



November 18, 2024

NOTICE OF PUBLIC WORKSHOP

FOR DISCUSSION OF DRAFT PROPOSED NEW RULE 67.26 – COMMERCIAL CHARBROILING OPERATIONS & CORRESPONDING DRAFT PROPOSED AMENDMENTS TO RULES 11, 12, & 40

The San Diego County Air Pollution Control District (District) invites you to participate in the following virtual public workshop to provide input regarding draft proposed new Rule 67.26 – Commercial Charbroiling Operations, and corresponding draft proposed amendments to Rule 11 (Exemptions from Rule 10 Permit Requirements), Rule 12 (Registration of Specified Equipment), and Rule 40 (Permit and Other Fees). Comments and questions concerning this proposal may be submitted in writing before or during the workshop, which is scheduled for:

DATE: **Wednesday, December 4, 2024**

TIME: **9:30 a.m. to 11:00 a.m.**

HOW TO PARTICIPATE: **Register via web browser or mobile device at:**

<https://bit.ly/3NGorAO> (Meeting ID: 843 3124 0948, Passcode: 232035)

NOTE: Workshop may conclude earlier than the scheduled time if comments have been addressed.

Currently, San Diego County does not meet State and federal ozone standards and may soon be designated as a nonattainment area for the new federal (more stringent) Particulate Matter (PM) 2.5 standard. As a result, proposed new Rule 67.26 (Commercial Charbroiling Operations) would help the region attain compliance with such standards by further controlling PM and Volatile Organic Compound (VOC) emissions. Proposed new Rule 67.26 would regulate emissions specifically from chain-driven charbroilers, operated at commercial cooking facilities within San Diego County. A chain-driven charbroiler (commonly used at fast-food restaurants) is a semi-enclosed cooking device that uses conveyor belts to carry the food through flames and a heated area to quickly cook the top and bottom of the food simultaneously. During the cooking process, emissions are generated which contain harmful pollutants such as PM and VOCs that can affect public health. PM contains small particulates that can easily bypass the natural filters in the nose and throat, reach deep into the lungs and cause respiratory problems. VOCs are organic compounds that chemically react with other existing compounds in the atmosphere and form ground-level ozone (commonly known as smog).

Proposed new Rule 67.26 requirements would include but are not limited to: (1) Apply to owners/operators cooking at least 415 pounds (lbs.) a week of meat on each chain-driven charbroiler at a commercial facility; (2) Require installation of a flameless catalytic oxidizer (FCO) to control 83% of PM emissions and 86% of VOC emissions from each subject chain-driven charbroiler; (3) Require registration, pursuant to Rule 12, for chain-driven charbroilers operating with a FCO certified by the South Coast Air Quality Management District (SCAQMD); (4) For chain-driven charbroilers operating with non-certified FCOs or alternative emissions controls, require a Permit to Operate pursuant to Rule 10; and (5) Require proper maintenance of equipment and recordkeeping of charbroiling cooking operations. If considered and adopted by the District's Governing Board, the proposed new rule would become effective on July 1, 2025. As proposed, corresponding and concurrent amendments to Rules 11, 12, and 40 will also be necessary to accommodate proposed new Rule 67.26, should the Governing Board adopt it.

Draft Documents

A copy of draft proposed new Rule 67.26, as well as draft proposed amendments to Rules 11, 12, and 40, are available on the District's Rule Development website at <https://bit.ly/workshops-public-notices>. Those unable to access the document may contact Janet McCue at (858) 586-2712 or Janet.McCue@sdapcd.org.

Comment Deadline

Comments and questions regarding draft proposed new Rule 67.26, or draft proposed amendments to Rules 11, 12, and 40, may be made verbally during the public workshop, or in writing before the workshop. All written comments must be submitted no later than Friday, December 20, 2024. Please email all written comments directly to Miriam Sanchez at Miriam.Sanchez@sdapcd.org. Please contact Miriam Sanchez at (858) 586-2850 with any questions.

****Assistance for Persons with Disabilities & Language Interpreter Requests**

Information will be available in alternative formats upon request. To the extent reasonably possible, requests for disability-related accommodation including sign language interpretation and language interpreter services should be submitted no later than Friday, November 29, 2024, so that arrangements may be made. Contact Janet McCue at (858) 586-2712 or Janet.McCue@sdapcd.org with questions or to make requests.



18 de noviembre, 2024

AVISO DE TALLER PÚBLICO

DISCUSIÓN DE PROPUESTA DE NUEVA NORMA 67.26 – OPERACIONES DE ASADORES COMERCIALES Y ENMIENDAS CORRESPONDIENTES PROPUESTAS A LAS NORMAS 11, 12, Y 40

El Distrito de Control de la Contaminación del Aire del Condado de San Diego (Distrito) lo invita a participar en el siguiente taller público virtual para brindar aportes sobre los borradores de nueva Norma 67.26 – Operaciones de Asadores Comerciales propuesta y enmiendas correspondientes propuestas a la Norma 11 (Exenciones de los Requisitos de Permiso de la Norma 10), Norma 12 (Registro de Equipos Especificados), y Norma 40 (Tarifas de Permisos y Otras Tarifas). Comentarios y preguntas sobre estas propuestas pueden enviarse por escrito antes o durante el taller virtual, que está programado para:

FECHA:

Miércoles, 4 de diciembre, 2024

HORA:

9:30 a.m. a 11:00 a.m.

CÓMO PARTICIPAR:

Regístrese a través del navegador web o dispositivo móvil en:

<https://bit.ly/3NGorAO> (ID del taller virtual: 843 3124 0948, Contraseña: 232035)

NOTA: El taller puede concluir antes de la hora programada si se han abordado los comentarios.

Actualmente, el condado de San Diego no cumple con los estándares estatales y federales de ozono y pronto podría ser designado como área de incumplimiento del nuevo estándar federal (más estricto) de material particulado (PM) 2.5. Como resultado, la nueva Norma 67.26 propuesta (Operaciones de Asadores Comerciales) ayudaría a la región a lograr el cumplimiento de dichos estándares mediante un mayor control de las emisiones de PM y compuestos orgánicos volátiles (VOCs). La nueva Norma 67.26 propuesta regularía las emisiones específicamente de los asadores automáticos operados en instalaciones de cocinas comerciales dentro del condado de San Diego. Un asador automático (comúnmente utilizado en restaurantes de comida rápida) es un tipo de asador comercial que utiliza bandas transportadoras para mover la comida a través de las llamas para que sea rápidamente y simultáneamente cocinada. Comida cocinada en asadores genera emisiones que contienen contaminantes atmosféricos, específicamente PM y VOCs, que pueden afectar la salud pública. PM contiene pequeñas partículas que pueden pasar fácilmente por los filtros naturales de la nariz y la garganta, y penetrar profundamente en los pulmones y causar problemas respiratorios. Los VOCs son compuestos orgánicos que reaccionan con otros químicos existentes en la atmosférica y forman ozono a nivel del suelo (comúnmente conocido como “smog”).

Los nuevos requisitos propuestos para la Norma 67.26 incluirían, entre otros: (1) Aplicar a propietarios/operadores que cocinen al menos 415 libras (libras) de carne por semana en cada asador automático en una instalación de cocina comercial; (2) Requerir la instalación de un oxidador catalítico sin llama (FCO) para controlar el 83% de las emisiones de PM y el 86% de las emisiones de VOCs de cada asador automático en cuestión; (3) Requerir registro, de conformidad con la Norma 12, para asadores automáticos que operen con un FCO certificado por el Distrito de Gestión de la Calidad del Aire de la Costa Sur (SCAQMD); (4) Para asadores automáticos que operan con FCO no certificados o con controles de emisiones alternativos, requerir un Permiso de Operación de conformidad con la Regla 10; y (5) Requerir el mantenimiento adecuado del equipo y el mantenimiento de registros de las operaciones de cada asador automático. Si la Junta Directiva del Distrito la considera y la adopta, la nueva norma propuesta entraría en vigencia el 1 de julio de 2025. Según lo propuesto, también serán necesarias las enmiendas correspondientes y simultáneas a las Normas 11, 12 y 40 para acomodar la nueva Norma 67.26 propuesta, en caso de que la Junta Directiva la adopte.

Borradores de Documentos

Una copia del borrador de la nueva Norma 67.26 propuesta, así como los borradores de enmiendas propuestas a las Normas 11, 12 y 40, están disponibles en el sitio web de Desarrollo de Reglas del Distrito en <https://bit.ly/workshops-public-notice>. Aquellos que no puedan acceder los documentos pueden comunicarse con Janet McCue llamando al (858) 586-2712 o por correo electrónico (Janet.McCue@sdapcd.org).

Fecha Límite para Comentarios

Comentarios y preguntas sobre la nueva Norma 67.26 propuesta, e enmiendas propuestas a las Normas 11, 12, y 40, se pueden hacer verbalmente durante el taller virtual, o por escrito antes o después de este viernes, 20 de diciembre, 2024. Favor de enviar por correo electrónico todos los comentarios escritos directamente a Miriam Sánchez (Miriam.Sanchez@sdapcd.org). Favor de llamar a Miriam Sánchez al (858) 586-2850 si tiene alguna pregunta.

****Asistencia para Personas con Discapacidad y Solicitudes de Intérpretes de Idiomas.**

La información estará disponible en formatos alternativos a pedido. En la medida de lo razonablemente posible, las solicitudes de adaptaciones relacionadas con una discapacidad, incluyendo los servicios de interpretación de lenguaje de señas y de interpretación de idiomas, deben ser enviados a más tardar el viernes 29 de noviembre de 2024, para que se puedan hacer los arreglos necesarios. Favor de comunicarse con Janet McCue llamando al (858) 586-2712, o por correo electrónico (janet.mccue@sdapcd.org) si tiene preguntas o desea realizar solicitudes.

RULE 67.26 COMMERCIAL CHARBROILING OPERATIONS
(Adopted *(date of adoption)* & Effective July 1, 2025)

(a) **APPLICABILITY**

Except as otherwise provided in Section (b), this rule shall apply to any person who installs, owns, or operates any charbroiler at a commercial cooking operations facility within San Diego County.

(b) **EXEMPTIONS**

(1) The provisions of this rule shall not apply to any person who installs, owns, or operates an under-fired charbroiler, or a flat-top grill with continuous cooking surfaces that prevent the flame from directly contacting the meat and is used for commercial cooking operations.

(2) The provisions of this rule shall not apply to any person who installs, owns, or operates a chain-driven charbroiler used in microenterprise home kitchens.

(3) The provisions of Sections (d), (e), (f), (g), (i), and (j) of this rule shall not apply to any person who installs, owns, or operates the following limited use chain-driven charbroilers:

(i) A chain-driven charbroiler cooking less than 415 pounds of meat every calendar week and does not exceed 21,580 pounds of meat during a calendar year.

(ii) A seasonal use only chain-driven charbroiler cooking 875 pounds or less of meat every calendar week during one consecutive 12-week period during the most recent calendar year.

(4) The provisions of Sections (d), (e), (f), and (g) of this rule shall not apply to any person who installs, owns, or operates a low-emitting chain-driven charbroiler that emits less than 0.50 pound per day of particulate matter and 0.15 pound per day of VOCs, if both of the following conditions are met:

(i) An owner or operator claiming this exemption submits test results specified in Subsection (i)(1) Test Methods of this rule approved in writing by the APCO and any related documentation that demonstrate low particulate matter and VOC emissions.

(ii) An owner or operator claiming this exemption shall not exceed maximum amount of meat which can be cooked during a calendar week and calendar year on each low-emitting chain-driven charbroiler. Maximum amount of meat (in pounds) is determined using test results.

(5) An owner or operator of a limited use charbroiler or low-emitting chain-driven charbroiler claiming exemptions under Subsections (b)(3) or (b)(4) shall maintain documentation and records in accordance with Section (h) of this rule.

(c) **DEFINITIONS**

For the purposes of this rule, the following definitions shall apply:

(1) **"Air Pollution Control Officer (APCO)"** means the same as defined in Rule 2 – Definitions.

(2) **"Calendar Week"** means a consecutive seven-day period beginning Sunday through Saturday.

(3) **"Calendar Year"** means the same as defined in Rule 2 – Definitions.

(4) **"Catalytic Oxidizer"** means an emission control device, which burns or oxidizes smoke and gases from the cooking process to carbon dioxide and water, using an infrastructure coated with a noble metal alloy at an elevated temperature.

(5) **"Chain-driven Charbroiler"** also known as a conveyORIZED charbroiler, means a semi-enclosed cooking device with a mechanical chain, which automatically moves food through the heat sources positioned above and below the grated grill.

(6) **"Charbroiler"** means a cooking device composed of a grated grill and a heat source, where food resting on the grated grill cooks as the food receives direct heat from the heat source or a radiant surface. Types of charbroilers include, but is not limited to, grill charbroilers and flame broilers.

(7) **"Commercial Cooking Operations"** means any stationary facility that cooks food for human consumption and that engages in the retail sale, or offer for sale, of the cooked food. This includes, but is not limited to, restaurants, dinner houses, cafeterias, catering operations, mobile food facilities, commissary facilities, retail markets, satellite food service operations, and hotel or motel food service operations.

(8) **"District"** means the same as defined in Rule 2 – Definitions.

(9) **"Existing Charbroiler"** means any charbroiler which was installed before (*date of adoption*). This includes relocated existing charbroilers that maintain the same ownership. Charbroilers used to temporarily replace any existing charbroiler do not qualify as existing charbroilers.

