

State of California
AIR RESOURCES BOARD

Notice of Public Availability of Modified Text
and Supporting Documents and Information

PUBLIC HEARING TO CONSIDER THE ADOPTION OF PERMIT FEE REGULATIONS FOR
NONVEHICULAR SOURCES PURSUANT TO THE CALIFORNIA CLEAN AIR ACT

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 (ARB or Board) approved the adoption of new section 90800.4 and amended section 90803, Title 17, California Code of Regulations (CCR), requiring local air pollution control and air quality management districts to collect permit fees from nonvehicular sources which emit 500 tons or more per year of any nonattainment air pollutant or precursor. The fees, which are to be remitted to the ARB, are necessary to defray a portion of the cost to the Board of implementing requirements of the California Clean Air Act (Stats. 1988, c. 1568) related to nonvehicular sources.

At the hearing, the staff presented modifications to the original proposal as set forth in the staff report released on February 19, 1993. These modifications included a recalculation of the fee rate due to a number of emission changes reported by districts. In recalculating the fees, the fee rate of \$16.11 per ton shown in the staff report was changed to \$16.39 per ton, and the total amount of fees to be remitted to the Board by the affected districts was adjusted. The Board approved these modifications to the regulations.

In accordance with section 11346.8 of the Government Code, the Board directed the Executive Officer to adopt section 90800.4 and amended section 90803, Title 17, CCR, after making the modified regulations 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 received and shall make such modifications as are deemed appropriate in light of the comments received, and shall present the regulations to the Board for further consideration if warranted.

Attached is a copy of Board Resolution 93-21, which approves the permit fee regulations. Attached to the resolution are the regulations as approved by the Board. The language proposed for adoption in the original staff proposal is shown in single underline to indicate additions to existing regulations. Modifications approved by the Board are shown in strikeout to indicate deletions from and double underlines to indicate additions to the original staff proposal. Also attached to this notice are the revised versions of Table 2 and Attachment D of the staff report. Table 2 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.

Written comments on the modifications approved by the Board on April 8, 1993, 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 Officer. Only comments relating to the modifications to the regulations and supporting documents described in this notice shall be considered by the Executive Officer.

Attachments

State of California
AIR RESOURCES BOARD

Resolution 93-21

April 8, 1993

Agenda Item No.: 93-6-1

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, the Legislature in 1988 enacted the California Clean Air Act of 1988 (the "Act"; Stats. 1988, ch. 1568) to address the problem of air pollution in California;

WHEREAS, in the California Clean Air Act the Legislature declared that attainment of the Board's health-based ambient air quality standards is necessary to protect public health, particularly of children, older people, and those with respiratory diseases and directed that these standards be attained at the earliest practicable date;

WHEREAS, the California Clean Air Act directs the Board to perform numerous tasks related to both vehicular and nonvehicular sources of air pollution;

WHEREAS, section 39612 of the Health and Safety Code authorizes the Board to require air pollution control and air quality management districts ("districts"), beginning July 1, 1989, to impose additional permit fees on nonvehicular sources which emit 500 tons per year or more of any nonattainment pollutant or its precursors in order to recover costs of additional state programs related to nonvehicular sources authorized or required by the Act;

WHEREAS, the Board staff has conferred with representatives of local districts and with their assistance has developed a proposed fee program which specifies the amount of fees to be collected by each district for transmission to the Board;

WHEREAS, the proposed fee regulations have been designed to provide the Board with net revenues of three million dollars (\$3,000,000) to cover budgeted expenses for Fiscal Year 1993-94 of implementing nonvehicular source related activities under the Act;

WHEREAS, the proposed fee regulations provide that any excess fees collected shall be carried over and considered when setting fees in future years;

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 to the district of collecting the fees;

WHEREAS, pursuant to section 39612 of the Health and Safety Code the proposed fee program for Fiscal Year 1993-94 is based on emissions of nonattainment pollutants or their precursors, as provided in the Act, using the most current statewide emission data available from the districts, which are for 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 which would be collected pursuant to the proposed fee regulations are needed to implement the nonvehicular source related programs established pursuant to the California Clean Air Act;

The proposed fee regulations include a 10% adjustment factor to insure collection of net revenues of \$3,000,000 to cover budgeted expenses for Fiscal Year 1993-94 of implementing nonvehicular source related activities under the Act;

The excess fees collected in Fiscal Year 1991-92 have been carried over and considered in the calculation of fees in the proposed regulation;

The proposed fee regulations are based on annual emissions of nonattainment pollutants from facilities that emit 500 tons per year or more of any nonattainment pollutant or its precursors based on the most recent statewide data available;

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

WHEREAS, the Board has determined, pursuant to the requirements of the California Environmental Quality Act and the Board's regulations, that this

regulatory action will not have any significant adverse impact on the environment.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby approves sections 90800.4 and 90803, Title 17, California Code of Regulations, as set forth in Attachment A hereto.

