

ATTACHMENT B

Draft Rule 210

January 10, 2024

Santa Barbara County Air Pollution Control District
Community Advisory Council

260 San Antonio Road, Suite A
Santa Barbara, California 93110

RULE 210. FEES

(Adopted 10/18/1971, revised 5/1/1972, 6/16/1975, 6/1976 and 7/24/1978, readopted 10/23/1978, revised 5/19/1980, 6/1980, 12/14/1981, 6/30/1986, 12/15/1986, 8/8/1988, 5/2/1989, 12/12/1989, 2/13/1990, 3/27/1990, 6/5/1990, 12/18/1990, 3/5/1991, 5/7/1991, 4/17/1997, 3/17/2005, xx/xx/xxxx)

SCOPE AND PURPOSE

This rule establishes the framework for a comprehensive system for recovering expenses incurred for the regulatory programs, plans, procedures and tasks necessary for the Santa Barbara County Air Pollution Control District (the District) to carry out its mandates under the Clean Air Act and California law. 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, planning, research, and administration. Authority to establish this rule is provided for in Health & Safety Code §40701.5, §41512, §41512.5, §41512.7, §42311, and §42364. This rule shall be effective on July 1, 2024.

A. STATIONARY SOURCE FEES

Stationary source fees are assessed for District activities, which include, but are not limited to: review and evaluation of applications; reevaluation of permits; source testing; inspections; report review; ambient air quality and continuous emission monitoring; planning and implementation of measures to attain and maintain air quality standards; and control of air toxics.

1. Permit Application Filing Fees

a. Permit Filing Fees

The application filing fee for a new or modified Authority to Construct (ATC) or a Permit to Operate (PTO) is specified in item 1 of Schedule F.

b. Transfer of Ownership/Operator Filing Fee

The application filing fee to transfer a permit from one permit holder to another is specified in item 2 of Schedule F. A change in business name only shall not be assessed a filing fee.

c. Request for Written Determination of Permit Exemption

The filing fee for a written determination of whether equipment is exempt from a District permit is specified in item 3 of Schedule F.

2. Permit Evaluation Fees

a. Evaluation Fee

The fee for evaluating a new or modified ATC or PTO shall be calculated according to Schedule A (Equipment/Facility Fees). For projects determined by the District to require additional analysis such that the use of Schedule A will not enable the District to recover its costs, the evaluation cost may instead be assessed on the Cost Reimbursement Basis as specified in Section C.

If an application is withdrawn by the applicant or denied by the District for failing to meet all applicable District, State, and Federal Rules and Regulations, the applicant shall be assessed a percentage of the evaluation fees as determined by the District based on the work completed to date.

b. Other Permit Changes

Any change to an existing permit, other than those changes described below, shall be assessed evaluation fees for a new or modified ATC or PTO as prescribed in Section A.2.a above.

1) Transfer of Ownership/Operator

Transferring an entire permit from one permit holder to another shall not be assessed any evaluation fees. If a transfer of ownership/operator requires permit(s) to be split into multiple permits, the applicant shall be assessed an evaluation fee as specified in item 4 of Schedule F.

- 2) Administrative Changes
The evaluation fee for changes, as determined by the Control Officer to be administrative, is specified in item 5 of Schedule F.
 - 3) Decrease in Permitted Production Rate
The evaluation fee to decrease the permitted production rate or throughput limits is specified in item 6 of Schedule F. If the District determines the costs for the permit modification will not be recovered from item 6 of Schedule F or if the District determines the modification has the potential to increase emissions or impacts, the evaluation fee prescribed in Section A.2.a above shall be assessed instead.
3. **Recurring Fees**
- a. Permit Reevaluation Fees
Every three years, the District shall reevaluate a PTO to ensure compliance by the owner/operator with the listed permit conditions and all applicable District, State, and Federal Rules and Regulations. The fee shall be assessed in the same manner as the PTO evaluation fees prescribed in Section A.2.a. The fee for any permit reevaluation may be switched to the Cost Reimbursement Basis if the District determines that the permit reevaluation and/or subsequent District activities associated with the stationary source will require additional time such that the use of the fee schedules shown in Schedule A will not enable the District to recover its costs. The reevaluation fee shall not apply to equipment subject to the annual review fees as prescribed in Section A.3.b below.
 - b. Annual Review Fees
Every year, the District shall review the following equipment categories at each stationary source to ensure compliance by the owner/operator with all applicable permit conditions and District, State, and Federal Rules and Regulations. The annual review fees do not apply to any equipment where the stationary source is reevaluated on the Cost Reimbursement Basis.
 - 1) Diesel-Fired Emergency Standby Engine Annual Reviews
The annual review fee for a permitted diesel-fired emergency standby engine is specified in item 1.a of Schedule B. If more than one engine is located at the same facility, the permittee shall be assessed a fee for each additional engine, as specified in item 1.a.i of Schedule B.
 - 2) Gasoline Dispensing Facility (with Phase II) Annual Reviews
The annual review fee for a gasoline dispensing facility equipped with Phase II vapor recovery nozzles is specified in item 1.b of Schedule B. This fee does not apply to gasoline bulk plants.
 - c. Annual Emission Fees
All stationary sources subject to District permit shall be assessed an annual emission fee, as prescribed in item 2 of Schedule B, based on the total actual annual emissions of ROC, NO_x, SO_x, and PM. Actual emissions shall be based on data provided by the permit holder and verified by the District. Such data shall be sufficient to calculate the total emissions of each air contaminant for all permitted equipment at a stationary source. Pursuant to Health and Safety Code §42303, all permit holders shall submit the necessary data to calculate actual emissions by March 1 of each year.
 - d. Annual Air Toxics Fees
All stationary sources subject to District permit shall be assessed an annual air toxics fee, as prescribed in item 3 of Schedule B, based on the total annual air toxic emissions. The annual air toxic emissions shall be calculated by the District pursuant to the data supplied for the annual emission fees in Section A.3.c.

