



**MONTEREY BAY AIR RESOURCES DISTRICT**

24580 Silver Cloud Court, Monterey, CA 93940

<b>MEETING DATE:</b>	June 15, 2022	<b>REGULAR</b>
<b>TO:</b>	Board of Directors	
<b>FROM:</b>	Amy Clymo, Engineering and Compliance Manager	
<b>SUBJECT:</b>	Hold Second Public Hearing and Adopt a Resolution Approving Proposed Revisions to the following District Fee Rules: - 300 (Permit Fees); - 301 (Fee Schedules); - 306 (Asbestos NESHAP Fees).	

RECOMMENDATION

Hold Second Public Hearing and Adopt a Resolution Approving Proposed Revisions to the following District Fee Rules:

- 300 (Permit Fees);
- 301 (Fee Schedules);
- 306 (Asbestos NESHAP Fees).

DISCUSSION

As part of the Fiscal Year (FY) 2022-2023 budget, staff is proposing a 4.2% fee increase consistent with the Consumer Price Index for the San Francisco Area. The proposed revisions are summarized below:

Rules 300 and 301

- Rule 300, Add Section 4.6.3: Clarify that the throughput categories apply to any type of fuel dispensed which is subject to permitting, not just gasoline. For example, dispensing a fuel such as E85 which contains a maximum of 85% ethanol and a minimum of 15% petroleum distillate, would be subject to the throughput fees. However, dispensing diesel is not subject because we do not permit diesel fuel storage or dispensing.
- Update the fees to reflect the CPI increase.

Rule 306 Asbestos NESHAP Fees

- Remove the cancellation fee in Section 4.2 and 4.5.

Outreach

The District mailed and emailed a fee rule revision notice to permitted sources and contractors in the asbestos program along with posting the information to the District website. The District hosted one remote public workshop on April 12 to present and receive comments on the FY

## **Agenda Item No. 15**

2021-2022 budget and fee rule revisions. No comments were received at the workshop and no written comments have been received via mail or email.

### ATTACHMENTS

Proposed Resolution  
Staff Report and Rules

DRAFT RESOLUTION 22-XXX

BEFORE THE AIR POLLUTION CONTROL BOARD OF THE  
MONTEREY BAY AIR RESOURCES DISTRICT

Approval of Revised District Fees Rules:.....)  
300 - Permit Fees .....)  
301 - Fee Schedules and Fee Table.....)  
306 - Asbestos NESHAP Fees.....)

BE IT RESOLVED that this Board hereby adopts the Revised District Rules 300 (Permit Fees), 301 (Fee Schedules), and 306 (Asbestos NESHAP Fees).

Copies of these Rules as adopted are available to view on the District’s website at [www.mbard.org](http://www.mbard.org).

This rule-making action is based upon the following findings:

1. The revisions to these Rules and Policies adopted herein are necessary for consistency with the District’s FY 2022-2023 Budget.
2. The adoption of Rules 300, 301, and 306 are authorized by California Health and Safety Code Sections 40001, 40702, and 42311 *et seq.*
4. The Rules and Policies adopted herein are written and will be published so that their meaning can be easily understood by the persons directly affected by them.
5. The Rules and Policies adopted herein are consistent with existing statutes, court decisions and State and federal regulations.
6. The Rules and Policies adopted herein do not unnecessarily duplicate the requirements of any State or federal regulations.
7. The requirements of these Rules arise from California Health and Safety Code Section 42311 *et seq.* or Section 44380 *et seq.* and the federal Clean Air Act and amendments (42 U.S.C. Section 7401 *et seq.*)

NOW, THEREFORE, BE IT RESOLVED THAT THE BOARD OF DIRECTORS OF  
THE MONTEREY BAY AIR RESOURCES DISTRICT:

1. Approves revisions to the fee rules 300, 301, and 306.

PASSED AND ADOPTED this 15th day of June 2022, upon motion of, seconded by and carried by the following vote, to wit:

AYES:  
NOES:

## Agenda Item No. 15

ABSENT:

I hereby certify that the foregoing is a true and correct Resolution as duly adopted by the Board of Directors of the Monterey Bay Air Resources District on June 15, 2022.

By: \_\_\_\_\_

Approved: \_\_\_\_\_



# Staff Report

Proposed Revisions to:

Rule 300 (Permit Fees)

Rule 301 (Permit Fee Schedules)

Rule 306 (Asbestos NESHAP Fees)

March 28, 2022

Contact: Amy Clymo, Engineering and Compliance Manager, [aclymo@mbard.org](mailto:aclymo@mbard.org)

## Agenda Item No. 15

### 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 part of the draft Fiscal Year 2022-2023 budget, MBARD is considering a fee increase of 4.2% to match the Consumer Price Index for the San Francisco Area. To account for the potential fee increase, MBARD is proposing to revise the following rules:

Rule 300: Permit Fees

Rule 301: Permit Fee Schedules

Rule 306: Asbestos NESHAP 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 indicated with overstriking (overstriking) and the new text proposed to be added is indicated with underlining (underlining) and red font. Some of the proposed changes are intended to assist with implementing an online application system. The proposed revisions are summarized below:

Rules 300 and 301

- Rule 300, Add Section 4.6.3: Clarify that the throughput categories apply to any type of fuel dispensed which is subject to permitting, not just gasoline. For example, dispensing a fuel such as E85 which contains a maximum of 85% ethanol and a minimum of 15% petroleum distillate, would be subject to the throughput fees. However, dispensing diesel is not subject because we do not permit diesel fuel storage or dispensing.
- Update the fees to reflect the CPI increase.

