Monterey Bay Air Resources District

Staff Report - Fee Rules

Proposed Revisions to:

Rule 300 (Permit Fees)
Rule 301 (Permit Fee Schedules)
Rule 309 (Hearing Board Fees)

March 17, 2025

Contact: Amy Clymo, Engineering and Compliance Manager, aclymo@mbard.org

Purpose

The purpose of this report is to summarize the proposed changes to some of the Monterey Bay Air Resources District's (MBARD) fee rules. As a component of the draft Fiscal Year 2025-2026 (FY 2025-26) budget, MBARD is considering a fee increase of 2.8% consistent with the annual Consumer Price Index (CPI) for the San Francisco Area. To account for the potential fee increase and to make administrative clarifications, MBARD is proposing to revise the following rules:

- Rule 300: Fees
- Rule 301: Fee Schedules
- Rule 309: Hearing Board Fees

Authority

MBARD is authorized to revise the fee rules and collect fees in accordance with California Health and Safety (HSC) Code Sections 40001, 40702, 42311 et seq. and 44380 et seq.; California Code of Regulations, Title 17, sections 90703 et seq.; and the Federal Clean Air Act and its amendments (42 U.S.C sections 7401 et seq.).

Proposed Changes

The text proposed to be revised/deleted is shown in tracked changes with overstriking and the new text proposed to be added is indicated with underlining in red font. The proposed revisions are summarized below:

Rule 300

- Section 4.3: Add a separate fee code category for compost operations.
- Section 5.1.6: Add subsections to clarify expired permit timelines.

Rule 301

- Add Hourly Staff Rate as Schedule 1 to clearly identify this fee category.
- Revise Schedule 7 Public Notification to remove the requirement for newspaper publication. The public notification can be in other forms such as posted on the MBARD website which is consistent with changes made to Rule 218 Federal Operating Permits notice requirements in August 2024.

Mission

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The mission of the Monterey Bay Air Resources District is to Protect Public and Environmental Health while balancing Economic and Air Quality Considerations.

- Table 1 - Update the fee schedule to reflect a 2.8% fee increase.

Rule 309

- Change “District” to “MBARD” throughout the rule.
- Remove Section 4.6 Discretionary Powers – The Hearing Board does not have the authority to make decisions related to exempting an applicant from paying fees.
- Revise Section 4.7 to clarify that the APCO can recommend an excess emissions fee waiver to the Hearing Board for an essential public service.

Affected Sources, Potential Fiscal Impacts, and Socioeconomic Impacts

The proposed regulatory action described herein is exempt from the requirements of Health and Safety Code (HSC) Section 40728.5 regarding socioeconomic impacts. The proposed regulatory action described herein will not significantly affect air quality or emission limitations or increase emissions; therefore, MBARD is exempt from the requirement to conduct a socioeconomic analysis.

MBARD is considering a fee increase of 2.8% as part of the draft FY 2025-26 budget. The fee increase would impact the permitted sources who may pay permit application fees and/or annual renewal fees.

Alternative Analysis

There are no new control standards being proposed with the adoption of the revisions to the fee rules. Therefore, the proposed regulatory action described herein is exempt from HSC Section 40727.2 which requires that a comparative alternative analysis of any new control standard be performed.

Fiscal Impact Upon MBARD

The proposed fee increase in the FY 2025-26 budget would continue to help align fees to account for cost recovery. If a fee increase does not move forward, MBARD would have to rely on the general fund reserve to cover budget deficits. MBARD also reviewed proposed fee changes at other air districts. The Bay Area Air Quality Management District is proposing varying fee increases across many fee categories with either no increase, 2.8%, or 15%. Other air districts are proposing fee increases equivalent to the CPI for their geographic region.

California Environmental Quality Act

These proposed fee rule revisions are exempt from the requirements of Public Resources Code Section 21000 et seq. under California Environmental Quality Act (CEQA) Guidelines, in California Code of Regulations Section 15061(b)(3).

Implementation

MBARD provides notice of the public workshop and adoption of the revised fee rules to permitted sources and the public. MBARD notices these activities in local newspapers, on MBARD’s website, and by mailing or emailing the notice to permit holders.

Public Meeting Schedule

The following summarizes the public comment opportunities. All meetings will be held in-person.

Written comments are also accepted and can be emailed to aclymo@mbard.org or mailed by June 6, 2025 to: MBARD, Amy Clymo, 24580 Silver Cloud Court, Monterey, CA, 93940.

Event	**Date/Time/Location**
Public Workshop #1	March 31, 2025; 11:00 AM; San Benito County, Board of Supervisors Chambers, 481 4th Street, Hollister
Public Workshop #2	March 31, 2025; 3:00 PM; Monterey Bay Air Resources District, Board Room, 3rd Floor, 24580 Silver Cloud Court, Monterey
Public Workshop #3	April 3, 2025; 10:30 AM; Santa Cruz County, Watsonville Public Library Meeting Room, 2nd Floor, 275 Main Street, Suite 100, Watsonville
Initial Board Presentation First Public Hearing	April 16, 2025; 1:30 PM; Monterey Bay Air Resources District, Board Room, 3rd Floor, 24580 Silver Cloud Court, Monterey **Zoom link for public access will be posted to MBARD's website www.mbard.org, 72 hours before the meeting date.**
Board Adoption Second Public Hearing	June 18, 2025; 1:30 PM; Monterey Bay Air Resources District, Board Room, 3rd Floor, 24580 Silver Cloud Court, Monterey **Zoom link for public access will be posted to MBARD's website www.mbard.org, 72 hours before the meeting date.**

Public Comments

No comments have been received.

ATTACHMENT
PROPOSED RULE REVISIONS

MONTEREY BAY AIR RESOURCES DISTRICT
REGULATION III
FEES

RULE 300. FEES

(Adopted 9-1-74; Revised 1-18-78, 5-31-78, 6-14-78, 5-20-81, 8-18-82, 6-13-83, 3-8-84, 7-19-84, 5-15-85, 7-17-85, 6-11-86, 3-25-87, 6-10-87, 9-16-87, 6-20-88, 12-14-88, 6-14-89, 1-17-90, 6-13-90, 6-26-91, 6-9-93, 11-17-93, 6-15-94, 5-17-95, 6-21-95, 6-19-96, 6-18-97, 6-17-98, 6-16-99, 6-21-00, 6-20-01, 6-19-02, 6-18-03; 6-16-04; 6-15-05; 6-21-06; 6-20-07; 6-18-08; 6-17-09; 6-30-10; 6-15-11; 6-18-14; 6-17-15; 6-15-16; 6-21-17; 6-25-18; 6-24-19; 6-17-20; 6-16-21; 6-15-22; 6-21-23; 6-19-24, and Proposed 6-18-25.)

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MONTEREY BAY AIR RESOURCES DISTRICT
REGULATION III
FEES

PART 1 GENERAL

1.1 Purpose

This Rule provides the mechanisms for assessing fees for the issuance and renewal of Permits to Operate, Authorities to Construct, and other actions in MBARD's permit system; and to recover MBARD costs for requested services, materials, or equipment. The fees prescribed within this Rule do not exceed the cost of issuing, maintaining, and performing inspection activities pertaining to all permits.

1.2 Applicability

This Rule shall apply to all owners and operators of stationary sources which are required by MBARD Rule 200 (Permits Required) to obtain an Authority to Construct or Permit to Operate; and to requesters of MBARD services, materials, or equipment.

1.3 Exemptions

There are no exemptions from this Rule.

1.4 Effective Date

This Rule, as most recently revised, is effective on July 1, 2024.

1.5 References

The provisions of this Rule derive from California Health and Safety Code Section 42300 et seq., relating to air district permit systems and fees. The requirement for Emission Statements derives from Section 182 of the federal Clean Air Act. Related or referenced MBARD Rules include: 101 (Definitions); 200 (Permits Required); 201 (Permits Not Required); 217 (Annual Review of Permits); 301 (Permit Fee Schedules); 305 (Fees for Air Toxic Emissions Inventories and Risk Assessments); 308 (Title V: Federal Operating Permit Fees); 424 (NESHAPs); and 436 (Title V: General Prohibitory Rule).