BE IT FURTHER RESOLVED that the Board directs the Executive Officer to adopt sections 90800.4 and 90803, 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.

BE IT FURTHER RESOLVED that the Board gives notice of its intention to review the status of the program to implement the provisions of the California Clean Air Act in 1994, and to reconsider at that time the renewal and modification, as necessary, of the fee program in order to reflect changes in program needs and capabilities, base year emissions, and such other factors as may influence funding requirements of the Act.

I hereby certify that the above is a true and correct copy of Resolution 93-21, as adopted by the Air Resources Board.

Pat Hutchens

Pat Hutchens, Board Secretary

Attachment A

PERMIT FEE REGULATIONS FOR NONVEHICULAR SOURCES
PURSUANT TO THE CALIFORNIA CLEAN AIR ACT
REVISED REGULATIONS

NOTE: The existing regulations are not being repealed. The adopted new section 90800.4 and amendment to existing section 90803 are being proposed and are shown in underline and strikeout format. Single underlines indicate those additions and amendments to the regulations that were originally proposed in the staff report. Changes presented at the April 8, 1993, Board meeting to reflect new information received since the staff report was published are shown with strikeouts to indicate deletions from and double underlines to indicate additions to the originally proposed regulations.

PROPOSED

CALIFORNIA CLEAN AIR ACT
NONVEHICULAR SOURCE FEE REGULATIONS

Adopt New Section 90800.4
and Amend Section 90803
Subchapter 3.8, California Clean Air Act
Nonvehicular Source Fee Regulations¹,
as follows:

90800. Fee Requirements for Fiscal Year 1989-90.

(a) No later than 180 days after the effective date of Sections 90800-90803, each district identified below shall transmit the dollar amount specified below to the Board for deposit into the Air Pollution Control Fund. The amount transmitted shall be collected from facilities which are the holders of permits for sources which emitted 500 tons or more per year of any nonattainment pollutant or precursors during the period from January 1, 1987, through December 31, 1987, inclusive. The fees shall be in addition to permit and other fees already authorized to be collected from such sources. The fee to be charged shall be nine dollars and ninety-two cents (\$9.92) per ton.

(1) Bay Area Air Quality Management District: six hundred seven thousand two hundred ninety-five dollars (\$607,295);

1/ THE CURRENT REGULATIONS ARE NOT BEING REPEALED! THE PROPOSED NEW SECTION 90800/4 AND AMENDMENT TO EXISTING SECTION 90803 ARE SHOWN IN UNDERLINE TO INDICATE ADDITIONS TO EXISTING REGULATIONS!

- (2) Butte County Air Pollution Control District: eight thousand nine hundred fifty-eight dollars (\$8,958);
- (3) Fresno County Air Pollution Control District: thirty-four thousand one hundred fifty-five dollars (\$34,155);
- (4) Kern County Air Pollution Control District: four hundred eighty-eight thousand eight hundred fifty-eight dollars (\$488,858);
- (5) Kings County Air Pollution Control District: six thousand two hundred ninety-nine dollars (\$6,299);
- (6) Monterey Bay Unified Air Pollution Control District: seventy-six thousand three hundred thirty-six dollars (\$76,336);
- (7) North Coast Unified Air Pollution Control District: forty-nine thousand five hundred seventy-one dollars (\$49,571);
- (8) Sacramento County Air Pollution Control District: eleven thousand nine hundred fourteen dollars (\$11,914);

