

**Attachment E**

**Proposed Amendments for Rule 107 and Rule 301  
(with options)**

**RULE 107, ALTERNATIVE COMPLIANCE**

Adopted 8-1-96

(Amended 9-5-96, 11-7-96, 3-6-97, 8-7-97, 6-4-98, 4-27-00, 9-25-03, [xx-xx-13](#))**INDEX****100 GENERAL**

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**100 GENERAL**

- 101 **PURPOSE:** To provide an orderly procedure for the review of Authority to Construct and Permit to Operate applications for alternative compliance from certain emission standards established in applicable District Rules and Regulations by providing eligible emission reduction credits to offset the emission increases resulting from noncompliance if needed. This rule shall not be used for the following:
- 101.1 Compliance with Best Available Control Technology requirements pursuant to Rule 202, NEW SOURCE REVIEW;
  - 101.2 Compliance with ~~Maximum Available Control Technology standards~~ [National Emission Standards for Hazardous Air Pollutants for Source Categories](#) as described in 40 CFR Part 63;
  - 101.3 Compliance with National Emissions Standards for Hazardous Air Pollutants as described in 40 CFR Part 61;
  - 101.4 Compliance with New Source Performance Standards as described in 40 CFR Part 60;
  - 101.5 Compliance with toxic air contaminant regulations as described in Health and Safety Code Section 39665 et seq;
  - 101.6 To avoid penalties or enforcement actions by obtaining credits after the fact of noncompliance;
  - 101.7 For netting out of NSR or PSD requirements pursuant to Rule 202, NEW SOURCE REVIEW and Rule 203, PREVENTION OF SIGNIFICANT DETERIORATION; or
  - 101.8 To meet requirements for motor vehicle emissions standards, reformulated gasoline, clean fueled fleets, employer trip reduction programs, or vehicle inspection and maintenance programs as described in Title II of the Clean Air Act and Division 26, Part 5 of the Health and Safety Code.
- 102 **APPLICABILITY:** This rule pertains only to emission standards established in Section 300 of the rules specified below and does not relieve a stationary source from any other requirements of those rules. Stationary sources subject to this rule must comply with all other requirements as though the stationary source was also subject to the emission standard provisions of the applicable rules. Such requirements include, but are not limited to, source testing, source test frequency, monitoring and recordkeeping. In addition, this rule may only be used by operations that are subject to the following District rules:
- 102.1 Rule 411, ~~BOILER-NOx~~ [FROM BOILERS, PROCESS HEATERS AND STEAM GENERATOR](#);
  - 102.2 Rule 450, GRAPHIC ARTS OPERATIONS ~~for compliance timelines that are in effect after March 6, 1997~~;
  - 102.3 Rule 451, SURFACE COATING OF MISCELLANEOUS METAL PARTS AND PRODUCTS ~~for compliance timelines that are in effect after March 6, 1997~~;
  - 102.4 Rule 452, CAN COATING;
  - 102.5 Rule 454, DEGREASING OPERATIONS;
  - 102.6 Rule 456, AEROSPACE ASSEMBLY AND COMPONENT COATING OPERATIONS;
  - 102.7 Rule 459, AUTOMOTIVE, ~~TRUCK AND HEAVY EQUIPMENT REFINISHING~~ [MOBILE EQUIPMENT, AND ASSOCIATED PARTS AND COMPONENTS COATING OPERATIONS](#);
  - 102.8 Rule 460, ADHESIVES [AND SEALANTS](#);
  - 102.9 Rule 463, WOOD PRODUCTS COATINGS;
  - ~~102.10 Rule 465, POLYESTER RESIN OPERATIONS;~~
  - 102.10+ Rule 464, ORGANIC CHEMICAL MANUFACTURING OPERATIONS, Sections 305 and Section 306, for wastewater liquid transfer;
  - [102.11 Rule 465, POLYESTER RESIN OPERATIONS](#); or
  - 102.12 Rule 466, SOLVENT CLEANING.

[Note: Rules ~~464, 460, 454, and 466~~ have not been yet approved by the United States Environmental Protection Agency into the State Implementation Plan (SIP). Approval of ~~this rule~~ [Rule 107](#) into the SIP does not constitute automatic SIP approval of ~~these~~ [Rules 460 or any modification to the rules listed above made after \(date of adoption\)](#).]

[Rev 3/18/2013](#)

103 **SEVERABILITY:** If a court of competent jurisdiction issues an order that any provision of this rule is invalid, it is the intent of the Board of Directors of the District that other provisions of this rule remain in full force and affect, to the extent allowed by law.

104 **VIOLATIONS:** If a stationary source violates any provision of this rule at any time during the compliance or reporting period, the stationary source is in violation for every day of the compliance or reporting period unless the stationary source establishes that it did not operate on a specific day or did not violate the underlying rule on a specific day.

## 200 DEFINITIONS:

201 **ELIGIBLE EMISSION REDUCTION CREDITS:** For purposes of this rule, eligible emission reduction credits shall mean an emission reduction credit certified pursuant to Rule 204, EMISSION REDUCTION CREDITS, and calculated in accordance with the methodology and criteria specified in the Sacramento Metropolitan Air Quality Management District Emission Reduction Credit Certificate 96-00415 or in an Emissions Quantification Protocol approved by the Sacramento Metropolitan Air Quality Management District Board of Directors unless the California Air Resources Board or the U.S. Environmental Protection Agency has disapproved the Emission Quantification Protocol.

202 **MATERIAL:** For purposes of this rule, material shall mean coating, primer, adhesive, and solvents including cleanup solvents.

203 **OVERALL CONTROL EFFICIENCY:** The ratio of the weight of the VOC removed by the emission control system, to the total weight of VOC emitted from the coating operation, both measured simultaneously, and can be calculated by the following equation:

$$CE = \frac{Wc - Wa}{We}$$

where: CE = Overall control efficiency of the air pollution control system  
 Wc = weight of VOC entering control device  
 Wa = weight of VOC discharged from the control device  
 We = weight of VOC emitted from coating operation

204 **VOLATILE ORGANIC COMPOUND (VOC):** For the purposes of this rule, "volatile organic compound" has the same meaning as in Rule 101—GENERAL PROVISIONS AND DEFINITIONS. Volatile organic compounds may also be referred to as reactive organic compounds (ROC).

## 300 STANDARDS

301 **ALTERNATIVE COMPLIANCE, GENERAL:** Notwithstanding the emission limitations and/or control efficiency of the emissions control system specified in the applicable rules, the owners or operators of a stationary source may comply with applicable rules by using an air pollution control system that has been permitted pursuant to Rule 201, GENERAL PERMIT REQUIREMENTS and/or by providing eligible emission reduction credits pursuant to this rule. The need for emission reduction credits will be determined by the calculations in Section 406. If the excess emissions, calculated pursuant to Section 406, are greater than zero pounds per calendar quarter, then the emissions credits needed shall be determined using the following equations:

$$G = E * 1.1$$

Where: G = Total emissions needed for offsets (lbs/quarter)

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E = Excess emissions as calculated in Section 403 (lbs/quarter)

#### 400 ADMINISTRATIVE REQUIREMENTS

- 401 **APPLICATION PROCESS:** The owner or operator of a stationary source requesting alternative compliance pursuant to this rule shall apply for an Authority to Construct in accordance with Rule 201, GENERAL PERMIT REQUIREMENTS and Rule 202, NEW SOURCE REVIEW and shall pay an [alternative compliance](#) application processing fee of ~~\$94/hour~~[specified in Rule 301, PERMIT FEES – STATIONARY SOURCE](#). The application shall contain all information required by Part E of the District's List and Criteria (adopted pursuant to Article 3, Sections 65940 through 65944 of Chapter 4.5 of Division I of Title 7 of the California Government Code).
- 402 **PRELIMINARY DECISION:** Following acceptance of an application as complete, the Air Pollution Control Officer shall perform the evaluations required to determine compliance with all applicable district, state and federal rules, regulations, or statutes and shall make a preliminary written decision as to whether an Authority to Construct should be approved, conditionally approved, or denied. The decision shall be supported by a succinct written analysis.
- 403 **NOTIFICATION REQUIREMENTS:** The Air Pollution Control Officer shall publish in at least one major daily circulation newspaper of general circulation in the affected community a notice stating the preliminary decision of the Air Pollution Control Officer, noting how pertinent information can be obtained, and inviting written public comment for a 30-day period following the date of publication. The notice shall also be published in accordance with any applicable Targeted Outreach Plan that has been developed and approved by the Sacramento Metropolitan Air Quality Management District Board of Directors. The notice shall include a statement of the procedure to request a public meeting (unless a public meeting has already been scheduled). The Air Pollution Control Officer shall give notice of any public meeting at least 15 days in advance of the meeting. This notification may be combined with the notifications required pursuant to other District rules.
- 404 **PUBLIC INSPECTION:** The Air Pollution Control Officer shall make available for public inspection at the District's office the information submitted by the applicant and the Air Pollution Control Officer's analysis no later than the date the notice of the preliminary decision is published pursuant to Section 403. All such information shall be transmitted no later than the date of publication to any party which requests such information. Information submitted which contains trade secrets shall be handled in accordance with Section 6254.7 of the California Government Code and relevant sections of the California Administrative Code.
- 405 **ACTION ON APPLICATION:** After considering all written comments, the application will be processed in accordance with the procedures in Rule 201, GENERAL PERMIT REQUIREMENTS and Rule 202, NEW SOURCE REVIEW unless otherwise required pursuant to this rule. Except as provided in Section 110, the Air Pollution Control Officer shall provide written notice of the final action to the applicant and any person who submitted written comments pursuant to Section 403, and shall publish such notice in the same manner as the notice was published pursuant to Section 403 and shall make the notice and all supporting documents available for public inspection at the District's office.
- 406 **CALCULATION PROCEDURE FOR EMISSION REDUCTION CREDITS NEEDED FOR COMPLIANCE:** The owner or operator of the stationary source shall calculate the emission reduction credits needed by the stationary source for each calendar quarter in accordance with the following:
- 406.1 **Calculation Procedure for Stationary Sources Subject to Rule 411, ~~BOILER~~ [No<sub>x</sub> NO<sub>x</sub> FROM BOILERS, PROCESS HEATERS AND STEAM GENERATORS](#):**
- a. The excess emissions shall be calculated as follows:

$$E = (EF1 - EF2) * U$$

Where, E	=	Excess NO <sub>x</sub> emissions (lbs/quarter)
EF1	=	Noncompliant NO <sub>x</sub> emissions (lb-NO <sub>x</sub> /mmbtu input). The noncompliant emissions shall be the highest value of the available data from the following: source test results, continuous emission monitors, AP-42 - Compilation of Air Pollutant Emission Factors, or manufacturer's data.
EF2	=	Required NO <sub>x</sub> emissions (lb-NO <sub>x</sub> /mmbtu input)
U	=	Quarterly permitted fuel usage for the unit (mmbtu/quarter)

- b. The lb-NO<sub>x</sub>/mmbtu emissions shall be converted from ppm NO<sub>x</sub> based on EPA Method 19 Section 2.

406.2 **Calculation Procedure for Stationary Sources Subject to Rule 450, GRAPHIC ARTS OPERATIONS, Rule 451, SURFACE COATING OF MISCELLANEOUS METAL PARTS AND PRODUCTS, Rule 452, CAN COATING, Rule 454, DEGREASING OPERATIONS, Rule 456, AEROSPACE ASSEMBLY AND COMPONENT COATING OPERATIONS, Rule 459, AUTOMOTIVE, ~~TRUCK AND HEAVY EQUIPMENT REFINISHING~~ MOBILE EQUIPMENT, AND ASSOCIATED PARTS AND COMPONENTS COATING OPERATIONS; Rule 460, ADHESIVES AND SEALANTS, Rule 463, WOOD PRODUCTS COATINGS, Rule 465, POLYESTER RESIN OPERATIONS, OR Rule 466, SOLVENT CLEANING:** Use the following steps to calculate the total excess emissions for all noncompliant materials:

- a. Calculate the excess emissions for **each** noncompliant material as applied:
1. Calculate the actual quarterly VOC emissions using the following equation:

$$VOC1_i = G_i * NC_{VOCi}$$

where, VOC1<sub>i</sub> = The volatile organic compound emissions of the noncompliant material *i* (lbs-VOC/quarter).

G<sub>i</sub> = Volume of noncompliant material *i*, less water and exempt compounds, requested to be used per quarter (gallons/quarter). G<sub>i</sub> excludes water and exempt compounds.

NC<sub>VOCi</sub> = VOC content of the noncompliant material *i* (lbs-VOC/gal-material less water and exempt compounds).

2. Calculate the actual quarterly volume of solids applied using the following equation:

$$SOLID_i = G_i * NC_{SOLIDi}$$

where, SOLID<sub>i</sub> = Volume of solids in noncompliant material *i* (gals-solid/quarter)

NC<sub>SOLIDi</sub> = Solid content of the noncompliant material *i* (gal-solid/gal-material less water and exempt compounds). Mathematically, NC<sub>SOLIDi</sub> = 1 - (NC<sub>VOCi</sub> / S<sub>DENSITYi</sub>).

S<sub>DENSITYi</sub> = Density of the VOC solvent in the noncompliant material *i* (lbs-VOC/gal-VOC) or use EPA default of 7.36 lbs/gal.

3. Calculate the rule compliant quarterly VOC emissions using the following equation:

$$\text{VOC2}_i = \text{RULE}_{\text{VOC/SOLID}_i} * \text{SOLID}_i$$

where,

$\text{VOC2}_i$  = The allowable volatile organic compound emissions for the noncompliant material *i* based on the limit specified in the applicable rule, (lbs-VOC/quarter).

$\text{Rule}_{\text{VOC/SOLID}_i}$  = The allowable pounds of VOC per gallon of solid for the noncompliant material *i* based on the limit specified in the applicable rule, (lbs-VOC/gal-solid). Mathematically,  $\text{Rule}_{\text{VOC/SOLID}_i} = \text{RULE}_{\text{VOC}_i} / [1 - (\text{RULE}_{\text{VOC}_i} / 7.36 \text{ lbs/gal})]$ , where  $[1 - (\text{RULE}_{\text{VOC}_i} / 7.36 \text{ lbs/gal})] =$  gallon of solids per gallon of material less water and exempt compounds.

$\text{Rule}_{\text{VOC}_i}$  = The allowable VOC content for the noncompliant material *i* category as specified in the applicable rule (lbs-VOC/gal-material less water and exempt compounds).

4. Calculate the excess emissions using the following equation:

$$E_i = \text{VOC1}_i * (1 - \text{CE}_i) - \text{VOC2}_i$$

where,  $E_i$  = The excess volatile organic compound emissions of noncompliant material *i* (lbs/quarter).

$\text{CE}_i$  = Overall control system efficiency of noncompliant material *i*. If no control then  $\text{CE}_i$  equals zero.

- b. Calculate the total excess emissions for all noncompliant material as applied:

$$E_{\text{total}} = \sum E_i$$

where,  $E_{\text{total}}$  = The sum of all excess volatile organic compound emissions from each material *i* (lbs/quarter).

**406.3 Calculation Procedure for Stationary Sources Subject to Rule 464, ORGANIC CHEMICAL MANUFACTURING OPERATIONS Section 305 and Section 306 for Wastewater Liquid Transfer:**

- a. The excess emissions shall be calculated as follows:

$$E = \text{UCE} * 0.92$$

Where,  $E$  = Excess volatile organic compound emissions, lbs/quarter

$\text{UCE}$  = Uncontrolled volatile organic compound emissions, pounds per quarter, as calculated pursuant to Section 406.3.b.

- b. The uncontrolled volatile organic compound emissions shall be determined as follows:

1. POTENTIAL TO EMIT  $\geq$  25 TPY: A stationary source with a potential to emit 25 tons per year or more of VOC from organic chemical plants shall determine the maximum uncontrolled VOC emission rate by using emission testing pursuant to Rule 464, ORGANIC CHEMICAL MANUFACTURING OPERATIONS, Section 410, Determination of VOC Mass Emission Rate Using Testing.
  2. POTENTIAL TO EMIT  $<$  25 TPY: A stationary source with a potential to emit less than 25 tons per year of VOC from organic chemical plants shall determine the maximum uncontrolled VOC emissions by using engineering assessment pursuant to Rule 464, ORGANIC CHEMICAL MANUFACTURING OPERATIONS, Section 409, Determination of VOC Mass Emission Rate Using Engineering Assessment.
- 406.4 The test methods listed in the following rules will be used to determine the excess emissions, as needed:
- a. Rule 411, ~~BOILER~~-NO<sub>x</sub> FROM BOILERS, PROCESS HEATERS, AND STEAM GENERATORS;
  - b. Rule 450, GRAPHIC ARTS OPERATIONS;
  - c. Rule 451, SURFACE COATING OF MISCELLANEOUS METAL PARTS AND PRODUCTS;
  - d. Rule 452, CAN COATING;
  - e. Rule 454, DEGREASING OPERATIONS
  - f. Rule 456, AEROSPACE ASSEMBLY AND COMPONENT COATING OPERATIONS;
  - g. Rule 459, AUTOMOTIVE, ~~TRUCK AND HEAVY EQUIPMENT REFINISHING~~ MOBILE EQUIPMENT, AND ASSOCIATED PARTS AND COMPONENTS COATING OPERATIONS;
  - h. Rule 460, ADHESIVES AND SEALANTS;
  - i. Rule 463, WOOD PRODUCTS COATINGS;
  - j. Rule 464, ORGANIC CHEMICAL MANUFACTURING OPERATIONS; ~~and~~
  - k. Rule 465, POLYESTER RESIN S. OPERATIONS; and
  - l. Rule 466, SOLVENT CLEANING.
- 407 **PROGRAM REPORTING:**
- 407.1 By March 1 of each year the Air Pollution Control Officer shall prepare and submit to the California Air Resources Board and to U.S. Environmental Protection Agency an annual report which documents the following:
- a. By pollutant and by rule and source category:
    1. The quantity of excess emissions calculated pursuant to Section 406;
    2. The quantity of emission reduction credits needed pursuant to Section 301;
    3. The cost of the emission reduction credits needed; and
    4. The cost avoided by not complying with the appropriate rule based on the cost effectiveness from the rulemaking documents or other information if available;
  - b. The total emission reduction credits used for the year and compares the total emission reduction credits used to the emission reduction credits available from Sacramento Metropolitan Air Quality Management District Emission Reduction Credit Certificate 96-00415 and to the emission reduction credits from Certificate 96-00415 that were in the 1990 baseline emission inventory;
  - c. Summary of changes made to the calculation protocols defined in Title 17, California Code of Regulations, Division 3, Chapter 1, Subchapter 5.5, Section 91507(b); and
  - d. An annual summary of the rules adopted, the implementation dates for the rules, and the estimated emission benefits from the rules.