e. Annual Air Quality Planning Fees

All stationary sources subject to District permit shall be assessed an annual air quality planning fee, as prescribed in item 4 of Schedule B, based on the total emissions of ROC, NO_x, SO_x, and PM. For this fee, the emissions of the stationary source shall be determined as follows:

- 1) For a stationary source which held a PTO prior to January 1, 1988, the fee shall be based on the most recent actual annual emissions calculated pursuant to Section A.3.c. If the total emissions for the year are less than 10 tons, no fee shall be assessed.
- 2) For all other stationary sources which hold a valid ATC or PTO, the fee shall be based on the maximum annual Potential to Emit for the stationary source. If the Potential to Emit is less than 10 tons per year, no fee shall be assessed.

4. **Project Specific Fees**

a. School Public Notice Fees

Pursuant to Health and Safety Code §42301.6, an applicant for a permit to construct or modify a stationary source that proposes to increase emissions of toxic air contaminants within 1,000 feet of a K-12 school shall be assessed a fee, as specified in item 7 of Schedule F, to cover the expense of preparing and distributing the 30-day public notice. The distance between the stationary source and a school shall be measured from property boundary to property boundary.

b. Health Risk Assessment (HRA) Screening Fee

Any stationary source that the District prepares a health risk assessment (HRA) screening for shall be assessed a fee, as specified in item 8 of Schedule F, to cover the expense of preparing the HRA screening. This provision shall not apply to stationary sources that are assessed fees on the Cost Reimbursement Basis.

c. Interim Permit Approval Process (IPAP) Program Fee

If an applicant requests to install and temporarily operate equipment prior to obtaining an ATC pursuant to the Interim Permit Approval Process (IPAP) Program, and the District issues an IPAP agreement, the applicant shall be assessed a fee as specified in item 9 of Schedule F.

d. Confidential Information Handling Fee

If a submittal includes information that is claimed to be confidential in accordance with California Government Code §6254.7, the applicant shall be assessed a fee, as specified in item 10 of Schedule F, upon the issuance of the first permit for an application that contains confidential information. Each reevaluation thereafter shall be assessed a fee as specified in item 10.a of Schedule F.

e. Source Test Fees

The Control Officer may order source tests to determine the nature, extent, or amount of pollutants being discharged into the atmosphere or to determine compliance with permit conditions or 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, or which may have a tendency to cause injury or damage to business or property. The Control Officer may order the testing to be performed by either qualified personnel of the District, an independent contractor selected by the Control Officer, or by the source's independent contractor. The District costs to review the source test plan, observe or perform the source test, and evaluate the results shall be assessed on the Cost Reimbursement Basis for the following scenarios:

- 1) If a source is already permitted on the Cost Reimbursement Basis;
- 2) If source testing is conducted to determine the emissions for non-criteria pollutants (e.g., toxic air contaminants); or
- 3) If source testing is conducted by the District or its agent.

All other source tests shall be assessed fees in accordance with Schedule C. The fees listed in Schedule C shall be increased by 25 percent if the source test is conducted offshore, and the fees shall be increased by 50 percent if the source test includes determining the efficiency of an emission control device. Schedule C may also be used to assess source test fees if the source does not have a District permit.

f. Sampling and Analysis of Products and Materials

- 1) Pursuant to Health and Safety Code §41512, if the District determines that sampling and analysis of products or materials is required to determine compliance with District, State, or Federal Rules and Regulations, the permit holder or other responsible entity shall be assessed fees in accordance with Schedule D. Schedule D may also be used to assess sampling and analysis fees if the source does not have a District permit.
- 2) Prior to conducting the sampling, the District shall notify the owner/operator about the basis for requiring the sampling, the pollutants being sampled for, the duration of the sampling, and the estimated fees. Sampling shall be accomplished by the collection and analyses of samples by qualified personnel of the District or by an independent testing laboratory arranged for by the District.
- 3) After completion of the analysis, the owner/operator of the source shall be notified by the District of the total fees assessed in accordance with Schedule D. If the initial sampling and analysis indicates that the source is in violation of a permit condition or any law, order, rule, or regulation relating to air pollution, any subsequent sampling or analysis conducted in order to verify the compliance status shall also be assessed fees in accordance with Schedule D.

g. Monitoring Fees

For ambient pollution monitoring, meteorological monitoring, continuous emission monitoring, and all other monitoring required under District rules, permit conditions, or agreements, the owner/operator of a stationary source shall be assessed fees for all District costs associated with the installation, operation, and maintenance of the equipment and for the transmittal, review, and storage of the data. These costs shall be assessed in accordance with the governing provisions of this rule.

