



Air Pollution Control District Governing Board

San Diego County Air Pollution Control District

AGENDA ITEM #E.2

DATE: November 14, 2024

TO: SAN DIEGO COUNTY AIR POLLUTION CONTROL DISTRICT GOVERNING BOARD

SUBJECT:

ADOPTION OF PROPOSED AMENDMENTS TO RULE 40 - PERMIT AND OTHER FEES (FISCAL YEAR 2025-26)

REQUESTED ACTION:

1. Find that the requested action is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15273 because the additional fee revenues that would be generated by adjustments that could result from the adoption of proposed amendments to Rule 40 – Permits and Other Fees will be used for the purposes set out in that section including operating expenses and purchasing or leasing supplies, equipment, or materials.
2. Adopt the Resolution entitled: RESOLUTION ADOPTING AMENDMENTS TO RULE 40 – PERMITS AND OTHER FEES, OF REGULATION III OF THE RULES AND REGULATIONS OF THE SAN DIEGO COUNTY AIR POLLUTION CONTROL DISTRICT.

OVERVIEW:

The mission of the San Diego County Air Pollution Control District (District) is to improve air quality to protect public health and the environment. Accordingly, the District operates a county-wide permitting program for stationary (fixed) sources of air pollution pursuant to federal and State law. Stationary sources encompass large industrial facilities including power plants and landfills and smaller commercial establishments such as gas stations and dry cleaners. A facility's permit outlines the required actions to comply with air pollution control requirements and protect air quality, the environment, and public health. District Rule 40 sets the fees for District permitting and other services, such as inspections and source testing, related to the implementation of the stationary source permitting, source testing, and asbestos programs.

District staff worked with Matrix Consulting Group (Consultant) to update the Cost Recovery Study analysis from last fiscal year (Fiscal Year 2024-25) based upon new inputs associated with staffing, costs, and workload, as well as any changes in fee structures. The Consultant recommended, and District staff proposes, implementation of a Fiscal Year 2025-26 cost recovery scenario detailed in the FY 2025-26 Cost Recovery Analysis Report – August 2024 (Attachment B). Proposed Fiscal Year 2025-

26 amendments to Rule 40 include updating various fees consistent with the recommendations from the Consultant, as detailed in Attachment C and summarized in the following table. If adopted, the proposed amendments to Fiscal Year 2025-26 fees in the table below will become effective on July 1, 2025. Increases in stationary source permitting fees are limited as required by Health and Safety Code Section 41512.7. This limitation is being met by limiting the proposed increases for fixed permit application fees, permit renewal fees, time and material charges, and processing fees, to not more than 15%.

FY 2025-26 Fee Category	Initial Application Fees (Fixed)	Permit Renewal Fees	Source Testing Fees	Asbestos Notification Fees	Hearing Board Fees	Time & Material Fees	Processing Fees
Proposed % Fee Change	(2%) - 15%	(1%) - 15%	8% - 15%	<1% - 10%	0%	(7%) - 15%	15%

The District is also proposing the addition of a new provision to Rule 40 to recover costs for conducting reviews for emissions inventory services. These charges would be assessed on specific facilities with multiple emission units based on newly expanded state mandates and District requirements. Due to the varying size and complexity of these types of facilities, the time it takes to evaluate emission data can fluctuate significantly based on the type of permit and quality of data submitted. Accordingly, a Time and Material (T&M) approach was chosen to ensure that each facility is fairly assessed for the time and effort spent on their particular review. There is currently no dedicated fee-related mechanism for recovering these emissions inventory costs included in District Rule 40. As a result, these costs are currently covered through a combination of other funding sources, rather than fees for service, which conflicts with the District’s audit findings requiring that fee-related services should be offset by fee-related revenue. If adopted, the proposed new emissions inventory provisions will become effective on January 1, 2025, to align with the annual emissions inventory data collection period.

There are no revisions proposed to Rule 42 – Hearing Board Fees at this time. Increasing these fees at the previously adopted rate may result in the Hearing Board fees becoming cost prohibitive, without having a significant revenue impact upon the District since these fees comprise a very small amount of the revenue and costs for the District.

Today’s hearing is the second reading of this agenda item which, if approved, will adopt the Resolution entitled: RESOLUTION ADOPTING AMENDMENTS TO RULE 40 – PERMITS AND OTHER FEES, OF REGULATION III OF THE RULES AND REGULATIONS OF THE SAN DIEGO COUNTY AIR POLLUTION CONTROL DISTRICT (Attachment A). If adopted, the proposed amendments will become effective on January 1, 2025, and July 1, 2025.

FISCAL IMPACT:

If adopted, these proposed amendments will result in projected additional estimated revenues of up to \$1.5 million per fiscal year, which would increase the District’s estimated aggregate fee-for-service

cost recovery percentage for its stationary source permitting, source testing, asbestos, emissions inventory, and Hearing Board programs to approximately 96% and would reduce projected annual program related estimated revenue deficits to approximately \$600,000. Projected costs and estimated revenues are based on current year adopted budget and most recent workload information and will fluctuate year to year due to shifts in staffing levels, program costs, level of effort, and other factors.

ENVIRONMENTAL STATEMENT:

The proposed amendments to Rule 40 are exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15273, which exempts projects that involve the establishment or modification of charges by public agencies for the purpose of meeting operating expenses, purchasing supplies and equipment, or meeting financial reserve needs, as described in the FY 2025-26 Cost Recovery Analysis Report – August 2024 (Attachment B).

PREVIOUS RELEVANT BOARD ACTIONS:

September 12, 2024 (Item #E.1), Public Hearing: Receive Presentation for Proposed Amendments to Rule 40 – Permit and Other Fees; May 9, 2024 (Item #E.1), Adoption of Proposed Amendments to Rule 40 – Permit and Other Fees (Fiscal Year 2024-25); January 11, 2024 (Item #E.3), Public Hearing: Receive Presentation for Proposed Amendments to Rule 40 – Permit and Other Fees (Fiscal Year 2024-25); January 12, 2023 (Item #E.3), Adoption of Proposed Amendments to Rule 40 – Permit and Other Fees (Fiscal Year 2023-24); December 8, 2022 (Item #E.1), Public Hearing: Receive Presentation for Proposed Amendments to Rule 40 – Permit and Other Fees (Fiscal Year 2023-24); April 14, 2022 (Item #E.1.), Adoption of Proposed Amendments to Rule 40 – Permit and Other Fees and Rule 42 – Hearing Board Fees (Fiscal Year 2022-23); March 10, 2022 (Item #E.1.), Public Hearing: Receive Presentation for Proposed Amendments to Rule 40 – Permit and Other Fees and Rule 42 – Hearing Board Fees (Fiscal Year 2022-23); December 9, 2021 (Item #D.3), Adoption of Proposed Amendments to Rule 40 – Permit and Other Fees and Rule 42 – Hearing Board Fees; October 14, 2021 (Item #3), Public Hearing: Receive Presentation for Proposed Amendments to Rule 40 – Permit and Other Fees and Rule 42 – Hearing Board Fees; May 21, 2021 (Item #1), Direct the Interim Air Pollution Control Officer to Implement Cost Recovery Scenario 6 and Schedule a Regulatory Process Consistent with Timeline B.

PUBLIC ENGAGEMENT AND OUTREACH:

A virtual public workshop was conducted on July 31, 2024, for stakeholders to provide input regarding proposed amendments to Rule 40 for a new provision to recover costs associated with preparation of emissions inventories. During this workshop, the District provided an overview of the emissions inventory program, proposed Rule 40 changes for emissions inventory cost recovery, and next steps for the proposed new emissions inventory and Fiscal Year 2025-26 fee amendments. Input and feedback from workshop attendees was solicited and encouraged to continue until the November hearing for rule adoption. There were 65 attendees participating in the workshop which was recorded and posted to the District’s website. A summary of comments from the workshop and the District responses are included in the Staff Report (Attachment E).

On August 27, 2024, a public notice regarding the September 12, 2024, public hearing was sent to

approximately 15,000 recipients (including each air quality permit holder and chambers of commerce in the region, subscribers to the District's email notification service, and the California Air Resources Board) and posted to the District's website, providing an opportunity to participate in the public hearing and/or submit written comments.

During the September 12, 2024, public hearing, the District provided an overview of the draft Rule 40 changes and estimated costs and revenues associated with the proposed revisions to the Governing Board and members of the public in attendance. Input and feedback from hearing attendees was solicited and encouraged to continue until the second Governing Board Hearing in November 2024 for rule adoption. Spanish interpretation services were provided during the hearing which was recorded and posted to the District's website. A summary of comments from the public hearing and the District responses are included in the Staff Report (Attachment E).

On October 15, 2024, a Public Notice about today's hearing was published in a local newspaper and posted on the District's website. The notice was also sent to all interested parties who have subscribed to the District's email notification service, chambers of commerce in the region and the California Air Resources Board to provide an opportunity to submit written comments.

EQUITY IMPACT STATEMENT

Today's hearing and recommended actions promote public engagement and transparency and will help to fund the District's commitments to advancing policies, programs, and services that achieve environmental justice and equity. Fees for the District recover costs for permitting, and other programs and services, and support the District's vision of "Clean Air for All".

RECOMMENDED BY:

Paula Forbis, Air Pollution Control Officer

CONTACT PERSON(S):

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ATTACHMENTS:

[Item E2_AttA_Rule 40 Resolution.pdf](#)

[Item E2_AttB_FY 25-26 Cost Recovery Analysis Report-Aug 2024.pdf](#)

[Item E2_AttC_Rule 40 Change Copy.pdf](#)

[Item E2_AttD_Comparison of Current Proposed Fee Schedules.pdf](#)

[Item E2_AttE_Rule 40 Staff Report.pdf](#)

Resolution No: 24-006
Meeting Date: 11/14/2024

**RESOLUTION ADOPTING AMENDMENTS TO
RULE 40 – PERMITS AND OTHER FEES, OF REGULATION III
OF THE RULES AND REGULATIONS OF THE
SAN DIEGO COUNTY AIR POLLUTION CONTROL DISTRICT**

On motion of Member Gloria, seconded by Member Medina, the following resolution is adopted:

WHEREAS, the San Diego County Air Pollution Control District Governing Board (Governing Board), pursuant to Section 40702 of the Health and Safety Code, adopted Rules and Regulations of the San Diego County Air Pollution Control District (District); and

WHEREAS, said Governing Board now desires to amend said Rules and Regulations; and

WHEREAS, notice has been given and a public hearing has been held relating to the amendments of said Rules and Regulations pursuant to Sections 40725, 41512.5, and 42311 of the Health and Safety Code; and

WHEREAS, the Governing Board has found that the revenues being generated by the fee rates currently set forth in Rule 40 – Permit & Other Fees are insufficient to fully recover the costs of District programs to which revenues from those fees are applied; and

WHEREAS, the additional revenues that would be generated by the proposed rule revisions would be used for District operating expenses and costs including employee wage rates and fringe benefits, purchasing supplies and equipment, or meeting the financial reserve needs of the District, and

WHEREAS, pursuant to Section 40727 of the Health and Safety Code, the Governing Board makes the following findings:

- (1) (Necessity) The adoption of amendments to the permit and other fees in Rule 40 is necessary to recover the increased District costs of operating permit-related and emission inventory programs;
- (2) (Authority) Adoption of amendments to Rule 40 is authorized by Sections 40702, 41512.5, and 42311 of the Health and Safety Code;
- (3) (Clarity) The amendments to Rule 40 can be easily understood by persons directly affected by them;
- (4) (Consistency) Section 41512.7(d) of the Health and Safety Code provides that individual District fees may be increased to reflect the District's actual costs as long as the total aggregate increase in fees does not exceed 15 percent in that fiscal year,

and as long as certain requirements for a cost-based fee system are met. The proposed amendments are in harmony with Section 41512.7(d) of the Health and Safety Code. The proposed amendments are also in harmony with, and not in conflict with or contrary to, other existing statutes, court decisions, and state and federal regulations;

- (5) (Non-duplication) The proposed amendments to Rule 40 will not impose the same requirements as existing District, state, or federal requirements;
- (6) (Reference) The proposed amendments to Rule 40 specify permit and other fees pursuant to Sections 42311 and 41512.5 of the Health and Safety Code, and in accordance with Section 41512.7(d) of the Health and Safety Code; and

NOW THEREFORE IT IS RESOLVED AND ORDERED by the San Diego County Air Pollution Control District Governing Board that the Rules and Regulations of the San Diego County Air Pollution Control District be and hereby are revised as follows:

1. Proposed amended Rule 40 is to read as follows:

REGULATION III: FEES

RULE 40. PERMIT AND OTHER FEES (Adopted *(date of adoption)*)

(Section (f)(12): Effective January 1, 2025; Remaining Sections: Effective July 1, 2025)

Table of Contents

(a)	APPLICABILITY	5
(b)	DEFINITIONS	5
(c)	GENERAL PROVISIONS	6
(d)	AUTHORITY TO CONSTRUCT AND PERMIT TO OPERATE FEES	6
	(1) General Provisions	6
	(2) Initial Application Fees for an Authority to Construct/Permit to Operate Calculation Worksheet for Initial Application Fees	7
	(3) Initial Evaluation Fee	7
	(4) Air Contaminant Emissions Fees	8
	(5) Additional Evaluation and Processing Fees for New or Revised Applications	9
	(6) Fees for Revisions to Valid Permits Calculation Worksheet for Modified Equipment Fees	9
	(7) Fees for Revisions to Valid Authorities to Construct	10
	(8) Special Application Processing Provisions	10
(e)	ANNUAL OPERATING FEES	13
	(1) General Provisions	13
	(2) Annual Operating Fees Calculation Worksheet for Annual Operating Fees	13
	(3) Staggered Renewal Dates	14
	(4) Split Payment of Annual Operating Fees	14
	(5) Inactive Status Permits	15
	(6) Expiration and Retirement of Permits	15
(f)	SPECIFIC PROGRAM FEES	16
	(1) General Provisions	16
	(2) Asbestos Demolition or Renovation Operation Plan	16
	(3) Air Pollution Emergency Episode Plan Fee	16
	(4) Grid Search	17
	(5) New or Modified Power Plants	17
	(6) Toxic Hot Spots	17
	(7) California Clean Air Act	18
	(8) Title V Operating Permit	18
	(9) Synthetic Minor Source Permit	18
	(10) Determination of Exemption	18
	(11) California Environmental Quality Act (CEQA)	19
	(12) Emissions Inventory	19
(g)	LATE FEES	19
(h)	RENEWAL OF EXPIRED PERMIT(S) & REINSTATEMENT OF RETIRED PERMIT(S)	20
	(1) General Provisions	20
	(2) Renewal of Expired Permit(s) to Operate	20
	(3) Reinstatement of Retired Permit(s) to Operate	20
(i)	REFUNDS, INSUFFICIENT PAYMENT OF FEES AND CANCELLATIONS	20
	(1) General Provisions	20
	(2) Application Fee Refunds	20
	(3) Annual Operating Fee Refunds	21
	(4) Air Contaminant Emissions Fee Refunds	22
	(5) Other Fees	22

(6) Cancellation Fees - Source Testing and Test Witnessing	22
(7) Insufficient Payment of Fees	22
Alphabetical List of Fee Schedules by Emission Unit Type	24
Categorized List of Fee Schedules by Emission Unit Type	26

RULE 40. PERMIT AND OTHER FEES

(a) APPLICABILITY

(1) Notwithstanding any other provision of these rules, this rule shall be used to determine all fees charged by the San Diego County Air Pollution Control District (District), as authorized by the Air Pollution Control District Governing Board, except for those specified in Rule 42 – Hearing Board Fees. These include, but are not limited to, fees for: applications, permits, portable equipment registrations, renewals, source testing, asbestos demolition or renovation notifications, emergency episode plans, grid searches, technical consultations, new or modified power plants, Toxic Hot Spots, Title V Operating Permits, and Synthetic Minor Source Permits, and reviews, analyses, documents and procedures required or requested pursuant to the California Environmental Quality Act (CEQA).

(2) This rule shall be used to determine refunds, forfeitures and insufficient payment of fees, if applicable.

(b) DEFINITIONS

The following definitions shall apply for terms used in this rule:

(1) **“Annual Operating Fee”** means all fees related to a permit that are paid on an annual basis. These include, but are not limited to, the following: Site Identification (ID) Processing and Handling Fee, Permit Processing Fee, Emission Unit Renewal Fee, Air Contaminant Emissions Fee, District and State Air Toxic Hot Spots Fee, and Annual Source Test Fee.

(2) **“Applicant”** means the owner of the emission unit or operation, or an agent specified by the owner.

(3) **“Initial Application Fees”** means all fees related to an application. These include, but are not limited to, a Non-refundable Processing Fee, Initial Evaluation Fee, Emission Unit Renewal Fee, Air Contaminant Emissions Fee, and if applicable, an Additional Engineering Evaluation Fee and/or Source Test Fee.

(4) **“Location”** means the same as “Stationary Source” as defined in Rule 2 – Definitions.

(5) **“Permit to Operate”** or **“permit”** means any District authority to operate, such as a Permit to Operate, Certificate of Registration, Title V or Synthetic Minor Source permit, unless otherwise specified.

(6) **“T+M”** means time and material costs.

(7) **“Valid Permit or Valid Authority to Construct”** means a Permit or Authority to Construct for which all fees are current.

All other terms mean the same as defined in Rule 2 – Definitions unless otherwise defined by an applicable rule or regulation.

(c) GENERAL PROVISIONS

(1) No application shall be considered received unless accompanied by the completed application and associated supplemental forms (if applicable) and the appropriate Initial Evaluation Fees.

(2) All time and material (T+M) costs shall be determined using the labor rates specified in Fee Schedule 94 – Time and Material (T+M) Labor Rates.

(3) If the Air Pollution Control Officer determines that the activities of any one company would cause an increase of at least 10% in any one Emission Unit Fee Schedule, the Air Pollution Control Officer may delete the costs attributed to that company from the cost data used to determine that type of Emission Unit Fee Schedule. The costs from such a company shall be recovered by development of a source-specific Emission Unit Fee Schedule. The specific Initial Evaluation or Emission Unit Renewal Fee Schedules shall be submitted to the Air Pollution Control District Governing Board for consideration and adoption.

(4) If the Air Pollution Control Officer determines that a person has under-reported material usage, emissions or other information necessary for calculating an emissions inventory, and such under-reporting has led to an Air Contaminant Emissions Fee less than what would have been due if correct usage, emissions or other information had been reported, then the person shall pay the difference between the original and corrected Air Contaminant Emissions Fee plus a charge equal to 30% of the difference. Such charge shall not apply if the permittee demonstrates to the Air Pollution Control Officer's satisfaction that the under-reporting was the result of inadvertent error or omission which the permittee took all reasonable steps to avoid. Required fees not paid within 30 days of the due date shall be assessed a late fee in the amount prescribed in Section (g) – Late Fees.

(5) Credit card payments for fees will be assessed a processing fee of 2.19% of the amount paid by credit card. This processing fee covers only costs assessed to the District by credit card providers. Payments made using the online application submittal system will not be assessed a processing fee but will be subject to fees charged by the online submittal system vendor for the service. These convenience fees are not remitted to the District.

(d) AUTHORITY TO CONSTRUCT AND PERMIT TO OPERATE FEES

(1) General Provisions

(i) Every applicant for an Authority to Construct/Permit to Operate for any article, machine, equipment or other contrivance shall pay the applicable fees as specified in this Section (d) Authority to Construct and Permit to Operate Fees for each emission unit.

(ii) A \$150 Non-refundable Processing Fee shall be submitted with each application for an Authority to Construct/Permit to Operate, Change of Location, Change to an Existing Authority to Construct/Permit to Operate, Like-Kind Replacement or Banking Emission Reduction Credits. This fee does not apply to applications for a Change of Ownership, Identical Replacement, or Fee Schedules 49(a) or 49(b).

(iii) When additional evaluation fees are required, the applicant shall deposit the amount estimated to cover the evaluation costs upon receipt of such an invoice. The District may stop work on the application until the invoiced amount is fully paid.

(iv) Initial Evaluation Fees and Emission Unit Renewal Fees shall be determined using the amounts listed in Columns (1) and (2), respectively, of the Fee Schedules provided within this rule.

(2) Initial Application Fees for an Authority to Construct/Permit to Operate

The Initial Application Fees for an Authority to Construct/Permit to Operate application shall include a Non-refundable Processing Fee, Initial Evaluation Fee, Emission Unit Renewal Fee, Air Contaminant Emissions Fee, and if applicable, an Additional Engineering Evaluation Fee and/or Source Test Fee.

Calculation Worksheet for Initial Application Fees

Non-refundable Processing Fee	\$150
Initial Evaluation Fee ¹	
Emission Unit Renewal Fee ¹	
Air Contaminant Emissions Fee ²	
Additional Engineering Evaluation Fees ³	
Source Test Fee ⁴	

Total: \$ _____

Notes:

1. See Fee Schedule. If T+M fee is indicated, visit www.sdapcd.org for the specific equipment type being requested and complete a fee estimate form to submit with the application materials.
2. See Subsection (d)(4) to determine applicable fee, based on total facility emissions.
3. See Subsection (d)(5) to determine if additional fees are required or visit www.sdapcd.org for the specific equipment type being requested and complete a fee estimate form to submit with the application materials.
4. Call the District for a Source Test Fee estimate.

(3) Initial Evaluation Fee

The Initial Evaluation Fee shall be determined based on the specific type of equipment, process or operation for which an application is submitted, as listed in Column (1) of the Fee Schedules provided within this rule.

(i) Where the fee specified in Column (1) is T+M, the fee shall be the actual evaluation cost incurred by the District. The applicant shall deposit the amount estimated to cover the actual evaluation cost at the time of application submittal.

(ii) If the equipment, process or operation for which an application is submitted is not listed in the Fee Schedules, the Initial Evaluation Fee shall be on a T+M basis, including the Emission Unit Renewal Fee, as specified in Fee Schedule 91 – Miscellaneous – Hourly Rates.

(iii) If the equipment, process, or operation for which an application is required solely due to a change in Rule 11 – Exemptions from Rule 10 Permit Requirements, the evaluation fee shall be based on the actual evaluation cost incurred by the District, not to exceed the Initial Evaluation Fee, except as provided under Subsection (d)(5).

(4) Air Contaminant Emissions Fees

The Air Contaminant Emissions Fee is an annual fee based on total air contaminant emissions from the stationary source. This fee shall also apply to portable equipment permitted or registered under these Rules and Regulations. For purposes of this subsection, the term “facility” means either the stationary source, or collection of portable equipment permitted or registered under a single site ID.

(i) For existing facilities, an Air Contaminant Emissions Fee shall not be collected as part of an Initial Application Fee, if the Air Contaminant Emissions Fee was paid as part of the most recent Annual Operating Fees.

(ii) For new facilities, the Air Contaminant Emissions Fee shall be paid with the first permit application filed for the new facility and based upon actual expected air contaminant emissions from the facility, as estimated by the District, for the calendar year in which the Permit to Operate is issued, as specified below. This fee shall remain unchanged until revised to reflect the most recent District approved emissions inventory report.

(A) If the actual expected annual emissions of carbon monoxide (CO), oxides of nitrogen (NO_x), oxides of sulfur, particulate matter (PM₁₀) or volatile organic compounds (VOC) equal or exceed five tons, then the Air Contaminant Emissions Fee shall be based on the total expected emissions of all these contaminants for that calendar year, multiplied by an air contaminant emissions fee rate of \$116 per ton.

(B) For all other new facilities, a single Air Contaminant Emissions Fee shall be paid based on the following table using the Fee Schedule that is most representative of the nature of the activities at the stationary source:

<u>Fee Schedule</u>	<u>Source Category Description</u>	<u>Annual Emissions Fee</u>
26(a)	VOC dispensing facility - Phase I and Phase II controls required	\$9 per nozzle
28(k and l)	Contract service solvent cleaning units (for contract companies with 100 or more units)	\$7 per cleaning unit
28(f)	Facilities with only remote reservoir units and no other permits at the facility	\$7 per cleaning unit

27(e)	Industrial surface coating applications	\$580
27(k)	Metal parts and aerospace coating applications	\$580
27(v)	Adhesive application operations	\$580
Various	All other stationary sources	\$116

If the most representative nature of the activities cannot be determined for facilities with more than one source category description or fee schedule, the highest applicable annual emissions fee shall apply.

(5) Additional Evaluation and Processing Fees for New or Revised Applications or Revised Permits to Operate

If an application requires the District to evaluate the emission unit for compliance with Rule 51 – Nuisance, Rule 1200 – Toxic Air Contaminants-New Source Review, Rules 20.1 through 20.8 (New Source Review), Rules 26.0 through 26.10 (Emission Reduction Credits), pre-backfill inspections for gasoline dispensing facilities, Regulation X – New Source Performance Standards, Regulation XI – National Emission Standards for Hazardous Air Pollutants, Regulation XII – Toxic Air Contaminants, federal Prevention of Significant Deterioration (PSD) requirements, a federal National Emission Standard for Hazardous Air Pollutants (NESHAP), State Airborne Toxic Control Measure (ATCM), CEQA, to conduct additional application or permit to operate processing procedures in accordance with California Health and Safety Code Section 42301 or 42301.6, or to witness testing or conduct inspections to verify compliance with any State Vapor Recovery Executive Order as part of a Like Kind Replacement application processed according to Rule 11 (d)(5)(ii), the applicant shall pay the actual cost incurred by the District for such evaluation and processing procedures, and any additional fees specified by this rule. The applicant shall deposit the amount estimated to cover the actual evaluation cost at the time of application submittal or upon request by the District.

(6) Fees for Revisions to Valid Permits

The owner of a valid permit, or their agent, may submit an application to propose the types of changes listed below. The evaluation fee for a revision shall be based on the actual evaluation cost incurred by the District, not to exceed the Initial Evaluation Fee, except as provided under Subsections (d)(5), (d)(6)(v), and (d)(6)(vi). The applicant shall deposit the amount estimated to cover the actual cost of evaluating the proposed change at the time of application submittal.

Calculation Worksheet for Modified Equipment Fees

Non-refundable Processing Fee	\$150
Initial Evaluation Fee ¹	
Additional Engineering Evaluation Fees ²	

Total: \$ _____

Notes:

1. See Fee Schedules, use Column (1). If T+M fee is indicated, visit www.sdapcd.org for the specific equipment type being requested and complete a fee estimate form to submit with the application materials.

2. See Subsection (d)(5) to determine if additional fees are required or visit www.sdapcd.org for the specific equipment type being requested and complete a fee estimate form to submit with the application materials.

(i) **Operational Change:** An application which proposes an operational change of a valid permit.

(ii) **Condition Change:** An application which proposes a condition change of a valid permit.

(iii) **Additions, Alterations and Replacement of Equipment:** An application which proposes an addition, alteration or replacement of an emission unit described in a valid permit.

(iv) **Review for a Change of Location:** An application which proposes a change of location for an emission unit with a valid permit. An application is not required for any change of location within a stationary source or for a portable emission unit.

(v) **Ownership Change:** An application which proposes an ownership change for a valid permit shall pay an administrative fee of \$150. The applicant shall demonstrate to the District's satisfaction proof of entitlement to the Permit to Operate at the time of application submittal. Prior to an ownership change application being processed, payment of all outstanding charges that are normally due and associated with that permit must be paid.

(vi) **Like-Kind Replacement Units per Rule 11 – Exemptions from Rule 10 Permit Requirements, Subsection (d)(5):** An application for a permit change to reflect an eligible like-kind replacement emission unit pursuant to Rule 11 (d)(5)(ii), shall pay a fee of \$495, in addition to the Non-refundable Processing Fee and any additional fees provided under Subsection (d)(5) of this rule.

(7) Fees for Revisions to Valid Authorities to Construct

The owner of a valid Authority to Construct, or their agent, may submit an application to propose the types of changes listed in Subsections (d)(6)(i thru v). The evaluation fee for a revision shall be based on the actual evaluation cost incurred by the District, not to exceed the Initial Evaluation Fee, except as provided under Subsection (d)(5). The applicant shall deposit the amount estimated to cover the actual cost of evaluating the proposed change at the time of application submittal.

(8) Special Application Processing Provisions

(i) Reduced Fees for Similar Emission Units at a Single Stationary Source

If more than one application for an Authority to Construct/Permit to Operate is submitted at the same time for similar emission units at the same stationary source location, then the first emission unit shall be charged the Initial Application Fee as specified in Subsection (d)(2). Each additional emission unit shall be charged the

Emission Unit Renewal Fee and the actual T+M costs incurred by the District to evaluate the emission unit and act upon the applications. The total cost for each additional emission unit shall not exceed the Initial Evaluation Fee (Column (1)), except as provided under Subsection (d)(5).

This provision only applies to the extent that each emission unit will be operated independently, and the evaluation for an Authority to Construct for the first emission unit can be applied to the additional units because of similarity in design and operation, and each emission unit can be evaluated and inspected for a Permit to Operate at the same time. The provisions of this subsection shall not apply to Fee Schedules 3 and 26.

(ii) Reinspection Fees

If during an inspection for a Permit to Operate, an emission unit cannot be evaluated due to circumstances beyond the control of the District, the applicant shall pay the actual time and material costs of performing a reinspection. An estimated reinspection fee, as determined by the District, may be required to be deposited with the District prior to reinspection of the emission unit.

(iii) Split Fee Payments for Applications

An applicant may request, due to financial hardship, to split the payment of Initial Application Fees into two equal payments. This request must be made in writing. The first payment, equal to 50% of the Initial Application Fees, plus an administrative fee of \$75, must be deposited with the application. The second payment, equal to the remaining balance, is due no later than 60 days after filing the application. Failure to pay the Initial Application Fees in full within 60 days after filing the application, may result in cancellation of the application, as specified in Subsection (i)(7) – Insufficient Payment of Fees.

(iv) Fees for Expedited Application Processing

If an applicant requests expedited processing of an application and the District determines that such expedited processing is available through voluntary overtime work, the applicant shall pay fees equal to one and one-quarter times the labor rates specified in Fee Schedule 94 – Time and Material (T+M) Labor Rates for the overtime work. At the time of submittal of the application, the applicant shall deposit a fee equal to that otherwise specified by this rule. If the application receives expedited processing, no final action shall be taken on the application until the applicant has paid the remainder of the fees required by this paragraph.

(v) Requirement for Defense and Indemnification Agreement

On a case-by-case basis, where significant risk to the District is identified in connection with the processing of an application, the Air Pollution Control Officer may require a defense and indemnification agreement from the applicant. The agreement shall be in a form approved by the Air Pollution Control Officer.

On a case-by-case basis, the Air Pollution Control Officer may determine to require security from the applicant. A determination to require security shall only be made by the Air Pollution Control Officer, and shall not be delegable. The Air Pollution Control Officer shall establish the form and amount of the security, as well as the time the security is to be provided to the District.

(vi) Indemnification

Each applicant, to the extent the applicant is at fault in causing liability to the District, shall indemnify the District, its agents, officers and employees (collectively "District Parties") from any claim, action, liability, or proceeding against the District Parties to attack, set aside, void or annul the applicant's project or any of the proceedings, acts or determinations taken, done or made as a result of District's processing and/or approval of the project, as specified below. Each applicant's obligation to indemnify shall apply to any lawsuit or challenge against the District Parties alleging failure to comply with the requirements of any federal, state, or local laws, including, but not limited to, requirements of these Rules and Regulations. This indemnification requirement shall be included in the application form provided to all applicants.

Each applicant's obligation to indemnify the District Parties shall include, but not be limited to, payment of all court costs and attorneys' fees, costs of any judgments or awards against the District, damages, and/or settlement costs, which arise out of District's processing and/or approval of the applicant's project, except that an applicant shall only be responsible for indemnifying the District Parties in the amount of liability which is equal to the proportion of fault caused by the applicant, as determined by a court. Where any court action results in a ruling for the plaintiff/petitioner, the applicant and the District shall request a determination on the percentage contribution of fault from the court which adjudicated the underlying challenge to the applicant's project.

