

Eastern Kern Air Pollution Control District

Rule 301 **PERMIT FEES**

Rule 302 **PERMIT FEE SCHEDULES**

Rule 303 **MISCELLANEOUS FEES**

STAFF REPORT

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I. INTRODUCTION

The Eastern Kern Air Pollution Control District (District) is proposing amendments to Rules 301, Permit Fees, 302, Permit Fee Schedules, and 303, Miscellaneous Fees. All three rules were last amended March 12, 2015.

On October 20, 2021, the District held a public rule development workshop at the District Board Chambers in Tehachapi to present proposed amendments to Rules 301, 302, and 303. A 30-day public review and comment period followed the workshop, which ended November 19, 2021. The District received no comments.

Amended Rules 301, 302, and 303 will be presented to the District's Governing Board for adoption at its regular Board Meeting held January 6, 2022, at the District Board Chambers located at 414 W. Tehachapi Boulevard Suite D Tehachapi, CA 93561.

Appendix A is the strikeout version of proposed Rule 301, Permit Fees.

Appendix B is the strikeout version of proposed Rule 302, Permit Fee Schedules.

Appendix C is the strikeout version of proposed Rule 303, Miscellaneous Fees.

II. BACKGROUND

To attain the state and federal air quality standards, the Federal and California Clean Air Acts require the Eastern Kern Air Pollution Control District (District) is required to permit stationary sources, develop attainment plans, adopt rules and regulations, implement programs to reduce emissions, and ensure that permitted stationary sources of air pollutants are in compliance with all applicable federal, state, and District rules. The revenue to fund the District's annual operating budget for these programs primarily comes from District Fees (Regulation III). The District has not implemented an across-the-board fee increase since 2008, however inflation and general operation costs continue to increase. The District has also seen an increase in new programs and responsibilities. Overall, District expenses have increase by 92% in the last 16 years. The increase in fees will offset costs associated with processing applications, day to day operations, execution of attainment related projects, and adjust for the past 13 years of inflation.

The District's primary responsibility is overseeing stationary sources in Eastern Kern County. The District's annual operating budget comes from various sources but is almost exclusively funded by fees imposed on these sources. A minor portion of District operational activities (1%) are funded by state subvention. Other state grant funds, such as the Carl Moyer Program, are pass-through funds for emission reduction projects within the District. The fees collected

through a surcharge on motor vehicle registrations (DMV Fees) are also primarily used for pass-through vehicle related emission reduction projects.

The District receives a small percentage of the grant funds for administrative costs, which covers approximately 1.6% of the District's operating expenses. A portion of the DMV Fees are used for air monitoring services and equipment and for outside plan development assistance. The District also receives federal funds from the Environmental Protection Agency (EPA) to partially fund operation of two PM2.5 air monitoring instruments.

III. DISCUSSION

California Health & Safety Code 42311(a) provides air districts the authority to adopt fee schedules to cover the costs of permitting stationary sources of air pollution. Since 2008, the District has minimized the need for fee increases by adhering to fiscally-conservative principles cross training staff to preform multiple functions. In spite of complying with multiple new state and federal mandates, the District has not required an across-the-board fee increase since 2008. In fact, the District's fees have only increase by 15% across-the-board over the last 22 years. At the same time Consumer Price Index inflation has increase 42% from 2000-2017. Similarly, other air districts have adjusted their fees upwards multiple times over time period, resulting in a significant cumulative difference in fee increases amongst air Districts.

Comparison with Other Districts

(Historical permit fee increases, 2000-2017)

Bay Area	201.1%
South Coast	77.0%
Sacramento	57.8%
San Joaquin Valley	27.6%
Eastern Kern	15%

Examples of New State and Federal Mandates and Additional Workload •

- New ozone and PM attainment plans in the next two years
- Develop major rules for contingency
- Residential Wood Burning Permit Portal
- Increased work associated with new state emission inventory regulations including Emission Inventory Criteria and Guidelines (EICG) and Criteria and Toxics Regulation (CTR) pursuant to AB 617.

IV. DESCRIPTION OF RULES

Rule 301

Requires every applicant for an ATC, PTO, Request for Exemption, or Agricultural Engine Registration to pay a nonrefundable filing fee of \$120. If an

application is filed for a PTO by reason of transfer of ownership or a change in the company's name and no alteration, addition, or transfer of location has been made, the applicant shall pay a \$65 filing fee.

