



# NOTICE OF PUBLIC HEARING

NORTH COAST UNIFIED AIR QUALITY MANAGEMENT DISTRICT

Proposed Amendments to  
Regulation IV, Fees

Date: September 19, 2019  
Time: 10:30 AM  
Location: Trinity County Library  
11 Court Street, Weaverville, California

The District hereby provides public notice in accordance with California Health & Safety Code 40725 that the District Governing Board will consider the adoption of proposed amendments to *Regulation IV Fees, Rules 400 Fee Calculation & Administration, 405 Stationary & Portable Source Permit Fees, and 408 Burn Permit Fees*. Oral and written testimony may be directed to the District Governing Board at the public hearing on September 19, 2019. Written comments may be sent to the NCUAQMD, 707 L Street, Eureka, CA 95501, attention: Jason Davis, or emailed to [support@ncuaqmd.org](mailto:support@ncuaqmd.org).

Copies of this notice, the proposed rule, and the staff report will be available for viewing beginning on August 15th at the District office located at 707 L Street, Eureka, by calling (707) 443-3093, or by visiting the District's website ([www.ncuaqmd.org](http://www.ncuaqmd.org)).

**DRAFT**

# **STAFF REPORT**

## **PROPOSED AMENDMENTS TO NCUAQMD REGULATION IV**

**Rules 400 & 405**



**August 15, 2019**

## **Proposed Revisions to Regulation IV, Fees**

### **Rule 400, Fee Calculation & Administration**

Section proposed to be amended:

(H) Resolution When Multiple Fee Tables Apply

### **Rule 405, Stationary & Portable Source Permit Fees**

Sections proposed to be amended:

(C)(12) Aggregate, Concrete Batch, and Hot Mix Asphalt Equipment

(D)(12) Aggregate, Concrete Batch, and Hot Mix Asphalt Equipment

## Table of Contents

<b>Proposed Revisions to Regulation IV, Fees</b> .....	<b>2</b>
<i>Executive Summary</i> .....	<b>4</b>
<b>BACKGROUND</b> .....	<b>5</b>
<b>PROPOSED RULE LANGUAGE</b> .....	<b>5</b>
<b>Rule 400 FEES CALCULATION &amp; ADMINISTRATION</b> .....	<b>6</b>
<i>Section (H) Resolution When Multiple Fee Tables Apply</i> .....	<b>6</b>
<b>Rule 405 STATIONARY &amp; PORTABLE SOURCE PERMIT FEES</b> .....	<b>7</b>
<i>Section C &amp; D – ATC and PTO Fee Schedules</i> .....	<b>7</b>
<b>COMMENTS FROM STAKEHOLDERS</b> .....	<b>10</b>
<b>REQUIRED REGULATORY FINDINGS</b> .....	<b>10</b>
<b>Authority</b> .....	<b>11</b>
<b>Necessity</b> .....	<b>11</b>
<b>Clarity</b> .....	<b>11</b>
<b>Consistency</b> .....	<b>11</b>
<b>Non-Duplication</b> .....	<b>12</b>
<b>Reference</b> .....	<b>12</b>
<b>SOCIOECONOMIC IMPACTS</b> .....	<b>13</b>
<b>ENVIRONMENTAL IMPACTS</b> .....	<b>13</b>

## Proposed Revisions to Regulation IV

### *Executive Summary*

The North Coast Unified Air Quality Management District (District) is the regional government agency responsible for the regulation of the air resource within the counties of Humboldt, Del Norte, and Trinity in northern California. The District implements a permitting program whereby portable and stationary sources of air emissions may be authorized to operate.

The California Health & Safety Code (H&SC) establishes the District's authority to adopt rules that limit discharges of pollution, the authority to issue conditional permits for the construction and operation of equipment, and the authority to collect fees for services provided to the community. Fees cannot exceed the reasonable regulatory cost to the District for issuing permits, performing inspections and audits, and the administrative enforcement and adjudication thereof. The District Board has adopted its own set of laws and codes which is referred to as the District Rules and Regulations. District Regulation IV outlines how fees are to be calculated, and when they are to be collected. The fee regulation was last revised in 2017.

#### Highlights of the Proposed Rule Revisions include:

- **Rule 400**
  - Amendment of Section (H) to mirror language used in Section (C) thereby authorizing the APCO to assess permit fees in amounts that are most representative of District actual costs.
- **Rule 405**
  - Add a new fee schedule for Authority to Construct permits that includes a description of the source category and table listing the value of X to be assessed. The new section is proposed to be entitled "Section (D)(12) Aggregate, Concrete Batch, and Hot Mix Asphalt Equipment".
  - Add a new fee schedule for Permits to Operate that includes a description of the source category and table listing the value of X to be assessed. The new section is proposed to be entitled "Section (D)(12) Aggregate, Concrete Batch, and Hot Mix Asphalt Equipment".

## BACKGROUND

California Health & Safety Code Section 40000 authorizes the District to establish a fee collection process. The fee structure must be “fee for service” in design and may only be increased by a maximum of 15% percent per year. The District’s current fee schedule recovers costs associated with the administration of various District programs using the procedures outlined in Sections A through I of Rule 400. Each of the Sections makes reference to an “X” factor which is assigned annually by the District Governing Board during the budget adoption process.

The “X factor” is intended to represent the District’s cost to operate on an hourly basis. When determining the value of “X”, the types of services and activities performed by the District can be grouped into four categories: administration compliance, monitoring, and permitting. The District recently completed a cost recovery study focused on an existing source category, aggregate processing equipment. The results serve as the basis for the proposed addition of a new fee schedule for aggregate, concrete batch, and hot mix asphalt equipment.

Airborne particulate matter concentration levels within Humboldt County exceed the health protective standards established by the State. The harvesting, crushing, screening, and stockpiling of aggregate can result in significant quantities of particulate matter emissions (dust). As such, the regulation of aggregate processing facilities plays a key role in the District’s Plan to achieve compliance with the Ambient Air Quality Standard (AAQS) for particulate matter 10 microns in size and smaller.

## PROPOSED RULE LANGUAGE

As part of its quality improvement program, the District Staff regularly conducts an internal review of operations. Recently staff became aware of an issue with one of the tables used to assess fees in support of the portable and stationary source permitting program. Staff completed a cost study and developed a solution. If implemented as intended, the proposal will result in an overall reduction in the amount paid by the regulated community. None of the proposed changes will result in an increase in the amount paid for services provided by the District in excess of amounts allowed under the California Health & Safety Code.

**Rule 400 FEES CALCULATION & ADMINISTRATION**

The principle functions of the District include the issuance of permits, enforcement and investigation of air quality laws, air quality monitoring activities, and conducting research and administration. Rule 400 establishes the administrative process for fee development, application, and collection of fees to recover the cost of providing these services.

**Section (H) Resolution When Multiple Fee Tables Apply**Discussion

Section C of Rule 400 establishes the scope of activities the District may consider in the calculation of direct and indirect costs. These costs are then used as the basis for the establishment of the *X-Factor* (the hourly weighted rate for services provided by the agency), and the fee schedules found in Rule 405. Section C also contains language imposing a limitation such that the value of the fees assessed may not substantially differ from actual costs.

Current language found in Section (H) mandates that the APCO take a course of action in the event that multiple fee schedules apply to a source or permit. The directive is to apply the fee schedule that results in the highest fee. This requirement can, at times, be in conflict with Section C when the “resulting highest fee” is substantially greater than District actual costs. To remedy, staff is proposing to modify language within Section H to align with that of Section C.

Proposed Language

- H. Resolution When Multiple Fee Tables Apply:** In determining the fees to be charged, identical or like equipment within each process unit that requires a permit may be totaled for each schedule. In the event that more than one fee schedule is applicable to an ATC or PTO, the ~~governing schedule~~ APCO shall ~~be that which results in~~ assess the ~~highest fee.~~ most representative of District actual costs.

**Rule 405 STATIONARY & PORTABLE SOURCE PERMIT FEES**

The purpose of Rule 405 is to establish the framework for the Authority to Construct and Permit to Operate fee recovery process. The Rule contains the fee schedules and tables which list the *X-Factor Multiplier* applied to each equipment type or category.

**Section C & D – ATC and PTO Fee Schedules**Discussion

When the schedules were first developed, they were written so as to apply to a wide range of equipment types. For example, all fuel burning equipment is subject to Table 2 regardless of the device type or the product that it is being produced. As one might imagine, the resources expended by the District to implement the agency's programs vary based upon the type of device and the product that the device is used to create or manufacture. As such in recent years, the District has been transitioning over to using fee schedules specific to the device or source category type.

To better align the fee schedule with actual District costs to administer the permitting, air monitoring, inspection, and planning programs, Staff is proposing to amend Rule 405 to include two new fee tables specific to aggregate handling equipment. Staff is also recommending that the title for the existing fee tables for "Internal Combustion" be amended to clarify the intent of the schedule - to apply to *internal combustion engines*. If implemented as intended, the changes will result in a reduction in the amount paid by the permittee. The cost study, including an example fee calculation developed using the proposed new table can be found in attachment A.

**Section C – ATC Permit Evaluation Fee Schedule**Proposed Language

- 9. Internal Combustion Engine Schedule:** The X-Factor Multiplier for an internal combustion engine shall be determined based upon its rated design capacity measured in units of brake horsepower per hour as listed in the following table.

Table 9 – Internal Combustion Engines

Engine Brake Horsepower Rating	X-Factor Multiplier	
	Initial Permit Evaluation	Initial Toxic Evaluation
Less than 140	2	0.5
140 or greater, but less than 350	4	1
350 or greater, but less than 1,000	6	2
1,000 or greater, but less than 3,000	10	2
3,000 or greater, but less than 5,000	22	2
5,000 or greater, but less than 10,000	34	3
10,000 or greater, but less than 15,000	45	5
15,000 or greater, but less than 20,000	80	7
20,000 or greater	Either 130 or actual costs whichever is greater	8

**12. Aggregate, Concrete Batch, and Hot Mix Asphalt Equipment:** The X-Factor Multiplier for aggregate handling and processing equipment (conveyors, crushers, dryers, screens, and storage silos) shall be determined based upon the number of devices and transfer points as listed in the following table.

Table 12 – Aggregate, Concrete Batch, and Hot Mix Asphalt Equipment

Number of Devices	Number of Transfer Points	X-Factor Multiplier	
		Initial Permit Evaluation	Initial Toxic Evaluation
<u>1</u>	<u>1-5</u>	<u>12</u>	<u>0.5</u>
<u>1</u>	<u>6-10</u>	<u>14</u>	<u>0.5</u>
<u>2</u>	<u>1-5</u>	<u>14</u>	<u>0.5</u>
<u>2</u>	<u>6-10</u>	<u>16</u>	<u>0.5</u>
<u>3</u>	<u>1-5</u>	<u>16</u>	<u>0.5</u>
<u>3</u>	<u>6-10</u>	<u>18</u>	<u>0.5</u>
If an equipment group has more than 3 devices, for each additional device add the following.		<u>1</u>	<u>0</u>
If an equipment group has more than 10 transfer points, for each additional transfer point, add the following		<u>0.1</u>	<u>0</u>

**Section D – PTO Annual Renewal Fee Schedule**

**Proposed Language**

**9. Internal Combustion Engine Schedule:** The X-Factor Multiplier for internal combustion engines shall be determined based upon its rated design capacity measured in units of brake horsepower per hour as listed in the following table.

Table 9 – Internal Combustion Engines

Engine Brake Horsepower Rating	Annual Permit Evaluation	Annual Toxic Evaluation
Less than 140	1	0.5
140 or greater, but less than 350	2	1
350 or greater, but less than 1,000	3	1
1,000 or greater, but less than 3,000	5	2
3,000 or greater, but less than 5,000	11	2
5,000 or greater, but less than 10,000	17	3
10,000 or greater, but less than 15,000	22	5
15,000 or greater, but less than 20,000	40	7
20,000 or greater	50	8

**12. Aggregate, Concrete Batch, and Hot Mix Asphalt Equipment:** The X-Factor Multiplier for aggregate handling and processing equipment (conveyors, crushers, dryers, screens, and storage silos) shall be determined based upon the number of devices and transfer points as listed in the following table.