(10) **"Flat-top Grill"** means a cooking device with an exposed flat metal plate with a temperature on the hot surface that is typically lower than charbroilers. This includes, but is not limited to, plancha grills.

(11) **"Installed"** means located onsite at the final destination and capable of operation.

(12) **“Microenterprise Home Kitchen Operation”** means a type of food service, like a mini restaurant, that is operated by a resident in a private home where food is stored, handled, and prepared and then served to customers

(13) **"Meat"** means beef, lamb, pork, poultry, fish, game, plant-based meat substitutes, and seafood, uncooked.

(14) **"New Charbroiler"** means a charbroiler installed, manufactured, or sold on or after (*date of adoption*). Existing charbroilers that relocate and change ownership after the date of adoption of this rule will be considered as new charbroilers.

(15) **"Permit to Operate"** means the same as defined in Rule 2 – Definitions.

(16) **"Particulate Matter”** means the same as defined in Rule 2 – Definitions.

(17) **"Registration"** means the same as defined in Rule 2 – Definitions.

(18) **"Under-fired Charbroiler"** means a charbroiler, other than a chain-driven charbroiler, where the heat source and radiant surface, if any, are positioned at or below the level of the grated grill.

(19) **"VOC”** means the same as defined in Rule 2 – Definitions.

(20) **"Weekly"** means the same as “Calendar Week” as defined in this rule.

(d) **STANDARDS FOR CHAIN-DRIVEN CHARBROILERS**

Except as otherwise provided in Section (b), no person shall install or operate any chain-driven charbroiler unless it is equipped and operated with a control device which has a control efficiency of at least 83% for particulate matter emissions and at least 86% for VOC emissions.

(1) For the purposes of this subsection, chain-driven charbroiler and catalytic oxidizer combinations certified by South Coast Air Quality Management District (SCAQMD), in accordance with Rule 1138 – Control of Emissions from Restaurant Operations, shall be deemed compliant.

(2) Non-certified catalytic oxidizers and alternative emission control devices may be used if control efficiency is at least 83% for particulate matter emissions and at least 86% for VOC emissions and approved in writing by the APCO.

(e) **EMISSION CONTROL DEVICE MAINTENANCE**

All emission control devices shall be installed, calibrated, operated, and maintained in good working order in accordance with the manufacturer’s specifications in the maintenance manual and/or other written materials supplied by the manufacturer or distributors of the emission control device or combination of chain-driven charbroiler and emission control device.

(f) REGISTRATION REQUIREMENTS FOR CHAIN-DRIVEN CHARBROILERS WITH A CERTIFIED CATALYTIC OXIDIZERS

Except as provided in Section (b) of this rule, an owner or operator of any chain-driven charbroiler and catalytic oxidizer combination certified by SCAQMD, pursuant to Subsection (d)(1) of this rule, shall obtain and maintain a current Registration approved in writing by the District.

(1) Completed Registration applications shall be submitted to the District in accordance with Rule 12 – Registration of Specified Equipment for each chain-driven charbroiler and catalytic oxidizer combination certified by SCAQMD.

(2) All documentation demonstrating minimum particulate matter and VOC emission control efficiencies pursuant to Subsection (d) shall be submitted with Registration application and as requested by the District.

(3) Registration applications shall be submitted and issued by the District prior to purchase and operation of any new chain-driven charbroiler.

(4) Registration applications for existing chain-driven charbroilers shall be submitted pursuant to Subsection (j)(2)(iii).

(g) PERMIT TO OPERATE REQUIREMENTS FOR CHAIN-DRIVEN CHARBROILERS WITH NON-CERTIFIED CATALYTIC OXIDIZERS OR ALTERNATIVE EMISSION CONTROLS

Except as otherwise provided in Section (b) of this rule, an owner or operator of any chain-driven charbroiler equipped with a non-certified catalytic oxidizer or an alternative emission control device pursuant to Subsection (d)(2) of this rule shall obtain and maintain a current Authority to Construct or Permit to Operate approved in writing by the District.

(1) Completed applications for an Authority to Construct or Permit to Operate shall be submitted in accordance with Rule 10 – Permits Required.

(2) All documentation verifying minimum emission control efficiency in Subsection (d) shall be submitted with the application and as requested by the District.

(3) Authority to Construct or Permit to Operate applications for new chain-driven charbroilers shall be submitted pursuant to Subsection (j)(1) as applicable.

(4) Authority to Construct or Permit to Operate applications for existing chain-driven charbroilers shall be submitted pursuant to Subsection (j)(2) as applicable.

(h) RECORDKEEPING REQUIREMENTS

(1) An owner or operator of any chain-driven charbroiler subject to recordkeeping requirements of this rule shall maintain records of the weekly and annual of the total quantity (in pounds) for each type of meat cooked on each unit.

(2) An owner or operator of any chain-driven charbroiler subject to emission control device requirements of this rule shall maintain documentation of the installation and maintenance of emission control device pursuant to Subsection (d).

(3) All documentation and records demonstrating compliance shall be maintained onsite for at least five calendar years in electronic and/or hardcopy format and shall be made readily available to the District upon request.

(i) **TEST METHODS**

(1) Test Method for Chain-driven Charbroilers Equipped with Certified and Non-certified Catalytic Oxidizers Emission Control Devices

To determine compliance with Subsection (d)(2), an owner or operator of any chain-driven charbroiler equipped with a non-certified catalytic oxidizer shall have the measurements of particulate matter and VOC concentrations conducted by an independent testing laboratory using SCAQMD Rule 1138, Section (g) “Protocol - Determination of Particulate and Volatile Organic Compound Emissions from Restaurant Operations” (Restaurant Testing Protocol). An owner or operator may obtain independent testing laboratory results from the manufacturer.

(2) Test Method for Chain-driven Charbroilers Equipped with Alternative Emission Control Devices

To determine compliance with Subsection (d)(2), an owner or operator of a chain-driven charbroiler equipped with an alternative emission control device shall use an alternative test method which is determined to be equivalent to the test method specified in this rule and approved in writing by the APCO, California Air Resources Board, and/or the U.S. Environmental Protection Agency. An owner or operator may obtain independent testing laboratory results from the manufacturer.

(3) Test Method for Low-emitting Chain-driven Charbroilers

An owner or operator claiming exemption for a low-emitting chain-driven charbroiler pursuant to Subsection (b)(4) shall demonstrate particulate matter and VOC emissions using cooking pre-test and test procedures for chain-driven charbroilers without a control device presented in SCAQMD’s Restaurant Testing Protocol or pursuant test method approved in writing by the APCO, California Air Resources Board, and/or the U.S. Environmental Protection Agency. Testing shall be conducted by an independent testing laboratory. An owner or operator may obtain independent testing laboratory results from the manufacturer.

(j) **COMPLIANCE SCHEDULE**

(1) New Chain-driven Charbroilers

An owner or operator of any new chain-driven charbroiler subject to emission control device requirements of this rule shall submit to the District an Authority to Construct/Permit to Operate Application prior to purchase and operation.

(2) Existing Chain-driven Charbroilers

An owner or operator of any existing chain-driven charbroiler subject to emission control device requirements of this rule shall:

(i) Operate chain-driven charbroiler with emission control device and comply with all requirements pursuant to Section (d) of this rule by *(18 months after date of adoption)*.

(ii) Comply with recordkeeping requirements in Section (h) of this rule beginning on *(date of adoption)*.

(iii) Within *(12 months after date of adoption)*, submit to the District an application for a Registration or Authority to Construct/Permit to Operate Application.

(3) Low-Emitting Chain-driven Charbroilers Compliance Schedule

An owner or operator of a chain-driven charbroiler claiming exemption under Subsection (b)(4) of this rule for low emissions of particulate matter and VOCs shall:

(i) Submit test results pursuant to Subsection (i)(3) and related documentation by *(12 months after date of adoption)*.

(ii) Comply with recordkeeping requirements in Section (h) of this rule beginning on *(date of adoption)*.

RULE 11. EXEMPTIONS FROM RULE 10 PERMIT REQUIREMENTS

(Rev. Adopted & Effective ~~October 13, 2022~~ *(date of adoption)*)

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RULE 11. EXEMPTIONS FROM RULE 10 PERMIT REQUIREMENTS

(a) APPLICABILITY

(1) This rule is applicable to any article, machine, equipment, or other contrivance which would otherwise be subject to Rule 10 – Permits Required.

(2) This rule shall not exempt equipment, operations, or processes described in Section (d) from meeting all other applicable requirements of these Rules and Regulations, and State and federal regulations, including the National Emission Standards for Hazardous Air Pollutants (NESHAP) and the New Source Performance Standards (NSPS).

(3) This rule shall not apply to any equipment, operation, or process that violates Rule 50 – Visible Emissions or Rule 51 – Nuisance as determined by the Air Pollution Control Officer. When the Air Pollution Control Officer makes such a determination and written notification is given to the owner or operator, the equipment, operation, or process may thereafter be subject to Rule 10 – Permits Required for a specified time as determined by the Air Pollution Control Officer.

(4) This rule shall not apply to any equipment, operation, or process described in Subsections (d)(2) through (d)(19) that emits more than 100 pounds per day of any one of the following criteria air pollutants: particulate matter (PM₁₀), oxides of nitrogen (NO_x), volatile organic compound (VOC), oxides of sulfur (SO_x), carbon monoxide (CO), or lead (Pb).

(5) Except for equipment specified in Subsection (d)(20)(iii), Section (d) of this rule shall not apply to any equipment, operation, or process that

(i) emits or may emit toxic air contaminants, as defined in Rule 1200 – Toxic Air Contaminants – New Source Review, and

(ii) has emissions of toxic air contaminants that, in the absence of any emission control device or limitation on material usage or production, may be expected to exceed any standard specified in Rule 1200 (d)(1)(i), (d)(2), or (d)(3) as determined by the Air Pollution Control Officer. This provision shall not apply to any equipment, operation, or process for which construction or modification, as applicable, commenced prior to November 15, 2000, unless such equipment, operation, or process is subsequently modified in such a manner that increases emissions of one or more toxic air contaminants.

In the event the Air Pollution Control Officer makes a preliminary determination that any standard specified in Rule 1200 (d)(1)(i), (d)(2), or (d)(3) may be exceeded, the Air Pollution Control Officer shall notify the owner or operator in writing and specify the information needed to make a final determination. If the Air Pollution Control Officer makes a final determination that emissions, in the absence of any emission control device or limitation on material usage or production, may be expected to exceed any standard

specified in Rule 1200 (d)(1)(i), (d)(2), or (d)(3), the Air Pollution Control Officer shall notify the owner or operator in writing and include a statement that, as a result, Rule 11(d) does not apply and an Authority to Construct and Permit to Operate are therefore required.

(b) **RESERVED**

(c) **DEFINITIONS**

For the purposes of this rule, unless otherwise noted, the following definitions shall apply:

(1) **"Abrasive Blasting Cabinet"** means the same as defined in Rule 2 – Definitions.

(2) **"Abrasive Blasting Room or Booth"** means a structure that includes abrasive blasting equipment, a dust collector and/or recycling system for recovering spent abrasive. The operator blasts from within this structure and the emissions from abrasive blasting operations are vented through a control device. The abrasive blasting room or booth definition does not apply to temporary enclosures including, but not limited to, those at shipyards or inside ships.

(3) **"Additive Manufacturing (3-D Printing)"** means a process of joining materials to create objects from 3-D model data, usually layer upon layer, as opposed to subtractive manufacturing methodologies. Additive manufacturing processes include, but are not limited to, Direct Metal Laser Sintering, Selective Laser Melting, Selective Laser Sintering, and Direct Laser Melting.

(4) **"Agricultural Source"** means any equipment, operation, or process, or aggregation thereof, used in the production of crops, or raising of fowl or animals and located on contiguous property under common ownership or control that meets any of the criteria identified in Section 39011.5 of California Health and Safety Code, as it exists on May 11, 2016.

(5) **"Biotechnology"** means the use of living organisms and/or biological processes often combined with chemical processes to develop products used in a variety of fields such as medicine, agriculture, and food production. Biotechnology industry includes, but is not limited to, medicinal drug manufacturing, peptide synthesis and DNA synthesis.

(6) **"Brake Horsepower Rating"** means the maximum continuous brake horsepower output rating of the internal reciprocating combustion engine as specified by the engine manufacturer and listed on the engine nameplate or in other documentation establishing the maximum continuous brake horsepower as approved by the Air Pollution Control Officer.

(7) **"CFR"** means Code of Federal Regulations.

(8) **“Chain-driven Charbroiler”** also known as a conveyORIZED charbroiler, means a semi-enclosed cooking device with a mechanical chain, which automatically moves food through the device heat sources positioned above and below the grated grill.

(9) **“Charbroiler”** means a cooking device composed of a grated grill and a heat source, where food resting on the grated grill cooks as the food receives direct heat from the heat source or a radiant surface. Types of charbroilers include, but is not limited to, grill charbroilers and flame broilers.

(8-10) **"Designated Workstation"** means an assigned area within the stationary source where a specified operation is conducted.

(9-11) **"Digital Printing Operation"** means an operation that uses a printing device guided by a computer-driven machine to transfer an electronic image to a substrate through the use of inks, toners, or other graphic arts materials. Digital printing operation also includes associated surface preparation, solvent cleaning, and the cleaning of application equipment.

(10-12) **"Exempt Compounds"** means the same as defined in Rule 2 – Definitions.