Rule 306 Asbestos NESHAP Fees

- Remove the cancellation fee in Section 4.2 and 4.5.

### Mission



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

## 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 4.2% as part of the draft FY 2022-2023 budget. The fee increase would impact the permitted sources who may pay permit application fees and pay 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 2022-2023 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.

## 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 the MBARD's website, and by mailing or emailing the notice to permit holders.

## Public Meeting Schedule

The following summarizes the public comment opportunities. Due to the ongoing concerns with COVID-19, MBARD will hold one public workshop via Zoom in lieu of in-person public workshops. MBARD's May and June Board meetings may also be via Zoom. Please check our website at [www.mbard.org](http://www.mbard.org) one week before the Board meetings to determine whether the meetings will be available in the Zoom format and/or in-person.

Written comments are also accepted and can be emailed to [aclymo@mbard.org](mailto:aclymo@mbard.org) or mailed by June 3, 2022 to: MBARD, Amy Clymo, 24580 Silver Cloud Court, Monterey, CA, 93940.

**Agenda Item No. 15**

<b>Event</b>	<b>Date/Time/Location</b>
Public Workshop	April 12, 2022; 11:00 AM; REMOTE ONLY VIA ZOOM WEBINAR <b>Please check our website one week prior to the meeting for the Zoom link, <a href="https://www.mbard.org">https://www.mbard.org</a></b>
Initial Board Presentation First Public Hearing	May 18, 2022; 1:30 PM; <b>Please check our website one week prior to the meeting for the Zoom link and/or whether meeting will be in-person: <a href="https://www.mbard.org/board-of-directors">https://www.mbard.org/board-of-directors</a>.</b>
Board Adoption Public Hearing	June 15, 2022; 1:30 PM; REMOTE ONLY VIA ZOOM WEBINAR <b>Please check our website one week prior to the meeting for the Zoom link and/or whether meeting will be in-person: <a href="https://www.mbard.org/board-of-directors">https://www.mbard.org/board-of-directors</a></b>

**Public Comments**

No comments have been received.



ATTACHMENT  
PROPOSED RULE REVISIONS

MONTEREY BAY AIR RESOURCES DISTRICT  
REGULATION III  
FEES

RULE 300. DISTRICT 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; ~~and 6-16-21; and Proposed 6-15-22.~~)*

CONTENTS

PART 1 GENERAL..... 3

    1.1 Purpose ..... 3

    1.2 Applicability ..... 3

    1.3 Exemptions ..... 3

    1.4 Effective Date ..... 3

    1.5 References ..... 3

PART 2 DEFINITIONS ..... 3

    2.1 Administrative Amendment ..... 3

    2.2 Affected Pollutants ..... 4

    2.3 Annual Renewal Fee ..... 4

    2.4 Billable Emissions..... 5

    2.5 Hourly Staff Rate ..... 5

    2.6 Identical Replacement ..... 5

    2.7 Name Change ..... 5

    2.8 Transfer in Interest ..... 5

    2.9 Volatile Organic Compound (VOC) ..... 5

PART 3 PERMIT FEES ..... 6

    3.1 Filing Fee..... 6

    3.2 Permit to Operate..... 6

    3.3 Authority to Construct..... 7

    3.4 Synthetic Minor Permits..... 7

    3.5 Transfer in Interest or Name Change ..... 8

    3.6 Transfer of Location ..... 8

    3.7 Identical Replacement ..... 9

    3.8 Written Permit Exemption..... 9

    3.9 Permit Granted by Hearing Board..... 9

    3.10 Revising Permit Terms or Conditions ..... 9

    3.11 Withdrawal or Denial ..... 10

    3.12 Multiple Locations..... 10

**MONTEREY BAY AIR RESOURCES DISTRICT  
REGULATION III  
FEES**

3.13	Government Agencies .....	10
3.14	Professional Services, Materials, and Equipment Charges to Applicants for, or Holders of, District Permits .....	11
3.15	CEQA Compliance .....	11
3.16	Payment of Fees.....	11
PART 4	ANNUAL RENEWAL FEES (ARFs) .....	12
4.1	Renewing Permits.....	12
4.2	Renewal Procedure;.....	12
4.3	Renewal Procedure; Source Specific Categories .....	13
4.4	Annual Renewal Fee Determination .....	13
4.5	Annual Renewal Fee Determination; All Facilities Required to Submit Permit Compliance Data, Monthly or Annual Reports .....	13
4.6	Annual Renewal Fee Determination; <del>Gasoline Fuel</del> Dispensing Facilities <del>with Phase II Vapor Recovery Systems</del> .....	14
4.7	Wastewater Treatment Facilities Fee Schedule.....	15
4.8	Annual Renewal Fee Determination; NESHAPs Sources.....	15
4.9	Annual Renewal Fee Determination; Methyl Bromide Fumigation Chambers .....	15
4.10	Annual Renewal Fee Determination; Authorities to Construct.....	16
4.11	Annual Renewal Fee Determination; Toxics Program Sources .....	16
PART 5	DELINQUENCY PENALTIES .....	16
5.1	Permit Fee and Annual Renewal Fee Delinquency Penalties.....	16
5.2	Extension of Payment Period by the APCO .....	18
5.3	Waiver of Penalty by the APCO.....	18
PART 6	EMISSION REDUCTION CREDIT FEES .....	18
6.1	Emission Reduction Credits (ERCs) .....	18
PART 7	MISCELLANEOUS FEES .....	19
7.1	Other Professional Services, Materials, Equipment Charges .....	19

**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 the District's permit system; and to recover District 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 District Rule 200 (Permits Required) to obtain an Authority to Construct or Permit to Operate; and to requesters of District 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, 2021.