Table 12 – Aggregate, Concrete Batch, and Hot Mix Asphalt Equipment

Number of Devices	Number of Transfer Points	X-Factor Multiplier	
		Initial Permit Evaluation	Initial Toxic Evaluation
<u>1</u>	<u>1-5</u>	<u>6</u>	<u>0.5</u>
<u>1</u>	<u>6-10</u>	<u>7</u>	<u>0.5</u>
<u>2</u>	<u>1-5</u>	<u>7</u>	<u>0.5</u>
<u>2</u>	<u>6-10</u>	<u>8</u>	<u>0.5</u>
<u>3</u>	<u>1-5</u>	<u>8</u>	<u>0.5</u>
<u>3</u>	<u>6-10</u>	<u>9</u>	<u>0.5</u>
<u>If an equipment group has more than 3 devices, for each additional device add the following.</u>		<u>0.5</u>	<u>0</u>
<u>If an equipment group has more than 10 transfer points, for each additional transfer point, add the following</u>		<u>0.1</u>	<u>0</u>

## COMMENTS FROM STAKEHOLDERS

During the month preceding the public hearing for Rule adoption, the District will receive comments from interested parties for a minimum of 30 days. The rule amendment will be noticed in the Times-Standard, which is utilized as the “newspaper of general circulation” for publishing District notices. At the conclusion of the public comment period, District staff will prepare a document summarizing all comments received from the public and will provide a response to each suggestion. The results will be presented to the Governing Board for consideration at the rule adoption public hearing.

## REQUIRED REGULATORY FINDINGS

Division 26 of the California Health and Safety Code requires local districts to comply with a rule adoption protocol as set forth in Sections 40725 – 40731. Section 40727 of the Code requires the District to make six findings prior to amending, or repealing a rule or regulation. Specifically, the District Board must make findings concerning authority, necessity, consistency, non-duplication and code references based upon information developed pursuant to Section 40727.2 (described below), information in the rulemaking record, and relevant information presented at the hearing.

One of the required basis for making the six findings is information developed in accordance with California Health & Safety Code (HSC) Section 40727.2. This Section requires districts to identify all existing federal, state and district air pollution control requirements that apply to the same equipment or source type as the proposed rule, and the differences between these requirements and the proposed rule.

Pursuant to HSC Section 40727.2(g), the District may comply with this statutory requirement by making a finding that the proposed fee rule amendments do not impose a new standard, make an existing standard more stringent, or impose new or more stringent administrative requirements. Thus, Staff recommends that a finding be made that a new standard is not created, an existing standard is not made more stringent, nor are more stringent administrative requirements imposed.

In addition, the proposed revisions to Regulation IV satisfy the requirements for each of six the required findings as discussed below.

### Authority

*Authority - A provision of law or of a state or federal regulation which permits or requires the regional agency to adopt, amend, or repeal the regulation.*

California Health and Safety Code (HSC) Section 40702 requires the District to adopt rules and regulations and do such acts as may be necessary or proper to execute the powers and duties granted to, and imposed upon, the district by the HSC and other statutory provisions. HSC 42311(a) authorizes the District Board to adopt, by regulations, a schedule of annual fees for the evaluation, issuance, and renewal of permits to cover the cost of district programs. HSC 42311(f) authorizes the District to assess fees to cover the cost of administering toxic air contaminant programs. HSC Section 41512 limits the percentage increase in fees to no more than 15 percent per year.

### Necessity

*Necessity - A need exists for the regulation, or for its amendment or repeal as demonstrated by the record of the rulemaking authority.*

The proposed rule amendments are necessary to fund the District's efforts to attain and maintain federal and state ambient air quality standards. The amendments result in the creation of a new fee schedule to be applied to the source category *aggregate, concrete batch, and hot mix asphalt equipment*. Presently, the fee schedules for electric motor horsepower, fuel burning, and process weight rate are applicable.

### Clarity

*Clarity - The regulation is written or displayed so that its meaning can be easily understood by the persons directly affected by it.*

The proposed regulation is written in plain English utilizing generally recognized grammatical structure, and commonly understood words. The terminology used is consistent throughout the Regulations, and is consistent with State and Federal rule language. The amendments are written so that the meaning can be understood by the affected parties.

### Consistency

*Consistency - The regulation is in harmony with, and not in conflict with or contradictory to, existing statutes, court decisions, or state or federal regulations.*

The proposed rule language does not conflict with District Regulations, State, or Federal law.

### Non-Duplication

*Non-Duplication - A regulation should not impose the same requirements as an existing state or federal regulation unless the District finds that the requirements are necessary and proper to execute the powers and duties granted to, and imposed upon, a district.*

Regulation IV, Rule 400 and 405 contain the tables and schedules used to calculate fees for stationary and portable sources. The requirements of these Rules are not duplicated in other volumes of federal or state law.

### Reference

*Reference – Means the statute, court decision, or other provision of law that the district implements, interprets, or makes specific by adopting, amending, or repealing a regulation.*

The changes to the proposed Rules will affect District Regulation IV, Rule 400, and Rule 405. The changes are being completed in accordance with HSC 40702, 42311(a), 42311(f), and 42311.5. The proposed Rule amendments are intended to ensure cost recovery for permitting program costs pursuant HSC 42311 while complying with statutory fee recovery requirements.

## SOCIOECONOMIC IMPACTS

California Health & Safety Code (HSC) Section 40728.5 - *Required Assessment*, specifies that District conduct a socioeconomic impact analysis on proposed regulations. However, pursuant to Section (d), because the combined population of Humboldt, Del Norte, and Trinity Counties is less than 500,000 persons, the District is not required to prepare the assessment.

## ENVIRONMENTAL IMPACTS

The California Environmental Quality Act (CEQA), Public Resources Code section 21000 et seq., and the CEQA Guidelines, 14 CCR 15000 et seq., require a government agency that undertakes or approves a discretionary project to prepare documentation identifying the potential environmental impacts of that project. The Guidelines exempt certain types of actions. Section 15273 of the CEQA Guidelines states: “*CEQA does not apply to the establishment, modification, structuring, restructuring, or approval of rates, tolls, fares, and other charges by public agencies....*” Therefore, the portions of this rule making action pertaining to fees are exempt from CEQA.

## ATTACHMENT A

### COST STUDY

District staff completed a review of operations at the end of FY 2018-2019 and determined that the fees assessed for an Authority to Construct permit for aggregate processing facilities, concrete batch plants, and hot mix asphalt batch plants were not in alignment with actual costs. On the following pages, an estimate of resources necessary to implement the portable and stationary source permitting programs for sources utilizing aggregate processing equipment is presented. To establish a framework for comparison, staff identified the typical size and configuration of equipment triggering the permitting requirement. For aggregate plants, one device and at least one transfer point was determined to represent the minimum. While for concrete batch plants, two devices and at least one transfer point was considered de-minimis. Hot mix asphalt plants are generally more complex, so the ability to add devices and transfer points *a la carte* was incorporated into the proposal. To prepare an Authority to Construct permit and to inspect the equipment in order to verify compliance, Staff determined that 15.5 hours of staff time are necessary for a plant with the configuration depicted below. For the annual permit renewal, costs are typically 50% of that to issue the Authority to Construct.

## PERMITTING WORK FLOW: ATC

Aggregate, Concrete, and Hot Mix Asphalt Plants

	<b>Hours Required</b>	<b>Cost Type</b>
<b>Completeness Determination</b>		
Receive Documents & Log	0.1	Fixed
Review Entries for Accuracy & Completeness	0.5	Fixed
Receive & Log Application Fee	0.1	Fixed
	0.7	
<b>Application Review</b>		
Emission Calculation	0.5	Variable
Regulatory Review	0.5	Fixed
Prepare Engineering Evaluation		
Create Title Page	0.5	Fixed
Create Equipment List	0.5	Variable
Establish Production Limit	0.5	Variable
	2.5	
<b>Create Permit</b>		
Create Document		
Enter Permittee & Equipment Info	1	Variable
Create Hard Copies, folders, labels.	0.25	Fixed
Create Digital Files	0.15	Fixed
Create Billing Calculation Sheet	0.25	Fixed
Create Cover Letter	0.2	Fixed
Create Email Notifying C&E	0.2	Fixed
Emission Inventory - CEIDARS	0.5	Variable
	2.55	
<b>Manager Approval</b>		
Review & approval of Permit	0.25	Fixed
Audit of Files	0.25	Fixed
	0.5	
<b>Program Implementation</b>		
Financial Department: Billing Entry	0.25	Fixed
Board Activity Report	0.1	Fixed
Log in Source Master List	0.15	Fixed
Annual Planning	0.25	Fixed
Training	0.25	Fixed
Personnel Functions	0.25	Fixed
	1.25	

	<b>Current System</b>
Hours Required	7.50

## COMPLIANCE WORK FLOW: ATC

Aggregate, Concrete, and Hot Mix Asphalt Plants

	<u>Hours Required</u>	<u>Cost Type</u>
<b>Preparation</b>		
Review of permit & inspection points.	0.25	Fixed
Check-in with Engineer.	0.2	Fixed
Review previous inspection records & NOV log.	0.2	Fixed
Fees paid? Emission inventory reports current?	0.1	Fixed
	<hr style="width: 50%; margin-left: 0;"/> 0.75	
<b>Travel Time</b>		
Calculated as an average of all sources in category	2.5	Fixed
	<hr style="width: 50%; margin-left: 0;"/> 2.5	
<b>Physical Inspection</b>		
Confirm Authorized Equipment List	0.25	Variable
Emission Points: VEE, Controls Applied (water)?	0.5	Variable
Trackout, Storage Piles, Speed Limits?	0.25	Fixed
	<hr style="width: 50%; margin-left: 0;"/> 1	
<b>Records Review</b>		
Permit Available?	0.1	Fixed
Employees Trained?	0.2	Fixed
Production Records?	0.25	Fixed
Source Test Report?	0.2	Fixed
Training Source	0.5	ATC Only
	<hr style="width: 50%; margin-left: 0;"/> 1.25	
<b>Prepare Inspection Report</b>		
Write Report	0.25	Fixed
Transfer Photos to Server	0.25	Fixed
File Hard Copies	0.25	Fixed
	<hr style="width: 50%; margin-left: 0;"/> 0.75	
<b>Manager Approval</b>		
Review and Approval of Report	0.2	Fixed
Audit of Files	0.1	Fixed
	<hr style="width: 50%; margin-left: 0;"/> 0.3	
<b>Program Implementation</b>		
Complaint Response	0.5	Fixed
Board Activity Report	0.1	Fixed
Log in Source Master List	0.1	Fixed
Annual Planning	0.25	Fixed
Training	0.25	Fixed
Personnel Functions	0.25	Fixed
	<hr style="width: 50%; margin-left: 0;"/> 1.45	

	<b>Current System</b>
Compliance Hours Required	8.00

**SAMPLE FEE CALCULATION**

Using the proposed fee table below, a plant with a single device and 1-5 transfer points would be charged a fee of 12 “X” or 12 hours of staff time.

Fee Type	“X” Value
Application Fee	.5
Permit	12
Toxic	.5
GHG Fee	2.5
<b>Total</b>	<b>15.5</b>

- 12. Aggregate, Concrete Batch, and Hot Mix Asphalt Equipment:** The X-Factor Multiplier for aggregate handling and processing equipment (conveyors, crushers, dryers, screens, and storage silos) shall be determined based upon the number of devices and transfer points as listed in the following table.

Table 12 – Aggregate, Concrete Batch, and Hot Mix Asphalt Equipment

Number of Devices	Number of Transfer Points	X-Factor Multiplier	
		Initial Permit Evaluation	Initial Toxic Evaluation
1	1-5	12	0.5
1	6-10	14	0.5
2	1-5	14	0.5
2	6-10	16	0.5
3	1-5	16	0.5
3	6-10	18	0.5
If an equipment group has more than 3 devices, for each additional device add the following.		1	0
If an equipment group has more than 10 transfer points, for each additional transfer point, add the following		0.1	0

**CURRENT FEE STRUCTURE**

Under the current fee structure, the District must apply the fee table that results in the highest fee, the process weight rate table. A plant with the sample configuration may have a maximum operating capacity of between 150,000 lbs to 300,000 lbs of aggregate per hour. Applying the current fee structure, the plant would be assessed 32 or 44 depending upon the actual rated capacity.

Fee Type	“X” Value
Application Fee	.5
Permit	27
Toxic	2
GHG Fee	2.5
<b>Total</b>	<b>32</b>

Fee Type	“X” Value
Application Fee	.5
Permit	39
Toxic	2
GHG Fee	2.5
<b>Total</b>	<b>44</b>

**0.Process Weight Schedule:** The X-Factor Multiplier for any device which emits air contaminants shall be determined based upon the maximum rated process weight of the device or process line as listed in the following table.

