



Air Pollution Control Board
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Air Pollution Control District
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NOTICE OF WORKSHOP

FOR DISCUSSION OF PROPOSED AMENDMENTS TO RULE 40 - PERMIT AND OTHER FEES and PROPOSED ADOPTION OF NEW RULE 41 - INDEMNIFICATION, DEFENSE AND SECURITY

The San Diego Air Pollution Control District will hold a public meeting at the time and date below to consider proposed amendments to Rule 40 - Permit and Other Fees and proposed adoption of new Rule 41 - Indemnification, Defense and Security. Comments regarding the proposals may be submitted in writing before, or made at, the workshop.

DATE: May 21, 2001
TIME: 2:00 p.m. to 4:00 p.m.
PLACE: Air Pollution Control District
 9150 Chesapeake Drive
 San Diego, CA
 Conference Room 139

State Law authorizes the Air Pollution Control District to adopt a schedule of fees to recover the full cost of Air Pollution Control District programs related to permitted stationary sources that are not otherwise funded. Permit-related programs account for 68% of total District costs, while permit-related business fee revenue accounts for 46% of District revenue. State subvention, federal grants, vehicle registration fees, and asbestos program fees account for the remaining costs.

The methodology adopted by the Air Pollution Control Board (APCB), as recommended by a 1998 Fee Review Group of large and small District permit holders, was used to calculate District fees. The methodology applies one hourly rate for each job classification (e.g. engineer, inspector, chemist) regardless of the program or work being done. The hourly rate is fully loaded, meaning it also recovers permit-related activities not directly billable to permitted sources, including supervision, training, labor tracking, permit streamlining, meetings, and fee development.

District Savings and Budget

During the last five years, the District reduced costs through streamlining, process improvements, and improved automation. Also, staffing was reduced from 169.5 positions in FY 1996-97 to 138 in FY 2000-01, saving approximately \$2.7 million in salaries.

Due to changed program requirements, the FY 2001-02 District budget is increasing \$2,298,500, from \$11,611,500 to \$13,910,000, and staffing will increase from 138 to 152 positions. A large part of the increase (costs 26%, staffing 71%) is for 10 staff added in February 2001 to enhance the compliance and permitting programs and improve response to public complaints. These enhancements are funded by a state subvention increase of \$600,200. Other increased costs include projected negotiated salary and benefit increases (\$354,085), office lease increase (\$324,900), litigation costs (\$200,000), transport analysis for

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attainment demonstration (\$150,000), electric lawnmower exchange program (\$150,000), permit system automation enhancements (\$100,000), monitoring station utilities increase (\$39,415), IT contract increase (\$39,679), four new positions in the Administrative Services Division (\$182,204), and various other services and supplies, contracts and equipment costs (\$158,017). Most of these cost increases are funded by grants, subventions, vehicle registration fees, penalties, general fund for IT contract increases, and other revenue. The balance is funded by management reserves for vehicle replacement and lease cost increases.

Increased revenue required for the FY 2000-01 budget totals \$1,989,857. The proposed fee revisions will increase permit-related revenue by \$312,722 (5.1%) over last fiscal year. The remaining revenue increase is from grants and subvention funds (\$963,650), fines and forfeitures (\$230,000), vehicle registration funds (\$174,320), general fund for IT contract costs (\$39,679), interest (\$140,000), and charges for current services and other revenue sources (\$129,486).

RULE 40 – PERMIT AND OTHER FEES - Amendments

Revisions to Rule 40 Text

In addition to revising specific fees, proposed changes to Rule 40 will make the rule more “user friendly” by restructuring the entire text portion of the rule. The changes reformat the rule to make it consistent with the organization of other District Rules and Regulations and to clarify the types of equipment, operations, or process subject to Rule 40. Sections of the rule are now enumerated for Authority to Construct and Permit to Operate fees; Annual Operating Fees; Specific Program Fees; Late Fees; Renewal of Expired Permits and Reinstatement of Retired Permits; Refunds, Insufficient Payment of Fees, and Cancellations, and each paragraph is now enumerated for easier reference.

Other additions to the rule include an alphabetical listing of fee schedules by specific and general equipment types and worksheets to assist the customer in estimating potential fee requirements.

Fee Schedule Changes for 2001-02

Fees proposed for FY 2001-02 will fully recover District permitting and enforcement costs based on actual labor hours directly related to the permit system. Costs indirectly related to the permit system will be recovered through Air Contaminant Emissions Fees based on emissions from permitted sites. New enforcement and permit program enhancements (10 positions) are funded by a \$600,200 increase in State subvention funding.

There are 192 permit and registration renewal fee schedules - 178 (93%) have fixed fees and 14 (7%) have Time and Materials (T+M) fees. For the FY 2001-02 fee proposal, 60 (34%) fixed fee schedules are decreasing, 103 (58%) are increasing, and five (3%) are remaining the same. Eight T+M renewals are changing to fixed fee renewals. The increase or decrease in fees is based on the actual labor hours charged to a fee schedule. Labor hours increase when new regulations are implemented or when there are significant compliance issues. Conversely, as permits mature and there are fewer changes or problems, labor hours may decrease.

There are 162 permit and registration application fee schedules - 62 (25%) currently have fixed fees. For FY 2001-02, eight (13%) fixed fee schedules are decreasing, 52 (87%) are increasing, two (3%) are remaining the same. Also, there are two obsolete T+M fees being deleted. All fees will be at full-cost recovery with this proposal.

The Emissions Fee will remain at the current rate of \$82 per ton, achieving full-cost recovery for District indirect permit-related activities paid for by the Emissions Fee.

Labor rates in Schedule 94 for T+M fees are revised to reflect full-cost recovery, including labor rate increases due to negotiated salary increases. Salary increases for FY 2001-02 are estimated at 4% and benefit cost increases at 1.5 to 2%. Pursuant to the Fee Review Group's fee development methodology, department-wide costs and materials and supplies, not billable to a specific project, are included in these hourly labor rates.

As provided by Rule 40(b)(3), one new fee schedule was added to recover costs at a specific site which had significantly higher labor costs than the average permits in that fee schedule, and which would have caused the entire fee schedule to increase more than 10%. [In the proposed Rule 40 text revision, Rule 40(b)(3) is renumbered to Rule 40(c)(8).]

The proposed fees will likely be considered for adoption on June 20, 2001, and become effective July 1, 2001.

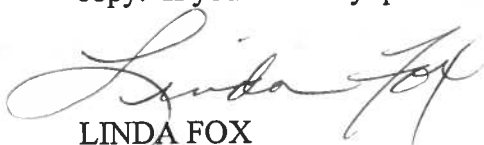
Fee Schedules

- Schedules 33(b) and 33(c) are obsolete and are changed to Reserved because there are no permits or labor charges on which to determine a current fee.
- Schedule 34(h) is added for Certified Emergency Standby Engines.
- Schedule 54(c) is added pursuant to existing Rule 40(b)(3) to recover specific facility costs that would have otherwise caused the entire fee schedule 54 (a) to increase by more than 10%. [In the proposed Rule 40 text revision, Rule 40(b)(3) is renumbered to Rule 40(c)(8).]
- Schedules 59(b) and 59(c) are added under Asbestos Control Equipment.
- Schedules 48(a), 48(c), 53(a), 53(b), 55(b), 55(c), 56(a) and 58(b), currently Time and Material renewals, are changed to fixed fee renewals based on actual labor hours charged to each fee schedule.

RULE 41 – INDEMNIFICATION, DEFENSE, AND SECURITY – Proposed New Rule

The District proposes to add new Rule 41 – Indemnification, Defense, and Security. This rule applies to all applicants for Authorities to Construct and/or Permits to Operate. The provisions of this rule apply if a lawsuit is filed against the District over its actions on a permit application. If the District is sued, the permit applicant is required to defend and hold the District harmless from liability. The rule also allows the District to require security from an applicant to ensure the District is held harmless.

