

BOARD MEETING DATE: March 1, 2019

AGENDA NO. 31

PROPOSAL: Determine that Proposed Amendments to Rules 110, 212, 301, 303, 306, 307.1, 309, 315, 518.2, 1310, 1605, 1610, 1612, 1620, 1623, 1710, 1714, and 3006 are Exempt from CEQA; Amend Rules 110, 212, 301, 303, 306, 307.1, 309, 315, 518.2, 1310, 1605, 1610, 1612, 1620, 1623, 1710, 1714, and 3006

SYNOPSIS: Proposed amendments to the above referenced rules will expand noticing options to include email and web page display for public notices for Clean Air Act permit programs and rulemaking activities. California Senate Bill 1502, drafted in response to SCAQMD's initiative to modernize communication methods, and amendments to the U.S. EPA Code of Federal Regulations enable these changes. The option to deliver invoices to permit holders by email will also be included.

COMMITTEE: Stationary Source, January 18, 2019, Reviewed

RECOMMENDED ACTIONS:

Adopt the attached Resolution:

1. Determining that the proposed amendments to the above referenced rules are exempt from the requirements of the California Environmental Quality Act;
2. Amending Rules 110, 212, 301, 303, 306, 307.1, 309, 315, 518.2, 1310, 1605, 1610, 1612, 1620, 1623, 1710, 1714, and 3006; and
3. Adopting "Procedures for Including Electronic Public Notice."

Wayne Natri
Executive Officer

Background

Based on SCAQMD's concept to modernize public noticing, California Senate Bill (SB) 1502 was approved in June 2018, allowing air districts to electronically mail (email) public notices in lieu of mail for any person who requests noticing by email. SB 1502 also requires air districts to adopt procedures for the public to request public notices to be sent by mail and to update email addresses. Additionally, in October 2016, the U.S. EPA revised the public noticing provisions for Clean Air Act permitting programs (81 Federal Register 71613) requiring electronic noticing (e-noticing), such as posting on a website public notices for permit actions for federal permit programs in lieu of public noticing by newspaper publication. These public noticing provisions also allow for e-noticing as an option for permit actions by permitting authorities implementing EPA-approved programs.

In an effort to streamline and modernize communication methods and implement SB 1502 and U.S. EPA revisions for public noticing of certain permitting programs, a review of all SCAQMD rules was conducted. Proposed Amended Rules 110, 212, 301, 303, 306, 307.1, 309, 315, 518.2, 1310, 1605, 1610, 1612, 1620, 1623, 1710, 1714, and 3006 (Proposed Amended Rules) are administrative amendments to modernize communications and streamline public notifications.

Public Process

Development of the Proposed Amended Rules was conducted through a public process. Over 20,000 stakeholders were invited to participate in a Public Workshop on November 29, 2018. Approximately 25 people participated.

Proposed Amendments

The Proposed Amended Rules are divided into four categories: 1) Public Notifications for New Source Review and Federal Permit Programs; 2) Public Notifications for Rulemaking Activities; 3) Communications for Implementing Fee Rules; and 4) Public Notifications for Offset Program Rules.

The first category of proposed amendments revises public notification procedures for New Source Review and federal permit programs. Proposed Amended Rules 212, 518.2, 1710, 1714, and 3006 remove provisions requiring public notification by newspaper and add requirements to post draft permits and public notices for permit actions on the SCAQMD website.

The second category of proposed amendments implements SB 1502 and revises public notification procedures for rulemaking activities. Proposed Amended Rule 110 allows the SCAQMD to send public notices by email for those electing to receive public notices via email. Currently, the SCAQMD does not have a database of email addresses for public notifications. Over the next several years staff will work with stakeholders to collect email addresses and preferences for email or mail notification. For rulemaking activities, public notices will continue to be sent by mail until a noticing preference for email is registered by that individual. Public notices for Public Workshops and Public

Hearings will continue to be published in newspapers since these requirements were not changed by SB 1502.

The third category of proposed amendments revises communications methods for fee invoices and payment. Proposed Amended Rules 301, 303, 306, 307.1, 309, and 315 allow certain fee invoices to be emailed and expands payment options for these invoices to include electronic payment.

The fourth category of amendments revises public notification procedures for offset program rules to have procedures that are comparable to those used for processing permits with e-noticing. Proposed amendments to Rules 1310, 1605, 1610, 1612, 1620, and 1623 include removing the requirement to conduct public notice by newspaper publishing and replacing the provision with posting public notices on the SCAQMD website.

Consistent with state law, staff has developed procedures to collect and manage noticing preferences from individuals and a mechanism for individuals to provide and update email addresses. The implementation will occur in two phases. Phase I will be a data gathering campaign to collect email addresses and preferences. During Phase I, public notices will be mailed in addition to being emailed. Phase II will continue to collect email addresses and preferences and will remove public noticing by mail for individuals who have requested public noticing by email.

Key Issues

Staff is not aware of any key outstanding issues.

Emission Reductions and Cost Effectiveness Determination

The proposed amendments are administrative in nature and do not significantly affect air quality and do not establish an emission limit or standard, and therefore, there are no emission reductions or cost effectiveness determination.

California Environmental Quality Act

Pursuant to the California Environmental Quality Act (CEQA) and SCAQMD Rule 110, the SCAQMD, as lead agency for the proposed project, has reviewed the proposed amendments to the rules identified above (the proposed project) pursuant to: 1) CEQA Guidelines Section 15002(k) – General Concepts, the three-step process for deciding which document to prepare for a project subject to CEQA; and 2) CEQA Guidelines Section 15061 – Review for Exemption, procedures for determining if a project is exempt from CEQA. Because the proposed changes are administrative and procedural in nature and would not cause any physical changes that would affect any environmental topic area, staff has determined that it can be seen with certainty that there is no possibility that the proposed project may have a significant adverse effect on the environment. Therefore, the project is considered to be exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3) – Activities Covered by General Rule. A Notice of Exemption will be prepared pursuant to CEQA Guidelines Section 15062 – Notice of Exemption. If the proposed project is approved, the Notice of

Exemption will be filed with the county clerks of Los Angeles, Orange, Riverside, and San Bernardino counties.

Socioeconomic Analysis

The amendments proposed are administrative in nature and will not impose any additional costs to facilities or result in other socioeconomic impacts. The proposed amendments do not significantly affect air quality and do not establish an emission limit or standard, and therefore, no socioeconomic analysis is required under California Health and Safety Code Sections 40440.8 and 40728.5.

AQMP and Legal Mandates

Pursuant to Health & Safety Code Section 40460(a), the SCAQMD is required to adopt an AQMP demonstrating compliance with all federal regulations and standards. The SCAQMD is required to adopt rules and regulations that carry out the objectives of the AQMP. The proposed amendments are not control measures in the 2016 AQMP.

Resource Impacts

Existing staff resources are adequate to implement the proposed amendments.

