

RULE 307 CLEAN AIR ACT FEES

Adopted 09-26-02

INDEX

100 GENERAL

- 101 PURPOSE
- 102 APPLICABILITY
- 103 SEVERABILITY
- 110 EXEMPTIONS

200 DEFINITIONS

- 201 ATTAINMENT YEAR
- 202 BASELINE EMISSIONS
- 203 EXTENSION YEAR
- 204 FEE ASSESSMENT YEAR
- 205 MAJOR STATIONARY SOURCE

300 STANDARDS (NOT INCLUDED)

400 ADMINISTRATIVE REQUIREMENTS

- 401 COLLECTION OF FEES
- 402 FEE DETERMINATION
- 403 FEE ADJUSTMENT

500 MONITORING AND RECORDS (NOT INCLUDED)

This Page Intentionally Left Blank

100 GENERAL

- 101 **PURPOSE:** To establish fees pursuant to the Federal Clean Air Act Sections 182(d) and 185(a) through 185(d). Clean Air Act fees will be assessed if the Sacramento Federal Nonattainment Area fails to demonstrate attainment of the federal one-hour air quality standard for ozone by the attainment year.
- 102 **APPLICABILITY:** Any major stationary source of volatile organic compounds or nitrogen oxides shall pay a penalty fee determined by Section 402 of this rule beginning with the year after the attainment year and each year thereafter until attainment has been achieved.
- 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 effect to the extent allowed by law.
- 110 **EXEMPTIONS:** No source shall be required to remit Clean Air Act Fees during any year that is considered an extension year.

200 DEFINITIONS

- 201 **ATTAINMENT YEAR:** The year that the Sacramento Federal Nonattainment Area is mandated to reach attainment of the federal one-hour air quality standard for ozone.
- 202 **BASELINE EMISSIONS:** Baseline emissions are calculated for each pollutant—volatile organic compounds or nitrogen oxides—for which the source is classified as a major stationary source.
- 202.1.1 For major stationary sources that began operation prior to the attainment year, the baseline emissions shall be the lower of the actual emissions during the attainment year or the amount of emissions allowed under permit.
- 202.1.2 For a major stationary source that begins operation during the attainment year, the baseline emissions shall be the lower of:
- a) the amount of emissions allowed under permit, or
 - b) the actual emissions from the operational period extrapolated over the attainment year.
- 202.2 For a major stationary source that begins operation after the attainment year, the baseline emissions shall be the amount allowed under the applicable implementation plan.
- 203 **EXTENSION YEAR:** The Environmental Protection Agency may grant, pursuant to Section 181(a)(5) of the Clean Air Act and upon the District's request, up to two one-year extensions to the attainment date provided the District has a) complied with all requirements and commitments pertaining to the area in the applicable implementation plan, and b) no more than one exceedance of the national ambient air quality standard level for ozone has occurred in the area in the year preceding the extension year.
- 204 **FEE ASSESSMENT YEAR:** The year for which Clean Air Act Fees are being calculated and assessed.
- 205 **MAJOR STATIONARY SOURCE:** For the purposes of this rule, "major stationary source" has the same meaning as in Section 181(b)(4)(B) of the Clean Air Act, if applicable, or as in Rule 202—NEW SOURCE REVIEW. As required by Section 182(f) of the Clean Air Act, major stationary sources of nitrogen oxides are subject to this rule in addition to major stationary sources of volatile organic compounds.

300 STANDARDS (NOT INCLUDED)

400 ADMINISTRATIVE REQUIREMENTS

401 **COLLECTION OF FEES:** Except as provided in Section 110, beginning in 2007 or the second year after the attainment year, whichever is later, the Air Pollution Control Officer shall assess the Clean Air Act fees for emissions in the previous calendar year. Clean Air Act fees shall be billed and remitted in conjunction with the permit renewal fee established by Rule 301—PERMIT FEES-STATIONARY SOURCE. Notification will be made by mail of the fee due and payable and the date the fee is due. If the fee is not paid within 60 days of the notice, the permit will be suspended and notification will be made by mail. A suspended permit may be reinstated by payment of the applicable fee.

402 **FEE DETERMINATION:** The fee shall be \$5,000, adjusted pursuant to Section 403, per ton of volatile organic compound and nitrogen oxide emissions during the calendar year that exceed 80% of the baseline emissions.

$$Fee = 5000 * [E_A - (0.8 * E_B)] * CPI$$

Where:

<i>Fee</i>	=	Clean Air Act Fee
<i>E_A</i>	=	actual emissions for the applicable fee assessment year
<i>E_B</i>	=	baseline emissions
<i>CPI</i>	=	percent change in the Consumer Price Index as determined by Section 403

403 **FEE ADJUSTMENT:** The fee shall be adjusted annually by the change in the Consumer Price Index pursuant to Federal Clean Air Act Sections 185(b)(3) and 502(b)(3)(B)(v).

500 MONITORING AND RECORDS (NOT INCLUDED)