Notwithstanding this subsection, when a defense and indemnification agreement is required for a project under Subsection (d)(8)(v) above, the provisions of the defense and indemnification agreement shall apply to the applicant and not the provisions of this subsection.

(vii) Fees for Previously Permitted Emission Units Operating Without Valid Permits

In addition to the fees otherwise specified by this Section (d) Authority to Construct and Permit to Operate Fees, a person who is applying for an Authority to Construct and/or Permit to Operate for a previously permitted emission unit that was operated after the applicable permit expired, and is no longer eligible for reinstatement, shall pay the annual operating and late fees specified in Sections (e) Annual Operating Fees, Section (f) Specific Program Fees, and Section (g) Late Fees, that would have otherwise been due. Such payment shall not negate any fines and penalties that may be assessed for violations of the requirement to operate with a valid permit.

(e) ANNUAL OPERATING FEES

(1) General Provisions

(i) Annual Operating Fees are due on an annual basis and shall be paid by any person who is required to maintain a Permit to Operate or Temporary Authorization pursuant to Rule 10 – Permits Required, Section (b) – Permit to Operate.

(ii) Annual Operating Fees are due by 5 PM Pacific Time on the date the permit expires. Permits expire on the last day of the renewal month. Payments received after the permit expiration date are subject to the late fee provisions of Section (g) – Late Fees.

(2) Annual Operating Fees

The following applicable fees shall be paid as part of the Annual Operating Fees: Site ID Processing and Handling Fee, Permit Processing Fee, Emission Unit Renewal Fee, Air Contaminant Emissions Fee, and if applicable, District and State Air Toxic Hot Spots Fee and Annual Source Test Fee.

Calculation Worksheet for Annual Operating Fees

Site ID Processing and Handling Fee	\$55
Permit Processing Fee (\$41 x number of permitted units)	
Emission Unit Renewal Fee (See (iii) below)	
Air Contaminant Emissions Fee (See (iv) below)	
District and State Air Toxic Hot Spots Fee (See (v) below)	
Annual Source Test Fee (See (vi) below)	

Total: \$ _____

(i) Site ID Processing and Handling Fee: A site ID processing and handling fee of \$55 per facility.

(ii) Permit Processing Fee: A permit processing fee of \$41 per Permit to Operate.

(iii) Emission Unit Renewal Fee: An annual renewal fee, for each specific type of emission unit, as specified in the Fee Schedules (Column (2)).

(iv) Air Contaminant Emissions Fee: An annual Air Contaminant Emissions Fee based on total emissions from the stationary source. This fee shall also apply to portable equipment permitted or registered under these Rules and Regulations. For purposes of this subsection, the term “facility” means either the stationary source, or collection of portable equipment permitted or registered under a single site ID.

(A) For facilities with annual emissions of either carbon monoxide (CO), oxides of nitrogen (NO_x), oxides of sulfur, particulate matter (PM₁₀) or volatile organic compounds (VOC) that equal or exceed five tons, as indicated by the

most recent District approved emission inventory report or an initial evaluation made pursuant to Subsection (d)(4)(ii), the Air Contaminant Emissions Fee shall be based on the total calendar year emissions of all these contaminants, multiplied by an air contaminant emissions fee rate of \$116 per ton.

(B) For all other facilities, a single Air Contaminant Emissions Fee shall be paid based on the following table using the Fee Schedule that is most representative of the nature of the activities at the stationary source:

<u>Fee Schedule</u>	<u>Source Category Description</u>	<u>Annual Emissions Fee</u>
26(a)	VOC dispensing facility - Phase I and Phase II controls required	\$9 per nozzle
28 (k and l)	Contract service solvent cleaning units (for contract companies with 100 or more units)	\$7 per cleaning unit
28(f)	Facilities with only remote reservoir units and no other permits at the facility	\$7 per cleaning unit
27(e)	Industrial surface coating applications	\$580
27(k)	Metal parts and aerospace coating applications	\$580
27(v)	Adhesive application operations	\$580
Various	All other stationary sources	\$116

If the most representative nature of the activities cannot be determined for facilities with more than one source category description or fee schedule, the highest applicable annual emissions fee shall apply.

(v) District and State Air Toxic Hot Spots Fee: If applicable, the stationary source-specific fee required under the Air Toxics “Hot Spots” Information and Assessment Act as specified in Subsection (f)(6).

(vi) Annual Source Test Fee: If a periodic source test is required, the applicable source test fee, as specified in Fee Schedules 92 and/or 93.

(3) Staggered Renewal Dates

The District may initiate, or the owner of a Permit to Operate may request in writing, to change the renewal month of all permits located at a single facility. When the established renewal month for a facility is changed to a new renewal month, the amount due for each permit shall be prorated to reflect the new renewal month. Revised permits will be issued after the prorated amount has been paid.

(4) Split Payment of Annual Operating Fees

Owners or operators may request, due to financial hardship, to split the payment of the Annual Operating Fees into four equal payments. This request must be made in writing at least seven days prior to the due date. The first payment, equal to 25% of the Annual Operating Fees, plus an administrative fee of \$75, must be deposited by 5 PM Pacific Time on the last day of the renewal month. The subsequent three payments, equal

to 25% each of the Annual Operating Fees, are due no later than 30, 60, and 90 days after the last day of the renewal month.

Permits with approved split payment requests will expire 120 days after the last day of the renewal month if the Annual Operating Fees are not paid in full or will be issued for the remainder of the annual period after full payment of the Annual Operating Fees is made. Failure to pay the Annual Operating Fees in full within 120 days after the last day of the renewal month, shall be assessed a late fee in the amount prescribed in Section (g) – Late Fees. Permits that have expired after the 120 days, pursuant to this subsection, will be renewed or reinstated if the requirements set out in Rule 10 – Permits Required Section (h) and this Rule 40 Section (h) are met.

(5) Inactive Status Permits

A person who holds a valid permit who desires to have that permit placed on inactive status pursuant to Rule 10 – Permits Required shall submit an application requesting such change and shall pay the Initial Evaluation Fee specified in Fee Schedule 49(a)(Column (1)). If such request is received at the time of annual renewal of the permit, the person shall also pay the annual Emission Unit Renewal Fee specified in Fee Schedule 49(a)(Column (2)). Thereafter, the annual Emission Unit Renewal Fee for the inactive status permit shall be as specified in Fee Schedule 49(a)(Column (2)). When a person who holds a valid inactive status permit applies, in accordance with Rule 10, for the condition prohibiting operation to be removed and the permit returned to active status, the owner or operator shall pay the Initial Evaluation Fee specified in Fee Schedule 49(b)(Column (1)), any Additional Engineering Evaluation Fees required pursuant to Subsection (d)(5), and the applicable Annual Operating Fee specified in this Section (e) Annual Operating Fees for that category of emission unit with an active status permit, prorated for the portion of the permit renewal year remaining.

(6) Expiration and Retirement of Permits

(i) Expiration of Permits due to Non-Payment of Annual Operating Fees

If Annual Operating Fees are not paid by the permit expiration date, the permit will expire on that date. An expired permit may be renewed within six months of the expiration date as provided in Subsection (h)(2).

(ii) Retirement of Permits due to Non-payment of Annual Operating Fees

If Annual Operating Fees are not paid within six months from the permit expiration date, the permit will be retired on the day following the last day of the six-month period from the permit expiration date. A retired permit may be reinstated within six months of the retirement date as provided in Subsection (h)(3). Emission units for which a permit was not reinstated within six months of the retirement date will require an application for a new Permit to Operate.

(iii) Retirement by Permittee Request

Owners or operators may, at any time, request retirement of a valid permit(s). This request must be made in writing. Retired permit(s) may be reinstated within six months of the date of retirement as provided in Subsection (h)(3).

(f) SPECIFIC PROGRAM FEES

(1) General Provisions

For all of the applicable programs listed below, a late fee as described in Section (g) – Late Fees shall be assessed if the required fees are not paid within 30 days after the due date.

(2) Asbestos Demolition or Renovation Notification

For each asbestos demolition or renovation notification subject to Rule 1206 – Asbestos Removal, Renovation, and Demolition, the owner or operator shall pay the applicable fees specified below. For projects where one notification is submitted for both renovation and demolition operations, the owner or operator shall pay both applicable renovation and demolition fees. Fees are due at the time a notification is submitted. Notifications or revisions thereof will not be considered received unless accompanied with the required fees. The terms used below are defined in Rule 1206.

<u>TYPE OF OPERATION</u>	<u>Notification Fee</u> ¹
1. Renovation Operations (excluding residential buildings having four or fewer dwelling units) ²	
<100 sq. ft.	\$764
100 sq. ft. to 500 sq. ft.	\$816
501 to 2,000 sq. ft.	\$828
2,001 to 5,000 sq. ft.	\$867
5,001 to 10,000 sq. ft.	\$998
>10,000 sq. ft.	\$1,080
2. Demolition Operations	
Regulated Asbestos Containing Material (RACM) sites or Non-RACM sites with no asbestos present	\$884

Notes:

1. Online notifications may be submitted to the District using the online Citizen Access Portal.
2. Additional fees may be required if the revised amount of asbestos to be removed increases to a higher category. The additional fee will be the difference between the fee paid and the fee required for the new category.

(3) Air Pollution Emergency Episode Plan Fee

The owner or operator of a facility for which a plan or a plan update is required by District Regulation VIII – San Diego Air Pollution Emergency Plan shall pay a \$147 evaluation fee for each plan or plan update, at the time the plan is submitted for review.

(4) Grid Search

Any school district, individual, business or agency that submits a request for the District to conduct a grid search to identify all facilities with the potential to emit hazardous air contaminants (pollutants) shall deposit an initial fee of \$362 at the time the grid search is requested. If the actual costs incurred are greater than the amount deposited, the school district, individual, business or agency that made the request shall submit an additional amount as specified by the District to recover the remaining actual costs of performing the grid search.

(5) New or Modified Power Plants

Any source subject to the requirements of Rule 20.5 – Power Plants, shall reimburse the District for the actual costs incurred in order to comply with the provisions of Rule 20.5. The applicant shall deposit the amount estimated to cover the actual cost at the time of application submittal.

(6) Toxic Hot Spots

The owner or operator of a facility who has been identified by the District as being subject to the requirements of California Health and Safety Code Section 44300 et seq. (the Air Toxics “Hot Spots” Information and Assessment Act), shall deposit or pay the applicable fees specified below to the District.

(i) Upon receipt of a fee estimate or invoice from the District, deposit or pay the amount estimated or invoiced to cover the actual costs associated with the following requirements.

(A) Toxic air contaminant emissions source testing when necessary to determine emissions for inclusion in a toxic air contaminant emissions inventory.

(B) Health risk assessment or updated health risk assessment review, revision, and approval pursuant to California Health and Safety Code Section 44360 et seq. or Rule 1210 – Toxic Air Contaminant Health Risks-Public Notification and Risk Reduction.

(C) Public notification of health risks pursuant to California Health and Safety Code Section 44362 or Rule 1210 – Toxic Air Contaminant Health Risks-Public Notification and Risk Reduction.

(D) Facility toxic air contaminant risk reduction audit and plan pursuant to California Health and Safety Code Section 44390 or Rule 1210 – Toxic Air Contaminant Health Risks-Public Notification and Risk Reduction.

No health risk assessment or risk reduction audit and plan required pursuant to this provision shall be considered received unless accompanied by the appropriate fees as specified in Subsection (f)(6)(i).

(ii) An annual fee, as specified in Subsection (e)(1), for the recovery of State program costs. The amount of the annual State program fee for each facility shall be that specified by the California Air Resources Board in accordance with the State Air Toxics “Hot Spots” Fee Regulation contained in Title 17, California Code of Regulations, Section 90700 et seq.

(7) California Clean Air Act

The owner or operator of a stationary source who is required by Title 17, California Code of Regulations, Section 90800, et seq., to pay a fee adopted by the California Air Resources Board shall pay the required fee to the District within 30 days of receipt of an invoice for the required fees.

(8) Title V Operating Permit

The owner or operator of a stationary source subject to the requirements of Regulation XIV – Title V Operating Permits, shall pay the actual time and materials costs incurred by the District to review and act upon an application for initial permit, permit modification, administrative permit amendment, Section 502(b)(10) change (42 U.S.C. §7661a), Trading Under an Emissions Cap Operational Flexibility change, enhanced Authority to Construct and/or Title V operating permit renewal; to evaluate such source for compliance with Regulation XIV and the terms and conditions of a Title V operating permit, including, but not limited to, the costs incurred to document such evaluation, to prepare reports, and to take any actions necessary in cases of noncompliance; to reopen an existing Title V operating permit; and to cancel a Title V operating permit. All such applications shall also pay the Non-refundable Processing Fee of \$150.

(9) Synthetic Minor Source Permit

The owner or operator of a stationary source that submits an application to obtain a Synthetic Minor Source (SMS) Permit pursuant to Rule 60.2 – Limiting Potential to Emit-Synthetic Minor Sources, shall pay the fees specified below to recover the actual costs incurred by the District to review and act upon an application for initial permit, permit modification and/or permit renewal.

Non-refundable Processing Fee	\$150
Application evaluation fee (new or modified permits)	T+M
SMS permit renewal fee	T+M

(10) Determination of Exemption

The owner or operator of any emission unit or process requesting a determination of exemption pursuant to Rule 11 – Exemptions from Rule 10 Permit Requirements, Subsection (d)(19), shall pay the Non-refundable Processing Fee of \$150, plus an evaluation fee based on T+M to recover the actual costs incurred by the District to evaluate the emission unit or process.

(11) California Environmental Quality Act

Whenever 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, the District costs shall be paid by the persons requesting and/or receiving such services. District staff costs shall be determined using the labor rates specified in Fee Schedule 94 – Time and Material (T+M) Labor Rates. Costs to the District resulting from the activities of other agencies or consultants to the District necessary to provide such services shall be included in the total District costs. Persons requesting and/or receiving such services shall be charged the estimated cost of providing those services and shall deposit such amount to the District in advance of the service, unless prior arrangements for payment have been approved by the District. If the actual costs incurred are greater than the amounts deposited, the persons requesting and/or receiving the services shall deposit additional amounts as specified by the District to recover the remaining actual costs. Any funds deposited in excess of actual costs incurred shall be refunded.

(12) Emissions Inventory

The owner or operator of any facility subject to Subsections (c)(1)(i), (c)(1)(ii), (c)(1)(iii), or (c)(1)(vi) of District Rule 19.3, or subject to Section 93401(a), General Applicability of Criteria Air Pollutants and Toxic Air Contaminants (CTR) (State 17 CCR, Section 93400 et seq.) shall pay the actual time and material costs incurred by the District to prepare or revise an Emissions Inventory Report in accordance with District Rule 19.3.

District staff costs shall be determined using the labor rates specified in Fee Schedule 94 – Time and Material (T+M) Labor Rates. Any funds deposited in excess of actual costs incurred shall be refunded.

(g) LATE FEES

(1) Late fees for Annual Operating Fees due to the District shall apply as follows:

(i) A late fee of 30% of the Annual Operating Fees due or \$250, whichever is less, shall be added for fees paid later than the last day of the renewal month.

(ii) An additional late fee of 10% of the Annual Operating Fees due shall be added for each additional month or portion thereof that the fees remain unpaid.

(iii) In no case shall the late fees exceed 100% of the total Annual Operating Fees.

(2) Late fees for any payments due to the District, except Annual Operating Fees, shall apply as follows:

(i) A late fee of 30% of the amount due shall be added for payments made more than 30 days after the due date.

(ii) An additional late fee of 10% of the amount due shall be added for each additional month or portion thereof that the payment is not received.

(iii) In no case shall the late fees exceed 100% of the amount due.

(3) On a case-by-case basis, upon written request, the Air Pollution Control Officer may waive late fees due to financial hardship during declared federal, State, or local emergencies provided that the Annual Operating Fees, and any other payments due to the District, have been made in full.

(h) RENEWAL OF EXPIRED PERMIT(S) & REINSTATEMENT OF RETIRED PERMIT(S)

(1) General Provisions

In addition to the Annual Operating Fees due for renewing an expired permit or reinstating a retired permit, any applicable fees pursuant to Subsection (d)(6), such as an ownership change, change of location, or modification, shall be paid concurrently.

New owners seeking to renew or reinstate a retired permit are responsible for payment of all outstanding charges that are normally due and associated with that retired or expired permit.

(2) Renewal of Expired Permit(s) to Operate

An expired permit can be renewed within six months of the expiration date by paying the applicable Annual Operating Fees and the late fees as specified in Section (g) – Late Fees.

(3) Reinstatement of Retired Permit(s) to Operate

A retired permit can be reinstated within six months of the retirement date by submitting a written request, and paying the applicable Annual Operating Fees, a reinstatement fee of \$75 and the late fees as specified in Section (g) – Late Fees.

(i) REFUNDS, INSUFFICIENT PAYMENT OF FEES AND CANCELLATIONS

(1) General Provisions

(i) No refunds shall be issued for amounts of less than \$25.

(ii) If an applicant does not sign, date and return a refund claim form within six months after receipt of the form, all rights to a refund shall be forfeited.

(2) Application Fee Refunds

(i) If an application for an Authority to Construct/Permit to Operate is withdrawn by the applicant:

(A) before the engineering evaluation has begun, the District will refund the entire Initial Application Fee, less the \$150 Non-refundable Processing Fee.

(B) after the engineering evaluation has begun, the District will refund the Initial Application Fee, less the \$150 Non-refundable Processing Fee, and all costs incurred by the District to evaluate the application.

(ii) If an application for an Authority to Construct/Permit to Operate is denied or cancelled, the District will refund the Initial Application Fee, less the \$150 Non-refundable Processing Fee, the Initial Evaluation Fee (if a dollar amount is listed in Column (1), and not T+M), and all other costs incurred by the District to evaluate the application.

(iii) Certificate of Registration Refunds: If an application for a Certificate of Registration is withdrawn by the applicant after the engineering evaluation has begun, or withdrawn seven days after the date of receipt, or the application is denied or cancelled, the District will refund the Initial Application Fee, less the \$150 Non-refundable Processing Fee, the Initial Evaluation Fee, and all other costs incurred by the District to evaluate the application.

(iv) Refund Due to Overpayment of T+M, Initial Evaluation Fees, Toxic Hot Spots Fees, or Additional Engineering Evaluation Fees: If the total cost incurred by the District to evaluate any application, health risk assessment, or risk reduction audit and plan involving T+M fees is less than the amount deposited by the applicant, the District will refund any overage beyond its actual evaluation costs and less the \$150 Non-refundable Processing Fee. This provision does not apply to Initial Evaluation Fees for which a fixed amount is established in the Fee Schedules or to any annual fee for the recovery of State Air Toxic Hot Spot program costs.

(v) Exempt Equipment Refunds: Except for requests for exemption processed according to Rule 40(f)(10), if the District determines that the article, machine equipment or other contrivance for which the application was submitted is not within the purview of state law or these Rules and Regulations, a full refund of the fees paid will be issued to the applicant. If a request for a determination of exemption is withdrawn by the applicant before the engineering evaluation has begun, the District will refund the entire deposit and any other fees paid. If a request for a determination of exemption is withdrawn by the applicant after the engineering evaluation has begun, the District will refund the entire deposit and any other fees paid, less any costs incurred by the District to evaluate the request.

(3) Annual Operating Fee Refunds

A refund of the Annual Operating Fees shall not be issued unless the fees for the upcoming year are paid prior to the Permit to Operate renewal date and the request for a refund of these fees is made prior to the Permit to Operate renewal date. No refunds will be made for fees or late payments made after the due date.

(4) Air Contaminant Emissions Fee Refunds

(i) New Facilities: The Air Contaminant Emissions Fee portion of the Initial Application Fee shall only be refunded if the application is withdrawn or cancelled prior to the issuance of a Startup Authorization or Permit to Operate.

(ii) Existing Facilities: Air Contaminant Emissions Fees paid by existing facilities as part of their Annual Operating Fee or an Initial Application Fee shall not be refundable, unless all Permit(s) to Operate at the facility are retired.

(5) Other Fees

Asbestos Notifications: Refunds of asbestos notification fees shall be issued only if a cancellation notice is received by the District prior to the notification start date. A refund will not be issued if the notice of cancellation is received by the District on or after the notification start date.

(6) Cancellation Fees – Source Testing and Test Witnessing

Substitution of another facility for a scheduled test shall be considered a cancellation subject to the provisions listed below.

(i) Fee Schedule 92(a): If a source test cancellation notice is not received at least two working days prior to a scheduled source test date a cancellation fee of \$500 shall be charged.

(ii) Fee Schedules 92(b-z) and 93: If a source test or test witnessing cancellation notice is not received at least two working days prior to a scheduled source test date a cancellation fee of \$250 shall be charged.

(iii) Vapor Recovery (Phase I, II): If a VOC vapor recovery system test witness cancellation notice is not received at least two working days prior to a scheduled test date a cancellation fee of \$250 shall be charged.

(7) Insufficient Payment of Fees

(i) If the fees deposited by an applicant to cover the cost of evaluating an application for an Authority to Construct/Permit to Operate or other District evaluation is insufficient to complete the work in progress, the applicant shall deposit an amount deemed sufficient by the District to complete the work, except if the amount is \$25 or less.

(ii) The Air Pollution Control Officer may cancel an application when an applicant fails or refuses to deposit such amount within 45 days of demand or fails or refuses to deposit such amount by the date required by Rule 18 – Action on Applications for action to be taken on the application, whichever date is sooner.

(iii) If the applicant fails or refuses to deposit such amount upon demand, the District may recover the same through a collection agency or by action in any court of competent jurisdiction, including small claims court. Until such amount is paid in full, the District shall not further process the application unless the Air Pollution Control Officer determines that it is in the best interest of all parties concerned to proceed.

(iv) Returned Checks: Any person who issues a check to the District, which is returned by the bank upon which it is drawn without payment, shall pay a returned check fee of \$25.

(v) The Air Pollution Control Officer may refuse to process an application and/or refuse to renew a Permit to Operate if the applicant has any unpaid invoices more than 60 days overdue or has any late fees or outstanding court judgments which are owed to the District. The Air Pollution Control Officer may refuse to process an application if a prior applicant for the equipment or project which is the subject of the application has unpaid invoices or late fees related to that equipment or project.

In the event that processing of an application is stopped pursuant to this provision, the timelines for taking action on an application specified in Rule 18 – Action on Applications shall no longer apply to that application.

ALPHABETICAL LIST OF FEE SCHEDULES BY EMISSION UNIT TYPE

Abrasive Blasting Cabinets, Rooms and Booths	Schedule 2
Abrasive Blasting Equipment - Excluding Rooms and Booths	Schedule 1
Acid Chemical Milling	Schedule 32
Adhesive Manufacturing	Schedule 38
Adhesive Materials Application Operations.....	Schedule 27
Air Stripping Equipment.....	Schedule 52
Anodizing Tanks.....	Schedule 55
Application of Materials Containing Organic Solvents (includes coatings, adhesives, and other materials containing volatile organic compounds (VOC))	Schedule 27
Asbestos Control Equipment	Schedule 59
Asphalt Pavement Heaters/Recyclers	Schedule 40
Asphalt Roofing Kettles and Tankers used to Store, Heat, Transport, and Transfer Hot Asphalt.....	Schedule 3
Automotive Refinishing Operations	Schedule 27
Bakeries	Schedule 58
Boilers and Heaters.....	Schedule 13
Bulk Flour, Powdered Sugar Storage System.....	Schedule 35
Bulk Plants and Terminals (Volatile Organic Compounds).....	Schedule 25
Bulk Terminal Grain Transfer and Storage Facility Equipment.....	Schedule 23
Burn Out Ovens	Schedule 15
Cement Silo System (Separate from Plants).....	Schedule 8
Ceramic Deposition Spray Booths.....	Schedule 37
Ceramic Slip Casting	Schedule 43
Coffee Roasters.....	Schedule 50
Cold Solvent Cleaning Operations	Schedule 28
Concrete Batch Plants.....	Schedule 8
Concrete Mixers Over One Cubic Yard Capacity	Schedule 8
Concrete Product Manufacturing Plants	Schedule 9
Copper Etching	Schedule 32
Dielectric Paste Manufacturing	Schedule 38
Dry Chemical Mixing.....	Schedule 24
Dry Chemical Storage System.....	Schedule 35
Dry Chemical Transfer and Storage Facility Equipment.....	Schedule 23
Dry Cleaning Facilities	Schedule 31
Electronic Component Manufacturing.....	Schedule 42
Electric Deposition Spray Booths.....	Schedule 37
Engines - Internal Combustion	Schedule 34
Evaporators, Dryers, and Stills Processing Organic Materials.....	Schedule 44
Feed and Grain Mills and Kelp Processing Plants.....	Schedule 22
Filtration Membrane Manufacturing	Schedule 46
Gas Turbine Engines, Test Cells and Test Stands	Schedule 20
Gasoline Stations	Schedule 26
Grinding Booths and Rooms	Schedule 36
Hexavalent Chromium Plating	Schedule 55
Hot Dip Galvanizing.....	Schedule 32
Hot-Mix Asphalt Paving Batch Plants.....	Schedule 4
Industrial Coating Applications.....	Schedule 27
Industrial Waste Water Treatment.....	Schedule 51
Ink Manufacturing	Schedule 38

Alphabetical List of Fee Schedules by Emission Unit Type – continued

Intermediate Refueler Facilities (Volatile Organic Compounds)	Schedule 25
Internal Combustion Engines (Piston Type).....	Schedule 34
Internal Combustion Engines, Test Cells and Test Stands	Schedule 34
Kelp and Biogum Products Solvent Dryer	Schedule 30
Marine Coatings	Schedule 27
Metal Inspection Tanks.....	Schedule 28
Metal Melting Devices	Schedule 18
Municipal Waste Storage and Processing.....	Schedule 48
Non-Bulk Volatile Organic Compound Dispensing Facilities	Schedule 26
Non-Municipal Incinerators.....	Schedule 14
Non-Operational Status Equipment.....	Schedule 49
Oil Quenching	Schedule 19
Organic Gas Sterilizers	Schedule 47
Paint and Stain Manufacturing	Schedule 38
Paper Shredders or Grinders.....	Schedule 21
Perlite Processing.....	Schedule 41
Pharmaceutical Manufacturing.....	Schedule 54
Plasma Deposition Spray Booths.....	Schedule 37
Precious Metals Refining.....	Schedule 39
Rock Drills.....	Schedule 5
Salt Baths.....	Schedule 19
Sand, Rock, Aggregate Screens, and Other Screening Operations, when not used in Conjunction with other Permit Items in these Schedules.....	Schedule 6
Sand, Rock, and Aggregate Plants.....	Schedule 7
Sewage Treatment Facilities.....	Schedule 56
Soil Remediation Equipment.....	Schedule 52
Solder Paste Manufacturing.....	Schedule 38
Solvent Cleaning Operations	Schedule 28
Stills Processing Organic Materials.....	Schedule 44
Turbine Engines, Test Cells and Test Stands	Schedule 20
Vapor Solvent Cleaning Operations	Schedule 28
Wood Shredders or Grinders	Schedule 21

CATEGORIZED LIST OF FEE SCHEDULES BY EMISSION UNIT TYPE

ABRASIVE BLASTING EQUIPMENT

- Abrasive Blasting Cabinets, Rooms and Booths Schedule 2
- Abrasive Blasting Equipment - Excluding Rooms and Booths Schedule 1

ASPHALT RELATED OPERATIONS, EQUIPMENT AND PROCESSES

- Asphalt Pavement Heaters/Recyclers Schedule 40
- Asphalt Roofing Kettles and Tankers used to Store, Heat, Transport,
and Transfer Hot Asphalt..... Schedule 3
- Hot-Mix Asphalt Paving Batch Plants..... Schedule 4

COATING, ADHESIVE AND INK APPLICATION EQUIPMENT & OPERATIONS

- Adhesive Materials Application Operations..... Schedule 27
- Automotive Refinishing Operations Schedule 27
- Graphic Arts Operations Schedule 27
- Industrial Coating Applications..... Schedule 27
- Miscellaneous Parts Coatings..... Schedule 27
- Wood, Metal, Marine, Aerospace Coatings..... Schedule 27

CONCRETE EQUIPMENT

- Cement Silo System (Separate from Plants)..... Schedule 8
- Concrete Batch Plants..... Schedule 8
- Concrete Mixers Over One Cubic Yard Capacity Schedule 8
- Concrete Product Manufacturing Plants..... Schedule 9

COMBUSTION AND HEAT TRANSFER EQUIPMENT

- Boilers and Heaters..... Schedule 13
- Gas Turbine Engines, Test Cells and Test Stands Schedule 20
- Internal Combustion Engines (Piston Type)..... Schedule 34
- Internal Combustion Engines, Test Cells and Test Stands Schedule 34
- Non-Municipal Incinerators..... Schedule 14

DRY CHEMICAL OPERATIONS

- Dry Chemical Mixing..... Schedule 24
- Dry Chemical Storage System..... Schedule 35
- Dry Chemical Transfer and Storage Facility Equipment..... Schedule 23

ELECTRONIC MANUFACTURING

- Electronic Component Manufacturing..... Schedule 42

FOOD PROCESSING AND PREPARATION EQUIPMENT

- Bakeries Schedule 58
- Bulk Flour and Powdered Sugar Storage Systems Schedule 35
- Coffee Roasters..... Schedule 50

FUEL STORAGE, TRANSFER AND DISPENSING EQUIPMENT

- Bulk Plants and Terminals (Volatile Organic Compounds) Schedule 25
- Gasoline Stations Schedule 26
- Intermediate Refueler Facilities (Volatile Organic Compounds) Schedule 25
- Non-Bulk Volatile Organic Compound Dispensing Facilities Schedule 26

Categorized List of Fee Schedules by Emission Unit Type – continued

MACHINING EQUIPMENT

Grinding Booths and Rooms	Schedule 36
Paper or Wood Shredders or Grinders.....	Schedule 21
Plasma, Electric and Ceramic Deposition Spray Booths.....	Schedule 37

METAL TREATMENT OPERATIONS

Acid Chemical Milling	Schedule 32
Copper Etching.....	Schedule 32
Hexavalent Chromium Plating and Anodizing Tanks	Schedule 55
Hot Dip Galvanizing.....	Schedule 32
Oil Quenching and Salt Baths.....	Schedule 19

METALLURGICAL PROCESSING EQUIPMENT

Acid Chemical Milling	Schedule 32
Copper Etching.....	Schedule 32
Hot Dip Galvanizing.....	Schedule 32
Metal Inspection Tanks.....	Schedule 28
Metal Melting Devices	Schedule 18
Oil Quenching and Salt Baths.....	Schedule 19
Plasma and Electric Deposition Spray Booths	Schedule 37
Precious Metals Refining.....	Schedule 39

MISCELLANOUS MANUFACTURING AND PROCESSING

Ceramic Slip Casting	Schedule 43
Evaporators, Dryers, and Stills Processing Organic Materials.....	Schedule 44
Feed and Grain Mills and Kelp Processing Plants.....	Schedule 22
Filtration Membrane Manufacturing	Schedule 46
Ink Manufacturing	Schedule 38
Kelp and Biogum Products Solvent Dryer	Schedule 30
Municipal Waste Storage and Processing.....	Schedule 48
Non-Operational Status Equipment.....	Schedule 49
Organic Gas Sterilizers	Schedule 47
Paint, Adhesive, Stain, Ink, Solder Paste, and Dielectric Paste Manufacturing.....	Schedule 38
Perlite Processing.....	Schedule 41
Pharmaceutical Manufacturing.....	Schedule 54
Stills Processing Organic Materials.....	Schedule 44

MIXING, BLENDING AND PACKAGING EQUIPMENT

Concrete Mixers Over One Cubic Yard Capacity	Schedule 8
Dry Chemical Mixing.....	Schedule 24

OVENS

Burn Out Ovens	Schedule 15
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SAND, ROCK AND AGGREGATE RELATED OPERATIONS

Rock Drills	Schedule 5
Sand, Rock, Aggregate Screens, and Other Screening Operations.....	Schedule 6
Sand, Rock, and Aggregate Plants.....	Schedule 7

Categorized List of Fee Schedules by Emission Unit Type – continued

SOLVENT CLEANING OPERATIONS

Cold Solvent and Remote Reservoir Cleaning Operations.....	Schedule 28
Dry Cleaning Facilities.....	Schedule 31
Vapor Solvent Cleaning Operations.....	Schedule 28

SPRAY BOOTH OPERATIONS

Coating, Adhesives and Painting Operations.....	Schedule 27
Plasma, Electric and Ceramic Deposition Spray Booths.....	Schedule 37

STORAGE AND TRANSFER EQUIPMENT

Bulk Flour and Powdered Sugar Storage Systems.....	Schedule 35
Bulk Plants and Terminals (Volatile Organic Compounds).....	Schedule 25
Bulk Terminal Grain Transfer and Storage Facility Equipment.....	Schedule 23
Dry Chemical Storage Systems.....	Schedule 35
Dry Chemical Transfer and Storage Facility Equipment.....	Schedule 23

TREATMENT AND REMEDIATION OPERATIONS

Air Stripping Equipment.....	Schedule 52
Asbestos Control Equipment.....	Schedule 59
Evaporators, Dryers, and Stills Processing Organic Materials.....	Schedule 44
Industrial Waste Water Treatment.....	Schedule 51
Sewage Treatment Facilities.....	Schedule 56
Soil Remediation Equipment.....	Schedule 52

FEE SCHEDULES

The Fee Schedules shall be used in determining the Initial Evaluation Fees and Emission Unit Renewal Fees using the amounts listed in Columns (1) and (2), respectively for each emission unit. The fees specified below do not include all applicable fees. See Sections (c), (d), (e), (f), (g), (h), and (i) for other required fees.