Table 5 – Process Weight

Average Pounds Per Hour	X-Factor Multiplier	
	Initial Permit Evaluation	Initial Toxic Evaluation
Less than 5,000	2	0.5
5,000 or greater, but less than 20,000	6	1
20,000 or greater, but less than 50,000	11	1
50,000 or greater, but less than 100,000	17	1
100,000 or greater, but less than 200,000	27	2
200,000 or greater, but less than 400,000	39	2
400,000 or greater, but less than 500,000	56	2
500,000 or greater	Either 56 or actual costs whichever is greater	2

As proposed, the fee change would result in a fee reduction of between 52% and 65%.

# **Regulation IV**

## **Rule 405 –Stationary & Portable Source Permit Fees**

*This Rule was first adopted November 3, 1982; revised March 17, 2011. The current version was adopted by the Governing Board via Resolution 2019-X on September 19, 2019.*

### **TABLE OF CONTENTS**

- A. PURPOSE
- B. PERMIT FEES
  - 1. Authority To Construct (ATC)
  - 2. Permit To Operate (PTO)
- C. ATC PERMIT EVALUATION FEE SCHEDULES
- D. PTO ANNUAL RENEWAL FEE SCHEDULES
- E. ADDITIONAL PERMIT FEE SCHEDULES

## RULE 405

### STATIONARY & PORTABLE SOURCE PERMIT FEES

**A. PURPOSE:** The purpose of this rule is to authorize the District to recover its reasonable costs incurred for direct and incidental costs associated with its activities, including but not limited to the issuance of permits, enforcement and investigation, including research and administration. The authority to establish this rule is provided for in H&SC §41512.5 and §42311.

#### **B. PERMIT FEES**

- 1. Authority to Construct (ATC):** An applicant for a ATC permit shall pay the fees listed below in accordance with the provisions of this Section.
  - a. Filing Fee:** Every application for an ATC permit shall be accompanied by a filing fee equal to 0.5 X.
  - b. Permit Fee:** For all new construction or modifications to existing equipment, the ATC permit fee shall consist of an Initial Permit Evaluation Fee, Initial Toxic Evaluation Fee, and a Greenhouse Gas Fee.
  - c. Non-Permit Fees:** All fees required by Regulation IV including but not limited to the fees for new source review, public notices, and hearings.
  - d. Fee Payment:** Fees are due and payable at the time the applicant is invoiced by the District. ATC permits will not be issued until payment is received.
  
- 2. Permit To Operate (PTO):** An applicant for an initial or for a renewal of a PTO shall pay the fees listed below in accordance with the provisions of this Section. Renewal fees are assessed to offset the cost encumbered by the District during the fiscal year in which they are assessed.
  - a. Filing Fee:** Every application for a PTO shall be accompanied by a filing fee equal to 0.5 X. A filing fee is required when converting an ATC to a PTO and when the PTO serves as the initial permit.
  - b. Annual Permit Renewal Fee:** Each holder of a PTO shall, on an annual basis, pay Annual Permit Renewal Fees. The PTO fee shall consist of an Annual Permit Renewal Fee, an Annual Toxic Evaluation Fee, and Greenhouse Gas Fees.
  - c. Non-Permit Fees:** All applicable fees required by Regulation IV that are not Annual Permit Renewal Fees including but not limited to air monitoring fees.
  - d. PTO – Initial Permit Fee:** In instances when the PTO serves as the initial permit, the fee shall be determined as specified in Section B.1. When said permit is eligible for annual renewal, the fee shall be determined in accordance with Section B.2.
  - e. Fee Payment:** Fees are due and payable at the time the applicant is invoiced by the District. Invoices will be prepared and transmitted to permit holders annually by the dates indicated below. Failure to pay may result in permit suspension or revocation as specified in Rule 400.
    - i. Retail Gasoline Dispensing Facilities** – in the month of February.
    - ii. Minor Source Permit** – at the beginning of the fiscal year.
    - iii. Major Source Permit** – at the beginning of the fiscal year.

**C. ATC PERMIT EVALUATION FEE SCHEDULES:** The X-Factor Multiplier used to calculate the fees for an ATC permit application shall be determined in accordance with this Section.

- 1. Electric Motor Horsepower Schedule:** The X-Factor Multiplier for any source where an electric motor(s) or equivalent drive unit(s) is used as the power supply, shall be determined based on the total rated horsepower of all such drive units, or their horsepower equivalent in kilovolt amperes (1 KVA=1.34 HP) as listed in the following table.

Table 1 – Electric Motor Horsepower

Horsepower	X-Factor Multiplier	
	Initial Permit Evaluation	Initial Toxic Evaluation
Less than 25	1	0.5
25 or greater, but less than 50	2	1
50 or greater, but less than 100	6	2
100 or greater, but less than 300	11	2
300 or greater, but less than 1,000	17	2
1,000 or greater, but less than 1,500	22	3
1,500 or greater	Either 22 or actual costs whichever is greater	3

- 2. Fuel Burning and Power Generation Equipment Schedule:** The X-Factor Multiplier for any device where fuel may be burned or in which power may be generated, with the exception of incinerators or refuse burners which are covered under Table 3, shall be determined based upon its rated design capacity of heat input expressed in Millions of British Thermal Units per hour (MMBtu/hr), using gross heating value of the fuel or its equivalent.

Table 2 – Fuel Burning and Power Generation

Million British Thermal Units per Hour (MMBtu/hr)	X-Factor Multiplier	
	Initial Permit Evaluation	Initial Toxic Evaluation Fee
Less than 1	2	0.5
1 or greater, but less than 5	6	1
5 or greater, but less than 20	11	2
20 or greater, but less than 50	22	2
50 or greater, but less than 100	34	3
100 or greater, but less than 250	45	3
250 or greater, but less than 500	112	3
500 or greater, but less than 1,000	169	3
1,000 or greater, but less than 1,500	225	3
1,500 or greater	Either 225 or actual costs whichever is greater	3

3. **Incinerator and Refuse Burning Schedule:** The X-Factor Multiplier for any device used for the disposal of approved combustibles by burning shall be determined based upon the maximum horizontal inside cross sectional area of the primary combustion chamber as listed in the following table.

Table 3 – Incinerator and Refuse Burning

Area in Square Feet	X-Factor Multiplier	
	Initial Permit Evaluation	Initial Toxic Evaluation
Less than 12	1	0.5
12 or greater, but less than 100	2	0.5
100 or greater, but less than 400	6	1
400 or greater, but less than 1,000	17	1
1,000 or greater, but less than 3,000	34	2
3,000 or greater, but less than 5,000	56	3
5,000 or greater	Either 56 or actual costs whichever is greater	3

4. **Stationary Container Schedule:** The X-Factor Multiplier for any tank, reservoir, or other container shall be determined based on its capacity in gallons or cubic equivalent as listed in the following table.

Table 4 – Stationary Containers

Gallons	X-Factor Multiplier	
	Initial Permit Evaluation	Initial Toxic Evaluation
250 or greater, but less than 4,000	1	None
4,000 or greater, but less than 40,000	2	None
40,000 or greater, but less than 400,000	6	1
400,000 or greater, but less than 500,000	11	2
500,000 or greater	Either 11 or actual costs whichever is greater	2

5. **Process Weight Schedule:** The X-Factor Multiplier for any device which emits air contaminants shall be determined based upon the maximum rated process weight of the device or process line as listed in the following table.

Table 5 – Process Weight

Average Pounds Per Hour	X-Factor Multiplier	
	Initial Permit Evaluation	Initial Toxic Evaluation
Less than 5,000	2	0.5
5,000 or greater, but less than 20,000	6	1
20,000 or greater, but less than 50,000	11	1
50,000 or greater, but less than 100,000	17	1
100,000 or greater, but less than 200,000	27	2
200,000 or greater, but less than 400,000	39	2
400,000 or greater, but less than 500,000	56	2
500,000 or greater	Either 56 or actual costs whichever is greater	2

6. **Miscellaneous Schedule:** The X-Factor Multiplier for any device that emits air contaminants shall be determined based upon the volumetric exhaust rate from the source, expressed in cubic feet per minute.

Table 6 - Miscellaneous

Volumetric Exhaust Rate in Cubic Feet per Minute (cfm)	X-Factor Multiplier	
	Initial Permit Evaluation	Initial Toxic Evaluation
Less than 2,000	1	0.5
2,000 or greater, but less than 5,000	2	0.5
5,000 or greater, but less than 20,000	6	1
20,000 or greater, but less than 50,000	11	1
50,000 or greater, but less than 100,000	23	2
100,000 or greater, but less than 200,000	45	3
200,000 or greater, but less than 250,000	67	3
250,000 or greater	Either 67 or actual costs whichever is greater	3

7. **Geothermal Development Schedule:** The X-Factor Multiplier for any source related to the production or utilization of geothermal steam shall be determined per well, power plant, and air pollution control device as listed in the following table.

Table 7 – Geothermal Development

Geothermal Sources	X-Factor Multiplier	
	Initial Permit Evaluation	Initial Toxic Evaluation
Geothermal Well	17	1
Geothermal Well Air Pollution Control Device	20	1
Power Plant Unit	132	2
Power Plant Unit Air Pollution Control Device	Either 132 or actual costs whichever is greater	2

8. **Quarry Fee Schedule:** The X-Factor Multiplier for quarries, including gravel extraction sites which are subject to the State Airborne Toxic Control Measure for Naturally Occurring Asbestos, shall be determined based on the area of land disturbed by extraction as listed in the following table.

Table 8 - Quarries

Quarry Extraction Area (Acres)	X-Factor Multiplier	
	Initial Permit Evaluation	Initial Toxic Evaluation
Less than 10 Acres	1	2
10 Acres or greater, but less than 50 Acres	2	4
50 Acres or greater	3	8

9. **Internal Combustion Engine Schedule:** The X-Factor Multiplier for an internal combustion engine shall be determined based upon its rated design capacity measured in units of brake horsepower per hour as listed in the following table.

Table 9 – Internal Combustion Engines

Engine Brake Horsepower Rating	X-Factor Multiplier	
	Initial Permit Evaluation	Initial Toxic Evaluation
Less than 140	2	0.5
140 or greater, but less than 350	4	1
350 or greater, but less than 1,000	6	2
1,000 or greater, but less than 3,000	10	2
3,000 or greater, but less than 5,000	22	2
5,000 or greater, but less than 10,000	34	3
10,000 or greater, but less than 15,000	45	5
15,000 or greater, but less than 20,000	80	7
20,000 or greater	Either 130 or actual costs whichever is greater	8

10. Sources of Toxic Air Contaminants

- a. **Retail Gasoline Dispensing Facilities:** The X-Factor Multiplier shall be a flat rate per facility plus an additional amount per nozzle used to dispense gasoline as listed in Table 10.
- b. **Chrome Plating and Chromic Acid Anodizing Facilities:** The X-Factor Multiplier for a facility where chrome plating or chromic acid anodizing is performed shall be a flat rate per facility as listed in Table 5.10. The “per facility fee” shall be assessed in addition to any other applicable fees for permitted units.
- c. **Chromate Treated Cooling Towers:** The X-Factor Multiplier for a chromate treated cooling tower shall be a flat rate per device as listed in Table 10.
- d. **Medical Waste Incinerators:** The X-Factor Multiplier for a medical waste incinerator shall be determined based upon its NESHAP category classification as listed in Table 10.
- e. **Sterilizers/Aerators:** The X-Factor Multiplier for a sterilizer/aerator shall be a flat rate per device as listed in Table 5.10.
- f. **Asbestos Containing Serpentine Material:** The X-Factor Multiplier for a quarry containing serpentine material shall be a flat rate per quarry as listed in Table 10.
- g. **Dry Cleaning Equipment:** The X-Factor Multiplier for a perchloroethylene dry cleaning facility shall be a flat rate per facility as listed in Table 10.
- h. **Gasoline Distribution at Bulk Plants and Terminals:** The X-Factor Multiplier for any Bulk Plant or Terminal that uses loading racks to transfer gasoline or gasohol into trucks, railcars, or ships shall be determined based upon the number of loading arms and the number of products which may be delivered per arm.