- 1) The owner/operator of the stationary source shall be assessed a semi-annual fee, as specified in item 11 of Schedule F, for each parameter that is required to be transmitted in real-time to the District's Data Acquisition System (DAS).
- 2) All other monitoring fees shall be specified in the operating permit for the stationary source.

h. CEQA Fees

When the District is the Lead Agency or Responsible Agency for a project pursuant to the California Environmental Quality Act (CEQA, Public Resources Code §21000 et seq.) and the state CEQA Guidelines (California Code of Regulations, Title 14, Chapter 3, §15000 et seq.), the project applicant may be assessed fees when the application requires District staff to review for CEQA compliance. If the applicant or permit holder has a permit that is evaluated on the Cost Reimbursement Basis, the CEQA review costs shall also be assessed on the Cost Reimbursement Basis. All other applicants shall be assessed fees for the preparation of the necessary CEQA documentation, as listed below:

- 1) The preparation of CEQA findings as a Lead Agency – for projects that rely on a CEQA exemption other than the list of exempt projects listed in Appendix A of the District’s Environmental Review Guidelines – or as a Responsible Agency – for projects that rely on an Environmental Impact Report or Mitigated Negative Declaration – shall be assessed a fee as specified in item 12 of Schedule F. Notwithstanding the above, the Control Officer may assess the CEQA findings fee to evaluate whether a project is exempt in accordance with Appendix A of the District’s Environmental Review Guidelines or when the District relies on a Lead Agency’s CEQA exemption. If the Control Officer determines that the District’s projected CEQA preparation costs and staff time will exceed the fee, the project applicant, upon notification from the District, shall instead be assessed fees on the Cost Reimbursement Basis.
 - 2) A filing for a Notice of Exemption or a Notice of Determination with the Santa Barbara County Clerk of the Board of Supervisors shall be assessed a fee as specified in item 13 of Schedule F.
 - 3) The cost of preparing any other CEQA documentation, including, but not limited to, an initial study, an Environmental Impact Report, a Negative Declaration, a Mitigated Negative Declaration, or an addendum, shall be assessed fees on the Cost Reimbursement Basis.
- i. Plans, Agreements, Studies, and Reports
- Fees shall be assessed for District activities, identified below, which may be performed for a stationary source. The fees shall be assessed on the Cost Reimbursement Basis and shall be paid by the owner/operator of the stationary source to the extent the District determines the need for the activity is caused by the stationary source. The activities include the following:
- 1) Review and/or preparation of plans including, but not limited to, Curtailment Plans, Episode Plans, Odor Monitoring Plans, and Fuel Use Monitoring Plans.
 - 2) Review and/or preparation of special agreements, including offset agreements.
 - 3) Review and/or preparation of special studies and reports required by the District or requested by the applicant.

B. OTHER PROGRAMS

1. Asbestos Demolition and Renovation Program

A fee shall be assessed for asbestos demolition and renovation operations subject to the notification provisions of District Rule 1001, National Emission Standards for Hazardous Air Pollutants. The fee shall be assessed in accordance with Schedule E.

2. Agricultural Diesel Engine Registration Program

The fee for registering and renewing the registration of an agricultural diesel-fired engine subject to Rule 1201 shall be assessed in accordance with Schedule H.

3. Emission Reduction Credit Program

The fees for Emission Reduction Credits (ERCs) subject to Regulation VIII, New Source Review, are shown below.

a. Filing Fees

The application filing fee to register, renew, transfer, or return an Emission Reduction Credit is specified in item 1 of Schedule F.

b. Evaluation and Processing Fees

All evaluation and processing costs associated with registering new Emission Reduction Credits shall be assessed on the Cost Reimbursement Basis.

c. Reissuance Fee

When an Emission Reduction Credit is reissued due to the destruction or loss of the original certificate, or when a portion of an ERC is used for a project, the applicant shall be assessed a reissuance fee as specified in item 14 of Schedule F.

4. **Land-use Review**

When the District is not the Lead Agency for a project, but the District is requested or required to conduct analyses, review or prepare documents, or conduct and/or participate in administrative procedures, meetings or hearings pursuant to CEQA or the National Environmental Policy Act (NEPA), the District costs shall be paid by the project proponent. District costs shall be assessed on the Cost Reimbursement Basis, through direct billing for District Labor, or by separate agreement with local agencies. Such costs may include, but are not limited to:

- a. Reviewing and commenting on all or portions of a CEQA or NEPA document;
- b. Reviewing and commenting on air quality technical reports, emission inventories, air dispersion modeling, and health risk assessments; or
- c. Assisting lead agencies with developing and implementing mitigation measures.

5. **Technical Reports**

Information, circulars, reports of technical work, and other reports prepared by the District for special interest groups or individuals, may be assessed fees by the District in a sum not to exceed the cost of preparation and distribution of such documents. The fees shall be based on direct labor hours used, supplies and service expended, and indirect costs incurred.

6. **Areawide and Indirect Sources**

The District may adopt, by regulation, a schedule of fees to be assessed on areawide or indirect sources which are regulated, but for which permits are not issued by the District, to recover the costs of District programs related to these sources.