407.2 The District shall evaluate the performance of the alternative compliance program triennially, beginning in 2000. The evaluation shall include the results of the annual reports and identify what, if any, changes were incorporated into the emission inventory update as a result of program implementation. The evaluation will be prepared pursuant to Rule 205, COMMUNITY BANK AND PRIORITY RESERVE BANK, Section 316, Moratorium.

## 500 MONITORING AND RECORDS

- 501 **RECORD KEEPING:** In addition to the record keeping requirements specified in each rule listed in Section 102, the owner or operator of the stationary source shall maintain the following records:
- 501.1 For material application operations, the owner or operator of the stationary source shall maintain the following records:
- a. At least a quarterly record of all noncompliant material used in gallons;
  - b. The volatile organic compound content for each noncompliant material as applied in grams per liter and pounds per gallon including any supporting information such as data sheet, material list, or invoice giving material name, manufacturer identification, material application and VOC content as applied; and
- 501.2 For boilers, process heaters or steam generators, the owner or operator of the stationary source shall maintain a record of the fuel usage in therms per quarter or gallons per quarter whichever is applicable.
- 501.3 **DURATION OF RECORDS:** These records shall be maintained on-site for a period of five years, during which time they shall be made available to the Air Pollution Control Officer upon request.
- 502 **TEST METHODS:** The test methods specified in the referenced rules in Section 102 shall be used as applicable. The owner or operator of the stationary source shall comply with any source testing requirements specified in the referenced rules in Section 102.

**RULE 301 PERMIT FEES - STATIONARY SOURCE**

Adopted 11-29-71

(Amended [8-4-81](#), [8-31-82](#), 8-27-85, 10-14-86, 10-27-87, 7-1-88, 7-25-89, 7-24-90, 10-22-91, 6-7-94,  
2-2-95,  
4-6-95, 12-5-96, 10-25-01, 10-27-05, [xx-xx-13](#))

Consumer Price Index Adjustment: 8-20-02, 11-26-03, 7-12-04, 7-1-05, 7-1-06, 7-2-07, 8-01-08, 8-8-12

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**500 MONITORING AND RECORDS (NOT INCLUDED)**[Revision 4/30/2013](#)~~October 27, 2005~~ [Month Day, 2013](#)~~Consumer Price Index Adjustment: 8-8-12~~

301-1

**100 GENERAL**

101 **PURPOSE:** To establish fees to be charged to (1) owners/operators of a stationary source required to obtain an **A**uthority to **C**onstruct or a **P**ermit to **O**perate by Rule 201, (2) owners/operators of a stationary source required to obtain a Title V operating permit by Rule 207, (3) owners/operators of a stationary source requesting to use the alternative compliance option specified in Rule 107, ALTERNATIVE COMPLIANCE, and ~~(34)~~ applicants requesting to deposit or withdraw emission reduction credits from the District credit bank.

102 **PUBLIC AGENCIES NOT EXEMPT:** Federal, state or local government agencies or public agencies shall pay fees to the extent allowed under Chapter 2, Division 7, Title 1 of the Government Code (commencing with Section 6100) and Section 42311 of Division 26 of the California Health and Safety Code.

**200 DEFINITIONS:** Unless otherwise defined below, the terms in this rule are defined in Rule 207, TITLE V – FEDERAL OPERATING PERMIT PROGRAM.

201 **CANCELED APPLICATION:** Any application which has been withdrawn by the applicant.

202 **CHANGE OF NAME:** An administrative name change on the permit(s) where no change of ownership and/or location has occurred.

~~2023~~ **CHANGE OF LOCATION:** Any transfer of an existing permitted source from one location to another not on the same property or facility.

~~2034~~ **AUTHORITY TO CONSTRUCT FEE:** A fee for each authority to construct based on the type and size of the source.

~~2045~~ **INITIAL PERMIT FEE:** A fee for each new permit based on the type and size of the source.

206 **INITIAL TITLE V OPERATING PERMIT:** A new Title V application that is submitted pursuant to Rule 207, TITLE V – FEDERAL OPERATING PERMIT PROGRAM.

~~205~~ **PERMIT RENEWAL FEE:** ~~A fee required for the annual renewal of a permit to operate.~~

2067 **MODIFICATION:** Any physical change in an existing facility or change in the method of operation which results or may result in either an increase or decrease in emission of any air pollutant subject to district control, or the emission of any such air pollutant not previously emitted. The following shall not be regarded as physical changes or changes in the method of operation:

206.1 Routine maintenance, repair or replacement with identical or equivalent equipment;

206.2 Increased production rate or increased hours of operation where there is no increase in fixed capital cost, unless such production and hours are limited by permit conditions.

208 **PERMIT RENEWAL FEE:** A fee required for the annual renewal of a permit to operate.

209 **PERMIT TO OPERATE:** A written permit from the Air Pollution Control Officer issued in accordance with Rule 201 – GENERAL PERMIT REQUIREMENTS.

210 **PERMIT TO OPERATE–MODIFIED:** A permit to operate that has been modified and that will require the owner or operator to submit a Title V application for a significant or minor Title V permit modification in accordance to Rule 207, Title V – FEDERAL OPERATING PERMIT PROGRAM.

~~20711~~ **SOURCE:** Any operation that produces and/or emits air pollutants.

Revision 4/30/2013

212 TITLE V APPLICATION: An application submitted pursuant to Rule 207, TITLE V – FEDERAL OPERATING PERMIT PROGRAM.

213 TITLE V OPERATING PERMIT RENEWAL: A Title V application submitted to renew the Title V operating permit pursuant to Rule 207, Title V – FEDERAL OPERATING PERMIT PROGRAM (typically every 5 years).

### 300 STANDARDS

301 **AUTHORITY TO CONSTRUCT FEE:** Every applicant for an authority to construct shall pay one half of the estimated initial permit fee in Section 308 of this rule upon filing the application.

301.1 Within 30 days of receipt of an application, the Air Pollution Control Officer may notify the applicant that, due to the complexity of the application, the permit processing fees shall be based on the actual hours spent by the District staff in evaluating the application and verifying equipment compliance. This fee shall be assessed in accordance with the hourly rate established in Section 308.11. The applicant shall deposit with the District the amount estimated by the Air Pollution Control Officer to be charged for processing the authority to construct, which said sum is not to exceed the actual cost of such work. This estimate may include costs associated with planning meetings and/or design evaluations prior to actual submission of a complete application. The deposit shall be required for the following:

- a. Equipment associated with cogeneration projects.
- b. Equipment associated with resource recovery projects.
- c. Equipment associated with landfill projects.
- d. Equipment associated with power plants.
- e. Equipment involving the disposal by incineration, or other thermal process, of hazardous, toxic or infectious waste.
- f. Equipment involving the emission of hazardous or toxic materials.
- g. Equipment which is expected to emit 25 tons, or more, per year of any pollutant, or which is expected to increase the emissions of any pollutant from an existing facility by 25 tons, or more, per year.
- h. Any project for which the evaluation is expected to take 10 hours or more.

The applicant may request a conference with the Air Pollution Control Officer to review the cost estimate. The applicant may propose to provide additional information with the application that would reduce the time spent by the Air Pollution Control Officer in reviewing the application. The Air Pollution Control Officer's cost estimate shall be reduced accordingly.

302 **INITIAL PERMIT FEE:** Every applicant for a permit to operate shall pay the initial permit fee in Section 308 of this rule for the issuance of a permit to operate. An applicant for an authority to construct who has paid a portion of the initial permit fee shall be required to pay only the remaining portion for the issuance of a permit to operate.

302.1 When an application for a permit to operate is submitted for equipment that has been operated without a required permit from the District, the applicant shall pay renewal back fees for each year of unpermitted operation, to a maximum of 3 years, in addition to the initial permit fee.