If you would like a copy of the proposed new rule or amendments, you may download the proposed rules from the District's Website at <http://www.sdapcd.co.san-diego.ca.us> under Rules and Regulations, Workshop Notices. If you do not have Internet access, you may call Luann Serbesku at (858) 650-4544 to obtain a copy. If you have any questions concerning the amendments, please contact me at (858) 650-4506.



LINDA FOX
Chief, Air Pollution Control

LF:ls

4/25/01

PROPOSED AMENDMENTS TO RULE 40

RULE 40. PERMIT AND OTHER FEES

- 1. The proposed Rule 40 amendments delete the existing preamble and sections (a) through (t), and are to read as follows:

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RULE 40. PERMIT AND OTHER FEES

(a) APPLICABILITY

(1) This rule shall be used to determine all fees charged by the District, as authorized by the Air Pollution Control Board, except for those specified in Rule 42 - Hearing Board Fees. These include, but are not limited to, fees for: applications, permits, renewals, source testing, asbestos demolition or renovation operation plans, cooling towers, emergency episode plans, grid searches, technical consultations, new or modified power plants, toxic hot spots, Title V Operating Permits, Synthetic Minor Source Permits, and Certificates of Exemption.

(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) "District" means the San Diego County Air Pollution Control District.

(4) "Emission Unit" means any article, machine, equipment, contrivance, process or process line, which emit(s) or reduce(s) or may emit or reduce the emission of any air contaminant.

(5) "Facility" means the same as "Stationary Source."

(6) "Initial Evaluation Fee" means the fee listed in Column (1) of the Fee Schedules.

(7) "Location" means the same as "Stationary Source."

(8) "Permit to Operate" or "permit" means any District authority to operate such as a Permit to Operate, Certificate of Registration, Certificate of Exemption or Synthetic Minor Source permit, unless otherwise specified.

(9) "Stationary Source" means an emission unit or aggregation of emission units which are located on the same or contiguous properties and which units are under common ownership or entitlement to use.

(10) "T+M" means time and material costs.

(11) "T+RN" means time and material costs plus renewal fees.

(12) "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 unless otherwise defined by an applicable rule or regulation.

(c) **GENERAL PROVISIONS**

(1) No application shall be considered received unless accompanied with the appropriate fees.

(2) All time and material (T+M) and time and renewal (T+RN) costs shall be determined using the labor rates specified in Schedule 94.

(3) A fee of \$11 shall be charged for a duplicate of a Permit to Operate, Certificate of Registration or Certificate of Exemption.

(4) If the Air Pollution Control Officer determines that the activities of any one company would cause an increase of at least 10 percent 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 Emission Unit Fee Schedules shall be submitted to the Air Pollution Control Board for consideration and adoption.

(5) 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 percent 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).

(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 Section (d) for each emission unit.

(ii) A \$75 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 Permit Unit, or Banking Emission Reduction Credits. This fee does not apply to applications for a Change of Ownership, Identical Replacement or Fee Schedules 49A or 49B.

(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 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, Air Contaminant Emissions Fee, and if applicable, an Additional Engineering Evaluation Fee.

Calculation Worksheet for Initial Application Fees

Non-refundable Processing Fee	\$ 75
Initial Evaluation Fee ¹	
Air Contaminant Emissions Fee ²	
Additional Engineering Evaluation Fees ³	

Total: \$ _____

Notes:

1. See Fee Schedule. If T&M, or T&RN fee is indicated, call the District for a fee estimate.
2. See Section (d)(4) to determine applicable fee, based on total facility emissions.
3. See Section (d)(5) to determine if additional fees are required, or call the District for a 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+RN, the fee shall be the actual evaluation cost incurred by the District and either the specified Emission Unit Renewal Fee (Column (2)) or an estimated T+M renewal fee for the first year of operation. 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.

(4) Air Contaminant Emissions Fees

The Air Contaminant Emissions Fee is an annual fee based on total air contaminant emissions from the stationary source, as specified below.

(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 stationary source, 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 emissions of carbon monoxide, oxides of nitrogen, oxides of sulfur, particulate matter (PM₁₀) or volatile organic compounds **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 \$82 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 & Phase II controls required	\$9*
26(f)	VOC dispensing facility - Phase II bootless or mini-booted nozzle vacuum assist system	\$9*
28 (series)	Contract service solvent cleaning units (for contract companies with 100 or more units)	\$5 per cleaning unit

<u>Fee Schedule</u>	<u>Source Category Description - continued</u>	<u>Annual Emissions Fee</u>
28(f)	Facilities with only remote reservoir units and no other permits at the facility	\$5 per cleaning unit
27(e)	Industrial surface coating applications	\$410
27(k)	Metal parts and aerospace coating applications	\$410
27(m)	Wood product coating applications	\$410
27(s)	Automotive painting operations	\$246
27(v)	Adhesive application operations	\$410
Various	All other stationary sources	\$ 82

* The total annual Emissions Fee for these units is calculated by multiplying the indicated fee, the number of nozzles and the number of product grades per nozzle. (Emissions Fee = indicated fee x number of nozzles x product grades per nozzle)

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 Engineering Evaluation Fees for New or Revised Applications

If an application requires the District to evaluate the emission unit for compliance with Rule 51, Rule 1200, Rules 20.1 through 20.8, Rules 26.0 through 26.10, Regulation X, Regulation XI, Regulation XII, a federal NESHAP, or state ATCM, the applicant shall pay the actual cost incurred by the District for the compliance evaluation, 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.

(6) Fees for Revisions to Valid Permits

The owner of a valid permit, or his 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 minus the Emission Unit Renewal Fee (Column (1) minus (2)), 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	\$ 75
Evaluation Fee ¹	
Additional Engineering Evaluation Fees ²	
Total: \$ _____	

Notes:

1. See Fee Schedules, use Column (1) – (2). If T&M, or T&RN fee is indicated, call the District for a fee estimate.
2. See Section (d)(5) to determine if additional fees are required, or call the District for a fee estimate.

(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 a fee of \$75. The applicant shall demonstrate to the District's satisfaction proof of entitlement to the Permit to Operate at the time of application submittal.

(vi) Replacement Units per Rule 11 (d)(5)(ii): An application which proposes an emission unit description change to reflect an emission unit replaced pursuant to Rule 11(d)(5)(ii), shall pay a fee of \$75 if only the make or model of the emission unit is changed, or a fee of \$277 for all other eligible replacements.

(7) Fees for Revisions to Valid Authorities to Construct

The owner of a valid Authority to Construct, or his 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 minus the Emission Unit Renewal Fee (Column (1) minus (2)), except as provided under Section (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 Section (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 Section (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, shall be deposited with the District prior to reinspection of the emission unit.

(iii) Split Fee Payments for Applications

An applicant may request a split payment of application fees due to financial hardship. This request must be made in writing. The first payment, plus an administrative fee of \$75 must be deposited with the application. The second payment is due no later than 60 days after filing the application.

(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(b).

(ii) Annual Operating Fees are due on the first day of the renewal month. 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).

(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	\$ 30
Permit Processing Fee (\$20 x number of permitted units)	
Emission Unit Renewal Fee (See (iii) below)	
Air Contaminant Emissions Fee (See (iv) below)	
District & 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 processing fee of \$30 per stationary source.
- (ii) Permit Processing Fee: A permit processing fee of \$20 per Permit to Operate. Permits held in an inactive status are not required to pay this fee.
- (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, as specified below.

(A) For facilities with annual emissions of either carbon monoxide, oxides of nitrogen, oxides of sulfur, particulate matter (PM₁₀) or volatile organic compounds 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 \$82 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 & Phase II controls required	\$9*
26(f)	VOC dispensing facility - Phase II bootless or mini-booted nozzle vacuum assist system	\$9*
28 (series)	Contract service solvent cleaning units (for contract companies with 100 or more units)	\$5 per cleaning unit
28(f)	Facilities with only remote reservoir units and no other permits at the facility	\$5 per cleaning unit
27(e)	Industrial surface coating applications	\$410
27(k)	Metal parts and aerospace coating applications	\$410

<u>Fee Schedule</u>	<u>Source Category Description - continued</u>	<u>Annual Emissions Fee</u>
27(m)	Wood product coating applications	\$410
27(s)	Automotive painting operations	\$246
27(v)	Adhesive application operations	\$410
Various	All other stationary sources	\$ 82

* The total annual Emissions Fee for these units is calculated by multiplying the indicated fee, the number of nozzles and the number of product grades per nozzle. (Emissions Fee = indicated fee x number of nozzles x product grades per nozzle)

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. See Subsection (f)(7).