(11-13) **"First-Article Deliverable Product"** means the first product that is produced using research and development equipment and that is delivered to a potential intra-company or external customer for approval. First-article deliverable product shall not exceed one unit of each product per customer unless necessary in order for the customer to obtain statistically significant data required to make a decision on the approval of a new product.

(12-14) **“Food Material”** means food scraps collected from the food processing industry, food service industry, grocery stores, or residential food scrap collection. Food material also includes food-soiled paper and food scraps that are chipped and ground.

(13-15) **“Green Material”** means waste material that includes, but is not limited to, yard trimmings, untreated wood wastes, natural fiber products, and construction and demolition wood waste. Green material does not include food material, biosolids, mixed solid waste, material processed from commingled collection, wood containing lead-based paint or wood preservative, mixed construction or mixed demolition debris.

(14-16) **"Hazardous Air Pollutant (HAP)"** means an air contaminant identified in the Federal Clean Air Act, Title 1, Section 112 (b).

(15-17) **"Hot Melt Adhesive"** means a thermoplastic adhesive that melts at temperatures above 180°F (82°C), does not contain organic solvents, and sets rapidly upon cooling.

~~(16-18)~~ **"Industrial Wastewater Treatment"** means the treatment of spent process water prior to discharging into municipal wastewater system or disposal. Industrial wastewater treatment includes, but is not limited to, dewatering, pH adjustment, precipitation, sludge processing, and gravity separation and/or filtration of the wastewater.

~~(17-19)~~ **"Large Commercial Digital Printing Operation"** means a commercial digital printing operation where the print capacity of any individual printer that uses solvent based inks is 1,000 ft²/hr or higher; or an operation where the print capacity of any individual printer that uses water-based or UV inks is 10,000 ft²/hr or higher.

~~(18-20)~~ **"Major Stationary Source"** means the same as defined in Rule 20.1 – New Source Review – General Provisions.

~~(21)~~ **"Meat"** means beef, lamb, pork, poultry, fish, game, plant-based meat substitutes, and seafood, uncooked.

~~(19-22)~~ **"Military Tactical Support Equipment"** means any equipment owned by the U.S. Department of Defense or the National Guard and used in combat, combat support, combat service support, tactical or relief operations, or training for such operations.

~~(20-23)~~ **"Operating Day"** means any calendar day during which the specified equipment is operated, or specified operations occur.

~~(21-24)~~ **"Organic Solvent"** means any substance that is liquid at standard conditions and contains an organic compound or combination of organic compounds, and that is used as a diluent, thinner, dissolver, viscosity reducer, or cleaning agent, or for other similar purposes. For the purpose of this definition, a reagent is not considered an organic solvent.

~~(22-25)~~ **"Pharmaceutical Products"** means any substances resulting from preparing, preserving or compounding of medicinal drugs, vitamins or other materials used to enhance personal health. Cannabis products, including any cannabis products intended for external use, are not pharmaceutical products.

~~(23-26)~~ **"Pilot Plant Facility"** means a trial assembly of small-scale reaction and processing equipment that is the intermediate stage between laboratory experiment and full-scale operation in the development of a new product and/or process.

~~(24-27)~~ **"Portable Emission Unit"** means the same as defined in Rule 20.1 – New Source Review – General Provisions.

~~(25-28)~~ **"Preservative Oils and Compounds"** means materials which do not contain solids, and are applied to prevent corrosion and/or to provide lubrication.

~~(26-29)~~ **"Process Heater"** means any combustion equipment fired with liquid and/or gaseous fuel that transfers heat from the combustion gases to water or process streams. Heaters used for swimming pools, spas, and/or therapy pools shall be considered process heaters. This definition does not include any combustion equipment where the material

being heated is in direct contact with the products of combustion, such as furnaces or kilns, or any unfired waste heat recovery heater that is used to recover sensible heat from the exhaust of any combustion equipment.

~~(27-30)~~ **"Research and Development (R&D) Equipment"** means equipment that is used to conduct research and develop new or improved processes and/or products, where such equipment is operated by technically trained personnel under the supervision of a research director, and may not be used to manufacture products or byproducts for sale or exchange for commercial profit, other than the first-article deliverable product.

~~(28-31)~~ **"Reclaimed Water"** means wastewater that has been treated to remove solids and certain impurities to meet the standards specified in California Code of Regulations Title 22, Division 4, Chapter 3.

~~(29-32)~~ **"Stationary Internal Combustion Engine"** means a spark or compression ignited, reciprocating internal combustion engine that is not a portable emission unit.

~~(30-33)~~ **"Stationary Source"** means the same as defined in Rule 2 – Definitions.

~~(31-34)~~ **"Thermal Spraying Operation"** means one or more of several processes in which metallic or nonmetallic surfacing materials are deposited in a molten or semi-molten condition on a substrate to form a coating. The surfacing material may originate in the form of powder, rod, or wire before it is heated, prior to spraying and deposition. Thermal spraying operations include: detonation gun spraying, flame spraying, high-velocity oxy-fuel spraying, plasma spraying, and twin-wire electric arc spraying.

~~(32-35)~~ **"Toxic Air Contaminant"** means the same as defined in Rule 2 – Definitions.

~~(33-36)~~ **"Volatile Organic Compound (VOC)"** means the same as defined in Rule 2 – Definitions.

~~(34-37)~~ **"Volatile Organic Liquid"** means any organic liquid either having a Reid Vapor Pressure (RVP) greater than 3 pounds per square inch if the American Society for Testing Material International (ASTM) RVP test method is applicable, or having a true vapor pressure greater than 3 pounds per square inch absolute at 100°F if the ASTM RVP test is not applicable.

~~(35-38)~~ **"Volatile Organic Solvent"** means an organic solvent with an initial boiling point of less than 400°F (204°C).

~~(36-39)~~ **"Wet Screening Operation"** means a screening operation at a nonmetallic mineral processing plant which removes unwanted material or which separates marketable fines from the product by a washing process which is designed and operated at all times such that the product is saturated with water.

(d) EQUIPMENT, OPERATIONS, OR PROCESSES NOT REQUIRING A PERMIT TO OPERATE

Except as otherwise specified in Subsections (a)(2) through (a)(5), any equipment, operation, or process that is listed below in Subsections (d)(1) through (d)(20), and that meets the stated exemption provision, parameter, requirement, or limitation, is exempt from the requirements of Rule 10 – Permits Required. Such equipment, operation, or process shall not be exempt from any otherwise applicable standards in these Rules and Regulation, or applicable State or federal regulations, unless specified as exempt by that rule or regulation.

Any person claiming such an exemption shall provide documentation sufficient to substantiate the applicability of the stated exemption provision, parameter, requirement, or limitation at the request of the Air Pollution Control Officer.

(1) MOBILE SOURCES

(i) Any engine mounted on, within, or incorporated into any vehicle, train, ship, boat, or barge, that is used primarily to provide propulsion, but which may also supply heat, mechanical, hydraulic, or electrical power to that same vehicle, train, ship, boat, or barge. This exemption does not apply to equipment located onboard floating dry docks or equipment used for dredging operations.

(ii) Railway, road, and runway sweepers used respectively for cleaning rail tracks, roadways, and runways, provided the maximum manufacturer's output rating of any auxiliary sweeper engine is 200 brake horsepower or less.

(2) COMBUSTION AND HEAT TRANSFER EQUIPMENT

(i) Any reciprocating internal combustion engine with a brake horsepower rating of less than 50.

(ii) Any engine mounted on, within, or incorporated into any motor vehicle, train, ship, boat, or barge, that is used exclusively to load or unload cargo. For the purposes of this exemption, cargo shall not include the removal or relocation of sand, rock, silt, soil, or other materials from dredging operations.

(iii) Any gas turbine engine that has:

(A) an output power rating of less than 0.3 megawatt (MW), or

(B) a maximum gross heat input rating at International Standards Organization (ISO) Standard Day Conditions of less than 1 million British thermal units (BTU) per hour.

This exemption does not apply to any gas turbine operating on waste-derived gaseous fuel.

(iv) Any boiler, process heater, steam generator, or water heater with a manufacturer's maximum gross heat input rating of:

(A) less than 1 million BTU per hour fired with any fuel, or

(B) 2 million BTU per hour or less fired exclusively with natural gas and/or liquefied petroleum gas.

This exemption does not apply to reciprocating internal combustion or gas turbine engines.

(v) Air heaters with a manufacturer's maximum gross heat input rating of less than 20 million BTU per hour fired exclusively with natural gas and/or liquefied petroleum gas and installed in conjunction with combustor testing in gas turbine test cells.

(vi) Portable aircraft engine test stands constructed before November 4, 1976.

(vii) Back-pack power blowers.

(viii) Orchard or citrus grove heaters.

(ix) Any oven having an internal volume of 27 cubic feet (0.765 cubic meter) or less.

(x) Curing or baking ovens in which no volatile organic solvents or materials containing volatile organic solvents are introduced.

(xi) Any oven used exclusively for the curing, softening, or annealing of plastics.

(xii) Any oven that is an integral part of a process for which a Permit to Operate is not required pursuant to this rule.

(xiii) Any portable internal combustion engine or gas turbine engine used exclusively in conjunction with military tactical support equipment. Such engines shall not be subject to the limitations of Subsections (a)(3) or (a)(4) of this rule. For the purposes of this subsection, portable means carried or moved from one location within a stationary source to another location within the same stationary source, or from one stationary source to another stationary source, in the normal course of operations. Indicia of portability shall include, but are not limited to, wheels, skids, carrying handles, or a dolly, trailer, or vessel.

(xiv) Internal combustion or gas turbine engines used exclusively for purposes of educating students in the operation, maintenance, repair, and rebuilding of such engines provided that each engine or turbine is operated less than 20 hours per calendar year.

(xv) Auxiliary internal combustion reciprocating engines mounted on any authorized emergency vehicle as specified in Section 27156.3 of the California Vehicle Code.

(3) STRUCTURES AND STRUCTURAL MODIFICATIONS

(i) Equipment used exclusively in support of any structure designed for and used exclusively as a dwelling for not more than four families.

(ii) Structural modifications that cannot change the quality, nature, or quantity of air contaminant emissions.

(4) LABORATORY EQUIPMENT AND RELATED OPERATIONS

(i) Laboratory testing equipment, and quality control testing equipment, including associated wipe cleaning, used exclusively for chemical and physical analysis, or quality control.

(ii) Laboratory equipment and laboratory operations conducted at secondary schools, colleges, or universities and used exclusively for instruction or research purposes.

(iii) Vacuum-producing devices used in laboratory or R&D operations.

(iv) Hoods, stacks, or ventilators used in laboratory or R&D operations.

(v) Research and development equipment, including associated wipe cleaning.

(vi) Equipment used to manufacture the following products, provided that the total uncontrolled VOC emissions from all operations specified below do not exceed 5 tons per calendar year:

(A) biotechnology pharmaceutical products for exclusive use in federal Food and Drug Administration (FDA) approved clinical trials, or

(B) biomedical devices and diagnostic kits for exclusive use in FDA approved clinical trials and laboratory failure analysis testing, or

(C) bioagricultural products for exclusive use in field testing required to obtain FDA, Environmental Protection Agency (EPA), United States Department of Agriculture (USDA) and/or California Environmental Protection Agency (Cal-EPA) approval.

All data and/or records necessary to demonstrate the applicability of this exemption shall be maintained on-site for three years and made available to the District upon request.

(vii) Any temporary equipment installed in a pilot plant facility, provided that the total emissions increase from all such temporary equipment does not exceed 10 pounds per day of VOCs. For the purposes of this exemption, temporary equipment means equipment located at a pilot plant facility for a period not exceeding 90 days in any consecutive 12-month period excluding construction and installation periods. It shall be the responsibility of a person claiming this exemption to maintain daily records necessary for the District to determine its applicability.

(5) REPLACEMENT OF EQUIPMENT

Subject to the limitations and requirements stated in this Subsection (d)(5), identical replacement equipment and like-kind replacement equipment as listed below are exempt from the requirements of Rule 10(a). The provisions of this Subsection (d)(5) shall not apply to replacement of equipment pursuant to other requirements of these Rules and Regulations; or replacement of equipment subject to air contaminant control standards specified for replacement equipment; or replacement of equipment in whole or part, that in sum would constitute reconstruction or modification under NSPS or District Regulation X – Standards of Performance for New Stationary Sources, or would constitute a major stationary source or replacement of any stationary or portable compression ignition reciprocating internal combustion engine; or rim seal replacements for bulk gasoline floating roof tanks subject to the Best Available Control Technology (BACT) requirements of Rule 61.1 – Receiving & Storing of Volatile Organic Compounds at Bulk Plants & Bulk Terminals.

(i) Identical replacement in whole or part of any article, machine, equipment or other contrivance for which a Permit to Operate has previously been granted for such equipment. Identical means the same manufacturer, model number, and type.

In order to claim the applicability of Subsection (d)(5)(i) for portable equipment (other than a diesel-fueled portable engine), written notification of the proposed equipment replacement and information identifying the manufacturer, model number, serial number, and type of the item used as a replacement, and information detailing the expected use of the equipment being replaced, must be submitted to the District prior to such replacement.

(ii) Like-kind replacement in whole or part of any article, machine, equipment, or other contrivance where a Permit to Operate has previously been granted for such equipment, and the Air Pollution Control Officer determines that the replacement equipment meets the following requirements:

(A) is identical in function, and

(B) is similar in design, and

(C) the actual air contaminant emissions are the same in nature, and

(D) has a capacity, production rate, and actual air contaminant emissions that are equal to or less than those of the currently permitted equipment.