Table 10 – Sources of Toxic Air Contaminants

Sector	X-Factor Multiplier Initial Permit Evaluation
Retail Gasoline Dispensing	2 per facility and 0.7 per nozzle
Chrome Plating & Acid Anodizing	4
Chromate Treated Cooling Towers	4
Medical Waste Incinerators	For Cat. I sources, 6 For Cat. II sources, 12 For Cat. III sources, 40
Sterilizers/Aerators	8
Asbestos Containing Serpentine Material	6 per quarry
Dry Cleaning Equipment	4
Gasoline Distribution at Bulk Plants & Terminals	22 per product per arm

**11. Sources of Greenhouse Gases:** Any source which has the Potential To Emit Greenhouse Gases, and is required by the APCO to have a permit, shall pay a fee in accordance with this Section. All permitted sources will be considered “general sources” unless specifically identified herein. The fees assessed pursuant to this Section shall be in addition to any other fees required by District Regulations.

**a. General Sources:** The X-Factor Multiplier for any source subject to this Section which is required to obtain an ATC shall pay a flat rate per device as listed in Table 11.

Table 11 – General Sources

Description	X-Factor Multiplier
	ATC FEE
For each permitted device that emits Greenhouse Gas	2.5

**b. Sources of Refrigerants:** The X-Factor Multiplier for any source which is subject to title 17, California Code of Regulations, Section 95381 et seq, shall be based upon the refrigerant capacity of the system at full charge as listed in Table 12.

Table 12 - Refrigerants

System Capacity (Full Charge)	X-Factor Multiplier
	ATC FEE
Less than 200.0 lbs.	2
200.0 or greater, but less than 2,000.0 lbs.	4
2,000.0 lbs. or greater	6

**12. Aggregate, Concrete Batch, and Hot Mix Asphalt Equipment:** The X-Factor Multiplier for aggregate handling and processing equipment (conveyors, crushers, dryers, screens, and storage silos) shall be determined based upon the number of devices and transfer points as listed in the following table.

Table 12 – Aggregate, Concrete Batch, and Hot Mix Asphalt Equipment

Number of Devices	Number of Transfer Points	X-Factor Multiplier	
		Initial Permit Evaluation	Initial Toxic Evaluation
1	1-5	12	0.5
1	6-10	14	0.5
2	1-5	14	0.5
2	6-10	16	0.5
3	1-5	16	0.5
3	6-10	18	0.5
If an equipment group has more than 3 devices, for each additional device add the following.		1	0
If an equipment group has more than 10 transfer points, for each additional transfer point, add the following		0.1	0

**D. PTO ANNUAL RENEWAL FEE SCHEDULES:** The X-Factor Multiplier used to calculate the fees for the annual renewal of a PTO shall be determined in accordance with this Section.

- 1. Electric Motor Horsepower Schedule:** The X-Factor Multiplier for any source where an electric motor(s) or equivalent drive unit(s) is used as the power supply, shall be determined based on the total rated horsepower of all such drive units, or their horsepower equivalent in kilovolt amperes (1 KVA=1.34 HP arm as listed in the following table.

Table 1 – Electric Motor Horsepower

Horsepower	X-Factor Multiplier	
	Annual Permit Evaluation	Annual Toxic Evaluation
Less than 25	0.5	0.5
25 or greater, but less than 50	1	1
50 or greater, but less than 100	3	2
100 or greater, but less than 300	6	2
300 or greater, but less than 1,000	8	2
1,000 or greater	11	3

- 2. Fuel Burning and Power Generation Equipment Schedule:** The X-Factor Multiplier for any device where fuel may be burned or in which power may be generated, with the exception of incinerators or refuse burners which are covered under Table 3, shall be based upon its rated design capacity of heat input expressed in Millions of British Thermal Units per hour (MMBtu/hr), using gross heating value of the fuel or its equivalent arm as listed in the following table.

Table 2 – Fuel Burning and Power Generation

Million British Thermal Units per Hour (MMBtu/hr)	X-Factor Multiplier	
	Annual Permit Evaluation	Annual Toxic Evaluation
Less than 1	1	0.5
1 or greater, but less than 5	3	1
5 or greater, but less than 20	6	2
20 or greater, but less than 50	11	2
50 or greater, but less than 100	17	3
100 or greater, but less than 250	22	3
250 or greater, but less than 500	56	3
500 or greater, but less than 1,000	84	3
1,000 or greater	113	3

- 3. Incinerator and Refuse Burning Schedule:** The X-Factor Multiplier for any device used for the disposal of approved combustibles by burning, shall be based on the maximum horizontal inside cross sectional area of the primary combustion chamber as listed in the following table.

Table 3 – Incinerator and Refuse Burning

Area in Square Feet	X-Factor Multiplier	
	Annual Permit Evaluation	Annual Toxic Evaluation
Less than 12	0.5	0.5
12 or greater, but less than 100	1	0.5
100 or greater, but less than 400	3	1
400 or greater, but less than 1,000	8	1
1,000 or greater, but less than 3,000	17	2
3,000 or greater	28	3

- 4. Stationary Container Schedule:** The X-Factor Multiplier for any tank, reservoir, or other container shall be based on capacities in gallons or cubic equivalent as listed in the following table.

Table 4 – Stationary Containers

Gallons	X-Factor Multiplier	
	Annual Permit Evaluation	Annual Toxic Evaluation
250 or greater, but less than 4,000	None	None
4,000 or greater, but less than 40,000	None	None
40,00 or greater, but less than 400,000	3	1
400,000 or greater	6	2

- 5. Process Weight Schedule:** The X-Factor Multiplier for any device which emits air contaminants shall be based upon the maximum rated process weight of the device or process line arm as listed in the following table.

Table 5 – Process Weight

Average Pounds Per Hour	X-Factor Multiplier	
	Annual Permit Evaluation	Annual Toxic Evaluation
Less than 5,000	1	0.5
5,000 or greater, but less than 20,000	2	1
20,000 or greater, but less than 50,000	4	1
50,000 or greater, but less than 100,000	6	1
100,000 or greater, but less than 200,000	10	2
200,000 or greater, but less than 400,000	15	2
400,000 or greater, but less than 500,000	20	2
500,000 or greater	25	3

6. **Miscellaneous Schedule:** The X-Factor Multiplier for any source that emits air contaminants shall be determined based upon the volumetric exhaust flow rate from the source expressed in cubic feet per minute in accordance with the following table.

Table 6 - Miscellaneous

Volumetric Exhaust Rate in Cubic Feet per Minute	Annual Permit Evaluation	Annual Toxic Evaluation
Less than 2,000	0.5	0.5
2,000 or greater, but less than 5,000	1	0.5
5,000 or greater, but less than 20,000	3	1
20,000 or greater, but less than 50,000	6	1
50,000 or greater, but less than 100,000	11	2
100,000 or greater, but less than 200,000	23	3
200,000 or greater	34	3

7. **Geothermal Development Schedule:** The X-Factor Multiplier for geothermal wells, power plants and associated control devices shall be determined based upon the following table.

Table 7 – Geothermal Development

Geothermal Sources	Annual Permit Evaluation	Annual Toxic Evaluation
Geothermal Well	8	1
Geothermal Well Air Pollution Control Device	10	1
Power Plant Unit	132	2
Power Plant Unit Air Pollution Control Device	132	2

8. **Quarry Fee Schedule:** The X-Factor Multiplier for quarries, including gravel extraction sites which are subject to the State Airborne Toxic Control Measure for Naturally Occurring Asbestos, shall be determined based on the area of land disturbed by the extraction process as listed in the following table.

Table 8 - Quarries

Quarry Extraction Area (Acres)	Annual Permit Evaluation	Annual Toxic Evaluation
Less than 10 Acres	-	2
10 Acres or greater but less than 50 Acres	-	4
50 Acres or greater	-	6

9. **Internal Combustion Engine Schedule:** The X-Factor Multiplier for internal combustion engines shall be determined based upon its rated design capacity measured in units of brake horsepower per hour as listed in the following table.

Table 9 – Internal Combustion Engines

Engine Brake Horsepower Rating	Annual Permit Evaluation	Annual Toxic Evaluation
Less than 140	1	0.5
140 or greater, but less than 350	2	1
350 or greater, but less than 1,000	3	1
1,000 or greater, but less than 3,000	5	2
3,000 or greater, but less than 5,000	11	2
5,000 or greater, but less than 10,000	17	3
10,000 or greater, but less than 15,000	22	5
15,000 or greater, but less than 20,000	40	7
20,000 or greater	50	8

10. **Sources of Toxic Air Contaminant Fee Schedule:**

- a. **Retail Gasoline Dispensing Facilities:** Each holder of a Permit to Operate shall be assessed a fee of  $2X + (Z*(X/133,333))$  where X is the X-Factor for the fiscal year in which the invoice is prepared, and Z is equal to the number of gallons of gasoline dispensed at the retail service station during the preceding calendar year. The combined fee shall be assessed annually in accordance with Section (B)(2) of this Rule.
- b. **Chrome Plating and Chromic Acid Anodizing Facilities:** The X-Factor Multiplier for a facility where chrome plating or chromic acid anodizing is performed shall be a flat rate per facility as listed in Table 10. The “per facility fee” shall be assessed in addition to any other applicable fees for permitted units.
- c. **Chromate Treated Cooling Towers:** The X-Factor Multiplier for a chromate treated cooling tower shall be a flat rate per device as listed in Table 10.
- d. **Medical Waste Incinerators:** The X-Factor Multiplier for a medical waste incinerator shall be determined based upon its NESHAP category classification as listed in Table 10.
- e. **Sterilizers/Aerators:** The X-Factor Multiplier for a sterilizer/aerator shall be a flat rate per device as listed in Table 10.
- f. **Asbestos Containing Serpentine Material:** The X-Factor Multiplier for a quarry containing serpentine material shall be a flat rate per quarry as listed in Table 10.
- g. **Dry Cleaning Equipment:** The X-Factor Multiplier for a perchloroethylene dry cleaning facility shall be a flat rate per facility as listed in Table 10.
- h. **Gasoline Distribution at Bulk Plants and Terminals:** The X-Factor Multiplier for every Bulk Plant or Terminal that uses loading racks to transfer gasoline or gasohol into trucks, railcars, or ships shall be 10 per single product loading arm and 10 per product for multi-product arms as listed in Table 10.

Table 10 – Sources of Toxic Air Contaminants

Sector	Annual Permit Evaluation Fee
Chrome Plating & Acid Anodizing	2
Chromate Treated Cooling Towers	2
Medical Waste Incinerators	Cat. I shall be 3 Cat. II shall be 6 Cat. III shall be 20
Sterilizers/Aerators	4
Asbestos Containing Serpentine Material	3 per quarry
Dry Cleaning Equipment	2
Gasoline Distribution at Bulk Plants & Terminals	11 per product per arm

**11. Greenhouse Gas Permit Fee Schedule:** Any source which has the Potential To Emit Greenhouse Gases (GHG), and is required by the APCO to have a permit, shall pay a fee in accordance with this Section. All permitted sources will be considered “general sources” unless specifically identified herein. The fees assessed pursuant to this Section shall be in addition to any other fees required by District Regulations.

- a. **General Sources of GHGs:** A source shall pay a permit fee for each permitted device, and shall pay a fee based on the quantity of greenhouse gases emitted into the atmosphere expressed in units of short tons as Carbon Dioxide Equivalents (CO<sub>2</sub>e).
  - i. **GHG Permit Fee:** : The X-Factor Multiplier for any source subject to this Section which is required to obtain a PTO shall pay a flat rate per device as listed in Table 11.

Table 11 – General Sources

Description	X-Factor Multiplier
	PTO FEE
For each permitted device that emits Greenhouse Gas	1.5

ii. **GHG Emission Surcharge:** For every short ton of CO<sub>2</sub>e emitted from the facility during the previous calendar year, the source shall pay a fee of (X/1,650.5). Carbon dioxide equivalents shall be calculated in accordance with District New Source Review Rules.

iii. **Exemptions from GHG Emission Surcharge:** The GHG Emission Surcharge shall not be assessed on sources holding or applying for PTOs issued for the following device types and categories.

- 1. **Air Curtain Incinerators:** When operated as a stationary or a portable source and not:
  - a. Permitted to emit pollutants in amounts greater than major source thresholds as defined by Regulation V;
  - b. Co-located with equipment or other devices which are permitted to emit pollutants in amounts greater than the Title V significance thresholds; or
  - c. Co-located with equipment or other devices which are operated pursuant to a Synthetic Minor operating permit.

b. **Sources of Refrigerants:** The X-Factor Multiplier for any source which is subject to CCR Title 17 §95381 et seq., shall be based upon the refrigerant capacity of the system at full charge as listed in Table 11.

