

# NIPOMO COMMUNITY SERVICES DISTRICT

## AGENDA

### SPECIAL MEETING

MAY 10, 2000 7:00 P.M.

BOARD ROOM 148 S. WILSON STREET NIPOMO, CA

#### **BOARD MEMBERS**

AL SIMON, **ACTING PRESIDENT**  
ROBERT BLAIR, **DIRECTOR**  
RICHARD MOBRAATEN, **DIRECTOR**  
ALEX MENDOZA, **DIRECTOR**

#### **STAFF**

DOUGLAS JONES, **GENERAL MANAGER**  
DONNA JOHNSON, **SECRETARY TO THE BOARD**  
JON SEITZ, **GENERAL COUNSEL**

CALL TO ORDER AND FLAG SALUTE

ROLL CALL

#### Public Comment on Agenda Items

The public has the right to comment on any item on the Special Meeting Agenda when the item is being considered. Comments are limited to 3 minutes or otherwise at the discretion of the Board President.

1. APPOINT NEW BOARD MEMBER

- a. Review applications
- b. Interview applicants
- c. Appointment of new Board member

2. AIR POLLUTION CONTROL DISTRICT

- a. Review APCD permits and proposed fees for wastewater treatment facilities

Adjourn

TO: BOARD OF DIRECTORS  
FROM: DOUG JONES  
DATE: MAY 10, 2000

**AGENDA ITEM**  
**MAY 10 2000**



BOARD OF DIRECTORS  
OPEN SEAT

**ITEM**

Replacement of the Board of Directors seat created by the resignation of a sitting director.

**BACKGROUND**

Your Honorable Board decided to make an appointment to the Board of Directors to replace a vacant seat created by the resignation of a sitting director. Staff has placed notices in three places and has advertised in the local paper of the opening on the Board of Directors. Those interested in being appointed to the Board have filled out the attached applications and are as follows:

1. Mike Winn
2. Michael D. Smith
- 3.

The following is the suggested procedure for appointment:

*Each of the applicants or nominations from the floor may be given approx. 5 minutes to make an oral presentation to your Honorable Board. After each applicant has made a presentation, Board questions and comments, and public comments, the Board would proceed with the appointment to the vacant seat.*

*It is suggested that a Board member nominate a person for the open seat. After nominations are made, a motion to close nominations would be in order and then a vote taken. If more than one nomination is being considered for the Board seat, it is suggested that a role call vote be made on each nomination. Each Board member would either vote yes or pass on the nominee up for a vote. The individual receiving the majority of yes votes would then be appointed to the vacant seat on the Board.*

**RECOMMENDATION**

After the selection has been made, that individual will come into the office and be sworn in before the May 17, 2000 Board meeting.

# NIPOMO COMMUNITY SERVICES DISTRICT

148 SOUTH WILSON STREET

POST OFFICE BOX 326 NIPOMO, CA 93444-0326

(805) 929-1133 FAX (805) 929-1932

## APPLICATION FOR APPOINTMENT TO THE BOARD OF DIRECTORS

(Must live within the District boundary and be a registered voter)

Request to be appointed to the Nipomo Community Services District Board of Directors

Name *Michael Winn*

Address *233 East Knotts St., Nipomo*

Phone No. *929-6128*

1. Why do you wish to be on the Board of Directors of the Nipomo Community Services District?

*Water, sewer, and such community services are crucial to sustaining Nipomo's way of life and planning its future intelligently. The community has not become unified yet on its vision for the future or on the facts on which planning must depend. I want to join the other directors in clarifying our true situation and building consensus within our community.*

2. General background and experience that may be beneficial in being a director for the District. A resume' may be helpful.

*I directed community development for two years in S.E. Asia (water, food, infrastructure, government liaison), on a rather primitive level. Population: 400,000.*

*I have worked with organization staff of many sizes: church, schools, university.*

*I am familiar with agricultural wells on a single-owner scale.*

*I am a native of SLO County.  
(See résumé.)*

Bd2000/appointment

## RÉSUMÉ

May 2000

Name Michael Winn DOB April 16, 1941  
Address 233 East Knotts Street Health Excellent  
Nipomo, CA 93444  
Phone (805) 929-6128  
Married Prinda Padboke Winn (1976)

### EDUCATION

California Polytechnic State University 1977  
M.A. (English)  
L.A. Baptist College [now The Master's College] 1964  
B.A. (Humanities)

### EMPLOYMENT

Headmaster & COO 1998 - current  
Patterson Academy, Nipomo, CA  
Principal & teacher 1995 - 98  
Arroyo Grande, CA  
Agriculturist 1994 - 95  
Avila Valley, San Luis Obispo, CA  
Christian minister 1988 - 93  
La Jolla & Pismo Beach, CA 1982 - 84  
Research Associate 1984 - 88  
John DeVincenzo, DDS  
San Luis Obispo, CA  
Projects Director / Country Director 1980 - 82  
World Relief (relief & development arm of the NAE)  
Caseworker, Refugee Section, U.S. Embassy  
Bangkok, Thailand  
Lecturer in English 1976 - 79  
California Polytechnic State University, SLO 1969 - 70  
San Luis Obispo, CA  
Professor in English as a Foreign Language 1970 - 76  
Thammasat University, Bangkok, Thailand 1965 - 68

RECEIVED  
MAY 05 2000

NIPOMO COMMUNITY  
SERVICES DISTRICT

# NIPOMO COMMUNITY SERVICES DISTRICT

148 SOUTH WILSON STREET

POST OFFICE BOX 326 NIPOMO, CA 93444-0326

(805) 929-1133 FAX (805) 929-1932

## APPLICATION FOR APPOINTMENT TO THE BOARD OF DIRECTORS

(Must live within the District boundary and be a registered voter)

Request to be appointed to the Nipomo Community Services District Board of Directors

Name

MICHAEL D. SMITH

Address

1184 OAKMONT PLACE, NIPOMO, CALIFORNIA 93444-5711

Phone No.

(805) 929-6762

1. Why do you wish to be on the Board of Directors of the Nipomo Community Services District?

Contribute to solving short-range plans and long-term goals of the District's water and wastewater operations and resources. Interact to guide and establish District policy, procedures and agreements for customer relations. Assist in development of District procedures about legal, ethical, professional, political and employee administration. Evaluate and monitor District finances, reports and short-range performance. Give direction to District management, furnish expertise not available from the District management, and monitor performance of District management and operations. Evaluate District's key management and personnel, assist management with year to year operation and maintenance, and long-range strategic procurement, expansion and replacement plans, and provide advice of checks and balances between District's short-range needs and goals and long-term best interests. Establish District personnel compensation and fringe benefits.

2. General background and experience that may be beneficial in being a director for the District. A resume' may be helpful.

Civil and structural engineer to public agencies and private clients, by providing project design and management regarding: (a) water supply, treatment, storage and distribution systems, (b) wastewater treatment and disposal systems, (c) residential and industrial subdivisions, (d) hazardous and toxic waste investigations and mitigations, (e) environmental impact reports, (f) forensic engineering to insurance and real estate industry, (g) expert witness in civil and capital litigations and prosecutions, (h) feasibility and economic studies for commercial and industrial construction, and (i) California State University Instructor.

Community service includes term as Board Member to Public Cemetery District, and Project Design and Manager for homeless shelter/housing project and historical building restoration.

TO: BOARD OF DIRECTORS  
FROM: DOUG JONES  
DATE: MAY 10, 2000

AGENDA ITEM  
MAY 10 2000

2

AIR POLLUTION CONTROL DISTRICT  
SCHEDULE OF FEES

**ITEM**

Review the APCD proposed fees.