In order to claim the applicability of Subsection (d)(5)(ii) and prior to replacing any equipment, written notification in the form of an application for permit revision, the information required to make the determinations listed above, and the fees specified in Rule 40 – Permit and Other Fees must be submitted to the District.

(6) PLANT SUPPORT EQUIPMENT

The exemptions listed in this Subsection (d)(6) shall not apply to any combustion equipment associated with plant support equipment unless the combustion equipment is also exempt pursuant to Subsection (d)(2) of this rule.

- (i) Vacuum cleaning devices used exclusively for housekeeping purposes.
- (ii) Equipment used exclusively for comfort air conditioning or comfort ventilation systems, and not designed or used to remove air contaminants generated by or released from specific equipment.
- (iii) Refrigeration units except those used as, or in conjunction with, air pollution control equipment.
- (iv) Equipment used exclusively to compress or hold dry natural gas.
- (v) Vacuum-producing devices used in connection with other equipment not requiring a Permit to Operate pursuant to this rule.
- (vi) Equipment used exclusively for space heating, other than boilers.
- (vii) Water cooling towers and water cooling ponds used for evaporative cooling of water, including reclaimed water, utilized solely in heat transfer processes but not used for evaporative cooling of:
 - (A) process water (e.g., contaminated water or industrial wastewater), or
 - (B) water from barometric jets or barometric condensers.

(7) METALLURGICAL PROCESSING EQUIPMENT - GENERAL

- (i) Non-automated soldering equipment, such as handheld soldering irons and guns.
- (ii) Solder-screen processes and associated soldering ovens that use a process similar to silk-screening in order to apply the solder paste.
- (iii) Each solder leveler, hydrosqueegee, wave solder machine or drag solder machine that emits less than an average of 5 pounds of VOCs per operating day for each calendar month. The number of operating days per calendar month, monthly purchase records, and daily or monthly records of material usage shall be maintained on-site for three years and be made available to the District upon request.

- (iv) Brazing and welding equipment, including arc welding equipment and laser welding.
- (v) Molds used for the casting of metals.
- (vi) Foundry sand mold forming equipment. This exemption does not apply if heat, sulfur dioxide, or VOCs are used.
- (vii) Forming equipment used exclusively for forging, rolling, or drawing of metals.
- (viii) Thermal spraying operations where materials sprayed contain no cadmium, chromium, copper, lead, manganese or nickel, and provided the maximum amount of material sprayed is less than 20 pounds per day at the stationary source.
- (ix) Tumblers used for the cleaning or deburring of metal products without abrasive blasting.
- (x) Shell-core and shell-mold manufacturing machines.
- (xi) Extrusion equipment used exclusively for extruding metals or minerals. This exemption does not apply to coking extrusion equipment or processes that manufacture products containing greater than 1% asbestos by weight.
- (xii) Shot peening operations where only steel shot is employed and no surface material such as scale, rust, or old paint is removed.
- (xiii) Chemical milling of titanium or niobium (columbium) and/or their alloys using nitric and/or hydrofluoric acid at milling bath temperatures below 110°F (43°C).
- (xiv) Equipment used for anodizing, plating, polishing, stripping, or etching, if the VOC content of the aqueous material does not exceed 10% by weight. This exemption does not apply to acid chemical milling, chrome plating, chromic acid anodizing, chromate conversion coating processes, or the stripping of chromium. This exemption also does not apply to copper etching or copper plating operations which use formaldehyde, ammonium hydroxide, ammonium chloride, or solutions of nitric, hydrofluoric, and/or hydrochloric acids which contain more than 17% acid concentration by weight.
- (xv) Oil quenching tanks that use less than 20 gallons per year of make-up oil. Monthly purchase records and daily or monthly usage records of all materials added must be maintained on-site to claim applicability of this exemption.
- (xvi) Salt bath quenching tanks where no chromium containing compounds are added to the tank.

(8) METALLURGICAL, GLASS, AND CERAMIC PROCESSING EQUIPMENT - USING FURNACES, KILNS, AND OVENS

(i) Crucible furnaces, pot furnaces, or induction furnaces, each with a maximum rated capacity of less than 450 cubic inches of any molten metal.

(ii) Crucible furnaces, pot furnaces, or induction furnaces each with a maximum rated capacity of 2,500 cubic inches or less, or 950 pounds or less, and where:

(A) no sweating or distilling is conducted, and

(B) only non-ferrous metals, except lead and yellow brass, are poured or held in a molten state.

Records of the types of all metal poured from such furnaces shall be maintained on-site for three years and be made available to the District upon request. This exemption does not apply if alloying elements of arsenic, beryllium, cadmium, chromium, lead, and/or nickel are utilized in such furnaces.

(iii) Equipment used exclusively for the sintering of glass or metals (excluding lead), where no coke or limestone is used.

(iv) Equipment used exclusively for heating metals immediately prior to forging, pressing, rolling, or drawing.

(v) Any oven used exclusively for heat treating glass or metal if the materials are not heated to a molten state, and the oven is heated exclusively by natural gas, liquefied petroleum gas, and/or electricity.

(vi) Atmosphere generators and vacuum producing devices used in connection with metal heat treating processes.

(vii) Die casting machines.

(viii) Kilns used exclusively for firing ceramic ware, heated exclusively with natural gas, liquefied petroleum gas, and/or electricity.

(9) ABRASIVE BLASTING EQUIPMENT

The exemptions listed in this Subsection (d)(9) shall not apply to any combustion equipment associated with abrasive blasting equipment unless the associated combustion equipment is also exempt pursuant to Subsection (d)(2) of this rule.

(i) Abrasive blasting equipment using a suspension of abrasive in water.

(ii) Abrasive blasting cabinets that are vented through a control device into the building where such cabinets are located.

(iii) Robotically-operated enclosed abrasive blasting equipment that emits less than 5 pounds of particulate matter per day, operates at a negative pressure, and is vented through a control device into the building where it is located.

(iv) Abrasive blasting equipment or pots with a manufacturer's sand capacity rating of less than 100 pounds (45.4 kg), or 1 cubic foot or less. This exemption does not apply to pots used in an abrasive blasting room or booth, or to abrasive blasting cabinets.

(10) MACHINING EQUIPMENT

(i) Equipment used for buffing, polishing, carving, cutting, deburring, drilling, machining, routing, shearing, sanding, sawing, surface grinding, or turning of: ceramic artwork, ceramic precision parts, glass, leather, metal, rubber, fiberboard, masonry, or non-fiberglass reinforced plastic. This exemption does not apply to tire buffers.

(ii) Wet-jet devices used to cut fiberglass reinforced plastic.

(iii) Portable handheld equipment used for buffing, polishing, carving, cutting, drilling, machining, routing, sanding, sawing, surface grinding, or turning of fiberglass reinforced plastic, when not used at a designated workstation, booth, or room.

(iv) Equipment used for carving, cutting, drilling, surface grinding, planing, routing, sanding, sawing, shredding, or turning of wood.

(v) Tub grinders, horizontal grinders, and trommel screens used for processing green material or a mixture of green material and food material. This exemption does not apply to any associated combustion equipment unless such equipment is also exempt pursuant to Subsection (d)(2) of this rule.

(vi) Equipment used for the pressing or storing of sawdust, wood chips, or wood shavings.

(vii) Equipment used exclusively to mill or grind coatings or molding compounds where all materials introduced are in a paste form and no volatile organic solvents are used.

(viii) Equipment used for buffing, polishing, carving, cutting, deburring, drilling, machining, routing, shearing, sanding, sawing, or surface grinding of fiberglass or calcium silicate parts that are exclusively vented through a control device that exhausts inside an enclosed building where such equipment is located.

(11) PRINTING AND REPRODUCTION EQUIPMENT AND OPERATIONS

(i) Any graphic arts operation or group of graphic arts operations located at a stationary source, that emit less than an average of 15 pounds of VOCs per operating day for each calendar month from all such operations. All records necessary to calculate average daily VOC emissions, such as emission factors or mix ratios, VOC content of each material used, number of operating days per month, and daily or monthly records of material usage, shall be maintained on-site for three years and be made available to the District upon request.

(ii) Inkjet and laser printing equipment.

(iii) Digital printing operations where the print capacity of any individual printer which uses solvent based inks is less than 1,000 ft²/hr, or an operation where the print capacity of any individual printer which uses water-based or UV inks is less than 10,000 ft²/hr.

(iv) Large commercial digital printing operations, provided that the records specified in Rule 67.16(f) for these operations are maintained.

(v) Ink cartridge filling, refilling, and/or refurbishing operations.

(12) FOOD PROCESSING AND FOOD PREPARATION EQUIPMENT

(i) Equipment used exclusively to grind, blend, or package tea, cocoa, spices, dried flowers, or roasted coffee.

(ii) Equipment located at eating establishments that is used for preparing food for human consumption at the same establishment. This exemption does not apply to boilers, chain-driven charbroilers, or coffee roasting equipment.

(iii) Coffee roasting equipment with a maximum capacity of 11 pounds (5 kg) or less.

(iv) Any bakery oven that is located at a stationary source where the combined rated heat input capacity of all bakery ovens, excluding ovens subject to Subsection (d)(12)(v) below, is less than 2 million BTU per hour.

(v) Any bakery oven used exclusively to bake non-yeast-leavened products.

(vi) Equipment used to crush and/or ferment grapes to produce wine.

(vii) Equipment used to brew beer at breweries that produce less than 100,000 barrels (3.1 million gallons) of beer per calendar year and associated equipment cleaning. This exemption does not apply to boilers or silos.

(viii) Smokehouses used for preparing food.

(13) PLASTICS, FOAM, AND RUBBER PROCESSING EQUIPMENT OR OPERATIONS

(i) Extrusion equipment used exclusively for extruding rubber products or plastics where no organic additives are present.

(ii) Equipment used for compression molding and/or injection molding of plastics.

(iii) Mixers, roll mills, and calenders for rubber or plastics, where no material in powder form is added and no volatile organic solvents are used.

(iv) Equipment used exclusively for conveying and storing plastic materials.

(v) Foam manufacturing or foam application operations that emit less than an average of 5 pounds of VOCs per operating day for each calendar month. All records necessary to calculate average daily VOC emissions, such as emission factors, VOC content of each material used, number of operating days per calendar month, and daily or monthly records of material usage, shall be maintained on-site for three years and be made available to the District upon request.

(vi) Plastic manufacturing or fabrication operations, including reinforced plastic fabrication operations using epoxy that emit less than an average of 5 pounds of VOCs per operating day for each calendar month. All records necessary to calculate average daily VOC emissions, such as emission factors, VOC content of each material used, number of operating days per calendar month, and daily or monthly records of material usage, shall be maintained on-site for three years and be made available to the District upon request.

(vii) Polyester resin operations using less than 20 gallons of polyester resin materials per month. Daily or monthly records of material usage shall be maintained on-site for three years and be made available to the District upon request.

(viii) Any polyester resin operation (portable or stationary) where the VOC emissions from the application of polyester resin materials are 150 pounds or less per consecutive 12-month period. All records necessary to calculate VOC emissions, such as VOC content of each material applied, monomer content, and daily or monthly usage records of such materials must be maintained on-site for three years to claim applicability of this exemption.

(ix) Hot wire cutting of expanded polystyrene foam.

(14) MIXING, BLENDING, AND PACKAGING EQUIPMENT

(i) Dry batch mixers with a rated working capacity of 0.5 cubic yards or less, where material is added in a dry form prior to the introduction of a subsequent liquid fraction or where no liquid fraction is added.

(ii) Wet batch mixers with a rated working capacity of 1 cubic yard or less, where no volatile organic solvents are used.

(iii) Equipment used exclusively for the manufacture of water emulsions of asphalt, greases, oils, or waxes.

(iv) Equipment used exclusively for the packaging of lubricants or greases.

(v) Equipment used at ambient temperatures exclusively for mixing and blending materials to make water-based adhesives.

(vi) Any coating and/or ink manufacturing operations located at a stationary source that emit less than an average of 15 pounds of VOCs per operating day for each calendar month from all such operations. All records necessary to calculate average daily VOC emissions, such as emission factors, VOC content of each material used, number of operating days per calendar month, and daily or monthly records of material usage, shall be maintained on-site for three years and be made available to the District upon request.

(15) COATING AND ADHESIVE APPLICATION EQUIPMENT AND OPERATIONS

(i) Powder coating operations where less than 0.5 gallons per day of any surface preparation or cleaning material containing VOCs are used. Monthly purchase and daily or monthly usage records of surface preparation and cleaning materials shall be maintained on-site for three years and made available to the District upon request. This exemption does not apply to metallizing gun operations.

(ii) Application equipment and processes used exclusively to apply coatings and/or adhesive materials to stationary structures and/or their appurtenances at the site of installation, to portable buildings including mobile homes at the site of installation, to pavement, or to curbs. This exemption does not apply to application equipment and processes where coatings or adhesive materials are applied in off-site shops or to non-stationary structures such as airplanes, ships, boats, railcars, and automobiles.

(iii) Any coating or adhesive materials application operation (portable or stationary) where 20 gallons or less of liquid coatings or adhesive materials are applied per consecutive 12-month period. Monthly purchase records and daily or monthly usage records of all coatings or adhesive materials applied must be maintained on-site for three years to claim applicability of this exemption. The volume of materials applied using non-refillable handheld aerosol spray containers shall not be included when determining the applicability of this exemption.

