

RULE 306—AIR TOXICS FEES
Adopted 2-18-92
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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.

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 **COMPLEX FACILITY:** A stationary source that has more than five different processes as determined by six-digit Source Classification Code.

203 **CRITERIA POLLUTANT:** Criteria Pollutant means total organic gases, particulate, oxides of nitrogen, or oxides of sulfur.

204 **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.

205 **FEE CATEGORY 1:** Industry-wide facilities, which includes retail gas stations, dry cleaners, autobody shops, and print shops.

206 **FEE CATEGORY 2:** A facility included in the program whose emissions has not yet been prioritized or other wise evaluated.

207 **FEE CATEGORY 3:** A facility which has a health risk assessment cancer risk greater than or equal to 1 in a million and less than 10 in a million or a hazard index greater than or equal to 0.1 and less than or equal to 1.

208 **FEE CATEGORY 4:** A facility which has a priority score greater than 10 and does not have an approved health risk assessment.

209 **FEE CATEGORY 5:** A facility which has a health risk assessment cancer risk greater than or equal to 10 in a million and less than 50 in a million, or a hazard index greater than 1.

210 **FEE CATEGORY 6:** This category contains facilities which have a health risk assessment cancer risk greater than or equal to 50 in a million.

211 **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.

212 **INDUSTRY-WIDE FACILITY:** A stationary source whose emissions inventory is being prepared by the District pursuant to Health and Safety Code Section 44323.

213 **INTERMEDIATE FACILITY:** A stationary source with three to five different processes as determined by six-digit Source Classification Code.

214 **PLAN:** The emissions inventory plan that meets the conditions specified in Section 44342 of the California Health and Safety Code.

215 **PRIORITIZATION SCORE:** A score, as determined using the District's 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.

- 216 **REPORT:** Report means the emissions inventory report specified in Section 44341 of the California Health and Safety Code.
- 217 **SIMPLE FACILITY:** A stationary source with one or two different processes as determined by six-digit Source Classification Code.
- 218 **SOURCE CLASSIFICATION CODES (SCC):** 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.
- 219 **STANDARD INDUSTRIAL CLASSIFICATION (SIC):** Number codes created by the Office of Management and Budget (OMB) to classify establishments by type of economic activity.
- 220 **STATIONARY SOURCE:** Any building, structure or emissions unit which emits or may emit any affected pollutant directly or as a fugitive emission.
- 220.1 Building, structure 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.
- 220.2 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.)
- 221 **UNPRIORITIZED FACILITY:** A stationary source that does not have a prioritization score assigned by the District and does not have an approved 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 classification and categorization during the affected year.
- 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	\$60

- 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	\$555
Intermediate Facility	\$755
Complex Facility	\$1,055

- c. **FEE CATEGORY 3:** Any stationary source classified HRA greater than or equal to 1 in a million and less than 10 in a million, or HI 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	\$500
Intermediate Facility	\$972
Complex Facility	\$1,945

- d. **FEE CATEGORY 4:** Any stationary source classified as a Prioritization Score greater than 10 Facility, and has no approved HRA shall be assessed an annual fee according to the following schedule.

Category	District Fee
Simple Facility	\$ 995
Intermediate Facility	\$1,995
Complex Facility	\$2,595

- e. **FEE CATEGORY 5:** Any stationary source classified as a HRA greater than or equal to 10 in a million and less than 50 in a million, or HI greater than 1, shall be assessed an annual fee according to the following schedule.

Category	District Fee
Simple Facility	\$8,400
Intermediate Facility	\$8,900
Complex Facility	\$9,500

- f. **FEE CATEGORY 6:** Any stationary source classified as a HRA 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	\$9,900
Intermediate Facility	\$10,500
Complex Facility	\$11,000

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

Category	District Fee
Simple Facility	\$125
Intermediate Facility	\$125
Complex Facility	\$125

- 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 classification and 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 **RECLASSIFICATION AND RECATEGORIZATION:** On an annual basis, each stationary source shall be reclassified based on its program requirements during the affected year and recategorized based on the latest inventory of criteria pollutants.