

# Regulation IV

## Fees



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# 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 2014-7 on October 16, 2014.*

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## 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 shall be that which results in the highest fee.

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 401 – Asbestos Fees**

*This Rule was first adopted December 16, 2004; revised September 21, 2006. The current version was adopted by the Governing Board via Resolution 2014-7 on October 16, 2014.*

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- A. PURPOSE
- B. DEMOLITION & RENOVATION PROJECT FEE SCHEDULE
- C. NATURALLY OCCURRING ASBESTOS FEE SCHEDULE

# RULE 401 ASBESTOS FEES

**A. PURPOSE:** The purpose of this rule is to recover expenses incurred in the course of the implementation of District asbestos control programs. The authority to establish this rule is provided for in H&SC §41512.5.

**B. DEMOLITION & RENOVATION PROJECT FEE SCHEDULE:**

- 1. Fee Payment Required:** Any owner or operator of a demolition or renovation project which is required to submit written notification pursuant to 40 CFR 61 Subpart M shall pay a flat fee per project or event in accordance with this Section. Fees must accompany the notification form.
- 2. Project Categories:** Fees shall be assessed per project or event as described herein and as determined by the APCO.
  - a. Renovation:** The altering of a facility or one or more facility components in any way, including the stripping or removal of regulated asbestos containing material from a facility component.
  - b. Demolition:** The wrecking or taking out of any load supporting structural member of a facility, or the intentional burning of any facility.
  - c. Abatement with Demolition:** A separate fee shall be assessed when a project involves both renovation and demolition.

Table 1 – Demolition & Renovation Projects

Each Project or Event	X-Factor Multiplier
Renovation	2
Demolition	2
Abatement with Demolition	4

- 3. Refunds:** In the event that a project is cancelled prior to the commencement of demolition or renovation activities, the District may refund the fees collected in full or a partial amount if the following is satisfied:
  - a.** The District has not performed a field inspection; and
  - b.** The refund request is made in writing and is received by the District within 10 days after payment is received by the District.



**C. NATURALLY OCCURRING ASBESTOS FEES:**

1. **Fee Payment Required:** Every owner or operator of a surfacing, quarrying, surfacing mining, construction, or grading operation which is subject to either CCR Title 17 §93105 or §93106 or both, shall pay a flat fee per facility in accordance with this Section.
2. **Facility & Service Type**
  - a. **Applications & Notifications:** For every application for exemption from the regulation, for every notification, and for every road grading notice, the owner or operator shall pay a flat rate per project equal to 1.0 X for the initial filing fee and 0.5 X for each subsequent update filed.
  - b. **Sampling Fees**
    - i. **Field Sampling:** Every owner/operator requesting the District to perform field sampling of suspected asbestos containing material shall be assessed a fee equal to one X for every hour expended including travel time.
    - ii. **Lab Analysis:** Every owner/operator requesting that the District conduct lab analysis of suspected asbestos containing material shall pay actual costs incurred by the District.

Table 2 – Naturally Occurring Asbestos

Description	X-Factor Multiplier	
	Initial	Update
Exemption, Notification, and Road Grading	1	0.5
Field Sampling, Requested	1 per hour worked	-
Lab Analysis, Requested	Actual Costs	Actual Costs

# **Regulation IV**

## **Rule 402 – Assessments**

*This Rule was first adopted November 3, 1982; revised March 17, 2011. The current version was adopted by the Governing Board via Resolution 2014-7 on October 16, 2014*

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- A. PURPOSE
- B. MAJOR SOURCE ASSESSMENT

# RULE 402 ASSESSMENTS

- A. PURPOSE:** The purpose of this rule is to allow 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, inspection, enforcement and surveillance, planning, research and monitoring, and administration. The authority to establish this rule is provided for in H&SC §41512.5 and §42311.
- B. Major Source Assessment:** In the event that District revenues do not cover the cost of operation of the program requirements as outlined in H&SC §42311, the District shall assess additional emission based fees pursuant to this Section. Sources with a combined release of 25 tons or more of air contaminants shall be assessed a fee per ton of pollutant emitted. Sources shall be invoiced prior to November 1<sup>st</sup> of the fiscal year in which the program costs exceed revenue projections.
- 1. Calculation:** The total emission assessment upon each stationary source shall be calculated by pollutant as listed in Table 1 – Major Source Assessment. These charges shall be in addition to any other fees assessed pursuant to District Regulations.