(vi) Annual Source Test Fee: If an annual 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 a split payment of the Annual Operating Fees due to financial hardship. This request must be made in writing. The first payment, plus an administrative fee of \$75 must be deposited by the first day of the renewal month. The second payment is due no later than 60 days after the first day of the renewal month. The renewed permit will be issued after the second payment is made.

(f) **SPECIFIC PROGRAM FEES**

(1) General Provisions

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

(2) Asbestos Demolition or Renovation Operation Plan

For each asbestos demolition or renovation operation plan subject to Regulation XI Subpart M (NESHAP), the owner or operator shall pay the applicable fees specified below. Fees are due at the time a notification is submitted. Plans or revisions thereof will not be considered received unless accompanied with the required fees. The terms used below are defined in Regulation XI Subpart M.

<u>TYPE OF OPERATION</u>	<u>Fee</u>
<u>Renovation Operation</u> (excluding residential buildings having four or fewer dwelling units)	
>160 sq. ft. or >260 linear (ln). ft. to 500 sq. or ln. ft.	\$234
501 to 2,000 sq. or ln. ft.	\$312
2,001 to 5,000 sq. or ln. ft.	\$468
5,001 to 10,000 sq. or ln. ft.	\$780
>10,000 sq. or ln. ft.	\$936
<u>Demolition Operation</u>	
Regulated Asbestos Containing Material (RACM) sites or Non-RACM sites or sites with no asbestos present	\$309
<u>Emergency Operation</u>	\$327
<u>Planned Renovation Operations</u>	
Plan Fee (add to appropriate operation fee listed below)	\$225
>160 sq. ft. or >260 ln. ft. to 500 or ln. ft.	\$234
501 to 2,000 sq. or ln. ft.	\$312
2,001 to 5,000 sq. or ln. ft.	\$468
5,001 to 10,000 sq. or ln. ft.	\$780
10,000 to 100,00 sq. or ln. ft.	\$936
<u>Multiple Building Projects at the Same Facility (>100,000 sq. or ln. ft)</u>	
Plan Fee (add to the operation fee and unit fee listed below.)	\$225
Operation Fee	\$1000
Per Unit Fee	\$ 45
<u>Revised Plan Fee</u> (Renovation, Demolition, Planned Renovation & Emergency Operation)	\$ 45

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) Cooling Towers

The owner or operator of any cooling tower(s) shall submit a compliance plan for the tower(s) to the District with the applicable fees. Circulating water test results shall also be submitted with the compliance plan if required by Rule 1202.

Plan Fee per facility	\$37
Each cooling tower	\$21

(4) 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 shall pay a \$142 evaluation fee for each plan or plan update, at the time the plan is submitted for review.

(5) 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 \$350 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.

(6) 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.

(7) Toxic Hot Spots

The owner or operator of a facility who has been identified by the District as being subject to the requirements of Health and Safety Code Section 44300 et seq. (the Air Toxics "Hot Spots" Information and Assessment Act), shall pay the applicable fees specified below to the District within 30 days of receipt of an invoice for the required fees.

(i) The owner or operator of a facility identified by the District as subject to any of the site-specific program requirements listed below shall pay an annual site-specific program fee. The amount of the site-specific program fee shall be equal to the actual costs incurred by the District associated with the site-specific program requirements for each affected facility.

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

(B) Public health risk assessment or updated public health risk assessment pursuant to Health and Safety Code Section 44360 et seq. or Rule 1210 of these Rules and Regulations.

(C) Public notification of public health risks pursuant to Health and Safety Code Section 44362 or Rule 1210 of these Rules and Regulations.

(D) Facility toxic air contaminant risk reduction audit and plan pursuant to Health and Safety Code Section 44390 or Rule 1210 of these Rules and Regulations.

(ii) In addition to the fee specified in Subsection (f)(7)(i), the owner or operator of a facility subject to the requirements of Health and Safety Code Section 44300 et seq. shall pay an annual fee for the recovery of State program costs. The amount of the annual State program fee for each facility shall be that specified by the ARB in accordance with the State Air Toxics "Hot Spots" Fee Regulation contained in Title 17, California Code of Regulations, Section 90700 et. seq.

(8) 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 Air Resources Board shall pay the required fee to the District within 30 days of receipt of an invoice for the required fees.

(9) Title V Operating Permit

The owner or operator of a stationary source subject to the requirements of Regulation XIV of these Rules and Regulations, 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.

Initial application base fee (add to evaluation fee below)	\$2200
Application evaluation fee (new or modified permits)	T+M
Title V permit renewal fee	T+RN

(10) 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, 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.

Application evaluation fee (new or modified permits)	T+M
SMS permit renewal fee	T+RN

(11) Certificate of Exemption

The owner or operator of any emission unit or process, applying for a Certificate of Exemption (COE) as provided under Rule 11 (d)(19)(xviii), shall pay a \$75 non-refundable processing fee and the fee specified below to recover the actual costs incurred by the District to evaluate the emission unit or process to obtain an

initial or modified COE. A COE is exempt from the requirement to pay Annual Operating Fees.

Initial evaluation fee	T+M (\$426 deposit, including processing fee)
COE modifications	T+M

(g) LATE FEES

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

(i) A late fee of 30 percent 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 percent 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 percent 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 percent 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 percent 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 percent of the amount due.

(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 Section (d)(6), such as an ownership change, change of location or modification, shall be paid concurrently.

(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).

(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).

(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) Refunds Prior to Evaluation: If an application for an Authority to Construct/Permit to Operate is withdrawn by the applicant before the engineering evaluation has begun, the District will refund the entire Initial Application Fee, less the \$75 non-refundable processing fee.

(ii) Refunds After Evaluation: If an application for an Authority to Construct/Permit to Operate is withdrawn by the applicant after the engineering evaluation has begun or if an Authority to Construct has been denied or canceled, the District will refund the Initial Application Fee, less the \$75 non-refundable processing fee and all 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 only refund the Emission Unit Renewal Fee.

(iv) Refund Due to Overpayment: If the total cost incurred by the District to evaluate an application for an Authority to Construct/Permit to Operate is less than the amount deposited by the applicant, the District will refund the amount deposited, less the actual evaluation costs and the \$75 non-refundable processing fee.

(v) Exempt Equipment Refunds: 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.

(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.

(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) 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) 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 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.

(ii) The Air Pollution Control Officer shall cancel an application when an applicant fails or refuses to deposit such amount within 30 days of demand or fails or refuses to deposit such amount by the date required by Rule 18 for action 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.