**BACKGROUND**

The District has received a notice of Public Workshops from the SLO County Air Pollution Control District with respect to modifying their fee schedules. Director Blair requested that this subject be put on the agenda for discussion.

Attached is the Air Pollution Control District staff report of the proposed schedule of fees on public and private wastewater treatment plants. If the District is required to be permitted under the APCD program, the fee would be \$570 per sewer treatment plant.

In conversations with a number of staff from APCD, they indicated that the District would not be scheduled to be a permitted agency, therefore, that fee would not apply to the District at this time.

Board 2000\APCD fees



**AIR POLLUTION  
CONTROL DISTRICT**  
COUNTY OF SAN LUIS OBISPO

**RECEIVED**

TO: All Interested Parties  
DATE: May 1, 2000  
SUBJECT: Notice of Public Workshop

MAY 03 2000

**NIPOMO COMMUNITY  
SERVICES DISTRICT**

The San Luis Obispo County Air Pollution Control District is proposing to revise District Rule 302, Schedule of Fees. Two meetings will be held as follows to introduce the suggested revisions, present supporting data, and receive comments.

Public Workshop  
May 15, 2000, 4 p.m. to 5 p.m.  
3433 Roberto Court, San Luis Obispo

Public Hearing  
May 17, 2000, 9 a.m. to 11 a.m.  
1035 Palm Street, San Luis Obispo

This notice invites all interested parties to attend and provide input on the proposed revisions. In advance of the workshop or hearing, if you would like a copy of the draft rule and/or its associated staff report, please contact David Dixon at 781-5912 or [ddixon\\_apcd@co.slo.ca.us](mailto:ddixon_apcd@co.slo.ca.us).

Despite the District's best efforts to reduce the cost of doing business, revenues are still not projected to balance expenditures in the next fiscal year. Costs have been trimmed by not filling vacant staff positions, by contracting with other agencies to perform inspections, by entering into reimbursement agreements with major project proponents, and by using computers to streamline business operations. Yet all of this has not been enough to offset the loss of revenue from the closure of several major facilities in recent years.

On the surface, it would appear that facility closures would result in fewer inspections and a corresponding decrease in permit program costs. In fact, the permit program's costs have actually risen over time due to the changing nature of inspections (e.g., vacuum assist vapor recovery at service stations), increased complexity of inspections (e.g., implementation of Clean Air Plan based rules on storage tank seals, boiler emissions, and oil field fugitive emission monitoring programs), new permit programs (e.g., Title V and maximum achievable control technology standards - MACT), and an unprecedented increase in the number of sources required to conduct source testing on a routine basis.

The proposed revisions would increase nearly all permit renewal fees. Here are some examples:

Typical Sources	Current	Revised	Increase
medium sized autobody shops (biennial renewal)	\$317.40	\$363.40	\$46.00
engines and other miscellaneous sources	\$391.00	\$446.20	\$55.20
medium sized sand and gravel plants	\$368.00	\$423.20	\$55.20
service stations with 12 nozzles and a balance vapor recovery system	\$460.00	\$521.64	\$61.64
large sized concrete batch plants	\$782.00	\$897.00	\$115.00
large sized boilers and heaters	\$1,495.00	\$1,715.80	\$220.80

(Continued)

3433 Roberto Court • San Luis Obispo, CA 93401 • 805-781-5912 • FAX: 805-781-1002

[cleanair@sloapcd.dst.ca.us](mailto:cleanair@sloapcd.dst.ca.us) ♦ [sloapcd.dst.ca.us](http://sloapcd.dst.ca.us)

Copy of document found at [www.NoNewWipTax.com](http://www.NoNewWipTax.com)

Other changes are proposed that won't necessarily affect renewal fees.

- The addition of new fee categories for coffee roasters, gas turbine power generators, wastewater treatment plant digesters, and land treatment units.
- The modification of the existing service station schedule for vacuum assist testing to encompass the observation of any annual service station testing.
- The clarification that an application for ownership transfer is an application for a permit to operate for the new owner (District permits are not transferable and a new owner has no permit until a new one is issued).
- Revisions to the filing fees for ownership transfer, condition change, and duplicate permit.
- The addition of new fee schedules for burn permits and compliance determinations associated with state or federal regulations.

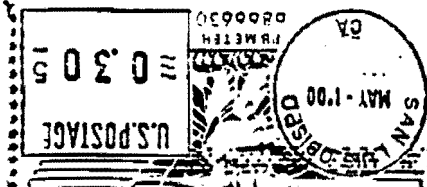
9LUMP 93444

Mr. Doug Jones  
Nipomo Community Services District  
P.O. Box 326  
Nipomo, CA 93444

RETURN SERVICE REQUESTED

San Luis Obispo, CA 93401  
3433 Roberto Court

AIR POLLUTION  
CONTROL DISTRICT  
COUNTY OF SAN LUIS OBISPO





**SAN LUIS OBISPO COUNTY AIR POLLUTION CONTROL DISTRICT  
STAFF REPORT**

**RULE 302, SCHEDULE OF FEES**

**JULY 26, 2000**

**BACKGROUND**

The Air Pollution Control District's permit to operate program provides a mechanism for the District to accomplish several functions. It first allows a review and analysis of proposed new sources to assure compliance after construction; it then allows inspection and testing upon completion of construction. The permit system also allows the monitoring of compliance with new reduction strategies, as they are implemented, and with existing rules. Finally, it provides a basis for inventorying emissions, which is used to track progress in emission reductions, and to guide development of emission reduction strategies.

The basic purpose of the District's permit system is to improve and maintain the County's air quality. To fund these efforts, fees are assessed through the permit system on the sources of air pollution within the county. Separate fees are collected at the point of authority to construct issuance, at the point of permit to operate issuance, and at the point of permit to operate renewal. Other actions associated with fee collection include the filing of applications and asbestos project plan reviews. District Rule 302, Schedule of Fees, establishes all of those fees.

Rule 302 has been revised four times in recent years. In 1995, equity adjustments were made to the size criteria for several categories resulting in a \$12,439 revenue loss. In 1996, Rule 302 was changed twice. The first time added an initial fee waiver process for small businesses and the second time made more equity adjustments with only minor revenue loss. In 1997, a refund process for permit cancellation was added with no assumed changes in fee revenues. Finally, while it was not an actual change to Rule 302, permit renewal fees were affected by a six-dollar increase in the District's hourly charge rate in 1998.

**SUMMARY**

The changes currently proposed for Rule 302 would increase permit renewal revenue by approximately \$113,000 and are as follows.

1. Using the District's Fee Study as a guideline, needed revenues would be generated by increasing nearly all permit renewal fee category rates.
2. New permit renewal schedules would be added for coffee roasters and soil decontamination landfarms, and existing renewal categories would be modified for power plants to add a gas turbine schedule and for sewage treatment plants to add a digester schedule.

3. The existing schedule for vacuum assist testing observation would be modified to include any type of annual testing at service stations.
4. Application for ownership transfer would be clarified to be an application for a permit to operate for the new owner and the application filing fee would be modified to be \$100, consistent with other such fees.
5. The duplicate permit fee would be revised to be \$25 to better reflect the amount of resources expended to revise files and generate new permits. The filing fee for applications to modify permit conditions would also be increased to \$100 to be consistent with other such fees.
6. New provisions would be added for reimbursement at the District's current hourly rate for miscellaneous services performed to determine compliance with state and federal regulations.
7. New provisions would be added for the issuance of burn permits and associated fees.
8. Minor administrative corrections would be made throughout the rule text.

## **DISCUSSION**

There are two main goals of the proposed revisions to be discussed here. The first is to better balance the costs of the District's permit program with the revenue intended to support that program. The second is to update Rule 302 to reflect current District programs, workload, and costs.