PART 2 DEFINITIONS

2.1 Administrative Amendment

A modification to a Permit to Operate where an Authority to Construct is not required including, but not limited to; Transfer of Interest, Name Change, Identical Replacement, and gas station In-Station Diagnostics software version updates.

2.2 Affected Pollutants

These species include:

2.2.1 all pollutants for which an ambient air quality standard has been established by the United States Environmental Protection Agency or the California Air Resources Board, as well as the precursors to such pollutants; and

2.2.2 all pollutants regulated by the United States Environmental Protection Agency under the federal Clean Air Act or by the California Air Resources Board under the California Health and Safety Code; and

2.2.3 all the pollutants which the United States Environmental Protection Agency, after notice and opportunity for public comment, or the California Air Resources Board or MBARD, after public hearing, determine may have significant adverse effect on the environment, the public health, or the public welfare; and

2.2.4 include, but are not limited to:
volatile organic compounds (VOC),
nitrogen oxides (NO_x),
sulfur oxides (SO_x),
particulate matter less than 10 micrometers in aerodynamic diameter (PM_{10}),
total suspended particulates (TSP),
carbon monoxide (CO),
vinyl chloride,
asbestos,
beryllium,
lead,
mercury,
fluorides,
sulfuric acid mist,
hydrogen sulfide,
reduced sulfur compounds.

2.3 Annual Renewal Fee

A fee to be paid by permittees for the annual renewal of Permits to Operate and

Authorities to Construct. The Annual Renewal Fee is determined by reference to the provisions of Part 4 of this Rule, and is a necessary prerequisite to the renewal of all permits. More than one annual renewal fee determination under the provisions of Part 4 may be applicable in calculating the total Annual Renewal Fee for a permit.

2.4 Billable Emissions

The quantity of the combined annual emissions of nitrogen oxides (expressed as nitrogen dioxide), total organic gases (except those containing sulfur), gaseous sulfur compounds, expressed as sulfur dioxide, ammonia, all particulate matter, and carbon monoxide. The billable emissions are rounded to the nearest ton for amounts greater than or equal to 300 tons; to the nearest tenth of a ton for amounts less than 300 tons. Annual renewal fees for all Permits to Operate and Authorities to Construct which are determined with reference to annual emissions shall be based upon the billable emissions from each permit unit or source as determined by this Rule or MBARD's Fee Determination Protocol.

2.5 Hourly Staff Rate

The cost assessed by MBARD per hour of staff time as set forth in Rule 301, Table 1 Hourly Staff Rate.

2.6 Identical Replacement

Where an application is filed for a revised Permit to Operate by reason of an identical replacement of an entire permitted unit or a component thereof, where a revision to the equipment description of the existing permit is necessary.

2.7 MBARD

Monterey Bay Air Resources District.

2.8 Name Change

Where an application is filed for an administrative name change, including but not limited to, legal entity change or legal rebrand, on a Permit to Operate, and where no alteration, addition, transfer in interest, or change in location of the permitted equipment has been made.

2.9 Transfer of Interest

Where an application is filed for the transfer from the prior permittee to a successor in interest of a Permit to Operate or an Authority to Construct, and where no alteration, addition, or change in location of the permitted equipment has been made.

2.10 Volatile Organic Compound (VOC)

As defined in Rule 101 (Definitions).

PART 3 PERMIT FEES

3.1 Filing Fee

Every applicant for an Authority to Construct or a Permit to Operate any article, machine, equipment, or other contrivance for which an Authority to Construct or Permit to Operate is required by State law or MBARD rule shall pay a filing fee as set forth in Rule 301, Table 1 Filing Fee.

3.1.1 Any filing fee shall be tendered along with the application for which it is due. Any application for an Authority to Construct or Permit to Operate shall not be complete until the filing fee and applicable permit fee(s) are paid.

3.2 Permit to Operate

Every applicant for a Permit to Operate for an existing source, which does not presently hold any current MBARD permit, shall, in addition to the filing fee prescribed herein, pay the permit fee(s) prescribed by the applicable schedule(s) set forth in MBARD Rule 301 (Permit Fee Schedules).

3.2.1 The permit fee(s) determined from Rule 301 shall be tendered along with the completed application and the filing fee. An application for a Permit to Operate is not complete until the applicable permit fee(s) and filing fee are paid.

3.2.2 In the event any additional permit fee is incurred prior to issuance of the Permit to Operate, the applicant shall pay the additional fee within 30 days of MBARD's subsequent billing(s). Additional permit fees are incurred when the applicant requests revisions to the project, or where, due to some other circumstance, MBARD's actual cost to complete the permit process, based on the hourly staff rate, exceeds the Rule 301 fee(s) paid.

3.2.2.1 MBARD may bill the applicant for additional permit fee(s) incurred when it has completed its processing of the application. The Permit to Operate shall be issued upon receipt of the applicant's payment of this final billing. If no additional permit fee

has been incurred, the Permit to Operate shall be issued upon MBARD's completion of its evaluation and determination that the requested permit may be issued.

3.2.2.2 Alternatively, MBARD may bill the applicant periodically for additional permit fee(s) incurred in the course of a project of long duration. Upon good cause, MBARD may suspend action on the application until payment of periodic billing statements is received, but such suspension is not mandatory. The Permit to Operate shall be issued upon the MBARD's completion of its processing of the application and receipt of the applicant's payment of the final billing statement.

3.3 Authority to Construct

Every applicant for an Authority to Construct for a new source or for modification(s) to an existing source shall, in addition to the filing fee prescribed herein, pay the permit fee(s) prescribed by the applicable schedule set forth in MBARD Rule 301 (Permit Fee Schedules).

3.3.1 The permit fee(s) determined from Rule 301 shall be tendered along with the completed application and the filing fee. An application for an Authority to Construct is not complete until the applicable permit fee(s) and filing fee are paid.

3.3.2 In the event any additional permit fee is incurred prior to issuance of the final Permit to Operate, the applicant shall pay the additional fee within 30 days of MBARD's subsequent billing(s). Additional permit fees are incurred when the applicant requests revisions to the project, or where, due to some other circumstance, MBARD's actual cost to complete the permit process, based on the hourly staff rate, exceeds the Rule 301 fee(s) paid.

3.3.2.1 MBARD may bill the applicant for additional permit fee(s) incurred when it has completed its processing of the application. The final Permit to Operate for the project shall be issued upon receipt of the applicant's payment of this final billing. If no additional permit fee has been incurred, the final Permit to Operate shall be issued upon the MBARD's completion of its evaluation and determination that the final Permit to Operate may be issued.

3.3.2.2 Alternatively, MBARD may bill the applicant periodically for additional permit fee(s) incurred in the course of a project of long

duration. Upon good cause, MBARD may suspend action on the application until payment of periodic billing statements is received, but such suspension is not mandatory. The final Permit to Operate shall be issued upon the MBARD's completion of its processing of the application and receipt of the applicant's payment of the final billing statement.

3.4 Synthetic Minor Permits

3.4.1 Filing Fee

Every applicant for a new Synthetic Minor Permit or modification to an existing Synthetic Minor Permit shall pay a filing fee as set forth in Rule 301, Table 1.

3.4.2 Evaluation Fee

In addition to the filing fee, every applicant for a new Synthetic Minor Permit or modification to an existing Synthetic Minor Permit shall pay an evaluation fee as set forth in Rule 301, Table 1.

3.4.3 Change of Ownership Fee

Every applicant for a change of ownership shall pay a filing fee as set forth in Section 3.4.1, plus a fee based on MBARD's actual cost to complete the permit process in accordance with hourly staff rate.

3.5 Transfer in Interest or Name Change

Every application for a transfer of interest or name change shall, in addition to the filing fee prescribed in Section 3.1 herein, pay an administrative amendment fee plus one hour of staff time per permit for changes to more than two permits. Applications to change more than 10 permits will be assessed additional staff time at the hourly staff rate on a case-by-case basis.