Rule 302

Requires a first year fee according to the equipment type and size to be paid before issuance of ATC. These fees will also be billed every year for PTO renewal once construction is complete. In determining fees to be charged, applicable equipment within each process requiring a permit shall be totaled for each schedule. In the event that more than one fee schedule is applicable to a PTO, the governing schedule shall be that resulting in the higher fee.

Rule 303

Requires an application processing fee for engineering analysis based on the number of hours spent completing each project. Emissions testing, CEQA document preparation, portable equipment inspections and preliminary consultation may require additional fees, which will be determined by the Control Officer. Priority processing is also available and has a separate overtime hourly processing rate.

V. PROPOSED RULE AMENDMENTS

Rule 301

The current Rule requires a filing fee \$120 for regular applications and \$65 for transfer of ownership application. District is proposing an overall fee increase of 10%. This equates to a \$130 filing fee and a transfer of ownership fee of \$70.

Currently, fees pursuant to Rule 301 apply to all Authority to Construct, Permit to Operate, Request for Exemption, and Agricultural Engine Registration. District is proposing to add language clarifying applicability for Title V Permits pursuant to Rule 201.1. Section I, Filing Fee of Rule 301 has been revised to read as follows: Every applicant for an Authority to Construct, Permit to Operate, Title V Permit to Operate pursuant to Rule 201.1, Authority to Construct Renewal, Request for Exemption, or Agricultural Engine Registration shall pay a nonrefundable filing fee of \$130. Filing fee increased from \$120 to \$130 and transfer of ownership fee increased from 65 to \$70. Additionally, under Section III, reference to Rule 202 Section II.K.5-7 will be corrected to read "Section II.M". Reference to Section II.K.5-7 is no longer valid since Rule 202 has been amended.

Rule 302

As mention before, fee schedules pursuant to Rule 302 have not increased since 2008. Rule 302 was modified in 2015 to incorporate Schedule 7, Stationary Agricultural Engine Registration fee schedule and a Commercial Solar Power Generation Schedule as Schedule 12. District is proposing a fee increase of 10% across-the-board. The proposal includes increasing fees listed in Rule 302 by 5%

starting in fiscal year 2022/2023 and an additional 5% starting in fiscal year 2023/2024. Amended rule with fee changes is listed in appendix B.

Rule 303

For amended Rule 303, the District is proposing an hourly engineering analysis fee increase from \$100 to \$110 per hour. This change will be implemented to cover the costs associated with processing and engineering analysis. Similar to Rule 302, the District is also proposing a phased fee increase, 5% starting in fiscal year 2022/23 and an additional 5% starting in fiscal year 2023/24.

VI. EXEMPTIONS

If equipment is required to have an ATC/PTO, then it is subject to Rule 301, 302, or 303 and therefore not exempt from these Rules.

VII. RULE CONSISTENCY ANALYSIS

Pursuant to Section 40727.2 of the California Health and Safety Code (CH&SC), prior to adopting, amending, or repealing a rule or regulation, the District is required to perform a written analysis that identifies and compares the air pollution control elements of amended rules with the corresponding elements of existing or proposed District and EPA rules, regulations, and guidelines that apply to the same source category. Applicability of the amended rules was the element analyzed. All facilities will be subject to Amended Rules 301, 302 and 303.

VIII. ECONOMIC IMPACTS

Rule 301

Pursuant to State law, the District is required to analyze the cost effectiveness of any proposed rule amendment that implements Best Available Retrofit Control Technology (BARCT). The draft amendments do not add BARCT requirements and therefore are not subject to the cost effectiveness analysis mandate. Additionally, state law requires the District to analyze the socioeconomic impacts of any proposed rule amendment that significantly affects air quality or strengthens an emission limitation. The draft amendments will have neither effect, and are therefore not subject to the socioeconomic analysis mandate. Amended Rule 301 pose no significant cost to industry.

Rule 302

The increase in staff workload pursuant to attainment plan and rule development along with additional resources required for implementing the District's air toxic program (AB2588) and new additional requirements for maintaining emission inventories pursuant to AB617. Each year the District receives approximately \$1,360,000 from Permit to Operate Fees pursuant to Rule 302, which covers approximately 30% of the department's annual expenses. The 10% increase in

permit fees across the board is expected to recoup an additional \$130,000 which will be used to offset impending operating costs to the District.

Rule 303

Hourly engineering analysis fee will increase \$10 an hour, which is a 10% increase spread over 6 years. Each year the District receives approximately \$41,000 from engineering analysis fees, which only covers 1% of the department's annual expenses. The increase will offset engineering time and increasing operating costs of the District.