C. COST REIMBURSEMENT BASIS (TIME & MATERIALS)

1. **Reimbursable Costs**

Reimbursable costs include all costs associated with District Labor, Contractors/Consultants, and Services, Equipment, Supplies, and Materials, as described below:

a. District Labor

District Labor is defined as the costs incurred as a result of time spent by District employees and District Counsel for conducting necessary work with regard to an application, permit, project, or study. District employees include full-time, part-time, and extra-help staff. Hourly rates for District employees, including overhead costs, shall be established by the Control Officer based on the job classification labor rate for the date when work is performed. District Counsel rates shall be established by the County Auditor-Controller.

b. Contractors/Consultants

Outside consultants and contractors may be hired by the District when necessary to assist in conducting the work, subject to the provisions below:

- 1) Prior to utilizing the services of any outside consultant, the District shall notify the applicant or permit holder in writing of the reasons why an outside consultant will be retained, provide the

applicant or permit holder with the proposed scope of work, and identify the consultant proposed by the District. The applicant or permit holder shall have the right to review and comment on the scope of work and to propose no more than three additional consultants or contractors; however, such consideration shall not require a competitive bidding process or a written decision by the District. If at any time the District deems it necessary to make additions, deletions, or other modifications to the scope of work, the applicant or permit holder shall have the right to review and provide comment on the modified scope of work. If the District elects not to revise the scope of work which an applicant or permit holder desires to revise, the District shall notify the applicant or permit holder in writing of the reasons for the District's decision.

- 2) Proposed contracts will be competitively bid if requested in writing by the applicant or permit holder prior to an application being deemed complete. If this occurs, the application shall be automatically deemed incomplete for the purposes of District Rules and Regulations, and any applicable timelines specified under the Permit Streamlining Act (Government Code §65943) shall be waived by the applicant pending selection of an outside consultant and execution of a contract. Requests for Proposals (RFPs) will then be sent to all bidders deemed qualified by the District, and all District costs for administering the bidding process are reimbursable costs. The applicant shall have the right to appeal the District's selection of and/or the need for a consultant or contractor within 10 days to the Control Officer, whose decision shall be final. The Control Officer shall notify the applicant or permit holder in writing of the decision and the reasons thereof.
- c. Services, Equipment, Supplies, and Materials
Additional services, equipment, supplies, and materials may be needed including, but not limited to, newspaper public notices, language translations, and the cost of filing any required documents with the District or other agencies. The applicant or permit holder shall be assessed the actual costs incurred by the District in providing such services. District costs shall not be recovered pursuant to this provision when funding for the service is obtained from the use of the fee schedules.

2. **Notice of Cost Reimbursement and Deposits**

- a. The District shall notify the applicant or permit holder in writing that the District has determined the work will be done on the Cost Reimbursement Basis, the grounds for such determination, and the initial deposit amount. The initial deposit amount is an estimate of the projected costs to cover the first 90 days of work on the project, permit, study, or application.
- b. The applicant or permit holder shall submit the initial deposit amount within 30 days of the date of District invoice.
- c. On a monthly basis, the District shall invoice the applicant or permit holder for all incurred expenses, and the applicant or permit holder shall reimburse the District within 30 days of the date of the invoice. This process shall ensure sufficient funds are kept on deposit with the District to authorize necessary expenditures without delay.
- d. If the District determines that the deposit amount should be adjusted based on new projections for the reimbursable costs for the next 90 days, the District shall notify the applicant or permit holder in writing.
 - 1) If an additional deposit is required to meet the new projection, the applicant or permit holder shall pay the additional funds within 30 days of the date of the new invoice.
 - 2) If the new projection is less than the current deposit amount, the District shall return the amount of the deposit which exceeds the projected costs.

- 3) If the District determines Schedule A (Equipment/Facility Fees) will adequately recover the costs associated with the permit, the District shall return the deposit and begin assessing fees in accordance with Schedule A. This determination may only occur prior to performing work on a permit on the Cost Reimbursement Basis.
- e. If the project, permit, study, or application is withdrawn or the permit is terminated or canceled, the amount remaining in the applicant or permit holder's deposit account shall be refunded, provided that all reimbursable costs for said application or permit have been deducted by the District, including costs reasonably incurred after the date of notification as well as all other outstanding amounts due to the District.
- f. Funds placed on deposit shall be subject to the handling charges and credited with interest payments specified in the policy of the Santa Barbara County Auditor Controller's Office, including updates.

3. **Audits**

- a. The applicant or permit holder shall have the right to audit any reimbursable cost charged by the District. If an applicant or permit holder elects to audit a reimbursable cost, the applicant or permit holder shall notify the District in writing within 30 days of the date of the invoice and shall identify the reason for the dispute.
- b. The District shall provide the applicant or permit holder with documentation supporting the basis and accuracy of the reimbursable cost within 30 days of receipt of written request, except that the Control Officer may extend the deadline for good cause.
- c. An applicant or permit holder may dispute any alleged fraudulent reimbursable cost by notifying the Control Officer in writing within 30 days of the District providing the support documentation. Such notice shall contain a detailed description of the facts and any available evidence that supports the dispute.
- d. The Control Officer shall issue a determination, in writing, within 60 days of receipt of the notice, which may be extended by the Control Officer for good cause. The Control Officer may order all or a portion of the disputed cost to be reimbursed to the applicant or permit holder.
- e. If the dispute still remains, the applicant or permit holder may request an independent audit within 15 days of receipt of the Control Officer's determination. The audit shall be conducted by an independent auditor approved by the applicant and the District. Costs incurred by the District that are related to the independent audit, including the cost of the independent auditor, are reimbursable costs under this rule.