3.5.1 Only a valid Permit to Operate or Authority to Construct may be transferred to a new owner or successor in interest. If any such permit has not been renewed by payment of the Annual Renewal Fee pursuant to Part 4 or Part 6, or a fee pursuant to Rule 305, for which a billing statement is outstanding, the transfer of ownership fee shall include the outstanding Annual Renewal Fee or Rule 305 fee. The transfer in interest fee shall not include any Part 5 delinquency penalties associated with the outstanding Annual Renewal Fee or Rule 305 fee, except where the successor in interest includes any person who was a partner or equity holder in the transferring business or the transfer occurred prior to the annual renewal date.

3.6 Transfer of Location

Where an application is filed for a revised Permit to Operate by reason of a transfer of the location of already-permitted equipment, where there is no change in ownership and no modification of the transferred equipment, the applicant shall, in addition to the filing fee prescribed in Section 3.1 herein, pay an administrative amendment fee.

3.6.1 Only a valid Permit to Operate may be transferred. If any such permit has not been renewed by payment of the Annual Renewal Fee pursuant to Section 4.1 or 6.1, or a fee pursuant to Rule 305, for which a billing statement is outstanding, the transfer of location fee shall include the outstanding Annual Renewal Fee or Rule 305 fee.

3.6.2 Any transfer of location fee shall be tendered along with the application for which it is due. Any application for transfer of location shall not be complete until the transfer of location fee is paid and a completed Annual Renewal Information Request is submitted, if such Information Request is outstanding at the time of application.

3.7 Identical Replacement

Every application for an Identical Replacement shall, in addition to the filing fee prescribed in Section 3.1 herein, pay an administrative amendment fee.

3.8 Written Permit Exemption

Every application requesting a written permit exemption from MBARD shall pay the equivalent of three hours of staff time based on the hourly staff rate.

3.9 Permit Granted by Hearing Board

In the event a Permit to Operate or Authority to Construct is granted by the Hearing Board after denial by the Air Pollution Control Officer, the permit fee provisions prescribed by Sections 3.2 or 3.3 shall apply, except that the applicable fee shall be paid within 30 days of the date of billing by MBARD.

3.10 Revising Permit Terms or Conditions

Where an application is filed requesting revisions to the terms or conditions of an existing Permit to Operate, or when MBARD issues a revised Permit to Operate pursuant to Rule 217 (Annual Review of Permits), the applicant shall pay the actual cost incurred by MBARD in processing the application or completing the Rule 217

revisions. Such fee shall be paid within 30 days of the date of billing by MBARD and shall be based on the hourly staff rate and the staff time expended in processing the application or completing the Rule 217 permit revisions.

3.10.1 Any application requesting revisions to the terms or conditions of an existing Permit to Operate shall be accompanied by a filing fee as set forth in Rule 301, Table 1 Filing Fee, and the application shall not be complete until the filing fee is paid.

3.10.2 The revised Permit to Operate requested by the applicant shall be issued upon MBARD's receipt of the applicant's payment of the revision fee.

3.10.3 The revised Permit to Operate initiated by MBARD pursuant to Rule 217 shall be issued upon its completion. The Rule 217 revision fee incurred pursuant to above may be billed along with the next annual permit renewal fee billing issued by MBARD pursuant to Part 4 below, or it may be billed separately, upon MBARD's election.

3.10.4 The annual renewal date of any revised Permit to Operate shall continue to be the anniversary date of the original permit.

3.11 Withdrawal or Denial

When an application for any of the above permit actions is submitted to MBARD it initiates action by MBARD, which commits staff resources in reliance upon the request of the applicant. In the event an applicant withdraws or cancels its application, or MBARD denies the requested Permit to Operate or Authority to Construct, the resources expended by MBARD in processing the application become an obligation owing to MBARD as follows:

3.11.1 Any filing fee, transfer in interest fee, transfer of location fee, or identical replacement fee, prescribed by Sections 3.1, 3.5, 3.6, or 3.7, is utilized in the initial processing of the application and is non-refundable upon any withdrawal or denial.

3.11.2 The unused portion of any permit fee paid pursuant to Section 3.2 or 3.3 shall be refunded by MBARD after an application has been withdrawn or denied. The unused portion shall be determined by subtracting the time spent on the application times the hourly staff rate from the amount of the fee paid by the applicant.

3.11.3 The actual time spent by MBARD in processing any application for a revision to permit terms or conditions, pursuant to Section 3.8, shall be billed by MBARD based on the hourly staff rate upon withdrawal or denial of the application. Such fee shall be paid within 30 days of the date of billing and

constitutes a legal obligation owing to MBARD for work done in reliance upon the applicant's request.

3.12 Multiple Locations

When any permit has been issued to operate movable equipment, or to operate equipment at more than one location, only one annual renewal fee will be charged. The annual renewal date will be the anniversary date of the issuance of the original permit.

3.13 Government Agencies

Federal, State, or local governmental agencies, offices, or special districts shall pay the fees set forth in this Rule to the extent allowed under Chapter 2, Division 7, Table 1 of the California Government Code (commencing with Section 6103) and Chapter 55, Part 3, Division 26 of the California Health and Safety Code (commencing with Section 42311).

3.14 Professional Services, Materials, and Equipment Charges to Applicants for, or Holders of, MBARD Permits

Where MBARD supplies professional services, courtesy inspections, materials, or equipment at the request of any applicant for, or holder of, an MBARD permit, the requesting party(ies) shall pay the actual cost incurred by MBARD in providing such services, materials or equipment. Such fee shall be based on the hourly staff rate and the staff time spent performing the services, and upon the actual cost of any materials and equipment supplied and shall be paid within 30 days of the MBARD billing date. MBARD may bill for such services, materials or equipment either in conjunction with the next annual renewal fee billing or it may issue billing statements periodically for work it has completed. Where the request is from a small, identifiable group of permittees, the fee may be prorated among them.

3.14.1 MBARD costs for such services, materials or equipment may not be recovered pursuant to this Section where funding is otherwise available from other fee schedules. MBARD may elect to provide such services, materials or equipment without charge or at reduced cost to promote legitimate MBARD interests.

3.15 CEQA Compliance

Where MBARD performs any of the requirements of the California Environmental Quality Act (CEQA) in connection with its evaluation and issuance of any Permit to Operate or Authority to Construct, the applicant or permit holder shall pay the actual

cost incurred by MBARD in performing such requirements. Such fee shall be an addition to any other permit fee(s) determined pursuant to this Rule, and shall be based on the hourly staff rate and the staff time spent performing the requirements plus the actual cost of any contractors retained to perform any of the requirements, and it shall be paid within 30 days of the MBARD billing date.

3.16 Payment of Fees

3.16.1 No Permit to Operate or Authority to Construct shall be issued to any applicant until any applicable fee pursuant to this Rule, and any other fee obligation of the applicant arising under any other MBARD rule, is paid in full.

3.16.2 All fees prescribed by this Rule must be paid in full by check, credit card, or money order within the time periods specified. Partial payments are not accepted and will not constitute satisfaction of the obligation established by this Rule, nor will they suspend the running of the period of time during

which payments must be made. In the event fees are not paid within the periods set forth herein, the provisions of Part 5 shall apply.

PART 4 ANNUAL RENEWAL FEES (ARFs)

4.1 Renewing Permits

Every Permit to Operate and Authority to Construct issued by MBARD is valid for a period of one year from the date of its issuance or renewal. Each Permit to Operate and Authority to Construct is renewable one year after the date of issuance, and annually thereafter, upon payment of the Annual Renewal Fee determined in accordance with all applicable provisions of this Part. When a Permit to Operate is issued for a project previously issued an Authority to Construct, the annual renewal date of the Permit to Operate shall remain the same as the renewal date of the Authority to Construct.

4.1.1 Any Permit to Operate or Authority to Construct which is not renewed in accordance with the provisions of this Part shall expire and become void as provided in Part 5. After such expiration of any Permit to Operate or Authority to Construct, continued operation, building, or modification of the subject unit or facility is prohibited until such time as a complete application for a replacement Permit to Operate or Authority to Construct is submitted to MBARD.

4.1.2 Any Rule 217 permit revision fee which has accrued pursuant to Section 3.10 within the prior 12 months shall be included on the Annual Renewal Fee billing statement(s) issued by MBARD.