IX. SOCIOECONOMIC IMPACTS

CHSC Section 40728.5 exempts districts with a population of less than 500,000 persons from the requirement to assess the socioeconomic impacts of proposed rules. Eastern Kern County population is below 500,000 persons.

X. ENVIRONMENTAL IMPACTS

Both the California Environmental Quality Act (CEQA) and ARB policy require an evaluation of the potential adverse environmental impacts of proposed projects. The intent of Rules 301, 302 and 303 is to outline fee requirements of the District. An additional consideration is the impact that each rule may have on the environment. The District has determined that no significant adverse environmental impacts should occur as a result of adopting amendments to Rules 301, 302 and 303.

Pursuant to the Section 15061, Subsections (2) & (3) of the CEQA Guidelines, staff has prepared and filed a Notice of Exemption for this project.

XI. RULE APPROVAL PROCESS

The District accepted written comments and concerns from persons interested in Amended Rules 301, Permit Fees, 302, Permit Fee Schedules, and 303, Miscellaneous Fees for a period of 30 days starting October 20, 2021 following the workshop held in Tehachapi (no comments were received). Staff anticipates the revised Rule will be adopted by the District's Governing Board at its January 6, 2022 meeting. A hearing notice was published at least 30-days prior to the meeting.

APPENDIX A:
PROPOSED REVISION RULE 301
PERMIT FEES

Rule 301 Strikeout – Proposed Revision

RULE 301 Permit Fees - Adopted 04/18/72; Amended 06/20/78, 06/30/80, 12/15/80; 06/29/81, 04/28/86; 06/29/87, 07/11/88; 06/01/93, 11/14/96, 09/04/97, 01/08/98, 03/13/08, 03/12/15, ~~XX/XX/21~~

I. Filing Fee

Every applicant for an Authority to Construct, Permit to Operate, Title V Permit to Operate pursuant to Rule 201.1, Authority to Construct Renewal, Request for Exemption, or Agricultural Engine Registration shall pay a nonrefundable filing fee of \$~~130~~¹²⁰.

If an application is filed for a Permit to Operate by reason of transfer of ownership from one person to another, or a change in the company's name to a Permit to Operate that had previously been granted, and no alteration, addition, or transfer of location has been made, the applicant shall pay a \$~~70~~⁶⁵ filing fee.

II. Authority to Construct, Permit to Operate, and Exemption Issuance Fees

- A. For issuance of an Authority to Construct, an initial district Permit to Operate, Title V Permit to Operate, or an initial Request for Exemption pursuant to Rule 202 Section II.~~MK-5-7~~, the applicant shall pay fees as prescribed in Rule 302. For issuance of an Authority to Construct, or Permit Exemption application processing fees shall also be paid as prescribed in Rule 303.
- B. If an application for an Authority to Construct, Permit to Operate or a Request for Exemption is canceled, or if an Authority to Construct, Permit to Operate, or a Request for Exemption is denied and such denial becomes final, filing fees paid pursuant to this Rule shall not be refunded or applied to any subsequent application.
- C. In the event an Authority to Construct, Permit to Operate or a Request for Exemption is granted by the Hearing Board after denial by the Control Officer or after the applicant deems his application denied, the applicant shall pay fees as prescribed in Rule 302 for issuance of the permit upon receipt of a written statement from the District of fees due.
- D. After determination by the District of appropriate fees due, a written statement for fees due shall be mailed or delivered to the applicant. Nonpayment of fees due after 30 days of receipt of such statement may result in cancellation of the application.
- E. Receipt of a statement for initial permit fees due for existing equipment not requiring an Authority to Construct shall serve as a temporary Permit to Operate for 30 days. The Control Officer may extend this period with adequate justification.

III. Permit to Operate and Exemption Renewal Fee

Annually on the anniversary of issuance of a Permit to Operate the permittee shall pay a renewal fee as prescribed in Rule 302. On the second anniversary of granting of a Request for Exemption issued pursuant to Rule 202 Section II.~~K-5-7M~~, the holder of the exemption shall pay a \$~~130~~¹²⁰ renewal fee and biennially thereafter. The holder of permits or exemptions with more than one anniversary date may adjust annual renewal payments to a

Rule 301 Strikeout – Proposed Revision

single anniversary date by prorating renewal fee(s) as necessary. If the renewal fee is not paid within 30 days after it becomes due, the Control Officer shall promptly send a second notice to the permittee. If the fee is not paid within 30 days after such second notice, the permit may be revoked and the Control Officer shall so notify the permittee by mail.