### **Fee Study**

In late 1999, the District embarked on a study of permit renewal fees. The goal was to estimate the actual costs for District resources expended on any given source category. In a stepwise fashion: specific activities funded from permit fees were identified, the cost of those activities estimated, apportionment factors among the permit renewal categories assigned, and then total costs for each renewal category were calculated. The study concluded that the majority of source categories were being undercharged and that only a few categories, generally associated with larger sources, were being overcharged. Another point made in the study was that revenues for District programs funded through permit renewal fees lagged behind expenditures by approximately \$300,000.

The following summary is an excerpt from the Fee Study. The first two columns in the table are self-explanatory and are drawn directly from Rule 302.E. The next column is the actual District cost based on the fee study, which was determined by apportioning the total District cost for permit based programs to the given fee category. The next column to the right lists the existing permit renewal fee and the final column compares the actual cost to the current fee. A plus (+) sign in this final column indicates that the current fee is less than the actual cost and a negative sign (-) indicates that the current fee is greater than the actual cost.

**Table 1. Proposed and Existing Permit Renewal Rate Comparison**

Fee Cat.	Description	Actual Cost (\$)	Current Fee (\$)	+/-	Fee Cat.	Description	Actual Cost (\$)	Current Fee (\$)	+/-
1	air monitoring oversight	1421	5290	-	28	marine loading terminal	9090	2990	+
2	asphalt batch plants	3245	1150	+	29	marine unloading term.	6343	1518	+
3a	small boilers & heaters	1430	920	+	30	miscellaneous	1873	391	+
3b	medium boilers &	2002	1288	+	31a	small auto bodyshop	341	184	+
3c	large boilers & heaters	2324	1495	+	31b	medium auto bodyshop	588	317	+
4a	small block mfg	432	184	+	31c	large auto bodyshop	1022	552	+
4b	medium block mfg	865	368	+	32	incinerators	2330	1495	+
4c	large block mfg	1837	782	+	33	ocs dewatering	1747	4416	-
5	cement handling equip.	1165	644	+	34	large o&g production	18226	16905	+
6	chemical mfg	600	391	+	35	small o&g production	2529	2346	+
7a	small concrete batch	358	184	+	36	o&g vapor recovery	2758	2760	-
7b	medium concrete batch	715	368	+	37	oily water treatment	3328	1932	+
7c	large concrete batch	1520	782	+	38	paint bake oven	1035	391	+
8	crematory incinerator	326	391	-	39	petro coke calcining	11730	93564	-
9	oil storage facility	5299	1104	+	40	petro loading rack	2225	1288	+
10	oil pump station	1084	1104	-	41	petro sulfur recovery	3035	4094	-
11	degreasers	891	391	+	42	petro refinery line	8030	12259	-
12	dryers or kilns	1120	575	+	43	petro processing unit	2028	5060	-
13	drycleaners	864	391	+	44a	small printing oper	240	92	+
14	electrolytic plating	2390	1288	+	44b	medium printing oper	900	345	+
15	ETO sterilizers	2261	1426	+	44c	large printing oper	3599	1380	+
16a	feed & grain w/cyclones	1501	520	+	45	waste water treatment	1080	736	+
16b	feed & grain w/o cycl.	744	258	+	46a	small rock plant	933	184	+
17	fiberglass mfg	4520	1426	+	46b	medium rock plant	1865	368	+
18	fixed roof tanks	1695	690	+	46c	large rock plant	3963	782	+
19	floating roof tanks	3035	1012	+	47a	small sand & gravel	537	184	+
20	power plant boiler	27605	48530	-	47b	med. sand & gravel	1075	368	+
21	gdf - phase II	183	83	+	47c	large sand & gravel	2284	782	+
22	gdf - phase II nozzle	51	23	+	48	sandblasting	673	230	+
23	bulk plant	1741	656	+	49	soil decontamination	1289	391	+
24	gdf - phase I	224	101	+	50a	small surface coating	182	92	+
25	gdf - vacuum assist	not incl.	138		50b	medium surface coating	682	345	+
26a	ic engine - first unit	1927	391	+	50c	large surface coating	2728	1380	+
26b	ic engine - additional	907	184	+	51	wood working oper	1165	354	+
27	landfill gas collection	2965	2346	+					

**Renewal Fee Changes**

Despite the District’s best efforts to reduce the cost of doing business, revenues are still not projected to balance expenditures in the next fiscal year. Costs have been trimmed by not filling vacant staff positions, by contracting with other agencies to perform inspections, by entering into reimbursement agreements with major project proponents, and by using computers to streamline business operations. Yet all of this has not been enough to offset the loss of revenue from the closure of several major facilities in recent years.

On the surface, it would appear that facility closures would result in fewer inspections and a corresponding decrease in permit program costs. In fact, the permit program’s costs have actually risen over time due to the changing nature of inspections (e.g., vacuum assist vapor recovery at service stations), increased complexity of inspections (e.g., implementation of Clean Air Plan based rules on storage tank seals, boiler emissions, and oil field fugitive emission programs), new permit programs (e.g., Title V and maximum achievable control technology standards - MACT), and an unprecedented increase in the number of sources required to conduct source testing on a routine basis. In addition, personnel costs have risen over time to keep pace with economic inflation.

To fund the permit program during the upcoming fiscal year, a general fee increase is proposed. Most of the permit renewal categories identified as being undercharged in Table 1 above would be increased by 15%. Two of the non-major source related categories (small and large oil fields) would be set at the rate calculated in the Fee Study, which results in an increase of less than 15%. Five categories would not have their fees changed at all (crematories, crude oil pump stations, service station testing, on-shore dewatering of offshore oil, and oil field vapor recovery). Six categories related to major sources (power plants and oil refineries) would be increased by 15% even though they are identified in the fee study as being overcharged. Discussions with management from these sources have indicated that the fee adjustments will not be opposed, but that future increases should address the inequities in fees over time.

### Additional Categories

The proposed revisions would add new categories for coffee roasters and for soil remediation land treatment units. The first category is needed because the American public has become enamored with specialty coffees in recent years. This quickening interest has led to a growth in small coffee roasters in the District. In reality, not everyone considers the smell of roasted coffee desirable, which has led to an increased District workload in responding to public nuisance complaints. A coffee roaster without control equipment is not currently required to obtain an air permit but there is mounting pressure to do so. In anticipation of requiring such permits, a four-step fee category is proposed. Small roasters (50 tons per year (tpy) of coffee or less) without emission controls would be charged \$446 per renewal, which would be equivalent to the proposed miscellaneous source category fee. Small roasters with back-end emission controls would be charged half that amount as an incentive to reduce their odorous emissions. A large roaster (>50 tpy of coffee) with back-end controls would pay a fee of \$589, which is roughly 30% more than a small roaster without controls. This latter amount should adequately compensate the District for the additional test observation, and complexity of inspections, inherent to larger roasters. Large coffee roasters without emission controls would pay twice that amount, again as an incentive to reduce their emissions by installing controls.

The second new category would be for any land treatment unit (LTU), landfarm, or thermal destruction unit (TDU) that is used to decontaminate soil. Note that the distinction between LTUs and landfarms is that the former removes contamination through biological or chemical activity and the latter removes contamination through aeration and evaporation. Unocal-Guadalupe has, in the past, utilized TDUs that basically heated their contaminated sand and incinerated the resulting petroleum vapors that were driven off. Unocal is also currently using an LTU technique in their Guadalupe oil field where nutrients are made available to microorganisms, which in turn feed on the petroleum contamination in the sand. Both TDUs and LTUs are very District resource intensive with regard to permitting, monitoring, and analyzing compliance. Yet the only permit renewal categories that can currently be applied are the existing soil decontamination schedule, which was originally intended for the service-station-size remediation systems, and the fuel combustion schedule, which has been judged quite inadequate for Unocal's previous use of TDUs. In the proposed rule revision, large soil decontamination systems would be defined as processing more than 5,000 yards per year of soil with a permit renewal fee of \$4,600, which is roughly ten times the current soil decontamination schedule.