4.1.3 No Permit to Operate or Authority to Construct may be renewed until all outstanding fees pursuant to this Rule, and any other fee obligation(s) of the permit owner arising under any other MBARD rule, are paid in full.

4.2 Renewal Procedure

For sources not identified in Section 4.3, MBARD shall notify the permittee by mail of the Annual Renewal Fee due and the date by which it must be submitted to MBARD. The Annual Renewal Fee and the Rule 217 revision fee, if any, must be submitted within the time period specified in the renewal fee billing statement in order to complete the renewal of the Permit(s) to Operate or Authority(ies) to Construct.

4.2.1 As requested by MBARD, any permitted source, as determined by MBARD, shall complete and return the Inventory Reporting Form(s) as provided by MBARD within the time period specified. Failure to timely complete and submit the Form(s) may result in suspension of the Permit to Operate or Authority to Construct.

4.3 Renewal Procedure; Source Specific Categories

MBARD will assess an Annual Renewal Fee for each permit issued to the following source categories as set forth in Rule 301, Table 1 Annual Renewal Fee for Source Specific Categories:

- Compost Operations (Windrows, Static Piles, Aerated Static Piles, In-Vessel, or similar methods)
  - Material Throughput < 20,000 tons per day
  - Material Throughput > 20,000 tons per day - < 100,000 tons per day
  - Material Throughput > 100,000 tons per day
- Dry Cleaner
- Emergency Diesel Fueled Internal Combustion Engine (current fee code 502)
- Emergency Diesel Fueled Internal Combustion Engine (current fee code 501)
- Emergency Non-Diesel Fueled Internal Combustion Engine
- Fume Hood
- Fossil-Fueled Power Plant Gas Turbine (Moss Landing Power Plant only)
- Lime Processing Facility (based on 3-year average production rate):
  - Kiln production rate < 100,000 short tons per year
  - Kiln production rate > 100,000 short tons per year
- Cannabis Cultivation/Manufacturing/Processing Operations and Odors
- Synthetic Minor Permit

- Wood-working operations with no other permits

4.4 Annual Renewal Fee Determination

An annual renewal fee for each Permit to Operate or Authority to Construct held by sources not covered by Section 4.3, 4.6, 4.7, 4.8, or 4.9 shall be determined as set forth in Rule 301,Table 1 Annual Renewal Fee.

4.5 Annual Renewal Fee Determination; All Facilities Required to Submit Permit Compliance Data, Monthly or Annual Reports

In addition to any other annual renewal fees required by other applicable Sections of this Rule, MBARD may impose an hourly or flat fee as set forth in Rule 301, Table 1 Annual Renewal Fee Determination; Section 4.5, for the purpose of recovering its estimated cost for planning, preliminary evaluation, sampling, sample analysis, calculations, and report preparation with respect to samples of emissions, or other emissions or general compliance determinations when such activity is necessary to determine compliance with permit conditions or with any state or local law, order, rule or regulation relating to air pollution.

4.5.1 Facilities with monthly reporting requirements not subject to Annual Federal Operating Permit Fees under the provisions of Rule 308 (Title V: Federal Operating Permit Fees):	See Rule 301, Table 1 Fee Schedule, Section 4.5.1
4.5.2 Facilities with Process Statement requirements pursuant to Rule 436.5.1 (Title V: General Prohibitory Rule) and not subject to Annual Federal Operating Permit Fees under the provisions of Rule 308 (Title V: Federal Operating Permit Fees):	See Rule 301, Table 1 Fee Schedule, Section 4.5.2
4.5.3 Facilities with reporting requirements pursuant to the State's Greenhouse Gas Regulation for Municipal Solid Waste Landfills, or other regulatory mandates:	See Rule 301, Table 1 Fee Schedule, Section 4.5.3
All other emissions or general compliance evaluations:	Based on hourly staff rate as set forth in Rule 301, Table 1 Hourly Staff Rate

4.6 Annual Renewal Fee Determination; Fuel Dispensing Facilities

4.6.1 Non-Assisted Gasoline Dispensing Systems - An annual renewal fee for each Permit to Operate for gasoline dispensing facilities with a non-assisted Phase II vapor recovery system shall be determined by the following formula:

Fee = a + b

where "a" = nozzle fee determined by multiplying the total number of gasoline nozzles at the facility times the per nozzle fee as set forth in Rule 301, Table 1 Nozzle Fee.

"b" = throughput fee based on the gasoline throughput at the facility, as set forth in Rule 301, Table 1 Fuel Throughput Fees.

4.6.2 Assisted Gasoline Dispensing Systems - An annual renewal fee for each Permit to Operate for gasoline dispensing facilities with an assisted Phase II vapor recovery system shall be determined by the following formula:

Fee = a + b

where "a" = nozzle fee determined by multiplying the total number of gasoline nozzles at the facility times the number of grades dispensed by each nozzle times the nozzle fee as set forth in Rule 301, Table 1 Nozzle Fee.

"b" = throughput fee based on the annual gasoline throughput at the facility, as set forth in Rule 301, Table 1 Fuel Throughput Fees.

4.6.3 Other Fuels - An annual renewal fee for each Permit to Operate for fuel dispensing facilities shall be determined by the following formula:

Fee = a + b

where "a" = nozzle fee determined by multiplying the total number of nozzles at the facility times the per nozzle fee as set forth in Rule 301, Table 1 Nozzle Fee.

"b" = throughput fee based on the fuel throughput at the facility, as set forth in Rule 301, Table 1 Fuel Throughput Fees.

4.7 Wastewater Treatment Facilities Fee Schedule

An annual renewal fee for each Permit to Operate for wastewater treatment facilities, separate from permits for ancillary equipment, shall be determined according to Rule 301, Table 1 Wastewater Treatment Facilities Fee.

4.8 Annual Renewal Fee Determination; NESHAPs Sources

An annual renewal fee for all aggregated Permits to Operate for facilities which are subject to the requirements contained in MBARD Rule 424 Part 4, Subpart M (National Emission Standards for Asbestos) shall be assessed a fee as set forth in Rule 301, Table 1 Asbestos NESHAP Fees for each entire facility.

4.9 Annual Renewal Fee Determination; Methyl Bromide Fumigation Chambers

A methyl bromide fumigation chamber operator holding a valid permit issued by a County Agricultural Commissioner who is implementing the 1996 Memorandum of Understanding between the Monterey, San Benito and Santa Cruz County Agricultural Commissioners and MBARD, shall be exempt from any Annual Renewal Fee for the MBARD Permit to Operate for that fumigation chamber, unless circumstances have arisen during the year which require MBARD resources to be expended. In such cases an annual renewal fee as set forth in Rule 301, Table 1 Fumigation Chamber shall be paid upon notice by MBARD.

4.10 Annual Renewal Fee Determination; Authorities to Construct

An annual renewal fee for each Authority to Construct (ATC) held by sources shall be the sum of the ATC fee plus an emission fee. The ATC fee is set forth in Rule 301, Table 1 Other Annual Renewal Fees and an emission fee as determined by MBARD in accordance with this rule, for the operation of any article, machine, equipment or other contrivance as specified within the Authority to Construct, and which does not hold a valid permit to operate.

4.11 Annual Renewal Fee Determination; Toxics Program Sources

In addition to any other annual renewal fee determinations required by other Sections of this Rule, all Permits to Operate and Authorities to Construct, with the exception of sources subject to Section 4.8 of this Rule and wood-working operations with no other permits, shall be assessed an annual toxics program fee as set forth in Rule 301, Table 1 Other Annual Renewal Fee Determination.

PART 5 DELINQUENCY PENALTIES

5.1 Permit Fee and Annual Renewal Fee Delinquency Penalties

If any fee payment required pursuant to Part 3 or Part 4 of this Rule is not submitted within 60 days of the issuance date of MBARD's billing statement, it shall be considered delinquent, and penalties for the delinquency shall be imposed as set forth below.