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
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
Can and Coil Manufacturing and Coating Operations	Schedule 33
Cement Silo System (Separate from Plants)	Schedule 8
Ceramic Deposition Spray Booths	Schedule 37
Ceramic Slip Casting.....	Schedule 43
Chromic Acid Anodizing.....	Schedule 55
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
Core Ovens.....	Schedule 16
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, & 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
Hydro Squeegee	Schedule 29
Industrial Coating Applications	Schedule 27

Alphabetical List Of Fee Schedules By Emission Unit Type – continued

Industrial Waste Water Treatment	Schedule 51
Ink Manufacturing.....	Schedule 38
Intermediate Refueler Facilities (Volatile Organic Compounds).....	Schedule 25
Internal Combustion Engines (Piston Type)	Schedule 34
Kelp and Biogum Products Solvent Dryer.....	Schedule 30
Lens Casting/Coating Equipment	Schedule 53
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
Rubber Mixers.....	Schedule 45
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
Smoke Houses.....	Schedule 12
Soil Remediation Equipment	Schedule 52
Solder Paste Manufacturing	Schedule 38
Soldering Equipment (Automated)	Schedule 29
Solvent Cleaning Operations.....	Schedule 28
Stills Processing Organic Materials	Schedule 44
Tire Buffers	Schedule 11
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
Can and Coil Coating Operations	Schedule 33
Graphic Arts Operations	Schedule 27
Industrial Coating Applications	Schedule 27
Lens Coating Equipment.....	Schedule 53
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
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
Soldering Equipment (Automated), Hydro Squeegee.....	Schedule 29

FOOD PROCESSING AND PREPARATION EQUIPMENT

Bakeries	Schedule 58
Bulk Flour and Powdered Sugar Storage Systems.....	Schedule 35
Coffee Roasters.....	Schedule 50
Smoke Houses.....	Schedule 12

Categorized List Of Fee Schedules By Emission Unit Type – continued

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

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
Tire Buffers.....	Schedule 11

METAL TREATMENT OPERATIONS

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

METALLURGICAL PROCESSING EQUIPMENT

Acid Chemical Milling	Schedule 32
Can and Coil Manufacturing Operations	Schedule 33
Copper Etching	Schedule 32
Hexavalent Chromium Plating & Chromic Acid Anodizing	Schedule 55
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, & 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
Lens Casting/Coating Equipment	Schedule 53
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
Rubber Mixers	Schedule 45

Categorized List Of Fee Schedules By Emission Unit Type - continued

OVENS

Burn Out Ovens	Schedule 15
Core Ovens	Schedule 16

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

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 to determine the Initial Application Fees and Emission Unit Fees using the amounts listed in Columns (1) and (2) respectively for each emission unit. The fees specified below do not include all of the Initial Application Fees (See Section (d)) or all of the Annual Operating Fees (See Section (e)).

The following Fee Schedules do not include the Emission Fee component of the fee. To determine the total fee to be paid, add the amount in Column (1) or Column (2), for each permitted fee unit to the non-refundable processing, per permit and per site base fees, as appropriate, and the air contaminant emissions fee for the facility, based on Rule 40(r).

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	\$ 410 <u>429</u>	\$ 64 <u>60</u>
(b) Each Pot 100 pounds capacity or larger loaded Pneumatically or from Storage Hoppers	\$ 737 <u>774</u>	\$ 48 <u>52</u>
(c) Each Bulk Abrasive Blasting Material Storage System	\$ 989 <u>1061</u>	\$ 42 <u>52</u>
(d) Each Spent Abrasive Handling System	\$ 891 <u>946</u>	\$ 55 <u>70</u>
(x) Each Portable Abrasive Blasting Unit, Registration <u>Registered Under Rule 12.1</u>	\$ 241 <u>358</u>	\$ 121 <u>131</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	\$ 1642 <u>1715</u>	\$ 89 <u>88</u>
(b) Each Cabinet, Room, or Booth with an Abrasive Transfer or Recycle System	\$ 1490 <u>1564</u>	\$ 98 <u>106</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	\$ 654 <u>697</u>	\$ 72 <u>77</u>
(b) Each Kettle or Tanker with capacity greater than 85 gallons and requiring emission control equipment	T+RN	\$ 193 <u>242</u>
(w) Each Kettle or Tanker, Registration <u>Registered Under Rule 12</u>	\$264	\$ 89 <u>79</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+RN	\$731 <u>969</u>

SCHEDULE 5: Rock Drills

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Each Drill with water controls	\$736 <u>777</u>	\$ 47 <u>43</u>
(b) Each Drill with controls other than water	T+RN	\$ 44 <u>35</u>
(w) Each Drill, Registration <u>Registered</u> Under Rule 12	\$264 <u>270</u>	\$ 26 <u>19</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	\$1457 <u>1511</u>	\$183 <u>171</u>
(x) Each Portable Sand and Gravel Screen Set, Registration <u>Registered</u> Under Rule 12.1	\$ 325 <u>331</u>	\$131 <u>138</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+RN	\$252 <u>270</u>
(b) Each Screening System (involves all screens serving a given primary or secondary crusher system)	T+RN	\$ 33 <u>26</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+RN	\$ 32 <u>24</u>
(d) RESERVED		
(x) Each Portable Rock Crushing System, Registration <u>Registered</u> Under Rule 12.1	\$335 <u>475</u>	\$121 <u>130</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+RN	\$264 <u>284</u>
(b) Each Mixer over one cubic yard capacity	T+RN	\$ 80 <u>85</u>
(c) Each Cement or Fly Ash Silo System not part of another system requiring a Permit	T+RN	\$ 98 <u>96</u>
(x) Each Portable Concrete Batch Plant, Registration <u>Registered</u> Under Rule 12.1	\$172 <u>313</u>	\$121 <u>132</u>

SCHEDULE 9: Concrete Product Manufacturing Plants

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Each Plant	T+RN	\$ 210 <u>220</u>

SCHEDULE 10: RESERVED

SCHEDULE 11: Tire Buffers

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Each Buffer	T+RN	\$ 143 <u>238</u>
(b) Hawkins Aircraft - ID #6195A*	T+RN	\$ 272 <u>323</u>

*Pursuant to Subsection ~~(c)(8)~~ ~~(b)(3)~~

SCHEDULE 12: Smoke Houses

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) RESERVED		
(b) RESERVED		
(c) RESERVED		
(d) RESERVED		
(e) RESERVED		
(f) RESERVED		
(g) RESERVED		
(h) Each Smoke House	T+RN	\$ 137 <u>147</u>
(i) 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	\$ 1536 <u>1632</u>	\$ 165 <u>191</u>
(b) Each 50 MM BTU/HR up to but not including 250 MM BTU/HR	T+RN	\$ 295 <u>344</u>
(c) Each 250 MM BTU/HR up to 1050 MM BTU/HR input, or up to but not including 100 Megawatt gross output, whichever is greater (based on an average boiler efficiency of 32.5%)	T+RN	T+M
(d) Each 100 Megawatt output or greater (based on an average boiler efficiency of 32.5%)	T+RN	\$ 2136 <u>2402</u>
(e) RESERVED		
(f) Each Unit 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	\$ 1373 <u>1443</u>	\$ 70 <u>76</u>

SCHEDULE 13: - continued

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(g) Each 250 MM BTU/HR up to 1050 MM BTU/HR input or up to but not including 100 Megawatt gross output, whichever is greater, where a Notice of Intention has been filed with the California Energy Commission	T+RN	T+M
(h) Each 100 Megawatt gross output or greater where a Notice of Intention has been filed with the California Energy Commission	T+RN	T+M

SCHEDULE 14: Non-Municipal Incinerators

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Waste burning capacity up to and including 100 lbs/hr*	T+RN	\$353 <u>359</u>
(b) Waste burning capacity greater than 100 lbs/hr	T+RN	\$434 <u>569</u>
(c) Burning capacity up to and including 50 lbs/hr used exclusively for the incineration or cremation of animals	T+RN	\$378 <u>426</u>
(d) Emission Controls or Modification for ATCM	T+RN <u>M</u>	N/A

*Excluding incinerators 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+RN	\$109 <u>115</u>
(b) RESERVED		
(c) Each IC Engine Parts Refurbishing Unit	T+RN	\$104 <u>150</u>

SCHEDULE 16: Core Ovens

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Each Core Oven	T+RN	\$163 <u>184</u>
(b) RESERVED		

SCHEDULE 17: RESERVED

SCHEDULE 18: Metal Melting Devices

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) RESERVED		
(b) RESERVED		
(c) Each Pit or Stationary Crucible	T+RN	\$183 <u>404</u>
(d) Each Pot Furnace	\$1768 <u>1869</u>	\$138 <u>161</u>
(e) Each Induction Furnace	T+RN	\$152
(f) RESERVED		
(g) RESERVED		
(h) RESERVED		

SCHEDULE 19: Oil Quenching and Salt Baths

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Each Tank	T+RN	\$101 <u>115</u>