IV. Alteration of Equipment Fee

If an application is filed for an Authority to Construct or modified Permit to Operate by reason of alterations or additions to any existing equipment, the applicant may be subject to assessment of a fee resulting from the increase in total equipment rating used in Rule 302 to determine the applicable fee. Such fee will be due if the increase in rating results in a higher applicable fee schedule. Where there is no change in such rating or applicable fee schedule, the applicant shall pay only the filing fee and application processing fee required herein.

V. Multiple Locations

When a permit has been issued to operate portable equipment at two or more locations, only one annual renewal fee shall be charged.

VI. Duplicate Permit

A request for a duplicate Authority to Construct, Permit to Operate or Exemption shall be made in writing to the Control Officer within 10 days after the destruction, loss or defacement of such document. Copy fees shall be charged in accordance with current Kern County Administrative Office policy.

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APPENDIX B:
PROPOSED REVISION RULE 302
PERMIT FEES SCHEDULE

Rule 302 Strikeout – Proposed Revision

RULE 302 Permit Fee Schedules - Adopted 04/18/72; Amended 06/20/78, 12/15/80, 06/29/81, 04/25/83, 06/29/87, 03/01/88, 06/01/93, 03/13/08, 11/13/08, 03/12/15, ~~XX,XX,202X~~

It is hereby determined the cost of issuing permits, and of inspections pertaining to such issuance, exceeds the fees prescribed herein. In determining fees to be charged, applicable equipment within each process requiring a permit shall be totaled for each schedule. In the event more than one fee schedule is applicable to a Permit to Operate, the governing schedule shall be that resulting in the higher fee.

SCHEDULE 1
ELECTRIC MOTOR HORSEPOWER SCHEDULE

Any equipment which may cause the emission of air contaminants where an electric motor is used as the power supply, shall be assessed a permit fee based on total rated motor horsepower of all electric motors included in any article, machine, equipment or other contrivance, in accordance with the following schedule:

<u>HORSEPOWER</u>	<u>FEE</u>	
	<u>4/1/2022</u>	<u>4/1/2023</u>
Up to and including 25	<u>\$210</u> \$200	<u>\$220</u>
Greater than 25 but less than 50	<u>\$295</u> \$281	<u>\$309</u>
50 or greater but less than 100	<u>\$506</u> \$482	<u>\$530</u>
100 or greater but less than 200	<u>\$802</u> \$764	<u>\$840</u>
200 or greater but less than 400	<u>\$1,055</u> \$1,005	<u>\$1,106</u>
400 or greater but less than 800	<u>\$1,561</u> \$1,487	<u>\$1,636</u>
800 or greater but less than 1,600	<u>\$2,111</u> \$2,010	<u>\$2,211</u>
1,600 or greater	<u>\$2,659</u> \$2,532	<u>\$2,785</u>

SCHEDULE 2
FUEL BURNING EQUIPMENT SCHEDULE

Any equipment which may cause the emission of air contaminants in which fuel is burned, with the exception of incinerators which are covered in Schedule 4, shall be assessed a permit fee based upon the design fuel consumption of the equipment expressed in British Thermal Units (BTU) per hour, using the gross heating value of the fuel, in accordance with the following schedule (for facilities using waste-derived fuels, amounts shall be doubled):

<u>1000 BRITISH THERMAL UNITS PER HOUR</u>	<u>FEE</u>	
	<u>4/1/2022</u>	<u>4/1/2023</u>
Up to and including 150	<u>\$210</u> \$200	<u>\$220</u>
Greater than 150 but less than 400	<u>\$295</u> \$281	<u>\$309</u>
400 or greater but less than 650	<u>\$506</u> \$482	<u>\$530</u>
650 or greater but less than 1,500	<u>\$802</u> \$764	<u>\$840</u>
1,500 or greater but less than 2,500	<u>\$1,055</u> \$1,005	<u>\$1,106</u>
2,500 or greater but less than 5,000	<u>\$1,561</u> \$1,487	<u>\$1,636</u>
5,000 or greater but less than 15,000	<u>\$2,111</u> \$2,010	<u>\$2,211</u>
15,000 or greater but less than 35,000	<u>\$2,659</u> \$2,532	<u>\$2,785</u>
35,000 or greater but less than 100,000	<u>\$3,207</u> \$3,054	<u>\$3,359</u>
100,000 or greater	<u>\$3,757</u> \$3,578	<u>\$3,936</u>