~~302.2 When an application for a permit is submitted for the replacement of a boiler, process heater, or steam generator which is rated at or above 1 million BTU/hr and below 5 mmBTU/hr and is subject to the NOx emission limit requirements in Rule 411, NOX FROM BOILERS, PROCESS HEATERS, AND STEAM GENERATORS, then the applicant shall pay an initial permit fee equivalent to the permit renewal fee in Section 308.3. This section only applies for initial compliance with the limits adopted on October 27, 2005.~~

- 303 **PERMIT RENEWAL FEE:** Every holder of a permit to operate shall pay a fee for the annual permit renewal. The permit renewal fee shall be the total of:
- 303.1 The Permit Renewal Fee indicated by the appropriate schedule of Section 308 of this rule, and
- 303.2 The calculated fee for the total tons of each pollutant emitted during the prior calendar year as indicated by the following table. The minimum fee shall be that for one ton per year. The total tons of each pollutant shall be the actual emission rounded up to the next whole ton.

Table 303 – 1

Pollutant	Fee Per Ton of Pollutant Emitted During 12-Month Period
Carbon Monoxide (CO)	\$ <del>5867</del> for Schedule 6, \$ <del>6069</del> for all other schedules
Nitrogen Oxides (NOx)	\$ <del>5867</del> for Schedule 6, \$ <del>6069</del> for all other schedules
Reactive Organic Gas (ROG)	\$ <del>5867</del> for Schedule 6, \$ <del>6069</del> for all other schedules
Sulfur Oxides (SOx)	\$ <del>5867</del> for Schedule 6, \$ <del>6069</del> for all other schedules
Total Suspended Particulate (TSP)	\$ <del>5867</del> for Schedule 6, \$ <del>6069</del> for all other schedules

- 303.3 The holder of permits with more than one anniversary date may request a common renewal date and that fees be prorated as necessary.
- 304 **CANCELLATION OR WITHDRAWAL:** If the application for an authority to construct is canceled or denied, the fees paid shall not be refunded nor applied to any other application. Fees paid under Section 301.1 that are not used prior to an application being withdrawn by the applicant shall be refunded upon request.
- 305 **REVOCATION:** If a permit to operate is revoked, the permit renewal fee applicable to that portion of the year during which the permit is invalid shall not be refunded nor applied to any other application.
- 306 **ALTERATIONS, ADDITIONS, REVISIONS OR CHANGE IN CONDITIONS:**
- 306.1 When an application is filed for a permit involving alterations or additions resulting in a change to any existing equipment for which a permit to operate was granted for such equipment and has not been canceled under Section 401 of this rule, the applicant shall pay a permit fee based on the incremental increase in rating, capacity or increase in the number of nozzles resulting from such change in accordance with the fee schedule in Section 308 of this rule.
- 306.2 When an application is filed for a revision of conditions on a permit to operate or any alteration or addition, but no increase or change is made in rating, capacity or number of nozzles, and no increases in emissions or health risk, the applicant shall pay a permit fee of \$~~654752~~ or the initial permit fee in Section 308, whichever is lower.
- 307 **CHANGE OF LOCATION, ~~OR OWNERSHIP, OR NAME:~~**
- 307.1. When an application is filed for a permit because the equipment has been moved to a new location, or ownership has been transferred from one person to another and a permit to operate granted for such equipment has not been canceled under Section 401 of this rule, the applicant shall pay a permit fee equivalent to the permit renewal fee in Section 303 of this rule.
- ~~307.1.~~307.2. When an application is filed to request a change of name on a permit(s) and a change of ownership has not occurred under Section 307.1 of this rule, the

applicant shall pay \$66 for the change of name on the first permit and \$28 for each additional permit.

308 **SCHEDULES FOR INITIAL PERMIT FEE AND PERMIT RENEWAL FEE:**

308.1 It is determined that the cost of issuing permits, and of inspections pertaining to such issuance exceeds the fees specified in this rule. If more than one fee schedule is applicable to a permit, the governing schedule shall be that which results in the higher fee. When a group of machines are included in a single permit, the permit fee shall be based on the total rating of the group.

308.2 **SCHEDULE 1, ELECTRIC MOTOR HORSEPOWER SCHEDULE:** Any equipment using motors as a power source shall be assessed a permit fee based on the cumulative total rated horsepower of all motors included, in accordance with the following schedule:

Horsepower	Initial Permit Fee	Permit Renewal Fee
Less than 5	\$ <del>654</del> 752	\$ <del>326</del> 375
5 to 49	\$ <del>1,307</del> 1,503	\$ <del>654</del> 752
50 to 199	\$ <del>2,615</del> 3,007	\$ <del>1,307</del> 1,503
200 or greater	\$ <del>5,234</del> 6,016	\$ <del>2,615</del> 3,007

308.3 **SCHEDULE 2, FUEL BURNING SCHEDULE:** Any equipment in which fuel is burned, with the exception of incinerators which are covered in Schedule 4, shall be assessed a permit fee based upon the design fuel consumption of the equipment expressed in ~~thousands~~millions of British Thermal Units (BTU) per hour, using gross heating values of the fuel, in accordance with the following schedule:

Million BTU Per Hour	Initial Permit Fee	Permit Renewal Fee
Less than 1	\$ <del>326</del> 375	\$ <del>163</del> 187
1 to 9	\$ <del>654</del> 752	\$ <del>326</del> 375
10 to 49	\$ <del>1,307</del> 1,503	\$ <del>654</del> 752
50 to 99	\$ <del>2,615</del> 3,007	\$ <del>1,307</del> 1,503
100 or greater	\$ <del>5,234</del> 6,016	\$ <del>2,615</del> 3,007

308.4 **SCHEDULE 3, ELECTRICAL ENERGY SCHEDULE:** Any equipment which uses electrical energy, with the exception of motors covered in Schedule 1, shall be assessed a permit fee based on total Kilovolt Ampere (KVA) ratings, in accordance with the following schedule:

Kilovolt Ampere	Initial Permit Fee	Permit Renewal Fee
Less than 150	\$ <del>1,307</del> 1,503	\$ <del>654</del> 752
150 or greater	\$ <del>5,234</del> 6,016	\$ <del>2,615</del> 3,007

308.5 **SCHEDULE 4, INCINERATOR SCHEDULE:** Any crematory or equipment designed and used primarily to dispose of combustible refuse by wholly consuming the material charged leaving only the ashes or residue shall be assessed a permit fee based on the maximum horizontal inside cross sectional area, in square feet, of the primary combustion chamber, in accordance with the following schedule:

Area, Square Feet	Initial Permit Fee	Permit Renewal Fee
Less than 10	\$ <del>1,307</del> 1,503	\$ <del>654</del> 752
10 to 39	\$ <del>3,924</del> 4,513	\$ <del>1,963</del> 2,257
40 to 99	\$ <del>5,234</del> 6,016	\$ <del>2,615</del> 3,007
100 or greater	\$ <del>6,541</del> 7,522	\$ <del>3,270</del> 3,761

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- 308.6 **SCHEDULE 5, STATIONARY CONTAINER SCHEDULE:** Any stationary tank, reservoir or other container, with the exception of stationary storage tanks covered in Schedule 6, shall be assessed a permit fee based on the capacity in gallons, in accordance with the following schedule:

Gallons	Initial Permit Fee	Permit Renewal Fee
Less than 40,000	\$ <del>1,307</del> <u>1,503</u>	\$ <del>654</del> <u>752</u>
40,000 to 399,999	\$ <del>5,234</del> <u>6,016</u>	\$ <del>2,615</del> <u>3,007</u>
400,000 or greater	\$ <del>6,544</del> <u>7,522</u>	\$ <del>5,234</del> <u>6,016</u>

- 308.7 **SCHEDULE 6, GASOLINE FUELING EQUIPMENT SCHEDULE:**

a. Any gasoline fueling equipment at a single location including stationary gasoline storage tanks, dispensers, and vapor recovery systems shall be assessed a permit renewal fee based on the number of gasoline dispensing nozzles in accordance with the following schedule:

Gasoline Nozzles	Initial Permit Fee	Permit Renewal Fee
Gasoline dispensing equipment with phase I or phase II vapor recovery system	\$ <del>1,223</del> <u>1,406</u> per gasoline nozzle	\$ <del>612</del> <u>704</u> minimum at \$ <del>87</del> <u>100</u> per gasoline nozzle

The permit renewal fee for a gasoline dispensing facility granted an exemption for nozzle vapor recovery by Rule 449 shall be \$~~315~~362. ~~The initial permit fee for a gasoline dispensing facility shall be reduced by \$32 if the underground inspection is performed by a fire department/district through the consolidated inspection program.~~

b. In addition to the permit renewal fee in Section 308.7(a), the owner or operator of a facility with gasoline storage and dispensing equipment subject to the Rule 448, GASOLINE TRANSFER INTO STATIONARY STORAGE CONTAINERS, or Rule 449, TRANSFER OF GASOLINE INTO VEHICLE FUEL TANKS, shall pay an annual source test fee. The annual fee shall be determined by the following:

Gasoline Tank	Annual Fee
<u>Tanks with Phase I only</u>	<u>\$78</u>
<u>All Other Underground Tanks</u>	<u>\$234</u>
<u>All Other Aboveground Tanks</u>	<u>\$117</u>

- 308.8 **SCHEDULE 7, INTERNAL COMBUSTION ENGINE HORSEPOWER SCHEDULE:** Any equipment using internal combustion engines as a power source shall be assessed a permit fee based on the cumulative total rated horsepower of all internal combustion engines included, in accordance with the following schedule:

Horsepower	Initial Permit Fee	Permit Renewal Fee
Less than 50	\$ <del>326</del> <u>375</u>	\$ <del>163</del> <u>187</u>
50 to 249	\$ <del>654</del> <u>752</u>	\$ <del>326</del> <u>375</u>
250 to 499	\$ <del>1,307</del> <u>1,503</u>	\$ <del>654</del> <u>752</u>
500 to 999	\$ <del>2,615</del> <u>3,007</u>	\$ <del>1,307</del> <u>1,503</u>
1000 or greater	\$ <del>5,234</del> <u>6,016</u>	\$ <del>2,615</del> <u>3,007</u>

- 308.9 **SCHEDULE 8, ELECTRICAL GENERATING EQUIPMENT GREATER THAN 5MW:** The Initial Permit fee or Permit Renewal fee for an electrical generating stationary source producing greater than 5MW shall be based on the actual hours spent by the

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District staff in evaluating the application and processing the permit. The fee shall be assessed in accordance with the hourly rate established in Section 308.12.