(iv) Any coating or adhesive materials application operation (portable or stationary) where the VOC emissions from the application of liquid coatings or adhesive materials are 150 pounds or less per consecutive 12-month period. All records necessary to calculate VOC emissions, such as VOC content of each coating or adhesive material applied and daily or monthly usage records of such materials

must be maintained on-site for three years to claim applicability of this exemption. The volume or VOC content of materials applied using non-refillable handheld aerosol spray containers shall not be included when determining the applicability of this exemption.

(v) Chromate conversion coating processes where coatings are applied exclusively by brush, roller, or marking pen.

(vi) Coating operations that exclusively use non-refillable handheld aerosol spray containers.

(vii) The application of coatings outside of a defined application station that are necessary to cover minor imperfections or repair minor mechanical damage incurred prior to intended use.

(viii) Coating operations located at primary or secondary schools and used exclusively for instruction.

(ix) Coating operations located at schools (i.e., primary, secondary, or schools of higher education) and used exclusively for student theatrical productions or art instruction.

(x) Liquid surface coating operations that exclusively use hand-held brushes to apply wet fastener primer coatings from containers that are 8 ounces or less in size.

(xi) Liquid surface coating operations that exclusively use air brushes with a coating capacity of 2 ounces or less.

(xii) Hot melt adhesive application equipment.

(xiii) The application of coatings outside of a designated workstation that is necessary for the maintenance of stationary equipment.

(16) SOLVENT APPLICATION EQUIPMENT AND OPERATIONS

(i) Cold solvent cleaning or stripping operations and/or vapor degreasing operations that exclusively utilize materials with a VOC content of 25 grams per liter (g/l) (0.21 lbs/gal) of material or less, as used.

(ii) Cold solvent cleaning dip tanks, vapor degreasers, and paint stripping tanks:

(A) with a liquid surface area of 1 square foot or less, or

(B) with a maximum capacity of 1 gallon or less.

(iii) Cold solvent cleaning remote reservoirs with a sink cross-sectional area of 1 square foot (0.09 square meters) or less.

(iv) Batch-type waste solvent recovery stills for on-site recovery of waste solvent with a maximum solvent usage of 350 gallons per day, provided the still is equipped with a device that shuts off the heating system if the solvent vapor condenser is not operating properly.

(v) Metal inspection tanks that:

(A) have a liquid surface area of less than 5 square feet, or

(B) do not use volatile organic solvents, or

(C) are not equipped with spray type flow devices or a means of solvent agitation.

(vi) Metal inspection spraying operations where no materials applied contain volatile organic compounds.

(vii) Cold solvent degreasers used exclusively for educational purposes.

(viii) Golf grip application stations that exclusively use liquid materials with an initial boiling point of 450°F (232°C), or greater.

(ix) Surface preparation or solvent cleaning, including wipe cleaning:

(A) for quality control or quality assurance purposes, or

(B) using non-refillable handheld aerosol spray containers, or

(C) for routine janitorial maintenance, including graffiti removal or

(D) performed in conjunction with welding of 5XXX series aluminum structures for Navy ships and in accordance with quality assurance standards for such structures, or

(E) not associated with any permitted operation, provided:

(1) the cleaning materials have a VOC content of 25 grams per liter (0.21 lbs/gal), or less, as used, or

(2) the uncontrolled VOC emissions from all such cleaning operations located at the stationary source do not exceed 3,650 pounds per consecutive 12-months, or the total purchase or usage of solvents for such cleaning operations does not exceed 550 gallons per consecutive 12-months. The volume of materials applied from operations specified in Subsections (d)(16)(ix)(A) through (E)(1) above shall not be included when determining the applicability of this exemption. All data and/or records necessary to demonstrate that this exemption is applicable shall

be maintained on-site for three years and made available to the District upon request.

Subsection (d)(16)(ix)(E) does not apply to cold solvent cleaning or stripping operations and/or vapor degreasing operations as defined in Rule 67.6.1 – Cold Solvent Cleaning and Stripping Operations and Rule 67.6.2 – Vapor Degreasing Operations.

(x) Asbestos mastic removal operations using organic solvents provided the total VOC vapor pressure of the solvent is 0.2 mm Hg or less, at 20°C (68°F).

(17) STORAGE AND TRANSFER EQUIPMENT

(i) Stationary equipment used exclusively to store and/or transfer liquid organic compounds that are not volatile organic liquids.

(ii) Stationary storage tanks for volatile organic liquids with a capacity of less than 250 gallons and associated equipment used exclusively to transfer materials into such tanks.

(iii) Equipment used exclusively to store and/or transfer organic solvents that are not used as fuels.

(iv) Equipment used exclusively to store and/or transfer natural gas, butane, or propane when not mixed with other volatile organic liquids, other than odorants.

(v) Equipment used exclusively to store and/or transfer fuels that are used exclusively as a source of fuel for wind machines used for agricultural purposes.

(vi) Mobile transport, delivery, or cargo tanks on vehicles used for the delivery of volatile organic liquids. This exemption does not apply to asphalt tankers used to transport and transfer hot asphalt used for roofing applications. This exemption also does not apply to the transfer of volatile organic liquids into vehicle fuel tanks.

(vii) Equipment used to transfer fuel to and from amphibious ships for maintenance purposes, provided total annual transfers do not exceed 60,000 gallons per year at a stationary source.

(viii) Equipment used exclusively to store and/or transfer liquid soaps, liquid detergents, vegetable oils, fatty acids, fatty esters, fatty alcohols, or waxes, and wax emulsions.

(ix) Pressurized tanks used to store inorganic or halogenated organic gases and associated equipment used exclusively to transfer materials into such tanks.

(18) DRY CLEANING, LAUNDRY EQUIPMENT, AND FABRIC RELATED OPERATIONS

The exemptions listed in this Subsection (d)(18) shall not apply to any operation that uses perchloroethylene (perc) as a dry cleaning solvent.

(i) Non-immersion dry cleaning equipment that uses water or exempt compounds as the cleaning solvent, provided that the VOC content of detergents and additives used does not exceed 50 grams per liter.

(ii) Lint traps used exclusively in conjunction with dry cleaning tumblers.

(iii) Wastewater processing units associated with dry cleaning operations using halogenated compounds, provided the concentration of halogenated compounds in the water being evaporated in the unit does not exceed 400 parts per million (by weight).

(iv) Laundry dryers, extractors, or tumblers used for fabrics cleaned only with solutions of bleach or detergents, provided that the VOC content of detergents and additives used does not exceed 50 grams per liter. This exemption does not apply to equipment used for previously VOC-laden materials such as rags, cloths, etc.

(v) Industrial wet cleaning equipment that uses water or exempt compounds as the cleaning solvent, provided that the VOC content of detergents and additives used does not exceed 50 grams per liter. This exemption does not apply to equipment cleaning VOC-laden materials such as rags, cloths, etc.

(vi) Equipment, including dryers, used exclusively for printing, dyeing, stripping, or bleaching of textiles, provided that the VOC content of detergents and additives used does not exceed 50 grams per liter.

(vii) Industrial laundering equipment that uses liquid carbon dioxide as the cleaning solvent, provided that the VOC content of detergents and additives used does not exceed 50 grams per liter.

(19) MISCELLANEOUS EQUIPMENT AND OPERATIONS

(i) Air pollution control equipment used exclusively to reduce

(A) emissions from any article, machine, equipment, process, or contrivance not required to have a Permit to Operate; or

(B) emissions generated during the draining and degassing of stationary floating roof gasoline storage tanks provided that a written authorization from the Air Pollution Control Officer to conduct the draining and degassing is obtained pursuant to Rule 61.1 – Receiving & Storing of Volatile Organic Compounds at Bulk Plants & Bulk Terminals.

(ii) Repairs or maintenance not involving structural changes to any equipment for which a Permit to Operate has been granted.

(iii) Roofing kettles (used to heat asphalt), each with a capacity of 85 gallons or less.

(iv) Paper shredders and disintegrators, each with a maximum throughput capacity not to exceed 600 pounds per hour, either as rated by the manufacturer or as stated in writing by the manufacturer for the current configuration, and the associated conveying systems and baling equipment.

(v) Alkaline chemical milling equipment:

(A) used exclusively for the cleaning of internal combustion engine parts, or

(B) for which construction or installation commenced prior to March 27, 1990.

(vi) Portable conveyors (belt or screw type) where there is no screening.

(vii) Fire extinguishing equipment using halons.

(viii) Equipment used exclusively for the purposes of:

(A) flash-over fire fighting training, or

(B) hand-held fire extinguisher training operations.

(ix) Equipment used exclusively for bonding lining to brake shoes, where no volatile organic solvents are used.

(x) Equipment used exclusively to liquefy or separate oxygen, nitrogen, or the inert gases from air.

(xi) Any operation producing or blending materials for use in cosmetic, pharmaceutical or biotechnology products and/or manufacturing cosmetic, pharmaceutical or biotechnology products by chemical processes, that emit less than an average of 15 pounds of uncontrolled VOC per operating day for each calendar month from all phases of all such operations located at a single stationary source. All records necessary to calculate average daily VOC emissions, such as emission factors, VOC content of each material used, number of operating days per calendar month, and daily or monthly records of material usage, shall be maintained on-site for three years and be made available to the District upon request.

(xii) Equipment used for hydraulic or hydrostatic testing.

(xiii) Ethylene oxide sterilizing processes that use less than 5 pounds of ethylene oxide per calendar year. Purchase records and records of monthly ethylene oxide usage shall be maintained on-site for three years and be made available to the District upon request.

- (xiv) Sterilizers or autoclaves using only steam or hydrogen peroxide.
- (xv) Nail salon operations.
- (xvi) Equipment used exclusively for the melting or applying wax where no volatile organic solvents are used.
- (xvii) Aerosol can puncturing or crushing operations that use:
 - (A) a closed loop recovery system that emits no air contaminants, or
 - (B) a recovery system that vents all emissions through a properly operated and maintained carbon canister, provided not more than 500 cans are processed through the equipment per day. Throughput records of the number of cans processed shall be maintained on-site for three years and be made available to the District upon request.
- (xviii) Any article, machine, equipment, or contrivance that emits airborne radioactive materials in concentrations above the natural radioactive background concentration in air in the form of dusts, fumes, smoke, mists, liquids, vapors, or gases. This exemption does not apply to incinerators or boilers.

Atomic energy development and radiation protection are controlled by the State of California to the extent it has jurisdiction thereof, in accordance with the advice and recommendations made to the Governor by the Advisory Council on atomic energy development and radiation protection. Such development and protection are fully regulated by the Nuclear Regulatory Commission to the extent that such authority has not been delegated to the states.

(xix) Any other piece of equipment or operation not covered by other subsections that has an uncontrolled emission rate of each criteria pollutant of 2 pounds or less per day, or of 75 pounds or less per year. All data and/or records necessary to demonstrate that this exemption is applicable shall be maintained on-site for three years and made available to the District upon request.

(xx) Equipment approved for use by the EPA for recovering and/or recycling chlorofluorocarbons (CFCs) or alternative fluorocarbons.

(xxi) Municipal wastewater treatment facilities and municipal water reclamation facilities each with a design throughput capacity of less than one million gallons of wastewater per day. Municipal wastewater pump stations with an annual average actual throughput of less than one million gallons of wastewater per day. Records of daily throughput shall be maintained on-site for three years and be made available to the District upon request.

(xxii) Industrial wastewater treatment that:

- (A) does not use processes designed to remove or destroy VOCs, or

(B) if such processes are used, the uncontrolled VOC emissions do not exceed an average of 5 pounds per day from all such treatment at the stationary source.

(xxiii) Sludge processing operations at municipal wastewater treatment facilities each with a design throughput capacity of less than one million gallons of wastewater per day.

(xxiv) Smoke generating equipment in training sessions conducted by government agencies for the purpose of certifying persons to evaluate visible emissions for compliance with State law or District Rules and Regulations.

(xxv) Smoke generating equipment used for training military personnel and smoke generating equipment used for the testing of military equipment by the Department of Defense.

(xxvi) Agricultural sources at a stationary source that, in aggregate, produce actual emissions less than one-half of any applicable emission threshold for a major source in the District. For the purposes of determining permitting applicability, fugitive emissions, except fugitive dust emissions, are included in determining aggregate emissions. This exemption shall not apply to an agricultural source required to obtain a Title V permit pursuant to Regulation XIV (Title V Operating Permits).

(xxvii) Fuel cells used in power and/or heat generating equipment that are certified under California Air Resources Board's Distributed Generation Program or meet the emission standards of that program.

(xxviii) Operations that exclusively use preservative oils and compounds; lubricants, including solid film lubricants; greases or waxes.

(xxix) Ozone generators with a generation capacity of less than 1,000 grams of ozone per hour.

(xxx) Site assessment for soil and/or groundwater remediation projects, provided that all of the following conditions are met:

(A) the sole purpose of the site assessment is to determine the extent of the contamination and the VOC concentrations in the soil and/or groundwater in order to design the appropriate collection and control equipment for the remediation project; and

(B) the site assessment is conducted for no more than 30 cumulative days within a calendar year. A record of the number of operating days must be maintained with the equipment for the duration of the site assessment; and

(C) the collected soil, vapor or groundwater is routed through emission control equipment.

This exemption does not apply to any associated combustion equipment unless such equipment is also exempt pursuant to Subsection (d)(2) of this rule.

(xxxix) Soil, sediment, air or groundwater monitoring, and installation of associated wells, performed to meet the requirements of other regulatory agencies.

