

State of California
AIR RESOURCES BOARD

Executive Order G-804

WHEREAS, on April 8, 1993, the Air Resources Board (the "Board") conducted a public hearing to consider the proposed adoption and amendment of regulations pursuant to the atmospheric acidity protection act;

WHEREAS, following the public hearing, the Board adopted Resolution 93-22, in which the Board approved the adoption of section 90621.4 and conforming amendment to section 90622, Title 17, California Code of Regulations, as set forth in Attachment A thereto;

WHEREAS, Resolution 93-22 directed the Executive Officer to adopt the regulations set forth in Attachment A after making them available to the public for a period of 15 days, provided that the Executive Officer shall consider such written comments regarding the changes in the regulations as originally proposed 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;

WHEREAS, the approved regulations have been made available for public comment for a period of 15 days in accordance with the provisions of Title 1, California Code of Regulations, section 44, with the changes to the originally proposed text clearly indicated; and

WHEREAS, the written comments received during this 15-day period have been considered by the Executive Officer and do not require modification nor reconsideration by the Board of the approved regulations.

NOW, THEREFORE, IT IS ORDERED that section 90621.4 and section 90622, Title 17, California Code of Regulations, are adopted and amended as set forth in Attachment 1 hereto.

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


James D. Boyd
Executive Officer

Attachment

ATTACHMENT 1

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 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.