1.5 References

The provisions of this Rule derive from California Health and Safety Code Section 42300 et seq., relating to district permit systems and fees. The requirement for Emission Statements derives from Section 182 of the federal Clean Air Act. Related or referenced District 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.

**MONTEREY BAY AIR RESOURCES DISTRICT  
REGULATION III  
FEES**

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 the District, 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<sub>x</sub>),  
 sulfur oxides (SO<sub>x</sub>),  
 particulate matter less than 10 micrometers in aerodynamic diameter (PM<sub>10</sub>),  
 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.

**MONTEREY BAY AIR RESOURCES DISTRICT  
REGULATION III  
FEES**

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 the District's Fee Determination Protocol.

2.5 Hourly Staff Rate

The cost assessed by the District 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 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.

2.8 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.

2.9 Volatile Organic Compound (VOC)

As defined in District Rule 101 (Definitions).

**MONTEREY BAY AIR RESOURCES DISTRICT  
REGULATION III  
FEES**

**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 District 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 District permit, shall, in addition to the filing fee prescribed herein, pay the permit fee(s) prescribed by the applicable schedule(s) set forth in District 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 the District's subsequent billing(s). Additional permit fees are incurred when the applicant requests revisions to the project, or where, due to some other circumstance, the District'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 The District 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 the District's completion of its evaluation and determination that the requested permit may be issued.

3.2.2.2 Alternatively, the District may bill the applicant periodically for additional permit fee(s) incurred in the course of a project of long duration. Upon good cause, the District 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 District's completion of its processing of the

**MONTEREY BAY AIR RESOURCES DISTRICT  
REGULATION III  
FEES**

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 District 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 the District's subsequent billing(s). Additional permit fees are incurred when the applicant requests revisions to the project, or where, due to some other circumstance, the District'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 The District 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 District's completion of its evaluation and determination that the final Permit to Operate may be issued.

3.3.2.2 Alternatively, the District may bill the applicant periodically for additional permit fee(s) incurred in the course of a project of long duration. Upon good cause, the District 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 District'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



**MONTEREY BAY AIR RESOURCES DISTRICT  
REGULATION III  
FEES**

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 the District's actual cost to complete the permit process in accordance with the District 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.

**MONTEREY BAY AIR RESOURCES DISTRICT  
REGULATION III  
FEES**

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 the District 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 the District.

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 the District issues a revised Permit to Operate pursuant to Rule 217 (Annual Review of Permits), the applicant shall pay the actual cost incurred by the District in processing the application or completing the Rule 217 revisions. Such fee shall be paid within 30 days of the date of billing by the District, 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 the District's receipt of the applicant's payment of the revision fee.

3.10.3 The revised Permit to Operate initiated by the District 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

**MONTEREY BAY AIR RESOURCES DISTRICT  
REGULATION III  
FEES**

billing issued by the District pursuant to Part 4 below, or it may be billed separately, upon the District'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 the District it initiates action by the District, which commits staff resources in reliance upon the request of the applicant. In the event an applicant withdraws or cancels its application, or the District denies the requested Permit to Operate or Authority to Construct, the resources expended by the District in processing the application become an obligation owing to the District 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 the District 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 the District in processing any application for a revision to permit terms or conditions, pursuant to Section 3.8, shall be billed by the District 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 the District 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).

**MONTEREY BAY AIR RESOURCES DISTRICT  
REGULATION III  
FEES**

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

Where the District supplies professional services, courtesy inspections, materials, or equipment at the request of any applicant for, or holder of, a District permit, the requesting party(ies) shall pay the actual cost incurred by the District 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 date of billing by the District. The District 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 District costs for such services, materials or equipment may not be recovered pursuant to this Section where funding is otherwise available from other fee schedules. The District may elect to provide such services, materials or equipment without charge or at reduced cost to promote legitimate District interests.

3.15 CEQA Compliance

Where the District 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 the District 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 date of billing by the District.

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 District 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

**MONTEREY BAY AIR RESOURCES DISTRICT  
REGULATION III  
FEES**

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 the District 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 the District.

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 the District.

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 District rule, are paid in full.

**4.2 Renewal Procedure**

For sources not identified in Section 4.3, the District shall notify the permittee by mail of the Annual Renewal Fee due and the date by which it must be submitted to the District. 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 the District, any permitted source, as determined by the District, shall complete and return the Inventory Reporting Form(s) as provided by the District 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.