D. HEARING BOARD FEES

1. **Variance**

Every petitioner for a variance shall be assessed fees as specified below:

- a. For District permits that are assessed fees under Schedule A (Equipment/Facility Fees), the filing fee for the applicable variance type is specified in item 1 of Schedule G. For regular variances, the petitioner shall be assessed an additional fee as specified in item 1.d.i of Schedule G for each month, or portion thereof, over three months that the variance is granted.
- b. For District permits that are assessed fees on the Cost Reimbursement Basis, the filing fee for the applicable variance type is specified in item 2 of Schedule G. Additional costs associated with the variance shall be assessed on the Cost Reimbursement Basis.

- c. For product variances, the filing fee is specified in item 3 of Schedule G. The petitioner shall be assessed an additional fee as specified in item 3.a of Schedule G for each month, or portion thereof, over three months that the variance is granted.
- d. Each ton of excess pollutant emissions, or portion thereof, allowed as the result of the issuance of any variance shall result in an excess emission fee as specified in item 4 of Schedule G.
- e. A petitioner requesting to modify a Hearing Board order or a schedule of increments of progress shall be assessed a new filing fee and additional fees for each month, or portion thereof, over three months that the variance is granted for the applicable variance type being modified.

2. **Permit/ERC Appeal**

Every petitioner in a proceeding before the Hearing Board to appeal the denial, suspension, or conditional approval of a permit or an ERC or the associated fees shall be assessed fees as specified below:

- a. The filing fee for the appeal is specified in item 5 of Schedule G. If the appeal is not resolved during the first hearing, an additional fee, as specified in item 5.a of Schedule G, shall be assessed for each hour, or portion thereof, of hearing time.
- b. No appeal shall be heard unless all fees have been paid, including those cases where the fee itself is being appealed. Furthermore, the appeal shall be dismissed by the Hearing Board if the appellant accepted and used the permit by commencing any activity applied for and authorized by the permit, or did not first exhaust all administrative remedies with the District, including, but not limited to, auditing the permit evaluation fees as prescribed in Section C.3 above.
- c. The appeal fees shall be refunded if the Hearing Board determines the appellant has prevailed on the appeal. The permit evaluation fees, or portions thereof, may be refunded to the extent determined by the Hearing Board.
- d. Notwithstanding any fees assessed for evaluating or reevaluating a permit, if the Hearing Board directs the District and the petitioner to negotiate the resolution of the issues under appeal and the negotiations are not conducted during a Hearing Board hearing, the Hearing Board shall establish a specified time limit for negotiation, and the petitioner shall be assessed fees on the Cost Reimbursement Basis to recover costs for District Labor incurred during such negotiations.

3. **Abatement Orders**

Upon investigation and determination that a violation of any permit condition, rule, or regulation prohibiting or limiting the discharge of air contaminants into the air is found to exist, the Control Officer may petition the Hearing Board for an abatement order in accordance with Health and Safety Code §42307 and §42451. The Control Officer shall notify the violator in writing of the District's intent to assess fees to recover all costs, including District Counsel costs, associated with the preparation, issuance, and/or implementation of the abatement order and of the violator's right to a hearing on objections thereto. When an abatement order petition is filed and every 30 calendar days thereafter until the matter is concluded or withdrawn, an invoice, payable by the violator, shall be issued summarizing the District Labor hours and associated costs incurred beginning with the preparation of the abatement order petition. If the violator objects to the invoiced amount, the violator may pursue the audit provisions listed in Section C.3 within thirty (30) calendar days of the invoice date. These fees do not preclude penalties collected during the mutual settlement process for Notices of Violation.

E. GOVERNING PROVISIONS

1. Payment of Fees and Penalties

Unless otherwise provided in this rule, this section is applicable to all fees mandated by this rule and by the Health and Safety Code.

a. Payment of Filing Fees

Payment of the applicable filing fee shall be made at the time an application, petition, or notice is filed, and the application shall not be accepted unless the required filing fee has been paid. Except as otherwise provided in this rule, any required filing fee or portion thereof shall not be refunded or applied to any subsequent application or petition.

b. Payment of Invoices

Payment of any fee other than a filing fee shall be made to the District within thirty (30) calendar days of the invoice date.

c. Penalty for Nonpayment of Fees

Payments are due thirty (30) calendar days from the date of invoice, and a penalty shall be imposed if payment is not received within sixty (60) calendar days of the invoice date. The penalty shall be twenty-five (25) percent of the fee initially invoiced for each thirty (30) calendar day period that the payment is overdue. The penalty shall not exceed 100% of the fee.