(xxxix) Any underground building ventilation system, sub-slab depressurization system, or soil/vapor intrusion mitigation associated with soil, vapor or groundwater that is not required to be remediated by any other regulatory agency.

(xxxix) Additive manufacturing (3-D printing) equipment.

(xxxix) Except as otherwise provided in Subsection (d)(16)(x), asbestos removal equipment and operations subject to 40 CFR Part 61, Subpart M – National Emission Standards for Asbestos.

(xxxix) Wet screening operations.

(20) REGISTERED EQUIPMENT

(i) Any portable equipment that is registered in accordance with District Rule 12.1 – Portable Equipment Registration. This exemption does not apply to any equipment while in use for screening of soils in contaminated soil remediation projects.

(ii) Any emission unit registered in accordance with District Rule 12 – Registration of Specified Equipment.

(iii) Any portable equipment registered in accordance with the Statewide Portable Equipment Registration Program adopted pursuant to California Health and Safety Code Section 41750, et seq., except in circumstances specified in that program (California Code of Regulations, Title 13, §2451 and §2457).

(e) **RESERVED**

(f) **RESERVED**

(g) **TEST METHODS**

The following test methods will be used for compliance verification purposes.

(1) The VOC content of coating and adhesive materials containing more than 50 grams of VOC per liter shall be determined by the Environmental Protection Agency (EPA) Reference Method 24 (40 CFR Part 60, Appendix A, Determination of Volatile Matter Content, Water Content, Density, Volume Solids, and Weight Solids of Surface Coatings), September 1995, or by the South Coast Air Quality Management District (SCAQMD) Method 304-91 (Determination of Volatile Organic Compounds in Various Materials), February 1996.

(2) The VOC content of surface preparation or cleaning materials containing 50 grams of VOC per liter or less, subject to the requirements of Subsection (d)(16)(i) and (ix), shall be determined by SCAQMD Method 313-91 (Determination of Volatile Organic Compounds by Gas Chromatography/Mass Spectrometry), February 1997, or by SCAQMD Method 308-91 (Quantitation of Compounds by Gas Chromatography), February 1993.

(3) The initial boiling point of materials subject to this rule shall be determined in accordance with ASTM Standard Test Method D1078-11 (Standard Test Method for Distillation Range of Volatile Organic Liquids), or its most current version.

(4) Calculation of total VOC vapor pressure for materials subject to this rule shall be conducted in accordance with the District's "SD 1, Procedures for Estimating the Vapor Pressure of VOC Mixtures," June 2004. If the vapor pressure of the liquid mixture, as calculated by this procedure, exceeds the limits specified, the vapor pressure shall be determined in accordance with ASTM Standard Test Method D2879-10 (Standard Test Method for Vapor Pressure-Temperature Relationship and Initial Decomposition Temperature of Liquids by Isoteniscope), or its most current version.

(5) Reid Vapor Pressure pursuant to Subsections (c)(~~33-37~~) and (d)(17) of this rule shall be measured in accordance with ASTM Standard Test Method D323-08(2014) (Standard Test Method for Vapor Pressure of Petroleum Products (Reid Method)), or its most current version.

(6) Concentration of halogenated compounds in water pursuant to Subsection (d)(18)(iii) shall be measured in accordance with EPA Publication SW-846 Test Method 8021B (Aromatic and Halogenated Volatiles by Gas Chromatography Using Photoionization and Electrolytic Conductivity Detectors), July 2014.

RULE 12. REGISTRATION OF SPECIFIED EQUIPMENT

(Rev. Adopted & Effective ~~March 10, 2022~~ (date of adoption))

(a) APPLICABILITY

(1) This rule applies to the following emission units:

(i) Existing internal combustion emergency standby engines that commenced operation in San Diego County on or before November 15, 2000. Such engines shall not be subject to Rule 69.4.1 – Stationary Reciprocating Internal Combustion Engines.

(ii) Existing stationary internal combustion engines rated at 200 brake horsepower or less which operate less than 200 hours per calendar year and commenced operation in San Diego County on or before November 15, 2000. Such engines shall not be subject to Rule 69.4.1 – Stationary Reciprocating Internal Combustion Engines.

(iii) Asphalt roofing kettles and asphalt roofing day tankers.

(iv) Any boiler, process heater or steam generator with a heat input rating greater than 2 million Btu per hour to less than 5 million Btu per hour, and fired with natural gas, liquefied petroleum gas, or liquid fuel.

(v) Paper shredders with a maximum throughput capacity of greater than 600 pounds per hour, either as rated by the manufacturer or as stated in writing by the manufacturer for the current configuration. This does not include hammer mills or any associated power units.

(vi) Grain silos used to brew beer at breweries that produce less than 100,000 barrels (3.1 million gallons) of beer per calendar year.

(vii) Any chain-driven charbroiler equipped with a catalytic oxidizer certified by South Coast Air Quality Management District (SCAQMD), cooking 415 pounds or more of meat during any calendar week at a commercial cooking operations facility.

(2) This rule does not mandate the registration of any emission unit listed in Subsection (a)(1).

(3) Any emission unit registered under this rule shall be exempt from the requirements of Rule 10 – Permits Required and from the requirements of New Source Review Rules 20.1 through 20.8, inclusive.

(4) Registration under this rule or under District Rule 12.1 – Portable Equipment Registration, or by the California Air Resources Board pursuant to Health and Safety Code Section 41752, may be used in lieu of permitting. Any emission unit registered under this rule shall be precluded from simultaneously obtaining a Permit to Operate.

(5) Except as provided in Subsection (a)(3), compliance with this rule shall not exempt any emission unit specified in Subsection (a)(1) from meeting all other applicable requirements of these Rules and Regulations.

(b) **RESERVED**

(c) **DEFINITIONS**

For the purposes of this rule, the following definitions shall apply:

(1) **"Approach Light System with Sequenced Flasher Lights in Category 1 and Category 2 Configurations (ALSF-1 and ALSF-2)"** means high intensity approach lighting systems with sequenced flashers used at airports to illuminate specified runways during Category II or III weather conditions, where Category II means a decision height of 100 feet and runway visual range of 1,200 feet, and Category III means no decision height or decision height below 100 feet and runway visual range of 700 feet.

(2) **"Boiler"** means any combustion equipment fired with gaseous and/or liquid fuel and used to produce steam or to heat water. This does not include waste heat recovery boilers that are used to recover heat from the exhaust of gas turbines or internal combustion engines, or any waste heat recovery boiler that is used to recover sensible heat from the exhaust of any combustion equipment.

(3) **"Btu"** means British Thermal Unit.

(4) **"California Diesel Fuel"** means any fuel that is commonly or commercially known, sold or represented as diesel fuel No. 1-D or No. 2-D, and which meets the requirements specified in 13 CCR, Sections 2281 and 2282.

(5) **"CCR"** means California Code of Regulations.

(6) **"Certificate of Compliance"** means a statement in a specified format which is completed by an applicant, and which contains prohibitory rules and conditions of operation applicable to the operation of a registered emission unit.

(7) **"Certificate of Registration" or "Certificate"** means a written document issued by the Air Pollution Control Officer, granting authority to operate an emission unit in lieu of a Permit to Operate.

(8) **"CFR"** means Code of Federal Regulations.

(9) “Chain-driven Charbroiler” also known as a conveyORIZED charbroiler, means a semi-enclosed cooking device with a mechanical chain, which automatically moves food through the device heat sources positioned above and below the grated grill.

(10) “Charbroiler” means a cooking device composed of a grated grill and a heat source, where food resting on the grated grill cooks as the food receives direct heat from the heat source or a radiant surface. Types of charbroilers include, but not limited to, grill charbroilers and flame broilers.

(9-11) **“Emergency Situation”** means providing electrical power or mechanical work during any of the following events and subject to the following conditions:

(i) The failure or loss of all or part of normal electrical power service or normal natural gas supply to the facility:

(A) which is caused by any reason other than the enforcement of a contractual obligation the owner or operator has with a third party or any other party; and

(B) which is demonstrated by the owner or operator to the Air Pollution Control Officer's satisfaction to have been beyond the reasonable control of the owner or operator.

(ii) The failure of a facility's internal power distribution system:

(A) which is caused by any reason other than the enforcement of a contractual obligation the owner or operator has with a third party or any other party; and

(B) which is demonstrated by the owner or operator to the Air Pollution Control Officer's satisfaction to have been beyond the reasonable control of the owner or operator.

(iii) The pumping of water or sewage to prevent or mitigate a flood or sewage overflow.

(iv) The pumping of water for fire suppression or protection.

(v) The powering of ALSF-1 and ALSF-2 airport runway lights under Category II or III weather conditions.

(vi) The pumping of water to maintain pressure in the water distribution system for the following reasons:

(A) a pipe break that substantially reduces water pressure; or

(B) high demand on the water supply system due to high use of water for fire suppression; or

(C) the breakdown of pumping equipment at sewage treatment facilities or water delivery facilities.

~~(10-12)~~ **"Emergency Standby Engine"** means an engine used exclusively in emergency situations to drive an electrical generator, an air compressor or a water pump, except for operations up to 52 hours per calendar year for non-emergency purposes.

~~(11-13)~~ **"Emission Unit"** means the same as defined in Rule 2 – Definitions.

~~(12-14)~~ **"Existing Engine"** means an engine which commenced operation in San Diego County on or before November 15, 2000. Engines used to replace an existing engine pursuant to Rule 11 – Exemptions from Rule 10 Permit Requirements Subsection (d)(5) do not qualify as existing engines.

~~(15)~~ **"Meat"** means beef, lamb, pork, poultry, fish, game, plant-based meat substitutes, and seafood, uncooked.

~~(13-16)~~ **"Portable Emission Unit"** means an emission unit that is designed to be and capable of being carried or moved from one location to another. Indicia of portability include, but are not limited to, wheels, skids, carrying handles, dolly, trailer or platform. For the purposes of this rule, dredge engines on a boat or barge are considered portable. An emission unit is not portable if any of the following apply:

(i) The unit, or its replacement, is attached to a foundation or, if not so attached, will reside at the same location for more than 12-consecutive months. Any portable emission unit such as a backup or standby unit that replaces a portable emission unit at a location and is intended to perform the same function as the unit being replaced will be included in calculating the consecutive time period. In that case, the cumulative time of all units, including the time between the removal of the original unit(s) and installation of the replacement unit(s), will be counted toward the consecutive time period; or

(ii) The emission unit remains or will reside at a location for less than 12-consecutive months if the unit is located at a seasonal source and operates during the full annual operating period of the seasonal source. A seasonal source is a stationary source that remains in a single location on a permanent basis (i.e., at least two years) and operates at that single location at least three months each year, or

(iii) The emission unit is moved from one location to another in an attempt to circumvent the portable emission unit residence time requirements.

Days when a portable emission unit is stored in a designated holding or storage area shall not be counted towards the above time limits, provided the emission unit was not operated on that calendar day except for maintenance and was in the designated holding or storage area the entire calendar day.

(~~14-17~~) **"Process Heater"** means any combustion equipment fired with liquid and/or gaseous fuel and which transfers heat from the combustion gases to water or process streams. Heaters used for swimming pools, spas and/or therapy pools shall be considered process heaters. This does not include any combustion equipment where the material being heated is in direct contact with the products of combustion, such as furnaces or kilns, or any unfired waste heat recovery heater that is used to recover sensible heat from the exhaust of any combustion equipment.

(~~15-18~~) **"Registered Emission Unit"** means an emission unit that has a valid Certificate of Registration.

(~~16-19~~) **"Registration"** means the process of obtaining a Certificate of Registration for an emission unit. Registration is the same as "permit" as used in Division 26 of the California Health and Safety Code, Part 3, Chapter 8 and Part 4, Chapter 4, Articles 2 and 4, respectively entitled Hearing Boards, Variances, and Orders of Abatement. The Air Pollution Control Officer and the Hearing Board shall have the same authority concerning registration as with permits, and the owner or operator of registered equipment shall be entitled to the same privileges and rights granted to a permittee.

(~~17-20~~) **"Rental Emission Unit"** means an emission unit temporarily rented or leased to operators other than the owner(s) of the unit.

(~~18-21~~) **"School Grounds"** means any public or private school used for purposes of the education of more than 12 children in kindergarten or any of grades 1 to 12, inclusive, but does not include any private school in which education is primarily conducted in a private home(s). "School Grounds" includes any building or structure, playground, athletic field, or other areas of school property but does not include unimproved school property.

(~~19-22~~) **"Stationary Source" or "Source"** means the same as defined in Rule 2 – Definitions.

(~~20-23~~) **"Stationary Internal Combustion Engine"** means a spark or compression ignited, reciprocating internal combustion engine which is not a portable emission unit.

(~~21-24~~) **"Steam Generator"** means any combustion equipment fired with gaseous and/or liquid fuel and used to produce steam or to heat water. This does not include waste heat recovery boilers that are used to recover heat from the exhaust of gas turbines or internal combustion engines, or any waste heat recovery boiler that is used to recover sensible heat from the exhaust of any combustion equipment.