**MONTEREY BAY AIR RESOURCES DISTRICT  
REGULATION III  
FEES**

4.3 Renewal Procedure; Source Specific Categories

The District 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:

- 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

4.3.1 Annual Renewal Fee Reduction For Non-Operational Periods

Permittees whose operations do not result in emissions from stationary equipment during any continuous six-month period in a District fiscal year (July 1 – June 30) may request a refund of 25% of the annual renewal fee paid for that fiscal year. This request must be submitted to the District within 30 days of the end of the six-month non-operational period or within 30 days from date on the annual renewal invoice. Documentation supporting the non-operational period must be provided with the request.

The APCO shall have discretion to approve a refund request where there may have been incidental or de-minimis operation of permitted equipment for brief periods of time, for example for routine maintenance or upkeep, provided that the emissions were minimal.

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

**MONTEREY BAY AIR RESOURCES DISTRICT  
REGULATION III  
FEES**

this Rule, the District 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; ~~Gasoline-Fuel~~ Dispensing Facilities ~~with Phase II Vapor Recovery Systems~~

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:

$$\text{Fee} = a + b$$

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 ~~Gasoline Throughput~~Nozzle Fees.

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

**MONTEREY BAY AIR RESOURCES DISTRICT  
REGULATION III  
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:

$$\text{Fee} = a + b$$

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 Gasoline Throughput Nozzle Fees.

"b" = throughput fee based on the annual gasoline throughput at the facility, as set forth in Rule 301, Table 1 Gasoline 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:

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$$\text{Fee} = a + b$$

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 District 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



**MONTEREY BAY AIR RESOURCES DISTRICT  
REGULATION III  
FEES**

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 the District, shall be exempt from any Annual Renewal Fee for the District Permit to Operate that fumigation chamber, unless circumstances have arisen during the year which require District 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 the District.

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 the District 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, 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 the District'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.
- 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

**MONTEREY BAY AIR RESOURCES DISTRICT  
REGULATION III  
FEES**

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 the District'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 the District'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 the District, 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 the District'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. In the event the person whose permit has expired applies for a new permit, the unpaid Annual Renewal Fee and all penalties shall be recovered along with any permit fee from such new application.
- 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 District'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 the District'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 District 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.

**MONTEREY BAY AIR RESOURCES DISTRICT  
REGULATION III  
FEES**

5.1.7.2 After the District 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 30 days of the issuance of the District’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 the District determines that this fee does not fairly represent the District's engineering, inspecting, and evaluation costs in

**MONTEREY BAY AIR RESOURCES DISTRICT  
REGULATION III  
FEES**

processing the subject application, the District shall assess an additional registry fee based on the actual estimated costs incurred by the District 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, the District may assess an additional annual registry fee based on the actual estimated costs incurred by the District 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 the District 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 the District 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 date of billing by the District. Where the request is from a small, identifiable group of requesters, the fee may be prorated among them. The District may elect to provide such services, materials or equipment without charge or at reduced cost to promote legitimate District interests.

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MONTEREY BAY AIR RESOURCES DISTRICT  
REGULATION III  
FEES

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RULE 301. FEE SCHEDULES

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*(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; ~~and 6-16-21~~; and proposed 6-15-22.)*

CONTENTS

- Schedule 1 - General Permit Fees
- Schedule 2 – Administrative Amendment
- Schedule 3 - Equipment Which Has Lost Permit Exemption
- Schedule 4 - Complex Permit Applications
- Schedule 5 - Emission Fees
- Schedule 6 - Toxic Air Contaminants
- Schedule 7 - Public Notification
- Schedule 8 – Public Records Requests
- Schedule 9 – Mutual Settlement Program
- Table 1. Fee Schedule

Effective Dates

This Rule, as most recently revised, is effective on July 1, 2021.

Table 1 District 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  
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 3) shall be assessed a permit fee as set forth in Table 1 Schedule 1. However, if the Air Pollution Control Officer determines that the revenue provided by this Rule does not fairly represent the District'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 the District in processing the application in accordance with the District 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 2  
Administrative Amendment

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

Schedule 3  
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 District Rule 201 (Sources not Requiring Permits) shall be assessed a permit fee as set forth in Table 1 Schedule 3. However, if the Air Pollution Control Officer determines that the revenue provided by this Rule does not fairly represent the District'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 the District in processing the application in accordance with the District hourly staff rate, which shall be rounded to the nearest whole hour.

Schedule 4  
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 the District staff in evaluating the application and verifying equipment compliance in accordance with the Hourly Staff Rate set forth in Table 1 Schedule 4. 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

**MONTEREY BAY AIR RESOURCES DISTRICT  
REGULATION III  
FEES**

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 5  
Emission Fees

In addition to other fees required, any article, machine, equipment or other contrivance which does not hold a valid District Authority to Construct or Permit to Operate shall be assessed an emissions fee as set forth in Table 1 Schedule 5.

Schedule 6  
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 6.

Schedule 7  
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 7 for the project.

Schedule 8  
Public Record Requests

Direct costs for duplication of hardcopies via paper or scanning of District records will be assessed fees as set forth in Table 1 Schedule 8.

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 8.

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 District hourly staff rate as set forth in Table 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 the District.

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

**MONTEREY BAY AIR RESOURCES DISTRICT  
REGULATION III  
FEES**

Schedule 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 9.