SCHEDULE 3
ELECTRICAL ENERGY SCHEDULE

Any equipment which may cause the emission of air contaminants and using electrical energy, with the exception of electric motors covered in Schedule 1, shall be assessed a permit fee based on total kilovolt-ampere (KVA) rating, in accordance with the following schedule:

<u>KILOVOLT AMPERES</u>	<u>FEE</u>	<u>FEE</u>	<u>FEE</u>
	<u>4/1/2022</u>	<u>4/1/2022</u>	<u>4/1/2023</u>
Up to and including 45	<u>\$210</u>	<u>\$200</u>	<u>\$220</u>
Greater than 45 but less than 145	<u>\$295</u>	<u>\$281</u>	<u>\$309</u>
145 or greater but less than 450	<u>\$506</u>	<u>\$482</u>	<u>\$530</u>
450 or greater but less than 1,450	<u>\$802</u>	<u>\$764</u>	<u>\$840</u>
1,450 or greater but less than 4,500	<u>\$1,055</u>	<u>\$1,005</u>	<u>\$1,106</u>
4,500 or greater but less than 14,500	<u>\$1,561</u>	<u>\$1,487</u>	<u>\$1,636</u>
14,500 or greater	<u>\$2,659</u>	<u>\$2,532</u>	<u>\$2,785</u>

SCHEDULE 4
INCINERATOR SCHEDULE

Any equipment designed and used primarily to dispose of combustible refuse by wholly consuming the material charged leaving only the ashes or residue shall be assessed a permit fee based on the following schedule of maximum horizontal inside cross sectional area, in square feet, of the primary combustion chamber.

<u>AREA IN SQUARE FEET</u>	<u>FEE</u>	<u>FEE</u>	<u>FEE</u>
	<u>4/1/2022</u>	<u>4/1/2022</u>	<u>4/1/2023</u>
Up to and including 8	<u>\$144</u>	<u>\$137</u>	<u>\$151</u>
Greater than 8 but less than 16	<u>\$202</u>	<u>\$192</u>	<u>\$211</u>
16 or greater but less than 27	<u>\$259</u>	<u>\$247</u>	<u>\$272</u>
27 or greater but less than 47	<u>\$403</u>	<u>\$384</u>	<u>\$422</u>
47 or greater but less than 90	<u>\$548</u>	<u>\$522</u>	<u>\$574</u>
90 or greater	<u>\$807</u>	<u>\$769</u>	<u>\$846</u>

SCHEDULE 5
STATIONARY CONTAINER SCHEDULE

Any stationary tank, reservoir, or other container, the contents of which may emit an air contaminant, shall be assessed a permit fee based on the following schedule of capacities in gallons:

<u>GALLONS</u>	<u>FEE</u>	<u>FEE</u>	<u>FEE</u>
	<u>4/1/2022</u>	<u>4/1/2022</u>	<u>4/1/2023</u>
Up to and including 5,000	<u>\$144</u>	<u>\$137</u>	<u>\$151</u>
Greater than 5,000 but less than 15,000	<u>\$202</u>	<u>\$192</u>	<u>\$211</u>
15,000 or greater but less than 25,000	<u>\$347</u>	<u>\$330</u>	<u>\$363</u>
25,000 or greater but less than 50,000	<u>\$548</u>	<u>\$522</u>	<u>\$574</u>
50,000 or greater but less than 100,000	<u>\$722</u>	<u>\$688</u>	<u>\$757</u>
100,000 or greater but less than 500,000	<u>\$1,069</u>	<u>\$1,018</u>	<u>\$1,120</u>
500,000 or greater	<u>\$1,444</u>	<u>\$1,375</u>	<u>\$1,513</u>

SCHEDULE 6
MISCELLANEOUS SCHEDULE

Any article, machine, equipment or other contrivance which may cause the issuance of air contaminants as defined in Rule 102 of the Rules and Regulations, not included in any other schedule, shall be assessed a permit fee of ~~\$145~~¹³⁸ as of April 1st 2022 and \$152 as of April 1st 2023.