SCHEDULE 1: Abrasive Blasting Equipment Excluding Rooms and Booths

Any permit unit consisting of air hoses, with or without water lines, with a single pot rated at 100 pounds capacity or more of sand regardless of abrasive used, and a nozzle or nozzles. (Equipment not operated solely in Schedule 2 facilities).

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Each Pot 100 pounds capacity or larger with no Peripheral Equipment	T+M	\$353
(b) Each Pot 100 pounds capacity or larger loaded Pneumatically or from Storage Hoppers	T+M	\$300
(c) Each Bulk Abrasive Blasting Material Storage System	T+M	\$282
(d) Each Spent Abrasive Handling System	T+M	\$282
(x) Each Portable Abrasive Blasting Unit, Registered Under Rule 12.1	\$841	\$415

SCHEDULE 2: Abrasive Blasting Cabinets, Rooms and Booths

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Each Abrasive Blasting Cabinet, Room or Booth	T+M	\$628
(b) Each Cabinet, Room, or Booth with an Abrasive Transfer or Recycle System	T+M	\$537

SCHEDULE 3: Asphalt Roofing Kettles and Tankers used to Store, Heat, Transport, and Transfer Hot Asphalt

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Each Kettle or Tanker with capacity greater than 85 gallons	T+M	\$367
(w) Each Kettle or Tanker, Registered Under Rule 12	\$565	\$333

SCHEDULE 4: Hot-Mix Asphalt Paving Batch Plant

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Each Hot-Mix Asphalt Paving Batch Plant	T+M	\$2,292

SCHEDULE 5: Rock Drills

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(w) Each Drill, Registered Under Rule 12.1	\$854	\$436

SCHEDULE 6: Sand, Rock, Aggregate Screens, and Other Screening Operations, when not used in Conjunction with other Permit Items in these Schedules

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Each Screen Set	T+M	\$506
(x) Each Portable Sand and Gravel Screen Set, Registered Under Rule 12.1	\$883	\$463

SCHEDULE 7: Sand, Rock, and Aggregate Plants

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Each Crusher System (involves one or more primary crushers forming a primary crushing system or, one or more secondary crushers forming a secondary crusher system and each serving a single process line)	T+M	\$961
(b) Each Screening System (involves all screens serving a given primary or secondary crusher system)	T+M	\$582
(c) Each Loadout System (a loadout system is a set of conveyors chutes and hoppers used to load any single rail or road delivery container at any one time)	T+M	\$573
(x) Each Portable Rock Crushing System, Registered Under Rule 12.1	\$978	\$427

SCHEDULE 8: Concrete Batch Plants, Concrete Mixers over One Cubic Yard Capacity and Separate Cement Silo Systems

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Each Concrete Batch Plant (including Cement-Treated Base Plants)	T+M	\$1,022
(b) Each Mixer over one cubic yard capacity	T+M	\$415
(c) Each Cement or Fly Ash Silo System not part of another system requiring a Permit	T+M	\$655
(x) Each Portable Concrete Batch Plant or stand-alone Cementitious Material Storage Silo, Registered Under Rule 12.1	\$1,081	\$505

SCHEDULE 9: Concrete Product Manufacturing Plants

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Each Plant	T+M	\$688

SCHEDULE 10: RESERVED

SCHEDULE 11: RESERVED

SCHEDULE 12: RESERVED

SCHEDULE 13: Boilers and Heaters

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Each 1 MM BTU/HR up to but not including 50 MM BTU/HR input	\$3,722	\$588
(b) Each 50 MM BTU/HR up to but not including 250 MM BTU/HR	T+M	\$794
(f) Each 1 MM BTU/HR up to but not including 50 MM BTU/HR input at a single site where more than 5 such units are located	T+M	\$482
(w) Each unit greater than 2 MM BTU/HR to less than 5 MM BTU/HR, Registered Under Rule 12	\$919	\$282

SCHEDULE 14: Non-Municipal Incinerators

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Crematory or waste incinerator burning*	T+M	\$1,259
(c) Burning capacity up to and including 50 lbs/hr used exclusively for the incineration or cremation of animals	T+M	\$583

*Excluding units of 50 lbs/hr capacity or less used exclusively for incineration or cremation of animals.

SCHEDULE 15: Burn-Out Ovens

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Each Electric Motor/Armature Refurbishing Oven	T+M	\$581
(d) USN SIMA (ID #APCD1981-SITE-02798)*	T+M	\$270

*Pursuant to Subsection (c)(3)

SCHEDULE 16: RESERVED

SCHEDULE 17: RESERVED

SCHEDULE 18: Metal Melting Devices

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(c) Each Pit or Stationary Crucible/Pot Furnace	T+M	\$597

SCHEDULE 19: Oil Quenching and Salt Baths

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Each Tank	T+M	\$340

SCHEDULE 20: Gas Turbine Engines, Test Cells and Test Stands

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
GAS TURBINE, TURBOSHAFT, TURBOJET AND TURBOFAN ENGINE TEST CELLS AND STANDS		
(a) Each Aircraft Propulsion Turbine, Turboshaft, Turbojet or Turbofan Engine Test Cell or Stand	T+M	\$573
(b) Each Aircraft Propulsion Test Cell or Stand at a facility where more than one such unit is located	T+M	\$309
(c) Each Non-Aircraft Turbine Test Cell or Stand	T+M	\$231
GAS TURBINE ENGINES		
(d) Each Non-Aircraft Turbine Engine 1 MM BTU/HR up to but not including 50 MM BTU/HR input	T+M	\$1,156
(e) Each Non-Aircraft Turbine Engine 50 MM BTU/HR up to but not including 250 MM BTU/HR input	T+M	\$1,872
(f) Each Non-Aircraft Turbine Engine 250 MM BTU/HR or greater input	T+M	\$4,815
(h) Each Standby Gas Turbine used for Emergency Power Generation	T+M	\$378

SCHEDULE 21: Waste Disposal and Reclamation Units

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Each Paper or Wood Shredder or Hammermill Grinder	T+M	\$385
(w) Each Paper Shredder with a maximum throughput capacity of greater than 600 pounds per hour, Registered Under Rule 12	\$885	\$418

SCHEDULE 22: Feed and Grain Mills and Kelp Processing Plants

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Each Receiving System (includes Silos)	T+M	\$703
(b) Each Grinder, Cracker, or Roll Mill	T+M	\$628
(c) Each Shaker Stack, Screen Set, Pelletizer System, Grain Cleaner, or Hammermill	T+M	\$679
(d) Each Mixer System	T+M	\$867
(e) Each Truck or Rail Loading System	T+M	\$582

SCHEDULE 23: Bulk Terminal Grain and Dry Chemical Transfer and Storage Facility Equipment

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Each Receiving System (Railroad, Ship and Truck Unloading)	T+M	\$782
(b) Each Storage Silo System	T+M	\$385
(c) Each Loadout Station System	T+M	\$508
(d) Each Belt Transfer Station	T+M	\$508
(w) Each Grain Silo at beer breweries producing less than 100,000 barrels (3.1 million gallons) per year, Registered Under Rule 12	\$885	\$406

SCHEDULE 24: Dry Chemical Mixing

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(c) Each Dry Chemical Mixer with capacity over one-half cubic yard	T+M	\$368

SCHEDULE 25: Volatile Organic Compound Terminals, Bulk Plants and Intermediate Refueler Facilities

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
1. Bulk Plants and Bulk Terminals equipped with or proposed to be equipped with a vapor processor:		
(a) Per Tank	T+M	\$400
(b) Tank Rim Seal Replacement	T+M	N/A
(c) Per Truck Loading Head Permit	T+M	\$1,966
(d) Per Vapor Processor	T+M	\$540
2. Bulk Plants not equipped with or not proposed to be equipped with a vapor processor:		
(e) Per Bulk Tank Permit	T+M	\$656
(f) Per Truck Loading Head Permit	T+M	\$591
“Vapor Processor” means a device which recovers or transforms volatile organic compounds by condensation, refrigeration, adsorption, absorption, incineration, or any combination thereof.		
3. Facilities fueling intermediate refuelers (IR’s) for subsequent fueling of motor vehicles, boats, or aircraft:		
(h) Per IR Loading Connector	T+M	\$667

If a facility falls into Parts 1, 2, or 3 above and is equipped with dispensing nozzles for which Phase II vapor controls are required, additional fees equivalent to the “per nozzle” fees for Schedule 26(a) shall be assessed for each dispensing nozzle.

SCHEDULE 26: Non-Bulk Volatile Organic Compound Dispensing Facilities
 Subject to District Rules 61.0 through 61.6

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Facilities where Phase I and Phase II controls are required (includes Phase I fee) Renewal Fee: Fee x number of nozzles	\$4,762	\$258
(c) Facilities where only Phase I controls are required (includes tank replacement) Fee Per Facility	\$4,338	\$863
(e) Non-retail facilities with 250-550 gallon tanks and no other non-bulk gasoline dispensing permits Fee Per Facility	\$1,378	\$713

SCHEDULE 27: Application of Materials Containing Organic Solvents (includes coatings, adhesives, and other materials containing volatile organic compounds (VOC))

PART 1 – MARINE COATINGS

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Each Marine Coating application operation, except where Fee Schedule 27(t) applies	T+M	\$1,049
(t) Each Marine Coating application operation at facilities where combined coating and cleaning solvent usage is < 3 gallons/day and < 100 gallons/year	T+M	\$799

PART 2 – INDUSTRIAL MATERIAL APPLICATIONS AND MANUFACTURING

(Includes application stations for coatings such as paint spraying and dip tanks, printing, and manufacturing products with materials which contain VOCs, etc.)

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(d) Each Surface Coating Application Station w/o control equipment and not covered by other fee schedules at facilities using > 1 gallon/day of surface coatings and emitting ≤ 5 tons/year of VOC from equipment in this fee schedule	T+M	\$1,259
(e) Each Surface Coating Application Station w/o control equipment and not covered by other fee schedules at facilities emitting > 5 tons/year of VOC from equipment in this fee schedule	T+M	\$1,593
(f) Each Fiberglass, Plastic or Foam Product Process Line Except If Using Only Polyester Resin	T+M	\$1,259
(i) Each Surface Coating Application Station requiring Control Equipment	T+M	\$1,092
(j) Each Surface Coating Application Station subject to Rule 67.3 or 67.9 w/o Control Equipment at facilities emitting ≤ 5 tons/year of VOC from equipment in this fee schedule	T+M	\$1,322

SCHEDULE 27: Application of Materials Containing Organic Solvents (includes coatings, adhesives, and other materials containing volatile organic compounds (VOC))
 – continued

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(k) Each Surface Coating Application Station subject to Rule 67.3 or 67.9 w/o Control Equipment at facilities emitting > 5 tons/year of VOC from equipment in this fee schedule	T+M	\$1,119
(l) Each Wood Products Coating Application Station w/o Control Equipment at facilities using > 500 gallons/year of wood products coatings	T+M	\$1,177
(n) Each Press or Operation at a Printing or Graphic Arts facility subject to Rule 67.16	T+M	\$652
(o) Each Fiberglass, Plastic or Foam Product Process Line Using Only Polyester Resin	T+M	\$1,003
(p) Each Surface Coating Application Station w/o control equipment (except automotive painting) where combined coating, and cleaning solvent usage is < 1 gallon/day or < 50 gallons/year	T+M	\$876
(q) Each Wood Products Coating Application Station of coatings and stripper w/o control equipment at a facility using < 500 gallons/year for Wood Products Coating Operations	T+M	\$1,112

PART 3 – MOTOR VEHICLE AND MOBILE EQUIPMENT REFINISHING OPERATIONS

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(r) Each facility applying Coating Materials subject to Rule 67.20 (as applied or sprayed)	\$5,087	\$1,602

PART 4 – ADHESIVE MATERIALS APPLICATION OPERATIONS

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(u) Each Adhesive Materials Application Station w/o control equipment at facilities emitting ≤ 5 tons/year of VOC from equipment in this fee schedule	T+M	\$949
(v) Each Adhesive Materials Application Station w/o control equipment at facilities emitting > 5 tons/year of VOC from equipment in this fee schedule	T+M	\$1,280
(w) Each Adhesive Materials Application Station w/o control equipment at facilities where adhesive materials usage is < 55 gallons/year	T+M	\$1,043

SCHEDULE 28: Vapor and Cold Solvent Cleaning Operations and Metal Inspection Tanks

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Each Vapor Degreaser with an Air Vapor Interfacial area > 5 square feet	T+M	\$653
(b) Each Cold Solvent Degreaser with liquid surface area > 5 square feet	T+M	\$436
(d) Each Paint Stripping Tank	T+M	\$361
(f) Remote Reservoir Cleaners	T+M	\$385
(h) Vapor Degreaser with an Air-Vapor Interfacial area ≤ 5 square feet	T+M	\$583
(i) Cold Solvent Degreaser with a liquid surface area ≤ 5 square feet	T+M	\$385
(j) Metal Inspection Tanks	T+M	\$400
(k) Contract Service Remote Reservoir Cleaners with > 100 units	T+M	\$46
(l) Contract Service Cold Degreasers with a liquid surface area of ≤ 5 square feet	T+M	\$24
(m) Each facility-wide Solvent Application Operation	T+M	\$755

SCHEDULE 29: RESERVED**SCHEDULE 30: Solvent and Extract Dryers**

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Kelp and Biogum Products Solvent Dryer	T+M	\$2,264

SCHEDULE 31: Dry Cleaning Facilities

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(b) Each Facility using Petroleum Based Solvents	T+M	\$576

SCHEDULE 32: Acid Chemical Milling, Copper Etching and Hot Dip Galvanizing

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Each Copper Etching Tank	T+M	\$889
(b) Each Acid Chemical Milling Tank	T+M	\$810
(c) Each Hot Dip Galvanizing Tank	T+M	\$361

SCHEDULE 33: RESERVED

SCHEDULE 34: Piston Type Internal Combustion Engines and Diesel Particulate Filter Cleaning Processes

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Each Cogeneration Engine or Waste Derived Fuel-Fired Engine with Add-on Control Equipment	T+M	\$1,180
(b) Each Cogeneration Engine or Waste Derived Fuel-Fired Engine without Add-on Control Equipment	T+M	\$902
(d) Each Engine for Non-Emergency, Non-Cogeneration, and Not Waste Derived Fuel-Fired Operation \geq 200 horsepower	T+M	\$870
(e) Each Grouping of Engines for Dredging or Crane Operation with total engine horsepower > 200 HP	T+M	\$840
(f) Each Diesel Pile-Driving Hammer	T+M	\$282
(g) Each Engine for Non-Emergency, Non-Cogeneration, and Not Waste Derived Fuel-Fired Operation < 200 horsepower	T+M	\$593
(h) Each Emergency Standby Engine (for electrical or fuel interruptions beyond control of Permittee)	\$3,852	\$506
(i) Each Internal Combustion Engine Test Cell and Test Stand	T+M	\$552
(l) Each Diesel Particulate Filter Cleaning Process	T+M	\$655
(w) Each Specified Eligible Engine, Registered Under Rule 12	\$642	\$476
(x) Each Specified Eligible Portable Engine, Registered Under Rule 12.1	\$1,055	\$446

SCHEDULE 35: Bulk Flour, Powdered Sugar and Dry Chemical Storage Systems

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Each System	T+M	\$473

SCHEDULE 36: Grinding Booths and Rooms

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Each Booth or Room	T+M	\$616

SCHEDULE 37: Plasma Electric and Ceramic Deposition Spray Booths

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Each Application Station	T+M	\$785
(c) Flame Spray (ID #APCD1976-SITE-00274)*	T+M	\$321

*Pursuant to Subsection (c)(3)

SCHEDULE 38: Paint, Adhesive, Stain, Ink, Solder Paste, and Dielectric Paste Manufacturing

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Each Process Line for Paint, Adhesive, Stain, or Ink Manufacturing at facilities producing > 10,000 gallons per year	T+M	\$460
(b) Each Can Filling Line	T+M	\$435
(c) Each Process Line for Solder Paste or Dielectric Paste Manufacturing	T+M	\$476

SCHEDULE 39: Precious Metals Refining

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Each Process Line	T+M	\$734

SCHEDULE 40: Asphalt Pavement Heaters/Recyclers

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(x) Each Portable Unheated Pavement Crushing and Recycling System, Registration Under Rule 12.1	\$1,073	\$373

SCHEDULE 41: Perlite Processing

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Each Process Line	T+M	\$669
(b) Aztec Perlite (ID #APCD1978-SITE-01598)*	T+M	\$1,335

*Pursuant to Subsection (c)(3)

SCHEDULE 42: Electronic Component Manufacturing

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Each Process Line	T+M	\$688
(b) Each Screen Printing Operation	T+M	\$764
(c) Each Coating/Maskant Application Operation, excluding Conformal Operation	T+M	\$840
(d) Each Conformal Coating Operation	T+M	\$1,306

SCHEDULE 43: Ceramic Slip Casting

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Each Process Line	T+M	\$415

SCHEDULE 44: Evaporators, Dryers, & Stills Processing Organic Materials

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Evaporators and Dryers [other than those referenced in Fee Schedule 30 (a)] processing materials containing volatile organic compounds	T+M	\$597
(b) Solvent Recovery Stills, on-site, batch-type, solvent usage > 350 gallons per day	T+M	\$608

SCHEDULE 45: RESERVED**SCHEDULE 46: Filtration Membrane Manufacturing**

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Each Process Line	T+M	\$779

SCHEDULE 47: Organic Gas Sterilizers

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Each Organic Gas Sterilizer/Aerator requiring control	T+M	\$370

SCHEDULE 48: Municipal Waste Storage and Processing

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Municipal Waste Storage and Processing - not subject to the ARB Methane Emissions Regulation	T+M	\$2,027
(c) Municipal Waste Storage and Processing - subject to the ARB Methane Emissions Regulation	T+M	\$7,169

SCHEDULE 49: Non-Operational Status Equipment

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Non-Operational Status Equipment	\$373	\$476
(b) Activating Non-Operational Status Equipment	\$345	N/A

SCHEDULE 50: Coffee Roasters

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Each Coffee Roaster	T+M	\$415

SCHEDULE 51: Industrial Waste Water Treatment

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Each On-site Processing Line	T+M	\$573
(c) USN Air Station NORIS Public Works (ID #APCD1986-SITE-02755)*	T+M	\$516

*Pursuant to Subsection (c)(3)

SCHEDULE 52: Air Stripping and Soil Remediation Equipment

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Air Stripping Equipment	T+M	\$1,009
(b) Soil Remediation Equipment - On-site (In situ Only)	T+M	\$1,046

SCHEDULE 53: RESERVED**SCHEDULE 54: Pharmaceutical Manufacturing**

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Each Pharmaceutical Manufacturing Process Line	T+M	\$1,280

SCHEDULE 55: Hexavalent Chromium Plating and Anodizing Tanks, and Chromate Conversion Coating Tanks

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Each Hard or Decorative Chrome Plating and/or Anodizing Tank or Group of Tanks Served by an Emission Control System	T+M	\$1,244
(b) Each Decorative Plating Tank without Add-on Emission Controls	T+M	\$767
(d) Each Chromate Conversion Coating Tank	T+M	\$589

SCHEDULE 56: Sewage Treatment Facilities

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Each Wastewater Treatment Facility, or Each Water Reclamation Facility	T+M	\$1,492
(b) Each Wastewater Pump Station	T+M	\$722

SCHEDULE 57: RESERVED

SCHEDULE 58: Bakeries

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Bakery Ovens at Facilities with Emission Controls Pursuant to Rule 67.24	T+M	\$1,052

SCHEDULE 59: Asbestos Control Equipment

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(c) Portable Asbestos Mastic Removal Application Station	T+M	\$476

SCHEDULES 60 THROUGH 90 RESERVED

SCHEDULE 91: Miscellaneous

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Miscellaneous Operations	T+M	\$814

SCHEDULE 92: Source Testing Performed by the District

The owner or operator of an emission unit which requires source testing to determine compliance shall pay the applicable source test fee(s) listed below if the source testing is performed by the District or a District contractor. If the source test requires significantly more on-site time than is provided by the fixed fees specified below (e.g., tall stacks), the additional costs incurred by the District shall be determined using the labor rates specified in Schedule 94 – Time and Material (T+M) Labor Rates and related material and other costs. The owner or operator shall pay such fees upon notification from the District that such fees are required.

<u>Fee Unit</u>	<u>Fee</u>
(c) Each Sulfur Oxides Source Test	T+M
(d) Annual Fee for each Biennial Cycle Test for NOx and CO (1/2 the cost of one test)	\$2,346
(e) Each Ethylene Oxide Source Test	T+M
(f) Each Carbon Monoxide and Nitrogen Oxides Source Test	\$4,691
(g) Each Nitrogen Oxides Source Test	\$5,410
(h) Each Incinerator Particulate Matter Source Test with Waste Burning Capacity of > 100 lbs Per Hour	T+M
(i) Each Ammonia Source Test	\$2,240
(j) Continuous Emission Monitor System Evaluation	T+M
(k) Incinerator Particulate Matter Source Test with Waste Burning Capacity of < 100 lbs Per Hour	T+M
(m) Each Mass Emissions Source Test	\$2,211
(o) Each Multiple Metals Source Test	T+M

SCHEDULE 92: Source Testing Performed by the District – continued

<u>Fee Unit</u>	<u>Fee</u>
(p) Each Chromium Source Test	T+M
(q) Each VOC Onsite Analysis	\$10,317
(r) Each VOC Offsite Analysis	\$2,417
(s) Each Hydrogen Sulfide Source Test	T+M
(t) Each Acid Gas Source Test	T+M
(v) Annual Fee for Optional Source Test Pilot Study	T+M
(w) Each Particulate Matter Source Test	\$6,631
(x) Each Particulate Matter and Nitrogen Oxides and Carbon Monoxide Source Test	\$14,792
(y) Each Particulate Matter and Carbon Dioxide and Oxygen Source Test	\$10,580
(z) Miscellaneous Source Test (Special Tests not Listed)	T+M

SCHEDULE 93: Witness of Source Tests Performed by Independent Contractors

The owner or operator of an emission unit which requires source testing to determine compliance for the purpose of quantifying emissions to determine whether a Permit to Operate shall be issued or if the emission unit is in compliance, and chooses to have the testing performed by an independent contractor, shall pay the actual T+M costs incurred by the District to observe such testing and review the resulting source test report.

Any person, company, agency that requests review of a test procedure shall pay the actual T+M costs incurred by the District to review such test procedures. Such requests shall be accompanied by an amount estimated to cover actual District costs.

<u>Fee Unit</u>	<u>Fee</u>
(a) Test Witness and Report Review	T+M
(c) Test Procedure Review	T+M
(d) Each VOC Bulk Terminal Test Witness	\$3,995
(e) Each Ethylene Oxide Test Witness Day	\$3,973

SCHEDULE 94: Time and Material (T+M) Labor Rates

<u>Service Category</u>	<u>Hourly Rate</u>
Compliance Services	\$308
Engineering Services	\$318
Monitoring Services	\$161
Planning and Mobile Incentives Services	\$225
Source Testing Services	\$250

SCHEDULE 95: Sampling and Analysis

When the District determines a sample and/or analysis is needed for the purpose of determining potential emissions and/or determining compliance with District Rules and Regulations, the actual T+M costs incurred by the District for collection and analysis of samples, including preparing the reports, shall be paid by the permittee, applicant or other persons for activities for which a Permit is not required.

**SCHEDULE 96: Additional Costs Incurred by the District for Sources
Not in Compliance**

Whenever the District is requested or required to provide consultation, testing or inspection to any person or facility, beyond the consultation testing and inspection covered by the permit fees, or related to a Notice of Violation and/or Notice to Comply, the person or facility shall pay the actual T+M costs incurred by the District for the cost of such services.

SCHEDULE 97: Other Charges

Whenever the District is requested or required to provide consultation, legally required testimony, testing, inspection, engineering or services, the cost of such services shall be determined using the labor rates specified in Fee Schedule 94 – Time and Material (T+M) Labor Rates. Persons requesting and/or receiving such services shall be charged the estimated cost of providing such services and shall deposit such amount to the District in advance of the service, unless prior arrangements for payment have been approved by the District. In the case of consultations requested prior to filing an application, any funds deposited in excess of actual costs incurred for such consultations shall be refunded or applied as a credit against required application fees.

IT IS FURTHER RESOLVED AND ORDERED that the proposed amendments to Rule 40 of Regulation III, Section (f)(12), shall take effect on January 1, 2025, and the remaining sections shall take effect on July 1, 2025.

PASSED AND ADOPTED by the Air Pollution Control District Governing Board of the San Diego County Air Pollution Control District, State of California, this 14th day of November, 2024, by the following votes:

AYES: Birkbeck-Garcia, Bush, Gloria, Medina, Vargas, Shu
ABSENT: Elo-Rivera, Gomez, Lawson-Remer, Martinez, Sanchez

APPROVED AS TO FORM AND LEGALITY
COUNTY COUNSEL

BY: HEIDI GABRIEL-PACK, SENIOR DEPUTY

- - -

STATE OF CALIFORNIA)

County of San Diego)^{SS}

I hereby certify that the foregoing is a full, true and correct copy of the Original Resolution entered in the Minutes of the San Diego County Air Pollution Control District Governing Board.



MARVICE MAZYCK

Clerk of the San Diego County Air Pollution Control District Governing Board



August 28, 2024

Results of the FY25-26 Cost Recovery Analysis

The San Diego County Air Pollution Control District (SDAPCD or District) retained the Matrix Consulting Group to conduct an update to its Cost Recovery Study. The following memo provides a background of the project scope, the legal framework within which the cost recovery study was conducted, the methodology used to conduct the study, modifications to the current cost recovery model, the overall results, and the recommended cost recovery scenario.

Project Background and History

The California Health and Safety Code Sections 41512 and 42311 allow the District to recover the full costs associated with the renewal, evaluation, and issuance of permits as well as costs related to emission measurements (“source tests”), asbestos notifications, and emissions inventory services. These sections also provide limits on fee increases for permit to operate and authority to construct permits, restricting aggregate increase in fees (or total revenue) to 15% annually. Based upon this legal authority, the District has a goal to review its fees every year to ensure that all fee-related costs are captured and maximum cost recovery is achieved.

In 2020, the State Auditor issued a report regarding SDAPCD, which identified that fee-related expenses were not being fully recovered. As a result of these findings, the SDAPCD conducted its first external fee evaluation in 2021, with study results presented and adopted by the SDAPCD Governing Board in May 2021¹. Before implementing fee increases in 2021, the District had not raised fees in three years.

At the end of 2021, the Matrix Consulting Group worked with the District to conduct an update to the study conducted earlier in 2021. This update incorporated staffing and budgetary adjustments as well as several fee program modifications. The results of this analysis were presented and adopted by the Board for implementation on January 1, 2022. In April 2022, the Board adopted a new Fiscal Year 2022-23 fee package for

¹ A link to the 2021 Matrix Consulting Group report can be found at: [Cost Recovery Report](#)

implementation on July 1, 2022. In September 2022, the Matrix Consulting Group began working with the District to conduct the next update to the Cost Recovery Analysis for implementation on July 1, 2023. Earlier, this year, the Board adopted the Fiscal Year 2024-25 fees to cover costs starting on July 1, 2024.

As part of the continuing effort to ensure that fees cover the costs associated with their activities, the District is now updating its fees for implementation in 2025. The goal of this study was to update the analysis from last year based on new inputs associated with staffing, costs, workload, and any changes in fee structures.

2 Legal Framework

The California Health and Safety Code and Proposition 26 are the two primary legal frameworks governing the fees and revenue requirements for Air Pollution Control Districts. Proposition 26 considers all charges imposed by a local government as a tax, except for the following seven exceptions:

1. **Fees and Charges for Specific Benefit Conferred or Privilege Granted:** This is in relation to a payor receiving a service that is only provided to that payor specifically, and the costs for this must not exceed the reasonable costs of providing that service.
2. **Fees and Charges for Specific Government Service or Product Provided:** This is similar to the first exception and is directly in relation to a service or tangible product received, and it must not exceed the reasonable cost of that service or product. This is the exception that is used for “user fees”.
3. **Regulatory Fees and Charges:** This is in relation to issuing licenses and permits, performing investigations, inspections, audits, and administrative enforcement of regulated activities. These charges must be based on reasonable regulatory costs.
4. **Use of Government Property:** This is in relation to using park or government facilities, so purchase, rental or lease of any government owned property.
5. **Fines and Penalties:** This is in relation to any charges that are imposed as a result of violation of local or state regulations.
6. **Fees and Charges Imposed as Condition of Development:** This is in relation to impact fees and requires a nexus of how the development has a specific correlation to the impact.
7. **Property Related Fees and Charges and Assessments:** This is in relation to utility / service fees that are imposed in relation to the property such as water, sewer, trash, etc.

The Air District's fees fall under the exception #3 primarily with a handful of fees that are under exception #2. The language of Proposition 26, states that the local government must ensure that the fees imposed for any of these exceptions should be based upon the reasonable costs necessary to cover those activities or provide those services. Additionally, there should be a reasonable relationship that exists between the cost and the benefit borne by the payors of these fees.

The Cost Recovery Model (provided under separate cover to the District) calculates the full cost of conducting regulatory activity and providing any fees for service. These costs include the direct (hands on staff conducting inspections for compliance and reviewing applications), as well as indirect support associated with those activities (i.e., permit processing, rule development, human resources, finance, IT, etc.). The District also ensures that it follows all state and federal guidelines in relation to conducting any compliance inspections or application reviews to ensure that the fee payor is only paying for their fair share of services received. Unnecessary application reviews and inspections are not imposed upon the facility. Any fines and violations for lack of compliance would be imposed separately outside of the fee process.

This study calculates the full cost (direct and indirect) associated with each fee line item assessed by the District. Therefore, for each individual fixed fee, renewal fee, source test fee, asbestos, or hearing board item, it is ensured that the total fee proposed or recommended does not exceed the full cost of providing the service.