- (9) San Bernardino County Air Pollution Control District: two hundred six thousand one hundred forty-two dollars (\$206,142);
- (10) San Diego County Air Pollution Control District: fifty-three thousand six hundred thirty-nine dollars (\$53,639);
- (11) San Joaquin County Air Pollution Control District: thirty-three thousand two hundred thirteen dollars (\$33,213);
- (12) San Luis Obispo County Air Pollution Control District: eighty-nine thousand two hundred thirty-two dollars (\$89,232);
- (13) Santa Barbara County Air Pollution Control District: twenty-four thousand eight hundred eighty dollars (\$24,880);

- (14) Shasta County Air Pollution Control District:
thirteen thousand nine hundred forty-eight dollars
(\$13,948);
 - (15) South Coast Air Quality Management District: five
hundred eighty-five thousand five hundred ninety
dollars (\$585,590);
 - (16) Stanislaus County Air Pollution Control District:
nine thousand seven hundred fifty-two dollars
(\$9,752);
 - (17) Ventura County Air Pollution Control District:
forty-eight thousand seven hundred eighteen dollars
(\$48,718).
- (b) Emissions from facilities identified on or before June 12, 1989, as having emitted 500 tons or more per year of any nonattainment pollutant or precursors during the period January 1, 1987, through December 31, 1987, shall be used to determine compliance with these regulations.
- (c) In addition to the amount cited in subsection (a) above, a district shall, for any facility identified after June 12, 1989, as having emitted 500 tons or more per year of any nonattainment pollutant or its precursors during the period from January 1, 1987, through December 31, 1987, transmit to the Board for deposit into the Air Pollution Control Fund nine dollars and ninety-two cents (\$9.92) per ton of such pollutant or precursor.

NOTE: Authority cited: Sections 39600, 39601 and 39612, Health and Safety Code. Reference: Sections 39002, 39500, 39600 and 39612 , Health and Safety Code.

90800.1 Fee Requirements for Fiscal Year 1990-91.

(a) No later than 180 days after the operative date of this section, each district identified below shall transmit the dollar amount specified below to the Board for deposit into the Air Pollution Control Fund. The amount transmitted shall be collected from facilities which are the holders of permits for sources which emitted 500 tons or more per year of any nonattainment pollutant or precursors during the period from January 1, 1988, through December 31, 1988, inclusive. The fees shall be in addition to permit and other fees already authorized to be collected from such sources. The fee to be charged shall be twelve dollars and eighty-nine cents (\$12.89).

- (1) Bay Area Air Quality Management District: eight hundred fifty-four thousand five hundred six dollars (\$854,506);
- (2) Fresno County Air Pollution Control District: forty-eight thousand seven hundred thirty-nine dollars (\$48,739);
- (3) Imperial County Air Pollution Control District: ten thousand four hundred three dollars (\$10,403);
- (4) Kern County Air Pollution Control District: six hundred thirteen thousand one hundred twenty dollars (\$613,120);
- (5) Kings County Air Pollution Control District: eight thousand seven hundred seventy-eight dollars (\$8,778);
- (6) Monterey Bay Unified Air Pollution Control District: one hundred fifty-three thousand four hundred forty-eight dollars (\$153,448);
- (7) North Coast Unified Air Pollution Control District: seventy thousand one hundred sixty-three dollars (\$70,163);

- (8) Sacramento County Air Pollution Control District: twenty-three thousand nine hundred fifty dollars (\$23,950);
 - (9) San Bernardino County Air Pollution Control District: three hundred forty-two thousand nine hundred eleven dollars (\$342,911);
 - (10) San Diego County Air Pollution Control District: eighty-eight thousand eight hundred two dollars (\$88,802);
 - (11) San Joaquin County Air Pollution Control District: forty-nine thousand two hundred ninety-three dollars (\$49,293);
 - (12) San Luis Obispo County Air Pollution Control District: one hundred forty-six thousand three hundred seventy-one dollars (\$146,371);
 - (13) Santa Barbara County Air Pollution Control District: eighteen thousand nine hundred eighty-eight dollars (\$18,988);
 - (14) Shasta County Air Pollution Control District: seventeen thousand seven hundred fifty dollars (\$17,750);
 - (15) South Coast Air Quality Management District: seven hundred eighty-one thousand one hundred eight dollars (\$781,108);
 - (16) Stanislaus County Air Pollution Control District: fourteen thousand five hundred sixty-six dollars (\$14,566);
 - (17) Ventura County Air Pollution Control District: fifty-seven thousand one hundred five dollars (\$57,105).
- (b) Emissions from facilities identified by the Air Resources Board on or before November 28, 1990, as having emitted 500 tons or more per year of any nonattainment pollutant or precursors during the period January 1, 1988, through December 31, 1988, shall be used to determine compliance with these regulations.