Table 1 – Major Source Assessment

Pollutant	X-Factor Multiplier Per Ton of Contaminant
Carbon Monoxide	0.01
Nitrogen Oxides (NO <sub>2</sub> )	0.10
Particulate Matter	0.20
Sulfur Oxides (SO <sub>2</sub> )	0.15
Total Organics	0.05
Total Reduced Sulfur	0.90

- 2. Fee Payment:** Fees are due and payable upon receipt of invoice and will be considered to be past due in accordance with Rule 400.
- 3. Excess Revenue Carryover:** Any revenues received by the District pursuant to this rule which exceed the cost of activities outlined in H&SC §42311 during any fiscal year, shall be carried over for expenditure in the subsequent fiscal year, and such charges shall be changed to reflect the carryover.

$$Emissions * (\$ \text{ per Ton}) * District Factor = Assessment$$

# **Regulation IV**

## **Rule 403 – Document Fees**

*This Rule was first adopted by the Governing Board via Resolution 2014-7 on October 16, 2014.*

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- A. PURPOSE
- B. DOCUMENT COPY FEE SCHEDULE

## RULE 403 DOCUMENT FEES

**A. PURPOSE:** The purpose of this rule is to allow the District to recover its reasonable costs incurred for direct and incidental costs associated with providing copies of records, forms, reports, archived information, duplicate permits, or replication of digital media to the public.

**B. DOCUMENT COPY FEE SCHEDULE:** The following fees shall apply.

Table 1 – Document Copy Fees

Record Type	Cost
Standard Copy Rate	\$2.00 first page plus \$0.25 per page thereafter
Proposals to the Board of Directors	No Charge
Public Records – already copied	No Charge
District Forms	No Charge
Special Reports	Actual costs based on standard copy rate. Multi-copy discount may be applied.
Outdated and Archived Information	Standard Copy Rate
Copies of All Other Information	Standard Copy Rate
Duplicate Permits	\$15.00 each
Digital Information	Actual Cost of Media Storage Device

# **Regulation IV**

## **Rule 404 – Hearing Board Fees**

*This Rule was first adopted December 16, 2004; revised May 19, 2005.  
The current version was adopted by the Governing Board via Resolution 2018-4 on May 10, 2018.*

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- A. PURPOSE
- B. HEARING BOARD FEE SCHEDULE
- C. EXCESS EMISSION FEE SCHEDULE

## RULE 404 HEARING BOARD FEES

- A. PURPOSE:** This rule establishes the fees which may be assessed by the District to offset costs incurred by the Hearing Board in the performance of its duties pursuant to District Regulation IV and H&SC §40800 *et seq.* The authority to establish this rule is provided for in H&SC §42364.
- B. HEARING BOARD FEE SCHEDULE:** Every applicant or petitioner for variance, or for the extension, revocation or modification of a variance; or for an appeal from a denial or conditional approval of an ATC or PTO; or for an appeal of Hearing Board decision; or for a request for rehearing including any federal, state or local governmental agency or public district, except for the APCO filing on behalf of the District, shall pay to the District a fee based on *Table 1 – Hearing Board Fees*. The fees shall be calculated in accordance with Rule 400.
- 1. Additional Fees:** Additional Hearing Board fees and costs may be assessed by the Hearing Board as a direct result of the action which the applicant or petitioner has brought before the Hearing Board.
  - 2. Costs of Hearing Transcripts and Recordings:** Any person requesting a written transcript or recording of the hearing shall pay the cost of such transcript or recording. The parties to Hearing Board proceedings may be directed by the Hearing Board to pay the cost of transcripts necessary for the Hearing Board's determination of the matter, in such proportion as the Hearing Board may order.
  - 3. Fee Waivers and Refunds for Specified Appeals**
    - a. Third party appeals or re-hearings that lead to the overturning of a previous decision by the Hearing Board or by the APCO shall be refunded 75% of the filing fee.
    - b. When issuing a permit pursuant to H&SC §42311.2, the Hearing Board may waive all or part of these fees if it determines that circumstances warrant that waiver.
    - c. Any person may allege that payment of the excess emission fee will cause an unreasonable hardship and may be excused from payment of such fees or a portion of such fees by order of the Hearing Board if the Board in its discretion determines after hearing evidence thereon that payment of such fees would cause financial hardship to the petitioner with no corresponding benefit to the public.
  - 4. Fee Payment:** Full payment of the hearing fees shall be received by the District prior to the commencement of the hearing.

