

RULE 306—AIR TOXICS FEES

Adopted 2-18-92

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Consumer Price Index Adjustment: 7-1-17

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100 GENERAL

- 101 **PURPOSE:** To establish fees to be charged stationary sources subject to the Air Toxics "Hot Spots" Information & Assessment Act, beginning with Section 44300 of Division 26, Part 6, of the California Health and Safety Code.
- 102 **APPLICABILITY:** The provisions of this rule shall apply to any facility listed in Health and Safety Code Section 44320 and classified as an industry-wide facility, any unprioritized facility, or any facility with a prioritization score greater or equal to 1, a cancer risk greater than or equal to 1 in a million, or hazard index greater or equal to 0.1.

200 DEFINITIONS

- 201 **AFFECTED YEAR:** The time period between April 1 and March 31 immediately preceding the current fiscal year. For example: for fiscal year 1994-95, the affected year is the time period between April 1, 1993 and March 31, 1994.
- 202 **APPROVED HEALTH RISK ASSESSMENT (HRA):** A health risk assessment approved by the Air Pollution Control Officer in accordance with Health and Safety Code Section 44362.
- 203 **COMPLEX FACILITY:** A stationary source that has more than five different processes as determined by six-digit Source Classification Code.
- 204 **CRITERIA POLLUTANT:** Criteria Pollutant means total organic gases, particulate, oxides of nitrogen, or oxides of sulfur.
- 205 **EMISSIONS INVENTORY:** Emissions Inventory has the same meaning as the term used in Chapter 3 of Part 6 of Division 26 of the California Health and Safety Code.
- 206 **FACILITY:** Every structure, appurtenance, installation, and improvement on land which is associated with a source of air releases or potential air releases of hazardous material, as defined in California Health and Safety Code Section 44304.
- 207 **HEALTH RISK ASSESSMENT (HRA):** A detailed comprehensive analysis prepared pursuant to Section 44360 of the California Health and Safety Code. A health risk assessment evaluates and predicts the dispersion of hazardous substances in the environment and the potential for exposure of human populations. A health risk assessment also assesses and quantifies both the individual and population-wide health risks associated with those levels of exposure.
- 208 **INDUSTRY-WIDE FACILITY:** A stationary source whose emissions inventory is being prepared by the District pursuant to Health and Safety Code Section 44323.
- 209 **INTERMEDIATE FACILITY:** A stationary source with three to five different processes as determined by six-digit Source Classification Code.
- 210 **PLAN:** The emissions inventory plan that meets the conditions specified in Section 44342 of the California Health and Safety Code.
- 211 **PRIORITIZATION SCORE:** A score, as determined using the California Air Pollution Control Officers Association Facility Prioritization Guidelines, assigned to a stationary source based on amount of emissions as reported in the emission inventory and the toxicity and/or potency of the substances emitted.
- 212 **REPORT:** Report means the emissions inventory report specified in Section 44341 of the California Health and Safety Code.

- 213 **SIMPLE FACILITY:** A stationary source with one or two different processes as determined by six-digit Source Classification Code.
- 214 **SOURCE CLASSIFICATION CODES:** Number codes created by the United States Environmental Protection Agency. The codes are used to identify processes associated with point sources that contribute emissions to the atmosphere.
- 215 **STANDARD INDUSTRIAL CLASSIFICATION:** Number codes created by the Office of Management and Budget to classify establishments by type of economic activity.
- 216 **STATIONARY SOURCE:** Any building, structure, facility or emissions unit which emits or may emit any affected pollutant directly or as a fugitive emission.
- 216.1 Building, structure, facility, or emissions unit includes all pollutant emitting activities which:
- Belong to the same industrial grouping, and
 - Are located on one property or two or more contiguous properties, and
 - Are under the same or common ownership, operation, or control or which are owned or operated by entities which are under common control.
- 216.2 Pollutant emitting activities shall be considered part of the same industrial grouping if:
- They belong to the same two-digit standard industrial classification code, or
 - They are part of a common production process. (Common production process includes industrial processes, manufacturing processes and any connected processes involving a common material.)
- 217 **UNPRIORITIZED FACILITY:** A stationary source that does not have a prioritization score assigned by the District and does not have an approved health risk assessment.