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

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
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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+RN	\$ 318 <u>234</u>
(b) Each Aircraft Propulsion Test Cell or Stand at a facility where more than one such unit is located	T+RN	\$ 200 <u>173</u>
(c) Each Non-Aircraft Turbine Test Cell or Stand	T+RN	\$ 48 <u>53</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+RN	\$ 353 <u>383</u>
(e) Each Non-Aircraft Turbine Engine 50 MM BTU/HR up to but not including 250 MM BTU/HR input	T+RN	\$ 1809 <u>1934</u>
(f) Each Non-Aircraft Turbine Engine 250 MM BTU/HR or greater input	T+RN	\$ 1676 <u>1583</u>
(g) Each Unit used solely for Peak Load Electric Generation	T+RN	\$ 136 <u>164</u>
(h) Each Standby Gas Turbine used for Emergency Power Generation	T+RN	\$ 32 <u>52</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+RN	\$ 273 <u>301</u>
(b) RESERVED		
(c) RESERVED		
(d) RESERVED		
(e) RESERVED		

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+RN	\$ 783 <u>709</u>
(b) Each Grinder, Cracker, or Roll Mill	T+RN	\$ 112 <u>138</u>
(c) Each Shaker Stack, Screen Set, Pelletizer System, Grain Cleaner, or Hammermill	T+RN	\$ 25 <u>26</u>
(d) Each Mixer System	T+RN	\$ 105 <u>113</u>
(e) Each Truck or Rail Loading System	T+RN	\$ 65 <u>70</u>
(f) Kelco: Shaker, Screen, Pelletizer, Cleaner, Hammermill (ID #203A)*	T+RN	\$ 265 <u>435</u>

*Pursuant to Subsection (c)(8) (b)(3)

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+RN	\$318 <u>366</u>
(b) Each Storage Silo System	\$969 <u>1014</u>	\$169 <u>173</u>
(c) Each Loadout Station System	T+RN	\$ <u>74</u> <u>69</u>
(d) Each Belt Transfer Station	T+RN	\$ 33 <u>27</u>

SCHEDULE 24: Dry Chemical Mixing

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Each Grain Mixing System (includes receiving, transfer, mixing or blending, storage, and loadout bagging)	T+RN	\$217 <u>242</u>
(b) RESERVED		
(c) Each Dry Chemical Mixer with capacity over one-half cubic yard	T+RN	\$152 <u>181</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+RN	\$397 <u>412</u>
(b) Tank Rim Seal Replacement	T+RN	N/A
(c) Per Truck Loading Head	T+RN	\$ 89
(d) Per Vapor Processor	T+RN	\$1675 <u>1340</u>
2. Bulk Plants not equipped with or not proposed to be equipped with a vapor processor:		
(e) Per Tank	T+RN	\$ 48 <u>43</u>
(f) Per Truck Loading Head	T+RN	\$ 24 <u>30</u>
(g) RESERVED		

"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+RN	\$ 65 <u>74</u>
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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) Initial installations and total renovations where Phase I and Phase II controls are required (includes Phase I fee), except where Fee Schedule 26(f) applies	\$ 1458 <u>1549</u> + RN	
Renewal Fee: Fee x nozzles x product grades per nozzle		\$ <u>46 42</u> *
(b) RESERVED		
(c) Facilities where only Phase I controls are required (includes tank replacement)		
Fee Per Facility	\$ 750 <u>816</u>	\$ <u>89 116</u>
(d) RESERVED		
(e) Non-retail facilities with 260-550 gallon tanks and no other non-bulk gasoline dispensing permits		
Fee Per Facility	\$ <u>437 464</u>	\$ <u>94 102</u>
(f) Phase II Bootless or Mini-Booted Nozzle Vacuum Assist System facility	\$ 1895 <u>1949</u> + RN	
Renewal Fee: Fee x nozzles x product grades per nozzle		\$ <u>64 81</u> *

*The renewal fee is multiplied by the number of nozzles, ~~and multiplied by~~ the number of product grades dispensed per nozzle.

NOTE: A \$250 fee for cancellation of testing scheduled to be witnessed by the District shall apply when notification of test cancellation is received by the District less than two working days prior to the scheduled commencement of the test. Substitutions of another facility for test witnessing shall be considered a cancellation of the scheduled facility testing.

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
(t) First Permit to Operate for Marine Coating application at facilities where combined coating and cleaning solvent usage is < 3 gallons/day and <100 gallons/year	\$ 844	\$217
(x) US Navy Shipyard Pt. Loma - ID #2643D*	T+RN	\$945
(a) First Permit to Operate for Marine Coating application at facilities emitting < 10 tons/year of VOC from Marine Coating Operations	\$ 1888 <u>1940</u>	\$ <u>306 274</u>
(b) First Permit to Operate for Marine Coating application at facilities emitting ≥ 10 tons/year of VOC from Marine Coating Operations	\$2921	\$ <u>809 744</u>
(c) Each additional Permit Unit for Marine Coating application at existing permitted facilities	T+RN	\$ <u>80 112</u>
<u>(t) First Permit to Operate for Marine Coating application at facilities where combined coating and cleaning solvent usage is < 3 gallons/day and <100 gallons/year</u>	\$ <u>844 875</u>	\$ <u>217 218</u>
<u>(x) US Navy Shipyard Pt. Loma - ID #2643D*</u>	T+RN	\$ <u>945 606</u>

*Pursuant to Subsection (c)(8)

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	\$1166 <u>1240</u>	\$259 <u>288</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+RN	\$503 <u>488</u>
(f) Each Fiberglass, Plastic or Foam Product Process Line at facilities emitting < 10 tons/year of VOC from fiberglass, plastic or foam products operations	\$1744 <u>1859</u>	\$301 <u>343</u>
(g) Each Fiberglass, Plastic or Foam Product Process Line at facilities emitting ≥ 10 tons/year of VOC from fiberglass, plastic or foam products operations	\$2193 <u>2262</u>	\$299 <u>266</u>
(h) RESERVED		
(i) Each Surface Coating Application Station requiring Control Equipment	T+RN	\$2724 <u>2566</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	\$1851 <u>1944</u>	\$288 <u>302</u>
(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+RN	\$231 <u>215</u>
(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	\$1279 <u>1337</u>	\$361 <u>374</u>
(m) Each Wood Products Coating Application Station w/o Control Equipment at facilities emitting ≥ 5 tons/ year of VOC from Wood Products Coating Operations	\$1454 <u>1435</u>	\$348 <u>270</u>
(n) Each Press or Operation at a Printing or Graphic Arts facility subject to Rule 67.16	\$ 881 <u>925</u>	\$133 <u>141</u>
(o) RESERVED		
(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	\$1220 <u>1228</u>	\$363 <u>330</u>

PART 2 - Continued

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(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	\$1097 <u>1144</u>	\$305 <u>314</u>
(y) Parker Foils - ID #88192B - Each Surface Coating Application Station*	T+RN	\$8887 <u>10874</u>

*Pursuant to Subsection (c)(8) (b)(3)

PART 3 - MOTOR VEHICLE AND MOBILE EQUIPMENT REFINISHING OPERATIONS

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(r) Each facility applying < 5 gallons/day of Coating Materials subject to Rule 67.20 (as applied or sprayed)	\$1590 <u>1690</u>	\$336 <u>371</u>
(s) Each facility applying ≥ 5 gallons/day of Coating Materials subject to Rule 67.20 (as applied or sprayed)	\$1530 <u>1397</u>	\$278 <u>345</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	\$1117 <u>1174</u>	\$248 <u>225</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	\$1664 <u>1352</u>	\$248 <u>261</u>
(w) Each Adhesive Materials Application Station w/o control equipment where adhesive materials usage is < 55 gallons/year	\$1008 <u>1032</u>	\$216 <u>207</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+RN	\$168 <u>208</u>
(b) Each Cold Solvent Degreaser with liquid surface area ≥ 5 square feet	\$ 890 <u>935</u>	\$ 58 <u>63</u>
(c) Each Corrosion Control Cart	T+RN	\$254 <u>342</u>
(d) Each Paint Stripping Tank	\$1262 <u>1327</u>	\$155 <u>160</u>
(e) Each Vapor-Phase Solder Reflow Unit	T+RN	\$ 80 <u>78</u>
(f) Remote Reservoir Cleaners	\$ 336 <u>338</u>	\$ 80 <u>69</u>
(g) RESERVED		
(h) Vapor Degreaser with an Air-Vapor Interfacial area < 5 square feet	\$411 <u>459</u>	\$ 57 <u>88</u>
(i) Cold Solvent Degreaser with a liquid surface area < 5 square feet	\$372 <u>386</u>	\$ 80
(j) Metal Inspection Tanks	\$758 <u>751</u>	\$115 <u>77</u>