5.1.1 For purposes of this Part any fee payment shall be considered to be timely if it is postmarked on or before the 60th day following the statement issuance date. If the 60th day falls on a Saturday, Sunday, or holiday, the fee payment may be postmarked on the next business day with the same effect as if it had been postmarked on the 60th day. A credit card or e-check payment is timely if the payment date is on or before the 60th day following the statement issuance date. If the 60th day falls on a Saturday, Sunday, or holiday, the credit card or e-check payment date may be on the next business day with the same effect as if it had been paid on the 60th day.

5.1.2 If no fee payment is submitted within the time prescribed by Section 5.1.1, a delinquency penalty of 25 percent of the amount of the billed fee, to a maximum of $5,000, shall be added to the amount of fee due.

5.1.3 If a fee payment is timely paid, but the tendered amount is less than the amount due, the payment shall not be accepted, and the time for proper payment continues to run.

5.1.4 If an Annual Renewal Fee (Part 4), requested revision fee, or Rule 217 revision fee (Section 3.10) payment is delinquent and the fee plus the delinquency penalty is not received within 90 days of the issuance date of MBARD's billing statement, the delinquency penalty shall be increased to 50 percent of the original amount due, to a maximum of $7,500.

5.1.5 If, in the case of a failure to pay permit fees required pursuant to Part 3 (except Section 3.10), the delinquent fee plus penalties assessed pursuant to Section 5.1.2 are not received within 120 days of the issuance date of MBARD's billing statement, the permittee shall be considered to be in default of its permit fee obligation and its Permit to Operate or Authority to Construct is denied and that further operation of the subject equipment without a valid permit is prohibited. Such denial shall not preclude the applicant from submitting another permit application and beginning the process anew, although the delinquent fee and all penalties shall become an obligation owing to MBARD, which may be recovered along with any permit fee from such new application.

5.1.6 If, in the case of a failure to pay Rule 217 revision fees (Section 3.10), or Annual Renewal Fees (Part 4), the delinquent Annual Renewal Fee plus

penalties assessed pursuant to Section 5.1.4 are not submitted within 120 days of the issuance date of MBARD's billing statement, any affected Permit to Operate or Authority to Construct shall automatically expire and that further operation of the subject equipment without a valid permit is prohibited.

5.1.6.1 Within 30 days of the expiration date, an expired permit may be reinstated by payment in full of the unpaid Annual Renewal Fees and all penalties that are owed to MBARD.

5.1.6.2 After 30 days from the expiration date, ~~In the event~~ the person whose permit has expired must apply ~~applies~~ for a new permit and pay any permit fee for such application.~~, the unpaid Annual Renewal Fee and all penalties shall be recovered along with any permit fee from such new application.~~

5.1.6.3 Reinstatement of an expired permit shall not limit MBARD's right to pursue any other remedy provided by law for operating during the time that the permit was expired.

5.1.7 If, in the case of a failure to pay the permit fee for a permit issued by the Hearing Board (Section 3.9), the delinquent fee plus penalty assessed pursuant to Section 5.1.2 is not received within 60 days of the issuance date of the MBARD's billing statement, the delinquency penalty shall be increased to 50 percent of the original amount due, to a maximum of $7,500.

5.1.7.1 If the delinquent permit fee plus penalties assessed pursuant to Sections 5.1.2 and 5.1.7 are not submitted within 90 days of the issuance date of MBARD's billing statement, the permittee shall be in default of its fee obligation and in violation of this Rule. In such case, the Air Pollution Control Officer shall petition the Hearing Board to hold a hearing to determine whether any or all of the facility's permits should be revoked pursuant to Health and Safety Code Section 42307.

5.1.7.2 After MBARD has initiated a permit revocation action through the filing of an accusation with the Hearing Board, but before the revocation hearing is held, the permittee may still cure its default by submitting all outstanding fees, plus delinquency penalties and a revocation initiation fee as set forth in Rule 301, Table 1 Revocation Initiation.

5.1.7.3 If any Permit to Operate is revoked by the Hearing Board on account of such default, it may be reinstated or replaced with a new permit, upon written request of the permittee and upon full payment of all outstanding fees, penalties, revocation initiation fee,

and a reinstatement fee as set forth in Rule 301, Table 1 Reinstatement.

5.2 Extension of Payment Period by the APCO

The 60-day payment period for fee payment required pursuant to Part 3 or Part 4 of this Rule may be extended for extraordinary circumstances at the discretion of the Air Pollution Control Officer (APCO). The adequacy of cause to extend the period shall be decided on a case-by-case basis by the APCO.

5.3 Waiver of Penalty by the APCO

The penalty for fee delinquency may be waived for extraordinary circumstances at the discretion of the APCO, provided that there have been no prior delinquencies. The adequacy of cause to waive the penalty shall be decided on a case-by-case basis by the APCO.

PART 6 EMISSION REDUCTION CREDIT FEES

6.1 Emission Reduction Credits (ERCs)

To the extent that ERCs are credited to the ERC Registry developed pursuant to Rule 215, and for the ERCs to remain valid, the fees specified in Sections 6.1.1 and 6.1.2 below shall be paid within 60 days of the issuance of MBARD's billing statement. ERC Banking Certificates are not in effect and cannot be traded or used in any manner unless the appropriate fees required herein have been fully paid.

6.1.1 ERC Registry Fee

Every applicant shall pay an initial registration fee as set forth in Rule 301, Table 1 Other Annual Renewal Fee Determination for registration in the ERC Registry. However, if MBARD determines that this fee does not fairly represent MBARD's engineering, inspecting, and evaluation costs in processing the subject application, MBARD shall assess an additional registry fee based on the actual estimated costs incurred by MBARD in processing the application at the hourly staff rate. Registry fees assessed under this schedule may be appealed to the Hearing Board in accordance with Regulation VI provisions.

6.1.2 Annual Registry Fee

Every person registered in the ERC Registry shall pay an annual banking fee as set forth in Rule 301, Table 1 Other Annual Renewal Fee Determination. However, MBARD may assess an additional annual registry fee based on the actual estimated costs incurred by MBARD in maintaining the subject ERC Registry account at the hourly staff rate. Annual registry fees assessed under this schedule may be appealed to the Hearing Board in accordance with Regulation VI provisions.

PART 7 MISCELLANEOUS FEES

7.1 Other Professional Services, Materials, Equipment Charges

Where MBARD supplies professional services, courtesy inspections, materials, or equipment at the request of any person not subject to the provisions of Section 3.14, the requesting party(ies) shall pay the actual cost incurred by MBARD in providing such services, materials or equipment. Such fee shall be based on the hourly staff rate and the staff time spent performing the services, and upon the actual cost of any materials and equipment supplied, and shall be paid within 30 days of the MBARD billing date. Where the request is from a small, identifiable group of requesters, the fee may be prorated among them. MBARD may elect to provide such services, materials or equipment without charge or at reduced cost to promote legitimate MBARD interests.

* * * * *

MONTEREY BAY AIR RESOURCES DISTRICT
REGULATION III
FEES

RULE 301. FEE SCHEDULES

(Adopted 9-1-74; Revised 9-16-76, 5-31-78, 5-20-81, 8-18-82, 6-13-83, 7-19-84, 12-13-84, 7-17-85, 6-11-86, 12-17-86, 6-10-87, 9-16-87, 6-20-88, 12-14-88, 6-14-89, 6-13-90, 6-26-91, 5-17-95, 6-21-95 ; 6-18-97; 6-17-98; 6-16-99; 6-21-00; 6-20-01; 6-19-02; 6-18-03; 6-16-04; 6-15-05; 6-21-06; 6-20-07; 6-18-08; 6-17-09; 6-30-10; 6-15-11; 6-18-14; 6-17-15; 6-15-16; 6-21-17; 6-25-18; 6-24-19; 6-17-20; 6-16-21; 6-15-22; 6-21-23; 6-19-24, Proposed 6-18-25.)

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Schedule 76 - Toxic Air Contaminants

Schedule 87 - Public Notification

Schedule 98 – Public Records Requests

Schedule 109 – Mutual Settlement Program

Table 1. Fee Schedule

Effective Dates

This Rule, as most recently revised, is effective on July 1, 20254.

