County Air Pollution Control District: twenty-six thousand seven hundred thirty-two dollars (\$26,732);

(8) San Joaquin Valley Unified Air Pollution Control District: two hundred eighty-four thousand one hundred thirty-seven dollars (\$284,137);

(9) San Luis Obispo County Air Pollution Control District: sixty-one thousand four hundred ninety-six dollars (\$61,496);

(10) South Coast Air Quality Management District: two hundred four thousand one hundred sixty-seven dollars (\$204,167); and

(11) Ventura County Air Pollution Control District: twelve thousand four hundred ten dollars (\$12,410).

(b) In addition to the fees specified in subsection (a) above, a district shall, for any source identified after April 8, 1993 as having emitted 500 tons per year or more of sulfur oxides or nitrogen oxides during the period from January 1, 1991 through December 31, 1991, transmit to the state board eight dollars and seventeen cents (\$8.17) per ton of such pollutant.

Note: Authority cited: Sections 39600, 39601, 39904 and 39906, Health and Safety Code. Reference: Sections 39002, 39500, 39600, and 39904-39910, Health and Safety Code.

90622. Fee Payment and Collection.

(a) To pay for the administrative costs of collecting the fees required by this article, each district may collect additional fees in an amount equal to the costs incurred by the district in establishing the program, and collecting and transmitting the fees. These fees to cover districts' administrative costs shall be in addition to the fees collected by each district for transmittal to the state board as specified in this article. Each district shall submit to the state board, within 30 days of request, documentation to substantiate such administrative costs.

(b) Each district shall submit to the state board, within 30 days of request, information specifying the assessed total tons of nitrogen oxides and sulfur oxides, the amount of fees per pollutant from each major nonvehicular source, and the additional fees charged by the district as its administrative costs.

(c) Each district shall notify and assess the operator of each facility subject to the permit fees, as provided for in these regulations, in writing of the fee due. The fee shall be past due 60 days after receipt by the operator of the fee assessment notice.

(d) Each district shall assess an additional fee, to be paid to the district, on operators failing to pay the fee within 60 days of receipt of the fee assessment notice. The district shall set the late fee in an amount sufficient to pay the district's additional expenses incurred by the operator's untimely payment.

(e) Any fees submitted to the state which exceed costs to the state of additional state programs authorized or required by the Atmospheric Acidity Protection Act related to nonvehicular sources, shall be carried over by the state for expenditure for these purposes.

Note: Authority cited: Sections 39600, 39601, 39904 and 39906, Health and Safety Code. Reference: Sections 39002, 39500, 39600, and 39904-39910, Health and Safety Code.

AIR RESOURCES BOARD

2020 L STREET
P.O. BOX 2815
SACRAMENTO, CA 95812

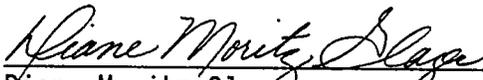


Re: PUBLIC HEARING TO CONSIDER THE ADOPTION OF FEE REGULATIONS
PURSUANT TO THE ATMOSPHERIC ACIDITY PROTECTION FEES

I hereby certify that the public comment period in the above-referenced proceeding was closed May 10, 1993, and the rulemaking record was closed May 27, 1993. The rulemaking file for that proceeding and the enclosed copy thereof are complete.

I declare under penalty of perjury that I am the agency official who compiled the above-referenced rulemaking file and the foregoing is true and correct.

Executed this 27th day of May, 1993, at Sacramento, California.


Diane Moritz Glazer
Staff Counsel

Enclosures