- (c) In addition to the amount cited in subsection (a) above, a district shall, for any facility identified after November 28, 1990, as having emitted 500 tons or more per year of any nonattainment pollutant or its precursors during the period from January 1, 1988, through December 31, 1988, transmit to the Board for deposit into the Air Pollution Control Fund twelve dollars and eighty-nine cents (\$12.89) per ton of such pollutant or precursor.

NOTE: Authority cited: Sections 39600, 39601 and 39612, Health and Safety Code. Reference: Sections 39002, 39500, 39600 and 39612 Health and Safety Code.

90800.2 Fee Requirements for Fiscal Year 1991-92.

- (a) No later than 180 days after the operative date of this section, each district identified below shall transmit the dollar amount specified below to the Board for deposit into the Air Pollution Control Fund. The amount transmitted shall be collected from facilities which are the holders of permits for sources which emitted 500 tons or more per year of any nonattainment pollutant or precursors during the period from January 1, 1989, through December 31, 1989, inclusive. The fees shall be in addition to permit and other fees already authorized to be collected from such sources. The fee to be charged shall be eleven dollars and ninety cents (\$11.90) per ton.

- (1) Bay Area Air Quality Management District: eight hundred eleven thousand five hundred seven dollars (\$811,507);
- (2) Imperial County Air Pollution Control District: fifteen thousand five dollars (\$15,005);

- (3) Kern County Air Pollution Control District (SEDAB):
seventy thousand four hundred sixty dollars
(\$70,460);
- (4) Monterey Bay Unified Air Pollution Control District:
one hundred twenty-three thousand seven hundred forty-
nine dollars (\$123,749);
- (5) North Coast Unified Air Quality Management District:
sixty-four thousand one hundred ninety-five dollars
(\$64,195);
- (6) Sacramento Metropolitan Air Quality Management
District: sixty-four thousand fifty-two dollars
(\$64,052);
- (7) San Bernardino County Air Pollution Control District:
three hundred seventeen thousand seven hundred sixty-
one dollars (\$317,761);

- (8) San Diego County Air Pollution Control District:
eighty-eight thousand seven hundred eighteen dollars
(\$88,718);
- (9) San Joaquin Valley Unified Air Pollution Control
District:
Fresno County Zone: seventy-seven thousand one
hundred twenty-nine dollars (\$77,129);
Kern County Zone: four hundred thirty-nine thousand
five hundred seventy-five dollars (\$439,575);
Kings County Zone: ten thousand one hundred sixty-two
dollars (\$10,162);
Madera County Zone: eight thousand eight hundred five
dollars (\$8,805);
San Joaquin County Zone: forty thousand sixteen
dollars (\$40,016);
Stanislaus County Zone: fourteen thousand one hundred
ninety-five dollars (\$14,195);
- (10) San Luis Obispo County Air Pollution Control District:
one hundred twenty-seven thousand one hundred seventy-
six dollars (\$127,176);

- (11) Santa Barbara County Air Pollution Control District: twenty-three thousand one hundred twenty dollars (\$23,120);
 - (12) Shasta County Air Pollution Control District: seven thousand nine hundred ninety-six dollars (\$7,996);
 - (13) South Coast Air Quality Management District: seven hundred forty-three thousand eight hundred twenty-five dollars (\$743,825);
 - (14) Ventura County Air Pollution Control District: forty-five thousand four hundred forty-two dollars (\$45,442).
- (b) Emissions from facilities identified by the Air Resources Board on or before April 11, 1991, as having emitted 500 tons or more per year of any nonattainment pollutant or precursors during the period January 1, 1989, through December 31, 1989, shall be used to determine compliance with these regulations.
- (c) In addition to the amount cited in subsection (a) above, a district shall, for any facility identified after April 11, 1991, as having emitted 500 tons or more per year of any nonattainment pollutant or its precursors during the period from January 1, 1989, through December 31, 1989, transmit to the Board for deposit into the Air Pollution Control Fund eleven dollars and ninety cents (\$11.90) per ton of such pollutant or precursor.