Small soil decontamination systems processing 5,000 yards per year or less would pay half of that amount or \$2,300.

### Modified Categories

In addition to the new categories described above, the proposed rule would also subcategorize two of the existing permit renewal fee schedules. The first of these is the power plant schedule and a subcategory for gas turbines would be added. The proposed renewal fee would be 50% higher than the boiler schedule due to the anticipation of increased complexity of control and monitoring systems that turbine units will present.

The second subcategory to be added would be for digesters at sewage treatment plants. The public and private waste water treatment work (POTW) schedule currently covers all equipment at these plants, including digesters, but only plants with digester systems are presently under permit. Due to increasing complaints against other types of sewage treatment operations (anaerobic digestion and/or ponds), the District feels obligated to bring all such facilities under permit to ensure proper operation and compliance with nuisance regulations. To be fair to those POTWs that don't employ digesters, the new categories would allow non-digester POTWs to pay lower renewal fees than those facilities with digesters.

A third modification is proposed for the service station vacuum assist testing observation fee. Recent changes in the Air Resources Board's (ARB) certification orders for vapor recovery systems have brought about the need for annual testing of above ground gasoline storage tanks. The District feels obligated to observe any such annual testing to allow on-site assistance and to quality assure the test results. The current rule allows the District to charge three work units upon renewal for any service station required to test their vacuum assist vapor recovery equipment. That flat rate cost has been estimated to cover the District's expenditure of resources associated with travel time, on-site observation, inspection documentation, and report review. However, observation of any annual testing, such as that for above ground storage tanks, is estimate to involve a similar amount of effort. Consequently, the proposal would expand the use of the existing fee to include any type of annual instrument testing at service stations.

### Revised Permit Processing and Filing Fees

The District's current permit processing and filing fee system was intended to accomplish two basic goals: (a) collect "earnest money" up front to ensure applicants are serious (surprisingly, applicants have been known to not follow through after submitting their initial paperwork); and, (b) to fully cover the District's costs in some of the more routine permit actions (which saves the cost of invoicing after-the-fact). Three processing or filing fees are proposed for revision: duplicate permits, revised permit conditions, and change in ownership. The first of these is currently \$2.50 and the proposed rate is \$25.00. Duplicate permits may be requested by a permittee if their original is lost or destroyed. Consultants who are working under contract for a permittee may also request a copy of the District's current version of any given permit. The basis for the current cost has been lost in antiquity but it was most likely designed to cover the cost for the duplicating machine produce a facsimile of a permit. In reality, a duplicate permit

request involves considerably more effort in terms of finding the District's copy of the permit in question, making the duplicate, mailing the permit, filing a record of the action taken, handling and depositing the money involved, and re-filing the District's copy of the permit. One-half hour's time per permit is judged to be a more reasonable estimate of the required effort and that is approximately \$25 at the District's current hourly rate of \$46 per hour.

The second fee proposed for revision is the filing fee for a modification to existing permit conditions. The current fee is \$50 and the proposed filing fee is \$100. When the original fee was adopted, it was assumed that any change to an existing permit's conditions would be relatively minor and straightforward. In fact, it has since been the District's experience that such an application can become quite involved and inevitably takes as much time as any other new or modified permit action. Consequently, the proposed rate would be consistent with the current filing fee for new and modified permit applications (Rule 302.B), which has the added benefit of avoiding the confusion that can result from having two different filing fees depending on the permit action requested.

The final processing fee proposed for revision is that to record a change in ownership. Where most other permit actions allow the District to charge for the actual time spent on any particular application, the transfer of ownership fee is actually the only money collected for this type of permit action. The current fee is \$35, which doesn't adequately compensate the District for the amount of time involved in processing such requests. The proposed fee is \$100, which would be consistent with other filing fees as mentioned earlier and is a more reasonable estimate of the District's actual costs for performing this function.

### Clarification

A second modification is also proposed for the rule section concerning ownership change. Unfortunately, the District all too often doesn't find out until after-the-fact when a change in ownership occurs at a permitted source. However, the District's permit is not transferable from one person to another so the new owner of a permitted process does not in fact have a permit until they receive a new one from the District. The new owner inevitably operates out of compliance with the requirement to have a permit until the situation is discovered (usually during the renewal inspection) and they're told that an application is overdue. The proposed revision to section I of Rule 302 would be to change its wording from, "Where an application is filed ... by reason of transfer from one person to another ...," to read, "Where an application is filed ... because responsibility will transfer, or has transferred, from one person to another...." The goal is to get away from the connotation that an application is required because permit ownership has changed and move towards the concept that an application should be filed before a person newly responsible for a permitted source actually takes over. A new permit must be issued to the new owner before they can be in compliance.

In another clarification, many of the renewal fee categories with numbers in their description would be modified to clarify the significant digits to be used when rounding off process data to determine applicability. For example, ".0" will be added to most numbers. This is intended to

ensure that a production number such as 14,999 would not be rounded down to 10,000 when determining the appropriate fee category.

The final clarification would be to change the small business fee waiver time period in rule section D.3.a from the first year to the first renewal period. When this waiver was adopted in 1996, the fact that the wording did not take into account multi-year permit renewals was overlooked. As it is now, if a new triennially renewed source qualifies for this waiver, only the first year's fees could be waived instead of the entire first three year's permit fees, as was originally intended.

### Miscellaneous Services

A new section is proposed to be added to the rule for the purposes of authorizing the District to charge for miscellaneous services performed when they involve determinations of compliance for state or federal regulations. While the current practice is to request reimbursement anyway, that request is not truly authorized anywhere in the District's rules. For example, if a significant lead contamination investigation is called for, there is no current mechanism for the District to be compensated except through mutual agreement.

### Burn Permits and Inspections

Recent revisions to District Rule 501, General Burning Provisions, established a process whereby the Air Pollution Control Officer may issue permits for certain open outdoor burning activities. The proposed new section would specify a fee structure to compensate the District for the time and effort used to review burn proposal plans. The person submitting a developmental burn or smoke sensitive site plan would pay a graduated fee based on the number of acres and/or number of tree or brush stumps involved. Note that Health and Safety Code section (H&SC §) 41512.5 authorizes the District to collect a fee to review compliance plans such as those for Rule 501, but does not authorize the charging of fees for the burn permits themselves. The following table shows the proposed fee schedule.

**Table 2. Non-Agricultural Open Burning Fees**

Acres	Tree or Bush Stumps	Fee
<b>Developmental Burning</b>		
one (1) or less	five (5) or less	\$100
more than one (1) and less than 11	more than five (5) and less than 11	\$250
11 or more	11 or more	\$500
<b>Smoke Sensitive Site Burning</b>		
less than 11	N/A	\$50
11 or more	five (5) or less	\$100
N/A	more than five (5) and less than 11	\$200
N/A	11 or more	\$300

In addition, provisions would be added to allow the District to charge for inspections, and other compliance determination efforts, on an hourly basis. Those charges would be restricted to activities related to Rule 501 and would be in addition to the permit fees described above. The District has no current provisions for receiving compensation for its open burn compliance efforts other than through fines or settlements associated with Notices of Violation.