**Table 1. Fee Schedule**

Rule 300 (Part 3, Permit Fees)		
Permit Fees	<del>Rule 300</del> (FY 2021-2022)	Rule 300 (FY 2022-2023)
Section 3.1 Filing Fee	\$ <del>221</del>	\$ 230
Section 3.4.1 Synthetic Minor Permit Filing Fee	\$ <del>325</del>	\$ 339
Section 3.4.2 Synthetic Minor Permit Evaluation Fee	\$ <del>1,298</del>	\$ 1,353

Rule 300 (Annual Renewal Fees for Source Specific Categories, Section 4.3)		
Source Category	<del>Rule 300</del> (FY 2021-2022)	Rule 300 (FY 2022-2023)
Dry Cleaner	<del>\$348</del>	\$363
Emergency Diesel Fueled Internal Combustion Engine (fee code 202)	<del>\$380</del>	\$396
Emergency Diesel Fueled Internal Combustion Engine (historical fee code 501)	<del>\$258</del>	\$269
Emergency Non-Diesel Fueled Internal Combustion Engine	<del>\$258</del>	\$269
Fume Hood	<del>\$236</del>	\$246
Fossil Fueled Power Plant Gas Turbine Maximum Rated Heat Input (Moss Landing Power Plant Only)	<del>\$56 per MMBtu/hr</del>	\$58 per MMBtu/hr
Lime Processing Facility (3-year average kiln annual production rates):		
-Kiln production rate < 100,000 short tons per year	<del>\$0.56 per short ton</del>	\$0.58 per short ton
-Kiln production rate > 100,000 short tons per year	<del>\$0.79 per short ton</del>	\$0.82 per short ton
Cannabis Cultivation/Manufacturing/Processing Operations and Odors	<del>\$616</del>	\$642
Synthetic Minor Permit	<del>\$45 per ton</del>	\$47 per ton

**Agenda Item No. 15**

**Table 1. Fee Schedule**

Rule 300 (Annual Renewal Fees , Section 4.4)

Billable Emission per Permit; Tons per Year	Rule 300 (FY 2021-2022)	Rule 300 (FY 2022-2023)
0 - < 0.1	\$ 220	\$ 229
0.1 - < 1	\$ 330	\$ 344
1 - < 2	\$ 412	\$ 429
2 - < 5	\$ 589	\$ 614
5 - < 8	\$ 809	\$ 843
8 - < 10	\$ 1,548	\$ 1,613
10 - < 20	\$ 2,287	\$ 2,383
20 - < 30	\$ 3,966	\$ 4,133
30 - < 45	\$ 5,644	\$ 5,881
45 - < 60	\$ 6,900	\$ 7,190
60 - < 80	\$ 8,159	\$ 8,502
80 - < 100	\$ 8,984	\$ 9,361
100 - < 150	\$ 9,796	\$ 10,207
150 - < 200	\$ 11,863	\$ 12,361
200 - < 250	\$ 13,929	\$ 14,514
> 250	\$ 17,301	\$ 18,028

Rule 300 (Annual Renewal Fee Determination, Section 4.5)

Fees	Rule 300 (FY 2021-2022)	Rule 300 (FY 2022-2023)
Section 4.5.1	\$ 1,073	\$ 1,118
Section 4.5.2	\$ 538	\$ 561
Section 4.5.3	\$ 538	\$ 561

Rule 300 (Gasoline Throughput Fees, Section 4.6)

	Gasoline Fuel Throughput; Gallons per Year	Rule 300 (FY 2021-2022)	Rule 300 (FY 2022-2023)
Section 4.6	Per Nozzle Fee	\$ 54	\$ 56
Throughput "b"	0 - < 120,000	\$ 263	\$ 274
	120,000 - < 400,000	\$ 421	\$ 439
	400,000 - < 600,000	\$ 622	\$ 648
	600,000 - < 1,200,000	\$ 828	\$ 863
	1,200,000 - < 1,600,000	\$ 1,031	\$ 1,074
	1,600,000 - < 2,000,000	\$ 1,333	\$ 1,389
	2,000,000 - < 3,000,000	\$ 2,023	\$ 2,108
	3,000,000 - < 4,000,000	\$ 2,695	\$ 2,808
	4,000,000 - < 5,000,000	\$ 3,367	\$ 3,508
	5,000,000 - < 6,000,000	\$ 4,039	\$ 4,209
	6,000,000 - < 7,000,000	\$ 4,711	\$ 4,909
	7,000,000 - < 8,000,000	\$ 5,384	\$ 5,610
	8,000,000 - < 9,000,000	\$ 6,056	\$ 6,310
	9,000,000 - < 10,000,000	\$ 6,728	\$ 7,011
	10,000,000 - < 11,000,000	\$ 7,400	\$ 7,711
	Greater than 11,000,000	\$ 8,072	\$ 8,411

**Table 1. Fee Schedule**

Rule 300 ( Wastewater Treatment Facilities Fees, Section 4.7)

Average Flow; Gallons per Day	<del>Rule 300</del> (FY 2021-2022)	Rule 300 (FY 2022-2023)
0- <9,999,999	\$ 213	\$ 222
10,000,000 - 20,000,000	\$ 2,665	\$ 2,777
>20,000,000	\$ 6,929	\$ 7,220

Rule 300 (Other Annual Renewal Fee Determination)