Table 1 – Hearing Board Fees

Filing Fees & Services	X-Factor Multiplier
Emergency Variance Petition, Initial Hearing	2
Variance Petition (Short or Long Term), Initial Hearing	5
Subsequent Hearing(s)- To modify increments of progress, extend, revoke, or to re-hear actions taken by a single member (emergency variance)	5
Regular Hearing - Petitions to reverse APCO decisions – permit approvals & denials, levying of administrative civil penalties	5
Records of Proceedings	Actual Costs

**C. EXCESS EMISSION FEE SCHEDULE:** As part of the variance petition, the petitioner shall prepare and submit a report of the emissions which are proposed to be discharged during the term of the variance in accordance with this section. In addition to the filing fees assessed under this Rule, each petitioner for a variance shall pay to the District, an emissions based fee for all emissions which are discharged during the term of the variance that are in excess of the quantity authorized pursuant to District permit, District Rule, or State law. The APCO shall retain at all times the sole authority to determine the quantity of emissions released and any associated fees.

1. **Estimated Emissions:** The petitioner shall evaluate the effect of the proposed variance of the quantity of pollutants which may be emitted by the subject equipment or source during the term of the variance. The petitioner shall report the effect of the variance on emissions of the pollutant types and categories listed in *Table 2- Excess Emissions*. The petitioner shall calculate emissions and shall report information pursuant to this Section.
  - a. **Potential to Emit:** The report shall include an estimate of the potential to emit of the equipment or emission source while operating at maximum capacity under its operational and physical design. Any physical or operational limitations on the equipment or source to emit a pollutant(s) shall only be treated as part of its design if the limitation(s) is enforceable by the District. The potential to emit shall represent the maximum quantity of emissions which are authorized to be released during the term of the variance considering all requested relief, modifications, and exemptions requested in the variance petition.
  - b. **Allowable Emissions:** The report shall include an estimate of the quantity of emissions which are allowed to be released by the source pursuant to District permit, District Rule, or State law. The allowable amount shall represent the maximum quantity of emissions which are authorized for release without considering any of the relief, modifications, or exemptions requested in the variance petition.
  - c. **Excess Emissions:** The report shall include an estimate of the quantity of emissions which may be emitted in excess of regulatory limits. The excess emissions shall be equal to the quantity resulting from the subtraction of the estimated allowable emissions from the potential to emit.
  - d. **Fee Calculation & Payment of Estimated Fees:** The Excess Emission fee for each pollutant listed in Table 2 – Excess Emissions shall be determined separately by multiplying the quantity of excess emissions proposed to be emitted during the term of the variance by the “X-Factor Multiplier” according to the equation below. Payment for the estimated excess emission fees shall accompany the variance hearing filing fees at the time the petition is filed.

$$Fee = (Quantity\ of\ Pollutant\ in\ tons) * ("X-Factor\ Multiplier") * ("X-Factor")$$

Where:

“X-Factor” is equal to the value established by the Board for the calendar year in which the variance was granted (order signed); and

“Days” is equal to the number of calendar days during which one or more opacity violations may occur during the period of the variance.

2. **Actual Emissions, Fee Recalculation & Adjustments:** The petitioner shall prepare and submit an estimate of the actual emissions discharged during the variance term within 30 days of its termination. The fee for each pollutant shall again be calculated pursuant to subsection (1)(a) – (d) above, and the difference between the amount initially paid (estimated fee) and the fee based on actual emissions shall be determined by the petitioner. Within forty five (45) days of the termination of the variance, the petitioner shall pay the difference, or the balance shall be refunded by the District.



Table 2 – Excess Emissions

Air Contaminant		X-Factor Multiplier Per Ton of Contaminant
CO	Carbon Monoxide	none
NOx	Oxides of nitrogen (expressed as NO <sub>2</sub> )	1
PM	Particulate Matter	2
ROG	Reactive Organic Gases, except methane and those containing sulfur	1
SOx	Oxides of sulfur (expressed as SO <sub>2</sub> )	1
TRS	Total Reduced Sulfur compounds (expressed as hydrogen sulfide)	2

- 3. Opacity Emissions:** The petitioner shall evaluate the effect of the proposed variance on the opacity of exhaust gases which may be emitted by the subject equipment or source during the term of the variance. The petitioner shall calculate emissions and shall report information pursuant to this Section.
- a. Potential to Emit:** The report shall include an estimate of the potential to emit of the equipment or emission source while operating at maximum capacity under its operational and physical design. Any physical or operational limitations on the equipment or source to emit a pollutant(s) shall only be treated as part of its design if the limitation(s) is enforceable by the District. The potential to emit shall represent the maximum opacity of exhaust gases which would be authorized to be released during the term of the variance considering all requested relief, modifications, and exemptions requested in the variance petition.
  - b. Allowable Emissions:** The report shall include an estimate of the quantity of emissions which are allowed to be released by the source pursuant to District permit, District Rule, or State law. The allowable amount shall represent the maximum opacity of exhaust gases which are authorized for release without considering any of the relief, modifications, or exemptions requested in the variance petition.
  - c. Excess Opacity (Emissions):** The report shall include an estimate of the intensity and of the number of opacity events in excess of regulatory limits which may occur.
  - d. Fee Calculation & Payment of Estimated Fees:** The Excess Emission fee for opacity shall be determined by multiplying the intensity of the opacity event by the number of days the event occurred. The resulting value shall be the “X-Factor Multiplier” which shall be applied to the value of “X” established for the fiscal year in which the variance was granted according to the equation below. Payment for the estimated excess emission fees shall accompany the variance hearing filing fees at the time the petition is filed.