(~~22-25~~) **"Testing or Maintenance"** means operating an emergency standby engine to:

- (i) Evaluate the ability of the engine or its supported equipment to perform during an emergency. "Supported Equipment" includes, but is not limited to, generators, pumps, transformers, switchgear, uninterruptible power supply, and breakers; or
- (ii) Facilitate the training of personnel on emergency activities; or
- (iii) Provide electric power for the facility when the utility distribution company takes its power distribution equipment offline to service that equipment for any reason that does not qualify as an emergency situation; or
- (iv) Provide additional hours of operation to perform testing on an engine that has experienced a breakdown or failure during maintenance. Upon approval by the Air Pollution Control Officer, these additional hours of operation will not be counted in the maximum allowable annual hours of operation for the emergency standby engine that provided the electrical power. Operation for testing or maintenance purposes may be allowed for not more than 10 hours per year, with prior written authorization from the Air Pollution Control Officer, provided that an owner or operator demonstrates to the satisfaction of the Air Pollution Control Officer that such additional operation is necessary; or
- (v) Provide electric power for the facility during an electrical upgrade, such as the replacement or addition of electrical equipment and systems resulting in increased generation, transmission and/or distribution capacity; or
- (vi) Provide electric power for the facility during the repair of supported equipment as defined in Subsection (c)(~~22-25~~)(i).

(d) REQUIREMENTS

Emission units registered under this rule shall comply with these rules and regulations and the following requirements, as applicable:

- (1) An internal combustion emergency standby engine shall be operated only during emergency situations and for not more than 52 hours per calendar year for non-emergency purposes. Operation for testing or maintenance purposes may be allowed for not more than 100 hours per calendar year with written authorization from the Air Pollution Control Officer, provided that an owner or operator demonstrates to the satisfaction of the Air Pollution Control Officer that such additional operation is necessary.
- (2) An engine operating on diesel fuel shall use only California Diesel Fuel.
- (3) An engine shall have, and maintain in good working order, a non-resettable hour or fuel meter installed that measures elapsed operating time or fuel usage, respectively. If an engine hour meter is replaced, the owner or operator shall notify the Air Pollution Control Officer in accordance with Subsection (g)(2).

(4) An owner or operator of an engine shall conduct at a minimum, annual maintenance of the engine as recommended by the engine manufacturer or as specified by any other maintenance procedures approved in writing by the Air Pollution Control Officer. Notwithstanding the frequencies recommended by the engine manufacturers, the annual maintenance shall be conducted at least once each calendar year. Engine maintenance shall include, but is not limited to, the following:

- (i) Changing the oil and filter, or testing the oil in accordance with the requirements of 40 CFR Part 63, Sections 63.6625(i) or 63.6625(j);
- (ii) Inspecting and cleaning air filters, and replacing as necessary;
- (iii) Inspecting all hoses and belts, and replacing as necessary; and
- (iv) Inspecting spark plugs, if equipped, and replacing as necessary.

(5) An asphalt roofing kettle or asphalt day tanker shall have an identification tag or serial number stamped, welded or engraved in a visible, accessible location on the kettle or tanker; shall not be operated above 525°F (274°C) and shall be equipped with a functional temperature gauge, temperature control thermostat, and a lid which shall be closed at all times when the unit is operating except for loading asphalt.

(6) An owner or operator of a boiler, process heater or steam generator registered under this rule shall comply with all applicable requirements of Rule 69.2.2 – Medium Boilers, Process Heaters, and Steam Generators.

(7) Grain silos shall be equipped with a filter in good operating condition during pneumatic transferring and receiving of grain. Manufacturer's specifications or engineering data demonstrating a minimum particulate matter control efficiency of 90 percent by weight for PM₁₀ shall be retained on site and made readily available to the District upon request. There shall be no leakage from silos and ducting prior to treatment in the filter.

(8) Paper shredders and any associated air pollution control devices shall be operated in accordance with all manufacturer's instructions. Manufacturer's instructions shall be retained with the shredder and made readily available to the District upon request.

(9) Paper shredders shall not discharge into the atmosphere from any single source of emissions any air contaminant for a period or periods aggregating more than three minutes in any one hour which has an opacity as to obscure an observer's view to a degree equal to or greater than does smoke of a shade designated Ringelmann 1 or equivalent 20 percent opacity.

(10) Paper shredders shall not discharge such quantities of air contaminants or other material which cause injury, detriment, nuisance or annoyance to any considerable number of persons or to the public; or which endanger the comfort, repose, health or safety of any such persons or the public; or which cause or have a natural tendency to cause injury or damage to business or property.

(11) An owner or operator of a chain-driven charbroiler equipped with a catalytic oxidizer certified by SCAQMD at a commercial cooking operations facility registered under this rule shall comply with all applicable requirements of Rule 67.26 – Commercial Charbroiling Operations.

(e) REGISTRATION OF EMISSION UNITS

(1) Application for Certificate of Registration

To apply for a Certificate of Registration, an owner or operator shall submit to the District, a completed Permit/Registration application form, a Certificate of Compliance, and any additional information determined by the Air Pollution Control Officer as necessary to demonstrate eligibility for registration. The applicable fees specified in Rule 40 – Permit and Other Fees shall also be paid. No application for registration shall be considered received unless accompanied by a Certificate of Compliance and the appropriate fees. A separate application is required for each emission unit.

(2) Action on Applications

(i) The Air Pollution Control Officer shall inform the applicant in writing, within 30 days of receipt of an application for registration, if the application is complete or incomplete. If incomplete, the written notice shall specify the additional information necessary to complete the application. When the additional information is received and the application is determined complete, the applicant shall be so notified.

(ii) An application for registration shall be canceled if additional information necessary to complete the application is not furnished within 90 days of such request, or if the Air Pollution Control Officer determines that the emission unit is not eligible to be registered under this rule.

(iii) An application for registration shall be withdrawn if the applicant requests such action in writing to the Air Pollution Control Officer. An application that is withdrawn by the applicant shall subsequently be canceled.

(iv) An application for registration shall be denied if the Air Pollution Control Officer finds that the emission unit will not comply with the applicable requirements of Section (d) Requirements of this rule, or other applicable District Rules and Regulations.

(v) The Air Pollution Control Officer shall issue a Certificate of Registration within a maximum of 90 days after an application for registration is deemed complete if the emission unit meets all applicable requirements of Section (d) Requirements of this rule.

(vi) Notice of any action taken shall be deemed to have been given when written notification has been delivered to the applicant or the applicant's representative.

(3) Conditions on Certificate of Registration

The Air Pollution Control Officer may issue a Certificate subject to temporary or permanent conditions which ensure compliance with these Rules and Regulations and applicable state laws and regulations. Operating a registered emission unit constitutes acceptance of all conditions specified on the Certificate.

(4) Maintenance of Certificate of Registration

An owner or operator whose emission unit has been issued a Certificate shall:

- (i) Comply with all conditions listed on the Certificate;
- (ii) Renew the Certificate annually pursuant to Subsection (f)(1) of this rule;
- (iii) Maintain records, as applicable, in accordance with the requirements of Section (g) Record Keeping Requirements of this rule;
- (iv) Display the current Certificate or a copy of the current Certificate in a clearly visible and accessible place within 25 feet of the emission unit. If the unit is so constructed or operated that the Certificate cannot be so placed, it shall be kept on the premises and be made readily available to the District at all times; and
- (v) Not willfully deface, alter, forge, counterfeit or falsify any Certificate issued under this rule.

(f) ADMINISTRATION OF CERTIFICATE OF REGISTRATION

(1) Renewal of Certificate of Registration

(i) Current Certificate of Registration

Any person who holds a valid Certificate and who desires to maintain the Certificate after the expiration date shall, prior to the expiration date, pay the applicable renewal and processing fees specified in Rule 40 – Permit and Other Fees. Any Certificate not reinstated within six months of the expiration date will be retired.

(ii) Expired Certificate of Registration

An expired Certificate may be reinstated within the first six months following the expiration date by paying the applicable renewal and processing fees and the appropriate late fees specified in Rule 40 – Permit and Other Fees.

(2) Change of Status for Certificate of Registration

(i) Conversion to Inactive Status

Any person who holds a valid Certificate and chooses not to operate the emission unit, may apply to the Air Pollution Control Officer for a revised Certificate indicating the unit is to be registered in an inactive status. The application shall be accompanied by the applicable application and renewal fees specified in Rule 40 – Permit and Other Fees. Operation of an emission unit registered in an inactive status shall constitute a violation of Subsection (e)(4)(i) of this rule. Any portable emission unit registered in an inactive status shall be stored at a fixed address provided to the Air Pollution Control Officer. All Certificates for emission units in inactive status shall be renewed annually.

(ii) Removal of Inactive Status

Any person who holds a valid Certificate for an emission unit in an inactive status and chooses to operate the unit shall first apply for and obtain a revised Certificate indicating the unit is now in an active status. The application shall be accompanied by the applicable application and renewal fees specified in Rule 40 – Permit and Other Fees.

(3) Change of Location

Any person who holds a valid Certificate and who desires to change the location of the registered emission unit shall first apply for and obtain a revised Certificate from the Air Pollution Control Officer. The application shall be accompanied by the applicable application and processing fees specified in Rule 40 – Permit and Other Fees. This provision shall not apply to any change of location within a stationary source or any change of location for a portable emission unit.

(4) Transfer of Ownership

The ownership of a valid Certificate may be transferred by applying for and obtaining a revised Certificate from the Air Pollution Control Officer. The application shall include a completed Permit/Registration application form and a Certificate of Compliance. Such application shall be deemed a temporary Certificate if accompanied by the applicable application fees specified in Rule 40 – Permit and Other Fees. The temporary Certificate shall be subject to all the terms and conditions of the current Certificate and shall expire upon receipt of a revised Certificate. An application for transfer of ownership shall not be deemed a temporary Certificate if the emission unit is in an inactive status. A new application shall be required if the emission unit has been modified.

(g) RECORD KEEPING REQUIREMENTS

The owner or operator of a registered emission unit shall maintain the applicable records listed below in electronic and/or hardcopy format. The records shall be retained on-site for at least three years and be made available to the District upon request.

(1) An owner or operator of an engine shall maintain, at a minimum, the following:

(i) An operating log containing dates and elapsed times of every instance of engine operation either based on actual readings of engine hour or fuel meter, or validated against such actual readings during owner or operator visits to unmanned sites only. In addition, an owner or operator of an emergency standby diesel engine located within 500 feet of school grounds shall also maintain the time of day of every instance of engine operation for testing or maintenance; except for an engine that emits no more than 0.01 g/bhp-hr of diesel particulate matter, or meets the requirements specified in 17 CCR, Section 93115.13(f). If applicable, indicate whether the operation was for testing or maintenance or during an emergency situation and the nature of the emergency, and maintain the following:

(A) for a total external power outage, documentation from the serving utility of an outage in the area where the engine is located;

(B) for an internal power outage, a description of what caused the failure, and receipts and/or work orders for the necessary repairs, as applicable; and

(C) for a partial external power outage, including a low-voltage or electric transient incident, in which the external power voltage is low enough to trigger the operation of an emergency standby engine, a description of the incident.

(ii) total cumulative hours of operation per calendar year;

(iii) records of annual engine maintenance, including dates maintenance was performed and the nature of the maintenance;

(iv) California Diesel Fuel certifications, if fueled with diesel fuel; and

(v) A manual of recommended maintenance procedures as provided by the engine manufacturer, or other maintenance procedures as approved in writing by the Air Pollution Control Officer.

(2) An owner or operator of an engine shall provide written notification to the Air Pollution Control Officer within 10 calendar days of replacing the engine hour meter. The notification shall include the following:

(i) Old meter's hour reading upon removal;

(ii) Replacement meter's manufacturer name, model, and serial number, if available;

(iii) Current hour reading of the replacement meter upon installation; and

(iv) Copy of receipt of new meter, or of installation work order.

(3) An owner or operator of any emission unit specified in Subsection (a)(1) which is operated as a rental emission unit shall maintain the following records, as applicable:

(i) The owner of a rental emission unit shall provide the operator with a copy of the Certificate and the recordkeeping requirements specified in Subsection (g)(1) as part of the emission unit rental agreement. The owner shall maintain written acknowledgment by the operator of receiving the above information.

(ii) During the duration of a rental agreement or contract, the operator of a rental emission unit shall be responsible for compliance with the recordkeeping requirements of this rule and the terms and conditions on the Certificate applicable to operation of the unit. The operator shall furnish the records specified in Subsection (g)(1), to the owner of the rental emission unit upon return of the unit.

(4) An owner or operator of a boiler, process heater or steam generator registered under this rule shall comply with the record keeping requirements specified in Rule 69.2.2 – Medium Boilers, Process Heaters, and Steam Generators.

(5) An owner or operator of a chain-driven charbroiler equipped with a catalytic oxidizer certified by SCAQMD at a commercial cooking operations facility registered under this rule shall comply with record keeping requirements specified in Rule 67.26 – Commercial Charbroiling Operations.