- 308.10 **SCHEDULE 9, MISCELLANEOUS EQUIPMENT:** Any equipment which is not included in the preceding schedules shall be assessed an initial permit fee of ~~\$1,307~~1,503 and a permit renewal fee of ~~\$654~~752. Notwithstanding Section 308.1, standby and emergency equipment may be included in this schedule.
- 308.11 **SCHEDULE 10, TIME AND MATERIALS LABOR RATE RESTRICTED BY HEALTH AND SAFETY CODE SECTION 41512.7(b):** This Schedule shall only be applicable to fees required by Section 301.1. The rate for time and materials shall be ~~\$409~~125 per hour.
- 308.12 **SCHEDULE 11, TIME AND MATERIALS LABOR RATE:** This Schedule shall only be applicable to fees required by Sections 308.9, 311, ~~314, and 315, and 317~~through 315. The rate for time and materials shall be ~~\$436~~156 per hour.
- 309 **PERMIT TO OPERATE GRANTED BY HEARING BOARD:** Permits granted by the Hearing Board after denial by the Air Pollution Control Officer are subject to this Rule.
- 310 **DUPLICATE PERMITS:** A request for a duplicate permit shall be made in writing by the permittee. A fee of ~~\$29~~23 shall be charged for issuing a duplicate permit.
- 311 **SOURCE TEST OBSERVATION AND REPORT EVALUATION:** Except as provided in Section 308.7(b), A fee of ~~\$1,307~~1,503 will be charged against the owner or operator of a source whenever the Air Pollution Control Officer finds that a source test is required and must be observed and the report evaluated by district personnel to determine the actual emissions from the source for the purpose of issuing or renewing a permit to operate. When multiple source tests are performed and the results submitted in one consolidated report, the source test fee of ~~\$1,307~~1,503 shall apply to the first 10 hours of District work. Each additional hour or portion thereof required for reviewing the source test shall be charged the time and materials labor rate established in Section 308.12.
- 312 **ANALYSIS FEES:** Whenever the Air Pollution Control Officer finds that an analysis of the emissions from any source is necessary to determine the extent and amount of pollutants being discharged into the atmosphere which cannot be determined by visual observation, he may collect and analyze emissions samples. The cost of collecting samples, making the analysis and preparing the necessary reports shall be charged against the owner or operator of said source. The Air Pollution Control Officer shall provide the applicant with an estimate of the actual cost of such work. The applicant may request a conference with the Air Pollution Control Officer to review the cost estimate. The applicant may provide additional information that would reduce the time spent by the Air Pollution Control Officer in performing an analysis of the emission from the source. The Air Pollution Control Officer's cost estimate shall be reduced accordingly.
- 313 **TITLE V OPERATING PERMIT FEE:**  
313.1. When a Title V application is submitted to the Air Pollution Control Officer pursuant to Rule 207, TITLE V – FEDERAL OPERATING PERMIT PROGRAM, the applicant shall pay a filing fee of \$1,902 per Title V application. In addition, the applicant shall pay the respective fee shown below for the following type of Title V application: The fee for (1) the issuance of an initial Title V operating permit, (2) the renewal of a Title V operating permit, (3) the modification of a Title V operating permit or (4) an administrative Title V permit amendment shall be based on the actual hours spent by the District staff in evaluating the application and processing the operating permit. The fee shall be assessed in accordance with the hourly rate established in Section 308.12.

Type of Title V Application

Fee

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~~October 27, 2005~~Month Day, 2013

~~Consumer Price Index Adjustment: 8-8-12~~

301-7



<a href="#">Initial Title V operating permit</a>	<a href="#">\$1,841 per permit to operate</a>
<a href="#">Title V operating permit renewal</a>	<a href="#">\$801 per permit to operate</a>
<a href="#">Significant Title V permit modification</a>	<a href="#">\$5,308 per permit to operate modified</a>
<a href="#">Minor Title V permit modification</a>	<a href="#">\$2,700 per permit to operate modified</a>
<a href="#">Administrative Title V permit amendment</a>	<a href="#">\$538 per application</a>

~~313.1.~~ **313.2. Annual Title V Fee:** [In addition to the fees required by Sections 308 and 313.1, an owner/operator of a facility with a Title V operating permit shall pay an Annual Title V Fee of \\$214 per permit to operate.](#)

314 **REINSPECTION FEE:** If, during an inspection for the purpose of issuing (1) an initial **P**ermit to **O**perate, (2) renewal of a **P**ermit to **O**perate, or (3) any type of Title V operating permit, a permit unit's operation cannot be evaluated or approved due to circumstances beyond the control of the Air Quality Management District, the owner/operator shall pay the actual cost of a reinspection. The fee for the reinspection shall be assessed in accordance with the hourly rate established in Section 308.12.

315 **EMISSION REDUCTION CREDIT BANKING FEE:** Any person who requests to deposit emission reduction credits in the District credit bank or to withdraw emission reduction credits from the District credit bank shall pay a fee based on actual hours spent by the District staff in processing the request. The fee shall be assessed in accordance with the hourly rate established in Section 308.12.

316 **ALTERNATIVE COMPLIANCE APPLICATION PROCESSING FEE:** Any person who submits an application for alternative compliance shall pay an application processing fee of \$105 per hour.

317 **PUBLIC NOTIFICATION FEE:** In addition to the fees required by this rule, the applicant shall pay the actual cost of public notification if a new permit, a permit modification, a Title V operating permit, the deposit of emission reduction credits, or any other actions that must be publically noticed as determined by the Air Pollution Control Officer.

#### 400 ADMINISTRATIVE REQUIREMENTS

401 **NOTIFICATION OF INITIAL PERMIT FEE OR PERMIT RENEWAL FEE DUE:** After the provisions for granting permits as set forth in Division 26 of the Health and Safety Code and these rules and regulations have been complied with or on the renewal date of a permit to operate, the applicant/permittee will be notified by mail of the fee due and payable and the date the fee is due. If the fee is not paid by the specified due date, the fee shall be increased by one half the amount and the applicant/permittee shall be notified by mail of the increased fee. If the increased fee is not paid within 30 days after notice the application/permit will be canceled and the applicant/permittee will be notified by mail. A canceled application/permit may be reinstated by payment of the applicable permit fee plus fee increases.

402 **NEGOTIATED PAYMENT SCHEDULE:** If a permittee certifies to the Air Pollution Control Officer's satisfaction through declaration that payment in full of **P**ermit to **O**perate **R**enewal fees would result in undue financial hardship, the District may negotiate an amended fee payment schedule, provided that the amended schedule includes reimbursing the District for any increased costs of processing the extra payments. Failure to make any payments by any negotiated due date may result in penalties as otherwise authorized in this rule and/or cancellation of the permit.

403 **CONSUMER PRICE INDEXING OF FEES:** [Except as provided in Section 404.](#) **P**ermit fees may be adjusted on an annual basis. If the Air Pollution Control Officer anticipates the need for a change, the adjustment must initially be proposed as part of the annual budget process. The proposed rate change must meet the requirements of the California Health and Safety Code, including ~~s~~[Sections 41512.7\(b\) and 42311\(a\)](#). The rate change must be noticed as

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part of the proposed and final budgets. If the Board of Directors approves a fee change with the final budget, the Air Pollution Control Officer may adjust fees by up to the maximum rate approved by the Board.