**IMPACTS OF THE PROPOSED ACTION**

As indicated earlier, most permit renewal fees would increase as a result of this proposal. The fees would not change for crude oil pumping stations, service station annual testing, and oil production vapor recovery systems. Those fees remained stable because either the District’s fee study concluded that the current fees were appropriate or, in the case of the service station fee, the District still feels the fee to be appropriate based on field experience. The general increase to the fee schedule is estimated to result in \$105,653 of additional revenue. The following table illustrates the impact of the proposed revisions on example source types.

**Table 3. Impact of the Proposed Renewal Fee Revisions**

<b>Typical Sources</b>	<b>Current</b>	<b>Revised</b>	<b>Increase</b>
medium sized autobody shops (biennial renewal)	\$317.40	\$363.40	\$46.00
engines and other miscellaneous sources	\$391.00	\$446.20	\$55.20
medium sized sand and gravel plants	\$368.00	\$423.20	\$55.20
service stations with 12 nozzles and a balance vapor recovery system	\$460.00	\$521.64	\$61.64
large sized concrete batch plants	\$782.00	\$897.00	\$115.00
large sized boilers and heaters	\$1,495.00	\$1,715.80	\$220.80

There is currently only one source that would be affected by the addition of the proposed coffee roasting fee schedule. That business, Central Coast Coffee Roasting, is currently renewed under the Miscellaneous source category and would qualify under new schedule 7.c so their fee would effectively increase from \$391 per year to \$589 per year. When coupled with the anticipation that three small-sized, uncontrolled roasters would come under permit in the future, the net affect of these changes would then be increased revenue of \$1,481.

There is also currently only one source that would be affected by the addition of the proposed soil decontamination fee schedule for land treatment, landfarm, or thermal destruction units. That is the land treatment unit (LTU) at Unocal’s Guadalupe Oil Field cleanup project, which is expected to process approximately 460,000 yards of contaminated sand over a period of 7 to 10 years. The LTU is currently renewed under the service station soil decontamination fee schedule and would mean having a renewal of \$446 per year if the general fee increase discussed earlier is approved. Under the proposed new schedule 50.b, the LTU’s permit renewal fee would be \$4,600 per year. This change is anticipated to result in a net increase of \$4,154 in revenue.



The proposed revision to the public and private wastewater treatment (POTW) schedule affects six plants currently under permit. Under the proposed schedule, the combination of a basic fee (category 46.a) plus two digester fees (category 46.b) would have a renewal rate of \$846, which is designed to be equivalent to the current fee (\$736) plus 15%. This means that POTWs with two digesters will experience a fee increase consistent with most other sources under permit. Those POTWs with one digester would have a decreased fee and the POTW for the City of San Luis Obispo, which has three digesters, would have a total increased fee of approximately \$148. The District expects to require permits for five additional POTWs in the future. This means that the net affect of these changes would then be an increase in permit fees of \$3,128.

There are no power plant gas turbines under permit at this time so there are no facilities that would be affected by the proposed changes to the power plant boiler schedule. Duke Energy has proposed replacing their four existing boilers at the Morro Bay Power Plant with gas turbines at some point in the future. The proposed turbine fee is 50% higher than the existing boiler fee, which would mean that the Duke Energy Corporation may eventually see that amount of increase in their permit renewal fees, but for entirely different units than are now under permit.

Increasing the cost of duplicate permits, and new permits subsequent to a transfer of responsibility for permitted equipment, will affect any applicant requesting those services but the impact on any individual cannot be projected. Expanding the scope of the service station vacuum assist fee to include any annual testing (*e.g.*, above ground storage tank pressure decay testing) should not affect any given station's permit renewal fee, because the ability to charge for observing annual testing other than vacuum assist testing is already authorized under section F.4 to Rule 302. Adding new section O, Miscellaneous Services, to allow the District to charge for state and federal regulation compliance determinations should not have any affect on those projects already under investigation because reimbursement agreements have already been reached.

Adding new section P for non-agricultural burn permits will be a new fee not previously charged. The most common permit anticipated will be for large developmental burns (>11 tree stumps) and those applicants will pay a flat fee of \$500. The next most common applicant would be a homeowner or business person that is required to obtain a smoke sensitive site permit for a small area and they would pay \$50. It is not possible to estimate how many applications there might be over any given time period because these burn permits have not been required in the past.

The following table shows the anticipated District resource requirements for each level of burn compliance plan reviews. The third column concerning the number of inspections includes an initial visit, inspections for compliance during actual burning, and responding to complaints. The fifth column concerning office hours includes coordination with ARB meteorology, fire agencies, and local jurisdictions; investigation of alternatives to burning; notifications to affected smoke sensitive sites and/or the public; and clerical support. The total cost assumes the District's current rate of \$46 per hour. The actual fees were rounded down to the nearest \$50 dollar amount in the interest of simplicity.

**Table 4. Burn Permit District Costs**

Plan Category		No. of Insp.	Total Insp. Hours	Office Hours	Total Costs	Fee
Develop- mental	#1 acre or #5 stumps	2	2	1	\$138	\$100
	1-11 acres or 5-11 stumps	3	4	2	\$276	\$250
	≥11 acres or stumps	3	8	3	\$506	\$500
Smoke Sensitive Site	<11 acres	1	1	½	\$69	\$50
	≥11 acres or #5 stumps	2	2	1	\$138	\$100
	5-11 stumps	3	3	2	\$230	\$200
	≥11 stumps	3	5	2	\$322	\$300

There are no monetary impacts anticipated from all of the other changes proposed for the rule. The permit condition modification filing fee would increase but those applications are already charged an evaluation fee based on the number of District hours expended. The filing fee of \$100 will continue to be credited toward that evaluation fee just as the \$50 filing fee has always been credited under the existing rule. All other changes are administrative in nature and should have little or no affect on permit renewal fees.

Finally, District staff intends to reconsider the necessity to continue permitting several specific sources that are felt to have insignificant emissions and little probability of operating out of compliance. The District anticipates allowing those sources to no longer renew their permits with a resulting loss in revenue of approximately \$1,845. When coupled with the above noted increases, the net affect of the proposed revisions would be increased revenues of \$112,571.

### **REGULATORY CONSTRAINTS**

H&SC §40727.2 calls for the District to prepare a written analysis of any proposed rule revision and lists specific aspects to be considered and included. However, the revisions to Rule 302 proposed here do not impose any new emission limit or modify any existing emission limit; nor do they impose more stringent monitoring, reporting, or recordkeeping requirements (see §40727.2(g)). Consequently, the specific analysis required in this section is not applicable.

H&SC §41512.5 requires that a separate hearing be held prior to the adoption of the non-agricultural burn plan review fees and the federal program compliance determination fee. That hearing will be held on May 17, 2000, as part of the District Board's normal meeting, which is at least 30 days prior to the actual rule revision hearing date of July 26. Table 4 above details the anticipated effort to implement the Rule 501 burn permit program and is intended to satisfy the requirement for supporting data. As can be seen, all of the proposed plan review fees are recommended to be less than the anticipated costs. The difference between actual program costs and collected fees is expected to be fulfilled with discretionary District revenue such as that from state subvention funds or property taxes. The new federal program compliance determination fee will be on a cost reimbursement basis so no supporting data is necessary.

H&SC §41512.7(b) establishes a 15% cap on increases to existing permit fees for any given source. The majority of the fee schedule changes proposed here are to existing fees and District staff has taken care to not suggest any increase that might exceed that cap. As noted in the above discussion, a few individual sources or facilities may experience a net increase in fees that might be greater than 15%, but that only occurs when a new schedule applies in place of an existing schedule (e.g., land treatment unit, coffee roaster, and digester schedules). It is staff's interpretation that the 15% cap was not intended to apply to new fees.