SCHEDULE 28: - continued

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(k) Contract Service Remote Reservoir Cleaners with ≥ 100 units	T+RN	\$ 8
(l) Contract Service Cold Degreasers with a liquid surface area of < 5 square feet	T+RN	\$ 8
(m) Each facility-wide Solvent Application Operation	T+RN	T+M
(n) Airtight Solvent Cleaners	T+RN	T+M
(o) Airless Solvent Cleaners	T+RN	T+M

SCHEDULE 29: Automated Soldering Equipment

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Each Solder Leveler	\$1733 <u>1818</u>	\$155 <u>165</u>

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+RN	\$1626 <u>1587</u>

SCHEDULE 31: Dry Cleaning Facilities

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Each Facility using Halogenated Hydrocarbon Solvents required to install Control Equipment	\$1045 <u>1127</u>	\$290 <u>335</u>
(b) Each Facility using Petroleum Based Solvents	T+RN	\$213 <u>274</u>
(c) Each Facility using Solvents not required to install Control Equipment	T+RN	\$112 <u>178</u>
(d) RESERVED		

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+RN	\$197 <u>233</u>
(b) Each Acid Chemical Milling Tank	T+RN	\$216 <u>358</u>
(c) Each Hot Dip Galvanizing Tank	T+RN	\$201 <u>191</u>
(d) Rohr: ID #301A*	T+RN	\$994 <u>1037</u>

*Pursuant to Subsection ~~(c)(8)~~ (b)(3)

SCHEDULE 33: Can and Coil Manufacturing and Coating Operations

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Each Process Line applying ≥ 1000 gallons per year	T+RN	\$305 <u>296</u>
(b) Research and Development Coil Coating Line <u>RESERVED</u>	T+RN	\$209
(c) Each Process Line applying < 1000 gallons per year <u>RESERVED</u>	T+RN	\$138

SCHEDULE 34: Piston Type Internal Combustion Engines

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Each Cogeneration Engine with in-stack Emission Controls	T+RN	\$313 <u>296</u>
(b) Each Cogeneration Engine with Engine Design Emission Controls	T+RN	\$295 <u>254</u>
(c) Each Emergency Standby Engine (for electrical or fuel interruptions beyond control of Permittee)	\$1473 <u>1535</u>	\$111 <u>104</u>
(d) Each Engine for Non-Emergency and Non-Cogeneration Operation	\$1303 <u>1380</u>	\$152 <u>171</u>
(e) Each Grouping of Engines for Dredging or Crane Operation with total engine horsepower ≥ 200 HP	T+RN	\$155 <u>168</u>
(f) Each Diesel Pile-Driving Hammer	T+RN	\$196 <u>105</u>
(g) Each Engine for Non-Emergency and Non-Cogeneration Operation ≤ 200 horsepower	\$1356 <u>1407</u>	\$ 91 <u>77</u>
(h) <u>Each California Certified Emergency Standby Engine (for electrical or fuel interruptions beyond control of Permittee)</u>	<u>\$1300</u>	<u>\$252</u>
(w) Each Specified Eligible Engine, Registration <u>Registered</u> Under Rule 12	\$291 <u>308</u>	\$ 64 <u>70</u>
(x) Each Specified Eligible Portable Engine, Registration <u>Registered</u> Under Rule 12.1	\$382 <u>363</u>	\$155 <u>125</u>
(z) Each Specified Eligible Engine, Registration <u>Registered</u> Under Rule 12, Conversion from Valid Permit	\$217 <u>227</u>	N/A

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+RN	\$184 <u>142</u>

SCHEDULE 36: Grinding Booths and Rooms

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Each Booth or Room	\$1482 <u>1571</u>	\$106 <u>125</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+RN	\$286 <u>274</u>
(b) <u>GKN Aerospace Chemtronics - ID #72A*</u>	T+RN	\$733 <u>639</u>

*Pursuant to Subsection (c)(8) (b)(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+RN	\$159 <u>185</u>
(b) Each Can Filling Line	T+RN	\$ 81 <u>107</u>
(c) Each Process Line for Solder Paste or Dielectric Paste Manufacturing	T+RN	\$ 64 <u>108</u>
(d) Each Paint, Adhesive, Stain or Ink Manufacturing facility producing <10,000 gallons per year	T+RN	\$ 72 <u>84</u>
(e) Frazee Paint - ID #935A*	T+RN	\$280 <u>287</u>

*Pursuant to Subsection (c)(8) (b)(3)

SCHEDULE 39: Precious Metals Refining

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Each Process Line	T+RN	\$112 <u>144</u>

SCHEDULE 40: Asphalt Pavement Heaters/Recyclers

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Each Processor	\$1197 <u>1193</u>	\$134 <u>79</u>
(x) Each Portable Unheated Pavement Crushing and Recycling System, Registration Under Rule 12.1	\$ 482 <u>444</u>	\$177 <u>122</u>

SCHEDULE 41: Perlite Processing

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Each Process Line	T+RN	\$1213 <u>1239</u>
(b) Aztec Perlite - ID #2700A*	T+RN	\$1749 <u>1975</u>

*Pursuant to Subsection (c)(8) (b)(3)

SCHEDULE 42: Electronic Component Manufacturing

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Each Process Line	T+RN	\$350 <u>364</u>
(b) Each Screen Printing Operation	T+RN	\$165 <u>191</u>
(c) Each Coating/Maskant Application Operation, excluding Conformal Operation	T+RN	\$385 <u>447</u>
(d) Each Conformal Coating Operation	T+RN	\$112 <u>138</u>
(e) RESERVED		
(f) Applied Micro Circuits - ID #6129A (Each operation)*	T+RN	\$1233 <u>1014</u>
(g) Herco: Screen Printing Operation - ID #89211A*	T+RN	\$470 <u>526</u>

*Pursuant to Subsection (c)(8) (b)(3)

SCHEDULE 43: Ceramic Slip Casting

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Each Process Line	T+RN	\$ 206 <u>338</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+RN	\$ <u>244</u> <u>301</u>
(b) Solvent Recovery Stills with a rated capacity equal to or greater than 7.5 gallons	\$ 1229 <u>1295</u>	\$ 72 <u>79</u>

SCHEDULE 45: Rubber Mixers

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Each Rubber Mixer	T+RN	\$ 64 <u>61</u>

SCHEDULE 46: Filtration Membrane Manufacturing

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Each Process Line	T+RN	\$ 706 <u>697</u>
(b) Osmonics/Desalination Systems - ID #5940B*	T+RN	\$ 1202 <u>1130</u>
(c) Osmonics/Desalination Systems - ID #85133A*	T+RN	\$ 1651 <u>1324</u>
(d) Hydranautics - ID #651A*	T+RN	\$ 930 <u>604</u>
(e) Hydranautics - ID #6236A*	T+RN	\$ 2060 <u>1293</u>

*Pursuant to Subsection (c)(8) (b)(3)

SCHEDULE 47: Organic Gas Sterilizers

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Each Organic Gas Sterilizer requiring control	T+RN	\$ 848 <u>705</u>
(b) Each Stand Alone Organic Gas Aerator requiring control	T+RN	T+M
(c) Each Organic Gas Sterilizer not requiring control	T+RN	\$ 134 <u>155</u>
(d) Each Stand Alone Organic Gas Aerator < 25 lbs. not requiring control	T+RN	\$ 57 <u>62</u>