$$\text{Estimated Fee} = (\text{PTE Opacity \%} - \text{Allowed Opacity \%}) * (\text{“X - Factor”}) * (\text{Days})$$

Where:

- “PTE Opacity” is the highest opacity anticipated to occur;
- “Allowed Opacity” is the lowest applicable regulatory limit for opacity;
- “X-Factors” is equal to the value established by the Board for the calendar year in which the variance was granted (order signed).; and
- “Days” is equal to the number of calendar days during which one or more opacity violations may occur during the period of the variance.

- e. **Actual Emissions, Fee Recalculation & Adjustments:** The petitioner shall prepare and submit an estimate of the actual emissions discharged during the variance term within 30 days of its termination. The fee for opacity shall again be calculated pursuant to subsection (3)(a) – (d) above, and the difference between the amount initially paid (estimated fee) and the fee based on actual emissions shall be determined by the petitioner. Within forty five (45) days of the termination of the variance, the petitioner shall pay the difference, or the balance shall be refunded by the District.

$$\text{Estimated Fee} = (\text{PTE Opacity \%} - \text{Allowed Opacity \%}) * (\text{"X - Factor"}) * (\text{Days})$$

Where:

“PTE Opacity” is the highest opacity anticipated to occur

“Allowed Opacity” is the lowest applicable regulatory limit for opacity

“X” is equal to the X-Factor in effect at the time of the emission; and

“Days” is equal to the number of calendar days during which one or more opacity violations may occur during the period of the variance

# **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 on November 9, 2017.*

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  - 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 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

**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 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. A. Retail Gasoline Dispensing Facilities:** Each holder of a Permit to Operate shall be assessed a fee of  $2X + (Z \cdot (X/133,333))$  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.2 of this Rule.

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

- a. 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 11. The “per facility fee” shall be assessed in addition to any other applicable fees for permitted units.
- b. 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 11.
- c. 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 11.
- d. Sterilizers/Aerators:** The X-Factor Multiplier for a sterilizer/aerator shall be a flat rate per device as listed in Table 11.
- e. 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 11.
- f. Dry Cleaning Equipment:** The X-Factor Multiplier for a perchloroethylene dry cleaning facility shall be a flat rate per facility as listed in Table 11.
- g. 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 11 per single product loading arm and 11 per product for multi-product arms as listed in Table 11.

Table 11 – 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

**12. 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 12.

Table 12 – 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 13.

Table 13 - 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

**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 406 – Federal Clean Air Act 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 on November 9, 2017.*

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## RULE 406

### FEDERAL CLEAN AIR ACT PERMIT FEES

- A. **PURPOSE:** The purpose of this Rule is to establish a fee structure for Title V Operating Permits issued pursuant to the District's federally approved Part 70 permit program. The Rule is intended to achieve full cost recovery of District programmatic costs, and to ensure that the amount of fees assessed are equal to or in excess of the presumptive minimum amount for a given source, as calculated pursuant to 40 CFR Part 70.9. The fees collected pursuant to this Rule shall be in addition to those collected pursuant to applicable requirements of Regulation IV. The authority to establish this rule is provided for in H&SC §41512.5.
- B. **CLEAN AIR ACT PERMIT FEES:** In addition to the annual minor source permit fees specified in Regulation IV, the Permittee of each "major source" as defined by Regulation V, shall pay a Clean Air Act Permit Fee on an annual basis equal in an amount to one and one-half times the annual minor source permit fee(s) for the permitted equipment.
1. **Exemptions:** Permits issued for the following device types and categories shall be exempt from the requirements of Sections B and E of this Rule.
- a. **Air Curtain Incinerators:** When operated as a stationary or portable source and not:
- i. Permitted to emit pollutants in amounts greater than major source thresholds as defined by Regulation V;
  - ii. Co-located with equipment or other devices which are permitted to emit pollutants in amounts greater than the Title V significance thresholds; or
  - iii. Co-located with equipment or other devices which are operated pursuant to a synthetic minor operating permit.
- C. **FEE PAYMENT, LATE FEES AND PENALTIES:** The requirements of Rule 400 (I) shall apply to all fees required pursuant to this Rule.
- D. **SUBMITTAL OF INFORMATION:** The owner/operator, or their designee, shall provide the APCO sufficient information to determine the supplemental fee. [Reference: 40 CFR Part 70.6(a) (7)]
- E. **PRESUMPTIVE MINIMUM FEE:** The permittee or his designee, shall pay annual fees to the District in an amount equal to or in excess of the Presumptive Minimum Fee (PMF) calculated pursuant to this Rule. In the event that the sum of the fees assessed pursuant to the applicable sections of Regulation IV, are less than the PMF, the owner/operator shall be assessed a Supplemental Fee calculated pursuant to this Rule. Beginning in the year 2011 and for each year thereafter until such time that the EPA Administrator establishes a greater value, the value of \$57.50 per ton shall be assessed for each ton of criteria pollutants which also meet the definition of a fee pollutant as defined in this Rule. In the event that the EPA Administrator establishes a greater value, the value established by the Administrator shall be assessed.
1. **Definitions:** For purposes of this section, the following terms shall have the meaning as listed below.
- a. **Fee-based Emissions:** means the actual rate of emissions in tons per year of any fee pollutant, including fugitive emissions, emitted from the stationary source over the preceding year or any other period determined by the APCO to be representative of normal operation. Fee-based emissions shall be calculated using each emission unit's actual operating hours, production rates, and in-place control equipment; type of material processed, stored, or combusted during the preceding calendar year, or other time period established by the APCO. [Reference: 40 CFR Part 70.9 (b) (2) (iii)]