Table 11 - Refrigerants

System Capacity (Full Charge)	X-Factor Multiplier
	PTO FEE
Less than 200.0 lbs.	1
200.0 or greater, but less than 2,000.0 lbs.	2
2,000.0 lbs. or greater	3

**12. Aggregate, Concrete Batch, and Hot Mix Asphalt Equipment:** The X-Factor Multiplier for aggregate handling and processing equipment (conveyors, crushers, dryers, screens, and storage silos) shall be determined based upon the number of devices and transfer points as listed in the following table.

Table 12 – Aggregate, Concrete Batch, and Hot Mix Asphalt Equipment

Number of Devices	Number of Transfer Points	X-Factor Multiplier	
		Initial Permit Evaluation	Initial Toxic Evaluation
1	1-5	6	0.5
1	6-10	7	0.5
2	1-5	7	0.5
2	6-10	8	0.5
3	1-5	8	0.5
3	6-10	9	0.5
If an equipment group has more than 3 devices, for each additional device add the following.		0.5	0
If an equipment group has more than 10 transfer points, for each additional transfer point, add the following		0.1	0

**E. ADDITIONAL PERMIT FEE SCHEDULES**

1. **Public Noticing Fees:** Every application triggering federal, State, or District public noticing requirements shall be assessed a fee to offset the costs of preparing and distributing the required notice.
  - a. **New Source Review & Part 70 Permits:** The X-Factor Multiplier for every application triggering the District New Source Review public noticing requirements or the Part 70 permit noticing requirements under District Regulation V shall be a flat rate per permitted device as listed in Table 1.
  - b. **Source Located Near a School:** The X-Factor Multiplier for every source that is subject to the notification requirements of H&SC §42301.6 shall be a flat rate per permitted device as listed in Table 1.
  
2. **Public Hearing Fees – Reserved**
  
3. **New Source Review Fee:** Every applicant, including any federal, State, local government agency or public district, for an ATC permit or a PTO any stationary source of air contaminant emissions for which the additional new source review procedures are required, shall pay an additional fee to the District in an amount determined by the APCO. Said review fee shall not exceed the actual cost of administration of the new source review requirements.
  
4. **Transfer of Ownership Fee:** Each request to Transfer of Ownership of a permit shall be accompanied by a fee equal to 0.5 X. In the event that multiple permits have been issued for equipment at a single facility, the fee shall be 0.5 X for the first permit and 0.25 X for each additional permit.
  
5. **Health Risk Assessment Fee:** The X-Factor Multiplier for sources requiring Health Risk Assessments shall be a flat rate per source as listed in Table 1.
  
6. **Expedited Permit Processing Fee:** Upon request, the District will expedite the processing of a permit application and shall assess a fee of 4 X or 25% of the normal fee for the processing of the application, whichever results in the greater total fee.

Table 1 – Additional Permit Fees

Service	X-Factor Multiplier Special Services Fee
Public Notice	Either 2 or actual costs whichever is greater
Public Hearing	Reserved
New Source Review	Actual costs
Transfer of Ownership	First device, 50% of X; each additional, 25% of X
Duplicate Permit	\$10 per device
Health Risk Assessment	Either 2 or actual costs whichever is greater
Expedited Permit	Either 4 or 25% of normal fee whichever is greater

# Regulation IV

## Rule 405 –Stationary & Portable Source Permit Fees

*This Rule was first adopted November 3, 1982; revised March 17, 2011. The current version was adopted by the Governing Board via Resolution ~~2017-8~~2019-X on ~~November 9, 2017~~September 19, 2019.*

### TABLE OF CONTENTS

- A. PURPOSE
- B. PERMIT FEES
  - 1. Authority To Construct (ATC)
  - 2. Permit To Operate (PTO)
- C. ATC PERMIT EVALUATION FEE SCHEDULES
- D. PTO ANNUAL RENEWAL FEE SCHEDULES
- E. ADDITIONAL PERMIT FEE SCHEDULES

## RULE 405

### STATIONARY & PORTABLE SOURCE PERMIT FEES

**A. PURPOSE:** The purpose of this rule is to authorize the District to recover its reasonable costs incurred for direct and incidental costs associated with its activities, including but not limited to the issuance of permits, enforcement and investigation, including research and administration. The authority to establish this rule is provided for in H&SC §41512.5 and §42311.

#### **B. PERMIT FEES**

- 1. Authority to Construct (ATC):** An applicant for a ATC permit shall pay the fees listed below in accordance with the provisions of this Section.
  - a. Filing Fee:** Every application for an ATC permit shall be accompanied by a filing fee equal to 0.5 X.
  - b. Permit Fee:** For all new construction or modifications to existing equipment, the ATC permit fee shall consist of an Initial Permit Evaluation Fee, Initial Toxic Evaluation Fee, and a Greenhouse Gas Fee.
  - c. Non-Permit Fees:** All fees required by Regulation IV including but not limited to the fees for new source review, public notices, and hearings.
  - d. Fee Payment:** Fees are due and payable at the time the applicant is invoiced by the District. ATC permits will not be issued until payment is received.
  
- 2. Permit To Operate (PTO):** An applicant for an initial or for a renewal of a PTO shall pay the fees listed below in accordance with the provisions of this Section. Renewal fees are assessed to offset the cost encumbered by the District during the fiscal year in which they are assessed.
  - a. Filing Fee:** Every application for a PTO shall be accompanied by a filing fee equal to 0.5 X. A filing fee is required when converting an ATC to a PTO and when the PTO serves as the initial permit.
  - b. Annual Permit Renewal Fee:** Each holder of a PTO shall, on an annual basis, pay Annual Permit Renewal Fees. The PTO fee shall consist of an Annual Permit Renewal Fee, an Annual Toxic Evaluation Fee, and Greenhouse Gas Fees.
  - c. Non-Permit Fees:** All applicable fees required by Regulation IV that are not Annual Permit Renewal Fees including but not limited to air monitoring fees.
  - d. PTO – Initial Permit Fee:** In instances when the PTO serves as the initial permit, the fee shall be determined as specified in Section B.1. When said permit is eligible for annual renewal, the fee shall be determined in accordance with Section B.2.
  - e. Fee Payment:** Fees are due and payable at the time the applicant is invoiced by the District. Invoices will be prepared and transmitted to permit holders annually by the dates indicated below. Failure to pay may result in permit suspension or revocation as specified in Rule 400.
    - i. Retail Gasoline Dispensing Facilities** – in the month of February.
    - ii. Minor Source Permit** – at the beginning of the fiscal year.
    - iii. Major Source Permit** – at the beginning of the fiscal year.

**C. ATC PERMIT EVALUATION FEE SCHEDULES:** The X-Factor Multiplier used to calculate the fees for an ATC permit application shall be determined in accordance with this Section.

- 1. Electric Motor Horsepower Schedule:** The X-Factor Multiplier for any source where an electric motor(s) or equivalent drive unit(s) is used as the power supply, shall be determined based on the total rated horsepower of all such drive units, or their horsepower equivalent in kilovolt amperes (1 KVA=1.34 HP) as listed in the following table.

Table 1 – Electric Motor Horsepower

Horsepower	X-Factor Multiplier	
	Initial Permit Evaluation	Initial Toxic Evaluation
Less than 25	1	0.5
25 or greater, but less than 50	2	1
50 or greater, but less than 100	6	2
100 or greater, but less than 300	11	2
300 or greater, but less than 1,000	17	2
1,000 or greater, but less than 1,500	22	3
1,500 or greater	Either 22 or actual costs whichever is greater	3

- 2. Fuel Burning and Power Generation Equipment Schedule:** The X-Factor Multiplier for any device where fuel may be burned or in which power may be generated, with the exception of incinerators or refuse burners which are covered under Table 3, shall be determined based upon its rated design capacity of heat input expressed in Millions of British Thermal Units per hour (MMBtu/hr), using gross heating value of the fuel or its equivalent.

Table 2 – Fuel Burning and Power Generation

Million British Thermal Units per Hour (MMBtu/hr)	X-Factor Multiplier	
	Initial Permit Evaluation	Initial Toxic Evaluation Fee
Less than 1	2	0.5
1 or greater, but less than 5	6	1
5 or greater, but less than 20	11	2
20 or greater, but less than 50	22	2
50 or greater, but less than 100	34	3
100 or greater, but less than 250	45	3
250 or greater, but less than 500	112	3
500 or greater, but less than 1,000	169	3
1,000 or greater, but less than 1,500	225	3
1,500 or greater	Either 225 or actual costs whichever is greater	3

- 3. Incinerator and Refuse Burning Schedule:** The X-Factor Multiplier for any device used for the disposal of approved combustibles by burning shall be determined based upon the maximum horizontal inside cross sectional area of the primary combustion chamber as listed in the following table.

Table 3 – Incinerator and Refuse Burning

Area in Square Feet	X-Factor Multiplier	
	Initial Permit Evaluation	Initial Toxic Evaluation
Less than 12	1	0.5
12 or greater, but less than 100	2	0.5
100 or greater, but less than 400	6	1
400 or greater, but less than 1,000	17	1
1,000 or greater, but less than 3,000	34	2
3,000 or greater, but less than 5,000	56	3
5,000 or greater	Either 56 or actual costs whichever is greater	3

- 4. Stationary Container Schedule:** The X-Factor Multiplier for any tank, reservoir, or other container shall be determined based on its capacity in gallons or cubic equivalent as listed in the following table.

Table 4 – Stationary Containers

Gallons	X-Factor Multiplier	
	Initial Permit Evaluation	Initial Toxic Evaluation
250 or greater, but less than 4,000	1	None
4,000 or greater, but less than 40,000	2	None
40,000 or greater, but less than 400,000	6	1
400,000 or greater, but less than 500,000	11	2
500,000 or greater	Either 11 or actual costs whichever is greater	2

- 5. Process Weight Schedule:** The X-Factor Multiplier for any device which emits air contaminants shall be determined based upon the maximum rated process weight of the device or process line as listed in the following table.

Table 5 – Process Weight

Average Pounds Per Hour	X-Factor Multiplier	
	Initial Permit Evaluation	Initial Toxic Evaluation
Less than 5,000	2	0.5
5,000 or greater, but less than 20,000	6	1
20,000 or greater, but less than 50,000	11	1
50,000 or greater, but less than 100,000	17	1
100,000 or greater, but less than 200,000	27	2
200,000 or greater, but less than 400,000	39	2
400,000 or greater, but less than 500,000	56	2
500,000 or greater	Either 56 or actual costs whichever is greater	2

6. **Miscellaneous Schedule:** The X-Factor Multiplier for any device that emits air contaminants shall be determined based upon the volumetric exhaust rate from the source, expressed in cubic feet per minute.

Table 6 - Miscellaneous

Volumetric Exhaust Rate in Cubic Feet per Minute (cfm)	X-Factor Multiplier	
	Initial Permit Evaluation	Initial Toxic Evaluation
Less than 2,000	1	0.5
2,000 or greater, but less than 5,000	2	0.5
5,000 or greater, but less than 20,000	6	1
20,000 or greater, but less than 50,000	11	1
50,000 or greater, but less than 100,000	23	2
100,000 or greater, but less than 200,000	45	3
200,000 or greater, but less than 250,000	67	3
250,000 or greater	Either 67 or actual costs whichever is greater	3

7. **Geothermal Development Schedule:** The X-Factor Multiplier for any source related to the production or utilization of geothermal steam shall be determined per well, power plant, and air pollution control device as listed in the following table.

Table 7 – Geothermal Development

Geothermal Sources	X-Factor Multiplier	
	Initial Permit Evaluation	Initial Toxic Evaluation
Geothermal Well	17	1
Geothermal Well Air Pollution Control Device	20	1
Power Plant Unit	132	2
Power Plant Unit Air Pollution Control Device	Either 132 or actual costs whichever is greater	2

8. **Quarry Fee Schedule:** The X-Factor Multiplier for quarries, including gravel extraction sites which are subject to the State Airborne Toxic Control Measure for Naturally Occurring Asbestos, shall be determined based on the area of land disturbed by extraction as listed in the following table.