NOTE: Authority cited: Sections 39600, 39601 and 39612. Health and Safety Code. Reference: Sections 39002, 39500, 39600 and 39612. Health and Safety Code.

90800.3 Fee Requirements for Fiscal Year 1992-93.

- (a) No later than 180 days after the operative date of this section, each district identified below shall transmit the dollar amount specified below to the Board for deposit into

the Air Pollution Control Fund. The amount transmitted shall be collected from facilities which are the holders of permits for sources which emitted 500 tons or more per year of any nonattainment pollutant or precursors during the period from January 1, 1990, through December 31, 1990, inclusive. The fees shall be in addition to permit and other fees already authorized to be collected from such sources. The fee to be charged shall be thirteen dollars and twenty-nine cents (\$13.29) per ton.

- (1) Bay Area Air Quality Management District: eight hundred eight thousand six hundred fifty-eight dollars (\$808,658);
- (2) Imperial County Air Pollution Control District: twenty-seven thousand two hundred eighty-seven dollars (\$27,287);
- (3) Kern County Air Pollution Control District (SEDAB): ninety-five thousand three hundred sixty dollars (\$95,360);
- (4) Monterey Bay Unified Air Pollution Control District: one hundred twenty-two thousand sixty-three dollars (\$122,063);
- (5) North Coast Unified Air Quality Management District: thirty-seven thousand two hundred seventy-eight dollars (\$37,278);
- (6) Sacramento Metropolitan Air Quality Management District: fifty-five thousand one hundred nineteen dollars (\$55,119);

- (7) San Bernardino County Air Pollution Control District: three hundred thirty-nine thousand eighty-six dollars (\$339,086);
- (8) San Diego County Air Pollution Control District: eighty-four thousand eight hundred sixty-five dollars (\$84,865);
- (9) San Joaquin Valley Unified Air Pollution Control District: six hundred sixty thousand five hundred fifty-seven dollars (\$660,557), apportioned as follows:
- Fresno County Zone: eighty-three thousand nine hundred twenty-one dollars (\$83,921);
- Kern County Zone: four hundred ninety-six thousand eighty-nine dollars (\$496,089);
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- Kings County Zone: sixteen thousand four hundred sixty dollars (\$16,460);
- Madera County Zone: ten thousand eight hundred ninety-four dollars (\$10,894);
- San Joaquin County Zone: forty thousand one hundred thirty-four dollars (\$40,134);
- Stanislaus County Zone: thirteen thousand fifty-nine dollars (\$13,059);
- (10) San Luis Obispo County Air Pollution Control District: one hundred fifteen thousand four hundred seventy-three dollars (\$115,473);

- (11) South Coast Air Quality Management District: six hundred twenty-eight thousand eight hundred six dollars (\$628,806);
- (12) Ventura County Air Pollution Control District: twenty-eight thousand four hundred forty-three dollars (\$28,443).

(b) Emissions from facilities identified by the Air Resources Board on or before April 9, 1992, as having emitted 500 tons or more per year of any nonattainment pollutant or precursors during the period January 1, 1990, through December 31, 1990, shall be used to determine compliance with these regulations.

(c) In addition to the amount cited in subsection (a) above, a district shall, for any facility identified after April 9, 1992, as having emitted 500 tons or more per year of any nonattainment pollutant or its precursors during the period from January 1, 1990, through December 31, 1990, transmit to the Board for deposit into the Air Pollution Control Fund thirteen dollars and twenty-nine cents (\$13.29) per ton of such pollutant or precursor.

NOTE: Authority cited: Sections 39600, 39601 and 39612. Health and Safety Code. Reference: Sections 39002, 39500, 39600 and 39612. Health and Safety Code.

90800.4 Fee Requirements for Fiscal Year 1993-94.

(a) No later than 180 days after the operative date of this section, each district identified below shall transmit the dollar amount specified below to the Board for deposit into the Air Pollution Control Fund. The amount transmitted shall be collected from facilities which are the holders of permits for sources which emitted 500 tons or more per year of any nonattainment pollutant or precursors during the period from January 1, 1991, through December 31, 1991, inclusive. The fees shall be in addition to permit and other fees already authorized to be collected from such sources. The fee to be charged shall be ~~sixteen dollars and eleven cents (\$16/11)~~ sixteen dollars and thirty-nine cents (\$16.39) per ton.