H&SC §42311(a) stipulates that the District's permit revenue not exceed their costs for the permit program. The District's fee study found that in fiscal year 1998/1999, the renewal program related costs were \$1,065,031 and renewal revenues were only \$771,411. The obvious shortfall was satisfied with state subvention funds, property taxes, and other miscellaneous sources of revenue. Note that the cost for new and modified permits, which were directly reimbursed by applicants (\$85,594), was specifically excluded from these values. The District projects that the approximately \$113,000 increase in renewal revenue proposed here would still not cause permit revenue to exceed permit program costs.

H&SC §42311(e) requires that the District hold a public meeting, as part of a regularly scheduled Board meeting, to receive input on the proposed revisions. The Board hearing on May 17, which was introduced above, was intended to satisfy this requirement. The District invitation to workshop, which was mailed on May 1, included a notice of the May 17 meeting and was intended to satisfy the requirement that written notice be mailed to all interested parties at least 14 days in advance of the meeting.

Consequently, the proposed revisions comply with all of the H&SC limitations described here, as well as all other applicable requirements not specifically noted.

### **PUBLIC COMMENT**

No comments have been received concerning the proposed action. ARB will be given the opportunity for comment but has, in the past, deferred making comments on fee related actions. The District will hold a workshop on May 15, 2000, and all permitted sources have been invited.

### **FINDINGS**

The revision of Rule 302 is subject to the requirements of Health and Safety Code section 40727. This action is considered a revision to the District's Rules and Regulations. The following are offered in response to that statute:

1. Necessity: The proposed revisions to Rule 302 are necessary to balance permit program costs with revenues, to account for new source types or programs anticipated for the future, and to clarify the intent of selected fees.

2. Authority: California Health and Safety Code sections 40001, 40702, and 42311.
3. Clarity: The proposed revisions have been found by the District to be written in clear English and to be easily understood.
4. Consistency: The District has found that the proposed revisions are consistent with existing District Rules and Regulations and with existing state and federal guidelines.
5. Non-duplication: The proposed revisions do not result in a duplication of any State or Federal statute or regulation in that the revised rule does not impose the same requirements as any existing State or Federal regulation.
6. Reference: By adoption of the proposed revisions, the District is implementing, and making specific by adoption, applicable provisions of H&SC 40001 (et seq.).

## CONCLUSION

The proposed revisions to Rule 302 are recommended for adoption to adjust the fee schedule as noted above and to update the other sections of the rule as indicated.

Attachment: A - Proposed Changes to Rule 302, Schedule of Fees

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**RULE 302. SCHEDULE OF FEES** *(Adopted 8/2/76; Revised 12/6/76, 9/26/77, 9/24/79, 6/24/81, 6/21/82, 11/21/83, 5/13/86, 5/24/88, 1/2/90, 6/18/91, 9/15/92, 6/7/95, 4/10/96, 6/5/96, ~~and 6/18/97,~~ and xx/xx/xx)*

- A. FEE UNITS. Fees assessed for the issuance of a Permit to Operate a new or modified source shall not exceed the total costs to the District for processing nor shall be less than \$100.00.
- B. FILING FEES. Except for any State or Local Government or Public District, every applicant for an Authority to Construct or a Permit to Operate any new, modified, or relocated article, machine, equipment, or other contrivance, shall pay a filing fee of \$100.00. The filing fee shall be applied to the fee prescribed for the issuance of an Authority to Construct or a Permit to Operate.
- C. AUTHORITY TO CONSTRUCT FEE. Every applicant for an Authority to Construct shall pay a fee for the issuance of an Authority to Construct based upon actual hours spent by District staff at a rate which reflects labor costs as set periodically by the Air Pollution Control Board and actual costs incurred by the District in evaluating the application. The applicant may be billed periodically for actual costs of evaluating an application over an extended time.
- D. PERMIT TO OPERATE FEE
1. Every applicant for a Permit to Operate or a Permit to Sell or Rent shall pay a fee for the issuance of the permit based upon actual hours spent by the District staff at a rate which reflects labor costs as set periodically by the Air Pollution Control Board and actual costs incurred by the District in evaluating the application.
  2. In addition to the fees required under Section D.1, a person seeking a Permit to Operate or a Permit to Sell or Rent for an article, machine, equipment or other contrivance for which an Authority to Construct was required but not obtained shall pay a penalty fee of up to one and one-half times the amount required by that Section. Payment of this penalty fee shall not automatically relieve the applicant of additional enforcement action. (Added 11/21/83)
  3. In addition to all other fees required under this Section, every applicant for a Permit to Operate or a Permit to Sell or Rent shall, upon issuance of the permit, pay an initial operating period fee equivalent to those fees required under Section E.
    - a. The Air Pollution Control Officer may waive the first renewal period's ~~year's~~ operating fee for applicants who qualify. To seek this waiver, an Application for Initial Operating Fee Waiver must be submitted during the permit application process.

- E. PERMIT RENEWAL FEE SCHEDULE. Any article, machine, equipment or other contrivance in the categories listed below for which a Permit to Operate or a Permit to Sell or Rent is issued, shall be re-evaluated and the permit renewed periodically and renewal fees assessed in accordance with the schedule below. The renewal fees for a Permit to Sell or Rent shall be one-half of that amount indicated in that schedule. Total renewal fees shall be determined for each unit by adding the fee calculated in Column A with the fee calculated in Column B.

<u>Permit Category</u>	<u>Column A</u> Formula for Renewal Fee/Unit*	<u>Column B</u> Formula for Toxic Air Contaminant Renewal Fee/Unit*
1. Air monitoring and data handling oversight - per station	<u>132.2115.0x</u>	0
2. Asphaltic concrete batch plants	<u>26.122.7x</u>	<u>2.62.3x</u>
3. Boilers, steam generators, heaters, or other gaseous, liquid, or solid fuel fired combustion equipment, except fossil fuel fired power plants (in terms of the design heat input rating)		
a. <u>5.0</u> million British thermal units per hour (mmBTU/hr) or less	<u>19.517.0x</u>	<u>3.53.0x</u>
b. Greater than <u>5.0</u> mmBTU/hr but less than or equal to <u>10.0</u> mmBTU/hr	<u>27.724.0x</u>	<u>4.54.0x</u>
c. Greater than <u>10.0</u> mmBTU/hr	<u>31.227.2x</u>	<u>6.15.3x</u>
4. Brick or concrete block manufacturing facilities (in terms of the annual production rate)		
a. <u>0.50</u> million blocks per year or less	<u>4.03.5x</u>	<u>0.60.5x</u>
b. Greater than <u>0.50</u> but less than or equal to <u>1.0</u> million blocks per year	<u>8.07.0x</u>	<u>1.21.0x</u>
c. Greater than <u>1.0</u> million blocks per year	<u>16.014.0x</u>	<u>3.53.0x</u>
5. Cement handling equipment	<u>12.611.0x</u>	<u>3.53.0x</u>
6. Chemical manufacturing process unit	<u>8.87.7x</u>	<u>0.90.8x</u>
7. <u>Coffee roasting (in terms of the annual production rate)</u>		
a. <u>50.0</u> tons per year (tpy) or less with emission controls	4.4x	0.4x
b. <u>50.0</u> tpy or less without emission controls	8.8x	0.9x
c. <u>greater than 50.0</u> tpy with emission controls	11.6x	1.2x
d. <u>greater than 50.0</u> tpy without emission controls	23.2x	2.4x
8. Concrete batch plants (in terms of the annual production rate)		
a. <u>10,000.0</u> yards per year or less	<u>4.03.0x</u>	<u>0.61.0x</u>
b. Greater than <u>10,000.0</u> but less than or equal to <u>25,000.0</u> yards per year	<u>8.07.0x</u>	<u>1.21.0x</u>
c. Greater than <u>25,000.0</u> yards per year	<u>16.014.0x</u>	<u>3.53.0x</u>
98. Crematory incinerators	8.5x	0
109. Crude oil and distillate oil storage facilities (basic)	<u>24.121.0x</u>	<u>3.53.0x</u>