300 STANDARDS

301 FEE SCHEDULES:

301.1 On an annual basis, each stationary source shall pay a District fee pursuant to this section and a State fee pursuant to Section 302. The fees shall be assessed based on the facility's categorization during the affected year.

- a. **FEE CATEGORY 1:** Any stationary source classified as an Industry-wide Facility shall be assessed an annual fee according to the following schedule.

| Category | District Fee |
|------------------------|--------------|
| Industry-wide Facility | \$121 |

- b. **FEE CATEGORY 2:** Any stationary source classified as an Unprioritized Facility shall be assessed an annual fee according to the following schedule.

| Category | District Fee |
|-----------------------|--------------|
| Simple Facility | \$567 |
| Intermediate Facility | \$772 |
| Complex Facility | \$1,078 |

- c. **FEE CATEGORY 3:** Any stationary source that has an approved HRA that shows a cancer risk greater than or equal to 1 in a million and less than 10 in a million, or hazard index greater than or equal to 0.1 and less than or equal to 1 shall be assessed an annual fee according to the following schedule.

| Category | District Fee |
|-----------------------|--------------|
| Simple Facility | \$511 |
| Intermediate Facility | \$993 |
| Complex Facility | \$1,988 |

- d. **FEE CATEGORY 4:** Any stationary source where the Air Pollution Control Officer requires or reviews a HRA but it has not been approved shall be assessed an annual fee according to the following schedule. If a facility requests the review of a HRA, then the fee is due at the time of the request.

| Category | District Fee |
|-----------------------|--------------|
| Simple Facility | \$1,017 |
| Intermediate Facility | \$2,039 |
| Complex Facility | \$2,652 |

- e. **FEE CATEGORY 5:** Any stationary source that has an approved HRA that shows a cancer risk greater than or equal to 10 in a million and less than 50 in a million, or hazard index greater than 1, shall be assessed an annual fee according to the following schedule.

| Category | District Fee |
|-----------------------|--------------|
| Simple Facility | \$8,585 |
| Intermediate Facility | \$9,096 |
| Complex Facility | \$9,709 |

- f. **FEE CATEGORY 6:** Any stationary source that has an approved HRA that shows a cancer risk greater than or equal to 50 in a million shall be assessed an annual fee according to the following schedule.

| Category | District Fee |
|-----------------------|--------------|
| Simple Facility | \$10,118 |
| Intermediate Facility | \$10,731 |
| Complex Facility | \$11,242 |

- 301.2 Every four years, any stationary source with a Prioritization Score less than or equal to 10 shall pay a fee according to the following schedule:

| Category | District Fee |
|-----------------------|--------------|
| Simple Facility | \$128 |
| Intermediate Facility | \$128 |
| Complex Facility | \$128 |

- 302 **STATE FEE:** In addition to the applicable fee listed in Section 301.1, each stationary source shall pay a fee based on the its categorization, to cover the reasonable anticipated cost that will be incurred by the California Air Resources Board to implement the Air Toxics "Hot Spots" Act as specified in the most recent California Air Resources Board Air Toxics "Hot Spots" Fee Regulation.

- 303 **LATE FEE:** A late fee shall be assessed pursuant to Section 401, for any District or California Air Resources Board fees that are not paid by the specified due date.

400 ADMINISTRATIVE REQUIREMENTS

- 401 **NOTIFICATION OF FEE DUE:** The owner or operator of the stationary source against which the fee is assessed will be notified by mail of the fee due and payable and the date the fee is due. If the fee is not paid within 60 days after receipt of the notice, a late fee

equal to one and a half of the total fees due shall be assessed. The owner or operator shall be notified by mail of the late fee. The increased fee shall be paid within 120 days after receipt of the original notice.

- 402 **RECATORIZATION:** On an annual basis, each stationary source shall be recategorized based on its program requirements during the affected year or based on the latest inventory of criteria pollutants.
- 403 **CONSUMER PRICE INDEXING OF FEES:** 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 shall not be greater than the change in the annual California Consumer Price Index, as determined pursuant to Section 2212 of the Revenue and Taxation Code and must meet the requirements of the California Health and Safety Code, including Sections 44380(a). The rate change must be noticed as 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.