b. **Fee Pollutant:** means oxides of nitrogen, volatile organic compounds, any pollutant for which a national ambient air quality standard has been promulgated by the United States Environmental Protection Agency (EPA) (excluding carbon monoxide), and any other pollutant that is subject to a standard or regulation promulgated by EPA under the federal Clean Air Act (CAA) or adopted by the District pursuant to section 112(g) and (j) of the CAA.

2. **Calculation of Presumptive Minimum Fee:** The Presumptive Minimum Fee shall be calculated using the following equation.

$$PMF = (V \times Ec) + [(X \div C) \times Eg]$$

Where:

PMF = Presumptive Minimum Fee

V = \$57.50 per ton, until such time as the EPA Administrator establishes a greater amount

Ec = Tons of Fee Pollutants that meet the definition of criteria pollutants, emitted during the preceding calendar year

X = The "X – Factor" established by the District Governing Board for the current fiscal year

C = 1650.5 tons (a constant derived based on the "X – Factor" using base year of 2011 to achieve a value of 0.055 per ton of CO2e)

Eg = Tons of Fee Pollutants that meet the definition of greenhouse gases, emitted during the preceding calendar year calculated as CO2e in accordance with Regulation I, Rule 111

F. **DETERMINATION OF SUPPLEMENTAL FEE:** The supplemental annual fee shall be determined by completing the following steps:

Step 1: Calculation of Minor Source Permit Fees & Clean Air Act Fee

$$TVF = A + B + C$$

Where:

TVF = The sum of all minor source and clean air act fees

A = Sum of the Rule 400 permit fees applicable to the source

B = Sum of the Rule 406 Clean Air Act Fees applicable to the source

C = Sum of the Rule 407 fees applicable to the source except for the State Fees collected pursuant to Rule 407 Section 2.1.

Step 2: Calculation of Supplemental Fee

$$S = PMF - TVF$$

Where:

S = Supplemental Fee

TVF = The sum of all applicable minor source permit fees and clean air act fees

PMF = The Presumptive Minimum Fee

### Step 3: Determination of Final Fee

If “S”, the resulting value from Step 2, is greater than or equal to zero, then the annual fee for the source is equal to the value of “PMF”. If “S”, the resulting value from Step 2, is less than zero, then the annual fee for the source is equal to “TVF”.

# **Regulation IV**

## **Rule 407 – Air Toxics “Hot Spots” (AB2588) Fees**

*This Rule was first adopted May 19, 2005. The current version was adopted by the Governing Board via Resolution 2014-7 on October 16, 2014.*

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- A. PURPOSE
- B. APPLICABILITY
- C. ASSESSMENT OF FEES
- D. EXEMPTIONS