Table 1 Fee Schedule included at the end of this rule identifies the current fees for this rule, Rule 300, Rule 302, Rule 303, Rule 305, Rule 306, Rule 307, Rule 308, Rule 309, and Rule 310.

MONTEREY BAY AIR RESOURCES DISTRICT
REGULATION III
FEES

Schedule 1

Hourly Staff Rate

The fee assessed by the Monterey Bay Air Resources District (MBARD) per hour of staff time.

Schedule 2

General Permit Fees

Any article, machine, equipment or other contrivance for which a permit is required and which is not Equipment Which Has Lost Permit Exemption (Schedule 43) shall be assessed a permit fee as set forth in Table 1 Schedule 21. However, if the Air Pollution Control Officer determines that the revenue provided by this Rule does not fairly represent MBARD's costs in processing the subject permit application, the Air Pollution Control Officer shall assess a permit fee based on the actual costs incurred by MBARD in processing the application in accordance with the hourly staff rate, which shall be rounded to the nearest whole hour. This fee shall not apply to gasoline dispensing facilities upgrading In-Station Diagnostic software unless the change will require a vapor recovery test.

Schedule 32

Administrative Amendment

Any permit that requires an administrative amendment shall be assessed a permit fee as set forth in Table 1 Fee Schedule 3. However, if the Air Pollution Control Officer determines that the revenue provided by this Rule does not fairly represent MBARD's costs in processing the subject permit application, the Air Pollution Control Officer shall assess a permit fee based on the actual costs incurred by MBARD in processing the application in accordance with the hourly staff rate, which shall be rounded to the nearest whole hour.

Schedule 43

Equipment Which Has Lost Permit Exemption

Any article, machine, equipment or other contrivance for which a permit exemption has been lost due to revision to MBARD Rule 201 (Sources not Requiring Permits) shall be assessed a permit fee as set forth in Table 1 Schedule 43. However, if the Air Pollution Control Officer determines that the revenue provided by this Rule does not fairly represent MBARD's costs in processing the subject permit application, the Air Pollution Control Officer shall assess a permit fee based on the actual costs incurred by MBARD in processing the application in accordance with the hourly staff rate, which shall be rounded to the nearest whole hour.

Schedule 54

Complex Permit Applications

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, additional permit evaluation fees shall be based on the actual hours spent by MBARD staff in evaluating the application and verifying equipment compliance in accordance with the Hourly Staff Rate set forth in Table 1 Schedule 54. Examples of a complex permit applications include but are not limited to; composting facilities, landfill projects, retail gasoline stations, equipment involving waste disposal by incineration, gasification, or other thermal process, Best Available Control Technology cost-effectiveness determinations, equipment involving the emission of hazardous or toxic air contaminants, or equipment or processes with the potential to emit more than 10 tons per year of any pollutant.

Schedule 65
Emission Fees

In addition to other fees required, any article, machine, equipment or other contrivance which does not hold a valid MBARD Authority to Construct or Permit to Operate shall be assessed an emissions fee as set forth in Table 1 Schedule 65.

Schedule 76
Toxic Air Contaminants

In addition to other fees required, each permit application shall be assessed a toxics emission fee as set forth in Table 1 Schedule 76.

Schedule 87
Public Notification

In addition to other fees required, projects for which permits are issued following public notice ~~published in newspapers~~ shall pay a public notification fee as set forth in Table 1 Schedule 87 for the project.

Schedule 98
Public Record Requests

Direct costs for duplication of hardcopies via paper or scanning of MBARD records will be assessed fees as set forth in Table 1 Schedule 98.

The transfer of gathered electronic records onto CD, USB drive, or other similar type media will be assessed an electronic media fee as set forth in Table 1 Schedule 98.

Fees for programming and computer services will be based on the actual cost of the staff time needed to perform the work based on the hourly staff rate as set forth in Table 1 Schedule 1 Hourly Staff Rate. The level of staff needed to fulfill the request for electronic information could

vary depending on the intricacies and complexity of the request. For significant efforts, the requestor may be required to pay a portion or all of the costs in advance of commencing the work. The requestor may submit a request for a waiver or a reduction of fees incurred, which will be considered by MBARD.

Requestors who wish to receive records via mail (regular mail, express, etc.) must pay mailing charges in accordance with the current postage rates.

Schedule 10~~9~~

Mutual Settlement Program

The gravity based penalty calculation shall be multiplied by the base rate minimum penalty value as set forth in Table 1 Schedule 10~~9~~.

Table 1. Fee Schedule

Rule 300 (Part 3, Permit Fees)

	Permit Fees	Rule 300 (FY 2024-2025)	Rule 300 (FY 2025-2026)
Section 3.1	Filing Fee	$ 243	$ 250
Section 3.4.1	Synthetic Minor Permit Filing Fee	$ 358	$ 368
Section 3.4.2	Synthetic Minor Permit Evaluation Fee	$ 1,430	$ 1,470

Rule 300 (Annual Renewal Fees for Source Specific Categories, Section 4.3)

Source Category	Rule 300 (FY 2024-2025)	Rule 300 (FY 2025-2026)
Compost Operations:		
-Material Throughput < 20,000 tons per day	NA	$916
-Material Throughput ≥ 20,000 - 100,000 tons per day	NA	$2,589
-Material Throughput ≥ 100,000 tons per day	NA	$4,490
Dry Cleaner	$384	$395
Emergency Diesel Fueled Internal Combustion Engine (fee code 202)	$419	$431
Emergency Diesel Fueled Internal Combustion Engine (historical fee code 501)	$284	$292
Emergency Non-Diesel Fueled Internal Combustion Engine	$284	$292
Fume Hood	$260	$267
Fossil Fueled Power Plant Gas Turbine Maximum Rated Heat Input (Moss Landing Power Plant Only)	$62 per MMBtu/hr	$64 per MMBtu/hr
Lime Processing Facility (3-year average kiln annual production rates):		
-Kiln production rate < 100,000 short tons per year	$0.62 per short ton	$0.64 per short ton
-Kiln production rate > 100,000 short tons per year	$0.86 per short ton	$0.88 per short ton
Cannabis Cultivation/Manufacturing/Processing Operations and Odors	$678	$697
Synthetic Minor Permit	$49 per ton	$50 per ton
Woodworking Operations with No Other Permits	$278	$286

Table 1. Fee Schedule

Rule 300 (Annual Renewal Fees , Section 4.4)

Billable Emission per Permit; Tons per Year	Rule 300 (FY 2024-2025)	Rule 300 (FY 2025-2026)
0 - < 0.1	$ 242	$ 249
0.1 - < 1	$ 363	$ 373
1 - < 2	$ 453	$ 466
2 - < 5	$ 648	$ 666
5 - < 8	$ 891	$ 916
8 - < 10	$ 1,704	$ 1,752
10 - < 20	$ 2,518	$ 2,589
20 - < 30	$ 4,368	$ 4,490
30 - < 45	$ 6,214	$ 6,388
45 - < 60	$ 7,599	$ 7,812
60 - < 80	$ 8,985	$ 9,237
80 - < 100	$ 9,893	$ 10,170
100 - < 150	$ 10,786	$ 11,088
150 - < 200	$ 13,063	$ 13,429
200 - < 250	$ 15,338	$ 15,767
> 250	$ 19,052	$ 19,585

Rule 300 (Annual Renewal Fee Determination, Section 4.5)

Fees	Rule 300 (FY 2024-2025)	Rule 300 (FY 2025-2026)
Section 4.5.1	$ 1,182	$ 1,215
Section 4.5.2	$ 593	$ 610
Section 4.5.3	$ 593	$ 610

Rule 300 (Gasoline Throughput Fees, Section 4.6)