For example, in Rule 40, for Schedule 1X there is a current fixed application fee of \$731. Through the FY25-26 Cost Recovery Study, the full cost calculated for this fee is \$885. The District is proposing to increase all fixed application fees by a maximum of 15%, resulting in the recommended fee being \$841. The proposed fee of \$841 does not exceed the full cost of \$885. Conversely, Schedule 13A shows a current fixed application fee of \$3,783 and full cost of \$3,722. In this situation, even though a maximum 15% fee increase is proposed for fixed application fees, as the full cost is lower than the current fee, the proposed or recommended fee is actually \$3,722, showing a 2% decrease in the fee amount to match the full cost amount.

Therefore, as the examples demonstrate, even though the District applies a recommended maximum fee percentage increase across the board to a fee schedule, each individual fee is evaluated to ensure that it does not exceed the maximum justifiable full cost fee calculated through the cost recovery model.

Methodology

The work accomplished by the Matrix Consulting Group, in partnership with District staff, to develop the full cost of fee-based services involved the following steps:

- **Staff Interviews:** The project team met with District staff to discuss and determine fee structure modifications and time estimate assumptions.
 - Staff provided insight regarding changes that needed to be made to the current fee structure.
 - Staff confirmed previous or provided updated time estimates associated with application processing, review, inspection, and source testing services. These estimates represent average times and exclude extremely difficult or abnormally simple projects.

All fee schedule modifications and time estimate assumptions were reviewed by the project team for “reasonableness”, as well as with District management.

- **Cost Analysis:** Fiscal Year 2024 / 2025 budget and staffing documents were provided by the District. This information was then entered into the Matrix Consulting Group’s analytical software model where several cost components were calculated for each fee or service. The components then build upon each other to comprise the total cost for providing the service.

The methodology employed by the Matrix Consulting Group is a widely accepted “bottom up” approach to cost analysis. This methodology evaluates each individual fee line item and calculates its full cost (direct and indirect) based upon two components:

1. **Time Estimates:** The time it takes to provide the individual service, regardless of how many are performed annually.
2. **Fully Burdened Hourly Rate:** The hourly rate consists of the salaries, benefits, productive working hours², services and supplies³, program overhead⁴, and

² The productive working hours reflect a reduction from 2,080 annual hours to 1,610 hours to account for vacation, holiday, sick leave, breaks, and trainings.

³ This captures the overhead costs associated with operating expenses for a program such as vehicles, fuel, software, etc.

⁴ This reflects support from clerical and supervisory staff to oversee the activities, as well as general support activities related to permits, inspections, and applications.

districtwide overhead⁵. It reflects the cost to the District of the position providing the service. It does not reflect the take home pay of the position.

The time estimates are multiplied by the fully burdened hourly rate to calculate the full cost for each individual line item on the fee schedule.

For example, for Schedule 1X the full cost for application evaluation is calculated by taking the estimated time associated with each position classification (0.30 hours for the Sr. Engineer and 2.5 hours for the Associate Engineer) and multiplying it by their respective fully burdened hourly rates (\$336.23 and \$313.64) to arrive at the full cost of \$885.

In order to calculate the estimated annual cost associated with these activities the \$885 is multiplied by the number of fixed fee applications processed during the previous fiscal year. This allows the District to represent the annual cost associated with administering the specific services for which fees are assessed and not the cost of the overall program.

Modifications to Current Cost Recovery Model

All cost recovery studies are a snapshot in time. The FY22-23 study focused on FY21-22 adopted budget and staffing, as well as FY20-21 completed workload information. Due to the nature of fee studies, the cost assumptions utilized to develop the fees are typically backward looking and based upon the current adopted budget for future fee increases. The concept being that future costs should generally be reflective of current costs. For the FY25-26 Cost Recovery Model, the project team incorporated the following data and assumptions:

- FY24-25 Adopted Budget For District Programs showing personnel and operating expenditures
- FY24-25 Adopted Staffing Levels showing updated staffing levels and staffing costs
- FY23-24 Completed Workload Information
- July 2024 Adopted Fee Amounts
- Costs associated with Emissions Inventory services (discussed in the following section)

⁵ This reflects the support provided by the Board, Rule Development, Support Services, and Administration.

These model inputs ensured that the FY25-26 model was updated consistently with the current cost recovery model methodology. It also ensures that future fee increases are based upon the most recent cost, organizational structure of the District, and fee-related processes.

Emissions Inventory Time & Material Fee Provision

The District is proposing the addition of a new provision to Rule 40 to recover costs for conducting time and material reviews related to emissions inventory services. This charge would only be assessed on specific facilities based on newly expanded state mandates and District requirements. Rather than assessing a flat rate, a Time and Material (T&M) approach was chosen to ensure that each facility is fairly assessed for the time and effort spent on their particular review.

There is currently no dedicated fee-related mechanism for recovering these emissions inventory costs included in Rule 40. Currently, these costs would be covered through other funding sources, rather than fees for service, which conflicts with the District's audit findings requiring that fee-related services should be offset by fee-related revenue. For purposes of this year's cost recovery analysis this item has been captured as a separate fee category to show the full potential revenue impact associated with this service area to the District.

Cost Recovery Results

When comparing FY 24-25 fee-related expenditures⁶ with fee-related revenue based upon the FY23-24 workload, including the emissions inventory services discussed above, the District is currently providing a fee-related subsidy of approximately \$2.1 million or recovering approximately 85% of annual fee-related costs. The following table outlines the District's existing cost recovery levels by major fee category assessed by the District:

⁶ Fee-related expenditures only refers to the annual costs associated with fee-related activities. It does not include other non-fee related components within a program. For example, Compliance has a Mobile Source unit, whose cost is not included in this calculation as that cost is not permit or fee related.

Table 1: FY25 (Existing) Annual Cost Recovery Analysis

Fee Category	Revenue at Current Fee	Total Fee-Related Annual Cost	Difference	Cost Recovery %
Initial Application Fees	\$544,911	\$606,195	(\$61,284)	90%
Renewal Fees	\$6,389,382	\$6,927,420	(\$538,038)	92%
Source Testing Fees	\$988,765	\$1,459,666	(\$470,901)	68%
Asbestos Fees	\$1,073,586	\$1,153,067	(\$79,481)	93%
Hearing Board Fees	\$5,773	\$28,614	(\$22,841)	20%
Time & Material	\$2,086,463	\$2,161,080	(\$74,616)	97%
Processing Fee	\$532,142	\$645,074	(\$112,932)	82%
Emissions Inventory T&M	\$0	\$766,856	(\$766,856)	0%
TOTAL	\$11,621,023	\$13,747,971	(\$2,126,948)	85%

The revenue at the current fee represents the projected current revenue based on the District's current fee being assessed and the prior year's workload. It is important to stress that the fee categories above represent estimated revenue and costs for a range of services provided under each fee category and are not inclusive of other non-fee related components within a program. The annual cost is only reflective of fee-related support provided for those activities and does not encompass the entire program.

For the emissions inventory category, the total fee-related annual cost is the estimated cost to provide this service based on estimated hours. There is no current revenue for that fee category, as it is a new category for service and currently there is no dedicated fee-related revenue being collected for that line item. Those activities are currently offset by other funding sources, similar to how the current deficit for other categories is also offset by other funding sources.

Cost Recovery Recommendation

Last fiscal year, the Board adopted a fee increase scenario targeted at increasing all fees subject to the 15% aggregate fee increase limit. The California Health and Safety Code Section 41512.7(d)(2) states that the District can increase individual fees for service for permit to operate and authority to construct permits as long as the total increase, which is interpreted as total revenue generated by those fee categories, do not exceed more than 15% in a single fiscal year.

The District has traditionally followed this Health and Safety Code guideline by applying it to Application Fees, Renewal Fees, Time and Material, and Processing Fee categories as those fees fall under the "permit to operate" and "authority to construct" permit categories. For all other fee categories – Source Testing, Asbestos, Emissions Inventory, and Hearing Board the District is not bound to any limits on fee or revenue increases other than the requirement that the fee cannot exceed the cost of providing the service.

Therefore, under this recommended fee increase, the District is able to apply different cost increases to the fee categories to allow for greater cost recovery for the District.

The Board adopted proposed percentage increases from last fiscal year are recommended to also be applied to this recommendation, with one exception:

- 1. Emissions Inventory T&M:** As a new category, there is no current fee for it to be compared to, and the proposal is to add a provision to recover actual costs based on the proposed T&M rates.

The following table summarizes by major fee category, the current estimated cost recovery percentage (FY24-25), whether it is subject to the Individual / Aggregate Fee increase limit of 15%, the projected fee increase percentage for FY25-26, and the resulting FY25-26 Cost Recovery percentage:

Table 2: Proposed Cost Recovery Analysis by Fee Category for FY25-26

Fee Category	Current Cost Recovery %	Subject to Individual / Aggregate Cap of 15%?	Maximum FY25-26 Fee Inc. %	FY25-26 Cost Recovery %
Initial Application Fees	90%	Yes	15%	93%
Renewal Fees	92%	Yes	15%	98%
Source Testing Fees	68%	No	15%	78%
Asbestos Fees	93%	No	10%	98%
Hearing Board Fees	20%	No	0%	20%
Time & Material Fees	97%	Yes	15%	99%
Processing Fees	82%	Yes	15%	95%
Emissions Inventory T&M	0%	No	N / A	100%

The highlighted rows in the table above represent those categories that are subject to the 15% fee increase limit, meaning either the individual fees or total increase in fee-related revenue for all of those fees combined cannot exceed 15%. As the table indicates, for fee categories that are subject to the 15% increase cap, the proposed fee increases are all set at a maximum of 15%.

For all other fee categories, the proposed fee increase is the same as the last fiscal year Board adopted increase.

The following table shows, for each of the major fee categories, the current revenue based on FY24-25 budgeted staffing and expenditure costs and FY23-24 workload, the projected revenue at the proposed FY25-26 percentage increase, and the resulting revenue change:

Table 3: Proposed Revenue Increase Impacts

Fee Category	Revenue at Current Fee	Total Projected Revenue	\$ Difference
Initial Application Fees	\$544,911	\$562,470	\$17,559
Renewal Fees	\$6,389,382	\$6,784,705	\$395,323
Source Testing Fees	\$988,765	\$1,136,065	\$147,300
Asbestos Fees	\$1,073,586	\$1,131,201	\$57,615
Hearing Board Fees	\$5,773	\$5,773	\$0
Time & Material Fees	\$2,086,463	\$2,132,777	\$46,314
Processing Fees	\$532,142	\$611,963	\$79,821
Emissions Inventory T&M	\$0	\$766,856	\$766,856
TOTAL	\$11,621,023	\$13,131,810	\$1,510,788

The District's total fee-related revenue would be projected to increase to approximately \$13.1 million and / or generate an additional \$1.5 million in revenue. This \$1.5 million represents a 13% increase in revenue.

When the District first started this study process in 2021, the fee-for-service cost recovery was calculated at approximately 66%. This is the District's fifth year of conducting the study and update, and it is projected to increase fee-for-service cost recovery to approximately 96%. The original study had estimated that it would take the District more than 5 years to get to maximum cost recovery (barring any operational and major cost changes). As such, the District remains on track toward achieving maximum fee-related cost recovery.

As the District gets closer to cost recovery, there will be less of a need for significant annual fee increases. Once fee-related cost recovery is achieved, annual fee increases will only need to match annual cost increases associated with personnel and operating expenditures.

The following table summarizes the advantages and disadvantages of the proposed fee increases from the perspective of internal (District) and external (permit and fee holders) stakeholders:

Table 4: Cost Recovery Recommendation – Advantages and Disadvantages

Advantages	Disadvantages
<ul style="list-style-type: none"> • Internal: Increased revenue for the District. • External: No fee increases for Hearing Board. • External: Continued focus on ensuring that receivers of the service are paying for their fair share of the service. 	<ul style="list-style-type: none"> • External: Continued fee increase for rate payors.

The proposed fee increases are consistent with previously adopted Board practices, enables the District to continue its movement towards increasing cost recovery, and applies fee increases based upon estimated level of cost recovery.

REGULATION III: FEES**RULE 40. PERMIT AND OTHER FEES** *(Adopted (date of adoption))*

(Adopted May 9, 2024 & Effective July 1, 2024) (Section (f)(12): Effective January 1, 2025; Remaining Sections: Effective July 1, 2025)

Table of Contents

(a)	APPLICABILITY	3
(b)	DEFINITIONS	3
(c)	GENERAL PROVISIONS	4
(d)	AUTHORITY TO CONSTRUCT AND PERMIT TO OPERATE FEES	4
	(1) General Provisions	4
	(2) Initial Application Fees for an Authority to Construct/Permit to Operate	5
	Calculation Worksheet for Initial Application Fees	5
	(3) Initial Evaluation Fee	5
	(4) Air Contaminant Emissions Fees	6
	(5) Additional Evaluation and Processing Fees for New or Revised Applications	7
	(6) Fees for Revisions to Valid Permits	7
	Calculation Worksheet for Modified Equipment Fees	7
	(7) Fees for Revisions to Valid Authorities to Construct	8
	(8) Special Application Processing Provisions	9
(e)	ANNUAL OPERATING FEES	11
	(1) General Provisions	11
	(2) Annual Operating Fees	11
	Calculation Worksheet for Annual Operating Fees	11
	(3) Staggered Renewal Dates	13
	(4) Split Payment of Annual Operating Fees	13
	(5) Inactive Status Permits	13
	(6) Expiration and Retirement of Permits	13
(f)	SPECIFIC PROGRAM FEES	14
	(1) General Provisions	14
	(2) Asbestos Demolition or Renovation Operation Plan	14
	(3) Air Pollution Emergency Episode Plan Fee	15
	(4) Grid Search	15
	(5) New or Modified Power Plants	15
	(6) Toxic Hot Spots	15
	(7) California Clean Air Act	16
	(8) Title V Operating Permit	16
	(9) Synthetic Minor Source Permit	16
	(10) Determination of Exemption	17
	(11) California Environmental Quality Act (CEQA)	17
	(12) <u>Emissions Inventory</u>	<u>17</u>
(g)	LATE FEES	18
(h)	RENEWAL OF EXPIRED PERMIT(S) & REINSTATEMENT OF RETIRED PERMIT(S)	18
	(1) General Provisions	18
	(2) Renewal of Expired Permit(s) to Operate	19
	(3) Reinstatement of Retired Permit(s) to Operate	19
(i)	REFUNDS, INSUFFICIENT PAYMENT OF FEES AND CANCELLATIONS	19
	(1) General Provisions	19
	(2) Application Fee Refunds	19
	(3) Annual Operating Fee Refunds	20

(4) Air Contaminant Emissions Fee Refunds	20
(5) Other Fees	21
(6) Cancellation Fees - Source Testing and Test Witnessing	21
(7) Insufficient Payment of Fees	21
Alphabetical List of Fee Schedules by Emission Unit Type	23
Categorized List of Fee Schedules by Emission Unit Type	25

RULE 40. PERMIT AND OTHER FEES

(a) APPLICABILITY

(1) Notwithstanding any other provision of these rules, this rule shall be used to determine all fees charged by the San Diego County Air Pollution Control District (District), as authorized by the Air Pollution Control District Governing Board, except for those specified in Rule 42 – Hearing Board Fees. These include, but are not limited to, fees for: applications, permits, portable equipment registrations, renewals, source testing, asbestos demolition or renovation notifications, emergency episode plans, grid searches, technical consultations, new or modified power plants, Toxic Hot Spots, Title V Operating Permits, and Synthetic Minor Source Permits, and reviews, analyses, documents and procedures required or requested pursuant to the California Environmental Quality Act (CEQA).

(2) This rule shall be used to determine refunds, forfeitures and insufficient payment of fees, if applicable.

(b) DEFINITIONS

The following definitions shall apply for terms used in this rule:

(1) **“Annual Operating Fee”** means all fees related to a permit that are paid on an annual basis. These include, but are not limited to, the following: Site Identification (ID) Processing and Handling Fee, Permit Processing Fee, Emission Unit Renewal Fee, Air Contaminant Emissions Fee, District and State Air Toxic Hot Spots Fee, and Annual Source Test Fee.

(2) **“Applicant”** means the owner of the emission unit or operation, or an agent specified by the owner.

(3) **“Initial Application Fees”** means all fees related to an application. These include, but are not limited to, a Non-refundable Processing Fee, Initial Evaluation Fee, Emission Unit Renewal Fee, Air Contaminant Emissions Fee, and if applicable, an Additional Engineering Evaluation Fee and/or Source Test Fee.

(4) **“Location”** means the same as “Stationary Source” as defined in Rule 2 – Definitions.

(5) **“Permit to Operate”** or **“permit”** means any District authority to operate, such as a Permit to Operate, Certificate of Registration, Title V or Synthetic Minor Source permit, unless otherwise specified.

(6) **“T+M”** means time and material costs.

(7) **“Valid Permit or Valid Authority to Construct”** means a Permit or Authority to Construct for which all fees are current.

All other terms mean the same as defined in Rule 2 – Definitions unless otherwise defined by an applicable rule or regulation.

(c) GENERAL PROVISIONS

(1) No application shall be considered received unless accompanied by the completed application and associated supplemental forms (if applicable) and the appropriate Initial Evaluation Fees.

(2) All time and material (T+M) costs shall be determined using the labor rates specified in Fee Schedule 94 – Time and Material (T+M) Labor Rates.

(3) If the Air Pollution Control Officer determines that the activities of any one company would cause an increase of at least 10% in any one Emission Unit Fee Schedule, the Air Pollution Control Officer may delete the costs attributed to that company from the cost data used to determine that type of Emission Unit Fee Schedule. The costs from such a company shall be recovered by development of a source-specific Emission Unit Fee Schedule. The specific Initial Evaluation or Emission Unit Renewal Fee Schedules shall be submitted to the Air Pollution Control District Governing Board for consideration and adoption.

(4) If the Air Pollution Control Officer determines that a person has under-reported material usage, emissions or other information necessary for calculating an emissions inventory, and such under-reporting has led to an Air Contaminant Emissions Fee less than what would have been due if correct usage, emissions or other information had been reported, then the person shall pay the difference between the original and corrected Air Contaminant Emissions Fee plus a charge equal to 30% of the difference. Such charge shall not apply if the permittee demonstrates to the Air Pollution Control Officer's satisfaction that the under-reporting was the result of inadvertent error or omission which the permittee took all reasonable steps to avoid. Required fees not paid within 30 days of the due date shall be assessed a late fee in the amount prescribed in Section (g) – Late Fees.

(5) Credit card payments for fees will be assessed a processing fee of 2.19% of the amount paid by credit card. This processing fee covers only costs assessed to the District by credit card providers. Payments made using the online application submittal system will not be assessed a processing fee but will be subject to fees charged by the online submittal system vendor for the service. These convenience fees are not remitted to the District.

(d) AUTHORITY TO CONSTRUCT AND PERMIT TO OPERATE FEES

(1) General Provisions

(i) Every applicant for an Authority to Construct/Permit to Operate for any article, machine, equipment or other contrivance shall pay the applicable fees as specified in this Section (d) Authority to Construct and Permit to Operate Fees for each emission unit.

(ii) A ~~\$130~~\$150 Non-refundable Processing Fee shall be submitted with each application for an Authority to Construct/Permit to Operate, Change of Location, Change to an Existing Authority to Construct/Permit to Operate, Like-Kind Replacement or Banking Emission Reduction Credits. This fee does not apply to applications for a Change of Ownership, Identical Replacement, or Fee Schedules 49(a) or 49(b).

(iii) When additional evaluation fees are required, the applicant shall deposit the amount estimated to cover the evaluation costs upon receipt of such an invoice. The District may stop work on the application until the invoiced amount is fully paid.

(iv) Initial Evaluation Fees and Emission Unit Renewal Fees shall be determined using the amounts listed in Columns (1) and (2), respectively, of the Fee Schedules provided within this rule.

(2) Initial Application Fees for an Authority to Construct/Permit to Operate

The Initial Application Fees for an Authority to Construct/Permit to Operate application shall include a Non-refundable Processing Fee, Initial Evaluation Fee, Emission Unit Renewal Fee, Air Contaminant Emissions Fee, and if applicable, an Additional Engineering Evaluation Fee and/or Source Test Fee.

Calculation Worksheet for Initial Application Fees

Non-refundable Processing Fee	\$130 <u>\$150</u>
Initial Evaluation Fee ¹	
Emission Unit Renewal Fee ¹	
Air Contaminant Emissions Fee ²	
Additional Engineering Evaluation Fees ³	
Source Test Fee ⁴	

Total: \$ _____

Notes:

1. See Fee Schedule. If T+M fee is indicated, visit www.sdapcd.org for the specific equipment type being requested and complete a fee estimate form to submit with the application materials.
2. See Subsection (d)(4) to determine applicable fee, based on total facility emissions.
3. See Subsection (d)(5) to determine if additional fees are required or visit www.sdapcd.org for the specific equipment type being requested and complete a fee estimate form to submit with the application materials.
4. Call the District for a Source Test Fee estimate.

(3) Initial Evaluation Fee

The Initial Evaluation Fee shall be determined based on the specific type of equipment, process or operation for which an application is submitted, as listed in Column (1) of the Fee Schedules provided within this rule.

(i) Where the fee specified in Column (1) is T+M, the fee shall be the actual evaluation cost incurred by the District. The applicant shall deposit the amount estimated to cover the actual evaluation cost at the time of application submittal.

(ii) If the equipment, process or operation for which an application is submitted is not listed in the Fee Schedules, the Initial Evaluation Fee shall be on a T+M basis, including the Emission Unit Renewal Fee, as specified in Fee Schedule 91 – Miscellaneous – Hourly Rates.

(iii) If the equipment, process, or operation for which an application is required solely due to a change in Rule 11 – Exemptions from Rule 10 Permit Requirements, the evaluation fee shall be based on the actual evaluation cost incurred by the District, not to exceed the Initial Evaluation Fee, except as provided under Subsection (d)(5).

(4) Air Contaminant Emissions Fees

The Air Contaminant Emissions Fee is an annual fee based on total air contaminant emissions from the stationary source. This fee shall also apply to portable equipment permitted or registered under these Rules and Regulations. For purposes of this subsection, the term “facility” means either the stationary source, or collection of portable equipment permitted or registered under a single site ID.

(i) For existing facilities, an Air Contaminant Emissions Fee shall not be collected as part of an Initial Application Fee, if the Air Contaminant Emissions Fee was paid as part of the most recent Annual Operating Fees.

(ii) For new facilities, the Air Contaminant Emissions Fee shall be paid with the first permit application filed for the new facility and based upon actual expected air contaminant emissions from the facility, as estimated by the District, for the calendar year in which the Permit to Operate is issued, as specified below. This fee shall remain unchanged until revised to reflect the most recent District approved emissions inventory report.

(A) If the actual expected annual emissions of carbon monoxide (CO), oxides of nitrogen (NO_x), oxides of sulfur, particulate matter (PM₁₀) or volatile organic compounds (VOC) equal or exceed five tons, then the Air Contaminant Emissions Fee shall be based on the total expected emissions of all these contaminants for that calendar year, multiplied by an air contaminant emissions fee rate of \$116 per ton.

(B) For all other new facilities, a single Air Contaminant Emissions Fee shall be paid based on the following table using the Fee Schedule that is most representative of the nature of the activities at the stationary source:

<u>Fee Schedule</u>	<u>Source Category Description</u>	<u>Annual Emissions Fee</u>
26(a)	VOC dispensing facility - Phase I and Phase II controls required	\$9 per nozzle

28(k and l)	Contract service solvent cleaning units (for contract companies with 100 or more units)	\$7 per cleaning unit
28(f)	Facilities with only remote reservoir units and no other permits at the facility	\$7 per cleaning unit
27(e)	Industrial surface coating applications	\$580
27(k)	Metal parts and aerospace coating applications	\$580
27(v)	Adhesive application operations	\$580
Various	All other stationary sources	\$116

If the most representative nature of the activities cannot be determined for facilities with more than one source category description or fee schedule, the highest applicable annual emissions fee shall apply.

(5) Additional Evaluation and Processing Fees for New or Revised Applications or Revised Permits to Operate

If an application requires the District to evaluate the emission unit for compliance with Rule 51 – Nuisance, Rule 1200 – Toxic Air Contaminants-New Source Review, Rules 20.1 through 20.8 (New Source Review), Rules 26.0 through 26.10 (Emission Reduction Credits), pre-backfill inspections for gasoline dispensing facilities, Regulation X – New Source Performance Standards, Regulation XI – National Emission Standards for Hazardous Air Pollutants, Regulation XII – Toxic Air Contaminants, federal Prevention of Significant Deterioration (PSD) requirements, a federal National Emission Standard for Hazardous Air Pollutants (NESHAP), State Airborne Toxic Control Measure (ATCM), CEQA, to conduct additional application or permit to operate processing procedures in accordance with California Health and Safety Code Section 42301 or 42301.6, or to witness testing or conduct inspections to verify compliance with any State Vapor Recovery Executive Order as part of a Like Kind Replacement application processed according to Rule 11 (d)(5)(ii), the applicant shall pay the actual cost incurred by the District for such evaluation and processing procedures, and any additional fees specified by this rule. The applicant shall deposit the amount estimated to cover the actual evaluation cost at the time of application submittal or upon request by the District.

(6) Fees for Revisions to Valid Permits

The owner of a valid permit, or their agent, may submit an application to propose the types of changes listed below. The evaluation fee for a revision shall be based on the actual evaluation cost incurred by the District, not to exceed the Initial Evaluation Fee, except as provided under Subsections (d)(5), (d)(6)(v), and (d)(6)(vi). The applicant shall deposit the amount estimated to cover the actual cost of evaluating the proposed change at the time of application submittal.

Calculation Worksheet for Modified Equipment Fees

Non-refundable Processing Fee	\$130-\$150
Initial Evaluation Fee ¹	
Additional Engineering Evaluation Fees ²	

Total: \$ _____

Notes:

1. See Fee Schedules, use Column (1). If T+M fee is indicated, visit www.sdapcd.org for the specific equipment type being requested and complete a fee estimate form to submit with the application materials.
2. See Subsection (d)(5) to determine if additional fees are required or visit www.sdapcd.org for the specific equipment type being requested and complete a fee estimate form to submit with the application materials.

(i) Operational Change: An application which proposes an operational change of a valid permit.

(ii) Condition Change: An application which proposes a condition change of a valid permit.

(iii) Additions, Alterations and Replacement of Equipment: An application which proposes an addition, alteration or replacement of an emission unit described in a valid permit.

(iv) Review for a Change of Location: An application which proposes a change of location for an emission unit with a valid permit. An application is not required for any change of location within a stationary source or for a portable emission unit.

(v) Ownership Change: An application which proposes an ownership change for a valid permit shall pay an administrative fee of ~~\$130~~ \$150. The applicant shall demonstrate to the District's satisfaction proof of entitlement to the Permit to Operate at the time of application submittal. Prior to an ownership change application being processed, payment of all outstanding charges that are normally due and associated with that permit must be paid.

(vi) Like-Kind Replacement Units per Rule 11 – Exemptions from Rule 10 Permit Requirements, Subsection (d)(5): An application for a permit change to reflect an eligible like-kind replacement emission unit pursuant to Rule 11 (d)(5)(ii), shall pay a fee of \$495, in addition to the Non-refundable Processing Fee and any additional fees provided under Subsection (d)(5) of this rule.

(7) Fees for Revisions to Valid Authorities to Construct

The owner of a valid Authority to Construct, or their agent, may submit an application to propose the types of changes listed in Subsections (d)(6)(i thru v). The evaluation fee for a revision shall be based on the actual evaluation cost incurred by the District, not to exceed the Initial Evaluation Fee, except as provided under Subsection (d)(5). The applicant shall deposit the amount estimated to cover the actual cost of evaluating the proposed change at the time of application submittal.

(8) Special Application Processing Provisions

(i) Reduced Fees for Similar Emission Units at a Single Stationary Source

If more than one application for an Authority to Construct/Permit to Operate is submitted at the same time for similar emission units at the same stationary source location, then the first emission unit shall be charged the Initial Application Fee as specified in Subsection (d)(2). Each additional emission unit shall be charged the Emission Unit Renewal Fee and the actual T+M costs incurred by the District to evaluate the emission unit and act upon the applications. The total cost for each additional emission unit shall not exceed the Initial Evaluation Fee (Column (1)), except as provided under Subsection (d)(5).

This provision only applies to the extent that each emission unit will be operated independently, and the evaluation for an Authority to Construct for the first emission unit can be applied to the additional units because of similarity in design and operation, and each emission unit can be evaluated and inspected for a Permit to Operate at the same time. The provisions of this subsection shall not apply to Fee Schedules 3 and 26.

(ii) Reinspection Fees

If during an inspection for a Permit to Operate, an emission unit cannot be evaluated due to circumstances beyond the control of the District, the applicant shall pay the actual time and material costs of performing a reinspection. An estimated reinspection fee, as determined by the District, may be required to be deposited with the District prior to reinspection of the emission unit.

(iii) Split Fee Payments for Applications

An applicant may request, due to financial hardship, to split the payment of Initial Application Fees into two equal payments. This request must be made in writing. The first payment, equal to 50% of the Initial Application Fees, plus an administrative fee of \$75, must be deposited with the application. The second payment, equal to the remaining balance, is due no later than 60 days after filing the application. Failure to pay the Initial Application Fees in full within 60 days after filing the application, may result in cancellation of the application, as specified in Subsection (i)(7) – Insufficient Payment of Fees.

(iv) Fees for Expedited Application Processing

If an applicant requests expedited processing of an application and the District determines that such expedited processing is available through voluntary overtime work, the applicant shall pay fees equal to one and one-quarter times the labor rates specified in Fee Schedule 94 – Time and Material (T+M) Labor Rates for the overtime work. At the time of submittal of the application, the applicant shall deposit a fee equal to that otherwise specified by this rule. If the application receives

expedited processing, no final action shall be taken on the application until the applicant has paid the remainder of the fees required by this paragraph.

(v) Requirement for Defense and Indemnification Agreement

On a case-by-case basis, where significant risk to the District is identified in connection with the processing of an application, the Air Pollution Control Officer may require a defense and indemnification agreement from the applicant. The agreement shall be in a form approved by the Air Pollution Control Officer.

On a case-by-case basis, the Air Pollution Control Officer may determine to require security from the applicant. A determination to require security shall only be made by the Air Pollution Control Officer, and shall not be delegable. The Air Pollution Control Officer shall establish the form and amount of the security, as well as the time the security is to be provided to the District.

(vi) Indemnification

Each applicant, to the extent the applicant is at fault in causing liability to the District, shall indemnify the District, its agents, officers and employees (collectively "District Parties") from any claim, action, liability, or proceeding against the District Parties to attack, set aside, void or annul the applicant's project or any of the proceedings, acts or determinations taken, done or made as a result of District's processing and/or approval of the project, as specified below. Each applicant's obligation to indemnify shall apply to any lawsuit or challenge against the District Parties alleging failure to comply with the requirements of any federal, state, or local laws, including, but not limited to, requirements of these Rules and Regulations. This indemnification requirement shall be included in the application form provided to all applicants.

Each applicant's obligation to indemnify the District Parties shall include, but not be limited to, payment of all court costs and attorneys' fees, costs of any judgments or awards against the District, damages, and/or settlement costs, which arise out of District's processing and/or approval of the applicant's project, except that an applicant shall only be responsible for indemnifying the District Parties in the amount of liability which is equal to the proportion of fault caused by the applicant, as determined by a court. Where any court action results in a ruling for the plaintiff/petitioner, the applicant and the District shall request a determination on the percentage contribution of fault from the court which adjudicated the underlying challenge to the applicant's project.

Notwithstanding this subsection, when a defense and indemnification agreement is required for a project under Subsection (d)(8)(v) above, the provisions of the defense and indemnification agreement shall apply to the applicant and not the provisions of this subsection.