Attachments

- A. Summary of Proposal
- B. Key Issues and Responses
- C. Rule Development Process
- D. Key Contacts List
- E. Resolution
- F1-18. Proposed Amended Rules 110, 212, 301, 303, 306, 307.1, 309, 315, 518.2, 1310, 1605, 1610, 1612, 1620, 1623, 1710, 1714, and 3006
- G. Final Staff Report
- H. Notice of Exemption from the California Environmental Quality Act for Proposed Amended Rules 110, 212, 301, 303, 306, 307.1, 309, 315, 518.2, 1310, 1605, 1610, 1612, 1620, 1623, 1710, 1714, and 3006
- I. Board Meeting Presentation

ATTACHMENT A

SUMMARY OF PROPOSAL

Proposed Amended Rules 110, 212, 301, 303, 306, 307.1, 309, 315, 518.2, 1310, 1605, 1610, 1612, 1620, 1623, 1710, 1714, and 3006

Proposed Amended Rules 212, 518.2, 1710, 1714, and 3006

- Remove provisions requiring public notification by newspaper
- Add requirements to post draft permits and public notices for permit actions on the SCAQMD website

Proposed Amended Rule 110

- Add option to send public notices for rulemaking activities by email or other electronic means

Proposed Amended Rules 301, 303, 306, 307.1, 309, and 315

- Add option to send fee invoices by email or other electronic means
- Add option for electronic payment of certain fee invoices

Proposed Amended Rules 1310, 1605, 1610, 1612, 1620, and 1623

- Remove provisions requiring public notification by newspaper
- Add requirement to post public notices on the SCAQMD website

Procedures for Including Electronic Public Notice

- Phase I: Begin data gathering campaign to collect email addresses and preferences and begin public notifications by email in addition to by mail
- Phase II: Continue to collect email addresses and preferences and remove public noticing by mail for individuals who have requested public noticing by email

ATTACHMENT B

KEY ISSUES AND RESPONSES

Proposed Amended Rules 110, 212, 301, 303, 306, 307.1, 309, 315, 518.2, 1310, 1605, 1610, 1612, 1620, 1623, 1710, 1714, and 3006

Staff is not aware of any key outstanding issues.

ATTACHMENT C

RULE DEVELOPMENT PROCESS

Proposed Amended Rules 110, 212, 301, 303, 306, 307.1, 309, 315, 518.2, 1310, 1605, 1610, 1612, 1620, 1623, 1710, 1714, and 3006



Five (5) months spent in rule development.

One (1) Public Workshop.

One (1) Stationary Source Committee Meeting.

ATTACHMENT D

KEY CONTACTS LIST

Proposed Amended Rules 110, 212, 301, 303, 306, 307.1, 309, 315, 518.2, 1310, 1605, 1610, 1612, 1620, 1623, 1710, 1714, and 3006

AECOM
C&R Body Shop Inc.
California Small Business Alliance
City of Riverside
Complete Coach Works
Emerald Transformer
Interspace Battery
Jimenez Body Works
Los Angeles County
Marathon Petroleum
Pasadena Unified School District
San Gabriel Transit, Inc.
Southern California Air Quality Alliance
Southern California Gas Company
Tesla

ATTACHMENT E

RESOLUTION NO. 19-____

A Resolution of the Governing Board of the South Coast Air Quality Management District (SCAQMD) determining that Proposed Amended Rules 110, 212, 301, 303, 306, 307.1, 309, 315, 518.2, 1310, 1605, 1610, 1612, 1620, 1623, 1710, 1714, and 3006 are exempt from the requirements of the California Environmental Quality Act (CEQA).

A Resolution of the SCAQMD Governing Board amending Rules 110, 212, 301, 303, 306, 307.1, 309, 315, 518.2, 1310, 1605, 1610, 1612, 1620, 1623, 1710, 1714, and 3006.

WHEREAS, the SCAQMD Governing Board finds and determines that Proposed Amended Rules 110, 212, 301, 303, 306, 307.1, 309, 315, 518.2, 1310, 1605, 1610, 1612, 1620, 1623, 1710, 1714, and 3006 are considered a "project" pursuant to CEQA per CEQA Guidelines Section 15002(k) – General Concepts, the three-step process for deciding which document to prepare for a project subject to CEQA; and

WHEREAS, the SCAQMD has had its regulatory program certified pursuant to Public Resources Code Section 21080.5 and CEQA Guidelines Section 15251(l), and has conducted a CEQA review and analysis of the proposed project pursuant to such program (SCAQMD Rule 110); and

WHEREAS, the SCAQMD Governing Board finds and determines that after conducting a review of the proposed project in accordance with CEQA Guidelines Section 15002(k) – General Concepts, the three-step process for deciding which document to prepare for a project subject to CEQA, and CEQA Guidelines Section 15061 – Review for Exemption, procedures for determining if a project is exempt from CEQA, that the proposed project is determined to be exempt from CEQA; and

WHEREAS, the SCAQMD Governing Board finds and determines that it can be seen with certainty that there is no possibility that the proposed project may have any significant adverse effects on the environment, and is therefore, exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3) – Activities Covered By General Rule; and

WHEREAS, SCAQMD staff has prepared a Notice of Exemption for the proposed project, that is completed in compliance with CEQA Guidelines Section 15062 – Notice of Exemption; and

WHEREAS, the proposed amended rules and supporting documentation, including but not limited to, the Notice of Exemption, the Final Staff Report, and this March 1, 2019 Board Letter, were presented to the SCAQMD Governing Board and the SCAQMD Governing Board has reviewed and considered this information, as well as has taken and considered staff testimony and public comment prior to approving the project; and

WHEREAS, the SCAQMD Governing Board finds and determines, taking into consideration the factors in Section (d)(4)(D) of the Governing Board Procedures (codified as Section 30.5(4)(D)(i) of the Administrative Code), that the modifications to the proposed amended rules since the notice of public hearing was published add clarity that meets the same air quality objective and are not so substantial as to significantly affect the meaning of the proposed amended rules within the meaning of Health and Safety Code Section 40726 because: (a) the changes do not impact emission reductions, (b) the changes do not affect the number or type of sources regulated by the rules, (c) the changes are consistent with the information contained in the notice of public hearing, and (d) the consideration of the range of CEQA alternatives is not applicable because the proposed project is exempt from CEQA; and

WHEREAS, the proposed amended rules will be not be submitted for inclusion into the State Implementation Plan; and

WHEREAS, the SCAQMD staff conducted a Public Workshop regarding the proposed amendments on November 29, 2018; and

WHEREAS, Health and Safety Code Section 40727 requires that prior to adopting, amending, or repealing a rule or regulation, the SCAQMD Governing Board shall make findings of necessity, authority, clarity, consistency, non-duplication, and reference based on relevant information presented at the public hearing and in the staff report; and

WHEREAS, the SCAQMD Governing Board has determined that the proposed amended rules are needed to comply with California Senate Bill 1502 and 81 Federal Register 71613; to facilitate emailing and electronic noticing of public notices; to allow for emailing of fee invoices and electronic payment of certain fee invoices; and to increase public engagement and communication efficiency; and