	Fuel Throughput; Gallons per Year	Rule 300 (FY 2024-2025)	Rule 300 (FY 2025-2026)
Section 4.6	Per Nozzle Fee	$ 60	$ 62
Throughput "b"	0 - < 120,000	$ 289	$ 297
	120,000 - < 400,000	$ 464	$ 477
	400,000 - < 600,000	$ 684	$ 703
	600,000 - < 1,200,000	$ 912	$ 938
	1,200,000 - < 1,600,000	$ 1,135	$ 1,167
	1,600,000 - < 2,000,000	$ 1,468	$ 1,509
	2,000,000 - < 3,000,000	$ 2,227	$ 2,289
	3,000,000 - < 4,000,000	$ 2,967	$ 3,050
	4,000,000 - < 5,000,000	$ 3,707	$ 3,811
	5,000,000 - < 6,000,000	$ 4,448	$ 4,573
	6,000,000 - < 7,000,000	$ 5,187	$ 5,332
	7,000,000 - < 8,000,000	$ 5,928	$ 6,094
	8,000,000 - < 9,000,000	$ 6,668	$ 6,855
	9,000,000 - < 10,000,000	$ 7,409	$ 7,616
	10,000,000 - < 11,000,000	$ 8,148	$ 8,376
	Greater than 11,000,000	$ 8,888	$ 9,137

Table 1. Fee Schedule

Rule 300 (Wastewater Treatment Facilities Fees, Section 4.7)

	Average Flow; Gallons per Day	Rule 300 (FY 2024-2025)	Rule 300 (FY 2025-2026)
	0- ≤ 9,999,999	$ 235	$ 242
	10,000,000 - 20,000,000	$ 2,934	$ 3,016
	>20,000,000	$ 7,630	$ 7,844

Rule 300 (Other Annual Renewal Fee Determination)

	Fees	Rule 300 (FY 2024-2025)	Rule 300 (FY 2025-2026)
Section 4.8	Annual Renewal Fee for NESHAP Sources	$ 19,052	$ 19,585
Section 4.9	Methyl Bromide Fumigation Chambers	$ 216	$ 222
Section 4.10	Authorities to Construct	$ 216	$ 222
Section 4.11	Toxic Program Sources	$ 113	$ 116
Section 6.1	ERC Registry Fee	$ 718	$ 738
Section 6.1.2	Annual Regsitry Fee	$ 240	$ 247

Rule 300 (Delinquency Penalties)

	Fees	Rule 300 (FY 2024-2025)	Rule 300 (FY 2025-2026)
Section 5.1.7.2	Revocation Initiation	$ 612	$ 629
Section 5.1.7.3	Reinstatement	$ 923	$ 949

Table 1. Fee Schedule

Rule 301 (Permit Fee Schedules)

	Fee Schedules	Rule 301 (FY 2024-2025)	Rule 301 (FY 2025-2026)
Schedule 1	Hourly Staff Rate	$ 173	$ 178
Schedule ~~1~~2	General Permit Fee	$1,087 plus the hourly staff rate	$1,117 plus the hourly staff rate
Schedule ~~2~~3	Administrative Amendment	$352 plus the hourly staff rate	$362 plus the hourly staff rate
Schedule ~~3~~4	Equipment that Lost Permit Exemption		
Schedule ~~4~~5	Complex Permit Applications Hourly Staff Rate	$ 173	$ 178
Schedule ~~5~~6	Emission Fees	$ 242	$ 249
Schedule ~~6~~7	Toxic Air Contaminants	$ 243	$ 250
Schedule ~~7~~8	Public Notification	$ 738	$ 759
Schedule ~~8~~9	Public Record Request		
	Paper Photocopies	$0.10 per page	$0.10 per page
	Scanned Copies	$0.10 per page	$0.10 per page
	Electronic Media	$ 7	$ 7
Schedule ~~9~~10	Mutual Settlement Program Base Rate	$ 230	$ 236

Table 1. Fee Schedule

Rule 302 (Source Testing and Analyses)

	Type of Test	Rule 302 (FY 2024-2025)	Rule 302 (FY 2025-2026)
Section 4.1	Visible emission evaluation test or observation of source testing	$173 + $173 per hour for every staff hour in excess of one staff hour	$178 + $178 per hour for every staff hour in excess of one staff hour

Rule 305 (AB2588 Implementation Fees)

	Fee Determination	Rule 305 (FY 2024-2025)	Rule 305 (FY 2025-2026)
Hourly Staff Rate for:			
Section 3.1.2-3.1.3	Emission Inventory, Public Notification, Audit and Plan, Supplemental Risk Assessment	$ 173	$ 178
Section 3.3.5.1	Revocation Initiation	$ 612	$ 629
Section 3.3.5.2	Reinstatement	$ 923	$ 949

Table 1. Fee Schedule

Rule 306 (Asbestos NESHAP Fees)

	Fee	Rule 306 (FY 2024-2025)	Rule 306 (FY 2025-2026)
Section 4.2	Demolition (cost per structure) (Including Where No Asbestos Present)	$ 510	$ 524

Schedule of Fees for Removal of Asbestos-Containing Materials

Demolition or Renovation involving Regulated Asbestos Containing Material (RACM) (fees apply to the material quantity in the highest fee category):

Square Feet	Linear Feet	Rule 306 (FY 2024-2025)	Rule 306 (FY 2025-2026)
160-999 OR Equal to or Greater that 35 cubic feet	260-499	$ 887	$ 912
1000 - 1499	500-749	$ 1,146	$ 1,178
1,500-1,999	750-999	$ 1,400	$ 1,439
2,000-3,999	1,000-1,999	$ 1,650	$ 1,696
4,000-9,999	2,000-2,999	$ 1,890	$ 1,943
10,000-19,999	3,000-4,999	$ 2,069	$ 2,127
20,000-29,999	5,000-6,999	$ 2,579	$ 2,651
30,000-39,999	7,000-9,999	$ 3,091	$ 3,178
40,000-49,999	10,000-11,999	$ 3,601	$ 3,702
Equal to or Greater than 50,000	Equal to or Greater than 12,000	$ 4,113	$ 4,228

Table 1. Fee Schedule

Rule 308 (Title V Fees)

	Title V Fees		Rule 308 (FY 2024-2025)		Rule 308 (FY 2025-2026)
Section 3.1.1	Filing Fee for an initial Federal Operating Permit, renewal, or modification	$	496	$	510
Section 3.1.2	Filing Fee for Change of Ownership	$	173	$	178
Section 3.3	Evaluation Hourly Fee	$	173	$	178
Section 4.1.1	Minimum Annual Federal Operating Permit Fee (AFOPF)	$	1,182	$	1,215
Section 4.1.2.1	AFPOF for landfill gas emissions per ton	$	3.60	$	3.70

Rule 309 (Hearing Board Fees)

	Hearing Board Fees		Rule 309 (FY 2024-2025)		Rule 309 (FY 2025-2026)
Section 3.1.1-3.1.10	Fee for Each Additional Hearing	$	575	$	591
Application Fees:					
Section 3.1.1	Length of variance exceeds 90 days	$	1,147	$	1,179
Section 3.1.2	Length of variance does not exceed 90 days	$	803	$	825
Section 3.1.3	Modifying a variance				
Section 3.1.4	Modify a Variance's Schedule of Increments of Progress or Final Compliance Date				
Section 3.1.5	Approval of Schedule of Increments of Progress	$	575	$	591
Section 3.1.6	Emergency Variance				
Section 3.1.7	Permit Denial				
Section 3.1.8	Issuance of Permit				
Section 3.1.9	Suspension of Permit				
Section 3.1.10	Intervention in a Pending Variance				
Section 3.2	Excess Emissions ($ per pound of excess emissions)	$	0.77	$	0.79
Section 3.3.1	Excess Visible Emission	$	2.20	$	2.26
Section 3.4	Minimum Fees	$	575	$	591

Rule 310 (Agricultural Diesel Engine Registration Fees)

	Ag Engine Fees		Rule 310 (FY 2024-2025)		Rule 310 (FY 2025-2026)
Application Fees:					
Section 3.1.1	Initial in-use or new registration	$	243	$	250
Section 3.1.2	Additional Engine Fee	$	173	$	178
Section 3.2	Operational Annual Registration Fees	$	90	$	93
	Non-Operational Annual Registration Fees	$	46	$	47
Section 3.3	Transfer of Owner/Change of Location	$	243	$	250

The proposed fee increase is 2.8%.