(1) Bay Area Air Quality Management District: ~~nine hundred seventy-one thousand nine hundred fifty-one dollars (\$971,951)~~ nine hundred eighty-eight thousand eight hundred twenty-one dollars (\$988,821);

(2) Imperial County Air Pollution Control District: ~~thirty-two thousand five hundred twenty-five dollars (\$32,525)~~ thirty-three thousand eighty-nine dollars (\$33,089);

(3) Kern County Air Pollution Control District (SEDAB): ~~one hundred forty-four thousand one hundred seventy-eight dollars (\$144,178)~~ one hundred forty-six thousand six hundred eighty dollars (\$146,680);

(4) Monterey Bay Unified Air Pollution Control District: ~~ninety-six thousand three hundred one dollars (\$96,301)~~ ninety-seven thousand nine hundred seventy-two dollars (\$97,972);

- (5) North Coast Unified Air Quality Management District:
twenty/eight thousand three hundred thirty/six dollars
(\$28,336) eight thousand five hundred fifty-five
dollars (\$8,555);
- (6) Sacramento Metropolitan Air Quality Management
District: ninety/six thousand ninety/two dollars
(\$96,092) ninety-seven thousand seven hundred
fifty-nine dollars (\$97,759);
- (7) San Bernardino County Air Pollution Control District:
three hundred sixty/six thousand eight hundred eight
dollars (\$366,808) three hundred seventy-three
thousand one hundred seventy-four dollars (\$373,174);
- (8) San Diego County Air Pollution Control District:
ninety/five thousand nine hundred ninety/five dollars
(\$95,995) ninety-seven thousand six hundred sixty-one
dollars (\$97,661);
- (9) San Joaquin Valley Unified Air Pollution Control
District: six hundred thirty/two thousand one hundred
ninety one dollars (\$632,191) six hundred twenty
thousand four hundred thirty-two dollars (\$620,432);
- (10) San Luis Obispo County Air Pollution Control District:
one hundred twenty/one thousand two hundred fifty/four
dollars (\$121,254) one hundred twenty-three thousand
three hundred fifty-nine dollars (\$123,359);
- (11) South Coast Air Quality Management District: six
hundred thirty/three thousand four hundred ninety six
dollars (\$633,496) six hundred thirty-one thousand
two hundred dollars (\$631,200);

(12) Ventura County Air Pollution Control District:
Twenty-four thousand four hundred seventy dollars
(\$24,470) twenty-four thousand eight hundred
ninety-five dollars (\$24,895);

(13) Amador County Air Pollution Control District,
Butte County Air Pollution Control District,
Calaveras County Air Pollution Control District,
Colusa County Air Pollution Control District,
El Dorado County Air Pollution Control District,
Feather River Air Quality Management District,
Glenn County Air Pollution Control District,
Great Basin Unified Air Pollution Control District,
Mariposa County Air Pollution Control District,
Mendocino County Air Pollution Control District,
Modoc County Air Pollution Control District,
Northern Sierra Air Quality Management District,
Northern Sonoma County Air Pollution Control District,
Placer County Air Pollution Control District,
Santa Barbara County Air Pollution Control District,
Shasta County Air Quality Management District,
Siskiyou County Air Pollution Control District,
Tehama County Air Pollution Control District,
Tuolumne County Air Pollution Control District,
Yolo-Solano Air Pollution Control District:
zero dollars (\$0).

(b) Emissions from facilities identified by the Air Resources
Board on or before January 29/ 1993 April 8, 1993, as
having emitted 500 tons or more per year of any
nonattainment pollutant or precursors during the period
January 1, 1991, through December 31, 1991, shall be used to
determine compliance with these regulations.

(c) In addition to the amount cited in subsection (a) above, a district shall, for any facility identified after ~~January 29, 1993~~ April 8, 1993, as having emitted 500 tons or more per year of any nonattainment pollutant or its precursors during the period from January 1, 1991, through December 31, 1991, transmit to the Board for deposit into the Air Pollution Control Fund ~~sixteen dollars and eleven cents (\$16/11)~~ sixteen dollars and thirty-nine cents (\$16.39) per ton of such pollutant or precursor.

NOTE: Authority cited: Sections 39600, 39601 and 39612. Health and Safety Code. Reference: Sections 39002, 39500, 39600 and 39612. Health and Safety Code.