Table 8 - Quarries

Quarry Extraction Area (Acres)	X-Factor Multiplier	
	Initial Permit Evaluation	Initial Toxic Evaluation
Less than 10 Acres	1	2
10 Acres or greater, but less than 50 Acres	2	4
50 Acres or greater	3	8

9. **Internal Combustion Engine Schedule:** The X-Factor Multiplier for an internal combustion engine shall be determined based upon its rated design capacity measured in units of brake horsepower per hour as listed in the following table.

Table 9 – Internal Combustion Engines

Engine Brake Horsepower Rating	X-Factor Multiplier	
	Initial Permit Evaluation	Initial Toxic Evaluation
Less than 140	2	0.5
140 or greater, but less than 350	4	1
350 or greater, but less than 1,000	6	2
1,000 or greater, but less than 3,000	10	2
3,000 or greater, but less than 5,000	22	2
5,000 or greater, but less than 10,000	34	3
10,000 or greater, but less than 15,000	45	5
15,000 or greater, but less than 20,000	80	7
20,000 or greater	Either 130 or actual costs whichever is greater	8

10. Sources of Toxic Air Contaminants

- a. **Retail Gasoline Dispensing Facilities:** The X-Factor Multiplier shall be a flat rate per facility plus an additional amount per nozzle used to dispense gasoline as listed in Table 10.
- b. **Chrome Plating and Chromic Acid Anodizing Facilities:** The X-Factor Multiplier for a facility where chrome plating or chromic acid anodizing is performed shall be a flat rate per facility as listed in Table 5.10. The “per facility fee” shall be assessed in addition to any other applicable fees for permitted units.
- c. **Chromate Treated Cooling Towers:** The X-Factor Multiplier for a chromate treated cooling tower shall be a flat rate per device as listed in Table 10.
- d. **Medical Waste Incinerators:** The X-Factor Multiplier for a medical waste incinerator shall be determined based upon its NESHAP category classification as listed in Table 10.
- e. **Sterilizers/Aerators:** The X-Factor Multiplier for a sterilizer/aerator shall be a flat rate per device as listed in Table 5.10.
- f. **Asbestos Containing Serpentine Material:** The X-Factor Multiplier for a quarry containing serpentine material shall be a flat rate per quarry as listed in Table 10.
- g. **Dry Cleaning Equipment:** The X-Factor Multiplier for a perchloroethylene dry cleaning facility shall be a flat rate per facility as listed in Table 10.
- h. **Gasoline Distribution at Bulk Plants and Terminals:** The X-Factor Multiplier for any Bulk Plant or Terminal that uses loading racks to transfer gasoline or gasohol into trucks, railcars, or ships shall be determined based upon the number of loading arms and the number of products which may be delivered per arm.

Table 10 – Sources of Toxic Air Contaminants

Sector	X-Factor Multiplier Initial Permit Evaluation
Retail Gasoline Dispensing	2 per facility and 0.7 per nozzle
Chrome Plating & Acid Anodizing	4
Chromate Treated Cooling Towers	4
Medical Waste Incinerators	For Cat. I sources, 6 For Cat. II sources, 12 For Cat. III sources, 40
Sterilizers/Aerators	8
Asbestos Containing Serpentine Material	6 per quarry
Dry Cleaning Equipment	4
Gasoline Distribution at Bulk Plants & Terminals	22 per product per arm

**11. Sources of Greenhouse Gases:** Any source which has the Potential To Emit Greenhouse Gases, and is required by the APCO to have a permit, shall pay a fee in accordance with this Section. All permitted sources will be considered “general sources” unless specifically identified herein. The fees assessed pursuant to this Section shall be in addition to any other fees required by District Regulations.

**a. General Sources:** The X-Factor Multiplier for any source subject to this Section which is required to obtain an ATC shall pay a flat rate per device as listed in Table 11.

Table 11 – General Sources

Description	X-Factor Multiplier
	ATC FEE
For each permitted device that emits Greenhouse Gas	2.5

**b. Sources of Refrigerants:** The X-Factor Multiplier for any source which is subject to title 17, California Code of Regulations, Section 95381 et seq, shall be based upon the refrigerant capacity of the system at full charge as listed in Table 12.

Table 12 - Refrigerants

System Capacity (Full Charge)	X-Factor Multiplier
	ATC FEE
Less than 200.0 lbs.	2
200.0 or greater, but less than 2,000.0 lbs.	4
2,000.0 lbs. or greater	6

**12. Aggregate, Concrete Batch, and Hot Mix Asphalt Equipment:** The X-Factor Multiplier for aggregate handling and processing equipment (conveyors, crushers, dryers, screens, and storage silos) shall be determined based upon the number of devices and transfer points as listed in the following table.

Table 12 – Aggregate, Concrete Batch, and Hot Mix Asphalt Equipment

<u>Number of Devices</u>	<u>Number of Transfer Points</u>	<u>X-Factor Multiplier</u>	
		<u>Initial Permit Evaluation</u>	<u>Initial Toxic Evaluation</u>
<u>1</u>	<u>1-5</u>	<u>12</u>	<u>0.5</u>
<u>1</u>	<u>6-10</u>	<u>14</u>	<u>0.5</u>
<u>2</u>	<u>1-5</u>	<u>14</u>	<u>0.5</u>
<u>2</u>	<u>6-10</u>	<u>16</u>	<u>0.5</u>
<u>3</u>	<u>1-5</u>	<u>16</u>	<u>0.5</u>
<u>3</u>	<u>6-10</u>	<u>18</u>	<u>0.5</u>
<u>If an equipment group has more than 3 devices, for each additional device add the following.</u>		<u>1</u>	<u>0</u>
<u>If an equipment group has more than 10 transfer points, for each additional transfer point, add the following</u>		<u>0.1</u>	<u>0</u>

**D. PTO ANNUAL RENEWAL FEE SCHEDULES:** The X-Factor Multiplier used to calculate the fees for the annual renewal of a PTO shall be determined in accordance with this Section.

- 1. Electric Motor Horsepower Schedule:** The X-Factor Multiplier for any source where an electric motor(s) or equivalent drive unit(s) is used as the power supply, shall be determined based on the total rated horsepower of all such drive units, or their horsepower equivalent in kilovolt amperes (1 KVA=1.34 HP arm as listed in the following table.

Table 1 – Electric Motor Horsepower

Horsepower	X-Factor Multiplier	
	Annual Permit Evaluation	Annual Toxic Evaluation
Less than 25	0.5	0.5
25 or greater, but less than 50	1	1
50 or greater, but less than 100	3	2
100 or greater, but less than 300	6	2
300 or greater, but less than 1,000	8	2
1,000 or greater	11	3

- 2. Fuel Burning and Power Generation Equipment Schedule:** The X-Factor Multiplier for any device where fuel may be burned or in which power may be generated, with the exception of incinerators or refuse burners which are covered under Table 3, shall be based upon its rated design capacity of heat input expressed in Millions of British Thermal Units per hour (MMBtu/hr), using gross heating value of the fuel or its equivalent arm as listed in the following table.

Table 2 – Fuel Burning and Power Generation

Million British Thermal Units per Hour (MMBtu/hr)	X-Factor Multiplier	
	Annual Permit Evaluation	Annual Toxic Evaluation
Less than 1	1	0.5
1 or greater, but less than 5	3	1
5 or greater, but less than 20	6	2
20 or greater, but less than 50	11	2
50 or greater, but less than 100	17	3
100 or greater, but less than 250	22	3
250 or greater, but less than 500	56	3
500 or greater, but less than 1,000	84	3
1,000 or greater	113	3

- 3. Incinerator and Refuse Burning Schedule:** The X-Factor Multiplier for any device used for the disposal of approved combustibles by burning, shall be based on the maximum horizontal inside cross sectional area of the primary combustion chamber as listed in the following table.

Table 3 – Incinerator and Refuse Burning

Area in Square Feet	X-Factor Multiplier	
	Annual Permit Evaluation	Annual Toxic Evaluation
Less than 12	0.5	0.5
12 or greater, but less than 100	1	0.5
100 or greater, but less than 400	3	1
400 or greater, but less than 1,000	8	1
1,000 or greater, but less than 3,000	17	2
3,000 or greater	28	3

- 4. Stationary Container Schedule:** The X-Factor Multiplier for any tank, reservoir, or other container shall be based on capacities in gallons or cubic equivalent as listed in the following table.

Table 4 – Stationary Containers

Gallons	X-Factor Multiplier	
	Annual Permit Evaluation	Annual Toxic Evaluation
250 or greater, but less than 4,000	None	None
4,000 or greater, but less than 40,000	None	None
40,00 or greater, but less than 400,000	3	1
400,000 or greater	6	2

- 5. Process Weight Schedule:** The X-Factor Multiplier for any device which emits air contaminants shall be based upon the maximum rated process weight of the device or process line arm as listed in the following table.

Table 5 – Process Weight

Average Pounds Per Hour	X-Factor Multiplier	
	Annual Permit Evaluation	Annual Toxic Evaluation
Less than 5,000	1	0.5
5,000 or greater, but less than 20,000	2	1
20,000 or greater, but less than 50,000	4	1
50,000 or greater, but less than 100,000	6	1
100,000 or greater, but less than 200,000	10	2
200,000 or greater, but less than 400,000	15	2
400,000 or greater, but less than 500,000	20	2
500,000 or greater	25	3

6. **Miscellaneous Schedule:** The X-Factor Multiplier for any source that emits air contaminants shall be determined based upon the volumetric exhaust flow rate from the source expressed in cubic feet per minute in accordance with the following table.

Table 6 - Miscellaneous

Volumetric Exhaust Rate in Cubic Feet per Minute	Annual Permit Evaluation	Annual Toxic Evaluation
Less than 2,000	0.5	0.5
2,000 or greater, but less than 5,000	1	0.5
5,000 or greater, but less than 20,000	3	1
20,000 or greater, but less than 50,000	6	1
50,000 or greater, but less than 100,000	11	2
100,000 or greater, but less than 200,000	23	3
200,000 or greater	34	3

7. **Geothermal Development Schedule:** The X-Factor Multiplier for geothermal wells, power plants and associated control devices shall be determined based upon the following table.

Table 7 – Geothermal Development

Geothermal Sources	Annual Permit Evaluation	Annual Toxic Evaluation
Geothermal Well	8	1
Geothermal Well Air Pollution Control Device	10	1
Power Plant Unit	132	2
Power Plant Unit Air Pollution Control Device	132	2

8. **Quarry Fee Schedule:** The X-Factor Multiplier for quarries, including gravel extraction sites which are subject to the State Airborne Toxic Control Measure for Naturally Occurring Asbestos, shall be determined based on the area of land disturbed by the extraction process as listed in the following table.

Table 8 - Quarries

Quarry Extraction Area (Acres)	Annual Permit Evaluation	Annual Toxic Evaluation
Less than 10 Acres	-	2
10 Acres or greater but less than 50 Acres	-	4
50 Acres or greater	-	6

9. **Internal Combustion Engine Schedule:** The X-Factor Multiplier for internal combustion engines shall be determined based upon its rated design capacity measured in units of brake horsepower per hour as listed in the following table.

Table 9 – Internal Combustion Engines

Engine Brake Horsepower Rating	Annual Permit Evaluation	Annual Toxic Evaluation
Less than 140	1	0.5
140 or greater, but less than 350	2	1
350 or greater, but less than 1,000	3	1
1,000 or greater, but less than 3,000	5	2
3,000 or greater, but less than 5,000	11	2
5,000 or greater, but less than 10,000	17	3
10,000 or greater, but less than 15,000	22	5
15,000 or greater, but less than 20,000	40	7
20,000 or greater	50	8

10. **Sources of Toxic Air Contaminant Fee Schedule:**

- a. ~~A. Retail Gasoline Dispensing Facilities:~~ Each holder of a Permit to Operate shall be assessed a fee of  $2X + (Z*(X/133,333))$  where X is the X-Factor for the fiscal year in which the invoice is prepared, and Z is equal to the number of gallons of gasoline dispensed at the retail service station during the preceding calendar year. The combined fee shall be assessed annually in accordance with Section ~~C.(B)(2)~~ of this Rule.