Fees	<del>Rule 300</del> (FY 2021-2022)	Rule 300 (FY 2022-2023)
Section 4.8 Annual Renewal Fee for NESHAP Sources	\$ 17,301	\$ 18,028
Section 4.9 Methyl Bromide Fumigation Chambers	\$ 197	\$ 205
Section 4.10 Authorities to Construct	\$ 197	\$ 205
Section 4.11 Toxic Program Sources	\$ 103	\$ 107
Section 6.1 ERC Registry Fee	\$ 653	\$ 680
Section 6.1.2 Annual Regsitry Fee	\$ 218	\$ 227

Rule 300 (Delinquency Penalties)

Fees	<del>Rule 300</del> (FY 2021-2022)	Rule 300 (FY 2022-2023)
Section 5.1.7.2 Revocation Initiation	\$ 556	\$ 579
Section 5.1.7.3 Reinstatement	\$ 839	\$ 874

# Agenda Item No. 15

**Table 1. Fee Schedule**

Rule 301 ( Permit Fee Schedules)

	Fee Schedules	<del>Rule 300</del> (FY 2021-2022)	Rule 300 (FY 2022-2023)
	Hourly Staff Rate	\$ <del>157</del>	\$ 164
Schedule 1	General Permit Fee	<del>\$987 plus the hourly staff rate</del>	\$1,028 plus the hourly staff rate
Schedule 2	Administrative Amendment	<del>\$320 plus the hourly staff rate</del>	\$333 plus the hourly staff rate
Schedule 3	Equipment that Lost Permit Exemption	<del>\$320 plus the hourly staff rate</del>	\$333 plus the hourly staff rate
Schedule 4	Complex Permit Applications Hourly Staff Rate	\$ <del>157</del>	\$ 164
Schedule 5	Emission Fees	\$ <del>220</del>	\$ 229
Schedule 6	Toxic Air Contaminants	\$ <del>221</del>	\$ 230
Schedule 7	Public Notification	\$ <del>670</del>	\$ 698
Schedule 8	Public Record Request		
	Paper Photocopies	<del>\$0.10 per page</del>	\$0.10 per page
	Scanned Copies	<del>\$0.10 per page</del>	\$0.10 per page
	Electronic Media	\$ <del>7</del>	\$ 7
Schedule 9	Mutual Settlement Program Base Rate	\$ <del>208</del>	\$ 217

**Table 1. Fee Schedule**

Rule 302 ( Source Testing and Analyses)

Type of Test		<del>Rule 302</del> (FY 2021-2022)	Rule 302 (FY 2022-2023)
Section 4.1	Visible emission evaluation test or observation of source testing	<del>-\$157 + \$157 per hour for every staff hour in excess of one staff hour</del>	\$164 + \$164 per hour for every staff hour in excess of one staff hour

Rule 305 (AB2588 Implementation Fees)

Fee Determination		<del>Rule 305</del> (FY 2021-2022)	Rule 305 (FY 2022-2023)
Hourly Staff Rate for:			
Section 3.1.2-3.1.3	Emission Inventory, Public Notification, Audit and Plan, Supplemental Risk Assessment	\$ <del>157</del>	\$ 164
Section 3.3.5.1	Revocation Initiation	\$ <del>556</del>	\$ 579
Section 3.3.5.2	Reinstatement	\$ <del>839</del>	\$ 874

# Agenda Item No. 15

**Table 1. Fee Schedule**

Rule 306 (Asbestos NESHP Fees)

Fee	<del>Rule 306</del> (FY 2021-2022)	Rule 306 (FY 2022-2023)
Section 4.2 Demolition (cost per structure) (Including Where No Asbestos Present)	\$ 464	\$ 483
<del>Section 4.2.1 Cancellation Fee</del>	\$ 164	NA

**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	Rule 306 (FY 2021-2022)	Rule 306 (FY 2022-2023)
160-999 OR Equal to or Greater than 35 cubic feet	\$ 806	\$ 840
1,000-1,499	\$ 1,040	\$ 1,084
1,500-1,999	\$ 1,272	\$ 1,325
2,000-3,999	\$ 1,498	\$ 1,561
4,000-9,999	\$ 1,716	\$ 1,788
10,000-19,999	\$ 1,879	\$ 1,958
20,000-29,999	\$ 2,343	\$ 2,441
30,000-39,999	\$ 2,807	\$ 2,925
40,000-49,999	\$ 3,271	\$ 3,408
Equal to or Greater than 50,000	\$ 3,735	\$ 3,892
<del>Cancellation Fee</del>	\$ 164	NA

**Table 1. Fee Schedule**

Rule 308 ( Title V Fees)		
Title V Fees	<del>Rule 308</del> (FY 2021-2022)	Rule 308 (FY 2022-2023)
Section 3.1.1	Filing Fee for an initial Federal Operating Permit, renewal, or modification	\$ 450 \$ 469
Section 3.1.2	Filing Fee for Change of Ownership	\$ 157 \$ 164
Section 3.3	Evaluation Hourly Fee	\$ 157 \$ 164
Section 4.1.1	Minimum Annual Federal Operating Permit Fee (AFOPF)	\$ 1,073 \$ 1,118
Section 4.1.2.1	AFPOF for landfill gas emissions per ton	\$ 3.27 \$ 3.41