404 **FEE INCREASES:** ~~Fees shall be increased as follows unless the increase is inconsistent with California Health and Safety Code Section 42311(a), in which case, the fee increases will be lower than the percent listed. Section 403 does not apply where there is a percent listed in the table below:~~ Fees shall be increased as follows unless the increase would exceed the limitations in California Health and Safety Code Section 42311(a), in which case, the fee increases will be whatever lesser amount is consistent with 42311(a). Section 403 does not apply where there is a percent listed in the table below:

<u>Stationary Source Permit Fees</u>	<u>FY14/15 (7/25/14- 7/24/15)</u>	<u>FY15/16 (7/25/15- 7/24/16)</u>	<u>FY16/17 (7/25/16- 7/24/17)</u>	<u>FY17/18 (7/25/17- 7/24/18)</u>	<u>FY18/19 (7/25/18- 7/24/19)</u>
<u>Sections 303.2, 306.2, 307.2, 308 (except as noted below), 310, 311</u>	<u>3.6%</u>	<u>3.6%</u>	<u>3.6%</u>	<u>3.6%</u>	<u>CPI*</u>
<u>Section 308.11</u>	<u>15%</u>	<u>15%</u>	<u>12.3%</u>	<u>3.4%</u>	<u>CPI*</u>
<u>Section 308.7(b) and 308.12</u>	<u>11.2%</u>	<u>4.3%</u>	<u>3.6%</u>	<u>3.4%</u>	<u>CPI*</u>
<u>Section 313</u>	<u>15%</u>	<u>15%</u>	<u>6.5%</u>	<u>CPI*</u>	<u>CPI*</u>
<u>Section 316</u>	<u>15%</u>	<u>15%</u>	<u>15%</u>	<u>15%</u>	<u>6.7%</u>

\*Consumer Price Index, see Section 403.

Section 404 shall sunset on July 24, 2019.

## Rule 301 – Summary of Rule Options

**This summary of Rule 301 Rule Options was updated on April 30, 2013 to include more descriptive language for Options 4A, 4B, 5A, 5B and 6. It was also updated to incorporate a nonsubstantive rule language change that was made in Option 1A in Section 404.**

The full Rule 301 strikeout/underline language that has been posted with the public notice implements is Option 1A. Additional options are offered for Board consideration. The following identifies the required rule language changes needed if the Board adopts one of the other options. The changes needed to the fees in Sections 303, 306, 308, 310, and 311 are in the charts at the end of this document.

**Option 1A:** This option will maintain the current reduced staffing levels and will begin to build the needed fund balance the quickest.

**Option 1B:** This option, in addition to building the needed fund balance quickly, will add an Administrative Division Manager in FY14/15. If this option is adopted, Section 404 will be replaced with the following:

**404 FEE INCREASES:** Fees shall be increased as follows unless the increase would exceed the limitations in California Health and Safety Code Section 42311(a), in which case, the fee increases will be whatever lesser amount is consistent with 42311(a). Section 403 does not apply where there is a percent listed in the table below:

<u>Stationary Source Permit Fees</u>	<u>FY14/15 (7/25/14- 7/24/15)</u>	<u>FY15/16 (7/25/15- 7/24/16)</u>	<u>FY16/17 (7/25/16- 7/24/17)</u>	<u>FY17/18 (7/25/17- 7/24/18)</u>	<u>FY18/19 (7/25/18- 7/24/19)</u>
<u>Sections 303.2, 306.2, 307.2, 308 (except as noted below), 310, 311</u>	<u>4.1%</u>	<u>4.1%</u>	<u>4.1%</u>	<u>4.1%</u>	<u>CPI*</u>
<u>Section 308.11</u>	<u>15%</u>	<u>15%</u>	<u>14.1%</u>	<u>3.9%</u>	<u>CPI*</u>
<u>Section 308.7(b) and 308.12</u>	<u>11.8%</u>	<u>4.3%</u>	<u>4.6%</u>	<u>3.9%</u>	<u>CPI*</u>
<u>Section 313</u>	<u>15%</u>	<u>15%</u>	<u>7.5%</u>	<u>CPI*</u>	<u>CPI*</u>
<u>Section 316</u>	<u>15%</u>	<u>15%</u>	<u>15%</u>	<u>15%</u>	<u>8.9%</u>

\*Consumer Price Index, see Section 403.

Section 404 shall sunset on July 24, 2019.

**Option 2A:** This option will maintain the current reduced staffing levels, but delays building fund balance. This option reduces the first year fee increase amounts and evenly spreads the needed fee increase over five years. If this option is adopted, the FY13/14 fees will be changed as shown in the chart at the end of this document, and Section 404 will be replaced with the following:

**404 FEE INCREASES:** Fees shall be increased as follows unless the increase would exceed the limitations in California Health and Safety Code Section 42311(a), in which case, the fee increases will be whatever lesser amount is consistent with 42311(a). Section 403 does not apply where there is a percent listed in the table below:

<u>Stationary Source Permit Fees</u>	<u>FY14/15 (7/25/14-7/24/15)</u>	<u>FY15/16 (7/25/15-7/24/16)</u>	<u>FY16/17 (7/25/16-7/24/17)</u>	<u>FY17/18 (7/25/17-7/24/18)</u>	<u>FY18/19 (7/25/18-7/24/19)</u>
<u>Sections 303.2, 306.2, 307.2, 308 (except as noted below), 310, 311</u>	<u>6.9%</u>	<u>6.9%</u>	<u>6.9%</u>	<u>6.9%</u>	<u>CPI*</u>
<u>Section 308.11</u>	<u>15%</u>	<u>15%</u>	<u>14.7%</u>	<u>7.1%</u>	<u>CPI*</u>
<u>Section 308.7(b) and 308.12</u>	<u>7.3%</u>	<u>6.8%</u>	<u>7%</u>	<u>7.1%</u>	<u>CPI*</u>
<u>Section 313</u>	<u>15%</u>	<u>15%</u>	<u>6.5%</u>	<u>CPI*</u>	<u>CPI*</u>
<u>Section 316</u>	<u>15%</u>	<u>15%</u>	<u>15%</u>	<u>15%</u>	<u>12.7%</u>

\*Consumer Price Index, see Section 403.

Section 404 shall sunset on July 24, 2019.

**Option 2B:** This option will add an Administrative Division Manager in FY 14/15 and delays building fund balance by evenly spreading the needed fee increase over five years as in Option 2A. If this option is adopted, the FY13/14 fees will be changed as shown in the chart at the end of this document and Section 404 will be replaced with the following:

**404 FEE INCREASES:** Fees shall be increased as follows unless the increase would exceed the limitations in California Health and Safety Code Section 42311(a), in which case, the fee increases will be whatever lesser amount is consistent with 42311(a). Section 403 does not apply where there is a percent listed in the table below:

<u>Stationary Source Permit Fees</u>	<u>FY14/15 (7/25/14-7/24/15)</u>	<u>FY15/16 (7/25/15-7/24/16)</u>	<u>FY16/17 (7/25/16-7/24/17)</u>	<u>FY17/18 (7/25/17-7/24/18)</u>	<u>FY18/19 (7/25/18-7/24/19)</u>
<u>Sections 303.2, 306.2, 307.2, 308 (except as noted below), 310, 311</u>	<u>7.2%</u>	<u>7.2%</u>	<u>7.2%</u>	<u>7.2%</u>	<u>CPI*</u>
<u>Section 308.11</u>	<u>15%</u>	<u>15%</u>	<u>15%</u>	<u>7.5%</u>	<u>CPI*</u>
<u>Section 308.7(b) and 308.12</u>	<u>7.3%</u>	<u>7.4%</u>	<u>7.5%</u>	<u>7%</u>	<u>CPI*</u>
<u>Section 313</u>	<u>15%</u>	<u>15%</u>	<u>7.5%</u>	<u>CPI*</u>	<u>CPI*</u>
<u>Section 316</u>	<u>15%</u>	<u>15%</u>	<u>15%</u>	<u>15%</u>	<u>13.8%</u>

\*Consumer Price Index, see Section 403.

Section 404 shall sunset on July 24, 2019.

**Option 3:** Option 3 is an option that can be added to either Option 1A or 1B. It gives a permittee the option of deferring part of their first year of increased renewal fees invoiced between July 24, 2013 and July 24, 2014, and pay that deferred amount plus 25% in the next year's invoice. If this option is adopted, along with the proposed fees in Option 1A or 1B, the following language would be added to the rule.

**405 DEFERMENT PLAN:** A permittee may elect to defer 7% of the renewal fee (Sections 303.2 and 308.2 through 308.10) invoiced after July 24, 2013 and before July 25, 2014. The deferred amount will be included with the renewal fee on the next year's invoice. If a permittee elects to defer part of the fee increase, a deferral fee of 25% of the deferred amount will be added. The fees will be due and payable in accordance with Section 401.