WHEREAS, the SCAQMD Governing Board obtains its authority to adopt, amend, or repeal rules and regulations from Sections 39002, 39650 et. seq., 40000, 40440, 40441, 40506, 40702, 40709, 40725 through 40728, 41508, 42300 et. seq., and 44380 et. seq. of the Health and Safety Code; and

WHEREAS, California Senate Bill 1502 updated the California Health and Safety Code by adding Section 40006 and amending Section 42301.6 to authorize air districts to send public notices required pursuant to California Health and Safety Code Sections 40440.5 and 40440.7 electronically in lieu of by mail and to require air districts to adopt procedures for the public to request public notices to be sent by mail and to update email addresses and preferences; and

WHEREAS, U.S. EPA permitting procedures in the Code of Federal Regulations require electronic noticing of public notices for permit actions for federal permit programs; require electronic accessibility to the draft permit; and allow electronic noticing of EPA-approved permit program actions in lieu of newspaper publication; and

WHEREAS, the SCAQMD Governing Board has determined that the proposed amended rules are written or displayed so that the meaning can be easily understood by the persons directly affected by it; and

WHEREAS, the SCAQMD Governing Board has determined that the proposed amended rules are in harmony with and not in conflict with or contradictory to, existing statutes, court decisions, or state or federal regulations; and

WHEREAS, the SCAQMD Governing Board has determined that the proposed amended rules will not impose the same requirements as any existing state or federal regulations. The amendments are necessary and proper to execute the powers and duties granted to, and imposed upon, SCAQMD; and

WHEREAS, the SCAQMD Governing Board, in amending the proposed amended rules, references the following statutes which the SCAQMD hereby implements, interprets, or makes specific: Health and Safety Code Sections 39002, 40001, 40506, 40006, 40702, 40709, 40713, 40440(a), 40725 through 40728.5, and 41511; and

WHEREAS, the SCAQMD Governing Board finds that the proposed amended rules do not significantly affect air quality or emissions limitations, and do not impose new controls, and therefore a Socioeconomic Impact Analysis pursuant to Health and Safety Code Section 40440.8, 40728.5, or 40920.6 is not required; and

WHEREAS, the SCAQMD included “Procedures for Including Electronic Public Notice” as Appendix 1 of the Final Staff Report to comply with Health and Safety Code Section 40006(c).

WHEREAS, the SCAQMD specifies that the Planning and Rules Manager of the proposed amended rules is the custodian of the documents or other materials which constitute the record of proceedings upon which the adoption of these proposed amendments is based, which are located at the South Coast Air Quality Management District, 21865 Copley Drive, Diamond Bar, California; and

WHEREAS, a public hearing has been properly noticed in accordance with the provisions of Health and Safety Code Section 40725 and 40440.5; and

WHEREAS, the SCAQMD Governing Board has held a public hearing in accordance with all applicable provisions of state and federal law.

NOW, THEREFORE BE IT RESOLVED, that the SCAQMD Governing Board does hereby determine, pursuant to the authority granted by law, that the proposed amended rules are exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3) – Activities Covered By the General Rule. This information was presented to the SCAQMD Governing Board, whose members reviewed, considered, and approved the information therein prior to acting on the proposed amended rules; and

BE IT FURTHER RESOLVED, that the SCAQMD Governing Board does hereby adopt, pursuant to the authority granted by law, the proposed amended rules as set forth in the attached, and incorporated herein by reference; and

BE IT FURTHER RESOLVED, that the SCAQMD Governing Board does hereby adopt “Procedures for Including Electronic Public Notice” to comply with Health and Safety Code Section 40006(c).

DATE: _____

CLERK OF THE BOARDS

ATTACHMENT F1

(Adopted September 11, 1987)(Amended August 5, 1988)
(Amended October 7, 1988)
(PAR 110 – February 12, 2019)

PROPOSED AMENDED RULE 110. RULE ADOPTION PROCEDURES TO ASSURE PROTECTION AND ENHANCEMENT OF THE ENVIRONMENT

- (a) In addition to providing the public notice of District Board meetings and hearings as required by Health and Safety Code Section 40725, the District shall consult with state and local governmental agencies having jurisdiction by law with respect to the subject matter of a proposed rule or regulation, and public notice shall be sent by mail, electronic mail, or other electronic means, mailed to all persons who have requested such notice in writing. For informational purposes, public notice may be posted on the District public website and may be provided to newspapers of general circulation, to all persons believed to be interested in the proceeding, and to the State Clearinghouse for circulation to public agencies.
- (b) Prior to holding a public hearing to adopt, rescind, or amend a rule or regulation of the District, a staff report shall be prepared and published by the staff of the District. The staff report shall be published at least 30 days prior to the date of the public hearing. Staff reports shall be available for public review and comment, and shall be distributed to the California Air Resources Board, the Environmental Protection Agency, the State Clearinghouse, and to all other persons who have requested such report.
- (c) It is the policy of the District to utilize an interdisciplinary approach as set forth in the District's CEQA implementation guidelines adopted by the District Board pursuant to Public Resources Code Section 21082 to prepare staff reports in a manner consistent with the environmental protection purpose of the District's regulatory program and with the goals and policies of the California Environmental Quality Act (Public Resources Code Section 21000 et seq.). All staff reports shall contain, among other things, a description of the proposed action, an assessment of the anticipated significant long- or short-term adverse and beneficial environmental impacts associated with the proposed action, and a succinct analysis of those impacts. The analysis shall address feasible mitigation measures and feasible

alternatives to the proposed action which would substantially reduce any significant adverse impact(s) identified.

- (d) If comments are received during the evaluation process which raise significant environmental issues associated with the proposed action, the staff shall summarize and respond to the comments either orally at the public hearing, or in a supplemental written report. Prior to taking final action on any proposal for which significant environmental issues have been raised, the District Board shall approve a written response to each such issue.
- (e) Any action or proposal for which significant adverse environmental impacts have been identified during the review process shall not be approved or adopted as proposed if there are feasible mitigation measures or feasible alternatives available which would substantially reduce such adverse impact. For the purposes of this subparagraph, "feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors, and consistent with the District's statutory authority and with federal and state laws and regulations.
- (f) ~~Public Notice~~ Notice of final action and the written response to significant environmental issues raised shall be filed with the Secretary of the Resources Agency for public inspection.