SCHEDULE 7
AGRICULTURAL ENGINE REGISTRATION SCHEDULE

Compression Ignition (piston, gas turbine, etc.) engines that burn fuel for the production of useful power for agricultural purposes, shall be assessed a registration fee based on the designed horsepower output (expressed in brake horsepower – bhp) in accordance with the following schedule:

<u>BRAKE HORSEPOWER</u>	<u>FEE</u>	<u>FEE</u>	<u>FEE</u>
	<u>4/1/2022</u>	<u>4/1/2022</u>	<u>4/1/2023</u>
Greater than 50 but less than 100	<u>\$105</u>	\$100	<u>\$110</u>
100 or greater but less than 300	<u>\$148</u>	\$141	<u>\$155</u>
300 or greater but less than 600	<u>\$253</u>	\$241	<u>\$265</u>
600 or greater but less than 700	<u>\$401</u>	\$382	<u>\$420</u>
700 or greater but less than 800	<u>\$528</u>	\$503	<u>\$553</u>
800 or greater but less than 900	<u>\$781</u>	\$744	<u>\$818</u>
900 or greater but less than 1,000	<u>\$1,055</u>	\$1,005	<u>\$1,106</u>
1,000 or greater but less than 5,000	<u>\$1,329</u>	\$1,266	<u>\$1,393</u>
5,000 or greater but less than 10,000	<u>\$1,603</u>	\$1,527	<u>\$1,680</u>
10,000 or greater	<u>\$1,878</u>	\$1,789	<u>\$1,968</u>

SCHEDULE 8
INTERNAL COMBUSTION ENGINE SCHEDULE

Internal combustion (piston, gas turbine, etc.) engines that burn fuel for the production of useful power, including engine driven generators used for intermittent production of electrical power not for resale, shall be assessed a permit fee based of the designed horsepower output (expressed in brake horsepower – bhp) in accordance with the following schedule:

<u>BRAKE HORSEPOWER</u>	<u>FEE</u>	<u>FEE</u>	<u>FEE</u>
	<u>4/1/2022</u>	<u>4/1/2022</u>	<u>4/1/2023</u>
Greater than 50 but less than 100	<u>\$210</u>	\$200	<u>\$220</u>
100 or greater but less than 300	<u>\$295</u>	\$281	<u>\$309</u>
300 or greater but less than 600	<u>\$506</u>	\$482	<u>\$530</u>
600 or greater but less than 700	<u>\$802</u>	\$764	<u>\$840</u>
700 or greater but less than 800	<u>\$1,055</u>	\$1,005	<u>\$1,106</u>
800 or greater but less than 900	<u>\$1,561</u>	\$1,487	<u>\$1,636</u>
900 or greater but less than 1,000	<u>\$2,111</u>	\$2,010	<u>\$2,211</u>
1,000 or greater but less than 5,000	<u>\$2,659</u>	\$2,532	<u>\$2,785</u>
5,000 or greater but less than 10,000	<u>\$3,207</u>	\$3,054	<u>\$3,359</u>
10,000 or greater	<u>\$3,757</u>	\$3,578	<u>\$3,936</u>

SCHEDULE 9
EMISSION REDUCTION CREDIT FEE SCHEDULE

For issuance of a new or revised Banking Certificate pursuant to Rule 210.3, the applicant shall be assessed a \$~~575~~²⁵ fee. For renewal of a valid Banking Certificate, the owner shall be assessed a fee of \$~~135~~²⁵. For transfer of ownership of a Banking Certificate, the new owner shall be assessed a fee of \$~~275~~⁵⁰.

SCHEDULE 10
POWER GENERATION, COGENERATION AND RESOURCE RECOVERY
SCHEDULE

Power generation as used in this section refers to the continuous or intermittent generation of electricity for resale. Permit units subject to this section shall be assessed a permit fee based on the designed or actual energy output (whichever is greater, expressed in megawatts – MW) of the permit unit in accordance with the following schedule:

<u>MEGAWATTS (Gross Rating)</u>	<u>FEE</u>	<u>FEE</u>	<u>FEE</u>
	4/1/2022	4/1/2022	<u>4/1/2023</u>
Up to 1	\$3,381	\$3,220	<u>\$3,542</u>
Greater than 1 including 3	\$8,443	\$8,041	<u>\$8,845</u>
Greater than 3 but less than 10	\$10,638	\$10,131	<u>\$11,144</u>
10 or greater but less than 20	\$12,833	\$12,222	<u>\$13,444</u>
20 or greater but less than 30	\$15,027	\$14,311	<u>\$15,742</u>
30 or greater but less than 40	\$17,222	\$16,402	<u>\$18,042</u>
40 or greater but less than 50	\$19,682	\$18,745	<u>\$20,620</u>
50 or greater but less than 100	\$21,878	\$20,836	<u>\$22,920</u>
100 or greater but less than 250	\$26,565	\$25,300	<u>\$27,830</u>
250 or greater but less than 500	\$33,810	\$32,200	<u>\$35,420</u>
500 or greater but less than 1000	\$43,470	\$41,400	<u>\$45,540</u>
1000 or Greater	\$55,545	\$52,900	<u>\$58,190</u>