**Options 4A, 4B, 5A, 5B, and 6:** These will replace options 1A, 1B, 2A, 2B, and 3 if Option 3 for Rule 205 – Community Bank and Priority Reserve Bank is adopted. Rule 205, Option 3 distributes to all permit holders a portion of the costs associated with the District credit bank. See Rule 205 – Summary of Rule Options for more information. If Option 3 for Rule 205 is adopted, the FY13/14 fees in Rule 301 will be changed as shown in the chart at the end of this document, and Section 404 for Options 1A, 1B, 2A and 2B and Section 405 for Option 3 will be replaced with the following:

Option 4A (replaces Option 1A):

**404 FEE INCREASES:** Fees shall be increased as follows unless the increase would exceed the limitations in California Health and Safety Code Section 42311(a), in which case, the fee increases will be whatever lesser amount is consistent with 42311(a). Section 403 does not apply where there is a percent listed in the table below:

<u>Stationary Source Permit Fees</u>	<u>FY14/15 (7/25/14-7/24/15)</u>	<u>FY15/16 (7/25/15-7/24/16)</u>	<u>FY16/17 (7/25/16-7/24/17)</u>	<u>FY17/18 (7/25/17-7/24/18)</u>	<u>FY18/19 (7/25/18-7/24/19)</u>
<u>Sections 303.2, 306.2, 307.2, 308 (except as noted below), 310, 311</u>	<u>4.2%</u>	<u>4.2%</u>	<u>4.2%</u>	<u>4.2%</u>	<u>CPI*</u>
<u>Section 308.11</u>	<u>15%</u>	<u>15%</u>	<u>12.9%</u>	<u>4.5%</u>	<u>CPI*</u>
<u>Section 308.7(b) and 308.12</u>	<u>10.5%</u>	<u>4.3%</u>	<u>4.7%</u>	<u>4.5%</u>	<u>CPI*</u>
<u>Section 313</u>	<u>15%</u>	<u>15%</u>	<u>6.5%</u>	<u>CPI*</u>	<u>CPI*</u>
<u>Section 316</u>	<u>15%</u>	<u>15%</u>	<u>15%</u>	<u>15%</u>	<u>8.4%</u>

\*Consumer Price Index, see Section 403.

Section 404 shall sunset on July 24, 2019.

Option 4B (replaces Option 1B):

**404 FEE INCREASES:** Fees shall be increased as follows unless the increase would exceed the limitations in California Health and Safety Code Section 42311(a), in which case, the fee increases will be whatever lesser amount is consistent with 42311(a). Section 403 does not apply where there is a percent listed in the table below:

<u>Stationary Source Permit Fees</u>	<u>FY14/15 (7/25/14-7/24/15)</u>	<u>FY15/16 (7/25/15-7/24/16)</u>	<u>FY16/17 (7/25/16-7/24/17)</u>	<u>FY17/18 (7/25/17-7/24/18)</u>	<u>FY18/19 (7/25/18-7/24/19)</u>
<u>Sections 303.2, 306.2, 307.2, 308 (except as noted below), 310, 311</u>	<u>4.7%</u>	<u>4.7%</u>	<u>4.7%</u>	<u>4.7%</u>	<u>CPI*</u>
<u>Section 308.11</u>	<u>15%</u>	<u>15%</u>	<u>14.1%</u>	<u>5.0%</u>	<u>CPI*</u>
<u>Section 308.7(b) and 308.12</u>	<u>11.2%</u>	<u>4.9%</u>	<u>4.6%</u>	<u>5.0%</u>	<u>CPI*</u>
<u>Section 313</u>	<u>15%</u>	<u>15%</u>	<u>7.5%</u>	<u>CPI*</u>	<u>CPI*</u>
<u>Section 316</u>	<u>15%</u>	<u>15%</u>	<u>15%</u>	<u>15%</u>	<u>10%</u>

\*Consumer Price Index, see Section 403.

Section 404 shall sunset on July 24, 2019.

Option 5A (replaces Option 2A):

**404 FEE INCREASES:** Fees shall be increased as follows unless the increase would exceed the limitations in California Health and Safety Code Section 42311(a), in which case, the fee increases will be whatever lesser amount is consistent with 42311(a). Section 403 does not apply where there is a percent listed in the table below:

<b>Stationary Source Permit Fees</b>	<b>FY14/15 (7/25/14- 7/24/15)</b>	<b>FY15/16 (7/25/15- 7/24/16)</b>	<b>FY16/17 (7/25/16- 7/24/17)</b>	<b>FY17/18 (7/25/17- 7/24/18)</b>	<b>FY18/19 (7/25/18- 7/24/19)</b>
Sections 303.2, 306.2, 307.2, 308 (except as noted below), 310, 311	7.2%	7.2%	7.2%	7.2%	CPI*
Section 308.11	15%	15%	14.1%	7.6%	CPI*
Section 308.7(b) and 308.12	6.0%	7.5%	7.6%	7.1%	CPI*
Section 313	15%	15%	6.5%	CPI*	CPI*
Section 316	15%	15%	15%	15%	12.7%

\*Consumer Price Index, see Section 403.

Section 404 shall sunset on July 24, 2019.

Option 5B (replaces Option 2B):

**404 FEE INCREASES:** Fees shall be increased as follows unless the increase would exceed the limitations in California Health and Safety Code Section 42311(a), in which case, the fee increases will be whatever lesser amount is consistent with 42311(a). Section 403 does not apply where there is a percent listed in the table below:

<b>Stationary Source Permit Fees</b>	<b>FY14/15 (7/25/14- 7/24/15)</b>	<b>FY15/16 (7/25/15- 7/24/16)</b>	<b>FY16/17 (7/25/16- 7/24/17)</b>	<b>FY17/18 (7/25/17- 7/24/18)</b>	<b>FY18/19 (7/25/18- 7/24/19)</b>
Sections 303.2, 306.2, 307.2, 308 (except as noted below), 310, 311	7.5%	7.5%	7.5%	7.5%	CPI*
Section 308.11	15%	15%	15%	7.5%	CPI*
Section 308.7(b) and 308.12	7.3%	6.8%	7.5%	7.5%	CPI*
Section 313	15%	15%	7.5%	CPI*	CPI*
Section 316	15%	15%	15%	15%	13.8%

\*Consumer Price Index, see Section 403.

Section 404 shall sunset on July 24, 2019.

Option 6 replaces (Option 3):

**405 DEFERMENT PLAN:** A permittee may elect to defer 6.8% of the renewal fee (Sections 303.2 and 308.2 through 308.10) invoiced after July 24, 2013 and before July 25, 2014. The deferred amount will be included with the renewal fee on the next year's invoice. If a permittee elects to defer part of the fee increase, a deferral fee of 25% of the deferred amount will be added. The fees will be due and payable in accordance with Section 401.

Comparison of Sections 303, 306, 308, 310 and 311 Fees to Implement Options 1A, 1B, 2A, and 2B