d. Nonpayment of Fees – General

For any source that fails to pay the fees required by this rule, the District may discontinue work on the project, deny the permit application, initiate the permit suspension process pursuant to Section E.2, and/or initiate the permit revocation process pursuant to Health and Safety Code §42307 and §42451. The District may refuse to accept an application or issue or reissue any permit until all fees and delinquent penalties are paid by the responsible entity.

e. Penalty for Failure to Obtain Permit

An applicant seeking an ATC or PTO for equipment for which an ATC was required but not obtained shall be assessed filing and evaluation fees double the amount that is prescribed for the ATC in Section A.1 and A.2. If operation of equipment is conducted without a valid PTO, the fee prescribed in Section A.2 for the PTO plus the recurring fees that would have been assessed with a valid PTO under Section A.3 may be doubled.

f. Transaction Fees

If any person chooses to pay using a method that charges a transaction fee (e.g. credit card), the person shall also pay any costs imposed on the District by the entity processing the transaction.

2. Suspension and Reinstatement of Permit

a. Suspension of Permit

If payment is not received within 150 calendar days of the invoice date, the District shall notify the owner/operator, in writing, that the existing permits for the stationary source may be suspended unless the owner/operator submits payment for all prior fees and associated penalties within 14 calendar days. Failure to submit the required fees and penalties within the 14-day period may result in the suspension of the permit by the Control Officer, which would be effective immediately. The District shall notify the owner/operator, in writing, when the suspension is finalized, and any operation of the equipment after the suspension date shall constitute a violation of the District's Rules and Regulations.

b. Reinstatement of Permit

An applicant seeking to reinstate a suspended permit shall pay a reinstatement filing fee, as specified as item 15 in Schedule F, within 180 days of the suspension date. No permit shall be issued until all prior fees and associated penalties have been paid.

c. Revocation of Permit

This section does not preclude the District from seeking a permit revocation at any time in accordance with Health and Safety Code §42307 and §42451.

3. **Use of Fee Schedules**

In the event more than one fee schedule is applicable to an item of equipment, article, machine or other contrivance, the higher fee schedule shall prevail.

Where several items of equipment are included under a single permit, the assessed fee shall be the sum of the fees for the individual items. Except for gasoline dispensing facilities subject to item 7 or item 8 of Schedule A, the assessed evaluation fee shall not be less than the minimum fee, as specified in item 1.a of Schedule A. In no case shall the assessed triennial reevaluation fee be less than the minimum fee, as specified in item 1.b of Schedule A.

4. **Consolidation of Existing Permits**

When more than one PTO has been issued for the equipment at a stationary source, and one of the permits is being modified or is due for reevaluation, the District may consolidate the PTOs into a single permit. At the time of consolidation, a single date will be set for permit reevaluation of all equipment included in the consolidated permit. In determining the fee for the consolidated permit, credit will be given on a prorated basis for any PTO which has not yet expired on the issuance date of the consolidated permit.

5. **Annual CPI Adjustment**

Any fee prescribed in this rule may be adjusted annually on July 1 by the Control Officer based on the change in the California Consumer Price Index (CPI) for the preceding year, as determined pursuant to Revenue and Taxation Code §2212.

6. **Annual Fee Increases**

Effective July 1, 2025, fees for the following schedules and items shall be increased by 12% each year unless the increase would exceed the limitations in the District's Cost Recovery Policy or Health and Safety Code §41512.7(b). Notwithstanding the above, the Control Officer may decide to delay or forgo any increase in this section due to an economic emergency. These annual increases are in addition to any annual adjustments in fees due to the CPI, as specified in Section E.5. If the annual fee increases and CPI adjustment exceeds 15% for a specific year, the fees shall instead be increased by a lesser amount to reach 15% in total for that year. The last fee increase allowed by this section shall be performed on July 1, 2033.

Schedule	Schedule Description	Items	Annual Fee Increase
A	Equipment/Facility Fees	1.b and 2 - 10	12%
B	Recurring Fees	3.b and 4	12%
C	Source Test Fees	All	12%
F	Other Stationary Source & ERC Fees	1 - 3 and 5 - 6	12%
G	Hearing Board Fees	1 - 2 and 4 - 5	12%
H	Registration Program Fees	All	12%

SCHEDULE A
EQUIPMENT/FACILITY FEES

The fees prescribed in this section pertain to any article, machine, equipment or other contrivance (hereinafter, "equipment") which emits air contaminants, or causes such emissions, and which is not exempted under Rule 202.

ITEM #

1. Minimum Fees

- a. The assessed evaluation fee shall not be less than the minimum fee of \$1,353. This provision shall not apply to gasoline dispensing facilities subject to item 7 or item 8 below.
- b. The assessed triennial reevaluation fee shall not be less than the minimum fee of \$615.

2. Miscellaneous Equipment

Miscellaneous equipment is any equipment not included in a fee schedule listed below and which emits or may emit air contaminants, or causes such emissions. Miscellaneous equipment shall be assessed a fee of \$98.79 per item of equipment.

3. Electric Motor Horsepower

Any equipment where an electric motor is used to drive the equipment shall be assessed a fee based on the total rated motor horsepower of each motor included in any such equipment, in accordance with the following formula:

Fee = \$51.22 times (X), where:

"X" is the horsepower of the motor, and

Minimum fee = \$98.15 and Maximum fee = \$9,915.90.