~~Sources of Toxic Air Contaminant Fee Schedule:~~

- b. **Chrome Plating and Chromic Acid Anodizing Facilities:** The X-Factor Multiplier for a facility where chrome plating or chromic acid anodizing is performed shall be a flat rate per facility as listed in Table ~~4110~~. The “per facility fee” shall be assessed in addition to any other applicable fees for permitted units.
- c. **Chromate Treated Cooling Towers:** The X-Factor Multiplier for a chromate treated cooling tower shall be a flat rate per device as listed in Table ~~4110~~.
- d. **Medical Waste Incinerators:** The X-Factor Multiplier for a medical waste incinerator shall be determined based upon its NESHAP category classification as listed in Table ~~4110~~.
- e. **Sterilizers/Aerators:** The X-Factor Multiplier for a sterilizer/aerator shall be a flat rate per device as listed in Table ~~4110~~.
- f. **Asbestos Containing Serpentine Material:** The X-Factor Multiplier for a quarry containing serpentine material shall be a flat rate per quarry as listed in Table ~~4110~~.
- g. **Dry Cleaning Equipment:** The X-Factor Multiplier for a perchloroethylene dry cleaning facility shall be a flat rate per facility as listed in Table ~~4110~~.
- h. **Gasoline Distribution at Bulk Plants and Terminals:** The X-Factor Multiplier for every Bulk Plant or Terminal that uses loading racks to transfer gasoline or gasohol into trucks, railcars, or ships shall be ~~4110~~ per single product loading arm and ~~4110~~ per product for multi-product arms as listed in Table ~~4110~~.

Table ~~4110~~ – Sources of Toxic Air Contaminants

Sector	Annual Permit Evaluation Fee
Chrome Plating & Acid Anodizing	2
Chromate Treated Cooling Towers	2
Medical Waste Incinerators	Cat. I shall be 3 Cat. II shall be 6 Cat. III shall be 20
Sterilizers/Aerators	4
Asbestos Containing Serpentine Material	3 per quarry

Dry Cleaning Equipment	2
Gasoline Distribution at Bulk Plants & Terminals	11 per product per arm

**11. Greenhouse Gas Permit Fee Schedule:** Any source which has the Potential To Emit Greenhouse Gases (GHG), and is required by the APCO to have a permit, shall pay a fee in accordance with this Section. All permitted sources will be considered “general sources” unless specifically identified herein. The fees assessed pursuant to this Section shall be in addition to any other fees required by District Regulations.

- a. **General Sources of GHGs:** A source shall pay a permit fee for each permitted device, and shall pay a fee based on the quantity of greenhouse gases emitted into the atmosphere expressed in units of short tons as Carbon Dioxide Equivalents (CO<sub>2</sub>e).
  - i. **GHG Permit Fee:** : The X-Factor Multiplier for any source subject to this Section which is required to obtain a PTO shall pay a flat rate per device as listed in Table [1211](#).

Table [1211](#) – General Sources

Description	X-Factor Multiplier
	PTO FEE
For each permitted device that emits Greenhouse Gas	1.5

- ii. **GHG Emission Surcharge:** For every short ton of CO<sub>2</sub>e emitted from the facility during the previous calendar year, the source shall pay a fee of (X/1,650.5). Carbon dioxide equivalents shall be calculated in accordance with District New Source Review Rules.

- iii. **Exemptions from GHG Emission Surcharge:** The GHG Emission Surcharge shall not be assessed on sources holding or applying for PTOs issued for the following device types and categories.

- 1. **Air Curtain Incinerators:** When operated as a stationary or a portable source and not:
  - a. Permitted to emit pollutants in amounts greater than major source thresholds as defined by Regulation V;
  - b. Co-located with equipment or other devices which are permitted to emit pollutants in amounts greater than the Title V significance thresholds; or
  - c. Co-located with equipment or other devices which are operated pursuant to a Synthetic Minor operating permit.

- b. **Sources of Refrigerants:** The X-Factor Multiplier for any source which is subject to CCR Title 17 §95381 et seq., shall be based upon the refrigerant capacity of the system at full charge as listed in Table [1311](#).

Table [1311](#) - Refrigerants

System Capacity (Full Charge)	X-Factor Multiplier
	PTO FEE
Less than 200.0 lbs.	1
200.0 or greater, but less than 2,000.0 lbs.	2
2,000.0 lbs. or greater	3

**12. Aggregate, Concrete Batch, and Hot Mix Asphalt Equipment:** The X-Factor Multiplier for aggregate handling and processing equipment (conveyors, crushers, dryers, screens, and storage silos) shall be determined based upon the number of devices and transfer points as listed in the following table.

Table 12 – Aggregate, Concrete Batch, and Hot Mix Asphalt Equipment

<u>Number of Devices</u>	<u>Number of Transfer Points</u>	<u>X-Factor Multiplier</u>	
		<u>Initial Permit Evaluation</u>	<u>Initial Toxic Evaluation</u>
<u>1</u>	<u>1-5</u>	<u>6</u>	<u>0.5</u>
<u>1</u>	<u>6-10</u>	<u>7</u>	<u>0.5</u>
<u>2</u>	<u>1-5</u>	<u>7</u>	<u>0.5</u>
<u>2</u>	<u>6-10</u>	<u>8</u>	<u>0.5</u>
<u>3</u>	<u>1-5</u>	<u>8</u>	<u>0.5</u>
<u>3</u>	<u>6-10</u>	<u>9</u>	<u>0.5</u>
<u>If an equipment group has more than 3 devices, for each additional device add the following.</u>		<u>0.5</u>	<u>0</u>
<u>If an equipment group has more than 10 transfer points, for each additional transfer point, add the following</u>		<u>0.1</u>	<u>0</u>

**E. ADDITIONAL PERMIT FEE SCHEDULES**

1. **Public Noticing Fees:** Every application triggering federal, State, or District public noticing requirements shall be assessed a fee to offset the costs of preparing and distributing the required notice.
  - a. **New Source Review & Part 70 Permits:** The X-Factor Multiplier for every application triggering the District New Source Review public noticing requirements or the Part 70 permit noticing requirements under District Regulation V shall be a flat rate per permitted device as listed in Table 1.
  - b. **Source Located Near a School:** The X-Factor Multiplier for every source that is subject to the notification requirements of H&SC §42301.6 shall be a flat rate per permitted device as listed in Table 1.
  
2. **Public Hearing Fees – Reserved**
  
3. **New Source Review Fee:** Every applicant, including any federal, State, local government agency or public district, for an ATC permit or a PTO any stationary source of air contaminant emissions for which the additional new source review procedures are required, shall pay an additional fee to the District in an amount determined by the APCO. Said review fee shall not exceed the actual cost of administration of the new source review requirements.
  
4. **Transfer of Ownership Fee:** Each request to Transfer of Ownership of a permit shall be accompanied by a fee equal to 0.5 X. In the event that multiple permits have been issued for equipment at a single facility, the fee shall be 0.5 X for the first permit and 0.25 X for each additional permit.
  
5. **Health Risk Assessment Fee:** The X-Factor Multiplier for sources requiring Health Risk Assessments shall be a flat rate per source as listed in Table 1.
  
6. **Expedited Permit Processing Fee:** Upon request, the District will expedite the processing of a permit application and shall assess a fee of 4 X or 25% of the normal fee for the processing of the application, whichever results in the greater total fee.

Table 1 – Additional Permit Fees

Service	X-Factor Multiplier Special Services Fee
Public Notice	Either 2 or actual costs whichever is greater
Public Hearing	Reserved
New Source Review	Actual costs
Transfer of Ownership	First device, 50% of X; each additional, 25% of X
Duplicate Permit	\$10 per device
Health Risk Assessment	Either 2 or actual costs whichever is greater
Expedited Permit	Either 4 or 25% of normal fee whichever is greater

# Regulation IV

## Rule 400 – Fee Calculation & Administration

*This Rule was first adopted November 3, 1982; revised March 17, 2011.  
The current version was adopted by the Governing Board via Resolution 2019-X on September 19, 2019.*

### TABLE OF CONTENTS

- A. PURPOSE
- B. FEE CALCULATION & FEE SCHEDULES
  - 1. The X-Factor
- C. LIMITATION ON FEES
- D. PERMITS ISSUED BY THE HEARING BOARD
- E. ADVANCED DEPOSIT OF EVALUATION COSTS
- F. CANCELLATION OR DENIAL OF APPLICATIONS
- G. PORTABLE EQUIPMENT, MULTIPLE LOCATIONS
- H. RESOLUTION WHEN MULTIPLE FEE TABLES APPLY
- I. LATE FEES & PENALTIES
  - 1. Delinquent Fee
  - 2. Timely Payment of Fees
  - 3. Delinquency Penalty
  - 4. Improper Payment of Fees
  - 5. Additional Delinquency Penalties
  - 6. Permittee Default
  - 7. Delinquent Fees – Permits Issued by the Hearing Board
  - 8. Extension of Payment Period by the APCO
  - 9. Waiver of the Penalty by the APCO

## RULE 400 FEE CALCULATION & ADMINISTRATION

- A. **PURPOSE:** The purpose of this rule is to allow the District to recover reasonable costs incurred directly and indirectly associated with the implementation of air quality programs under its jurisdiction including the issuance of permits, inspection and enforcement, surveillance, planning, research and monitoring, and administration. The authority to establish this rule is provided for in H&SC §41512, §42311, and §42364.
- B. **FEE CALCULATION & FEE SCHEDULES:** District fees are determined by choosing the appropriate fee schedule(s) and then selecting the applicable multiplier(s) from the tables. The actual fee is then calculated by multiplying the “X-Factor Multiplier” obtained by the current value of the “X-Factor”.
1. **X-Factor:** District operational costs are annually estimated on a per hour basis which is referred to as the “X” or the “X-Factor”.
- a. **Determination of X-Factor Value:** As part of the annual budgetary process for each fiscal year following the Base Year, the APCO shall identify the appropriate value for “X” necessary to achieve a balanced budget. The value of “X” shall be rounded to the nearest whole dollar, and shall be determined upon two components, either:
- i. The actual program costs for the immediately preceding year; or
- ii. An adjustment in amount not greater than the change in the Consumer Price Index, as determined pursuant to Section 2212 of the Revenue and Taxation Code.
- b. **X-Factor Established by Resolution:** The value of “X” shall be assigned by the Governing Board each fiscal year via resolution.
- c. **Base Year:** Calendar year 2005 is established as the base year with an X-Factor value of \$57.50.
- d. **X-Factor Multiplier:** The resources necessary to perform services, programs, and activities by the District are represented as an X-Factor “Multiplier”. The applicable X-Factor Multiplier is listed in the fee tables associated with the appropriate fee schedule(s).
- C. **Limitation on Fees:** Notwithstanding the fees specified in the District Fee Schedules, if the actual costs of processing an ATC or a PTO application substantially differ from the fees as determined by the applicable fee schedule, the applicant may be assessed the actual costs. The costs, as determined by the APCO, shall include but not be limited to the direct and indirect expenditures incurred by the District to evaluate, inspect, and permit the subject equipment or device.
- D. **Permits Issued by the Hearing Board:** An ATC or a PTO issued by the District Hearing Board is subject to the fees established pursuant to this Regulation.
- E. **Advanced Deposit of Evaluation Costs:** Where the APCO determines that either the ATC application or the PTO application evaluation will require special handling and analyses due to the quantity or quality of emissions, or due to the proximity of sensitive receptor(s), or the applicants history, or, the complexity of the equipment, activity, or operation being permitted, the APCO may require the applicant to pay a deposit toward the actual costs of the evaluation up to 100% of the estimated permit application evaluation actual costs. The APCO shall maintain a record of costs incurred and on written request from the applicant submitted within six months of the evaluation shall refund to the applicant any unused evaluation costs.
- F. **Cancellation or Denial of Applications:** If an application for an ATC or a PTO is canceled, or if an application is denied and such denial becomes final, the application fee required herein shall not be refunded nor applied to any subsequent application.

- G. **Portable Equipment, Multiple Locations:** When permits have been issued to operate movable equipment at two or more locations, only one annual fee shall be due and payable.
- H. **Resolution When Multiple Fee Tables Apply:** In determining the fees to be charged, identical or like equipment within each process unit that requires a permit may be totaled for each schedule. In the event that more than one fee schedule is applicable to an ATC or PTO, the APCO shall assess the fee most representative of District actual costs.