ATTACHMENT F2

(Adopted January 9, 1976)(Amended July 6, 1984)(Amended May 17, 1985)
(Amended May 1, 1987)(Amended July 10, 1987)(Amended March 3, 1989)
(Amended June 28, 1990)(Amended September 6, 1991)(Amended August 12, 1994)
(Amended December 7, 1995)(Amended November 14, 1997)(Amended June 5, 2015)
(PAR 212 – February 12, 2019)

PROPOSED AMENDED RULE 212. STANDARDS FOR APPROVING PERMITS AND ISSUING PUBLIC NOTICE

- (a) The Executive Officer shall deny a Permit to Construct or a Permit to Operate, except as provided in Rule 204, unless the applicant shows that the equipment, the use of which may cause the issuance of air contaminants or the use of which may eliminate, reduce, or control the issuance of air contaminants, is so designed, controlled, or equipped with such air pollution control equipment that it may be expected to operate without emitting air contaminants in violation of provisions of Division 26 of the State Health and Safety Code or of these rules.
- (b) If the Executive Officer finds that the equipment has not been constructed in accordance with the permit and provides less effective air pollution control than the equipment specified in the Permit to Construct, he shall deny the Permit to Operate.
- (c) Prior to granting a Permit to Construct or permit modification for a project requiring notification, all addresses within the area described in subdivision (d) of this rule shall be notified of the Executive Officer's intent to grant a Permit to Construct or permit modification at least 30 days prior to the date action is to be taken on the application. For the purpose of this rule, a project requiring notification is:
 - (1) any new or modified permit unit, source under Regulation XX, or equipment under Regulation XXX that may emit air contaminants located within 1000 feet from the outer boundary of a school. This subdivision shall not apply to a modification of an existing facility if the Executive Officer determines that the modification will result in a reduction of emissions of air contaminants from the facility and no increase in health risk at any receptor location. (This paragraph shall not apply to modifications that have no potential to affect emissions.); or,

- (2) any new or modified facility which has on-site emission increases exceeding any of the daily maximums specified in subdivision (g) of this rule; or
- (3) any new or modified permit unit, source under Regulation XX, or equipment under Regulation XXX with increases in emissions of toxic air contaminants, for which the Executive Officer has made a determination that a person may be exposed to:
 - (A) a maximum individual cancer risk greater than, or equal to:
 - (i) one in a million (1×10^{-6}), per guidelines published by the Executive Officer under Rule 1401 (e), for facilities with more than one permitted unit, source under Regulation XX, or equipment under Regulation XXX, unless the applicant demonstrates to the satisfaction of the Executive Officer that the total facility-wide maximum individual cancer risk is below ten in a million (10×10^{-6}) using the risk assessment procedures and toxic air contaminants specified under Rule 1402; or,
 - (ii) ten in a million (10×10^{-6}), per guidelines published by the Executive Officer under Rule 1401 (e), for facilities with a single permitted unit, source under Regulation XX, or equipment under Regulation XXX; or
 - (B) quantities or concentrations of other substances that pose a potential risk of nuisance.

Unless otherwise stated, toxic and potentially toxic air contaminants are substances listed in Table I of Rule 1401 and their cancer risk shall be evaluated using Rule 1401 risk assessment procedures. Toxic air contaminants may also include other substances determined by the Executive Officer to be potentially toxic. Paragraph (c)(2) of this rule shall not apply if the Executive Officer determines that modifications to the existing facility will not result in an increase in health risk at any receptor location.

- (d) Except as provided for in subdivision (g) of this rule, the notification of the proposed construction of a project specified under subdivision (c) of this rule, which is to be prepared by the District, is to contain sufficient detail to fully describe the project. The applicant shall provide verification to the Executive Officer that

public notice has been distributed as required by this subdivision. In the case of notifications performed under paragraphs (c)(2) and (c)(3) of this rule, the applicant for the Permit to Construct or permit modification shall be responsible for the distribution of the public notice to each address within a 1/4 mile radius of the project or such other area as determined appropriate by the Executive Officer. In the case of notifications performed under paragraph (c)(1) of this rule, distribution of the public notice shall be to the parents or legal guardians of children in any school within 1/4 mile of the facility and the applicant shall provide distribution of the public notice to each address within a radius of 1000 feet from the outer property line of the proposed new or modified facility. ~~Distribution may be made by mail, electronic mail, or other electronic means as determined by the Executive Officer.~~

- (e) Any person may file a written request for ~~public~~ notice of any decision or action pertaining to the issuance of a Permit to Construct. The Executive Officer shall provide ~~mailed public~~ notice by mail, electronic mail, or other electronic means, of such decision or action to any person who has filed a written request for ~~public~~ notification. Requests for ~~public~~ notice shall be filed pursuant to procedures established by the Executive Officer. The ~~public~~ notice shall be sent by mail, electronic mail, or other electronic means, ~~mailed~~ at the time that the Executive Officer notifies the permit applicant of the decision or action. The period to appeal, as specified in subdivision (b) of Rule 216, shall commence on the third day following mailing or electronic transmission of the ~~public~~ notice pursuant to this subdivision. The requirements for public notice pursuant to this subdivision are fulfilled if the Executive Officer makes a good faith effort to follow procedures established pursuant to this subdivision for giving ~~public~~ notice and, in such circumstances, failure of any person to receive the ~~public~~ notice shall not affect the validity of any permit subsequently issued by the Executive Officer.
- (f) An application for a Permit to Operate, for a permit unit installed or constructed without a required Permit to Construct, shall be subject to the requirements of this rule.
- (g) For new or modified sources subject to Regulation XIII, RECLAIM facilities, or Outer Continental Shelf (OCS) facilities located within 25 miles of the State's seaward boundary and for which the District has been designated as the corresponding onshore area (COA), which undergo construction or modifications

resulting in an emissions increase exceeding any of the daily maximums specified as follows:

<u>Air Contaminant</u>	<u>Daily Maximum</u> <u>in lbs per Day</u>
Volatile Organic Compounds	30
Nitrogen Oxides	40
PM ₁₀	30
Sulfur Dioxide	60
Carbon Monoxide	220
Lead	3

The process for public notification and comment shall include all of the applicable provisions of 40 Code of Federal Regulations (CFR) Part 51, Section 51.161(b), and 40 CFR Part 124, Section 124.10. The federal public notice and comment procedures for these facilities require that the public notice be distributed to the broadest possible scope of interested parties, and include at a minimum:

- (1) Availability of information submitted by the owner or operator and of District analyses of the effect on air quality for public inspection ~~on the District public website or in~~ at least one location in the area affected. This requirement may be met by making these materials available at a physical location or on the District public website;
- (2) Posting of the public notice on the District public website for the duration of the public comment period. Each public notice posting shall include: the public notice notice of public comment, the draft permit, and information on how to access the administrative record for the draft permit. The public notice or a link to the public notice will be placed on a web page that is dedicated to listing all public notices under this provision; ~~Notice by prominent advertisement in the area affected of the location of the source information and the District's analyses of the effect on air quality~~
- (3) Mailing a copy of the ~~public~~ notice required in paragraph (g)(2) of this rule to the following persons: The applicant, the Administrator of U.S. EPA through Region 9, the Air Resources Board, affected local air pollution control districts, the chief executives of the city and county or the onshore area that is geographically closest to where the major stationary source or major modification would be located, any comprehensive regional land use planning agency, and State, Federal Land Manager, or Indian Governing

Body whose lands may be affected by emissions from the regulated activity;
and,

- (4) A 30-day period for submittal of public comments.

- (h) The Executive Officer may combine public notices to avoid duplication provided that all required public notice requirements are satisfied.