## RULE 407 AIR TOXICS “HOT SPOT” (AB2588) FEES

- A. PURPOSE:** The purpose of this Rule is to serve as the basis for the collection of fees for the implementation of the State mandated Air toxics “Hot Spots” Information and Assessment Act of 1987.
- B. APPLICABILITY:** This Rule shall apply to any stationary source facility which commenced operation prior to January 1<sup>st</sup> of the year in which the fees are assessed pursuant to this Rule, and which:
1. Manufactures, formulates, uses, or releases any of the substances listed pursuant to H&SC §44321, or any other substance which reacts to form a substance so listed, and which releases 10 tons per year or greater of total organic gases, particulate matter, sulfur oxides or nitrogen oxides from the most recent base year inventory selected by the District; or
  2. Manufactures, formulates, uses, or releases any of the substances listed pursuant to H&SC §44321, or any other substance which reacts to form a substance so listed, and which releases less than 10 tons per year of total organic gases, particulate matter, sulfur oxides or nitrogen oxides from the most recent base year inventory selected by the District, and is included in any class listed in Appendix E of the Criteria and Guidelines Report incorporated by reference in CCR Title 17 §93300.5.
- C. ASSESSMENT OF FEES:** The District shall assess and collect the following fees for implementing the State mandated Air Toxics “Hot Spots” Information and Assessment Act of 1987. The District costs shall include but not be limited to review of inventory plans and reports, review of risk assessments, review of source test data, review of quadrennial updates, calculation of relevant exposure rates, charges from the District’s use of consultants to supplement District staff, and costs associated with collecting the State’s portion of the mandated fees. The State costs shall include the reasonable anticipated costs which are incurred by the California State Air Resources Board (CARB) and the Office of Environmental Health Hazard Assessment.
1. **Assessment of State Fees:** A fee covering State costs will be assessed to each facility subject to the provisions of this Rule as determined for the facility program category in the Air Toxics “Hot Spots” Fee Regulation adopted by CARB pursuant to H&SC §44380 as set forth in CCR Title 17 §90700 through §90705, except that the total of District and State fees for a facility shall not exceed one X for facilities subject to Section B.2 of this Rule. Notwithstanding this limitation, if State costs significantly exceed \$100.00, as determined by the APCO, the facility operator shall pay the actual State costs.
  2. **Assessment of District Fees (Facilities which meet Section B.1 of this Rule):** The operator of each stationary source facility which meets the criteria of Section 1.1 of this Rule shall pay an annual air toxic assessment fee calculated according to the formula:

$$\text{Air Toxic Assessment} = A * m$$

Where:

A = Dollar per Ton value of pollutant for facilities meeting Section 1.1 criteria. The dollar per ton value equals the total District costs for these facilities only, divided by their total yearly emissions (in tons) of total organic gases, particulate matter, sulfur oxides, and nitrogen oxides. Notwithstanding this Section, subject facilities shall pay a minimum 0.5 X annual District fee.

m = Mass of facility’s total air emissions, determined by adding the emissions values for each pollutant -- total organic gases, particulate matter, sulfur oxides, and nitrogen oxides -- having an emission value equal to or greater than 10 tons per calendar base year as calculated by the APCO from source tests or estimated emissions data.

**3. Assessment of District Fees (Facilities which meet Section B.2 of this Rule):** The operator of each stationary source facility which meets the criteria of Section B.2 of this Rule shall pay a flat fee of 0.5 X per year. Notwithstanding this Section, if District costs significantly exceed 0.5 X for a facility in a year, as determined by the APCO, the facility operator shall pay the actual District costs.

**D. EXEMPTIONS:**

1. Any stationary source for which the prioritization scores for cancer and non-cancerous health effects are both equal to or less than one (1), based on the results of the most recent emissions inventory or emissions inventory update shall be exempt from payment of fees.
2. Except as specified in this Rule, any stationary source for which the prioritization scores for cancer and non-cancerous health effects are both equal to or less than 10, based on the results of the most recent emissions inventory or emissions inventory update shall be assessed a District fee of \$125.00 every fourth year to cover District costs of processing the quadrennial emissions inventory update.
3. Notwithstanding the requirements of this Rule, with the Governing Board approval, the APCO may waive the assessment of fees pursuant to this Rule for a fiscal year if the APCO determines it is not cost effective to administer the fee collection based on the amounts due and District fee assessment costs would unnecessarily add to the fees assessed. Any such determination will result in fees waived for all facilities that would otherwise be subject to this Rule for that fiscal year.