(vii) Fees for Previously Permitted Emission Units Operating Without Valid Permits

In addition to the fees otherwise specified by this Section (d) Authority to Construct and Permit to Operate Fees, a person who is applying for an Authority to Construct and/or Permit to Operate for a previously permitted emission unit that was operated after the applicable permit expired, and is no longer eligible for reinstatement, shall pay the annual operating and late fees specified in Sections (e) Annual Operating Fees, Section (f) Specific Program Fees, and Section (g) Late Fees, that would have otherwise been due. Such payment shall not negate any fines and penalties that may be assessed for violations of the requirement to operate with a valid permit.

(e) ANNUAL OPERATING FEES

(1) General Provisions

(i) Annual Operating Fees are due on an annual basis and shall be paid by any person who is required to maintain a Permit to Operate or Temporary Authorization pursuant to Rule 10 – Permits Required, Section (b) – Permit to Operate.

(ii) Annual Operating Fees are due by 5 PM Pacific Time on the date the permit expires. Permits expire on the last day of the renewal month. Payments received after the permit expiration date are subject to the late fee provisions of Section (g) – Late Fees.

(2) Annual Operating Fees

The following applicable fees shall be paid as part of the Annual Operating Fees: Site ID Processing and Handling Fee, Permit Processing Fee, Emission Unit Renewal Fee, Air Contaminant Emissions Fee, and if applicable, District and State Air Toxic Hot Spots Fee and Annual Source Test Fee.

Calculation Worksheet for Annual Operating Fees

Site ID Processing and Handling Fee	\$48-\$55
Permit Processing Fee (\$36 -\$41 x number of permitted units)	
Emission Unit Renewal Fee (See (iii) below)	
Air Contaminant Emissions Fee (See (iv) below)	
District and State Air Toxic Hot Spots Fee (See (v) below)	
Annual Source Test Fee (See (vi) below)	

Total: \$ _____

(i) Site ID Processing and Handling Fee: A site ID processing and handling fee of ~~\$48~~-\$55 per facility.

(ii) Permit Processing Fee: A permit processing fee of ~~\$36~~\$41 per Permit to Operate.

(iii) Emission Unit Renewal Fee: An annual renewal fee, for each specific type of emission unit, as specified in the Fee Schedules (Column (2)).

(iv) Air Contaminant Emissions Fee: An annual Air Contaminant Emissions Fee based on total emissions from the stationary source. This fee shall also apply to portable equipment permitted or registered under these Rules and Regulations. For purposes of this subsection, the term “facility” means either the stationary source, or collection of portable equipment permitted or registered under a single site ID.

(A) For facilities with annual emissions of either carbon monoxide (CO), oxides of nitrogen (NO_x), oxides of sulfur, particulate matter (PM₁₀) or volatile organic compounds (VOC) that equal or exceed five tons, as indicated by the most recent District approved emission inventory report or an initial evaluation made pursuant to Subsection (d)(4)(ii), the Air Contaminant Emissions Fee shall be based on the total calendar year emissions of all these contaminants, multiplied by an air contaminant emissions fee rate of \$116 per ton.

(B) For all other facilities, a single Air Contaminant Emissions Fee shall be paid based on the following table using the Fee Schedule that is most representative of the nature of the activities at the stationary source:

<u>Fee Schedule</u>	<u>Source Category Description</u>	<u>Annual Emissions Fee</u>
26(a)	VOC dispensing facility - Phase I and Phase II controls required	\$9 per nozzle
28 (k and l)	Contract service solvent cleaning units (for contract companies with 100 or more units)	\$7 per cleaning unit
28(f)	Facilities with only remote reservoir units and no other permits at the facility	\$7 per cleaning unit
27(e)	Industrial surface coating applications	\$580
27(k)	Metal parts and aerospace coating applications	\$580
27(v)	Adhesive application operations	\$580
Various	All other stationary sources	\$116

If the most representative nature of the activities cannot be determined for facilities with more than one source category description or fee schedule, the highest applicable annual emissions fee shall apply.

(v) District and State Air Toxic Hot Spots Fee: If applicable, the stationary source-specific fee required under the Air Toxics “Hot Spots” Information and Assessment Act as specified in Subsection (f)(6).

(vi) Annual Source Test Fee: If a periodic source test is required, the applicable source test fee, as specified in Fee Schedules 92 and/or 93.

(3) Staggered Renewal Dates

The District may initiate, or the owner of a Permit to Operate may request in writing, to change the renewal month of all permits located at a single facility. When the established renewal month for a facility is changed to a new renewal month, the amount due for each permit shall be prorated to reflect the new renewal month. Revised permits will be issued after the prorated amount has been paid.

(4) Split Payment of Annual Operating Fees

Owners or operators may request, due to financial hardship, to split the payment of the Annual Operating Fees into four equal payments. This request must be made in writing at least seven days prior to the due date. The first payment, equal to 25% of the Annual Operating Fees, plus an administrative fee of \$75, must be deposited by 5 PM Pacific Time on the last day of the renewal month. The subsequent three payments, equal to 25% each of the Annual Operating Fees, are due no later than 30, 60, and 90 days after the last day of the renewal month.

Permits with approved split payment requests will expire 120 days after the last day of the renewal month if the Annual Operating Fees are not paid in full or will be issued for the remainder of the annual period after full payment of the Annual Operating Fees is made. Failure to pay the Annual Operating Fees in full within 120 days after the last day of the renewal month, shall be assessed a late fee in the amount prescribed in Section (g) – Late Fees. Permits that have expired after the 120 days, pursuant to this subsection, will be renewed or reinstated if the requirements set out in Rule 10 – Permits Required Section (h) and this Rule 40 Section (h) are met.

(5) Inactive Status Permits

A person who holds a valid permit who desires to have that permit placed on inactive status pursuant to Rule 10 – Permits Required shall submit an application requesting such change and shall pay the Initial Evaluation Fee specified in Fee Schedule 49(a)(Column (1)). If such request is received at the time of annual renewal of the permit, the person shall also pay the annual Emission Unit Renewal Fee specified in Fee Schedule 49(a)(Column (2)). Thereafter, the annual Emission Unit Renewal Fee for the inactive status permit shall be as specified in Fee Schedule 49(a)(Column (2)). When a person who holds a valid inactive status permit applies, in accordance with Rule 10, for the condition prohibiting operation to be removed and the permit returned to active status, the owner or operator shall pay the Initial Evaluation Fee specified in Fee Schedule 49(b)(Column (1)), any Additional Engineering Evaluation Fees required pursuant to Subsection (d)(5), and the applicable Annual Operating Fee specified in this Section (e) Annual Operating Fees for that category of emission unit with an active status permit, prorated for the portion of the permit renewal year remaining.

(6) Expiration and Retirement of Permits

(i) Expiration of Permits due to Non-Payment of Annual Operating Fees

If Annual Operating Fees are not paid by the permit expiration date, the permit will expire on that date. An expired permit may be renewed within six months of the expiration date as provided in Subsection (h)(2).

(ii) Retirement of Permits due to Non-payment of Annual Operating Fees

If Annual Operating Fees are not paid within six months from the permit expiration date, the permit will be retired on the day following the last day of the six-month period from the permit expiration date. A retired permit may be reinstated within six months of the retirement date as provided in Subsection (h)(3). Emission units for which a permit was not reinstated within six months of the retirement date will require an application for a new Permit to Operate.

(iii) Retirement by Permittee Request

Owners or operators may, at any time, request retirement of a valid permit(s). This request must be made in writing. Retired permit(s) may be reinstated within six months of the date of retirement as provided in Subsection (h)(3).

(f) SPECIFIC PROGRAM FEES

(1) General Provisions

For all of the applicable programs listed below, a late fee as described in Section (g) – Late Fees shall be assessed if the required fees are not paid within 30 days after the due date.

(2) Asbestos Demolition or Renovation Notification

For each asbestos demolition or renovation notification subject to Rule 1206 – Asbestos Removal, Renovation, and Demolition, the owner or operator shall pay the applicable fees specified below. For projects where one notification is submitted for both renovation and demolition operations, the owner or operator shall pay both applicable renovation and demolition fees. Fees are due at the time a notification is submitted. Notifications or revisions thereof will not be considered received unless accompanied with the required fees. The terms used below are defined in Rule 1206.

<u>TYPE OF OPERATION</u>	<u>Notification Fee ¹</u>
1. Renovation Operations (excluding residential buildings having four or fewer dwelling units) ²	
<100 sq. ft.	\$718- \$764
100 sq. ft. to 500 sq. ft.	\$751- \$816
501 to 2,000 sq. ft.	\$826- \$828
2,001 to 5,000 sq. ft.	\$865- \$867
5,001 to 10,000 sq. ft.	\$997- \$998
>10,000 sq. ft.	\$1,038- \$1,080
2. Demolition Operations	

Regulated Asbestos Containing Material (RACM) sites
or Non-RACM sites with no asbestos present

~~\$804~~ ~~\$884~~

Notes:

1. Online notifications may be submitted to the District using the online Citizen Access Portal.
2. Additional fees may be required if the revised amount of asbestos to be removed increases to a higher category. The additional fee will be the difference between the fee paid and the fee required for the new category.

(3) Air Pollution Emergency Episode Plan Fee

The owner or operator of a facility for which a plan or a plan update is required by District Regulation VIII – San Diego Air Pollution Emergency Plan shall pay a \$147 evaluation fee for each plan or plan update, at the time the plan is submitted for review.

(4) Grid Search

Any school district, individual, business or agency that submits a request for the District to conduct a grid search to identify all facilities with the potential to emit hazardous air contaminants (pollutants) shall deposit an initial fee of \$362 at the time the grid search is requested. If the actual costs incurred are greater than the amount deposited, the school district, individual, business or agency that made the request shall submit an additional amount as specified by the District to recover the remaining actual costs of performing the grid search.

(5) New or Modified Power Plants

Any source subject to the requirements of Rule 20.5 – Power Plants, shall reimburse the District for the actual costs incurred in order to comply with the provisions of Rule 20.5. The applicant shall deposit the amount estimated to cover the actual cost at the time of application submittal.

(6) Toxic Hot Spots

The owner or operator of a facility who has been identified by the District as being subject to the requirements of California Health and Safety Code Section 44300 et seq. (the Air Toxics “Hot Spots” Information and Assessment Act), shall deposit or pay the applicable fees specified below to the District.

(i) Upon receipt of a fee estimate or invoice from the District, deposit or pay the amount estimated or invoiced to cover the actual costs associated with the following requirements.

(A) Toxic air contaminant emissions source testing when necessary to determine emissions for inclusion in a toxic air contaminant emissions inventory.

(B) Health risk assessment or updated health risk assessment review, revision, and approval pursuant to California Health and Safety Code Section 44360 et seq. or Rule 1210 – Toxic Air Contaminant Health Risks-Public Notification and Risk Reduction.

(C) Public notification of health risks pursuant to California Health and Safety Code Section 44362 or Rule 1210 – Toxic Air Contaminant Health Risks-Public Notification and Risk Reduction.

(D) Facility toxic air contaminant risk reduction audit and plan pursuant to California Health and Safety Code Section 44390 or Rule 1210 – Toxic Air Contaminant Health Risks-Public Notification and Risk Reduction.

No health risk assessment or risk reduction audit and plan required pursuant to this provision shall be considered received unless accompanied by the appropriate fees as specified in Subsection (f)(6)(i).

(ii) An annual fee, as specified in Subsection (e)(1), for the recovery of State program costs. The amount of the annual State program fee for each facility shall be that specified by the California Air Resources Board in accordance with the State Air Toxics “Hot Spots” Fee Regulation contained in Title 17, California Code of Regulations, Section 90700 et seq.

(7) California Clean Air Act

The owner or operator of a stationary source who is required by Title 17, California Code of Regulations, Section 90800, et seq., to pay a fee adopted by the California Air Resources Board shall pay the required fee to the District within 30 days of receipt of an invoice for the required fees.

(8) Title V Operating Permit

The owner or operator of a stationary source subject to the requirements of Regulation XIV – Title V Operating Permits, shall pay the actual time and materials costs incurred by the District to review and act upon an application for initial permit, permit modification, administrative permit amendment, Section 502(b)(10) change (42 U.S.C. §7661a), Trading Under an Emissions Cap Operational Flexibility change, enhanced Authority to Construct and/or Title V operating permit renewal; to evaluate such source for compliance with Regulation XIV and the terms and conditions of a Title V operating permit, including, but not limited to, the costs incurred to document such evaluation, to prepare reports, and to take any actions necessary in cases of noncompliance; to reopen an existing Title V operating permit; and to cancel a Title V operating permit. All such applications shall also pay the Non-refundable Processing Fee of ~~\$130~~\$150.

(9) Synthetic Minor Source Permit

The owner or operator of a stationary source that submits an application to obtain a Synthetic Minor Source (SMS) Permit pursuant to Rule 60.2 – Limiting Potential to Emit-

Synthetic Minor Sources, shall pay the fees specified below to recover the actual costs incurred by the District to review and act upon an application for initial permit, permit modification and/or permit renewal.

Non-refundable Processing Fee	\$130 <u>\$150</u>
Application evaluation fee (new or modified permits)	T+M
SMS permit renewal fee	T+M

(10) Determination of Exemption

The owner or operator of any emission unit or process requesting a determination of exemption pursuant to Rule 11 – Exemptions from Rule 10 Permit Requirements, Subsection (d)(19), shall pay the Non-refundable Processing Fee of ~~\$130~~ \$150, plus an evaluation fee based on T+M to recover the actual costs incurred by the District to evaluate the emission unit or process.

(11) California Environmental Quality Act

Whenever 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, the District costs shall be paid by the persons requesting and/or receiving such services. District staff costs shall be determined using the labor rates specified in Fee Schedule 94 – Time and Material (T+M) Labor Rates. Costs to the District resulting from the activities of other agencies or consultants to the District necessary to provide such services shall be included in the total District costs. Persons requesting and/or receiving such services shall be charged the estimated cost of providing those services and shall deposit such amount to the District in advance of the service, unless prior arrangements for payment have been approved by the District. If the actual costs incurred are greater than the amounts deposited, the persons requesting and/or receiving the services shall deposit additional amounts as specified by the District to recover the remaining actual costs. Any funds deposited in excess of actual costs incurred shall be refunded.

(12) Emissions Inventory

The owner or operator of any facility subject to Subsections (c)(1)(i), (c)(1)(ii), (c)(1)(iii), or (c)(1)(vi) of District Rule 19.3, or subject to Section 93401(a), General Applicability of Criteria Air Pollutants and Toxic Air Contaminants (CTR) (State 17 CCR, Section 93400 et seq.) shall pay the actual time and material costs incurred by the District to prepare or revise an Emissions Inventory Report in accordance with District Rule 19.3.

District staff costs shall be determined using the labor rates specified in Fee Schedule 94 – Time and Material (T+M) Labor Rates. Any funds deposited in excess of actual costs incurred shall be refunded.

(g) LATE FEES

(1) Late fees for Annual Operating Fees due to the District shall apply as follows:

(i) A late fee of 30% of the Annual Operating Fees due or \$250, whichever is less, shall be added for fees paid later than the last day of the renewal month.

(ii) An additional late fee of 10% of the Annual Operating Fees due shall be added for each additional month or portion thereof that the fees remain unpaid.

(iii) In no case shall the late fees exceed 100% of the total Annual Operating Fees.

(2) Late fees for any payments due to the District, except Annual Operating Fees, shall apply as follows:

(i) A late fee of 30% of the amount due shall be added for payments made more than 30 days after the due date.

(ii) An additional late fee of 10% of the amount due shall be added for each additional month or portion thereof that the payment is not received.

(iii) In no case shall the late fees exceed 100% of the amount due.

(3) On a case-by-case basis, upon written request, the Air Pollution Control Officer may waive late fees due to financial hardship during declared federal, State, or local emergencies provided that the Annual Operating Fees, and any other payments due to the District, have been made in full.

(h) RENEWAL OF EXPIRED PERMIT(S) & REINSTATEMENT OF RETIRED PERMIT(S)

(1) General Provisions

In addition to the Annual Operating Fees due for renewing an expired permit or reinstating a retired permit, any applicable fees pursuant to Subsection (d)(6), such as an ownership change, change of location, or modification, shall be paid concurrently.

New owners seeking to renew or reinstate a retired permit are responsible for payment of all outstanding charges that are normally due and associated with that retired or expired permit.

(2) Renewal of Expired Permit(s) to Operate

An expired permit can be renewed within six months of the expiration date by paying the applicable Annual Operating Fees and the late fees as specified in Section (g) – Late Fees.

(3) Reinstatement of Retired Permit(s) to Operate

A retired permit can be reinstated within six months of the retirement date by submitting a written request, and paying the applicable Annual Operating Fees, a reinstatement fee of \$75 and the late fees as specified in Section (g) – Late Fees.

(i) REFUNDS, INSUFFICIENT PAYMENT OF FEES AND CANCELLATIONS

(1) General Provisions

(i) No refunds shall be issued for amounts of less than \$25.

(ii) If an applicant does not sign, date and return a refund claim form within six months after receipt of the form, all rights to a refund shall be forfeited.

(2) Application Fee Refunds

(i) If an application for an Authority to Construct/Permit to Operate is withdrawn by the applicant:

(A) before the engineering evaluation has begun, the District will refund the entire Initial Application Fee, less the ~~\$130~~ \$150 Non-refundable Processing Fee.

(B) after the engineering evaluation has begun, the District will refund the Initial Application Fee, less the ~~\$130~~ \$150 Non-refundable Processing Fee, and all costs incurred by the District to evaluate the application.

(ii) If an application for an Authority to Construct/Permit to Operate is denied or cancelled, the District will refund the Initial Application Fee, less the ~~\$130~~ \$150 Non-refundable Processing Fee, the Initial Evaluation Fee (if a dollar amount is listed in Column (1), and not T+M), and all other costs incurred by the District to evaluate the application.

(iii) Certificate of Registration Refunds: If an application for a Certificate of Registration is withdrawn by the applicant after the engineering evaluation has begun, or withdrawn seven days after the date of receipt, or the application is denied or

cancelled, the District will refund the Initial Application Fee, less the ~~\$130~~ \$150 Non-refundable Processing Fee, the Initial Evaluation Fee, and all other costs incurred by the District to evaluate the application.

(iv) Refund Due to Overpayment of T+M, Initial Evaluation Fees, Toxic Hot Spots Fees, or Additional Engineering Evaluation Fees: If the total cost incurred by the District to evaluate any application, health risk assessment, or risk reduction audit and plan involving T+M fees is less than the amount deposited by the applicant, the District will refund any overage beyond its actual evaluation costs and less the ~~\$130~~ \$150 Non-refundable Processing Fee. This provision does not apply to Initial Evaluation Fees for which a fixed amount is established in the Fee Schedules or to any annual fee for the recovery of State Air Toxic Hot Spot program costs.

(v) Exempt Equipment Refunds: Except for requests for exemption processed according to Rule 40(f)(10), if the District determines that the article, machine equipment or other contrivance for which the application was submitted is not within the purview of state law or these Rules and Regulations, a full refund of the fees paid will be issued to the applicant. If a request for a determination of exemption is withdrawn by the applicant before the engineering evaluation has begun, the District will refund the entire deposit and any other fees paid. If a request for a determination of exemption is withdrawn by the applicant after the engineering evaluation has begun, the District will refund the entire deposit and any other fees paid, less any costs incurred by the District to evaluate the request.

(3) Annual Operating Fee Refunds

A refund of the Annual Operating Fees shall not be issued unless the fees for the upcoming year are paid prior to the Permit to Operate renewal date and the request for a refund of these fees is made prior to the Permit to Operate renewal date. No refunds will be made for fees or late payments made after the due date.

(4) Air Contaminant Emissions Fee Refunds

(i) New Facilities: The Air Contaminant Emissions Fee portion of the Initial Application Fee shall only be refunded if the application is withdrawn or cancelled prior to the issuance of a Startup Authorization or Permit to Operate.

(ii) Existing Facilities: Air Contaminant Emissions Fees paid by existing facilities as part of their Annual Operating Fee or an Initial Application Fee shall not be refundable, unless all Permit(s) to Operate at the facility are retired.

(5) Other Fees

Asbestos Notifications: Refunds of asbestos notification fees shall be issued only if a cancellation notice is received by the District prior to the notification start date. A refund will not be issued if the notice of cancellation is received by the District on or after the notification start date.

(6) Cancellation Fees – Source Testing and Test Witnessing

Substitution of another facility for a scheduled test shall be considered a cancellation subject to the provisions listed below.

(i) Fee Schedule 92(a): If a source test cancellation notice is not received at least two working days prior to a scheduled source test date a cancellation fee of \$500 shall be charged.

(ii) Fee Schedules 92(b-z) and 93: If a source test or test witnessing cancellation notice is not received at least two working days prior to a scheduled source test date a cancellation fee of \$250 shall be charged.

(iii) Vapor Recovery (Phase I, II): If a VOC vapor recovery system test witness cancellation notice is not received at least two working days prior to a scheduled test date a cancellation fee of \$250 shall be charged.

(7) Insufficient Payment of Fees

(i) If the fees deposited by an applicant to cover the cost of evaluating an application for an Authority to Construct/Permit to Operate or other District evaluation is insufficient to complete the work in progress, the applicant shall deposit an amount deemed sufficient by the District to complete the work, except if the amount is \$25 or less.

(ii) The Air Pollution Control Officer may cancel an application when an applicant fails or refuses to deposit such amount within 45 days of demand or fails or refuses to deposit such amount by the date required by Rule 18 – Action on Applications for action to be taken on the application, whichever date is sooner.

(iii) If the applicant fails or refuses to deposit such amount upon demand, the District may recover the same through a collection agency or by action in any court of competent jurisdiction, including small claims court. Until such amount is paid in full, the District shall not further process the application unless the Air Pollution Control Officer determines that it is in the best interest of all parties concerned to proceed.

(iv) Returned Checks: Any person who issues a check to the District, which is returned by the bank upon which it is drawn without payment, shall pay a returned check fee of \$25.

(v) The Air Pollution Control Officer may refuse to process an application and/or refuse to renew a Permit to Operate if the applicant has any unpaid invoices more than 60 days overdue or has any late fees or outstanding court judgments which are owed to the District. The Air Pollution Control Officer may refuse to process an application if a prior applicant for the equipment or project which is the subject of the application has unpaid invoices or late fees related to that equipment or project.

In the event that processing of an application is stopped pursuant to this provision, the timelines for taking action on an application specified in Rule 18 – Action on Applications shall no longer apply to that application.

ALPHABETICAL LIST OF FEE SCHEDULES BY EMISSION UNIT TYPE

Abrasive Blasting Cabinets, Rooms and Booths	Schedule 2
Abrasive Blasting Equipment - Excluding Rooms and Booths	Schedule 1
Acid Chemical Milling	Schedule 32
Adhesive Manufacturing	Schedule 38
Adhesive Materials Application Operations.....	Schedule 27
Air Stripping Equipment.....	Schedule 52
Anodizing Tanks.....	Schedule 55
Application of Materials Containing Organic Solvents (includes coatings, adhesives, and other materials containing volatile organic compounds (VOC))	Schedule 27
Asbestos Control Equipment	Schedule 59
Asphalt Pavement Heaters/Recyclers	Schedule 40
Asphalt Roofing Kettles and Tankers used to Store, Heat, Transport, and Transfer Hot Asphalt.....	Schedule 3
Automotive Refinishing Operations	Schedule 27
Bakeries	Schedule 58
Boilers and Heaters.....	Schedule 13
Bulk Flour, Powdered Sugar Storage System.....	Schedule 35
Bulk Plants and Terminals (Volatile Organic Compounds).....	Schedule 25
Bulk Terminal Grain Transfer and Storage Facility Equipment.....	Schedule 23
Burn Out Ovens	Schedule 15
Cement Silo System (Separate from Plants).....	Schedule 8
Ceramic Deposition Spray Booths.....	Schedule 37
Ceramic Slip Casting	Schedule 43
Coffee Roasters.....	Schedule 50
Cold Solvent Cleaning Operations	Schedule 28
Concrete Batch Plants.....	Schedule 8
Concrete Mixers Over One Cubic Yard Capacity	Schedule 8
Concrete Product Manufacturing Plants	Schedule 9
Copper Etching	Schedule 32
Dielectric Paste Manufacturing	Schedule 38
Dry Chemical Mixing.....	Schedule 24
Dry Chemical Storage System.....	Schedule 35
Dry Chemical Transfer and Storage Facility Equipment.....	Schedule 23
Dry Cleaning Facilities	Schedule 31
Electronic Component Manufacturing.....	Schedule 42
Electric Deposition Spray Booths.....	Schedule 37
Engines - Internal Combustion	Schedule 34
Evaporators, Dryers, and Stills Processing Organic Materials.....	Schedule 44
Feed and Grain Mills and Kelp Processing Plants.....	Schedule 22
Filtration Membrane Manufacturing	Schedule 46
Gas Turbine Engines, Test Cells and Test Stands	Schedule 20
Gasoline Stations	Schedule 26
Grinding Booths and Rooms	Schedule 36
Hexavalent Chromium Plating	Schedule 55
Hot Dip Galvanizing.....	Schedule 32
Hot-Mix Asphalt Paving Batch Plants.....	Schedule 4
Industrial Coating Applications.....	Schedule 27
Industrial Waste Water Treatment.....	Schedule 51
Ink Manufacturing	Schedule 38

Alphabetical List of Fee Schedules by Emission Unit Type – continued

Intermediate Refueler Facilities (Volatile Organic Compounds)	Schedule 25
Internal Combustion Engines (Piston Type).....	Schedule 34
Internal Combustion Engines, Test Cells and Test Stands	Schedule 34
Kelp and Biogum Products Solvent Dryer	Schedule 30
Marine Coatings	Schedule 27
Metal Inspection Tanks.....	Schedule 28
Metal Melting Devices	Schedule 18
Municipal Waste Storage and Processing.....	Schedule 48
Non-Bulk Volatile Organic Compound Dispensing Facilities	Schedule 26
Non-Municipal Incinerators.....	Schedule 14
Non-Operational Status Equipment.....	Schedule 49
Oil Quenching	Schedule 19
Organic Gas Sterilizers	Schedule 47
Paint and Stain Manufacturing	Schedule 38
Paper Shredders or Grinders.....	Schedule 21
Perlite Processing.....	Schedule 41
Pharmaceutical Manufacturing.....	Schedule 54
Plasma Deposition Spray Booths.....	Schedule 37
Precious Metals Refining.....	Schedule 39
Rock Drills.....	Schedule 5
Salt Baths.....	Schedule 19
Sand, Rock, Aggregate Screens, and Other Screening Operations, when not used in Conjunction with other Permit Items in these Schedules.....	Schedule 6
Sand, Rock, and Aggregate Plants.....	Schedule 7
Sewage Treatment Facilities.....	Schedule 56
Soil Remediation Equipment.....	Schedule 52
Solder Paste Manufacturing.....	Schedule 38
Solvent Cleaning Operations	Schedule 28
Stills Processing Organic Materials.....	Schedule 44
Turbine Engines, Test Cells and Test Stands	Schedule 20
Vapor Solvent Cleaning Operations	Schedule 28
Wood Shredders or Grinders	Schedule 21

CATEGORIZED LIST OF FEE SCHEDULES BY EMISSION UNIT TYPE

ABRASIVE BLASTING EQUIPMENT

- Abrasive Blasting Cabinets, Rooms and Booths Schedule 2
- Abrasive Blasting Equipment - Excluding Rooms and Booths Schedule 1

ASPHALT RELATED OPERATIONS, EQUIPMENT AND PROCESSES

- Asphalt Pavement Heaters/Recyclers Schedule 40
- Asphalt Roofing Kettles and Tankers used to Store, Heat, Transport,
and Transfer Hot Asphalt..... Schedule 3
- Hot-Mix Asphalt Paving Batch Plants..... Schedule 4

COATING, ADHESIVE AND INK APPLICATION EQUIPMENT & OPERATIONS

- Adhesive Materials Application Operations..... Schedule 27
- Automotive Refinishing Operations Schedule 27
- Graphic Arts Operations Schedule 27
- Industrial Coating Applications..... Schedule 27
- Miscellaneous Parts Coatings..... Schedule 27
- Wood, Metal, Marine, Aerospace Coatings..... Schedule 27

CONCRETE EQUIPMENT

- Cement Silo System (Separate from Plants)..... Schedule 8
- Concrete Batch Plants..... Schedule 8
- Concrete Mixers Over One Cubic Yard Capacity Schedule 8
- Concrete Product Manufacturing Plants..... Schedule 9

COMBUSTION AND HEAT TRANSFER EQUIPMENT

- Boilers and Heaters..... Schedule 13
- Gas Turbine Engines, Test Cells and Test Stands Schedule 20
- Internal Combustion Engines (Piston Type)..... Schedule 34
- Internal Combustion Engines, Test Cells and Test Stands Schedule 34
- Non-Municipal Incinerators..... Schedule 14

DRY CHEMICAL OPERATIONS

- Dry Chemical Mixing..... Schedule 24
- Dry Chemical Storage System..... Schedule 35
- Dry Chemical Transfer and Storage Facility Equipment..... Schedule 23

ELECTRONIC MANUFACTURING

- Electronic Component Manufacturing..... Schedule 42

FOOD PROCESSING AND PREPARATION EQUIPMENT

- Bakeries Schedule 58
- Bulk Flour and Powdered Sugar Storage Systems Schedule 35
- Coffee Roasters..... Schedule 50

FUEL STORAGE, TRANSFER AND DISPENSING EQUIPMENT

- Bulk Plants and Terminals (Volatile Organic Compounds) Schedule 25
- Gasoline Stations Schedule 26
- Intermediate Refueler Facilities (Volatile Organic Compounds) Schedule 25
- Non-Bulk Volatile Organic Compound Dispensing Facilities Schedule 26

Categorized List of Fee Schedules by Emission Unit Type – continued

MACHINING EQUIPMENT

Grinding Booths and Rooms	Schedule 36
Paper or Wood Shredders or Grinders.....	Schedule 21
Plasma, Electric and Ceramic Deposition Spray Booths.....	Schedule 37

METAL TREATMENT OPERATIONS

Acid Chemical Milling	Schedule 32
Copper Etching.....	Schedule 32
Hexavalent Chromium Plating and Anodizing Tanks	Schedule 55
Hot Dip Galvanizing.....	Schedule 32
Oil Quenching and Salt Baths.....	Schedule 19

METALLURGICAL PROCESSING EQUIPMENT

Acid Chemical Milling	Schedule 32
Copper Etching.....	Schedule 32
Hot Dip Galvanizing.....	Schedule 32
Metal Inspection Tanks.....	Schedule 28
Metal Melting Devices	Schedule 18
Oil Quenching and Salt Baths.....	Schedule 19
Plasma and Electric Deposition Spray Booths	Schedule 37
Precious Metals Refining.....	Schedule 39

MISCELLANEOUS MANUFACTURING AND PROCESSING

Ceramic Slip Casting	Schedule 43
Evaporators, Dryers, and Stills Processing Organic Materials.....	Schedule 44
Feed and Grain Mills and Kelp Processing Plants.....	Schedule 22
Filtration Membrane Manufacturing	Schedule 46
Ink Manufacturing	Schedule 38
Kelp and Biogum Products Solvent Dryer	Schedule 30
Municipal Waste Storage and Processing.....	Schedule 48
Non-Operational Status Equipment.....	Schedule 49
Organic Gas Sterilizers	Schedule 47
Paint, Adhesive, Stain, Ink, Solder Paste, and Dielectric Paste Manufacturing.....	Schedule 38
Perlite Processing.....	Schedule 41
Pharmaceutical Manufacturing.....	Schedule 54
Stills Processing Organic Materials.....	Schedule 44

MIXING, BLENDING AND PACKAGING EQUIPMENT

Concrete Mixers Over One Cubic Yard Capacity	Schedule 8
Dry Chemical Mixing.....	Schedule 24

OVENS

Burn Out Ovens	Schedule 15
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SAND, ROCK AND AGGREGATE RELATED OPERATIONS

Rock Drills	Schedule 5
Sand, Rock, Aggregate Screens, and Other Screening Operations.....	Schedule 6
Sand, Rock, and Aggregate Plants.....	Schedule 7

Categorized List of Fee Schedules by Emission Unit Type – continued

SOLVENT CLEANING OPERATIONS

Cold Solvent and Remote Reservoir Cleaning Operations.....	Schedule 28
Dry Cleaning Facilities.....	Schedule 31
Vapor Solvent Cleaning Operations.....	Schedule 28

SPRAY BOOTH OPERATIONS

Coating, Adhesives and Painting Operations.....	Schedule 27
Plasma, Electric and Ceramic Deposition Spray Booths.....	Schedule 37

STORAGE AND TRANSFER EQUIPMENT

Bulk Flour and Powdered Sugar Storage Systems.....	Schedule 35
Bulk Plants and Terminals (Volatile Organic Compounds).....	Schedule 25
Bulk Terminal Grain Transfer and Storage Facility Equipment.....	Schedule 23
Dry Chemical Storage Systems.....	Schedule 35
Dry Chemical Transfer and Storage Facility Equipment.....	Schedule 23

TREATMENT AND REMEDIATION OPERATIONS

Air Stripping Equipment.....	Schedule 52
Asbestos Control Equipment.....	Schedule 59
Evaporators, Dryers, and Stills Processing Organic Materials.....	Schedule 44
Industrial Waste Water Treatment.....	Schedule 51
Sewage Treatment Facilities.....	Schedule 56
Soil Remediation Equipment.....	Schedule 52

FEE SCHEDULES

The Fee Schedules shall be used in determining the Initial Evaluation Fees and Emission Unit Renewal Fees using the amounts listed in Columns (1) and (2), respectively for each emission unit. The fees specified below do not include all applicable fees. See Sections (c), (d), (e), (f), (g), (h), and (i) for other required fees.