ATTACHMENT F3

(Adopted Feb. 4, 1977)(Amended May 27, 1977)(Amended Jan. 6, 1978)
(Amended June 16, 1978)(Amended April 4, 1980)(Amended Sept. 5, 1980)
(Amended June 5, 1981)(Amended July 9, 1982)(Amended Dec. 3, 1982)
(Amended June 3, 1983)(Amended May 4, 1984)(Amended July 6, 1984)
(Amended Nov. 2, 1984)(Amended Dec. 6, 1985)(Amended May 1, 1987)
(Amended June 3, 1988)(Amended December 2, 1988)(Amended January 6, 1989)
(Amended June 2, 1989)(Amended June 1, 1990)(Amended June 7, 1991)
(Amended December 6, 1991)(Amended June 5, 1992)(Amended July 10, 1992)
(Amended June 11, 1993)(Amended October 8, 1993)(Amended June 10, 1994)
(Amended May 12, 1995)(Amended October 13, 1995)(Amended May 10, 1996)
(Amended May 9, 1997)(Amended May 8, 1998)(Amended June 12, 1998)
(Amended May 14, 1999)(Amended May 19, 2000)(Amended May 11, 2001)
(Amended May 3, 2002)(Amended June 6, 2003)(Amended July 9, 2004)
(Amended June 3, 2005)(Amended June 9, 2006)(Amended May 4, 2007)
(Amended May 2, 2008)(Amended June 5, 2009)(Amended May 7, 2010)
(Amended May 6, 2011)(Updated July 1, 2012)(Updated July 1, 2013)
(Amended June 6, 2014)(Amended May 1, 2015)(Updated July 1, 2016)
(Amended June 2, 2017)(Amended January 5, 2018)(Amended May 4, 2018)
(PAR 301 – February 12, 2019)

Effective July 1, 2018

PROPOSED AMENDED RULE 301. PERMITTING AND ASSOCIATED FEES

(a) Applicability

California Health and Safety Code Section 40510 provides authority for the South Coast Air Quality Management District to adopt a fee schedule for the issuance of permits to cover the cost of evaluation, planning, inspection, and monitoring related to that activity. This rule establishes such a fee schedule and requires that fees be paid for:

- (1) Permit processing for Facility Permits [see subdivisions (l), (m), and (n)], Facility Registrations [see subdivision (t)], and Permits to Construct and/or Permits to Operate equipment (submitted pursuant to Regulation II) that may cause air pollution or equipment intended to control air pollution [see subdivision (c)].
- (2) Processing of applications for banking emission reduction credits; change of title of emissions reduction credits; alteration/modification of emission reduction credits; retirement of short term emission reduction credits for transfer into Rule 2202; and the transfer of ERCs out of Rule 2202 pursuant

to Rule 2202 (h)(4); or conversion of emissions reduction credits, mobile source credits, or area source credits to short term emission reduction credits, pursuant to Regulation XIII [see paragraphs (c)(4) and (c)(5)].

- (3) Annual operating permit renewal fee [see subdivision (d)].
 - (4) Annual operating permit emissions fee [see subdivision (e)] or Regional Clean Air Incentives Market (RECLAIM) Trading Credits (RTCs) [see subdivision (l)].
 - (5) Duplicate and reissued permits [see subdivision (f)].
 - (6) Reinstating expired applications or permits [see subdivision (g)].
 - (7) Reinstating revoked permits [see subdivision (h)].
 - (8) RECLAIM Transaction Registration Fee [see subdivision (l)].
 - (9) Non-Tradeable Allocation Credit Mitigation Fee [see subdivision (l)].
 - (10) Environmental Impact Analysis, Air Quality Analysis, Health Risk Assessment, Public Notification for Projects and Emission Reduction Credits (pursuant to Regulation XIII - New Source Review) [see paragraph (c)(4) and subdivision (j) of this rule].
 - (11) Asbestos demolition and renovation activities [see subdivision (o)].
 - (12) Lead abatement activities [see subdivision (p)].
 - (13) Evaluation of permit applications submitted for compliance under a National Emission Standard for Hazardous Air Pollutants (NESHAP) [see subdivision (q)].
 - (14) Certification of Clean Air Solvents [see subdivision (r)].
- (b) Definitions

For the purpose of this rule, the following definitions shall apply:

- (1) ALTERATION or MODIFICATION means any physical change, change in method of operation of, or addition to, existing equipment requiring an application for Permit to Construct pursuant to Rule 201. Routine maintenance and/or repair shall not be considered a physical change. A change in the method of operation of equipment, unless previously limited by an enforceable permit condition, shall not include:
 - (A) An increase in the production rate, unless such increase will cause the maximum design capacity of the equipment to be exceeded; or
 - (B) An increase in the hours of operation.
- (2) ALTERNATIVE OPERATING CONDITION is an order established by the Hearing Board pursuant to subdivision (e) of this rule which, if recognized by the United States Environmental Protection Agency,

authorizes a source to be operated in a specified manner that would otherwise not comply with an applicable requirement of the State Implementation Plan or a permit term or condition based on any such applicable requirement.

- (3) BANKING means the process of recognizing and certifying emission reductions and registering transactions involving emission reduction credits.
- (4) CANCELLATION is an administrative action taken by the District which nullifies or voids a previously pending application for a permit.
- (5) CERTIFIED EQUIPMENT PERMIT means a permit issued to a manufacturer or distributor for a specific model or series of models of equipment. By this permit, the District certifies that the equipment meets all District rules and Best Available Control Technology (BACT) requirements under a set of conditions. Eligibility for the certification process shall be limited to equipment for which the following conditions exist, as determined by the Executive Officer:
 - (A) Equipment operation and emission characteristics will be applicable to a number of identical pieces of equipment;
 - (B) Permitting can be accomplished through the use of identical permit conditions for each piece of equipment regardless of use or location;
 - (C) The equipment is exempt from emission offsets as defined in Rule 1304(a)(4) or Rule 1304(a)(5); or the emissions of each criteria pollutant, except lead, are determined to be less than the limits listed in Rule 1303, Appendix A, Table A-1; and
 - (D) The equipment does not emit lead or the toxic emissions do not result in a Maximum Individual Cancer Risk (MICR) equal to or greater than one in a million as calculated according to Rule 1401.

Certified Equipment Permit shall be valid for one year, and shall be renewed annually if the Executive Officer determines the equipment meets all District rules and BACT requirements. Certification shall not relieve the person constructing, installing or operating the equipment from the requirement to obtain all necessary permits to construct and permits to operate, or from compliance with any other District rule including the requirements of Regulation XIII.

- (6) CHANGE OF CONDITION means a change of a current permit condition that will not result in an emission increase. Any request for a Change in Condition to a previously enforceable permit condition that will result in a

emission increase subject to the New Source Review Rules in Regulation XIII, XIV, or XX will be considered a change in the method of operation and processed as an Alteration or Modification.