90801. Definitions.

- (a) "Facility" means any nonvehicular source which requires a permit from the district.
- (b) "Nonattainment pollutant" means any substance for which an area has been designated in sections 60200-60209 as not having attained a state ambient air quality standard listed in section 70200, Title 17, California Code of Regulations, as of July 1 of the fiscal year for which fees are being collected.
- (c) "Nonattainment precursor" means any substance which reacts in the atmosphere to contribute to the production of a nonattainment pollutant or pollutants in an area designated in sections 60200-60209 as not having attained a state ambient air quality standard listed in section 70200, Title 17, California Code of Regulations, as of July 1 of the fiscal year for which fees are being collected.

(d) For the purposes of this regulation, "nonattainment pollutants and precursors" shall be defined as follows:

Substance (as listed in Section 70200, Title 17, CCR):	nonattainment pollutant/precursor:
Ozone	reactive organic gases, oxides of nitrogen
Sulfur Dioxide	oxides of sulfur
Sulfates	oxides of sulfur
Nitrogen Dioxide	oxides of nitrogen
Carbon Monoxide	carbon monoxide
Suspended Particulate Matter (PM ₁₀)	suspended particulate matter (PM ₁₀), oxides of nitrogen, oxides of sulfur reactive organic gases
Visibility Reducing Particles	suspended particulate matter (PM ₁₀), oxides of nitrogen, oxides of sulfur reactive organic gases
Hydrogen Sulfide	hydrogen sulfide
Lead	lead

e) "Operator" means the person who owns or operates a facility or part of a facility.

NOTE: Authority cited: Sections 39600, 39601 and 39612, Health and Safety Code. Reference: Sections 39002, 39500, 39600 and 39612, Health and Safety Code.

90802. Fee Payment and Collection.

- (a) Each district shall notify and assess the operator of each facility subject to 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.
- (b) Each district shall assess an additional fee 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.
- (c) ~~Any fees submitted to the state which exceed costs to the~~ state of additional state programs authorized or required by the California Clean Air Act of 1988 related to nonvehicular sources, shall be carried over by the state for expenditure for these purposes.
- (d) Each district may recover administrative costs to the district of collecting the fees pursuant to these regulations. At the request of the State Board, a district shall provide to the State Board, within 30 days of the request, substantiation of administrative costs.

NOTE: Authority cited: Sections 39600, 39601 and 39612, Health and Safety Code. Reference: Sections 39002, 39500, 39600 and 39612, Health and Safety Code.

90803. Failure of Facility to Pay Fees.

In the event any district is unable to collect the assessed fee from any source due to circumstances beyond the control of the district, including but not limited to facility closure or refusal of the operator to pay despite permit revocation and/or other enforcement action, such district shall notify the Executive Officer of the State Board. For demonstrated good cause, the district may be relieved from that portion of the fees the district is required to collect and remit to the state as set forth in section 90800 or section 90800.1 or section 90800.2 or section 90800.3 or section 90800.4. Nothing herein shall relieve the operator from any obligation to pay any fees assessed pursuant to this regulation.

NOTE: Authority cited: Sections 39600, 39601 and 39612, Health and Safety Code. Reference: Sections 39002, 39500, 39600 and 39612, Health and Safety Code.

**PERMIT FEE REGULATIONS FOR NONVEHICULAR SOURCES
PURSUANT TO THE CALIFORNIA CLEAN AIR ACT
REVISIONS TO THE STAFF REPORT**

NOTE: Included here are the revised versions of Table 2 and Attachment D of the staff report.

TABLE 2
 CALIFORNIA CLEAN AIR ACT
 NONVEHICULAR SOURCE FEE PROGRAM

EMISSIONS OF NONATTAINMENT POLLUTANTS OR PRECURSORS*
 FROM FACILITIES THAT EMITTED 500 OR MORE TONS IN
 CALENDAR YEAR 1991