SCHEDULE 1: Abrasive Blasting Equipment Excluding Rooms and Booths

Any permit unit consisting of air hoses, with or without water lines, with a single pot rated at 100 pounds capacity or more of sand regardless of abrasive used, and a nozzle or nozzles. (Equipment not operated solely in Schedule 2 facilities).

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Each Pot 100 pounds capacity or larger with no Peripheral Equipment	T+M	\$307 <u>\$353</u>
(b) Each Pot 100 pounds capacity or larger loaded Pneumatically or from Storage Hoppers	T+M	\$261 <u>\$300</u>
(c) Each Bulk Abrasive Blasting Material Storage System	T+M	\$245 <u>\$282</u>
(d) Each Spent Abrasive Handling System	T+M	\$245 <u>\$282</u>
(x) Each Portable Abrasive Blasting Unit, Registered Under Rule 12.1	\$731 <u>\$841</u>	\$368 <u>\$415</u>

SCHEDULE 2: Abrasive Blasting Cabinets, Rooms and Booths

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Each Abrasive Blasting Cabinet, Room or Booth	T+M	\$557 <u>\$628</u>
(b) Each Cabinet, Room, or Booth with an Abrasive Transfer or Recycle System	T+M	\$540 <u>\$537</u>

SCHEDULE 3: Asphalt Roofing Kettles and Tankers used to Store, Heat, Transport, and Transfer Hot Asphalt

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Each Kettle or Tanker with capacity greater than 85 gallons	T+M	\$347 <u>\$367</u>
(w) Each Kettle or Tanker, Registered Under Rule 12	\$491 <u>\$565</u>	\$306 <u>\$333</u>

SCHEDULE 4: Hot-Mix Asphalt Paving Batch Plant

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Each Hot-Mix Asphalt Paving Batch Plant	T+M	\$1,993 <u>\$2,292</u>

SCHEDULE 5: Rock Drills

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(w) Each Drill, Registered Under Rule 12.1	\$827 <u>\$854</u>	\$406 <u>\$436</u>

SCHEDULE 6: Sand, Rock, Aggregate Screens, and Other Screening Operations, when not used in Conjunction with other Permit Items in these Schedules

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Each Screen Set	T+M	\$510 <u>\$506</u>
(x) Each Portable Sand and Gravel Screen Set, Registered Under Rule 12.1	\$850 <u>\$883</u>	\$403 <u>\$463</u>

SCHEDULE 7: Sand, Rock, and Aggregate Plants

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Each Crusher System (involves one or more primary crushers forming a primary crushing system or, one or more secondary crushers forming a secondary crusher system and each serving a single process line)	T+M	\$968 <u>\$961</u>
(b) Each Screening System (involves all screens serving a given primary or secondary crusher system)	T+M	\$506 <u>\$582</u>
(c) Each Loadout System (a loadout system is a set of conveyors chutes and hoppers used to load any single rail or road delivery container at any one time)	T+M	\$498 <u>\$573</u>
(x) Each Portable Rock Crushing System, Registered Under Rule 12.1	\$850 <u>\$978</u>	\$371 <u>\$427</u>

SCHEDULE 8: Concrete Batch Plants, Concrete Mixers over One Cubic Yard Capacity and Separate Cement Silo Systems

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Each Concrete Batch Plant (including Cement-Treated Base Plants)	T+M	\$1,029 <u>\$1,022</u>
(b) Each Mixer over one cubic yard capacity	T+M	\$376 <u>\$415</u>
(c) Each Cement or Fly Ash Silo System not part of another system requiring a Permit	T+M	\$600 <u>\$655</u>
(x) Each Portable Concrete Batch Plant or stand-alone Cementitious Material Storage Silo, Registered Under Rule 12.1	\$940 <u>\$1,081</u>	\$439 <u>\$505</u>

SCHEDULE 9: Concrete Product Manufacturing Plants

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Each Plant	T+M	\$693 <u>\$688</u>

SCHEDULE 10: RESERVED

SCHEDULE 11: RESERVED

SCHEDULE 12: RESERVED

SCHEDULE 13: Boilers and Heaters

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Each 1 MM BTU/HR up to but not including 50 MM BTU/HR input	\$3,783 <u>\$3,722</u>	\$537 <u>\$588</u>
(b) Each 50 MM BTU/HR up to but not including 250 MM BTU/HR	T+M	\$690 <u>\$794</u>
(f) Each 1 MM BTU/HR up to but not including 50 MM BTU/HR input at a single site where more than 5 such units are located	T+M	\$423 <u>\$482</u>
(w) Each unit greater than 2 MM BTU/HR to less than 5 MM BTU/HR, Registered Under Rule 12	\$934 <u>\$919</u>	\$284 <u>\$282</u>

SCHEDULE 14: Non-Municipal Incinerators

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Crematory or waste incinerator burning*	T+M	\$1,095 <u>\$1,259</u>
(c) Burning capacity up to and including 50 lbs/hr used exclusively for the incineration or cremation of animals	T+M	\$507 <u>\$583</u>

*Excluding units of 50 lbs/hr capacity or less used exclusively for incineration or cremation of animals.

SCHEDULE 15: Burn-Out Ovens

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Each Electric Motor/Armature Refurbishing Oven	T+M	\$505 <u>\$581</u>
(d) USN SIMA (ID #APCD1981-SITE-02798)*	T+M	\$271 <u>\$270</u>

*Pursuant to Subsection (c)(3)

SCHEDULE 16: RESERVED

SCHEDULE 17: RESERVED

SCHEDULE 18: Metal Melting Devices

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(c) Each Pit or Stationary Crucible/Pot Furnace	T+M	\$519 <u>\$597</u>

SCHEDULE 19: Oil Quenching and Salt Baths

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Each Tank	T+M	\$296 <u>\$340</u>

SCHEDULE 20: Gas Turbine Engines, Test Cells and Test Stands

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
GAS TURBINE, TURBOSHAFT, TURBOJET AND TURBOFAN ENGINE TEST CELLS AND STANDS		
(a) Each Aircraft Propulsion Turbine, Turboshaft, Turbojet or Turbofan Engine Test Cell or Stand	T+M	\$498 <u>\$573</u>
(b) Each Aircraft Propulsion Test Cell or Stand at a facility where more than one such unit is located	T+M	\$270 <u>\$309</u>
(c) Each Non-Aircraft Turbine Test Cell or Stand	T+M	\$201 <u>\$231</u>
GAS TURBINE ENGINES		
(d) Each Non-Aircraft Turbine Engine 1 MM BTU/HR up to but not including 50 MM BTU/HR input	T+M	\$1,163 <u>\$1,156</u>
(e) Each Non-Aircraft Turbine Engine 50 MM BTU/HR up to but not including 250 MM BTU/HR input	T+M	\$1,699 <u>\$1,872</u>
(f) Each Non-Aircraft Turbine Engine 250 MM BTU/HR or greater input	T+M	\$4,848 <u>\$4,815</u>
(h) Each Standby Gas Turbine used for Emergency Power Generation	T+M	\$329 <u>\$378</u>

SCHEDULE 21: Waste Disposal and Reclamation Units

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Each Paper or Wood Shredder or Hammermill Grinder	T+M	\$387 <u>\$385</u>
(w) Each Paper Shredder with a maximum throughput capacity of greater than 600 pounds per hour, Registered Under Rule 12	\$900 <u>\$885</u>	\$421 <u>\$418</u>

SCHEDULE 22: Feed and Grain Mills and Kelp Processing Plants

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Each Receiving System (includes Silos)	T+M	\$611 <u>\$703</u>
(b) Each Grinder, Cracker, or Roll Mill	T+M	\$568 <u>\$628</u>
(c) Each Shaker Stack, Screen Set, Pelletizer System, Grain Cleaner, or Hammermill	T+M	\$605 <u>\$679</u>
(d) Each Mixer System	T+M	\$873 <u>\$867</u>
(e) Each Truck or Rail Loading System	T+M	\$586 <u>\$582</u>

SCHEDULE 23: Bulk Terminal Grain and Dry Chemical Transfer and Storage Facility Equipment

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Each Receiving System (Railroad, Ship and Truck Unloading)	T+M	\$726 <u>\$782</u>
(b) Each Storage Silo System	T+M	\$387 <u>\$385</u>
(c) Each Loadout Station System	T+M	\$442 <u>\$508</u>
(d) Each Belt Transfer Station	T+M	\$442 <u>\$508</u>
(w) Each Grain Silo at beer breweries producing less than 100,000 barrels (3.1 million gallons) per year, Registered Under Rule 12	\$900 <u>\$885</u>	\$409 <u>\$406</u>

SCHEDULE 24: Dry Chemical Mixing

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(c) Each Dry Chemical Mixer with capacity over one-half cubic yard	T+M	\$320 <u>\$368</u>

SCHEDULE 25: Volatile Organic Compound Terminals, Bulk Plants and Intermediate Refueler Facilities

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
1. Bulk Plants and Bulk Terminals equipped with or proposed to be equipped with a vapor processor:		
(a) Per Tank	T+M	\$348 <u>\$400</u>
(b) Tank Rim Seal Replacement	T+M	N/A
(c) Per Truck Loading Head Permit	T+M	\$1,979 <u>\$1,966</u>
(d) Per Vapor Processor	T+M	\$505 <u>\$540</u>
2. Bulk Plants not equipped with or not proposed to be equipped with a vapor processor:		
(e) Per Bulk Tank Permit	T+M	\$570 <u>\$656</u>
(f) Per Truck Loading Head Permit	T+M	\$514 <u>\$591</u>
“Vapor Processor” means a device which recovers or transforms volatile organic compounds by condensation, refrigeration, adsorption, absorption, incineration, or any combination thereof.		
3. Facilities fueling intermediate refuelers (IR’s) for subsequent fueling of motor vehicles, boats, or aircraft:		
(h) Per IR Loading Connector	T+M	\$603 <u>\$667</u>

If a facility falls into Parts 1, 2, or 3 above and is equipped with dispensing nozzles for which Phase II vapor controls are required, additional fees equivalent to the “per nozzle” fees for Schedule 26(a) shall be assessed for each dispensing nozzle.

SCHEDULE 26: Non-Bulk Volatile Organic Compound Dispensing Facilities
 Subject to District Rules 61.0 through 61.6

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Facilities where Phase I and Phase II controls are required (includes Phase I fee) Renewal Fee: Fee x number of nozzles	\$4,141 <u>\$4,762</u>	\$258
(c) Facilities where only Phase I controls are required (includes tank replacement) Fee Per Facility	\$3,849 <u>\$4,338</u>	\$750 <u>\$863</u>
(e) Non-retail facilities with 250-550 gallon tanks and no other non-bulk gasoline dispensing permits Fee Per Facility	\$1,198 <u>\$1,378</u>	\$656 <u>\$713</u>

SCHEDULE 27: Application of Materials Containing Organic Solvents (includes coatings, adhesives, and other materials containing volatile organic compounds (VOC))

PART 1 – MARINE COATINGS

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Each Marine Coating application operation, except where Fee Schedule 27(t) applies	T+M	\$1,040 <u>\$1,049</u>
(t) Each Marine Coating application operation at facilities where combined coating and cleaning solvent usage is < 3 gallons/day and < 100 gallons/year	T+M	\$695 <u>\$799</u>

PART 2 – INDUSTRIAL MATERIAL APPLICATIONS AND MANUFACTURING

(Includes application stations for coatings such as paint spraying and dip tanks, printing, and manufacturing products with materials which contain VOCs, etc.)

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(d) Each Surface Coating Application Station w/o control equipment and not covered by other fee schedules at facilities using > 1 gallon/day of surface coatings and emitting ≤ 5 tons/year of VOC from equipment in this fee schedule	T+M	\$1,163 <u>\$1,259</u>
(e) Each Surface Coating Application Station w/o control equipment and not covered by other fee schedules at facilities emitting > 5 tons/year of VOC from equipment in this fee schedule	T+M	\$1,440 <u>\$1,593</u>
(f) Each Fiberglass, Plastic or Foam Product Process Line Except If Using Only Polyester Resin	T+M	\$1,267 <u>\$1,259</u>
(i) Each Surface Coating Application Station requiring Control Equipment	T+M	\$1,099 <u>\$1,092</u>
(j) Each Surface Coating Application Station subject to Rule 67.3 or 67.9 w/o Control Equipment at facilities emitting ≤ 5 tons/year of VOC from equipment in this fee schedule	T+M	\$1,198 <u>\$1,322</u>

SCHEDULE 27: Application of Materials Containing Organic Solvents (includes coatings, adhesives, and other materials containing volatile organic compounds (VOC))
 – continued

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(k) Each Surface Coating Application Station subject to Rule 67.3 or 67.9 w/o Control Equipment at facilities emitting > 5 tons/year of VOC from equipment in this fee schedule	T+M	\$1,127 <u>\$1,119</u>
(l) Each Wood Products Coating Application Station w/o Control Equipment at facilities using > 500 gallons/year of wood products coatings	T+M	\$1,139 <u>\$1,177</u>
(n) Each Press or Operation at a Printing or Graphic Arts facility subject to Rule 67.16	T+M	\$656 <u>\$652</u>
(o) Each Fiberglass, Plastic or Foam Product Process Line Using Only Polyester Resin	T+M	\$872 <u>\$1,003</u>
(p) Each Surface Coating Application Station w/o control equipment (except automotive painting) where combined coating, and cleaning solvent usage is < 1 gallon/day or < 50 gallons/year	T+M	\$762 <u>\$876</u>
(q) Each Wood Products Coating Application Station of coatings and stripper w/o control equipment at a facility using < 500 gallons/year for Wood Products Coating Operations	T+M	\$967 <u>\$1,112</u>

PART 3 – MOTOR VEHICLE AND MOBILE EQUIPMENT REFINISHING OPERATIONS

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(r) Each facility applying Coating Materials subject to Rule 67.20 (as applied or sprayed)	\$4,920 <u>\$5,087</u>	\$1,406 <u>\$1,602</u>

PART 4 – ADHESIVE MATERIALS APPLICATION OPERATIONS

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(u) Each Adhesive Materials Application Station w/o control equipment at facilities emitting ≤ 5 tons/year of VOC from equipment in this fee schedule	T+M	\$825 <u>\$949</u>
(v) Each Adhesive Materials Application Station w/o control equipment at facilities emitting > 5 tons/year of VOC from equipment in this fee schedule	T+M	\$1,289 <u>\$1,280</u>
(w) Each Adhesive Materials Application Station w/o control equipment at facilities where adhesive materials usage is < 55 gallons/year	T+M	\$907 <u>\$1,043</u>

SCHEDULE 28: Vapor and Cold Solvent Cleaning Operations and Metal Inspection Tanks

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Each Vapor Degreaser with an Air Vapor Interfacial area > 5 square feet	T+M	\$568 <u>\$653</u>
(b) Each Cold Solvent Degreaser with liquid surface area > 5 square feet	T+M	\$428 <u>\$436</u>
(d) Each Paint Stripping Tank	T+M	\$363 <u>\$361</u>
(f) Remote Reservoir Cleaners	T+M	\$387 <u>\$385</u>
(h) Vapor Degreaser with an Air-Vapor Interfacial area ≤ 5 square feet	T+M	\$507 <u>\$583</u>
(i) Cold Solvent Degreaser with a liquid surface area ≤ 5 square feet	T+M	\$375 <u>\$385</u>
(j) Metal Inspection Tanks	T+M	\$348 <u>\$400</u>
(k) Contract Service Remote Reservoir Cleaners with > 100 units	T+M	\$46
(l) Contract Service Cold Degreasers with a liquid surface area of ≤ 5 square feet	T+M	\$21 <u>\$24</u>
(m) Each facility-wide Solvent Application Operation	T+M	\$760 <u>\$755</u>

SCHEDULE 29: RESERVED**SCHEDULE 30: Solvent and Extract Dryers**

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Kelp and Biogum Products Solvent Dryer	T+M	\$1,969 <u>\$2,264</u>

SCHEDULE 31: Dry Cleaning Facilities

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(b) Each Facility using Petroleum Based Solvents	T+M	\$580 <u>\$576</u>

SCHEDULE 32: Acid Chemical Milling, Copper Etching and Hot Dip Galvanizing

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Each Copper Etching Tank	T+M	\$821 <u>\$889</u>
(b) Each Acid Chemical Milling Tank	T+M	\$704 <u>\$810</u>
(c) Each Hot Dip Galvanizing Tank	T+M	\$363 <u>\$361</u>

SCHEDULE 33: RESERVED

SCHEDULE 34: Piston Type Internal Combustion Engines and Diesel Particulate Filter Cleaning Processes

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Each Cogeneration Engine or Waste Derived Fuel-Fired Engine with Add-on Control Equipment	T+M	\$1,188 <u>\$1,180</u>
(b) Each Cogeneration Engine or Waste Derived Fuel-Fired Engine without Add-on Control Equipment	T+M	\$784 <u>\$902</u>
(d) Each Engine for Non-Emergency, Non-Cogeneration, and Not Waste Derived Fuel-Fired Operation ≥ 200 horsepower	T+M	\$844 <u>\$870</u>
(e) Each Grouping of Engines for Dredging or Crane Operation with total engine horsepower > 200 HP	T+M	\$776 <u>\$840</u>
(f) Each Diesel Pile-Driving Hammer	T+M	\$245 <u>\$282</u>
(g) Each Engine for Non-Emergency, Non-Cogeneration, and Not Waste Derived Fuel-Fired Operation < 200 horsepower	T+M	\$516 <u>\$593</u>
(h) Each Emergency Standby Engine (for electrical or fuel interruptions beyond control of Permittee)	\$3,805 <u>\$3,852</u>	\$452 <u>\$506</u>
(i) Each Internal Combustion Engine Test Cell and Test Stand	T+M	\$498 <u>\$552</u>
(l) Each Diesel Particulate Filter Cleaning Process	T+M	\$659 <u>\$655</u>
(w) Each Specified Eligible Engine, Registered Under Rule 12	\$558 <u>\$642</u>	\$429 <u>\$476</u>
(x) Each Specified Eligible Portable Engine, Registered Under Rule 12.1	\$917 <u>\$1,055</u>	\$408 <u>\$446</u>

SCHEDULE 35: Bulk Flour, Powdered Sugar and Dry Chemical Storage Systems

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Each System	T+M	\$411 <u>\$473</u>

SCHEDULE 36: Grinding Booths and Rooms

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Each Booth or Room	T+M	\$536 <u>\$616</u>

SCHEDULE 37: Plasma Electric and Ceramic Deposition Spray Booths

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Each Application Station	T+M	\$683 <u>\$785</u>
(c) Flame Spray (ID #APCD1976-SITE-00274)*	T+M	\$323 <u>\$321</u>

*Pursuant to Subsection (c)(3)

SCHEDULE 38: Paint, Adhesive, Stain, Ink, Solder Paste, and Dielectric Paste Manufacturing

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Each Process Line for Paint, Adhesive, Stain, or Ink Manufacturing at facilities producing > 10,000 gallons per year	T+M	\$400 <u>\$460</u>
(b) Each Can Filling Line	T+M	\$427 <u>\$435</u>
(c) Each Process Line for Solder Paste or Dielectric Paste Manufacturing	T+M	\$479 <u>\$476</u>

SCHEDULE 39: Precious Metals Refining

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Each Process Line	T+M	\$739 <u>\$734</u>

SCHEDULE 40: Asphalt Pavement Heaters/Recyclers

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(x) Each Portable Unheated Pavement Crushing and Recycling System, Registration Under Rule 12.1	\$1,091 <u>\$1,073</u>	\$375 <u>\$373</u>

SCHEDULE 41: Perlite Processing

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Each Process Line	T+M	\$582 <u>\$669</u>
(b) Aztec Perlite (ID #APCD1978-SITE-01598)*	T+M	\$1,341 <u>\$1,335</u>

*Pursuant to Subsection (c)(3)

SCHEDULE 42: Electronic Component Manufacturing

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Each Process Line	T+M	\$693 <u>\$688</u>
(b) Each Screen Printing Operation	T+M	\$737 <u>\$764</u>
(c) Each Coating/Maskant Application Operation, excluding Conformal Operation	T+M	\$846 <u>\$840</u>
(d) Each Conformal Coating Operation	T+M	\$1,136 <u>\$1,306</u>

SCHEDULE 43: Ceramic Slip Casting

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Each Process Line	T+M	\$418 <u>\$415</u>

SCHEDULE 44: Evaporators, Dryers, & Stills Processing Organic Materials

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Evaporators and Dryers [other than those referenced in Fee Schedule 30 (a)] processing materials containing volatile organic compounds	T+M	\$519 <u>\$597</u>
(b) Solvent Recovery Stills, on-site, batch-type, solvent usage > 350 gallons per day	T+M	\$529 <u>\$608</u>

SCHEDULE 45: RESERVED**SCHEDULE 46: Filtration Membrane Manufacturing**

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Each Process Line	T+M	\$785 <u>\$779</u>

SCHEDULE 47: Organic Gas Sterilizers

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Each Organic Gas Sterilizer/Aerator requiring control	T+M	\$372 <u>\$370</u>

SCHEDULE 48: Municipal Waste Storage and Processing

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Municipal Waste Storage and Processing - not subject to the ARB Methane Emissions Regulation	T+M	\$1,763 <u>\$2,027</u>
(c) Municipal Waste Storage and Processing - subject to the ARB Methane Emissions Regulation	T+M	\$6,234 <u>\$7,169</u>

SCHEDULE 49: Non-Operational Status Equipment

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Non-Operational Status Equipment	\$367 <u>\$373</u>	\$431 <u>\$476</u>
(b) Activating Non-Operational Status Equipment	\$329 <u>\$345</u>	N/A

SCHEDULE 50: Coffee Roasters

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Each Coffee Roaster	T+M	\$418 <u>\$415</u>

SCHEDULE 51: Industrial Waste Water Treatment

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Each On-site Processing Line	T+M	\$577 <u>\$573</u>
(c) USN Air Station NORIS Public Works (ID #APCD1986-SITE-02755)*	T+M	\$516

*Pursuant to Subsection (c)(3)

SCHEDULE 52: Air Stripping and Soil Remediation Equipment

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Air Stripping Equipment	T+M	\$877 <u>\$1,009</u>
(b) Soil Remediation Equipment - On-site (In situ Only)	T+M	\$1,024 <u>\$1,046</u>

SCHEDULE 53: RESERVED

SCHEDULE 54: Pharmaceutical Manufacturing

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Each Pharmaceutical Manufacturing Process Line	T+M	\$1,187 <u>\$1,280</u>

SCHEDULE 55: Hexavalent Chromium Plating and Anodizing Tanks, and Chromate Conversion Coating Tanks

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Each Hard or Decorative Chrome Plating and/or Anodizing Tank or Group of Tanks Served by an Emission Control System	T+M	\$1,252 <u>\$1,244</u>
(b) Each Decorative Plating Tank without Add-on Emission Controls	T+M	\$772 <u>\$767</u>
(d) Each Chromate Conversion Coating Tank	T+M	\$512 <u>\$589</u>

SCHEDULE 56: Sewage Treatment Facilities

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Each Wastewater Treatment Facility, or Each Water Reclamation Facility	T+M	\$1,502 <u>\$1,492</u>
(b) Each Wastewater Pump Station	T+M	\$727 <u>\$722</u>

SCHEDULE 57: RESERVED

SCHEDULE 58: Bakeries

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Bakery Ovens at Facilities with Emission Controls Pursuant to Rule 67.24	T+M	\$995 <u>\$1,052</u>

SCHEDULE 59: Asbestos Control Equipment

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(c) Portable Asbestos Mastic Removal Application Station	T+M	\$479 <u>\$476</u>

SCHEDULES 60 THROUGH 90 RESERVED

SCHEDULE 91: Miscellaneous — ~~Hourly Rates~~

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Miscellaneous Operations	T+M	\$708 <u>\$814</u>

SCHEDULE 92: Source Testing Performed by the District

The owner or operator of an emission unit which requires source testing to determine compliance shall pay the applicable source test fee(s) listed below if the source testing is performed by the District or a District contractor. If the source test requires significantly more on-site time than is provided by the fixed fees specified below (e.g., tall stacks), the additional costs incurred by the District shall be determined using the labor rates specified in Schedule 94 – Time and Material (T+M) Labor Rates and related material and other costs. The owner or operator shall pay such fees upon notification from the District that such fees are required.

<u>Fee Unit</u>	<u>Fee</u>
(c) Each Sulfur Oxides Source Test	T+M
(d) Annual Fee for each Biennial Cycle Test for NOx and CO (1/2 the cost of one test)	\$2,040 <u>\$2,346</u>
(e) Each Ethylene Oxide Source Test	T+M
(f) Each Carbon Monoxide and Nitrogen Oxides Source Test	\$4,079 <u>\$4,691</u>
(g) Each Nitrogen Oxides Source Test	\$4,704 <u>\$5,410</u>
(h) Each Incinerator Particulate Matter Source Test with Waste Burning Capacity of > 100 lbs Per Hour	T+M
(i) Each Ammonia Source Test	\$1,948 <u>\$2,240</u>
(j) Continuous Emission Monitor System Evaluation	T+M
(k) Incinerator Particulate Matter Source Test with Waste Burning Capacity of < 100 lbs Per Hour	T+M
(m) Each Mass Emissions Source Test	\$1,923 <u>\$2,211</u>
(o) Each Multiple Metals Source Test	T+M

SCHEDULE 92: Source Testing Performed by the District – continued

<u>Fee Unit</u>	<u>Fee</u>
(p) Each Chromium Source Test	T+M
(q) Each VOC Onsite Analysis	\$8,971 <u>\$10,317</u>
(r) Each VOC Offsite Analysis	\$2,102 <u>\$2,417</u>
(s) Each Hydrogen Sulfide Source Test	T+M
(t) Each Acid Gas Source Test	T+M
(v) Annual Fee for Optional Source Test Pilot Study	T+M
(w) Each Particulate Matter Source Test	\$5,766 <u>\$6,631</u>
(x) Each Particulate Matter and Nitrogen Oxides and Carbon Monoxide Source Test	\$12,863 <u>\$14,792</u>
(y) Each Particulate Matter and Carbon Dioxide and Oxygen Source Test	\$9,200 <u>\$10,580</u>
(z) Miscellaneous Source Test (Special Tests not Listed)	T+M

SCHEDULE 93: Witness of Source Tests Performed by Independent Contractors

The owner or operator of an emission unit which requires source testing to determine compliance for the purpose of quantifying emissions to determine whether a Permit to Operate shall be issued or if the emission unit is in compliance, and chooses to have the testing performed by an independent contractor, shall pay the actual T+M costs incurred by the District to observe such testing and review the resulting source test report.

Any person, company, agency that requests review of a test procedure shall pay the actual T+M costs incurred by the District to review such test procedures. Such requests shall be accompanied by an amount estimated to cover actual District costs.

<u>Fee Unit</u>	<u>Fee</u>
(a) Test Witness and Report Review	T+M
(c) Test Procedure Review	T+M
(d) Each VOC Bulk Terminal Test Witness	\$3,695 <u>\$3,995</u>
(e) Each Ethylene Oxide Test Witness Day	\$3,455 <u>\$3,973</u>

SCHEDULE 94: Time and Material (T+M) Labor Rates

<u>Service Category</u>	<u>Hourly Rate</u>
Compliance Services	\$286 <u>\$308</u>
Engineering Services	\$315 <u>\$318</u>
Monitoring Services	\$173 <u>\$161</u>
Planning and Mobile Incentives Services	\$218 <u>\$225</u>
Source Testing Services	\$217 <u>\$250</u>

SCHEDULE 95: Sampling and Analysis

When the District determines a sample and/or analysis is needed for the purpose of determining potential emissions and/or determining compliance with District Rules and Regulations, the actual T+M costs incurred by the District for collection and analysis of samples, including preparing the reports, shall be paid by the permittee, applicant or other persons for activities for which a Permit is not required.

**SCHEDULE 96: Additional Costs Incurred by the District for Sources
Not in Compliance**

Whenever the District is requested or required to provide consultation, testing or inspection to any person or facility, beyond the consultation testing and inspection covered by the permit fees, or related to a Notice of Violation and/or Notice to Comply, the person or facility shall pay the actual T+M costs incurred by the District for the cost of such services.

SCHEDULE 97: Other Charges

Whenever the District is requested or required to provide consultation, legally required testimony, testing, inspection, engineering or services, the cost of such services shall be determined using the labor rates specified in Fee Schedule 94 – Time and Material (T+M) Labor Rates. Persons requesting and/or receiving such services shall be charged the estimated cost of providing such services and shall deposit such amount to the District in advance of the service, unless prior arrangements for payment have been approved by the District. In the case of consultations requested prior to filing an application, any funds deposited in excess of actual costs incurred for such consultations shall be refunded or applied as a credit against required application fees.