- (7) CLEAN AIR SOLVENT is as defined in Rule 102 as “Clean Air Solvent”.
- (8) CLEAN AIR SOLVENT CERTIFICATE is as defined in Rule 102 as “Clean Air Solvent Certificate”.
- (9) CONFINED ANIMAL FACILITY (CAF) means a source or group of sources of air pollution at an agricultural source for the raising of 3,360 or more fowl or 50 or more animals, including but not limited to, any structure, building, installation, farm, corral, coop, feed storage area, milking parlor, or system for the collection, storage, or distribution of solid and liquid manure; if domesticated animals, including but not limited to, cattle, calves, horses, sheep, goats, swine, rabbits, chickens, turkeys, or ducks corralled, penned, or otherwise caused to remain in restricted areas for commercial agricultural purposes and feeding is by means other than grazing.
- (10) CONTINUOUS EMISSIONS MONITORING SYSTEM (CEMS) is a system comprised of components that continuously measure all parameters necessary to determine pollutant concentration or pollutant mass emissions, pursuant to a District rule or regulation.
 - (A) For the purpose of this rule, a CEMS includes, but is not limited to, the following analyzers, monitors, components, systems, or equipment:
 - (i) Pollutant concentration analyzer(s) (e.g., NO_x, SO_x, CO, Total Sulfur) and associated sample collection, transport, and conditioning equipment, and data acquisition and logging systems,
 - (ii) Diluent gas analyzer (O₂ or CO₂),
 - (iii) Flow monitor (direct in-stack measurement or indirectly calculated from fuel usage or other process parameters approved by the Executive Officer), and
 - (iv) Other equipment (e.g., moisture monitor) as required to comply with monitoring requirements.
 - (B) For the purpose of this rule, a “time-shared CEMS” means a CEMS as described in paragraph (j)(5) which is common to several sources of emissions at the same facility.
 - (C) For the purpose of this rule, a “Fuel Sulfur Monitoring System” or “FSMS” may be used as an alternative to a CEMS SO_x monitoring

requirement, subject to District Rules and Regulations, and the approval of the Executive Officer. An FSMS is a total sulfur monitoring system configured similar to the CEMS described in paragraph (j)(5) but, as an alternative to directly monitoring SO_x emissions at sources required to have SO_x CEMS (at the same facility), SO_x emission information at each affected source is determined “indirectly” by monitoring the sulfur content of the fuel gas supply firing the affected sources.

(D) For the purpose of this rule, an “Alternative Continuous Emissions Monitoring System” or “ACEMS” (also known as a “Predictive or Parametric Emissions Monitoring System” or “PEMS”) may be used as an alternative to a CEMS pollutant monitoring requirement, subject to District Rules and Regulations, and the approval of the Executive Officer. Instead of directly monitoring the pollutant emissions at a source required to have a CEMS as in paragraph (j)(5), emission information is “predicted” by the ACEMS or PEMS by monitoring key equipment operating parameters (e.g., temperature, pressure) at the affected source, irrespective of exhaust gas or fuel supply analysis.

- (11) EMISSION FACTOR means the amount of air contaminant emitted per unit of time or per unit of material handled, processed, produced, or burned.
- (12) EMISSION REDUCTION CREDIT (ERC) means the amount of emissions reduction which is verified and determined by the Executive Officer to be eligible for credit in an emissions reduction bank.
- (13) EMISSION SOURCE is any equipment or process subject to Rule 222. The source does not require a permit, but the owner/operator is required to file information pursuant to Rule 222 and Rule 301(t).
- (14) EQUIPMENT means any article, machine, or other contrivance, or combination thereof, which may cause the issuance or control the issuance of air contaminants, and which:
 - (A) Requires a permit pursuant to Rules 201 and/or 203; or
 - (B) Is in operation pursuant to the provisions of Rule 219
- (15) EXPIRATION means the end of the period of validity for an application, Permit to Operate, or a temporary Permit to Operate.
- (16) FACILITY means any source, equipment, or grouping of equipment or sources, or other air contaminant-emitting activities which are located on one or more contiguous properties within the District, in actual physical

contact or separated solely by a public roadway or other public right-of-way, and are owned or operated by the same person (or persons under common control) or an outer continental shelf (OCS) source as defined in 40 CFR § 55.2. Such above-described groupings, if on noncontiguous properties but connected only by land carrying a pipeline, shall not be considered one facility. Equipment or installations involved in crude oil and gas production in Southern California coastal or OCS waters, and transport of such crude oil and gas in Southern California coastal or OCS waters, shall be included in the same facility which is under the same ownership or use entitlement as the crude oil and gas facility on-shore.

- (17) FACILITY PERMIT is a permit which consolidates existing equipment permits and all new equipment at a facility, into one permit. A facility permit may be issued pursuant to Regulation XX and/or XXX.
- (18) FACILITY REGISTRATION is a permit which consolidates existing equipment permits and all new equipment at a facility into one permit. A Facility Registration may be issued at District discretion to any facility not subject to Regulation XX or XXX.
- (19) GREENHOUSE GAS or “GHG” means carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), sulfur hexafluoride (SF₆), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs).
- (20) IDENTICAL EQUIPMENT means any equipment which is to be operated by the same operator, and have the same equipment address, and have the same operating conditions and processing material to the extent that a single permit evaluation would be required for the set of equipment. Portable equipment, while not operating at the same location, may qualify as identical equipment.
- (21) NON-ROAD ENGINE is a portable engine that requires a permit and is certified by the Executive Officer to be a Non-Road Engine regulated by U.S. EPA pursuant to 40 CFR Part 89.
- (22) PREMISES means one parcel of land or contiguous parcels of land under the same ownership or entitlement to use, not including the parcels which are remotely located and connected only by land carrying a pipeline.
- (23) QUALIFYING PORTABLE ENGINE is a portable engine that requires a permit and is certified by the Executive Officer to meet all the requirements of Non-Road Engine of 40 CFR Part 89 except date of manufacture, and has been demonstrated to meet the emission limitations of 40 CFR Section 89.112-96.

- (24) RECLAIM TRADING CREDITS (RTCs) means the amount of emissions credit available to a facility for use at the facility for transfer or sale to another party. Each RTC has a denomination of one pound of RECLAIM pollutant and a term of one year, and can be issued as part of a facility's Annual Allocation or alternatively in the form of an RTC certificate.
- (25) REGISTRATION PERMIT means a permit to construct or permit to operate issued to an owner/operator of equipment which has previously been issued a Certified Equipment Permit by the District. The owner/operator shall agree to operate under the conditions specified in the Certified Equipment Permit.
- (26) RELOCATION means the removal of an existing source from one parcel of land in the District and installation on another parcel of land where the two parcels are not in actual physical contact and are not separated solely by a public roadway or other public right-of-way.
- (27) REVOCATION is an action taken by the Hearing Board following a petition by the Executive Officer which invalidates a Permit to Construct or a Permit to Operate.
- (28) SMALL BUSINESS is as defined in Rule 102 as "Small Business."
- (29) SPECIFIC ORGANIC GASES are any of the following compounds:
 - trifluoromethane (HFC-23)
 - chlorodifluoromethane (HCFC-22)
 - dichlorotrifluoroethane (HCFC-123)
 - tetrafluoroethane (HFC-134a)
 - dichlorofluoroethane (HCFC-141b)
 - chlorodifluoroethane (HCFC-142b)
 - 1,1,1-trifluoroethane (HFC-143a)
 - 1,1-difluoroethane (HFC-152a)
 - cyclic, branched, or linear, completely fluorinated alkanes
 - cyclic, branched, or linear, completely fluorinated ethers with no unsaturations
 - cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations
 - sulfur-containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine.
- (30) SOURCE means any grouping of equipment or other air contaminant-emitting activities which are located on parcels of land within the District, in actual physical contact or separated solely by a public roadway or other