REGULATION III: FEES

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

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

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RULE 40. PERMIT AND OTHER FEES

(a) APPLICABILITY

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

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

(b) DEFINITIONS

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

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

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

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

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

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

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

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

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

(c) GENERAL PROVISIONS

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

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

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

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

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

(d) AUTHORITY TO CONSTRUCT AND PERMIT TO OPERATE FEES

(1) General Provisions

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

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

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

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

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

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

Calculation Worksheet for Initial Application Fees

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

Total: \$ _____

Notes:

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

(3) Initial Evaluation Fee

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

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

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

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

(4) Air Contaminant Emissions Fees

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

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

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

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

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

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

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

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

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

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

(6) Fees for Revisions to Valid Permits

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

Calculation Worksheet for Modified Equipment Fees

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

Total: \$ _____

Notes:

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

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

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

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

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

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

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

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

(7) **Fees for Revisions to Valid Authorities to Construct**

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

(8) **Special Application Processing Provisions**

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

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

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

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

(ii) Reinspection Fees

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

(iii) Split Fee Payments for Applications

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

(iv) Fees for Expedited Application Processing

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

(v) Requirement for Defense and Indemnification Agreement

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

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

(vi) Indemnification

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

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

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

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

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

(e) ANNUAL OPERATING FEES

(1) General Provisions

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

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

(2) Annual Operating Fees

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

Calculation Worksheet for Annual Operating Fees

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

Total: \$ _____

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

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

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

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

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

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

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

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

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

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

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

(3) Staggered Renewal Dates

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

(4) Split Payment of Annual Operating Fees

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

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

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

(5) Inactive Status Permits

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

(6) Expiration and Retirement of Permits

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

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

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

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

(iii) Retirement by Permittee Request

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

(f) SPECIFIC PROGRAM FEES

(1) General Provisions

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

(2) Asbestos Demolition or Renovation Notification

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

<u>TYPE OF OPERATION</u>	<u>Notification Fee¹</u>
1. Renovation Operations (excluding residential buildings having four or fewer dwelling units) ²	
<100 sq. ft.	\$764
100 sq. ft. to 500 sq. ft.	\$816
501 to 2,000 sq. ft.	\$828
2,001 to 5,000 sq. ft.	\$867
5,001 to 10,000 sq. ft.	\$998
>10,000 sq. ft.	\$1,080
2. Demolition Operations	
Regulated Asbestos Containing Material (RACM) sites or Non-RACM sites with no asbestos present	\$884

Notes:

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

(3) Air Pollution Emergency Episode Plan Fee

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

(4) Grid Search

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

(5) New or Modified Power Plants

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

(6) Toxic Hot Spots

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

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

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

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

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

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

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

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

(7) California Clean Air Act

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

(8) Title V Operating Permit

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

(9) Synthetic Minor Source Permit

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

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

(10) Determination of Exemption

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

(11) California Environmental Quality Act

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

(12) Emissions Inventory

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

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

(g) LATE FEES

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

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

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

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

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

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

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

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

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

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

(1) General Provisions

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

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

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

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

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

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

(i) REFUNDS, INSUFFICIENT PAYMENT OF FEES AND CANCELLATIONS

(1) General Provisions

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

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

(2) Application Fee Refunds

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

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

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

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

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

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

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

(3) Annual Operating Fee Refunds

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

(4) Air Contaminant Emissions Fee Refunds

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

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

(5) Other Fees

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

(6) Cancellation Fees – Source Testing and Test Witnessing

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

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

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

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

(7) Insufficient Payment of Fees

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

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

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

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

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

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

ALPHABETICAL LIST OF FEE SCHEDULES BY EMISSION UNIT TYPE

Abrasive Blasting Cabinets, Rooms and Booths	Schedule 2
Abrasive Blasting Equipment - Excluding Rooms and Booths	Schedule 1
Acid Chemical Milling	Schedule 32
Adhesive Manufacturing	Schedule 38
Adhesive Materials Application Operations.....	Schedule 27
Air Stripping Equipment.....	Schedule 52
Anodizing Tanks.....	Schedule 55
Application of Materials Containing Organic Solvents (includes coatings, adhesives, and other materials containing volatile organic compounds (VOC))	Schedule 27
Asbestos Control Equipment	Schedule 59
Asphalt Pavement Heaters/Recyclers	Schedule 40
Asphalt Roofing Kettles and Tankers used to Store, Heat, Transport, and Transfer Hot Asphalt.....	Schedule 3
Automotive Refinishing Operations	Schedule 27
Bakeries	Schedule 58
Boilers and Heaters.....	Schedule 13
Bulk Flour, Powdered Sugar Storage System.....	Schedule 35
Bulk Plants and Terminals (Volatile Organic Compounds)	Schedule 25
Bulk Terminal Grain Transfer and Storage Facility Equipment.....	Schedule 23
Burn Out Ovens	Schedule 15
Cement Silo System (Separate from Plants).....	Schedule 8
Ceramic Deposition Spray Booths.....	Schedule 37
Ceramic Slip Casting	Schedule 43
<u>Chain-driven Charbroilers</u>	<u>Schedule 16</u>
Coffee Roasters.....	Schedule 50
Cold Solvent Cleaning Operations	Schedule 28
Concrete Batch Plants.....	Schedule 8
Concrete Mixers Over One Cubic Yard Capacity	Schedule 8
Concrete Product Manufacturing Plants	Schedule 9
Copper Etching	Schedule 32
Dielectric Paste Manufacturing	Schedule 38
Dry Chemical Mixing.....	Schedule 24
Dry Chemical Storage System.....	Schedule 35
Dry Chemical Transfer and Storage Facility Equipment.....	Schedule 23
Dry Cleaning Facilities	Schedule 31
Electronic Component Manufacturing.....	Schedule 42
Electric Deposition Spray Booths.....	Schedule 37
Engines - Internal Combustion	Schedule 34
Evaporators, Dryers, and Stills Processing Organic Materials	Schedule 44
Feed and Grain Mills and Kelp Processing Plants.....	Schedule 22
Filtration Membrane Manufacturing	Schedule 46
Gas Turbine Engines, Test Cells and Test Stands	Schedule 20
Gasoline Stations	Schedule 26
Grinding Booths and Rooms	Schedule 36
Hexavalent Chromium Plating	Schedule 55
Hot Dip Galvanizing.....	Schedule 32
Hot-Mix Asphalt Paving Batch Plants.....	Schedule 4
Industrial Coating Applications.....	Schedule 27
Industrial Waste Water Treatment.....	Schedule 51
Ink Manufacturing	Schedule 38

Alphabetical List of Fee Schedules by Emission Unit Type – continued

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

CATEGORIZED LIST OF FEE SCHEDULES BY EMISSION UNIT TYPE

ABRASIVE BLASTING EQUIPMENT

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

ASPHALT RELATED OPERATIONS, EQUIPMENT AND PROCESSES

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

COATING, ADHESIVE AND INK APPLICATION EQUIPMENT & OPERATIONS

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

CONCRETE EQUIPMENT

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

COMBUSTION AND HEAT TRANSFER EQUIPMENT

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

DRY CHEMICAL OPERATIONS

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

ELECTRONIC MANUFACTURING

Electronic Component Manufacturing.....	Schedule 42
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FOOD PROCESSING AND PREPARATION EQUIPMENT

Bakeries	Schedule 58
Bulk Flour and Powdered Sugar Storage Systems	Schedule 35
<u>Chain-driven Charbroilers</u>	<u>Schedule 16</u>
Coffee Roasters.....	Schedule 50

FUEL STORAGE, TRANSFER AND DISPENSING EQUIPMENT

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

Categorized List of Fee Schedules by Emission Unit Type – continued

MACHINING EQUIPMENT

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

METAL TREATMENT OPERATIONS

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

METALLURGICAL PROCESSING EQUIPMENT

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

MISCELLANEOUS MANUFACTURING AND PROCESSING

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

MIXING, BLENDING AND PACKAGING EQUIPMENT

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

OVENS

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

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

Categorized List of Fee Schedules by Emission Unit Type – continued

SOLVENT CLEANING OPERATIONS

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

SPRAY BOOTH OPERATIONS

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

STORAGE AND TRANSFER EQUIPMENT

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

TREATMENT AND REMEDIATION OPERATIONS

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

FEE SCHEDULES

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

SCHEDULE 1: Abrasive Blasting Equipment Excluding Rooms and Booths

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

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

SCHEDULE 2: Abrasive Blasting Cabinets, Rooms and Booths

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

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

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

SCHEDULE 4: Hot-Mix Asphalt Paving Batch Plant

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

SCHEDULE 5: Rock Drills

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

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

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

SCHEDULE 7: Sand, Rock, and Aggregate Plants

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

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

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

SCHEDULE 9: Concrete Product Manufacturing Plants

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

SCHEDULE 10: RESERVED

SCHEDULE 11: RESERVED

SCHEDULE 12: RESERVED

SCHEDULE 13: Boilers and Heaters

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

SCHEDULE 14: Non-Municipal Incinerators

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

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

SCHEDULE 15: Burn-Out Ovens

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

*Pursuant to Subsection (c)(3)

SCHEDULE 16: ~~RESERVED~~ Chain-driven Charbroilers

<u>Fee Unit</u>	(1) <u>Initial Evaluation Fee</u>	(2) <u>Emission Unit Renewal Fee</u>
(a) <u>Each chain-driven charbroiler with a non-certified emission control device</u>	<u>T+M</u>	<u>\$537</u>
(b) <u>Each existing chain-driven charbroiler with certified catalytic oxidizer, Registered Under Rule 12</u>	<u>T+M</u>	<u>\$537</u>
(c) <u>Each new chain-driven charbroiler with certified catalytic oxidizer, Registered Under Rule 12</u>	<u>\$945</u>	<u>\$537</u>

SCHEDULE 17: RESERVED

SCHEDULE 18: Metal Melting Devices

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

SCHEDULE 19: Oil Quenching and Salt Baths

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

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

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

SCHEDULE 21: Waste Disposal and Reclamation Units

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

SCHEDULE 22: Feed and Grain Mills and Kelp Processing Plants

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

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

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

SCHEDULE 24: Dry Chemical Mixing

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

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

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

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

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
3. Facilities fueling intermediate refuelers (IR's) for subsequent fueling of motor vehicles, boats, or aircraft:		
(h) Per IR Loading Connector	T+M	\$667

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

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

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

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

PART 1 – MARINE COATINGS

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

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

PART 2 – INDUSTRIAL MATERIAL APPLICATIONS AND MANUFACTURING

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

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(d) Each Surface Coating Application Station w/o control equipment and not covered by other fee schedules at facilities using > 1 gallon/day of surface coatings and emitting ≤ 5 tons/year of VOC from equipment in this fee schedule	T+M	\$1,259
(e) Each Surface Coating Application Station w/o control equipment and not covered by other fee schedules at facilities emitting > 5 tons/year of VOC from equipment in this fee schedule	T+M	\$1,593
(f) Each Fiberglass, Plastic or Foam Product Process Line Except If Using Only Polyester Resin	T+M	\$1,259
(i) Each Surface Coating Application Station requiring Control Equipment	T+M	\$1,092
(j) Each Surface Coating Application Station subject to Rule 67.3 or 67.9 w/o Control Equipment at facilities emitting ≤ 5 tons/year of VOC from equipment in this fee schedule	T+M	\$1,322
(k) Each Surface Coating Application Station subject to Rule 67.3 or 67.9 w/o Control Equipment at facilities emitting > 5 tons/year of VOC from equipment in this fee schedule	T+M	\$1,119
(l) Each Wood Products Coating Application Station w/o Control Equipment at facilities using > 500 gallons/year of wood products coatings	T+M	\$1,177
(n) Each Press or Operation at a Printing or Graphic Arts facility subject to Rule 67.16	T+M	\$652
(o) Each Fiberglass, Plastic or Foam Product Process Line Using Only Polyester Resin	T+M	\$1,003
(p) Each Surface Coating Application Station w/o control equipment (except automotive painting) where combined coating, and cleaning solvent usage is < 1 gallon/day or < 50 gallons/year	T+M	\$876
(q) Each Wood Products Coating Application Station of coatings and stripper w/o control equipment at a facility using < 500 gallons/year for Wood Products Coating Operations	T+M	\$1,112

PART 3 – MOTOR VEHICLE AND MOBILE EQUIPMENT REFINISHING OPERATIONS

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

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

PART 4 – ADHESIVE MATERIALS APPLICATION OPERATIONS

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

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

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

SCHEDULE 29: RESERVED

SCHEDULE 30: Solvent and Extract Dryers

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

SCHEDULE 31: Dry Cleaning Facilities

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

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

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

SCHEDULE 33: RESERVED**SCHEDULE 34: Piston Type Internal Combustion Engines and Diesel Particulate Filter Cleaning Processes**

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

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

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

SCHEDULE 36: Grinding Booths and Rooms

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

SCHEDULE 37: Plasma Electric and Ceramic Deposition Spray Booths

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

*Pursuant to Subsection (c)(3)

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

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

SCHEDULE 39: Precious Metals Refining

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

SCHEDULE 40: Asphalt Pavement Heaters/Recyclers

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

SCHEDULE 41: Perlite Processing

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

*Pursuant to Subsection (c)(3)

SCHEDULE 42: Electronic Component Manufacturing

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

SCHEDULE 43: Ceramic Slip Casting

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

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

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

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

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

SCHEDULE 47: Organic Gas Sterilizers

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

SCHEDULE 48: Municipal Waste Storage and Processing

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

SCHEDULE 49: Non-Operational Status Equipment

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

SCHEDULE 50: Coffee Roasters

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

SCHEDULE 51: Industrial Waste Water Treatment

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

*Pursuant to Subsection (c)(3)

SCHEDULE 52: Air Stripping and Soil Remediation Equipment

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

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

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

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

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

SCHEDULE 56: Sewage Treatment Facilities

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

SCHEDULE 57: RESERVED

SCHEDULE 58: Bakeries

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

SCHEDULE 59: Asbestos Control Equipment

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

SCHEDULES 60 THROUGH 90 RESERVED

SCHEDULE 91: Miscellaneous

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

SCHEDULE 92: Source Testing Performed by the District

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

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

SCHEDULE 92: Source Testing Performed by the District – continued

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

SCHEDULE 93: Witness of Source Tests Performed by Independent Contractors

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

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

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

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

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

SCHEDULE 95: Sampling and Analysis

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

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

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

SCHEDULE 97: Other Charges

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