**TABLE 1 - PROPOSED RULE 40 –
SUMMARY OF REVISED FEE SCHEDULES 1 - 91**

Fee Sched.	Description	Application			Renewal		
		Current Initial Evaluation Fee	Proposed Initial Evaluation Fee	Increase/ (Decrease)	Current Emission Unit Renewal Fee	Proposed Emission Unit Renewal Fee	Increase/ (Decrease)
Schedule 1: Abrasive Blasting Equipment Excluding Rooms and Booths							
1 A	Each Pot 100 pounds capacity or larger with no Peripheral Equipment	T+M		\$ -	\$307	\$353	\$ 46
1 B	Each Pot 100 pounds capacity or larger loaded Pneumatically or from Storage Hoppers	T+M		\$ -	\$261	\$300	\$ 39
1 C	Each Bulk Abrasive Blasting Material Storage System	T+M		\$ -	\$245	\$282	\$ 37
1 D	Each Spent Abrasive Handling System	T+M		\$ -	\$245	\$282	\$ 37
1 X	Each Portable Abrasive Blasting Unit, Registered Under Rule 12.1	\$731	\$841	\$ 110	\$368	\$415	\$ 47
Schedule 2: Abrasive Blasting Cabinets, Rooms and Booths							
2 A	Each Abrasive Blasting Cabinet, Room or Booth	T+M		\$ -	\$557	\$628	\$ 71
2 B	Each Cabinet, Room, or Booth with an Abrasive Transfer or Recycle System	T+M		\$ -	\$540	\$537	\$ (3)
Schedule 3: Asphalt Roofing Kettles and Tankers used to Store, Heat, Transport, and Transfer Hot Asphalt							
3 A	Each Kettle or Tanker with capacity greater than 85 gallons	T+M		\$ -	\$347	\$367	\$ 20
3 W	Each Kettle or Tanker, Registered Under Rule 12	\$491	\$565	\$ 74	\$306	\$333	\$ 27
Schedule 4: Hot-Mix Asphalt Paving Batch Plant							
4 A	Each Hot-Mix Asphalt Paving Batch Plant	T+M		\$ -	\$1,993	\$2,292	\$ 299
Schedule 5: Rock Drills							
5 W	Each Drill, Registered Under Rule 12 or 12.1	\$827	\$854	\$ 27	\$406	\$436	\$ 30
Schedule 6: Sand, Rock, Aggregate Screens, and Other Screening Operations, when not used in Conjunction with other Permit Items in these Schedules							
6 A	Each Screen Set	T+M		\$ -	\$510	\$506	\$ (4)
6 X	Each Portable Sand and Gravel Screen Set, Registered Under Rule 12.1	\$850	\$883	\$ 33	\$403	\$463	\$ 60
Schedule 7: Sand, Rock, and Aggregate Plants							
7 A	Each Crusher System (involves one or more primary crushers forming a primary crushing system or, one or more secondary crushers forming a secondary crusher system and each serving a single process line)	T+M		\$ -	\$968	\$961	\$ (7)
7 B	Each Screening System (involves all screens serving a given primary or secondary crusher system)	T+M		\$ -	\$506	\$582	\$ 76
7 C	Each Loadout System (a loadout system is a set of conveyors chutes and hoppers used to load any single rail or road delivery container at any one time)	T+M		\$ -	\$498	\$573	\$ 75

**TABLE 1 - PROPOSED RULE 40 –
SUMMARY OF REVISED FEE SCHEDULES 1 - 91**

Fee Sched.	Description	Application			Renewal		
		Current Initial Evaluation Fee	Proposed Initial Evaluation Fee	Increase/ (Decrease)	Current Emission Unit Renewal Fee	Proposed Emission Unit Renewal Fee	Increase/ (Decrease)
7 X	Each Portable Rock Crushing System, Registered Under Rule 12.1	\$850	\$978	\$ 128	\$371	\$427	\$ 56
Schedule 8: Concrete Batch Plants, Concrete Mixers over One Cubic Yard Capacity and Separate Cement Silo Systems							
8 A	Each Concrete Batch Plant (including Cement-Treated Base Plants)	T+M		\$ -	\$1,029	\$1,022	\$ (7)
8 B	Each Mixer over one cubic yard capacity	T+M		\$ -	\$376	\$415	\$ 39
8 C	Each Cement or Fly Ash Silo System not part of another system requiring a Permit	T+M		\$ -	\$600	\$655	\$ 55
8 X	Each Portable Concrete Batch Plant or stand-alone Cementitious Material Storage Silo, Registered Under Rule 12.1	\$940	\$1,081	\$ 141	\$439	\$505	\$ 66
Schedule 9: Concrete Product Manufacturing Plants							
9 A	Each Plant	T+M		\$ -	\$693	\$688	\$ (5)
Schedule 10: RESERVED							
Schedule 11: RESERVED							
Schedule 12: RESERVED							
Schedule 13: Boilers and Heaters							
13 A	Each 1 MM BTU/HR up to but not including 50 MM BTU/HR input	\$3,783	\$3,722	\$ (61)	\$537	\$588	\$ 51
13 B	Each 50 MM BTU/HR up to but not including 250 MM BTU/HR	T+M		\$ -	\$690	\$794	\$ 104
13 F	Each 1 MM BTU/HR up to but not including 50 MM BTU/HR input at a single site where more than 5 such units are located	T+M		\$ -	\$423	\$482	\$ 59
13 W	Each 2 MM BTU/HR up to but not including 5 MM BTU/HR, Registered Under Rule 12	\$934	\$919	\$ (15)	\$284	\$282	\$ (2)
Schedule 14: Non-Municipal Incinerators							
14 A	Crematory or waste incinerator burning *	T+M		\$ -	\$1,095	\$1,259	\$ 164
14 C	Burning capacity up to and including 50 lbs/hr used exclusively for the incineration or cremation of animals	T+M		\$ -	\$507	\$583	\$ 76
*Excluding units of 50 lbs/hr capacity or less used exclusively for incineration or cremation of animals.							
Schedule 15: Burn-Out Ovens							
15 A	Each Electric Motor/Armature Refurbishing Oven	T+M		\$ -	\$505	\$581	\$ 76
15 D	USN SIMA (ID # APCD1981-SITE-02798) *	T+M		\$ -	\$271	\$270	\$ (1)
* Pursuant to (c)(3)							
Schedule 16: RESERVED							
Schedule 17: RESERVED							

**TABLE 1 - PROPOSED RULE 40 –
SUMMARY OF REVISED FEE SCHEDULES 1 - 91**

Fee Sched.	Description	Application			Renewal		
		Current Initial Evaluation Fee	Proposed Initial Evaluation Fee	Increase/ (Decrease)	Current Emission Unit Renewal Fee	Proposed Emission Unit Renewal Fee	Increase/ (Decrease)
Schedule 18: Metal Melting Devices							
18 C	Each Pit or Stationary Crucible	T+M		\$ -	\$519	\$597	\$ 78
Schedule 19: Oil Quenching and Salt Baths							
19 A	Each Tank	T+M		\$ -	\$296	\$340	\$ 44
Schedule 20: Gas Turbine Engines, Test Cells and Test Stands							
GAS TURBINE, TURBOSHAFT, TURBOJET AND TURBOFAN ENGINE TEST CELLS AND STANDS							
20 A	Each Aircraft Propulsion Turbine, Turboshaft, Turbojet or Turbofan Engine Test Cell or Stand	T+M		\$ -	\$498	\$573	\$ 75
20 B	Each Aircraft Propulsion Test Cell or Stand at a facility where more than one such unit is located	T+M		\$ -	\$270	\$309	\$ 39
20 C	Each Non-Aircraft Turbine Test Cell or Stand	T+M		\$ -	\$201	\$231	\$ 30
GAS TURBINE ENGINES							
20 D	Each Non-Aircraft Turbine Engine 1 MM BTU/HR up to but not including 50 MM BTU/HR input	T+M		\$ -	\$1,163	\$1,156	\$ (7)
20 E	Each Non-Aircraft Turbine Engine 50 MM BTU/HR up to but not including 250 MM BTU/HR input	T+M		\$ -	\$1,699	\$1,872	\$ 173
20 F	Each Non-Aircraft Turbine Engine 250 MM BTU/HR or greater input	T+M		\$ -	\$4,848	\$4,815	\$ (33)
20 H	Each Standby Gas Turbine used for Emergency Power Generation	T+M		\$ -	\$329	\$378	\$ 49
Schedule 21: Waste Disposal and Reclamation Units							
21 A	Each Paper or Wood Shredder or Hammermill Grinder	T+M		\$ -	\$387	\$385	\$ (2)
21 W	Each Paper Shredder	\$900	\$885	\$ (15)	\$421	\$418	\$ (3)
Schedule 22: Feed and Grain Mills and Kelp Processing Plants							
22 A	Each Receiving System (includes Silos)	T+M		\$ -	\$611	\$703	\$ 92
22 B	Each Grinder, Cracker, or Roll Mill	T+M		\$ -	\$568	\$628	\$ 60
22 C	Each Shaker Stack, Screen Set, Pelletizer System, Grain Cleaner, or Hammermill	T+M		\$ -	\$605	\$679	\$ 74
22 D	Each Mixer System	T+M		\$ -	\$873	\$867	\$ (6)
22 E	Each Truck or Rail Loading System	T+M		\$ -	\$586	\$582	\$ (4)
Schedule 23: Bulk Terminal Grain and Dry Chemical Transfer and Storage Facility Equipment							
23 A	Each Receiving System (Railroad, Ship and Truck Unloading)	T+M		\$ -	\$726	\$782	\$ 56
23 B	Each Storage Silo System	T+M		\$ -	\$387	\$385	\$ (2)
23 C	Each Loadout Station System	T+M		\$ -	\$442	\$508	\$ 66
23 D	Each Belt Transfer Station	T+M		\$ -	\$442	\$508	\$ 66
23 W	Each Grain Silo	\$900	\$885	\$ (15)	\$409	\$406	\$ (3)
Schedule 24: Dry Chemical Mixing							

**TABLE 1 - PROPOSED RULE 40 –
SUMMARY OF REVISED FEE SCHEDULES 1 - 91**

Fee Sched.	Description	Application			Renewal		
		Current Initial Evaluation Fee	Proposed Initial Evaluation Fee	Increase/ (Decrease)	Current Emission Unit Renewal Fee	Proposed Emission Unit Renewal Fee	Increase/ (Decrease)
24 C	Each Dry Chemical Mixer with capacity over one-half cubic yard	T+M		\$ -	\$320	\$368	\$ 48
Schedule 25: Volatile Organic Compound Terminals, Bulk Plants and Intermediate Refueler Facilities.							
1	Bulk Plants and Bulk Terminals equipped with or proposed to be equipped with a vapor processor:						
25 A	Per Tank	T+M		\$ -	\$348	\$400	\$ 52
25 B	Tank Rim Seal Replacement	T+M		\$ -	N/A	N/A	\$ -
25 C	Per Truck Loading Head Permit	T+M		\$ -	\$1,979	\$1,966	\$ (13)
25 D	Per Vapor Processor	T+M		\$ -	\$505	\$540	\$ 35
2	Bulk Plants not equipped with or not proposed to be equipped with a vapor processor:						
25 E	Per Bulk Tank Permit	T+M		\$ -	\$570	\$656	\$ 86
25 F	Per Truck Loading Head Permit	T+M		\$ -	\$514	\$591	\$ 77
Vapor Processor means a device which recovers or transforms volatile organic compound by condensation, refrigeration, adsorption, absorption, incineration, or any combination thereof.							
3	Facilities fueling intermediate refuelers (IR's) for subsequent fueling of motor vehicles, boats, or aircraft:						
25 H	Per IR Loading Connector	T+M		\$ -	\$603	\$667	\$ 64
If a facility falls into Part 1, 2 or 3 above and is equipped with dispensing nozzles for which Phase II vapor controls are required, additional fees equivalent to the "per nozzle" fees for Schedule 26(a) shall be assessed for each dispensing nozzle.							
Schedule 26: Non-Bulk Volatile Organic Compound Dispensing Facilities. Subject to District Rules 61.0 through 61.6							
26 A	Facilities where Phase I and Phase II controls are required (includes Phase I fee)	\$4,141	\$4,762	\$ 621	\$258	\$258	\$ -
26 C	Facilities where only Phase I controls are required (includes tank replacement)	\$3,849	\$4,338	\$ 489	\$750	\$863	\$ 113
26 E	Non-retail facilities with 250-550 gallon tanks and no other non-bulk gasoline dispensing permits Fee Per Facility	\$1,198	\$1,378	\$ 180	\$656	\$713	\$ 57
Schedule 27: Application of Materials Containing Organic Solvents (includes coatings, adhesives, and other materials containing volatile organic compounds (VOC))							
PART 1 - MARINE COATINGS							
27 A	Each Marine Coating application operation, except where Fee Schedule 27(t) applies	T+M		\$ -	\$1,040	\$1,049	\$ 9

**TABLE 1 - PROPOSED RULE 40 –
SUMMARY OF REVISED FEE SCHEDULES 1 - 91**

Fee Sched.	Description	Application			Renewal		
		Current Initial Evaluation Fee	Proposed Initial Evaluation Fee	Increase/ (Decrease)	Current Emission Unit Renewal Fee	Proposed Emission Unit Renewal Fee	Increase/ (Decrease)
27 T	Each Marine Coating application operation at facilities where combined coating and cleaning solvent usage is < 3 gallons/day and < 100 gallons/year	T+M		\$ -	\$695	\$799	\$ 104
	PART 2 - INDUSTRIAL MATERIAL APPLICATIONS AND MANUFACTURING (Includes application stations for coatings such as paint spraying and dip tanks, printing, and manufacturing products with materials which contain VOCs, etc.)						
27 D	Each Surface Coating Application Station w/o control equipment and not covered by other fee schedules at facilities using > 1 gallon/day of surface coatings and emitting ≤ 5 tons/year of VOC from equipment in this fee schedule	T+M		\$ -	\$1,163	\$1,259	\$ 96
27 E	Each Surface Coating Application Station w/o control equipment and not covered by other fee schedules at facilities emitting > 5 tons/year of VOC from equipment in this fee schedule	T+M		\$ -	\$1,440	\$1,593	\$ 153
27 F	Each Fiberglass, Plastic or Foam Product Process Line	T+M		\$ -	\$1,267	\$1,259	\$ (8)
27 I	Each Surface Coating Application Station requiring Control Equipment	T+M		\$ -	\$1,099	\$1,092	\$ (7)
27 J	Each Surface Coating Application Station subject to Rule 67.3 or 67.9 w/o Control Equipment at facilities emitting ≤ 5 tons/year of VOC from equipment in this fee schedule	T+M		\$ -	\$1,198	\$1,322	\$ 124
27 K	Each Surface Coating Application Station subject to Rule 67.3 or 67.9 w/o Control Equipment at facilities emitting > 5 tons/year of VOC from equipment in this fee schedule	T+M		\$ -	\$1,127	\$1,119	\$ (8)
27 L	Each Wood Products Coating Application Station w/o Control Equipment at facilities using > 500 gallons/year of wood products coatings and emitting ≤ 5 tons/year of VOC from Wood Products Coating Operations	T+M		\$ -	\$1,139	\$1,177	\$ 38
27 N	Each Press or Operation at a Printing or Graphic Arts facility subject to Rule 67.16	T+M		\$ -	\$656	\$652	\$ (4)
27 O	Each Fiberglass, Plastic or Foam Product Process Line Using Only Polyester Resin	T+M		\$ -	\$872	\$1,003	\$ 131
27 P	Each Surface Coating Application Station w/o control equipment (except automotive painting) where combined coating, and cleaning solvent usage is < 1 gallon/day or < 50 gallons/year	T+M		\$ -	\$762	\$876	\$ 114
27 Q	Each Wood Products Coating Application Station of coatings and stripper w/o control equipment at a facility using < 500 gallons/year for Wood Products Coating Operations	T+M		\$ -	\$967	\$1,112	\$ 145
	PART 3 - MOTOR VEHICLE AND MOBILE EQUIPMENT REFINISHING OPERATIONS						
27 R	Each facility applying Coating Materials subject to Rule 67.20 (as applied or sprayed)	\$4,920	\$5,087	\$ 167	\$1,406	\$1,602	\$ 196

**TABLE 1 - PROPOSED RULE 40 –
SUMMARY OF REVISED FEE SCHEDULES 1 - 91**

Fee Sched.	Description	Application			Renewal		
		Current Initial Evaluation Fee	Proposed Initial Evaluation Fee	Increase/ (Decrease)	Current Emission Unit Renewal Fee	Proposed Emission Unit Renewal Fee	Increase/ (Decrease)
	PART 4 - ADHESIVE MATERIALS APPLICATIONS OPERATIONS						
27 U	Each Adhesive Materials Application Station w/o control equipment at facilities emitting ≤ 5 tons/year of VOC from equipment in this fee schedule	T+M		\$ -	\$825	\$949	\$ 124
27 V	Each Adhesive Materials Application Station w/o control equipment at facilities emitting > 5 tons/year of VOC from equipment in this fee schedule	T+M		\$ -	\$1,289	\$1,280	\$ (9)
27 W	Each Adhesive Materials Application Station w/o control equipment where adhesive materials usage is < 55 gallons/year	T+M		\$ -	\$907	\$1,043	\$ 136
	Schedule 28: Vapor and Cold Solvent Cleaning Operations and Metal Inspection Tanks						
28 A	Each Vapor Degreaser with an Air Vapor Interfacial area > 5 square feet	T+M		\$ -	\$568	\$653	\$ 85
28 B	Each Cold Solvent Degreaser with liquid surface area > 5 square feet	T+M		\$ -	\$428	\$436	\$ 8
28 D	Each Paint Stripping Tank	T+M		\$ -	\$363	\$361	\$ (2)
28 F	Remote Reservoir Cleaners	T+M		\$ -	\$387	\$385	\$ (2)
28 H	Vapor Degreaser with an Air-Vapor Interfacial area ≤ 5 square feet	T+M		\$ -	\$507	\$583	\$ 76
28 I	Cold Solvent Degreaser with a liquid surface area ≤ 5 square feet	T+M		\$ -	\$375	\$385	\$ 10
28 J	Metal Inspection Tanks	T+M		\$ -	\$348	\$400	\$ 52
28 K	Contract Service Remote Reservoir Cleaners with > 100 units	T+M		\$ -	\$46	\$46	\$ -
28 L	Contract Service Cold Degreasers with a liquid surface area of ≤ 5 square feet	T+M		\$ -	\$21	\$24	\$ 3
28 M	Each facility-wide Solvent Application Operation	T+M		\$ -	\$760	\$755	\$ (5)
	Schedule 29: RESERVED						
	Schedule 30: Solvent and Extract Dryers						
30 A	Kelp and Biogum Products Solvent Dryer	T+M		\$ -	\$1,969	\$2,264	\$ 295
	Schedule 31: Dry Cleaning Facilities						
31 B	Each Facility using Petroleum Based Solvents	T+M		\$ -	\$580	\$576	\$ (4)
	Schedule 32: Acid Chemical Milling, Copper Etching and Hot Dip Galvanizing						
32 A	Each Copper Etching Tank	T+M		\$ -	\$821	\$889	\$ 68
32 B	Each Acid Chemical Milling Tank	T+M		\$ -	\$704	\$810	\$ 106
32 C	Each Hot Dip Galvanizing Tank	T+M		\$ -	\$363	\$361	\$ (2)
	Schedule 33: RESERVED						
	Schedule 34: Piston Type Internal Combustion Engines						
34 A	Each Cogeneration Engine or Waste Derived Fuel-Fired Engine with Add-on Control Equipment	T+M		\$ -	\$1,188	\$1,180	\$ (8)

**TABLE 1 - PROPOSED RULE 40 –
SUMMARY OF REVISED FEE SCHEDULES 1 - 91**

Fee Sched.	Description	Application			Renewal		
		Current Initial Evaluation Fee	Proposed Initial Evaluation Fee	Increase/ (Decrease)	Current Emission Unit Renewal Fee	Proposed Emission Unit Renewal Fee	Increase/ (Decrease)
34 B	Each Cogeneration Engine or Waste Derived Fuel-Fired Engine without Add-on Control Equipment	T+M		\$ -	\$784	\$902	\$ 118
34 D	Each Engine for Non-Emergency, Non-Cogeneration, and Not Waste Derived Fuel-Fired Operation	T+M		\$ -	\$844	\$870	\$ 26
34 E	Each Grouping of Engines for Dredging or Crane Operation with total engine horsepower > 200 HP	T+M		\$ -	\$776	\$840	\$ 64
34 F	Each Diesel Pile-Driving Hammer	T+M		\$ -	\$245	\$282	\$ 37
34 G	Each Engine for Non-Emergency, Non-Cogeneration, and Not Waste Derived Fuel-Fired Operation < 200 horsepower***	T+M		\$ -	\$516	\$593	\$ 77
34 H	Each Emergency Standby Engine (for electrical or fuel interruptions beyond control of Permittee)	\$3,805	\$3,852	\$ 47	\$452	\$506	\$ 54
34 I	Each Internal Combustion Engine Test Cell and Test Stand	T+M		\$ -	\$498	\$552	\$ 54
34 L	Each Diesel Particulate Filter Cleaning Process	T+M		\$ -	\$659	\$655	\$ (4)
34 W	Each Specified Eligible Engine, Registered Under Rule 12	\$558	\$642	\$ 84	\$429	\$476	\$ 47
34 X	Each Specified Eligible Portable Engine, Registered Under Rule 12.1	\$917	\$1,055	\$ 138	\$408	\$446	\$ 38
Schedule 35: Bulk Flour, Powdered Sugar and Dry Chemical Storage Systems							
35 A	Each System	T+M		\$ -	\$411	\$473	\$ 62
Schedule 36: Grinding Booths and Rooms							
36 A	Each Booth or Room	T+M		\$ -	\$536	\$616	\$ 80
Schedule 37: Plasma Electric and Ceramic Deposition Spray Booths							
37 A	Each Application Station	T+M		\$ -	\$683	\$785	\$ 102
37 C	Flame Spray (ID # APCD1976-SITE-00274) *	T+M		\$ -	\$323	\$321	\$ (2)
* Pursuant to Subsection (c)(3)							
Schedule 38: Paint, Adhesive, Stain, Ink, Solder Paste, and Dielectric Paste Manufacturing							
38 A	Each Process Line for Paint, Adhesive, Stain, or Ink Manufacturing at facilities producing > 10,000 gallons per year	T+M		\$ -	\$400	\$460	\$ 60
38 B	Each Can Filling Line	T+M		\$ -	\$427	\$435	\$ 8
38 C	Each Process Line for Solder Paste or Dielectric Paste Manufacturing	T+M		\$ -	\$479	\$476	\$ (3)
Schedule 39: Precious Metals Refining							
39 A	Each Process Line	T+M		\$ -	\$739	\$734	\$ (5)
Schedule 40: Asphalt Pavement Heaters/Recyclers							
40 X	Each Portable Unheated Pavement Crushing and Recycling System, Registration Under Rule 12.1	\$1,091	\$1,073	\$ (18)	\$375	\$373	\$ (2)
Schedule 41: Perlite Processing							
41 A	Each Process Line	T+M		\$ -	\$582	\$669	\$ 87
41 B	Aztec Perlite (ID # APCD1978-SITE-01598) *	T+M		\$ -	\$1,341	\$1,335	\$ (6)
* Pursuant to Subsection (c)(3)							

**TABLE 1 - PROPOSED RULE 40 –
SUMMARY OF REVISED FEE SCHEDULES 1 - 91**

Fee Sched.	Description	Application			Renewal		
		Current Initial Evaluation Fee	Proposed Initial Evaluation Fee	Increase/ (Decrease)	Current Emission Unit Renewal Fee	Proposed Emission Unit Renewal Fee	Increase/ (Decrease)
Schedule 42: Electronic Component Manufacturing							
42 A	Each Process Line	T+M		\$ -	\$693	\$688	\$ (5)
42 B	Each Screen Printing Operation	T+M		\$ -	\$737	\$764	\$ 27
42 C	Each Coating/Maskant Application Operation, excluding Conformal Operation	T+M		\$ -	\$846	\$840	\$ (6)
42 D	Each Conformal Coating Operation	T+M		\$ -	\$1,136	\$1,306	\$ 170
Schedule 43: Ceramic Slip Casting							
43 A	Each Process Line	T+M		\$ -	\$418	\$415	\$ (3)
Schedule 44: Evaporators, Dryers, & Stills Processing Organic Materials							
44 A	Evaporators and Dryers [other than those referenced in Fee Schedule 30 (a)] processing materials containing volatile organic compounds	T+M		\$ -	\$519	\$597	\$ 78
44 B	Solvent Recovery Stills, on-site, batch-type, solvent usage > 350 gallons per day	T+M		\$ -	\$529	\$608	\$ 79
Schedule 45: RESERVED							
Schedule 46: Filtration Membrane Manufacturing							
46 A	Each Process Line	T+M		\$ -	\$785	\$779	\$ (6)
Schedule 47: Organic Gas Sterilizers							
47 A	Each Organic Gas Sterilizer/Aerator requiring control	T+M		\$ -	\$372	\$370	\$ (2)
Schedule 48: Municipal Waste Storage and Processing							
48 A	Municipal Waste Storage and Processing - not subject to the ARB Methane Emissions Regulation	T+M		\$ -	\$1,763	\$2,027	\$ 264
48 C	Municipal Waste Storage and Processing - subject to the ARB Methane Emissions Regulation	T+M		\$ -	\$6,234	\$7,169	\$ 935
Schedule 49: Non-Operational Status Equipment							
49 A	Non-Operational Status Equipment			\$367	\$373	\$476	\$ 45
49 B	Activating Non-Operational Status Equipment			\$329	\$345	N/A	\$ -
Schedule 50: Coffee Roasters							
50 A	Each Coffee Roaster	T+M		\$ -	\$418	\$415	\$ (3)
Schedule 51: Industrial Waste Water Treatment							
51 A	Each On-site Processing Line	T+M		\$ -	\$577	\$573	\$ (4)
51 C	USN Air Station NORIS Public Works (ID # APCD1986-SITE-02755) *	T+M		\$ -	\$516	\$516	\$ -
* Pursuant to Subsection (c)(3)							
Schedule 52: Air Stripping & Soil Remediation Equipment							
52 A	Air Stripping Equipment	T+M		\$ -	\$877	\$1,009	\$ 132
52 B	Soil Remediation Equipment - On-site (In situ Only)	T+M		\$ -	\$1,024	\$1,046	\$ 22
Schedule 53: RESERVED							
Schedule 54: Pharmaceutical Manufacturing							

**TABLE 1 - PROPOSED RULE 40 –
SUMMARY OF REVISED FEE SCHEDULES 1 - 91**

Fee Sched.	Description	Application			Renewal		
		Current Initial Evaluation Fee	Proposed Initial Evaluation Fee	Increase/ (Decrease)	Current Emission Unit Renewal Fee	Proposed Emission Unit Renewal Fee	Increase/ (Decrease)
54 A	Each Pharmaceutical Manufacturing Process Line	T+M		\$ -	\$1,187	\$1,280	\$ 93
Schedule 55: Hexavalent Chromium Plating and Anodizing Tanks, and Chromate Conversion Coating Tanks							
55 A	Each Hard or Decorative Chrome plating and/or Anodizing Tank or Group of Tanks Served by an Emission Control System	T+M		\$ -	\$1,252	\$1,244	\$ (8)
55 B	Each Decorative Plating Tank without Add-on Emission Controls	T+M		\$ -	\$772	\$767	\$ (5)
55 D	Each Chromate Conversion Coating Tank	T+M		\$ -	\$512	\$589	\$ 77
Schedule 56: Sewage Treatment Facilities							
56 A	Each Wastewater Treatment Facility, or Each Water Reclamation Facility	T+M		\$ -	\$1,502	\$1,492	\$ (10)
56 B	Each Wastewater Pump Station	T+M		\$ -	\$727	\$722	\$ (5)
Schedule 57: RESERVED							
Schedule 58: Bakeries							
58 A	Bakery Ovens at Facilities with Emission Controls Pursuant to Rule 67.24	T+M		\$ -	\$995	\$1,052	\$ 57
Schedule 59: Asbestos Control Equipment							
59 C	Portable Asbestos Mastic Removal Application Station	T+M		\$ -	\$479	\$476	\$ (3)
Schedule 91: Miscellaneous							
91 A	Miscellaneous	T+M		\$ -	\$708	\$814	\$ 106

FINAL STAFF REPORT

EXISTING RULE 40 PERMIT AND OTHER FEES

November 2024

San Diego County Air Pollution Control District
Rule Development Section

Completed by: Stephanie Nicholas, Chief, Administrative Services

Reviewed by: Nick Cormier, Supervising Air Resources Specialist
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TABLE OF CONTENTS

EXECUTIVE SUMMARY

- I. INTRODUCTION**
- II. BACKGROUND**
- III. CONTROL TECHNOLOGIES**
- IV. SUMMARY OF PROPOSED RULE REQUIREMENTS**
- V. NUMBER OF SOURCES AND EMISSIONS SUBJECT TO THE RULE AND EMISSION IMPACTS**
- VI. COMPARATIVE ANALYSIS**
- VII. ECONOMIC IMPACTS AND COST-EFFECTIVENESS**
- VIII. SOCIOECONOMIC IMPACT ASSESSMENT (IF APPLICABLE)**
- IX. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) DETERMINATION / PROCESS**
- X. ENVIRONMENTAL ANALYSIS**
- XI. ENVIRONMENTAL JUSTICE / UNDER-RESOURCED COMMUNITY ANALYSES**
- XII. RULE DEVELOPMENT / PUBLIC PARTICIPATION PROCESS**
- XIII. OTHER RULE AMENDMENTS (IF APPLICABLE)**
- XIV. CONCLUSIONS / FINDINGS / RECOMMENDATIONS**
- XV. REFERENCES**

EXECUTIVE SUMMARY

The mission of the San Diego County Air Pollution Control District (District) is to improve air quality to protect public health and the environment. Accordingly, the District operates a county-wide permitting program for stationary (fixed) sources of air pollution pursuant to federal and State law. Stationary sources encompass large industrial facilities including power plants and landfills and smaller commercial establishments such as gas stations and dry cleaners. A facility’s permit outlines the required actions to comply with air pollution control requirements and protect air quality, the environment, and public health. District Rule 40 – Permit and Other Fees, sets the fees for District permitting and other services, such as inspections and source testing, related to the implementation of the stationary source permitting, source testing, and asbestos programs.

District staff worked with Matrix Consulting Group (Consultant) to update the Cost Recovery Study analysis from last fiscal year (FY 2024-25) based upon new inputs associated with staffing, costs, and workload, as well as any changes in fee structures. The Consultant recommended and District staff proposes implementation of a Fiscal Year 2025-26 cost recovery scenario detailed in the FY 2025-26 Cost Recovery Analysis Report August 2024).¹

Proposed Fiscal Year 2025-26 amendments to Rule 40 include:

- The addition of a provision to Rule 40 to recover costs for conducting reviews for emissions inventory services; and
- Updating various fees consistent with the recommendations from the Consultant, as summarized in the table below.

FY 2025-26 Fee Category	Initial Application Fees (Fixed)	Permit Renewal Fees	Source Testing Fees	Asbestos Notification Fees	Hearing Board Fees	Time & Material Fees	Processing Fees
Proposed % Fee Changes	(2%) to 15%	(1%) to 15%	8% to 15%	<1% to 10%	0%	(7%) to 15%	15%

Increases in stationary source permitting fees are limited as required by California Health and Safety Code Section 41512.7. This limitation is being met by limiting the proposed increases for fixed permit application fees, permit renewal fees, time & material charges, and processing fees, to not more than 15%.

There are no revisions proposed to Rule 42 – Hearing Board Fees at this time. Increasing these fees may result in the Hearing Board fees becoming cost prohibitive, without having a significant revenue impact upon the District since these fees comprise a very small amount of the revenue and costs for the District.

The following statements summarize important elements of the proposed rulemaking:

Comparative Analysis

An analysis comparing proposed amended Rule 40 with applicable requirements of federal and local regulations (“Comparative Analysis”) is not required because the proposed amendments do not impose a new emission limit or standard, make an existing emission limit or standard more stringent, or impose new or more stringent monitoring, reporting, or recordkeeping requirements.

Socioeconomic Impact Assessment

An assessment of the socioeconomic impacts of proposed amended Rule 40 is not required because it will not significantly affect air quality or emissions limitations.

California Environmental Quality Act (CEQA)

The proposed administrative amendments to Rule 40 are categorically exempt from the provisions of CEQA pursuant to California Code of Regulations, Title 14, Section 15273, which exempts projects that involve the establishment or modification of charges by public agencies for the purpose of meeting operating expenses, purchasing supplies and equipment, or meeting financial reserve needs.

Environmental Justice

The proposed amendments to Rule 40 promote public engagement and transparency; and will help to fund the District's commitments to advancing policies, programs, and services that achieve environmental justice and equity. Fees for the District recover costs for permitting, and other programs and services, and support the District's vision of "Clean Air for All".