public right-of-way, and are owned or operated by the same person or by persons under common control. Such above-described groupings, if remotely located and connected only by land carrying a pipeline, shall not be considered one stationary source. (Under RECLAIM, a SOURCE is any individual unit, piece of equipment or process which may emit an air contaminant and which is identified, or required to be identified, in the RECLAIM Facility Permit).

- (31) STREAMLINED STANDARD PERMIT means a permit issued for certain types of equipment or processes commonly permitted by SCAQMD with pre-set levels of controls and emissions. The operating conditions and other qualifying criteria are pre-determined by the SCAQMD and provided to the permit applicant in the permit application package for concurrence.
- (32) STATEWIDE EQUIPMENT is equipment with a valid registration certificate issued by CARB for the Statewide Portable Equipment Registration Program.
- (33) TEMPORARY PERMIT TO OPERATE represents interim authorization to operate equipment until the Permit to Operate is granted or denied. A temporary Permit to Operate is not issued by the District but may exist pursuant to Rule 202.

(c) Fees for Permit Processing

(1) Permit Processing Fee

(A) Permit Processing Fee Applicability

Except as otherwise provided in this rule, every applicant who files an application for a Permit to Construct, Permit to Operate, Facility Permit, court judgments in favor of the District and administrative civil penalties or a revision to a Facility Permit, shall, at the time of filing, pay all delinquent fees associated with the facility and shall pay a permit processing fee.

- (i) Except as otherwise provided in this paragraph, the permit processing fee shall be determined in accordance with the schedules (set forth in Table FEE RATE-A) at the time the application is deemed complete.
- (ii) A person applying for permits for relocation of equipment shall pay fees in accordance with the schedules set forth in Table FEE RATE-A at the time the application is deemed complete. All fees due, within the past 3 years, from the

previous facility for equipment for which a Change of Location application is filed, and all facility-specific fees (such as “Hot Spots” fees), must be paid before the Change of Location application is accepted.

- (iii) A person applying for permits for any equipment/process not otherwise listed in Table IA or Table IB shall pay the fees associated with Schedule C. Prior to the issuance of a permit, these fees are subject to adjustment, as necessary.
- (iv) In the event a Permit to Construct expires under the provisions of Rule 205, and the applicable rules, regulations, and BACT for that particular piece of equipment have not been amended since the original evaluation was performed, the permit processing fee for a subsequent application for a similar equipment shall be the fee established in the Summary Permit Fee Rates - Change of Operator table according to the applicable schedule under the Change of Operator category, provided the subsequent application is submitted within one (1) year from the date of expiration of either the Permit to Construct, or an approved extension of the Permit to Construct.

(B) Notice of Amount Due and Effect of Nonpayment

For fees due upon notification, such notice may be given by personal service ~~or by deposit, postpaid, in the United States~~ or sent by mail, electronic mail, or other electronic means, and shall be due thirty (30) days from the date of personal service, ~~or mailing, or electronic transmission~~. For the purpose of this subparagraph, the fee payment will be considered to be received by the District if it is delivered, ~~postmarked by the United States Postal Service, or electronically paid~~ on or before the expiration date stated on the billing notice. If the expiration date falls on a Saturday, Sunday, or a state holiday, the fee payment may be delivered, postmarked, or electronically paid on the next business day following the Saturday, Sunday, or the state holiday with the same effect as if it had been delivered, postmarked, or electronically paid on the expiration date. Nonpayment of the fee within this period of time will result in expiration of the application and voiding of the Permit to Construct or Permit to Operate. No further applications will be accepted from

the applicant until such time as overdue permit processing fees have been fully paid. If an application is canceled, a permit processing fee will be charged if evaluation of the application has been initiated.

(C) Higher Fee for Failing to Obtain a Permit

(i) When equipment is operated, built, erected, installed, altered, or replaced (except for replacement with identical equipment) without the owner/operator first obtaining a required Permit to Construct or Permit to Operate, the permit processing fee shall be 150 percent (150%) of the amount set forth in Table FEE RATE-A unless the applicant is a Small Business as defined in this provision and the facility has no prior permit applications, Permit to Construct or Permit to Operate (as evidenced by a facility identification number) with the District in which case the permit processing fee shall be the amount set forth in Table FEE RATE-A. If a facility has been issued a Notice of Violation (NOV), there shall be no waiver of the higher fee. The applicant shall also remit annual operating fees for the source for a full three (3) years, or the actual years of operation if less than three (3) years. The assessment of such fee shall not limit the District's right to pursue any other remedy provided for by law. Fees are due and payable within thirty (30) days of receipt of notification. [See subparagraph (c)(2)(B).] However, the higher fee shall be waived if the application is being submitted for equipment that was previously permitted (issued either a Permit to Construct or a Permit to Operate) but had expired due to non-payment of fees, provided the application is submitted within one (1) year of the expiration date, and that permit is reinstatable under subdivision (g) of this rule.

(ii) For purposes of assessing a higher fee for failing to obtain a permit only, small business shall be defined as a business which is independently owned and operated and not an affiliate of a non-small business entity and meets the following criteria:

- (A) If a non-manufacturer, the number of employees is 25 or less and the total gross annual receipts are \$1,000,000 or less; or
 - (B) If a manufacturer, the number of employees is 50 or less and the total gross annual receipts are \$5,000,000 or less, or
 - (C) Is a not-for-profit training center.
- (iii) This clause shall apply to applications for a Permit to Operate for equipment already constructed without first obtaining a required Permit to Construct. If, at the time the Permit to Operate is granted or denied, it is determined that any annual operating permit fee as provided in subdivision (d) of this rule had been based on incorrect information, the applicant will be billed for or credited with the difference, as appropriate.
- (D) **Small Business**
When applications are filed in accordance with the provisions of subparagraphs (c)(1)(A), (c)(1)(G)(i), (c)(1)(C) or paragraph (c)(3) for a Small Business as defined in Rule 102 – Definition of Terms, the fees assessed shall be fifty percent (50%) of the amount set forth in Table FEE RATE-A.
- (E) **Fees for Permit Processing for Identical Equipment and Processing of Applications for Short Term Emission Reduction Credits**
When applications are submitted in accordance with the provisions of subparagraphs (c)(1)(A), (c)(1)(C), (c)(1)(D), (c)(1)(H), paragraphs (c)(3) or (c)(4) concurrently for identical equipment, or for change of title or alteration/modification of short term emission reduction credits, full fees for the first application, and fifty percent (50%) of the applicable processing fee for each additional application shall be assessed. The provisions of this subparagraph do not apply to Certified Equipment Permits, Registration Permits, and the exceptions mentioned in subparagraphs (c)(3)(A), (c)(3)(B), and (c)(3)(C).
- (F) **Discounts for Small Business and Identical Equipment**
Applications qualifying with the provisions of both subparagraph (c)(1)(D) and (c)(1)(E) shall only be entitled to one fee discount

equivalent to the maximum discount afforded under either subparagraph.