SCHEDULE 48: Municipal Waste Storage and Processing

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Each Sanitary Landfill	T+RN	T+M <u>\$1855</u>
(b) Each Temporary Storage and/or Transfer Station	T+RN	T+M
(c) Each Landfill Gas Flare or Containment System	T+RN	T+M <u>\$1696</u>
(d) RESERVED		
(e) RESERVED		

SCHEDULE 49: Non-Operational Status Equipment

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Non-Operational Status Equipment	\$ 75	\$ 24 <u>30</u>
(b) Activating Non-Operational Status Equipment	\$118 <u>124</u>	N/A

SCHEDULE 50: Coffee Roasters

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Each Coffee Roaster	\$2035 <u>2017</u>	\$495 <u>392</u>

SCHEDULE 51: Industrial Waste Water Treatment

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Each On-site Processing Line	\$1106 <u>1148</u>	\$251 <u>249</u>
(b) Each Offsite Processing Line	T+RN	T+M

SCHEDULE 52: Air Stripping & Soil Remediation Equipment

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Air Stripping Equipment	T+RN	\$133 <u>145</u>
(b) Soil Remediation Equipment - On-site (In situ Only)	\$2948 <u>3060</u>	\$335 <u>319</u>
(c) Soil Remediation Equipment - Offsite & On-site (ex situ)	T+RN	\$678 <u>555</u>
(d) Contaminated Soil Excavation	T+RN	T+M
(e) Chevron USA - ID #90352A*	T+RN	\$1002 <u>683</u>

*Pursuant to Subsection (c)(8) (b)(3)

SCHEDULE 53: Lens Casting Equipment

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Each Lens Casting Line	T+RN	T+M <u>\$407</u>
(b) Each Lens Coating Line	T+RN	T+M <u>\$64</u>

SCHEDULE 54: Pharmaceutical Manufacturing

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Each Pharmaceutical Manufacturing Process Line	T+RN	\$323 <u>355</u>
(b) Each Protein Synthesis Process Line Employing Solvents	T+RN	T+M
(c) J & D Laboratories (97022A)*	<u>T+RN</u>	<u>\$ 1272</u>

*Pursuant to Subsection (c)(8)

SCHEDULE 55: Hexavalent Chromium Plating and Chromic Acid Anodizing

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Each Emission Collection System serving one or more Plating and/or Anodizing Tank(s)	T+RN	\$856 <u>1002</u>
(b) Each Decorative Plating Tank(s) Only	T+RN	T+M <u>\$890</u>
(c) Each Hard Chrome Plating or Chromic Acid Tank	T+RN	T+M <u>\$1429</u>

SCHEDULE 56: Sewage Treatment Facilities

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Each Sewage Treatment Facility	T+RN	T+M <u>\$2848</u>
(b) Each Wastewater Odor Treatment System that is not part of a Permitted Sewage Treatment Facility	T+RN	T+M
(c) RESERVED		

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+RN	T+M
(b) Bakery Ovens at Other Facilities	T+RN	T+M <u>\$260</u>

SCHEDULE 59: Asbestos Control Equipment

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Each Negative Air Machine/HEPA Filtration System	T+RN	T+M <u>\$ 252</u>
(b) <u>Portable Asbestos Bead Blast Machine</u>	<u>\$1192</u>	<u>\$ 252</u>
(c) <u>Portable Asbestos Mastic Removal Application Station</u>	<u>\$1041</u>	<u>\$ 252</u>

SCHEDULES 60 THROUGH 90, RESERVED

SCHEDULE 91: Miscellaneous - Hourly Rates

~~The fee for the Authority to Construct, Permit to Operate and annual renewal for items not listed in the above fee schedules of this subsection shall be determined by the actual costs incurred by the District. The initial Authority to Construct, Permit to Operate and first year renewal fee per unit shall be the sum of the annual renewal fee per unit and the actual Authority to Construct and Permit to Operate evaluation cost, each determined by using the labor rates specified in Schedule 94. The annual renewal fee per unit (Column 2) shall be the sum of the cost determined using the labor rates in Schedule 94 plus the air contaminant emissions fee based on Rule 40(r) and the per permit and per site processing and handling fees as specified in Section (b).~~

~~The applicant shall deposit with the District the amount estimated to cover the cost of evaluation and inspection, including the first year's surveillance, before an Authority to Construct and/or Permit to Operate is processed. If the actual cost incurred by the District is less than the amount deposited, the difference shall be refunded to the applicant. If any deposit is insufficient to pay all the actual costs, the applicant shall pay an amount deemed sufficient by the Air Pollution Control Officer to complete the work in progress. If the applicant fails or refuses to pay such amount upon demand, the District may recover the same by action in any court of competent jurisdiction until such amount is paid in full, providing the Air Pollution Control Officer determines that it is in the best interest of all parties concerned to proceed. An Authority to Construct and/or Permit to Operate shall not be issued until all required fees are paid.~~

~~All other fees specified in Sections (a) through (g) of this rule, shall also apply to this fee schedule.~~

The Evaluation Fee for an application for an Authority to Construct/Permit to Operate for equipment/processes not specified in the Fee Schedules shall be based on the actual costs incurred by the District for evaluating the application and an estimated Emission Unit Renewal Fee which will cover the costs related to an annual compliance inspection of the equipment. The applicant shall deposit the amount estimated to cover the actual cost of evaluation and the estimated renewal fee at the time of application submittal.

SCHEDULE 92: Source Testing Performed by the District

~~Whenever the Air Pollution Control Officer finds that it is necessary for the District to make an analysis of emissions from any source for the purpose of more accurately quantifying emissions or determining whether a Permit to Operate or annual renewal of a Permit to Operate shall be issued, or where there is good reason to believe a source may not be in compliance with the District's Rules and Regulations, the cost of collection and analysis of samples, including preparing the necessary reports, shall be added to the appropriate fee schedule herein. Source test fees shall be as determined in the following manner:~~

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 to measure emissions for the purpose of quantifying emissions to determine whether a Permit to Operate shall be issued or if the emission unit is in compliance. If the source test requires significantly more on-site time that 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 and related material and other costs. The owner or operator shall pay such fees upon notification from the District that such fees are required.

Fee Unit	Fee
(a) Each Particulate Matter Source Test	\$2990
Note: Cancellation Fee	\$ 500
(b) Annual Fee for each 5-Year Test Cycle for Incinerator Particulate Matter Source Test with Waste Burning Capacity of < 100 lbs Per Hour	\$738
(c) Each Oxides of Sulfur Source Test	T+M
(d) RESERVED	
(e) RESERVED	
(f) Each Carbon Monoxide and Oxides of Nitrogen Source Test with a Continuous Analyzer	\$1775
(g) Each Oxides of Nitrogen Source Test with a Continuous Analyzer	\$1420
(h) Each Incinerator Particulate Matter Source Test with Waste Burning Capacity of > 100 lbs Per Hour	T+M
(i) Each Ammonia Slippage Source Test	\$ 650
(j) Continuous Emission Monitor Evaluation	T+M
(k) RESERVED	
(l) Each VOC Outlet Source Test Only	T+M
(m) Each Mass Emissions Source Test	T+M
(n) RESERVED	
(o) Each Multiple Metals Source Test	T+M
(p) Each Chromium Source Test	T+M
(q) Each VOC Onsite Analysis	T+M
(r) Each VOC Offsite Analysis	T+M
(s) Each Hydrogen Sulfide Source Test	T+M
(t) Each Acid Gases Source Test	T+M
(u) Annual Fee for Optional Source Test Pilot Study, <u>for sources Subject to 92(a), (1/5 the cost of one test)</u>	T+M \$598
(v) Annual Fee for Optional Source Test Pilot Study (1/2 the cost of one test)	T+M
(z) Miscellaneous Source Test (Special Tests not Listed)	T+M

~~Additional District costs in those cases (e.g., tall stacks) when testing requires an unusually greater amount of onsite time than that represented by the fixed fees specified in this Schedule, shall be determined using the labor rates specified in Schedule 94 and related material and other costs.~~

~~NOTE: A \$250 cancellation fee shall be charged for less than two working days notice of cancellation of any test, except the cancellation fee for tests under Schedule 92(a) shall be \$500. Substitution of another facility shall be considered a cancellation.~~

SCHEDULE 93: ~~Observations and Evaluations~~ Witness of Source Testing Tests Performed by ~~Private Companies~~ Independent Contractors

~~Whenever the Air Pollution Control Officer finds that it is necessary for the District to observe source testing performed by private companies for the purpose of determining whether a Permit to Operate or annual renewal of a Permit to Operate shall be issued, or where there is good reason to believe a source may not be in compliance with the District's Rules and Regulations, the cost of the observation of the test and review and approval of the test protocol and test report shall be charged at the hourly rates in Schedule 94.~~

~~When a test procedure review is requested by any person and the Air Pollution Control Officer agrees that a review should be made, the cost of the review shall be paid by such person.~~

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.