<u>Permit Category</u>	<u>Column A</u> Formula for Renewal Fee/Unit*	<u>Column B</u> Formula for Toxic Air Contaminant Renewal Fee/Unit*
110. Crude oil and distillate oil pump station (basic)	21.0x	3.0x
121. Degreasers	8.877x	0.908x
132. Driers or kilns	12.9113x	1.412x
143. Drycleaning operations	8.877x	0.908x
154. Electrolytic plating operation	25.3220x	6.960x
165. Ethylene Oxide Sterilizers	31.1270x	4.540x
176. Feed and grain mills		
a. Any cyclone vented to atmosphere	12.9113x	0
b. No cyclone vented to atmosphere	6.456x	0
187. Fiberglass products manufacturing	31.1270x	4.540x
198. Fixed or internal floating roof petroleum storage tank	13.7120x	3.530x
2019. Floating roof petroleum storage tank	21.8190x	3.530x
210. Fossil fuel fired power plant (basic)		
a. boiler (basic)	1,178.710250x	34.5300x
b. gas turbine	1,770.0x	50.0x
221. Gasoline dispensing facility and associated vapor recovery system (basic)	1.140x	0.908x
232. Gasoline dispensing vapor recovery nozzle	0.35x	0.22x
243. Gasoline storage facility, loading rack, and associated vapor recovery system(s) - bulk	14.8130x	1.25x
254. Gasoline storage facility and associated vapor recovery system - retail and consumer account	2.220x	0.302x
265. Gasoline vapor recovery, <del>annual vacuum assist</del> testing	3.0x	0
276. Internal combustion engine		
a. First emissions unit	8.877x	0.908x
b. Each additional emissions unit	4.136x	0.54x
287. Landfill gas collection (basic)	54.1470x	4.540x
298. Marine loading terminal	57.4500x	17.3150x
3029. Marine unloading terminal	29.3255x	8.675x
310. Miscellaneous	8.877x	0.908x
321. Motor vehicle and mobile equipment coating (in terms of the volatile organic compound (VOC) content of materials used)		
a. 50.0 gallons per year or less	4.035x	0.605x
b. Greater than 50.0 but less than or equal to 700.0 gallons per year	6.254x	1.715x
c. Greater than 700.0 gallons per year	10.390x	3.530x
332. Multiple chambered incinerators, including pathological incinerators	25.3220x	12.0105x

<u>Permit Category</u>	<u>Column A</u> Formula for Renewal Fee/Unit*	<u>Column B</u> Formula for Toxic Air Contaminant Renewal Fee/Unit*
343. Onshore dewatering process units associated with offshore oil and gas production	85.5x	10.5x
354. Oil and gas production and processing facilities (basic)	<del>356.0330.0x</del>	<del>40.237.5x</del>
365. Oil and gas production and processing facilities (basic for producers of 300.0 bbl per day or less)	<del>50.747.0x</del>	<del>4.34.0x</del>
376. Oil production vapor recovery systems	49.5x	10.5x
387. Oily water treatment systems	<del>36.331.5x</del>	<del>12.010.5x</del>
398. Paint bake oven	<del>8.87.7x</del>	<del>0.90.8x</del>
4039. Petroleum coke calcining facilities (basic)	<del>2,270.11,974.0x</del>	<del>6960.0x</del>
410. Petroleum loading rack - Note: gasoline bulk plants are covered by the Gasoline Storage (bulk) category above	<del>25.322.0x</del>	<del>6.96.0x</del>
424. Petroleum processing sulfur recovery and tail gas units	<del>90.378.5x</del>	<del>12.010.5x</del>
432. Petroleum refinery production line (basic)	<del>280.4244.0x</del>	<del>26.022.5x</del>
443. Petroleum refining process units	<del>114.599.5x</del>	<del>12.010.5x</del>
454. Printing operation (in terms of the VOC content of materials used)		
a. 50.0 gallons per year or less	<del>1.91.7x</del>	<del>0.40.3x</del>
b. Greater than 50.0 but less than or equal to 700.0 gallons per year	<del>7.76.7x</del>	<del>0.90.8x</del>
c. Greater than 700.0 gallons per year	<del>31.027.0x</del>	<del>3.53.0x</del>
465. Public and private waste water treatment works		
a. <u>basic operation</u>	<del>7.810.0x</del>	<del>4.66.0x</del>
b. <u>digester</u>	<del>2.5x</del>	<del>0.5x</del>
476. Rock crushing, screening, sizing, and storage operations (in terms of the annual production rate)		
a. 10,000.0 <del>t</del> pytons per year or less	<del>4.03.5x</del>	<del>0.60.5x</del>
b. Greater than 10,000.0 but less than or equal to 100,000.0 <del>t</del> pytons per year	<del>8.07.0x</del>	<del>1.21.0x</del>
c. Greater than 100,000.0 <del>t</del> pytons per year	<del>16.014.0x</del>	<del>3.53.0x</del>
487. Sand and gravel screening, sizing, handling, and storage operations (in terms of the annual production rate)		
a. 10,000.0 <del>t</del> pytons per year or less	<del>4.03.5x</del>	<del>0.60.5x</del>
b. Greater than 10,000.0 but less than or equal to 100,000.0 <del>t</del> pytons per year	<del>8.07.0x</del>	<del>1.21.0x</del>
c. Greater than 100,000.0 <del>t</del> pytons per year	<del>16.014.0x</del>	<del>3.53.0x</del>
498. Sandblasting equipment	<del>5.14.5x</del>	<del>0.60.5x</del>



<u>Permit Category</u>	<u>Column A</u> Formula for Renewal Fee/Unit*	<u>Column B</u> Formula for Toxic Air Contaminant Renewal Fee/Unit*
50. Soil decontamination land treatment, landfarm, or thermal destruction unit (in terms of the volume placed into the decontamination process)		
a. 5,000.0 yards per year or less	40.0x	10.0x
b. greater than 5,000.0 yards per year	80.0x	20.0x
<del>5149.</del> Soil decontamination process unit	<del>8.87.7x</del>	<del>0.90.8x</del>
520. Surface coating or adhesive application operation (in terms of the VOC content used) - Note: autobody shops are covered by the Motor Vehicle Coating category above		
a. 50.0 gallons per year or less	1.91.7x	0.40.3x
b. Greater than 50.0 but less than or equal to 700.0 gallons per year	7.76.7x	0.90.8x
c. Greater than 700.0 gallons per year	31.027.0x	3.53.0x
<del>534.</del> Wood working operation	<del>8.87.7x</del>	<del>0</del>

\* Where x is the hourly labor rate set periodically by the Air Pollution Control Board.

#### F. PERMIT RENEWAL FEES

1. For the purposes of Section E, the permit renewal fee for the facilities designated "basic" shall be for the facility shown. Additional renewal fees shall be charged for other equipment located in the basic facility and included in the Permit Category list.
2. For the purposes of Section E, the yearly process rate will be considered the greater of that amount allowed by permit condition or that amount processed in the calendar year immediately prior to permit renewal.
3. Renewal fees shown in Section E do not include fees for compliance source testing. Source testing fees shall be designated per Section G.
4. Any necessary additional District staff time or resources dedicated to determining compliance of a stationary source for the purpose of renewing a Permit to Operate shall be charged to the holder of the Permit at a rate which reflects labor costs as set periodically by the Air Pollution Control Board and actual costs incurred by the District and added to the renewal fees shown in Section E.