This fee schedule does not apply to oilfield wellhead pumping units and items 9 (rock crushers) and 10 (stacker belts).

4. Fuel Burning Equipment

Any equipment in which fuel is burned shall be assessed a fee based upon the maximum design fuel consumption of the equipment expressed in British thermal units (Btu) per hour, using gross heating values of the fuel in accordance with the following formula:

Fee = \$741.08 times (X), where:

"X" is the maximum fuel consumption in 1,000,000 Btu per hour, and

Minimum fee = \$98.15 and Maximum fee = \$9,915.90.

This fee schedule does not apply to incinerators which are covered under item 5.

5. Incinerator

Any incinerator, crematory, or equipment used primarily to dispose of combustible refuse by wholly consuming the material charged, leaving only ashes or residue, shall be assessed a fee based on the maximum cross-sectional area of the combustion chamber(s), in accordance with the following formula:

Fee = \$123.49 times (X), where:

"X" is the total horizontal inside cross-sectional area in square feet, and

Minimum fee = \$98.15 and Maximum fee = \$4,956.78.

6. Stationary Container

Any stationary tank, reservoir, or other container shall be assessed a fee based on volumetric capacity, in accordance with the following formula:

Fee = \$5.66 times (X), where:

“X” is the capacity in 1,000 gallons, and

Minimum fee = \$98.15 and Maximum fee = \$4,956.78.

This fee schedule does not apply to gasoline storage tanks at gasoline dispensing facilities.

7. Gasoline Dispensing Facilities (with Phase II)

Gasoline dispensing facilities equipped with Phase II vapor recovery dispensing nozzles shall be assessed a fee in accordance with the following formula:

Fee = \$56.81 times (X), where:

“X” is the number of nozzles, and Minimum fee = \$394.93.

This fee schedule does not apply to gasoline bulk plants.

8. Gasoline Dispensing Facilities (without Phase II)

Gasoline dispensing facilities without Phase II vapor recovery dispensing nozzles shall be assessed a fee of \$740.83 regardless of the number of dispensing nozzles.

This fee schedule does not apply to gasoline bulk plants.

9. Rock Crusher

Equipment used to crush rocks shall be assessed a fee of \$98.79 for each item of equipment. This schedule applies to jaw crushers, cone crushers, impact crushers, and gyratory crushers.

10. Stacker Belt

A belt used to stack minerals to form a storage pile shall be assessed a fee of \$98.79 for each stacker belt.

11. Post-Harvest Cannabis Operations

- a. Any operation that manufactures, processes, stores, packs, or distributes cannabis shall be assessed a fee of \$690 per 1,000 square feet of indoor building area and outdoor work area.
- b. Any operation that manufactures or processes cannabis shall be assessed a fee of \$872 per extractor.
- c. Any operation that manufactures, processes, stores, packs, or distributes cannabis shall be assessed a fee of \$1,148 per odor control device.

SCHEDULE B
RECURRING FEES

ITEM #

1. Annual Review Fees

a. Diesel-Fired Emergency Standby Engines

A diesel-fired emergency standby engine that is reviewed on an annual basis shall be assessed a fee of \$657.

i. If more than one engine is located at the same facility, the permittee shall be assessed a fee of \$328 for each additional engine.

b. Gasoline Dispensing Facilities (with Phase II)

Any gasoline dispensing facility equipped with Phase II vapor recovery dispensing nozzles that is reviewed on an annual basis shall be assessed a fee of \$97.43 per nozzle.

2. Annual Emission Fees

All stationary sources subject to District permit shall be assessed an annual emission fee in accordance with the following table. Emission range shall be determined as the sum of Reactive Organic Compounds, Oxides of Nitrogen (expressed as nitrogen dioxide), Oxides of Sulfur (expressed as sulfur dioxide), and Particulate Matter.

Subitem	EMISSION RANGE (tons per year)	EMISSION FEE
a	0 to < 10	\$559.01 total
b	10 to < 25	\$154.43 per ton
c	25 to < 100	\$232.77 per ton
d	100 or greater	\$308.88 per ton

3. Annual Air Toxics Fees

All stationary sources subject to District permit shall be assessed an annual air toxics fee in accordance with the following table. Emission range shall be determined as the sum of all Toxic Air Contaminants (TACs).

Subitem	EMISSION RANGE (pounds of air toxics per year)	AIR TOXICS FEE
a	0 to < 2,000	\$272 total
b	2,000 or greater	\$0.48 per pound

4. Annual Air Quality Planning Fees

All stationary sources subject to District permit shall be assessed an annual air quality planning fee in accordance with the following table. Emission range shall be determined as the sum of Reactive Organic Compounds, Oxides of Nitrogen (expressed as nitrogen dioxide), Oxides of Sulfur (expressed as sulfur dioxide), and Particulate Matter.