Fee Unit	Fees
(a) Observations	T+M
(b) Source Test Reports	T+M
(c) Test Procedure Review	T+M
(d) Each VOC Bulk Terminal Test Witness	T+M
(e) Each Ethylene Oxide Test Witness	\$2005

SCHEDULE 94: Time and Material (T+M) Labor Rates
(Note: This Fee Schedule has been alphabetized.)

Employee Classification (Fee Unit)	Hourly Rate
Air Pollution Control Aide (94u)	\$ 64 69
Air Quality Inspector I (94o)	\$ 73 78
Air Quality Inspector II (94e)	\$ 78 84
Air Quality Inspector III (94f)	\$ 93 100
Assistant Air Resources Specialist (94s)	\$ 91 96
Assistant Chemist (94i)	\$ 65 63
Assistant Engineer (94b)	\$ 105 110
Assistant Meteorologist (94g)	\$ 68 66
Associate Air Resources Specialist (94q)	\$103
Associate Chemist (94j)	\$ 70 68
Associate Engineer (94c)	\$ 111 117
Associate Meteorologist (94r)	\$ 68 69
Engineering Technician (94p)	\$ 91 97
Instrument Technician I (94l)	\$ 56 55
Instrument Technician II (94n)	\$ 61 59
Junior Engineer (94a)	\$ 91 95
Senior Chemist (94k)	\$ 83 82
Senior Engineer (94d)	\$ 138 146
Senior Meteorologist (94h)	\$ 82 83
Source Test Technician (94m)	\$ 56 55
Student Worker II (94v)	\$ 32 27
Student Worker III (94w)	\$ 39 33
Student Worker V (94x)	\$ 50 42
Supervising Instrument Technician (94t)	\$ 70 68

SCHEDULE 95: Sampling and Analysis

~~Whenever the Air Pollution Control Officer finds that it is necessary for the District to make an analysis of any samples for the purpose of determining potential emissions and/or for the purpose of determining compliance with District Rules and Regulations, the cost of collection and analysis of samples, including preparing the necessary reports, shall be paid by the permittee or applicant for activities which do not require a permit. The cost shall be equal to the cost determined by using the labor rates specified in Schedule 94 and the cost of external 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 Permittees Sources Not in Compliance

~~Whenever the District is required to provide consultation, testing or inspection services to a permittee beyond the average consultation, testing and inspection covered by the permit fees specified in the preceding schedules, because the permittee's source is out of compliance with District Rules and Regulations, the cost of such consultation, testing, inspection and costs related to any Notice of Violation or Notice to Comply shall be a fee in addition to the permit fees provided elsewhere in Rule 40. The cost of such consultation, testing, inspection and costs related to any Notice of Violation or Notice to Comply shall be determined by using the labor rates specified in Schedule 94. The permittee shall be billed the additional fee for the consultation, testing, inspection and costs related to any Notice of Violation or Notice to Comply and shall remit such amount to the District within 30 days of being notified that such amount is due, unless prior arrangements for payment have been approved by the Air Pollution Control Officer.~~

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 required to provide consultation, legally required testimony, testing or inspection, engineering, or incur costs related to any Notice of Violation or Notice to Comply or other services requested by any individual, business or agency, not directly related to an application for permit, permit renewal, or associated source testing, the cost of such services shall be determined using the labor rates specified in Schedule 94. Individuals, businesses or agencies receiving or requesting such services shall be billed the estimated cost of such services, and shall remit such amount to the District in advance of the service, unless prior arrangements for payment have been approved by the Air Pollution Control Officer.~~

Whenever the District is required to provide consultation, legally required testimony, testing, inspection, engineering or services related to a Notice of Violation and/or Notice to Comply, the cost of such services shall be determined using the labor rates specified in Schedule 94. 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 arrangement for payment have been approved by the District.

SCHEDULE 98: ~~Grid Search~~ (Note: moved to Subsection (f)(5))

~~A fee of \$350 shall be submitted by any individual, business or agency requesting the District to conduct a grid search to identify all facilities with the potential to emit hazardous air pollutants located within one quarter mile of a proposed school boundary.~~

SAN DIEGO AIR POLLUTION CONTROL DISTRICT

PROPOSED NEW ~~INDEMNIFICATION~~ RULE 41

Proposed New Rule 41 is to read as follows:

RULE 41. INDEMNIFICATION, DEFENSE AND SECURITY

This rule applies to all applicants for Authorities to Construct and/or Permits to Operate. The provisions of this rule apply if a lawsuit is filed against the District over its actions on a permit application. If the District is sued, then the permit applicant is required to defend and hold the District harmless from liability. The rule also allows the District to require security from an applicant to ensure the District will be held harmless.

(a) Every applicant for a Authorities to Construct and/or Permits to Operate shall defend, indemnify and hold harmless the District and its agents, officers and employees from any claim or proceeding against the District, its agents, officers, or employees, to attack approvals or decisions on the applicant's project or related documents prepared for the California Environmental Quality Act (CEQA), or any of the District's acts associated with the applicant's project. All applicants shall also defend, indemnify and hold harmless the District, its agents, officers and employees from all related claims for court costs and attorneys fees. All applicants shall consult with the District concerning all phases of any defense by the applicant pursuant to this provision. If any applicant refuses to defend the District following written demand for such defense, the District may provide its own legal defense, and such applicant shall reimburse the District for all attorneys' fees and costs incurred by the District in providing its own defense.

(b) The District may, at its sole discretion, participate in the defense of any such claim or proceeding provided the District defends the claim or proceeding in good faith and pays its own costs and attorneys fees. The District's participation does not relieve the applicant of its obligations under this rule.

(c) The District may, at its sole discretion, require security from the applicant upon the filing of a claim or proceeding against the District, its agents, officers, or employees as described in Section (a) of this rule. Within 10 business days of receiving written notice from the District that security is required, the applicant shall provide security in an amount and in a form of security instrument and issued by a surety, that is acceptable to the District in its sole discretion. The security instrument shall name the District as beneficiary. The purpose of the security is to insure the performance of the applicant's defense and indemnity obligations under this rule; however, the applicant's obligations to defend and indemnify the District are not limited to or by the amount of said security. The applicant shall maintain the security at all times after it is provided to the District until all claims, actions, or proceedings related to the applicant's project or adoption of related CEQA documents have been fully concluded as determined by the District. The District shall, however, release the security if all proceedings and litigation, including all related claims for court costs and attorneys fees and all appeals, have been fully concluded and the applicant has fulfilled its obligations under this rule.

(d) The applicant shall not be required to pay or perform any settlement of such claim, action or proceeding unless the applicant has approved the settlement in writing.

(e) Failure to indemnify as required above shall constitute a waiver by the applicant of any right to proceed with the applicant's project or any portion thereof.

(f) The applicant's obligations under this rule shall be binding on the successors, heirs and assigns of the applicant, and shall survive and remain outstanding obligations even if the applicant's project approval is found to be invalid, in whole or in part, or is set aside by a court of competent jurisdiction.

(g) The provisions of this rule shall not apply to any action brought by the applicant or the District against the other.