Rule 309 (Hearing Board Fees)		
Hearing Board Fees	<del>Rule 309</del> (FY 2021-2022)	Rule 309 (FY 2022-2023)
Section 3.1.1-3.1.10	Fee for Each Additional Hearing	\$ 522 \$ 544
Application Fees:		
	Length of variance exceeds 90 days	\$ 1,041 \$ 1,085
Section 3.1.1		
	Length of variance does not exceed 90 days	\$ 729 \$ 760
Section 3.1.2		
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	\$ 522 \$ 544
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)	\$ 0.70 \$ 0.73
Section 3.3.1	Excess Visible Emission	\$ 2.00 \$ 2.08
Section 3.4	Minimum Fees	\$ 522 \$ 544

# Agenda Item No. 15

**Table 1. Fee Schedule**

Rule 310 ( Agricultural Diesel Engine Registration Fees)

Ag Engine Fees	<del>Rule 310</del> (FY 2021-2022)	<b>Rule 310</b> (FY 2022-2023)
Application Fees:		
Initial in-use or new registration	\$ <del>221</del>	\$ <b>230</b>
Section 3.1.1		
Additional Engine Fee	\$ <del>157</del>	\$ <b>164</b>
Section 3.1.2		
Section 3.2      Operational Annual Registration Fees	\$ <del>82</del>	\$ <b>85</b>
Non-Operational Annual Registration Fees	\$ <del>42</del>	\$ <b>44</b>
Section 3.3      Transfer of Owner/Change of Location	\$ <del>221</del>	\$ <b>230</b>

The proposed fee increase is 4.2% based on the CPI for the San Francisco Bay Area.



MONTEREY BAY AIR RESOURCES DISTRICT  
REGULATION III  
FEES

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RULE 306. ASBESTOS NESHAP FEES

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*(Adopted 5-13-92; Revised 6-21-95; 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; 6-30-10; 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; and proposed 6-15-2022.)*

CONTENTS

PART 1 GENERAL..... 2

    1.1 Purpose..... 2

    1.2 Applicability ..... 2

    1.3 Exemptions ..... 2

    1.4 Effective Date ..... 2

    1.5 References and Related Rules..... 2

PART 2 DEFINITIONS ..... 3

    2.1 Category I Nonfriable ACM ..... 3

    2.2 Category II Nonfriable ACM..... 3

    2.3 Demolition ..... 3

    2.4 Facility ..... 3

    2.5 Facility Component..... 3

    2.6 Friable Asbestos Material ..... 3

    2.7 Regulated Asbestos-Containing Material (RACM)..... 4

    2.8 Renovation ..... 4

PART 3 ADMINISTRATIVE REQUIREMENTS ..... 4

    3.1 Fees ..... 4

    3.2 Fee Determination for Annual Notification..... 4

PART 4 FEE DETERMINATION ..... 4

    4.1 Explanation of Terms Used in Determining the Fee ..... 4

    4.2 Demolition Project With No Asbestos Present..... 5

    4.3 Demolition Project Involving Asbestos Removal..... 5

    4.4 Demolition or Renovation Projects Involving Multiple Structures ..... 5

    4.5 Schedule of Fees ..... 5

    4.6 Emergency Notification..... 8

    4.7 Revisions to Quantities or Number of Structures ..... 8

**Agenda Item No. 15**

**MONTEREY BAY AIR RESOURCES DISTRICT  
REGULATION III  
FEES**

**PART 1 GENERAL**

1.1 Purpose

This Rule provides the fee requirements for persons subject to Rule 424, Section 4 Subpart M, National Emission Standards for Asbestos.

1.2 Applicability

This Rule applies to any person subject to Rule 424, Section 4 Subpart M, National Emission Standards for Asbestos (40 CFR 61 Subpart M), who is required by that rule to submit a written Notification of Demolition and Renovation to the District, including:

1.2.1 any owner or operator of any demolition activity, regardless of whether any asbestos is present in the facility to be demolished; and

1.2.2 any owner or operator of a renovation activity where the total amount of Regulated Asbestos-Containing Material (RACM) to be stripped, removed or otherwise disturbed is at least 260 linear feet on pipes, 160 square feet on other facility components or 35 cubic feet if off of facility components.

1.3 Exemptions

*Reserved.*

1.4 Effective Date

This Rule, as most recently revised, is effective July 1, 202~~1~~0.

1.5 References and Related Rules

The provisions of this Rule derive from: Title 40 of the Code of Federal Regulations (CFR), Part 61, Subpart M, National Emissions Standards for Asbestos; from California Health and Safety Code (HSC) Sections 42300 *et seq.*; and HSC Sections 42311 *et seq.* Related or referenced District Rules include 200 (Permits Required) and 424 (National Emission Standards for Hazardous Air Pollutants).

**MONTEREY BAY AIR RESOURCES DISTRICT  
REGULATION III  
FEES**

PART 2 DEFINITIONS

2.1 Category I Nonfriable ACM

Asbestos-containing packings, gaskets, resilient floor covering, and asphalt roofing products containing more than 1 percent asbestos as determined using the method specified in Appendix A, Subpart F, 40 CFR Part 763, Section 1, Polarized Light Microscopy (PLM).

2.2 Category II Nonfriable ACM

Any material, excluding Category I nonfriable asbestos- containing material, containing more than 1 percent asbestos as determined using the method specified in Appendix A, Subpart F, 40 CFR Part 763, Section 1, PLM that, when dry, cannot be crumbled, pulverized, or reduced to powder by hand pressure.