		Initial Fees				Renewal Fees			
		Current Fee	FY13/14	FY13/14	FY13/14	Current Fee	FY13/14	FY13/14	FY13/14
			Option 1A, 1B	Option 2A	Option 2B		Option 1A, 1B	Option 2A	Option 2B
			15% Fee Increase	6.9% Fee Increase	7.2% Fee Increase		15% Fee Increase	6.9% Fee Increase	7.2% Fee Increase
<b>Section 306.2 Revisions of Conditions with No Increase</b>									
All		\$654	\$752	\$699	\$701	N/A	N/A	N/A	N/A
<b>Section 308.2 SCHEDULE 1 ELECTRIC MOTOR (HP)</b>									
LEVEL 1	<5	\$654	\$752	\$699	\$701	\$326	\$375	\$348	\$349
LEVEL 2	5 - <50	\$1,307	\$1,503	\$1,397	\$1,401	\$654	\$752	\$699	\$701
LEVEL 3	50 - <200	\$2,615	\$3,007	\$2,795	\$2,803	\$1,307	\$1,503	\$1,397	\$1,401
LEVEL 4	>200	\$5,231	\$6,016	\$5,592	\$5,608	\$2,615	\$3,007	\$2,795	\$2,803
<b>Section 308.3 SCHEDULE 2 FUEL BURNING (MMBTU/HR)</b>									
LEVEL 1	<1	\$326	\$375	\$348	\$349	\$163	\$187	\$174	\$175
LEVEL 2	1 - <10	\$654	\$752	\$699	\$701	\$326	\$375	\$348	\$349
LEVEL 3	10 - <50	\$1,307	\$1,503	\$1,397	\$1,401	\$654	\$752	\$699	\$701
LEVEL 4	50 - <100	\$2,615	\$3,007	\$2,795	\$2,803	\$1,307	\$1,503	\$1,397	\$1,401
LEVEL 5	>100	\$5,231	\$6,016	\$5,592	\$5,608	\$2,615	\$3,007	\$2,795	\$2,803
<b>Section 308.4 SCHEDULE 3 ELECTRICAL ENERGY (KVA)</b>									
LEVEL 1	<150	\$1,307	\$1,503	\$1,397	\$1,401	\$654	\$752	\$699	\$701
LEVEL 2	>=150	\$5,231	\$6,016	\$5,592	\$5,608	\$2,615	\$3,007	\$2,795	\$2,803
<b>Section 308.5 SCHEDULE 4 INCINERATOR (SQ FT)</b>									
LEVEL 1	<10	\$1,307	\$1,503	\$1,397	\$1,401	\$654	\$752	\$699	\$701
LEVEL 2	10 - <40	\$3,924	\$4,513	\$4,195	\$4,207	\$1,963	\$2,257	\$2,098	\$2,104
LEVEL 3	40 - <100	\$5,231	\$6,016	\$5,592	\$5,608	\$2,615	\$3,007	\$2,795	\$2,803
LEVEL 4	>100	\$6,541	\$7,522	\$6,992	\$7,012	\$3,270	\$3,761	\$3,496	\$3,505
<b>Section 308.6 SCHEDULE 5 STORAGE CONTAINER (GALLONS)</b>									
LEVEL 1	<40K	\$1,307	\$1,503	\$1,397	\$1,401	\$654	\$752	\$699	\$701
LEVEL 2	40K - <400K	\$5,231	\$6,016	\$5,592	\$5,608	\$2,615	\$3,007	\$2,795	\$2,803
LEVEL 3	>400K	\$6,541	\$7,522	\$6,992	\$7,012	\$5,231	\$6,016	\$5,592	\$5,608
<b>Section 308.7.a. SCHEDULE 6.a GASOLINE DISPENSING (NOZZLES)</b>									
LEVEL 1	Phase II Exempt	N/A	N/A	N/A	N/A	\$315	\$362	\$337	\$338
LEVEL 2	< 7 Nozzles	\$1,223	\$1,406	\$1,307	\$1,311	\$612	\$704	\$654	\$656
LEVEL 3	8 or more Nozzles	\$173/nozzle	\$199/nozzle	\$185/nozzle	\$185/nozzle	\$87/nozzle	\$100/nozzle	\$93/nozzle	\$93/nozzle
<b>Section 308.8 SCHEDULE 7 IC ENGINES (HP)</b>									
LEVEL 1	<50	\$326	\$375	\$348	\$349	\$163	\$187	\$174	\$175
LEVEL 2	50 - <250	\$654	\$752	\$699	\$701	\$326	\$375	\$348	\$349
LEVEL 3	250 - <500	\$1,307	\$1,503	\$1,397	\$1,401	\$654	\$752	\$699	\$701
LEVEL 4	500 - <1000	\$2,615	\$3,007	\$2,795	\$2,803	\$1,307	\$1,503	\$1,397	\$1,401
LEVEL 5	>1000	\$5,231	\$6,016	\$5,592	\$5,608	\$2,615	\$3,007	\$2,795	\$2,803
<b>Section 308.10 SCHEDULE 9 MISC</b>									
LEVEL 1	ALL	\$1,307	\$1,503	\$1,397	\$1,401	\$654	\$752	\$699	\$701
<b>Section 303.2 RENEWAL EMISSION FEE FOR CO, NOX, ROG, SOX or TSP</b>									
Any Pollut Schedule 6 (per ton)		N/A	N/A	N/A	N/A	\$58	\$67	\$62	\$62
Any Pollut All Other (per ton)		N/A	N/A	N/A	N/A	\$60	\$69	\$64	\$64
<b>Section 310 DUPLICATE PERMITS</b>									
All		\$20	\$23	\$21	\$21	N/A	N/A	N/A	N/A
<b>Section 311 SOURCE TEST OBSERVATION AND EVALUATION REPORT</b>									
Source Test (First 10 Hours)		\$1,307	\$1,503	\$1,397	\$1,401	N/A	N/A	N/A	N/A

Comparison of Sections 303, 306, 308, 310 and 311 Fees to Implement Options 4A, 4B, 5A, and 5B

		Initial Fees				Renewal Fees			
		Current Fee	FY13/14	FY13/14	FY13/14	Current Fee	FY13/14	FY13/14	FY13/14
			Option 4A, 4B	Option 5A	Option 5B		Option 4A, 4B	Option 5A	Option 5B
			15% Fee Increase	7.2% Fee Increase	7.5% Fee Increase		15% Fee Increase	7.2% Fee Increase	7.5% Fee Increase
<b>Section 306.2 Revisions of Conditions with No Increase</b>									
All		\$654	\$752	\$701	\$703	N/A	N/A	N/A	N/A
<b>Section 308.2 SCHEDULE 1 ELECTRIC MOTOR (HP)</b>									
LEVEL 1	<5	\$654	\$752	\$701	\$703	\$326	\$375	\$349	\$350
LEVEL 2	5 - <50	\$1,307	\$1,503	\$1,401	\$1,405	\$654	\$752	\$701	\$703
LEVEL 3	50 - <200	\$2,615	\$3,007	\$2,803	\$2,811	\$1,307	\$1,503	\$1,401	\$1,405
LEVEL 4	>200	\$5,231	\$6,016	\$5,608	\$5,623	\$2,615	\$3,007	\$2,803	\$2,811
<b>Section 308.3 SCHEDULE 2 FUEL BURNING (MMBTU/HR)</b>									
LEVEL 1	<1	\$326	\$375	\$349	\$350	\$163	\$187	\$175	\$175
LEVEL 2	1 - <10	\$654	\$752	\$701	\$703	\$326	\$375	\$349	\$350
LEVEL 3	10 - <50	\$1,307	\$1,503	\$1,401	\$1,405	\$654	\$752	\$701	\$703
LEVEL 4	50 - <100	\$2,615	\$3,007	\$2,803	\$2,811	\$1,307	\$1,503	\$1,401	\$1,405
LEVEL 5	>100	\$5,231	\$6,016	\$5,608	\$5,623	\$2,615	\$3,007	\$2,803	\$2,811
<b>Section 308.4 SCHEDULE 3 ELECTRICAL ENERGY (KVA)</b>									
LEVEL 1	<150	\$1,307	\$1,503	\$1,401	\$1,405	\$654	\$752	\$701	\$703
LEVEL 2	>=150	\$5,231	\$6,016	\$5,608	\$5,623	\$2,615	\$3,007	\$2,803	\$2,811
<b>Section 308.5 SCHEDULE 4 INCINERATOR (SQ FT)</b>									
LEVEL 1	<10	\$1,307	\$1,503	\$1,401	\$1,405	\$654	\$752	\$701	\$703
LEVEL 2	10 - <40	\$3,924	\$4,513	\$4,207	\$4,218	\$1,963	\$2,257	\$2,104	\$2,110
LEVEL 3	40 - <100	\$5,231	\$6,016	\$5,608	\$5,623	\$2,615	\$3,007	\$2,803	\$2,811
LEVEL 4	>100	\$6,541	\$7,522	\$7,012	\$7,032	\$3,270	\$3,761	\$3,505	\$3,515
<b>Section 308.6 SCHEDULE 5 STORAGE CONTAINER (GALLONS)</b>									
LEVEL 1	<40K	\$1,307	\$1,503	\$1,401	\$1,405	\$654	\$752	\$701	\$703
LEVEL 2	40K - <400K	\$5,231	\$6,016	\$5,608	\$5,623	\$2,615	\$3,007	\$2,803	\$2,811
LEVEL 3	>400K	\$6,541	\$7,522	\$7,012	\$7,032	\$5,231	\$6,016	\$5,608	\$5,623
<b>Section 308.7.a. SCHEDULE 6.a GASOLINE DISPENSING (NOZZLES)</b>									
LEVEL 1	Phase II Exempt	N/A	N/A	N/A	N/A	\$315	\$362	\$338	\$339
LEVEL 2	< 7 Nozzles	\$1,223	\$1,406	\$1,311	\$1,315	\$612	\$704	\$656	\$658
LEVEL 3	8 or more Nozzles	\$173/nozzle	\$199/nozzle	\$185/nozzle	\$186/nozzle	\$87/nozzle	\$100/nozzle	\$93/nozzle	\$94/nozzle
<b>Section 308.8 SCHEDULE 7 IC ENGINES (HP)</b>									
LEVEL 1	<50	\$326	\$375	\$349	\$350	\$163	\$187	\$175	\$175
LEVEL 2	50 - <250	\$654	\$752	\$701	\$703	\$326	\$375	\$349	\$350
LEVEL 3	250 - <500	\$1,307	\$1,503	\$1,401	\$1,405	\$654	\$752	\$701	\$703
LEVEL 4	500 - <1000	\$2,615	\$3,007	\$2,803	\$2,811	\$1,307	\$1,503	\$1,401	\$1,405
LEVEL 5	>1000	\$5,231	\$6,016	\$5,608	\$5,623	\$2,615	\$3,007	\$2,803	\$2,811
<b>Section 308.10 SCHEDULE 9 MISC</b>									
LEVEL 1	ALL	\$1,307	\$1,503	\$1,401	\$1,405	\$654	\$752	\$701	\$703
<b>Section 303.2 RENEWAL EMISSION FEE FOR CO, NOX, ROG, SOX or TSP</b>									
Any Pollut Schedule 6 (per ton)		N/A	N/A	N/A	N/A	\$58	\$67	\$62	\$62
Any Pollut All Other (per ton)		N/A	N/A	N/A	N/A	\$60	\$69	\$64	\$65
<b>Section 310 DUPLICATE PERMITS</b>									
All		\$20	\$23	\$21	\$22	N/A	N/A	N/A	N/A
<b>Section 311 SOURCE TEST OBSERVATION AND EVALUATION REPORT</b>									
Source Test (First 10 Hours)		\$1,307	\$1,503	\$1,401	\$1,405	N/A	N/A	N/A	N/A