I. **LATE FEES & PENALTIES**

1. **Delinquent Fee:** If any fee payment required pursuant to Regulation IV is not submitted within 30 days of the issuance date of a District's billing statement, it shall be considered delinquent, and penalties for the delinquency shall be imposed as set forth below.
2. **Timely Payment of Fees:** For purposes of this Rule, any fee payment shall be considered to be timely if it is postmarked on or before the 30<sup>th</sup> day following the statement issuance date. If the 30<sup>th</sup> day falls on a Saturday, Sunday, or holiday, the fee payment may be postmarked on the next business day with the same effect as if it had been postmarked on the 30<sup>th</sup> day.
3. **Delinquency Penalty:** If no fee payment is submitted within the time prescribed in Section 2 above, a delinquency penalty of 25 percent of the amount of the billed fee, to a maximum of \$1,000, shall be added to the amount of fee due, and the permittee shall thereupon be notified by mail of the increased fee.
4. **Improper Payment of Fees:** If a fee payment is timely paid, but the tendered amount is less than the amount due, the payment shall not be accepted, and the time for proper payment continues to run.
5. **Additional Delinquency Penalties:** If any fee payment is delinquent and the fee plus the delinquency penalty is not received within 30 days of the District notification pursuant to Section 3 above, the delinquency penalty shall be increased to 50 percent of the original amount due, to a maximum of \$1,000, and the permittee shall thereupon be notified by mail of the increased fee.
6. **Permittee Default:** If, in the case of a failure to pay permit fees required pursuant to Rule 405 and Rule 406, the delinquent fee plus penalties assessed pursuant to Section 5 above are not received within 30 days of the date of the District's notification, the permittee shall be considered to be in default of its permit fee obligation and in violation of this Rule. In such case, the District shall immediately notify the applicant that its PTO or ATC has expired and that further operation of the subject equipment without a valid permit is prohibited. Such expiration shall not preclude the applicant from submitting another permit application and beginning the process anew, although the delinquent fee and penalty shall become an obligation owing to the District, which may be recovered along with any permit fee from such new application.
  - a. In the event the person whose permit has expired applies for a new permit, the unpaid annual renewal fee portion of this delinquent fee shall be prorated from the original permit's annual renewal date to the date of billing for the replacement permit and added to the permit fee for the replacement permit.
7. **Delinquent Fees— Permits Issued by Hearing Board:** If, in the case of a failure to pay the permit fee for a permit issued by the District Hearing Board, the delinquent fee plus penalty assessed pursuant to Section 3 of this Rule is not received within 30 days of the date of the District's notification, the delinquency penalty shall be increased to 50 percent of the original amount due, to a maximum of 50 percent of the original amount due, to a maximum of \$1,000, and the permittee shall thereupon be notified by mail of the increased fee.

- a. If the delinquent permit fee plus penalties assessed pursuant to Sections 3 and 7 of this Rule are not submitted within 30 days of the District's notification, the permittee shall be in default of its fee obligation and in violation of this Rule. In such case, the APCO shall petition the District Hearing Board to hold a hearing to determine whether any or all of the facility's permits should be revoked pursuant to California H&SC §42307.
  - b. After the District has initiated a permit revocation action through the filing of an accusation with the District Hearing Board, but before the revocation hearing is held, the permittee may still cure its default by submitting all outstanding fees, plus delinquency penalties and a \$150 revocation initiation fee.
  - c. If any PTO is revoked by the District Hearing Board on account of such default, it may be reinstated or replaced with a new permit, upon written request of the permittee and upon payment of all outstanding fees, penalties, revocation initiation fee, and a reinstatement fee of \$250.
8. **Extension of Payment Period by the APCO:** The 30-day payment period for fee payment required pursuant to Section I of this Rule may be extended by the APCO for extraordinary circumstances and for good cause shown. The adequacy of cause to extend the period shall be decided on a case-by-case basis by the APCO.
9. **Waiver of Penalty by the APCO:** The penalty for fee delinquency may be waived by the APCO for extraordinary circumstances and good cause shown. The adequacy of cause to waive the penalty shall be determined on a case-by-case basis, and may include, but is not necessarily limited to: illness, injury, or accident caused to the responsible party.

# Regulation IV

## Rule 400 – Fee Calculation & Administration

*This Rule was first adopted November 3, 1982; revised March 17, 2011.  
The current version was adopted by the Governing Board via Resolution ~~2014-72019-X~~ on ~~October 16,~~  
2014September 19, 2019.*

### TABLE OF CONTENTS

- A. PURPOSE
- B. FEE CALCULATION & FEE SCHEDULES
  - 1. The X-Factor
- C. LIMITATION ON FEES
- D. PERMITS ISSUED BY THE HEARING BOARD
- E. ADVANCED DEPOSIT OF EVALUATION COSTS
- F. CANCELLATION OR DENIAL OF APPLICATIONS
- G. PORTABLE EQUIPMENT, MULTIPLE LOCATIONS
- H. RESOLUTION WHEN MULTIPLE FEE TABLES APPLY
- I. LATE FEES & PENALTIES
  - 1. Delinquent Fee
  - 2. Timely Payment of Fees
  - 3. Delinquency Penalty
  - 4. Improper Payment of Fees
  - 5. Additional Delinquency Penalties
  - 6. Permittee Default
  - 7. Delinquent Fees – Permits Issued by the Hearing Board
  - 8. Extension of Payment Period by the APCO
  - 9. Waiver of the Penalty by the APCO

## RULE 400 FEE CALCULATION & ADMINISTRATION

- A. **PURPOSE:** The purpose of this rule is to allow the District to recover reasonable costs incurred directly and indirectly associated with the implementation of air quality programs under its jurisdiction including the issuance of permits, inspection and enforcement, surveillance, planning, research and monitoring, and administration. The authority to establish this rule is provided for in H&SC §41512, §42311, and §42364.
- B. **FEE CALCULATION & FEE SCHEDULES:** District fees are determined by choosing the appropriate fee schedule(s) and then selecting the applicable multiplier(s) from the tables. The actual fee is then calculated by multiplying the “X-Factor Multiplier” obtained by the current value of the “X-Factor”.
1. **X-Factor:** District operational costs are annually estimated on a per hour basis which is referred to as the “X” or the “X-Factor”.
- a. **Determination of X-Factor Value:** As part of the annual budgetary process for each fiscal year following the Base Year, the APCO shall identify the appropriate value for “X” necessary to achieve a balanced budget. The value of “X” shall be rounded to the nearest whole dollar, and shall be determined upon two components, either:
- i. The actual program costs for the immediately preceding year; or
- ii. An adjustment in amount not greater than the change in the Consumer Price Index, as determined pursuant to Section 2212 of the Revenue and Taxation Code.
- b. **X-Factor Established by Resolution:** The value of “X” shall be assigned by the Governing Board each fiscal year via resolution.
- c. **Base Year:** Calendar year 2005 is established as the base year with an X-Factor value of \$57.50.
- d. **X-Factor Multiplier:** The resources necessary to perform services, programs, and activities by the District are represented as an X-Factor “Multiplier”. The applicable X-Factor Multiplier is listed in the fee tables associated with the appropriate fee schedule(s).
- C. **Limitation on Fees:** Notwithstanding the fees specified in the District Fee Schedules, if the actual costs of processing an ATC or a PTO application substantially differ from the fees as determined by the applicable fee schedule, the applicant may be assessed the actual costs. The costs, as determined by the APCO, shall include but not be limited to the direct and indirect expenditures incurred by the District to evaluate, inspect, and permit the subject equipment or device.
- D. **Permits Issued by the Hearing Board:** An ATC or a PTO issued by the District Hearing Board is subject to the fees established pursuant to this Regulation.
- E. **Advanced Deposit of Evaluation Costs:** Where the APCO determines that either the ATC application or the PTO application evaluation will require special handling and analyses due to the quantity or quality of emissions, or due to the proximity of sensitive receptor(s), or the applicants history, or, the complexity of the equipment, activity, or operation being permitted, the APCO may require the applicant to pay a deposit toward the actual costs of the evaluation up to 100% of the estimated permit application evaluation actual costs. The APCO shall maintain a record of costs incurred and on written request from the applicant submitted within six months of the evaluation shall refund to the applicant any unused evaluation costs.
- F. **Cancellation or Denial of Applications:** If an application for an ATC or a PTO is canceled, or if an application is denied and such denial becomes final, the application fee required herein shall not be refunded nor applied to any subsequent application.

- G. **Portable Equipment, Multiple Locations:** When permits have been issued to operate movable equipment at two or more locations, only one annual fee shall be due and payable.
- H. **Resolution When Multiple Fee Tables Apply:** In determining the fees to be charged, identical or like equipment within each process unit that requires a permit may be totaled for each schedule. In the event that more than one fee schedule is applicable to an ATC or PTO, the governing schedule APCO shall be that which results in assess the highest fee: most representative of District actual costs.

I. **LATE FEES & PENALTIES**

1. **Delinquent Fee:** If any fee payment required pursuant to Regulation IV is not submitted within 30 days of the issuance date of a District's billing statement, it shall be considered delinquent, and penalties for the delinquency shall be imposed as set forth below.
2. **Timely Payment of Fees:** For purposes of this Rule, any fee payment shall be considered to be timely if it is postmarked on or before the 30<sup>th</sup> day following the statement issuance date. If the 30<sup>th</sup> day falls on a Saturday, Sunday, or holiday, the fee payment may be postmarked on the next business day with the same effect as if it had been postmarked on the 30<sup>th</sup> day.
3. **Delinquency Penalty:** If no fee payment is submitted within the time prescribed in Section 2 above, a delinquency penalty of 25 percent of the amount of the billed fee, to a maximum of \$1,000, shall be added to the amount of fee due, and the permittee shall thereupon be notified by mail of the increased fee.
4. **Improper Payment of Fees:** If a fee payment is timely paid, but the tendered amount is less than the amount due, the payment shall not be accepted, and the time for proper payment continues to run.
5. **Additional Delinquency Penalties:** If any fee payment is delinquent and the fee plus the delinquency penalty is not received within 30 days of the District notification pursuant to Section 3 above, the delinquency penalty shall be increased to 50 percent of the original amount due, to a maximum of \$1,000, and the permittee shall thereupon be notified by mail of the increased fee.
6. **Permittee Default:** If, in the case of a failure to pay permit fees required pursuant to Rule 405 and Rule 406, the delinquent fee plus penalties assessed pursuant to Section 5 above are not received within 30 days of the date of the District's notification, the permittee shall be considered to be in default of its permit fee obligation and in violation of this Rule. In such case, the District shall immediately notify the applicant that its PTO or ATC has expired and that further operation of the subject equipment without a valid permit is prohibited. Such expiration shall not preclude the applicant from submitting another permit application and beginning the process anew, although the delinquent fee and penalty shall become an obligation owing to the District, which may be recovered along with any permit fee from such new application.
  - a. In the event the person whose permit has expired applies for a new permit, the unpaid annual renewal fee portion of this delinquent fee shall be prorated from the original permit's annual renewal date to the date of billing for the replacement permit and added to the permit fee for the replacement permit.
7. **Delinquent Fees— Permits Issued by Hearing Board:** If, in the case of a failure to pay the permit fee for a permit issued by the District Hearing Board, the delinquent fee plus penalty assessed pursuant to Section 3 of this Rule is not received within 30 days of the date of the District's notification, the delinquency penalty shall be increased to 50 percent of the original amount due, to a maximum of 50 percent of the original amount due, to a maximum of \$1,000, and the permittee shall thereupon be notified by mail of the increased fee.

- a. If the delinquent permit fee plus penalties assessed pursuant to Sections 3 and 7 of this Rule are not submitted within 30 days of the District's notification, the permittee shall be in default of its fee obligation and in violation of this Rule. In such case, the APCO shall petition the District Hearing Board to hold a hearing to determine whether any or all of the facility's permits should be revoked pursuant to California H&SC §42307.
  - b. After the District has initiated a permit revocation action through the filing of an accusation with the District Hearing Board, but before the revocation hearing is held, the permittee may still cure its default by submitting all outstanding fees, plus delinquency penalties and a \$150 revocation initiation fee.
  - c. If any PTO is revoked by the District Hearing Board on account of such default, it may be reinstated or replaced with a new permit, upon written request of the permittee and upon payment of all outstanding fees, penalties, revocation initiation fee, and a reinstatement fee of \$250.
8. **Extension of Payment Period by the APCO:** The 30-day payment period for fee payment required pursuant to Section I of this Rule may be extended by the APCO for extraordinary circumstances and for good cause shown. The adequacy of cause to extend the period shall be decided on a case-by-case basis by the APCO.
9. **Waiver of Penalty by the APCO:** The penalty for fee delinquency may be waived by the APCO for extraordinary circumstances and good cause shown. The adequacy of cause to waive the penalty shall be determined on a case-by-case basis, and may include, but is not necessarily limited to: illness, injury, or accident caused to the responsible party.