# **Regulation IV**

## **Rule 408 – Burn Permit Fees**

*This Rule was first adopted December 16, 2004; revised February 1, 2014.  
The current version was adopted by the Governing Board via Resolution 2018-3 on May 10, 2018.*

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## RULE 408 BURN PERMIT FEES

- A. **PURPOSE:** The purpose of this rule is to allow the District to recover its reasonable costs incurred for direct and incidental costs associated with the burn program, including but not limited to the issuance of burn permits, inspection of burn projects, enforcement and surveillance, planning, research and monitoring, and administration. The authority to establish this rule is provided for in H&SC §41512.5.
- B. **APPLICABILITY:** The following fees shall be assessed by the District for burn permits issued pursuant to Regulation II, Open Burning.
- C. **PERMIT FEES:** Every applicant for a Burn Permit shall, at the time of application, pay to the District the corresponding fee for each type of permit requested. Fee amounts are listed in this Section and in Table 1 below. Burn Permits are issued for a limited term beginning on the date issued by the APCO and ending on December 31<sup>st</sup> of that same year.
1. **Standard Burn Permit:** Every applicant for a Standard Burn Permit for residential burning shall pay a fee of \$20.00.
  2. **Non-Standard Burn Permit:**
    - a. **Less than one acre:** Every applicant for a Non-Standard Burn Permit requesting to burn vegetation removed from an area less than one acre in size that will be burned in a single pile no larger than 10' in diameter, shall pay a fee of \$40.00.
    - b. **Non-Standard Burn Permit, 1 to 10 acres:** Every applicant for a Non-Standard Burn Permit requesting to burn vegetation removed from an area equal to or greater than one acre, but less than 10 acres in size, shall pay a fee of \$80.00. Burns conducted by Fire Safe Councils may be eligible for a reduced fee at the discretion of the APCO.
    - c. **Non-Standard Burn Permit, 10 to 100 acres:** Every applicant for a Non-Standard Burn Permit requesting to burn vegetation removed from an area equal to or greater than 10 acres, but less than 100 acres in size, shall pay a fee of \$250.00.
    - d. **Non-Standard Burn Permit, 100 to 300 acres:** Every applicant for a Non-Standard Burn Permit requesting to burn vegetation removed from an area equal to or greater than 100 acres, but less than 300 acres in size, shall pay a fee of \$500.00.
    - e. **Non-Standard Burn Permit, more than 300 acres:** Every applicant for a Non-Standard Burn Permit requesting to burn vegetation removed from an area equal to or more than 300 acres in size, shall pay a fee of \$1,250.00.

Table 1 – Burn Permit Fees

Permit Type or Service	Fee
Standard	\$20
Non-Standard, < 1 acre	\$40
Non-Standard, 1 to 10 acres	\$80
Non-Standard, 10 to 100 acres	\$250
Non-Standard, 100 to 300 acres	\$500
Non-Standard, > 300 acres	\$1,250

3. **No Burn Day Permit:** Every applicant for a No Burn Day Permit requesting to burn materials pursuant to a Non-Standard Burn Permit, shall pay a fee of \$65.00. A fee for No Burn Day Permits shall not be assessed for a Non-Standard Burn Permit issued for the purpose of burning vegetation removed from an area equal to or larger than 300 acres in size.
4. **Fire Training Burn Permit:** No fee shall be assessed.
5. **Burn Barrels:** Burn barrels may only be used in exempt areas. Every applicant requesting to use a burn barrel must first possess a valid Standard or Non-Standard Burn Permit for the proposed location. No additional fees shall be assessed.
6. **Smoke Management Plan Review:** An applicant for a Non-Standard Burn Permit may be required to prepare and submit a smoke management plan to the District for review and approval. In addition to the burn permit fees, the applicant shall pay \$65 for each plan submitted. The additional fee shall only be assessed on permit applications requesting to burn vegetation removed from areas larger than one (1) acre, but less than 300 acres in size.

Table 2 – Other Fees and Permits

Permit Type or Service	Fee
No Burn Day Permit Application Review	\$65 Does not apply to Non-Standard permits for 300 acres or more.
Fire Training Burn Permit	No fee.
Burn Barrel (May only be used in exempt areas)	No additional charge. Appropriate Standard or Non-Standard Fee applies.
Smoke Management Plan Review	\$65 Only applies to Non-Standard permits issued for more than 1 acre but less than 300 acres.

- D. **PERMIT FEE WAIVER:** Standard Burn Permit fees may be waived by the APCO upon a showing of economic hardship or during circumstances deemed by the APCO as an emergency.

# **Regulation IV**

## **Rule 409 – Additional Services & Fees**

*This Rule was first adopted by the Governing Board via Resolution 2014-7 on October 16, 2014.*

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- A. PURPOSE
- B. RESEARCH FEES
- C. SOURCE TESTING & ANALYSIS FEES
- D. TECHNICAL EVALUATION FEES
- E. EMISSION REDUCTION CREDIT (ERC) FEES

## RULE 409 ADDITIONAL SERVICES & FEES

- A. PURPOSE:** The purpose of this rule is to allow the District to recover its reasonable costs incurred for direct and in-direct 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.
- B. RESEARCH FEES:** Information, circulars, reports of technical work, and other reports prepared and maintained by the District when supplied to other governmental agencies or individuals or groups requesting copies of the same may be charged by the District at a minimum rate of one "X" per hour, for the cost of preparation and distribution of such information and documents.
- C. SOURCE TESTING & ANALYSIS FEES:** In order to determine compliance with permit conditions, federal, State or local law, order, rule or regulation relating to air pollution, the District may assess fees in order to recover reasonable costs incurred when the APCO undertakes, or orders the collection, testing or analysis of emissions. The permittee, owner, or operator of the subject equipment shall pay fees to the District as listed in Table 1 and in a manner consistent with Regulation IV.