5. For permits to operate issued pursuant to Rule 216, Federal Part 70 Permits, or Rule 217, Federal Part 72 Permits, the renewal fees identified in Section E shall be assessed annually as a compliance evaluation fee.
- G. SOURCE TEST FEES. Before granting or denying an application for a Permit to Operate or in renewing a Permit to Operate, the Air Pollution Control Officer (APCO) may require the sampling and testing of air contaminants discharged into the atmosphere from the article, machine, equipment or other contrivance being evaluated. At the option of the applicant, the applicant may contract with an independent testing laboratory for the testing or may request the District to perform the test. If the former option is selected, the choice of test method and testing laboratory is subject to the approval of the APCO. If the latter option is selected and the District is willing to perform the test, the applicant shall pay a fee for the source testing determined by the District based on direct labor hours used, supplies and services expended, and indirect costs incurred.
- H. APPLICATION FOR AN ALTERATION OR MODIFICATION. Where a Permit to Operate has previously been granted for such equipment under Rule 202 and an alteration or modification is to be made, the applicant shall be assessed a fee based upon actual hours spent and costs incurred by the District for application evaluation.
- I. TRANSFER OF OWNER. Where an application is filed for a Permit to Operate any article, machine, equipment or other contrivance because responsibility will transfer, or has by reason of transferred, from one person to another and no alteration, emission increase, or addition has been made, the applicant shall pay \$10035.00.
- J. REVISED PERMIT CONDITIONS. When an application is filed involving, exclusively, revisions to the conditions of an existing Permit to Operate, as provided in Rule 206, and there is no change or a decrease in ratings, the applicant shall pay a filing fee of \$10050.00 and be assessed a total fee based upon the actual hours spent and costs incurred by the District for application evaluation.
- K. LATE FEE
1. When an Authority to Construct or Permit to Operate is issued or renewed, it shall be accompanied by a statement of the fee to be paid therefore. If the fee is not paid within thirty calendar days after the statement of the fee has been issued, the APCO shall thereupon promptly notify the applicant of the past due fee by certified mail (i.e., second notice). If the past due fee is not paid within thirty calendar days after the second notice has been issued, the fee shall be increased by one-half the amount thereof and the APCO shall thereupon promptly issue to the applicant a statement which reflects the increased fee and send that statement to said applicant by certified mail. Non-payment of the increased fee within thirty calendar days after the statement of the increased fee has been issued shall result

in automatic cancellation of the application or the suspension of the Permit to Operate.

- a. A Permit to Operate suspended for non-payment of fees shall be reinstated only after payment of the original renewal fee, any late fees, and a charge for all reasonable costs incurred by the District through fee recovery and enforcement actions resulting from said Permit suspension as determined by the APCO; the Permit holder may appeal assessment of this cost recovery charge by petition to the Hearing Board.
- b. A Permit to Operate suspended for a time period of one year or more for non-payment of fees may be revoked by the Hearing Board after being petitioned to take such action by the APCO. The permittee shall be notified of the pending hearing no less than 10 calendar days prior to the Hearing Board's review of such a petition.

L. FEE FOR PERMIT GRANTED BY HEARING BOARD. In the event that a Permit to Operate is granted by the Hearing Board after denial by the APCO or after the applicant deems his application denied, the applicant shall pay the fee prescribed in Section D within thirty calendar days after the date of the decision of the Hearing Board. Non-payment of the fee within this period of time shall result in automatic cancellation of the Permit and the application.

M. DUPLICATE PERMIT. A request for a duplicate Permit to Operate shall be made in writing to the APCO within ten calendar days after the destruction, loss, or defacement of a Permit to Operate and shall contain the reason a duplicate permit is being requested. A fee of ~~\$25.00~~<sup>\$25.00</sup> shall be paid for issuing each duplicate Permit to Operate.

N. NESHAPS INSPECTIONS

1. Any District staff time or resources dedicated to determining compliance with Regulation VII, with the exception of asbestos demolition or renovation, shall be charged to the person responsible for the facility subject to that regulation at a rate which reflects labor costs as set periodically by the Air Pollution Control Board and actual costs incurred by the District.
2. For each asbestos demolition and renovation project, the following fee schedule shall apply:
  - a. For projects involving the removal or stripping of less than 260 lineal feet of material; less than 160 square feet of material; or less than 35 cubic feet of material, the owner or operator shall pay a plan fee of \$100.00.

- b. For projects involving the removal or stripping of 260 lineal feet or more of material, but less than 1,000 lineal feet of material; 160 square feet or more of material, but less than 1,000 square feet of material; or 35 cubic feet or more of material, but less than 1,000 cubic feet of material, the owner or operator shall pay a plan fee of \$200.00.
- c. For projects involving the removal or stripping of 1,000 lineal, square, or cubic feet or more of material, but less than 10,000 lineal, square, or cubic feet of material, the owner or operator shall pay a plan fee of \$300.00.
- d. For projects involving the removal or stripping of 10,000 lineal, square, or cubic feet or more of material, the owner or operator shall pay a plan fee of \$1,000.00.

O. MISCELLANEOUS SERVICES. Any necessary District staff time or resources expended to provide Federal or State regulation compliance determinations to any person, regardless of permit status, may be charged to that person at a rate which reflects labor costs as set periodically by the Air Pollution Control Board and actual costs incurred by the District.

P. NON-AGRICULTURAL OPEN BURNING FEES AND INSPECTIONS

- 1. For each Developmental Burn plan submitted pursuant to Rule 501.E.1, the following fee schedule shall apply:
  - a. For projects involving the burning of wood waste from the removal or pruning of trees, vines, or bushes from an area of one (1) acre or less in size, of up to five (5) tree stumps of any size, or any combination of either, the owner or operator shall pay a plan fee of \$100.00.
  - b. For projects involving the burning of wood waste from the removal or pruning of trees, vines, or bushes from an area of more than one (1) acre in size, but less than 11 acres in size, of more than five (5) tree stumps of any size, but less than 11 stumps of any size, or any combination of either, the owner or operator shall pay a plan fee of \$250.00.
  - c. For projects involving the burning of wood waste from the removal or pruning of trees, vines, or bushes from an area of 11 or more acres in size, of 11 or more tree stumps of any size, or any combination of either, the owner or operator shall pay a plan fee of \$500.00.
  - d. Any District staff time or resources dedicated to determining compliance with Rule 501, in addition to the plan fee, shall be charged to the person responsible for the project subject to that regulation at a rate which reflects

labor costs as set periodically by the Air Pollution Control Board and actual costs incurred by the District.

2. For each Smoke Sensitive Site plan submitted pursuant to Rule 501.F.1, the following fee schedule shall apply:
  - a. For projects involving the burning of greenwaste from dry weeds and prunings of trees, vines, or bushes from an area less than 11 acres in size, the owner or operator shall pay a plan fee of \$50.00.
  - b. For projects involving the burning of greenwaste from dry weeds and prunings of trees, vines, or bushes from an area of 11 or more acres in size, the owner or operator shall pay a plan fee of \$100.00.
  - c. For projects involving the burning of greenwaste from the removal of up to five (5) tree or bush stumps of any size, or any combination of either, the owner or operator shall pay a plan fee of \$100.00.
  - d. For projects involving the burning of greenwaste from the removal of more than five (5) tree or bush stumps of any size, but less than 11 stumps of any size, or any combination of either, the owner or operator shall pay a plan fee of \$200.00.
  - e. For projects involving the burning of greenwaste from the removal of 11 or more tree or bush stumps of any size, or any combination of either, the owner or operator shall pay a plan fee of \$300.00.