MONTEREY BAY AIR RESOURCES DISTRICT
REGULATION III
FEES

RULE 309. HEARING BOARD FEES

(Adopted June 19, 2002; June 18, 2003; June 16, 2004; June 15, 2005; June 21, 2006; June 20, 2007; June 18, 2008; June 30, 2010; June 15, 2011; June 18, 2014; June 17, 2015; and June 15, 2016, and Proposed June 18, 2025.)

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MONTEREY BAY AIR RESOURCES DISTRICT
REGULATION III
FEES

PART 1 GENERAL

1.1 Purpose

The purpose of this Rule is to provide funding for Hearing Board Activities.

1.2 Applicability

The provisions of this Rule shall apply to any person or facility that applies for a variance, or appeals a permit decision.

1.3 Exemptions

Reserved.

1.4 Effective Dates

This Rule, as most recently revised, is effective on July 1, 2016.

1.5 References

The requirements of this Rule arise from California Health & Safety Code Sections 40701.5, and 40800 *et seq*. Referenced or related ~~District~~ Rules include: Regulation VI (Procedure Before the Hearing Board ~~Rules~~).

PART 2 DEFINITIONS

2.1 Emergency Variance

A variance issued pursuant to HSC Section 42359.5.

2.2 Health & Safety Code (HSC)

The California Health and Safety Code.

2.3 Increments of Progress

Identified compliance milestones with identified due dates which are included as a condition for the issuance of a variance.

2.4 Intervention

To become involved as a third party to a pending variance application, for the protection of one's own interests.

2.5 Variance

Official approval to exceed existing permit or regulatory requirements.

PART 3 REQUIREMENTS

3.1 Application Fees

3.1.1 The fee for each application for variance exceeding 90 days is set forth in Rule 301 Table 1 Hearing Board Fees, in accordance with HSC Section 42350, including applications on behalf of a class of applicants, which meet the requirements of the Hearing Board Rules for a valid and proper class action for variance, plus the fee set forth in Rule 301 Table 1 Hearing Board Fees for each hearing in addition to the first hearing necessary to dispose of said variance application.

3.1.2 The fee for each application for variance not exceeding 90 days is set forth in Rule 301 Table 1 Hearing Board Fees, in accordance with HSC Section 42350, including applications on behalf of a class of applicants, which meet the requirements of the Hearing Board Rules for a valid and proper class action for variance, plus the fee set forth in Rule 301 Table 1 Hearing Board Fees for each hearing in addition to the first hearing necessary to dispose of said variance application.

3.1.3 The fee for each application to modify a variance is set forth in Rule 301 Table 1 Hearing Board Fees, in accordance with HSC Section 42356, plus the fee set forth in Rule 301 Table 1 Hearing Board Fees for each hearing in addition to

the first hearing on said application to modify a variance, necessary to dispose of the modification application.

3.1.4 The fee for each application to modify a variance's schedule of Increments of Progress or Final Compliance Date is set forth in Rule 301 Table 1 Hearing Board Fees, in accordance with HSC Section 42357, plus the fee set forth in Rule 301 Table 1 Hearing Board Fees for each in addition to the first hearing on an application to modify the schedule of a variance, necessary to dispose of the modification application.

3.1.5 The fee for each application for approval of a Schedule of Increments of Progress is set forth in Rule 301 Table 1 Hearing Board Fees, in accordance with HSC Section 41703, plus the fee set forth in Rule 301 Table 1 Hearing Board Fees for each in addition to the first hearing on said application for approval of a schedule of Increments of Progress, pursuant to HSC Section 41703.

3.1.6 The fee for each application for an emergency variance is set forth in Rule 301 Table 1 Hearing Board Fees, in accordance with HSC Section 42359.5.

3.1.7 The fee for each application for Hearing Board review of ~~the~~ MBARD's ~~District's~~ denial of a permit is set forth in Rule 301 Table 1 Hearing Board Fees, in accordance with HSC Section 42302, plus for each hearing (set forth in Rule 301 Table 1 Hearing Board Fees) in addition to the first hearing on said application for review.

3.1.8 The fee for each application for Hearing Board review of the MBARD's ~~District's~~ issuance of a permit is set forth in Rule 301 Table 1 Hearing Board Fee, in accordance with HSC Section 42302.1, plus for each hearing (set forth in Rule 301 Table 1 Hearing Board Fees) in addition to the first hearing on said application for review.

3.1.9 The fee for each application for Hearing Board review of ~~the~~ ~~District~~MBARD's suspension of a permit is set forth in Rule 301 Table 1 Hearing Board Fees, in accordance with HSC Section 42306, plus for each hearing (set forth in Rule 301 Table 1 Hearing Board Fees) in addition to the first hearing on said application for review.

3.1.10 The fee for each application for intervention in a pending variance action pursuant to Section 5.7 of Regulation VI, plus for each hearing (set forth in Rule 301 Table 1 Hearing Board Fees) in addition to the first hearing in which any intervener participates as a party.

3.2 Excess Emission Fee

Each applicant for a variance shall pay to the Clerk of the Hearing Board, in addition to the filing fee required, an excess emission fee based on the difference between the emissions allowed by MBARD~~the District~~ rules and the maximum emissions, other than those described in Section 3.3 below, allowed by the variance. The fee shall be an amount per pound of excess emissions that is set forth in Rule 301 Table 1 Hearing Board Fees.

3.3 Excess Visible Emission Fee

Each applicant for a variance from a limitation upon the opacity of emissions shall pay to the Clerk of the Hearing Board, in addition to any filing fees required and any excess emission fee required by Section 3.2 above, an excess visible emission fee based on the difference between the percent opacity allowed by the limitation and the maximum percent opacity of the emissions allowed from the source or sources operating under the variance, in accordance with the fee set forth in Subsection 3.3.1 below.

In the event more than one rule limiting the discharge of the same contaminant is violated, the excess emission fee or excess visible emission fee shall consist of the sum of fees for all individual excesses. For the purpose of this Rule, opacity rules and particulate mass emission rules shall not be considered rules limiting the discharge of the same contaminant.

3.3.1 Excess Visible Emission Fee

For each source excessive opacity emissions the fee is calculated as follows:

Fee = (Opacity* allowed by variance
- opacity allowed by rules) X
number of days allowed in variance x the amount set forth in Rule 301 Table 1 Hearing Board Fees

* Where the opacity equals the maximum opacity of emissions in percent (not decimal equivalent) allowed by the variance. Where the emissions are darker than the degree of darkness equivalent to the allowed Ringelmann number, the percentage equivalent of the excess degree of darkness shall be used as "Opacity".

3.4 Minimum Fees

When a variance is granted from a rule or rules which limit the discharge of air contaminants, such that an excess emission fee or excess visible emission fee is due, a minimum fee is due as set forth in Rule 301 Table 1 Hearing Board Fees.

PART 4 ADMINISTRATIVE REQUIREMENTS

4.1 Application Fees

All application fees shall be submitted with the application with the exception of application fees for emergency variances which must be submitted within four (4) days of receipt of the application.

4.2 Applicability of Excess Emission Fees

The provisions of Section 3.2 above shall apply only to those rules or statutes that specify quantitative emission limits.

4.3 Fee Determination

The excess emission fee shall be calculated based upon the requested number of days of operation under variance multiplied by the excess emissions per day allowed by the variance, as set forth in Sections 3.2 and 3.3 above.

4.4 Hearing Board Adjustment of Excess Emission Fees

The Hearing Board may adjust the excess emission fee required by Sections 3.2 and 3.3 based on evidence regarding emissions presented at the time of the hearing.

4.5 Excess Emission Fee Payment

The excess emission fee required by Sections 3.2 and 3.3 shall be paid within ten (10) days of the effective date of the variance.

~~4.6 Discretionary Powers~~

~~When it is determined by the Hearing Board that payment of fees required by Sections 3.2 and 3.3 would present an economic hardship to the petitioner, the petitioner may be exempted from such fees, or a portion of them.~~

4.~~7~~4.6 Essential Public ~~Agencies~~Services – Excess Emission Fee Waiver

The APCO may recommend to the Hearing Board to waive excess emissions fees for an essential public service as defined in HSC Section 42352(a) and Regulation VI. ~~Public agencies qualifying under Government Code Section 6103 shall be exempt from payment of excess emission fees.~~

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