SCHEDULE 11
COMMERCIAL OFFSITE MULTIUSER HAZARDOUS AND
NONHAZARDOUS WASTE DISPOSAL FACILITIES

Each affected facility shall be assessed a permit fee based upon the size of the facility as specified in the conditional use permit issued by the appropriate city or county planning department or based upon the maximum potential size of the facility as determined by the Control Officer. In determining this fee, the following schedule shall be utilized.

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ACRES

	<u>FEE</u>	<u>FEE</u>	<u>FEE</u>
	<u>4/1/2022</u>		<u>4/1/2023</u>
Up to and including 5	<u>\$2,058</u>	\$1,960	<u>\$2,156</u>
Greater than 5 but less than 10	<u>\$2,269</u>	\$2,161	<u>\$2,377</u>
Greater than 10 but less than 15	<u>\$2,479</u>	\$2,361	<u>\$2,597</u>
Greater than 15 but less than 20	<u>\$2,690</u>	\$2,562	<u>\$2,818</u>
Greater than 20 but less than 25	<u>\$2,901</u>	\$2,763	<u>\$3,039</u>

SCHEDULE 11 continued

ACRES

	<u>FEE</u>	<u>FEE</u>	<u>FEE</u>
	<u>4/1/2022</u>		<u>4/1/2023</u>
Greater than 25 but less than 30	<u>\$3,113</u>	\$2,965	<u>\$3,262</u>
Greater than 30 but less than 35	<u>\$3,324</u>	\$3,166	<u>\$3,483</u>
Greater than 35 but less than 40	<u>\$3,534</u>	\$3,366	<u>\$3,703</u>
Greater than 40 but less than 45	<u>\$3,745</u>	\$3,567	<u>\$3,924</u>
Greater than 45 but less than 50	<u>\$3,956</u>	\$3,768	<u>\$4,145</u>
Greater than 50 but less than 55	<u>\$4,169</u>	\$3,970	<u>\$4,367</u>
Greater than 55 but less than 60	<u>\$4,380</u>	\$4,171	<u>\$4,588</u>
Greater than 60 but less than 65	<u>\$4,590</u>	\$4,371	<u>\$4,808</u>
Greater than 65 but less than 70	<u>\$4,801</u>	\$4,572	<u>\$5,029</u>
Greater than 70 but less than 75	<u>\$5,013</u>	\$4,774	<u>\$5,251</u>
Greater than 75 but less than 80	<u>\$5,224</u>	\$4,975	<u>\$5,473</u>
Greater than 80 but less than 85	<u>\$5,435</u>	\$5,176	<u>\$5,694</u>
Greater than 85 but less than 90	<u>\$5,645</u>	\$5,376	<u>\$5,914</u>
Greater than 90 but less than 95	<u>\$5,856</u>	\$5,577	<u>\$6,135</u>

For facilities greater than 100 acres, the fee shall be increased at ~~\$21,201~~ increments for each additional 5 acre increase beyond that provided above.

SCHEDULE 12
COMMERCIAL SOLAR POWER GENERATION SCHEDULE

Solar Power generation as used in this section refers to the continuous or intermittent generation of electricity for resale from solar facilities. Permit units subject to this section shall be assessed a permit fee based on the actual acreage of the permit unit in accordance with the following schedule:

ACREAGE

	<u>FEE</u>	<u>FEE</u>	<u>FEE</u>
	<u>4/1/2022</u>		<u>4/1/2023</u>
10 or greater but less than 50	<u>\$3,381</u>	\$3,220	<u>\$3,542</u>
50 or greater but less than 100	<u>\$8,443</u>	\$8,041	<u>\$8,845</u>
100 or greater but less than 200	<u>\$10,638</u>	\$10,131	<u>\$11,144</u>
200 or greater but less than 300	<u>\$12,833</u>	\$12,222	<u>\$13,444</u>
300 or greater but less than 400	<u>\$15,027</u>	\$14,311	<u>\$15,742</u>
400 or greater but less than 500	<u>\$17,222</u>	\$16,506	<u>\$18,042</u>