Table 1 – Source Testing and Analysis Fees

Type of Testing	Fee
Stack Testing	One "X" per hour of staff time plus actual costs
CEM Audits	One "X" per hour of staff time plus actual costs
VEE	One "X" per hour of staff time

- 1. AUTHORITY TO OBTAIN INFORMATION:** When the APCO finds that any inspection, test, or analysis, including any source testing of emissions is necessary to determine the nature, extent, or amount of pollutants being discharged into the atmosphere, or to determine compliance with permit conditions or with any State or local law, order, rule or regulation relating to air pollution, including potential emissions which may endanger the health, comfort or repose of the public or which may have a tendency to cause injury or damage to business or property, the APCO may order the inspection of a source or its records, collection of emission samples, or the analysis or evaluation of such samples by qualified personnel of the District, or by an independent contractor selected by the APCO if qualified District personnel are not available. No person shall fail or refuse to comply fully with the terms of any order issued by the APCO.
- 2. SERVICES:**
  - a. The APCO may undertake or order the collection, testing or analysis of emissions pursuant to this rule, to determine compliance with permit conditions, State or local law, order, rule or regulation relating to air pollution.
  - b. The APCO may undertake or order the auditing of continuous emission monitoring equipment to determine the accuracy and precision of the instrument(s) used to measure emissions from a source on a continuous basis.
  - c. The APCO may undertake special studies, i.e., ambient monitoring, collection of meteorological data, to assess a source's emissions impact on air quality.

- d. Nothing in this rule shall be construed to prevent the APCO from assessing fees for multiple testing, or for multiple samples and analyses, where the same is necessary to determine compliance with any federal, State or local law, order, rule or regulation relating to air pollution including potential emissions which may endanger the health, comfort or repose of the public.
- e. If any of the analyses or tests conducted pursuant herewith indicate that the subject source is not in compliance or raise reasonable doubt of the source complying with all federal, State and local regulations, the APCO may require additional analyses and/or testing as he determines necessary and may also include use of an independent tester for such additional tests. In such event, the owner or operator shall pay for each additional test accordingly.

**3. FEES:** The owner or operator of the subject premises shall pay the full costs of such services for which the said sum is not to exceed the actual cost for preparation, sample collection, sample analysis, materials and report preparation.

For the purposes of this rule the associated cost of analysis, emissions testing, CEM audits and special studies performed by the District shall be recovered and calculated at the rate of \$75.00 per hour, plus materials, laboratory analysis and the cost of any needed testing equipment. The staff activities and time involved include, planning and preparation for testing, equipment calibration, testing/sample collection time, sample analysis and preparation of a written report. Payment for such services shall be made in full by the owner or operator of the premises within 30 days of notification thereof by either the District or the independent contractor conducting the activities.

**4. APPEAL RIGHTS:** Any owner or operator of a source subject to the provisions of this rule, and who is dissatisfied with any requirements of, or determination or finding made by the APCO concerning the implementation of any part of this rule, may within 30 days of notification of the respective requirement, determination or finding thereof, petition the District Hearing Board to review the issue at question seeking relief from or modification of the subject requirement, determination or finding made by the APCO. In such event the provisions of Chapter VI - Procedure before the Hearing Board shall apply.

**D. TECHNICAL EVALUATION FEES:** Every person requesting technical evaluations, source testing, or emission reduction credits shall pay a fee of one "X" per hour of staff time expended. In addition, the District shall be reimbursed in an amount equal to the actual costs for all direct and indirect costs incurred in the performance of the service. The minimum fee charged shall be equal to one "X".

**E. EMISSION REDUCTION CREDIT (ERC) FEES:** Every person requesting evaluation or review for the purpose of emission reduction credits shall pay a fee of one "X" per hour of staff time expended. In addition, the District shall be reimbursed in an amount equal to the actual costs for all direct and indirect costs incurred in the performance of the service. The minimum fee charged shall be equal to one "X".

Table 2 – Technical Evaluation and ERC Fees

Service	X-Factor Multiplier Special Services Fee
Technical Evaluations and Emission Reduction Credits	1 per hour of staff time plus actual costs