I. INTRODUCTION

Rule 40 – Permit and Other Fees, is used to establish all fees charged by the San Diego County Air Pollution Control District (District), as authorized by the Air Pollution Control District Governing Board, except for those specified in Rule 42 – Hearing Board Fees. These include, but are not limited to, fees for: applications, permits and registrations, renewals, source testing, asbestos demolition or renovation notifications, and various other program specific fees. Rule 40 is also used to determine refunds, forfeitures, and insufficient payment of fees, as applicable. Given that estimated costs and revenues for these services will fluctuate year to year due to shifts in staffing levels, program costs, level of effort, and other factors, Rule 40 is periodically updated to ensure that District fees are appropriately recovering costs associated with providing these services.

II. BACKGROUND

California Health and Safety Code Sections 41512 and 42311 allow the District to recover the full costs applicable to emission sources not included within a permit system such as asbestos fees, source testing fees, emission inventory fees, and Hearing Board fees as well as costs associated with the renewal, evaluation, and issuance of permits. These sections also provide limits on fee increases for permit to operate and authority to construct permits, restricting aggregate revenue increases to 15% annually. Based upon this legal authority, the District has a goal to review its fees every year to ensure that all fee-related costs are captured, and maximum cost recovery is achieved.

In 2020, the State Auditor issued a report regarding the District,² which identified that fee-related expenses were not being fully recovered. As a result of these findings, the District conducted its first external fee evaluation in 2021,³ with study results presented and adopted by the District Governing Board in May 2021. Before implementing associated fee increases which took effect on January 1, 2022, the District had not raised fees in three years.

At the end of 2021, the District worked with Matrix Consulting Group to prepare an update to the study conducted earlier in 2021. This update incorporated staffing and budgetary adjustments as well as several fee program modifications. The results of this analysis were presented and adopted by the Board for implementation on July 1, 2022. In September 2022 & November 2023, the District began working with Matrix Consulting Group to conduct the next updates to the Cost Recovery Analysis for implementation on July 1, 2023, and July 1, 2024, respectively.

As part of the continuing effort to ensure that fees cover the costs associated with their activities and that fee-related services are offset by fee-related revenue, the District is now proposing to add a provision to allow the District to recover costs associated with emissions inventory services and update its fees for implementation on January 1, 2025 (emissions inventory provision) and July 1, 2025 (amendments to existing fees), and has updated the analysis from last year based on new inputs associated with staffing, costs, workload volume, and updates to include projected costs and revenues associated with the fee for service related emissions inventory services.

III. CONTROL TECHNOLOGIES

This section is not applicable to Rule 40. Rule 40 is an administrative rule that does not control nor impact any emissions; therefore, no control technologies apply to this rule.

IV. SUMMARY OF PROPOSED RULE REQUIREMENTS

A summary of proposed Fiscal Year 2025-26 amendments to Rule 40 are included below:

- Add a provision to Rule 40 to allow the District to recover costs for conducting reviews for emissions inventory services. These charges would be assessed on specific facilities with multiple emission units based on newly expanded state mandates and District requirements. Due to the varying size and complexity of these types of facilities, the time it takes to evaluate emission data can fluctuate significantly based on the type of permit and quality of data submitted. Accordingly, a Time and Material (T&M) approach was chosen to ensure that each facility is fairly assessed for the time and effort spent on its particular review. There is currently no dedicated fee-related mechanism for recovering these particular emissions inventory costs included in District Rule 40.
- Update various fees consistent with the recommendations from the Consultant, as summarized in the following table:

FY 2025-26 Fee Category	Initial Application Fees (Fixed)	Permit Renewal Fees	Source Testing Fees	Asbestos Notification Fees	Hearing Board Fees	Time & Material Fees	Processing Fees
Proposed % Fee Changes	(2%) to 15%	(1%) to 15%	8% to 15%	<1% to 10%	0%	(7%) to 15%	15%

There are no revisions proposed to Rule 42 – Hearing Board Fees at this time. Increasing these fees may result in the Hearing Board fees becoming cost prohibitive, without having a significant revenue impact upon the District since these fees comprise a very small amount of the revenue and costs for the District.

A line-by-line comparison between existing and proposed fee schedules 1-91 can be reviewed on the District’s website at:

<https://www.sdapcd.org/content/dam/sdapcd/documents/rules/rule-workshops/111424/Rule-40-Summary-Fee-Schedules.pdf>

V. NUMBER OF SOURCES AND EMISSIONS SUBJECT TO THE RULE AND EMISSION IMPACTS

There are approximately 8,000 active permits that are subject to the annual operating fees in District Rule 40. Additionally, the District receives approximately 500 permit applications and 1,300 asbestos notifications annually that are subject to initial application fees and asbestos demolition and renovation fees. District staff also conducts over 200 source tests annually for emission units which require source testing to determine compliance and are subject to the applicable source test fees. The proposed emission inventory fee provision would apply to approximately 200 facilities with multiple emission units that have historically been part of the emissions inventory program and are now subject to additional requirements based on new state mandates. The proposed amendments to Rule 40 will result in no emission impacts, as this is an administrative rule.

VI. COMPARATIVE ANALYSIS

Statutory Requirements

Prior to adopting, amending, or repealing a rule or regulation, California Health and Safety Code Section 40727 requires findings of necessity, authority, clarity, consistency, non-duplication, and reference, as defined therein. As part of the consistency finding and to ensure proposed rule requirements do not conflict with or contradict other District or federal regulations, Health and Safety Code Section 40727.2(a) requires the District to perform a written analysis identifying and comparing the air pollution control standards and other provisions of proposed amended Rule 40 with existing or proposed District rules and guidelines and existing federal rules, requirements, and guidelines applying to the same source category. Health and Safety

Code Section 40727.2(g) further finds that if proposed new or amended rule or regulation does not impose a new emission limit or standard, make an existing emission limit or standard more stringent, or impose new or more stringent monitoring, reporting, or recordkeeping requirements, an air district may elect to comply with subdivision (a) by finding that the proposed new or amended rule or regulation falls within one or more of the categories specified in this subdivision.

Analysis

The District finds that an analysis comparing proposed amended Rule 40 with applicable requirements of federal and local regulations (“Comparative Analysis”) is not required pursuant to Section 40727.2(g) of the California Health and Safety Code because the proposed amendments do not impose a new emission limit or standard, make an existing emission limit or standard more stringent, or impose new or more stringent monitoring, reporting, or recordkeeping requirements. The proposed amendments to Rule 40 are intended to ensure that District fees are appropriately recovering costs associated with the services provided.

VII. ECONOMIC IMPACTS AND COST-EFFECTIVENESS

Statutory Requirements

California Health & Safety Code [40703](#) requires that in adopting any regulation, a district shall consider, pursuant to Section 40922, and make available to the public, its findings related to the cost effectiveness of a control measure, as well as the basis for the findings and the considerations involved. A district shall make reasonable efforts, to the extent feasible within existing budget constraints, to make specific reference to the direct costs expected to be incurred by regulated parties, including businesses and individuals. The district shall also comply with California Health & Safety Code [40920.6\(a\)](#) pertaining to cost-effectiveness of best available retrofit control technology as applicable.

Analysis

Cost effectiveness accounts for the cost of emission reductions, typically expressed in dollars spent per pound or ton of emissions reduced. The District finds that a cost effectiveness evaluation (including an evaluation of incremental cost-effectiveness and other costs) is not applicable to Rule 40 pursuant to Section 40920.6(a), since it is an administrative rule that does not require emission reduction, nor does it require new or additional control equipment installation.

VIII. SOCIOECONOMIC IMPACT ASSESSMENT (IF APPLICABLE)

Statutory Requirements

Per California Health & Safety Code [40728.5](#) (if applicable), whenever a district intends to propose the adoption, amendment, or repeal of a rule or regulation that will significantly affect air quality or emissions limitations, that agency shall, to the extent data are available, perform an assessment of the socioeconomic impacts of the adoption, amendment, or repeal of the rule or regulation. The district board shall actively consider the socioeconomic impact of regulations and make a good faith effort to minimize adverse socioeconomic impacts, as defined below. This section does not apply to the adoption, amendment, or repeal of any rule or regulation that results in any less restrictive emissions limit if the action does not interfere with the district’s adopted plan to attain ambient air quality standards or does not result in any significant increase in emissions.

Analysis

The District finds that an assessment of the socioeconomic impacts of proposed amended Rule 40 is not required pursuant to Section 40728.5(a) of the California Health and Safety Code, as the proposed amendments will not significantly affect air quality or emissions limitations. The proposed amendments will not impact any emissions as Rule 40 is an administrative rule.

IX. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) DETERMINATION / PROCESS

CEQA is a state law that requires state and local agencies to identify the significant environmental impacts of projects and to avoid or mitigate those impacts, if feasible. CEQA requires environmental review of certain actions, including rule development projects. District staff conducted a review of whether CEQA applies to the adoption of proposed amended Rule 40. The District finds that proposed administrative amendments to Rule 40 are categorically exempt from the provisions of CEQA pursuant to California Code of Regulations, Title 14, Section 15273, which exempts projects that involve the establishment or modification of charges by public agencies for the purpose of meeting operating expenses, purchasing supplies and equipment, or meeting financial reserve needs, as described in the FY 2025-26 Cost Recovery Analysis Report (August 2024).¹

X. ENVIRONMENTAL ANALYSIS

Statutory Requirements – Environmental Analysis of the Expected Methods of Rule Compliance

Pursuant to California Public Resources Code Section [21159](#), an agency listed in Section 21159.4 (i.e., air districts) shall perform an environmental analysis of the reasonably foreseeable methods of compliance at the time of adopting a rule of regulations of the following types:

- Installation of pollution control equipment.
- Performance standard (i.e., process or raw material changes or product reformulation) or treatment requirement, including a rule or regulation that requires the installation of pollution control equipment or a performance standard or treatment requirement pursuant to California Global Warming Solutions Act of 2006 (Division 25.5 (comment with Section 38500) of the Health and Safety Code).

In the preparation of the analysis, the District may utilize numerical ranges or averages where specific data is not available; however, the District shall not be required to engage in speculation or conjecture. The environmental analysis shall, at minimum, include all of the following:

- An analysis of the reasonably foreseeable environmental impacts of the methods of compliance.
- An analysis of reasonably foreseeable feasible mitigation measures.
- An analysis of reasonably foreseeable alternative means of compliance with the rule or regulation.
- For a rule or regulation that requires the installation of pollution control equipment adopted pursuant to the California Global Warming Solutions Act of 2006 (Division 25.5 (commencing with Section 38500) of the Health and Safety Code), the analysis shall also include reasonably foreseeable greenhouse gas emission impacts of compliance with the rule or regulation.
- The environmental analysis shall take into account a reasonable range of environmental, economic, and technical factors, population and geographic areas, and specific sites.

Other factors for consideration include the following:

- Pursuant to California Public Resources Code Section 21159(b), the preparation of an Environmental Impact Report (EIR) at the time of adopting a rule or regulation shall be deemed to satisfy this section.
- Pursuant to California Public Resources Code Section 21159(d), a project-level analysis is not required.

- Pursuant to California Public Resources Code Section 21159(f), the analysis is not intended, and may not be used, to delay the adoption of any rule or regulation for which an analysis is required to be performed pursuant to Section 21159.

Analysis – Environmental Analysis of the Expected Methods of Rule Compliance

District Rule 40 is an administrative rule that sets fees for District permitting and other services, such as inspections and source testing, related to the implementation of the stationary source permitting, source testing, and asbestos programs. Therefore, an analysis of expected methods of compliance is not required.

XI. ENVIRONMENTAL JUSTICE / UNDER-RESOURCED COMMUNITY ANALYSES

The proposed amendments to Rule 40 promote public engagement and transparency; and will help to fund the District’s commitments to advancing policies, programs, and services that achieve environmental justice and equity. Fees for the District recover costs for permitting, and other programs and services, and support the District’s vision of “Clean Air for All”.

XII. RULE DEVELOPMENT / PUBLIC PARTICIPATION PROCESS

Pursuant to California Health and Safety Code Section 41512.5, the District is required to hold two Governing Board hearings for the adoption or revision of fees applicable to emission sources not included within a permit system, such as asbestos fees, source testing fees, emission inventory fees, and Hearing Board fees:

- The first Governing Board hearing shall be held at least 30 days prior to the Governing Board meeting at which the adoption or revision of the proposed fee schedule is to be considered.
- California Health and Safety Code Section 42311 also requires:
 - Sending out a Public Notice through the mail at least 14 days in advance of a Governing Board meeting to adopt or revise fees for the evaluation, issuance, and renewal of permits, to all interested parties (e.g., permit holders, applicants, chambers of commerce in the region).
 - The District to make available to the public information indicating the amount of cost, or estimated cost, required to provide the service for which the fee is charged, and the revenue sources anticipated to provide the service.

On the day the Public Notice is mailed, the Public Notice along with the supporting cost information is posted on the District’s website and the link is distributed to interested parties through the District’s electronic mail service and posted on various District social media accounts.

- Pursuant to H&SC 40725, the noticing requirements for all rule-adoption/amendment hearings shall include the following:
 - Publishing the Public Notice in the newspaper 30 days prior to the adoption hearing.

On the day the Public Notice is published in the newspaper, the Public Notice along with the supporting information is also posted on the District’s website, distributed to interested parties through the District’s electronic mail service, posted on various District social media accounts, and sent to chambers of commerce in the region and the California Air Resources Board (CARB). If amendments to Rule 40 have been adopted, an email is distributed to interested parties through the District’s electronic mail service with links to amended rule(s) and to the District’s website where the Governing Board adoption package can be found. Finally, the complete Governing Board package is submitted to CARB for approval.

On July 15, 2024, a notice of public workshop to be held on July 31, 2024, was sent to all interested parties including each air quality permit holder and chamber of commerce in the region, subscribers to the District's email notification service, CARB, and posted to the District's website and social media for stakeholders to provide input regarding amendments to Rule 40 for a new proposed provision to recover costs associated with the preparation of emissions inventories.

On August 27, 2024, a Public Notice regarding the first Governing Board hearing on September 12, 2024, was sent to approximately 15,000 recipients including each air quality permit holder and chamber of commerce in the region, subscribers to the District's email notification service, CARB, and posted to the District's website providing an opportunity to submit written comments.

Public Workshop

During the July 31, 2024, public workshop, the District provided an overview of the emissions inventory program, proposed Rule 40 changes for emissions inventory cost recovery, and next steps for the proposed new emissions inventory and Fiscal Year 2025-26 fee amendments to 65 participants, including 54 public attendees. Input and feedback from workshop attendees were solicited and encouraged to continue until the second Governing Board Hearing for adoption. The workshop was recorded and posted to the District's website. A summary of the comments from the July 31, 2024, workshop and District responses are provided below:

1. WORKSHOP COMMENT

As a small business, permit fees have gone up significantly over the past few years. Will the new emissions inventory charges be a percentage of what is already paid?

DISTRICT RESPONSE

If adopted, the provision in Rule 40 that will allow the District to charge for emissions inventory services will apply to approximately 200 facilities with multiple emission units that have historically been part of the emissions inventory program and are now subject to additional requirements based on new state mandates and will be based on actual T&M labor spent to perform the service.

2. WORKSHOP COMMENT

Why has San Diego County APCD chosen to perform the emissions calculations for each facility in the region, when other air districts, like South Coast Air Quality Management District (AQMD), opt to have the facilities prepare and submit the emission calculations for review by the District?

DISTRICT RESPONSE

The District acknowledges that some air districts opt to collect facility calculations and then review them. Other air districts calculate emissions like San Diego County APCD, and some air districts do a combination of both. It has been found that reviewing calculations submitted by facilities can be just as costly, if not more, than having pre-selected calculation methods. Other districts, also require emission inventory fees to review the calculations. San Diego County APCD currently does not "complete" calculations; rather, the District has pre-set calculation methods in the Emissions Inventory System (EIS) to complete the calculations. Each facility has the ability to change these calculations themselves and then District staff reviews them for accuracy upon submittal.

3. WORKSHOP COMMENT

A benefit of the system used by South Coast AQMD and other air districts is a reduction in the amount of "back and forth" discussions between the District and the facility, which means reduced staff costs and less time required to complete the process. If San Diego County APCD were seeking to save staff costs and processing time, why does the District continue to use a process that is different than South Coast AQMD?

DISTRICT RESPONSE

The District publishes all default emission factors used to calculate air emissions. These emission factors are incorporated into the District’s Emission Inventory System (EIS) portal, which calculates emissions to ensure transparency and a level playing field. Generally, any “back and forth” discussions between the District and facilities occur when incomplete information is submitted via the EIS portal, or when the facility proposes an unsubstantiated alternate calculation methodology.

Air districts that collect emission calculations, as opposed to emission data, are still required to review those emission calculations to ensure accuracy. This review can also result in “back and forth” discussions and a lengthier process depending on how the calculations are conducted and submitted.

Ultimately, the District must comply with the mandated programs which require air districts to complete inventories as accurately as possible.

4. WORKSHOP COMMENT

The current proposal lacks transparency in that facilities are charged T&M by the District, while in other districts, emission fees are charged based upon how much the facility pollutes, resulting in a direct relationship between the amount of the fee and the extent of the facility’s impact.

DISTRICT RESPONSE

The District acknowledges the comment. We currently document and track time in preparing Emission Inventory Reports. This information is currently available upon request. Additionally, the District recognizes there are opportunities to enhance transparency and is in the preliminary stages of developing tools to provide more insight into Time & Material charges, which would include the nature of the tasks performed, amount of time, and labor rates.

5. WORKSHOP COMMENT

Charging T&M does not necessarily translate to cost recovery as long as the District is not transparent about the basis for T&M charged.

DISTRICT RESPONSE

The District acknowledges the comment. Charging T&M ensures the District is accurately and fairly recovering the costs associated with the preparation of an Emission Inventory Report for each individual facility. The cost to the facility will be only the time spent evaluating that facility. As noted above, the District is in the preliminary stages of developing tools to provide more insight into their Time & Material charges.

6. WORKSHOP COMMENT

A \$300 hourly rate for staff time is unreasonably high. None of the private sector consultants who assist in the preparation of emission inventories charge an hourly rate that high.

DISTRICT RESPONSE

The District acknowledges the comment. The proposed fee increases are consistent with a multi-year cost-recovery plan adopted by the Governing Board on May 21, 2021.⁴ Additionally, the Cost Recovery analysis uses Governing Board approved budgeted costs including salary and benefits, and services and supplies. Some of the largest factors that go into hourly rates are beyond the control of the District such as salary and benefits, workers compensation, health benefits and pension costs. The District continues to look for ways to reduce costs for our operations as well as costs to our customers by implementing process improvements and efficiencies to reduce increases to fees and hourly rates while at the same time working to achieve maximum cost recovery.

7. WORKSHOP COMMENT

How much money did the District receive in the EPA grant and how is it being applied?

DISTRICT RESPONSE

The District received a one-time grant from the EPA for approximately \$219,000 and the funding was used to offset partial costs of the emission inventory program for one year.

8. WORKSHOP COMMENT

What is the legal justification for the District to require that facilities pay the full estimated fee at the time of submission in order for the Health Risk Assessment (HRA) to be deemed submitted? We believe that State law requires that facilities submit the HRAs, but we are unaware of any legal requirement to pay a fee before the District will accept an HRA. If a fee was required, we think it would be more appropriate for a base fee to be charged at submission, followed later by a final fee based upon the complexity of the review and the actual resources required to complete the review.

DISTRICT RESPONSE

The District acknowledges the comment. The required HRA fees have been previously adopted under District Rule 40 and are not part of this proposal. The purpose of requesting fees for the review of HRAs upfront is to maintain transparency and provide applicants with an estimate of the review costs, allowing them to incorporate this fee into their budgets.

The District bases the fee estimate on the complexity of the facility, its emission sources, and previous experience in reviewing similar HRAs. This estimate is sent to the applicant along with a notification requiring the HRA's preparation. The notification provides the facility six months to submit the HRA and the estimated fees, allowing sufficient time for budgeting.

9. WORKSHOP COMMENT

Will the new emissions inventory costs be in addition to the air contaminant emissions fee that already exists? Is the new fee serving a separate and different purpose? We recommend that the District look at what it is trying to recover and work backwards. How can facilities get the labor data associated with the evaluation?

DISTRICT RESPONSE

The District acknowledges the comment. The proposed new provision would allow the District to charge T&M specifically for the evaluation of the emissions inventory separate from the air contaminant emissions fee. While air contaminant emission fees have been used to help fund a portion of the emissions inventory program costs, there currently is no dedicated funding source to fully cover the costs of providing this service. Due to the increasing costs associated with expanded State mandates, and the varying size and complexity of these types of facilities, the time it takes to evaluate emission data can fluctuate significantly based on the type of permit and quality of data submitted. Therefore, a Time and Material approach is proposed to ensure that each facility is fairly assessed for the actual time and effort spent on their particular review. Facilities can request their labor data by reaching out to the Engineering Division for their specific project.

10. WORKSHOP COMMENT

Commentor encouraged the District to adopt objective criteria for larger and smaller facilities, and look at other formats for charging.

DISTRICT RESPONSE

The District acknowledges the comment. Over the next few years, the number of facilities subject to emission inventory requirements is expected to increase from approximately 200 to over 4,000 based on new State mandates. As a result, the District is proposing the implementation of a phased approach towards recovering these costs. To enable the initial phase of cost recovery for preparing emissions inventory reports, the District is proposing the new provision in Rule 40, effective January 1, 2025, that would apply to approximately 200 facilities with multiple emission units that have historically been part of the emissions inventory program and are now subject to additional requirements based on new State mandates. Since there is currently a significant fluctuation in time and effort expended to complete emission inventory evaluations for these facilities, based on the type of permit and quality of data submitted, a T&M approach is being proposed. As more data is collected, additional approaches can be considered.

11. WORKSHOP COMMENT

Commentor had questions regarding the logistics and/or process for communicating, presenting, adjusting, and collecting the T&M fee.

DISTRICT RESPONSE

At this time, invoicing logistics for the proposed emission inventory charges are still being finalized and will be communicated to rate payors before fees are implemented.

12. WORKSHOP COMMENT

Commentor did not agree with emissions inventory proposal and noted that over the last several years, the District has reduced the number of fixed fee schedules and hourly rate classifications but in this instance, the District is proposing something new.

DISTRICT RESPONSE

The District acknowledges the comment. Currently, the District does not have a dedicated funding source to recover the costs of preparing emissions inventory reports. The proposed T&M provision does not create a new fee schedule; instead, it provides a mechanism for the District to recover its costs, consistent with State law.

13. WORKSHOP COMMENT

Commentor wanted additional information on how the fee would be determined. Additionally, requested a list of the 1,000+ new pollutants that the public can review.

DISTRICT RESPONSE

This proposed fee would be based on the actual time & materials for District costs to evaluate and prepare emission inventory reports. The proposed first phase would be applicable to approximately 200 facilities with multiple emission units that have historically been inventoried. The list of pollutants can be found on CARB's website at:

<https://ww2.arb.ca.gov/sites/default/files/2022-10/Appendix%20A.pdf>

14. WORKSHOP COMMENT

Commentor inquired if the District had considered adjusting the current air contaminant fee, since it has not been adjusted in many years.

DISTRICT RESPONSE

The District acknowledges the comment. Over the next few years, the number of facilities subject to emission inventory requirements is expected to increase from approximately 200 to over 4,000, based on new State mandates. While air contaminant emission fees have been used to help fund a portion of

the emissions inventory program costs, there currently is no dedicated funding source to fully cover the costs of providing this service. As a result, the District is proposing the implementation of a phased approach towards recovering these costs. To enable the initial phase of cost recovery for preparing emissions inventory reports, the District is proposing the new provision in Rule 40, effective January 1, 2025, that would apply to approximately 200 facilities with multiple emission units that have historically been part of the emissions inventory program and are now subject to additional requirements based on new state mandates. Since there is currently a significant fluctuation in time and effort, a T&M approach is being proposed. As more data is collected, additional approaches can be considered.

A summary of written comments received and District responses are provided below:

1. WRITTEN CORRESPONDENCE

How has the District funded the Emissions Inventory program in recent years?

DISTRICT RESPONSE

Because there is no dedicated funding source for the Emissions Inventory Program, a combination of revenues from various sources has been used to cover these costs. These include vehicle registration fee revenues, air contaminant emissions fee revenue, fund balance, and one-time grant funding. The proposed emission inventory fees align with the cost recovery plan adopted by our Governing Board in 2021,⁴ and the California State Auditor Report.²

2. WRITTEN CORRESPONDENCE

During the July 31, 2024, workshop, we discussed the unique process the District uses to collect emission inventory data and the fact that data is entered by facilities electronically via the third-party Emission Inventory System (EIS) Portal. Our understanding is that this process will not change. With that in mind, why is there a need to charge additional fees?

DISTRICT RESPONSE

Evaluation of an emission inventory includes review of data submitted and accurate and consistent calculation methods, as well as creating health risk prioritization scores per AB 2588. Some of these activities can include, but are not limited to, addressing inaccurate data sets such as satisfying gaps in the data reported and/or correcting incorrect data, applying accurate control efficiencies, review of chosen calculation methods/applying accurate calculation methods, quantification of newly added pollutants per AB 2588 and Criteria and Toxics Reporting (CTR), calculating accurate emission factors per preferred methods such as Continuous Emission Monitoring Systems (CEMS) and source test data/safety data sheets (SDS), creating receptor defined distances for prioritization scores, applying acute scenarios if applicable, and documentation of review/edits. The amount of time required to review an emission inventory data and prepare the inventory report is highly dependent on the data quality that is submitted to the District through EIS. To ensure consistency and a level playing field, the emissions are calculated in EIS utilizing established emission calculation methods. As noted above, the District does not have a dedicated funding source for the Emission Inventory Program, and as such, this proposal would establish a mechanism for the District to recover its costs for providing these services.

3. WRITTEN CORRESPONDENCE

Regarding the additional fees proposed by the District, will the new process be that the additional fees are added to renewal invoices, or will individual invoices be generated and sent to each facility separately?

DISTRICT RESPONSE

Since the proposal is to recover costs based on actual time spent to prepare or revise emission inventory reports, the District intends to generate a separate invoice that will be sent to each facility after work on the reports has been completed for each data year (similar to the process used for Title V reporting invoices). As noted above, the District is in the preliminary stages of developing tools for our customers to have more insight into their Time & Material charges.

4. WRITTEN CORRESPONDENCE

The District received a letter dated September 3, 2024, which stated that as a small business, the facility was disheartened to see fees continuing to increase. The commentor also mentioned that many facilities are out of compliance and the District should focus more attention on those facilities which are out of compliance.

DISTRICT RESPONSE

The District acknowledges the comment. District staff routinely conduct inspections of regulated facilities as well as investigating complaints of non-regulated facilities to ensure compliance with District rules.

1st Governing Board Hearing

During the September 12, 2024, public hearing, the District provided an overview of the draft Rule 40 changes, the cost recovery analysis methodology, and estimated costs and revenues associated with the proposed revisions to the Governing Board and members of the public in attendance. Input and feedback from hearing attendees was solicited and encouraged to continue until the second Governing Board Hearing for adoption. Spanish interpretation services were provided during the hearing, and a recording of the hearing was also posted to the District’s website. A summary of the comments from the September 12th Public Hearing and corresponding District responses are provided below:

1. PUBLIC HEARING COMMENT

Commentor would like to see less back and forth in the emissions inventory evaluation process and increased transparency in providing information related to reviews and project charges. Additionally, the commentor noted that using a blended labor rate did not seem appropriate.

DISTRICT RESPONSE

The District anticipates that as the emissions inventory program grows and facilities become more experienced in submitting data and evaluating requirements, this will result in a more streamlined process. The District will continue to provide outreach opportunities to discuss regulatory changes to help support facilities that are subject to these requirements. As noted previously, the District is in the preliminary stages of making tools available to facilities to increase transparency regarding emission inventory charges.

The District converted to a blended rate, starting in Fiscal Year 2022-23, for several reasons. Utilizing a blended rate ensures rate payors all pay the same for the same service, no matter who performs the service. Rate payors get a predictable hourly rate while standardizing billing rates on an average across all classifications. A blended rate allows the District to provide services, including application review by several levels of staff for one rate, to ensure all rate payors requesting the service pay the same for the same service.

On October 15, 2024, a Public Notice regarding the second Governing Board Hearing on November 14, 2024, was published in a local newspaper and posted on the District's website. The notice was also sent to all interested parties who have subscribed to the District's email notification service, chambers of commerce in the region, and the California Air Resources Board to provide an opportunity to submit written comments.

XIII. OTHER RULE AMENDMENTS (IF APPLICABLE)

There are no other ongoing rule amendments that are directly tied to the proposed amendments to Rule 40.

XIV. CONCLUSIONS, FINDINGS, AND RECOMMENDATIONS

Statutory Requirements

Pursuant to California Health & Safety Code [40727](#), before adopting, amending, or repealing a rule or regulation, the district board shall make findings of necessity, authority, clarity, consistency, nonduplication, and reference, as defined in this section, based upon information developed pursuant to Section 40727.2, information in the rulemaking record maintained pursuant to Section 40728, and relevant information presented at the hearing. As used in this section, the terms listed below have the following meaning:

- “Necessity” means that a need exists for the regulation, or for its amendment or repeal, as demonstrated by the record of the rulemaking authority.
- “Authority” means that a provision of law or of a state or federal regulation permits or requires the regional agency to adopt, amend, or repeal the regulation.
- “Clarity” means that the regulation is written or displayed so that its meaning can be easily understood by the persons directly affected by it.
- “Consistency” means that the regulation is in harmony with, and not in conflict with or contradictory to, existing statutes, court decisions, or state or federal regulations.
- “Nonduplication” means that a regulation does not impose the same requirements as an existing state or federal regulation unless a district finds that the requirements are necessary or proper to execute the powers and duties granted to, and imposed upon, a district.
- “Reference” means the statute, court decision, or other provision of law that the district implements, interprets, or makes specific by adopting, amending, or repealing a regulation.

Analysis

Proposed amended Rule 40 is not expected to negatively impact affected residents or industries including small businesses, nor affect employment or the economy of San Diego County. Findings made pursuant to H&SC Section 40727 for the list noted above have been included in the Governing Board Resolution for the proposed amended rule. Furthermore, if adopted, the proposed amendments will result in projected additional estimated revenues of up to \$1.5 million per fiscal year, which would increase the District’s estimated aggregate fee-for-service cost recovery percentage for its stationary source permitting, source testing, asbestos, and Hearing Board programs to approximately 96% and would reduce projected annual program related estimated revenue deficits to approximately \$600,000. The proposed amendments to Rule 40 are in line with the State Auditor’s 2020 recommendations² and will facilitate continued progress towards maximum cost recovery for the District’s stationary source regulatory programs. Decreased reliance on other revenue sources to cover the costs of implementing these stationary source programs creates potential opportunities to utilize those revenues to support other clean air programs and advance the District’s vision of Clean Air for All. As such, District staff recommends the Governing Board find that the proposed amendments are exempt from the requirements of CEQA, and to adopt the corresponding Board Resolution to amend Rule 40 as proposed.

This Staff Report addresses all the requirements specified in Health and Safety Code Sections 40725 through 40728.5 for rule development.

XV. REFERENCES

¹ August 2024 Matrix Consulting Group Report:

<https://www.sdapcd.org/content/dam/sdapcd/documents/rules/rule-workshops/050924/FY24-25-Cost-Recovery-Analysis-Report-Apr2024.pdf>

² 2020 State Auditors Report:

<https://www.auditor.ca.gov/pdfs/reports/2019-127.pdf>

³ 2021 Matrix Consulting Group Report:

https://www.sdapcd.org/content/dam/sdapcd/documents/governing-board/meetings/120921/Item3_Attachment%20B-Rules%2040%2042%20Cost%20Recovery%20Fee%20Analysis%20Report.pdf

⁴ May 21, 2021 Air Pollution Control District Governing Board Agenda Item #1:

https://www.sdapcd.org/content/dam/sdapcd/documents/governing-board/meetings/052121/Item%201_052121_Cost%20Recovery%20Taskforce_Board%20Letter.pdf