2.3 Demolition

The wrecking or taking out of any load-supporting structural member of a facility, together with any related handling operations, or the intentional burning of any facility.

2.4 Facility

Any institutional, commercial, public, industrial, or residential structure, installation, or building (including any structure, installation, or building containing condominiums or individual dwelling units operated as a residential cooperative, but excluding residential buildings having four or fewer dwelling units); any ship; and any active or inactive waste disposal site. For the purposes of this definition, any building, structure, or installation that contains a loft used as a dwelling is not considered a residential structure, installation, or building.

2.5 Facility Component

Any part of a facility including equipment.

2.6 Friable Asbestos Material

Any material, containing more than 1 percent asbestos as determined using the method specified in Appendix A, Subpart F, 40 CFR Part 763, Section 1, PLM that, when dry, can be crumbled, pulverized, or reduced to powder by hand pressure. If it is intended to leave material in place during a demolition, PLM point counting is the method to be used to verify it contains no more than 1% RACM, if the material has been identified as containing any asbestos.

**MONTEREY BAY AIR RESOURCES DISTRICT  
REGULATION III  
FEES**

2.7 Regulated Asbestos-Containing Material (RACM)

Means (a) friable asbestos material, (b) category I nonfriable ACM that has become friable, (c) category I nonfriable ACM that will be or has been subjected to sanding, grinding, cutting, or abrading, or (d) category II nonfriable ACM that has a high probability of becoming or has become crumbled, pulverized, or reduced to powder by the forces expected to act on the material in the course of demolition or renovation operations.

2.8 Renovation

Altering a facility or one or more facility components in any way, including the stripping or removal of RACM from a facility component. Operations in which load-supporting structural members are wrecked or taken out are demolitions.

PART 3 ADMINISTRATIVE REQUIREMENTS

3.1 Fees

Each Notification required by Rule 424 shall include the appropriate fee(s) pursuant to the Schedule of Fees in Section 4.5 when submitted to the District.

3.2 Fee Determination for Annual Notification

An annual Notification of nonscheduled renovations operations submitted to the District pursuant to 40 CFR 61.145 (b)(3)(ii) shall include the fee(s) owed to the District and can be determined by applying the aggregate of all estimated unscheduled renovation amounts based on the Schedule of Fees in Section 4.5.

PART 4 FEE DETERMINATION

4.1 Explanation of Terms Used in Determining the Fee

For the purpose of determining the appropriate fee required by this Rule, "Type of Project" in the Schedule of Fees in Section 4.5 refers to the amount of RACM which could be removed or disturbed in a demolition and/or renovation project, and includes the following meanings:

4.1.1 Linear feet refers to asbestos material covering pipes.

**MONTEREY BAY AIR RESOURCES DISTRICT  
REGULATION III  
FEES**

- 4.1.2 Square feet refers to the surface area of asbestos-containing material on other facility components, including ducts.
- 4.1.3 Cubic feet refers to the volume of asbestos-containing material which has been removed from facility components and for which the linear footage and/or square footage cannot be determined.

4.2 Demolition Project

If a written Notification of Demolition and Renovation is required to be submitted to the District, a fee as set forth in Rule 301, Table 1 Asbestos NESHAP Fees will be due to the District for the demolition of a structure. If asbestos-containing material is present, additional fees apply in accordance with Sections 4.3 and 4.5.

~~4.2.1 Cancellation fee: Non-refundable portion of fees paid for notification processing as set forth in Rule 301, Table 1 Fee Schedule.~~

4.3 Demolition Project Involving Asbestos Removal

Where a demolition project includes the removal of asbestos-containing material from the facility prior to the wrecking of the structure, the removal is treated as a separate renovation project for purposes of determining the fees. Therefore, a separate fee is due for the demolition project and for the renovation project, although both project types may be included in a single Notification. The asbestos removal fees are identified in Section 4.5.

4.4 Demolition or Renovation Projects Involving Multiple Structures

- 4.4.1 Where a demolition project includes multiple structures, each independent structure is treated as a separate project for purposes of determining the fees. Therefore, a separate fee is due for the demolition of each structure, although a single Notification may include all the structures.
- 4.4.2 Where a renovation project includes multiple structures, the aggregate of all RACM is used in determining the fees identified in Section 4.5.

4.5 Schedule of Fees for Removal of Asbestos-Containing Materials

The fees for each type of project are set forth in Rule 301, Table 1 Asbestos NESHAP Fees and shall be due at the time of notification.

**MONTEREY BAY AIR RESOURCES DISTRICT  
REGULATION III  
FEES**

~~—Cancellation fee: Non-refundable portion of fees paid for notification processing as set forth in Rule 301, Table 1 Fee Schedule.~~

4.6 Emergency Notifications

The fees for emergency notifications are due within 5 working days of receipt of the notification.

4.7 Revisions to Quantities or Number of Structures

If in the course of a demolition or renovation, it is determined that the project involved additional demolition of structures or belonged in a higher RACM fee category than was initially determined, an owner or operator shall re-notify the District and pay the balance of the fee for the additional structures or higher fee category. The additional fees are due within 5 working days of receipt of the revised notification. This additional fee constitutes a legal obligation owing to the District for work done in furtherance of the project for which notification was issued to the District, and may be recovered in any appropriate civil action.