DISTRICT	NO. OF FACILITIES	EMISSIONS OF NONATTAINMENT POLLUTANTS OR PRECURSORS (TONS IN 1991)					PROPOSED FEES (\$) (**)
		ROG	NOx	SOx	PM10	CO	
Bay Area	15	12,180	31,364	16,791			<u>988,821</u>
Imperial	2		1,299		720		<u>33,089</u>
Kern (SEDAB)	4		4,464		4,486		<u>146,680</u>
Monterey	3		5,978				<u>97,972</u>
North Coast	1		<u>522</u>		0		<u>8,555</u>
Sacramento	1					5,965	<u>97,759</u>
San Bernardino	11		22,770				<u>373,174</u>
San Diego	3	2,687	3,272				<u>97,661</u>
San Joaquin Unified	<u>21</u>	3,079	<u>29,895</u>	<u>4,883</u>			<u>620,432</u>
San Luis Obispo	3		3,439	4,088			<u>123,359</u>
South Coast	<u>19</u>	7,903	<u>19,648</u>	5,342	1,282	4,339	<u>631,200</u>
Ventura	2		1,519				<u>24,895</u>
TOTAL	<u>85</u>	25,849	<u>124,170</u>	<u>31,104</u>	<u>6,488</u>	10,304	3,243,597

* Based on designations of areas as "nonattainment" in sections 60200-60209, Title 17, CCR

** The values in this column are calculated by dividing \$3,243,597 by the total statewide emissions subject to this regulation, and multiplying that value by the total emissions subject to this regulation in a district. Because the per-ton fee of \$16.39 has been rounded off, the proposed fee for an individual district will not be exactly equal to the total emissions in the district multiplied by \$16.39.

_____ indicates changes to original staff report. (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
<u>BAY AREA (CONT.)</u>	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)						

TOTAL KERN (SEDAB)

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 WAIKAWAHE		517		720	
	LOUISIANA-PACIFIC FACILITY ID 37 SAMOA		522			
TOTAL NO. COAST			522		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 CARLSBAD		1496			
	KELCO-DIV, MERCK & CO. FACILITY ID 118 SAN DIEGO	2687				
TOTAL SAN DIEGO		3272				

EMISSIONS OF NONATTAINMENT
POLLUTANTS OR PRECURSORS
TONS PER YEAR IN 1991

DISTRICT	FACILITY NAME	ROG	NOx	SOx	PM10	CO
<u>SAN JOAQUIN UNIFIED:</u>						
FRESNO	UNION OIL CO. FACILITY ID 68 COALINGA		2616			
	CHEVRON USA FACILITY ID 71 COALINGA		<u>1000</u> 998	820		
	GUARDIAN INDUSTRIES FACILITY ID 77 KINGSBURG		838	622		
TOTAL FRESNO			<u>4454</u> 4436	1442		

EMISSIONS OF NONATTAINMENT
POLLUTANTS OR PRECURSORS
TONS PER YEAR IN 1991

DISTRICT	FACILITY NAME	ROG	NOx	SOx	PM10	CO
<u>SAN JOAQUIN UNIFIED:</u>						
KERN	TEXACO REFINING & MKTG FACILITY ID 19 BAKERSFIELD		<u>910</u> 1384	<u>677</u> 930		
	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			
BEVERIDGE MAY/ GAS PLANT FACILITY ID 399 BAKERSFIELD		887			
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 <u>897</u>			
	TOTAL KERN	3079	20344 <u>21831</u>	3441 <u>3894</u>		

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 <u>1739</u>			
TOTAL KINGS			1588 <u>1739</u>			

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 <u>31029</u>	4883 <u>5136</u>		

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

FACILITY NAME	ROG	NOx	SOx	PM10	CO
OWENS-ILLINOIS FAC. ID 7427 VERNON		662 877			
SO CAL. EDISON FAC. ID 14852 REDONDO BEACH		1196			
DELTA AIRLINES FAC. ID 74795 LOS ANGELES					565
SO. CAL. GAS FAC. ID 18869 BLYTHE		2319			
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		796 888			
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			

DISTRICT

SOUTH COAST

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		1045
	ORANGE CO. SANITATION FAC. ID 29110 HUNTINGTON BEACH					
	CAL PORTLAND CEMENT FAC. ID 800181 COLTON		971 1073			
	SO. CAL. EDISON FAC. ID 800126 HUNTINGTON BEACH		529			
	DOUGLAS AIRCRAFT FAC. ID 800038 LONG BEACH					777
	MCP FOODS, INC. FAC. ID 2825 ANAHEIM	562				
	Q/W/ P055 XMC/ PAC/ ID 72599		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			