Subitem	EMISSION RANGE (tons per year)	AIR QUALITY PLANNING FEE
a	0 to < 10	\$0
b	10 to < 25	\$73.38 per ton
c	25 to < 100	\$111.22 per ton
d	100 or greater	\$146.76 per ton

SCHEDULE C
SOURCE TEST REVIEW, OBSERVATION, AND EVALUATION FEES*

<u>ITEM #</u>		<u>FEE **</u>
	<u>Source Type</u>	
1.	Boiler or Heater	\$2,532
2.	Piston Type Engine	\$2,532
a.	Each additional engine	\$674
3.	Thermal Oxidizer	\$2,532
4.	Wet Scrubber (gaseous)	\$2,532
5.	Wet Scrubber (particulates)	\$3,371
6.	Baghouse	\$3,371
7.	Gas Turbine	\$3,371
8.	Heater Treater	\$3,371
9.	Other	\$3,371

* This fee schedule shall not be used for source testing non-criteria pollutants, including hydrogen sulfide and toxic air contaminants. Such source tests shall be assessed fees on the Cost Reimbursement Basis (Section C).

** If source testing is conducted offshore, the fee shall be increased by 25 percent. If source testing includes determining the efficiency of an emission control device, the fee shall be increased by 50 percent.

SCHEDULE D
SAMPLE AND LABORATORY ANALYSIS FEES

ITEM #

FEE

1. Sample and Laboratory Analysis
 - a. District Labor to Coordinate the Sampling and Analysis
 - b. Laboratory Analysis *

\$287
As charged by outside laboratory
(pass-through fees)

* Laboratory Analysis may include, but is not limited to, fuel analyses, vapor pressure tests, asbestos content tests, and Volatile Organic Compound (VOC) content tests.

SCHEDULE E
ASBESTOS DEMOLITION AND RENOVATION FEES

At the time written notice is required to be submitted to the District, contractors for asbestos demolition/renovation operations subject to District Regulation X, Rule 1001, Subpart M of Attachment I and federal regulation 40 CFR, Part 61, Subpart 61.145, shall pay the following fees:

<u>Quantity of Asbestos</u>	<u>FEE</u>
Demolition only:	
Less than 260 linear feet or 160 square feet	\$167
Demolitions and renovations:	
Greater than 260 linear feet or 160 square feet but less than 500 linear or square feet	\$671
Greater than 500 but less than 1,000	\$951
1,000 or greater but less than 2,500	\$1,275
2,500 or greater but less than 5,000	\$1,577
5,000 or greater but less than 10,000	\$1,846
10,000 or greater	\$2,182

SCHEDULE F
OTHER STATIONARY SOURCE & ERC FEES

<u>ITEM #</u>	<u>FEE</u>
<u>Filing Fees</u>	
1. ATC, PTO, or ERC Application Filing Fee	\$565 per application
2. Transfer of Ownership/Operator – Application Filing Fee	\$565 per application
3. Request for Written Determination of Permit Exemption	\$862 per application
<u>Other Permit Changes</u>	
4. Transfer of Ownership/Operator – Permit Split Evaluation Fee	\$1,047 per permit
5. Administrative Change Evaluation Fee	\$615 per permit
6. Decrease in Permitted Throughput Limits Evaluation Fee	\$615 per permit
<u>Project-Specific Fees</u>	
7. School Public Notice pursuant to Health and Safety Code §42301.6	\$3,607 per application
8. Health Risk Assessment (HRA) Screening Fee	\$877 per application
9. Interim Permit Approval Process (IPAP) Program Fee	\$917 per application
10. Confidential Information Handling Fee	\$1,861 per initial permit
a. Confidential Information Reevaluation Fee	\$1,452 per permit reevaluation
11. Data Acquisition System (DAS) Operation & Maintenance Fee	\$1,323 per parameter-semiannually
12. CEQA Findings – Lead Agency or Responsible Agency	\$1,296 per application
13. CEQA Filing – Notice of Exemption or Notice of Determination	\$538 per filing
14. ERC Reissuance Fee	\$986 per application
<u>Other Fees</u>	
15. Reinstatement of Permit Fee	\$1,594 per permit

SCHEDULE G
HEARING BOARD FEES

ITEM #

FEE

Variances

- | | | |
|----|--|----------------------|
| 1. | <u>Fixed Fee (Schedule A) Permit</u> | |
| a. | Emergency Variance Filing Fee | \$293 per petition |
| b. | Interim Variance Filing Fee | \$341 per petition |
| c. | 90-day Variance Filing Fee | \$1,850 per petition |
| d. | Regular Variance Filing Fee | \$1,850 per petition |
| i. | Fee for each month over three (3) months | \$677 per month |
| 2. | <u>Cost Reimbursement Permit</u> | |
| a. | Emergency Variance Filing Fee | \$145 per petition |
| b. | Interim Variance Filing Fee | \$850 per petition |
| c. | 90-day Variance Filing Fee | \$850 per petition |
| d. | Regular Variance Filing Fee | \$850 per petition |
| 3. | Product Variance Filing Fee | \$4,315 per petition |
| a. | Fee for each month over three (3) months | \$863 per month |
| 4. | Excess Emissions Fee | \$395 per ton |

Appeals

- | | | |
|----|------------------------------|--------------------|
| 5. | Permit/ERC Appeal Filing Fee | \$984 per petition |
| a. | Additional Hearing Time | \$493 per hour |

SCHEDULE H
REGISTRATION PROGRAM FEES

<u>ITEM #</u>	<u>FEE</u>
1. Agricultural Diesel Engine – Registration or Renewal	\$346