Rule 302 Strikeout – Proposed Revision

	\$16,402	
500 or greater but less than 1000	<u>\$19,682</u>	<u>\$20,620</u>
	\$18,745	
1000 or greater but less than 2000	<u>\$21,878</u>	<u>\$22,920</u>
	\$20,836	
2000 or greater but less than 3000	<u>\$26,565</u>	<u>\$27,830</u>
	\$25,300	
3000 or greater but less than 4000	<u>\$33,810</u>	<u>\$35,420</u>
	\$32,200	
4000 or greater but less than 5000	<u>\$43,470</u>	<u>\$45,540</u>
	\$41,400	
5000 or Greater	<u>\$55,545</u>	<u>\$58,190</u>
	\$52,900	

APPENDIX C:
PROPOSED REVISION RULE 303
MISCELLANEOUS FEES

Rule 303 Strikeout – Proposed Revision

RULE 303 Miscellaneous Fees - Adopted 04/18/72; Amended 01/09/79, 06/01/93, 01/08/98, 03/13/08, 03/12/15, ~~XX/XX/2021~~

I. Emissions Testing

If the Air Pollution Control Officer finds an analysis of emissions from any source is necessary to determine the extent and amount of pollutants being discharged into the atmosphere because it cannot be determined by visual observation, he may order collection and analysis of samples by qualified personnel of the Air Pollution Control District. Time required for collecting and analyzing samples, preparing necessary reports, but excluding time required in going to and from the source, may be charged to the owner or operator of said source in a reasonable sum to be determined by the Air Pollution Control Officer. Such sum shall not exceed the actual cost of such work.

II. Application Processing

For issuance of an Authority to Construct or Agriculture Engine Registration required by Rule 201, Title V Permit to Operate pursuant to Rule 201.1, or a Banking Certificate pursuant to Rule 210.3, the applicant shall pay, in addition to any fees required by Rules 301, or 301.1, a per hour Engineering Analysis Fee as specified in following table for the time required to process the application and the cost of all notices required by Rules 210.1, 201.1 and 210.3.

Per Hour Engineering Analysis Fee for applications received as of April 1 st each year	<u>2021</u>	2022 014	20152 023
	<u>\$100</u>	\$1058 8	\$110+ 00

III. CEQA Documents Preparation

If the Control District prepares environmental impact reports or negative declarations or parts there of as a lead or responsible agency under the California Environmental Quality Act (CEQA) for which a permit is required by the Rules and Regulations of the Control District, the applicant shall be assessed a fee to offset District costs pursuant to Section 15045 of the California Office of Planning and Research's guidelines for implementation of the 1970 CEQA.

IV. Portable Equipment Inspections

If the Control District finds it necessary to inspect a portable engine (and/or associated equipment) registered with the California Air Resources Board pursuant to Section 41753 of the California Health & Safety Code, it may charge an inspection fee as prescribed in Title 13 of the California Code of Regulations, Section 2461.

V. Preliminary Consultation

For a preliminary consultation regarding an issuance of an Authority to Construct required by Rule 201, Title V Permit to Operate pursuant to Rule 201.1, Request for Exemption pursuant to Rule 202 Section II.N~~K.5-7~~, or a Banking Certificate pursuant to Rule 210.3, the applicant shall pay, in addition to any fees required by Rules 301, or 301.1, a per hour Engineering Analysis Fee as specified in Table I for the time required to perform a preliminary consultation.

VI. Priority Processing

The applicant may request priority processing for an Authority to Construct or other permit activity. The applicant shall pay a per hour Priority Processing Fee to process an application, in addition to the normal application and processing fees required by Rules 301, 301.1 or 303(subsection II) for each hour that the application is processed on a paid overtime basis. The Priority Processing Fee shall be 1.5 times an Air Quality Engineer II, step 5 hourly salary multiplied by the total actual overtime hours worked. The hourly rate for priority processing of an application will be posted on the District's website each April 1st and the applicant must note on their application that they agree to the Priority Processing Fee and for how many hours of overtime processing they are willing to pay for in order to process the application.

VII. Plan Review

Reports, fugitive dust plans, technical documents and other plans requiring District official review or response shall be assessed a Plan Review Fee to offset District costs. The Plan Review Fee shall be charged on an hourly basis and will be based the same as the Application Processing Fee in Section II of this rule, but in no case shall the total fee be less than \$~~130~~¹²⁰. If the plan requires annual or biennial review, the review fee will be a minimum of one hour of the Application Processing Fee in effect at the time of submittal. CEQA documents requiring an official review or response are not subject to this section.

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