(G) Fees for Permit Processing for Certified Equipment Permits and Registration Permits

(i) Persons applying for a Certified Equipment Permit shall pay a one-time permit processing fee for each application. The fee shall be determined in accordance with Table FEE RATE-A. No annual operating permit renewal fee shall be charged.

(ii) A permit processing fee equal to 50% of Schedule A Permit Processing Fee of Table FEE RATE-A shall be assessed to a person applying for a Change of Operator for a Certified Equipment Permit.

(iii) A permit processing fee equal to 50% of Schedule A Permit Processing Fee of Table FEE RATE-A shall be charged to a person applying for a Registration Permit to Construct and Permit to Operate for certified equipment. Annual operating permit renewal fees shall be paid pursuant to subdivision (d).

(iv) When certified equipment is built, erected, installed, or replaced (except for identical replacement) without the owner/operator obtaining a required Rule 201 Permit to Construct, the permit processing fee assessed shall be 150 percent (150%) of the amount set forth in subparagraph (c)(1)(G)(iii) of Rule 301.

(H) Applications Submitted for Equipment Previously Exempted by Rule 219

When applications for equipment are submitted within one year after the adoption of the most recent amendment to Rule 219 and are filed in accordance with the provisions of subparagraphs (c)(1)(A), (c)(1)(E), paragraphs (c)(2), or (c)(3) and require a permit, solely due to the most recent amendments to Rule 219, the permit processing fees assessed shall be in accordance with Schedule A of Table FEE RATE-A.

(I) Standard Streamlined Permits

The Streamlined Standard Permit application processing fee shall be \$930.20, except that the fee shall not exceed the applicable permit processing fee including small business discount if applicable.

There shall be no small business discount on the basic fee of \$930.20. Applications submitted for existing equipment which is operating and qualifies for a Streamlined Standard Permit shall be assessed an application processing fee in accordance with the provisions of subparagraph 301(c)(1)(C). Standard Streamlined Permits may be issued for the following equipment or processes: Replacement dry-cleaning equipment and Lithographic printing equipment.

(2) Fee for Change of Operator or Additional Operator

Under Rule 209 (Transfer and Voiding of Permits), a permit granted by the District is not transferable. Every applicant who files an application for a change of operator or additional operator with the same operating conditions of a Permit to Operate shall be subject to a permit processing fee as follows:

(A) The permit processing fee shall be as established in Table FEE RATE-C for equipment at one location so long as the new operator files an application for a Permit to Operate within one (1) year from the last renewal of a valid Permit to Operate and does not change the operation of the affected equipment. All fees billed from the date of application submittal that are associated with the facility for equipment for which a Change of Operator or Additional Operator application is filed, and all facility-specific fees (such as “Hot Spots” fees), must be paid before the Change of Operator or Additional Operator application is accepted. If after an application is received and SCAQMD determines that fees are due, the new operator shall pay such fees within 30 days of notification. If the fees are paid timely, the operator will not be billed for any additional fees billed to the previous operator.

(B) If an application for change of operator of a permit is not filed within one (1) year from the last annual renewal of the permit under the previous operator, the new operator shall submit an application for a new Permit to Operate, along with the permit processing fee as prescribed in subparagraph (c)(1)(A). A higher fee, as described in subparagraph (c)(1)(C), shall apply.

(3) Change of Operating Condition, Alteration/Modification/Addition

All delinquent fees, and court judgments in favor of the District and administrative civil penalties associated with the facility must be paid

before a Change of Operating Condition, Alteration/Modification/Addition application will be accepted. When an application is filed for a permit involving change of operating conditions, and/or a permit involving proposed alterations/modifications or additions resulting in a change to any existing equipment for which a Permit to Construct or a Permit to Operate was granted and has not expired in accordance with these rules, the permit processing fee shall be the amount set forth in Table FEE RATE-A. The only exceptions to this fee shall be:

- (A) Permits that must be reissued with conditions prohibiting the use of toxic materials and for which no evaluation is required, no physical modifications of equipment are made, and the use of substitute materials does not increase Volatile Organic Compounds (VOC) by more than 0.5 pound in any one day. When an application is filed for a modification described by this exception, the permit processing fee shall be the applicable fee as shown in the table below in this subparagraph:

Facility Type	Non-Title V	Title V
FY 2018-19	\$930.20	\$1,053.34
FY 2019-20 and thereafter	\$930.20	\$1,165.62

- (B) Permits that must be reissued to reflect the permanent removal of a standby fuel supply, or to render equipment non-operational shall pay the applicable reissue permit fee as shown in the tables below in this subparagraph, as follows:

- (i) Does not result in a new source review emission adjustment:

Facility Type	Non-Title V (per equipment or reissued permit)	Title V (per equipment or reissued permit)
FY 2018-19	\$681.13	\$771.30
FY 2019-20 and thereafter	\$681.13	\$853.53

(ii) Does result in a new source review emission adjustment:

Facility Type	Non-Title V (per equipment)	Title V (per equipment)
FY 2018-19	\$1,785.79	\$2,022.19
FY 2019-20 and thereafter	\$1,785.79	\$2,237.76

(C) Permits reissued for an administrative change in permit description, for splitting a permit into two or more permits based on Equipment/Process listed in Table IA or IB (an application is required for each Equipment/Process) or for a change in permit conditions based on actual operating conditions and which do not require any engineering evaluation and do not cause a change in emissions, shall be charged a fee according to the following schedule:

Schedule	Non-Title V	Title V	
	FY 2018-19 and thereafter	FY 2018-19	FY 2019-20 and thereafter
A	\$681.14	\$771.30	\$853.53
A1	\$681.14	\$771.30	\$853.53
B	\$930.20	\$1,053.34	\$1,165.62
B1	\$930.20	\$1,053.34	\$1,165.62
C	\$930.20	\$1,053.34	\$1,165.62
D	\$930.20	\$1,053.34	\$1,165.62
E	\$930.20	\$1,053.34	\$1,165.62
F	\$930.20	\$1,053.34	\$1,165.62
G	\$930.20	\$1,053.34	\$1,165.62
H	\$930.20	\$1,053.34	\$1,165.62

(D) For permits reissued because of Rule 109, which do not result in Best Available Control Technology (BACT) determination, the permit processing fee shall be 50% of the amount set forth in Table FEE RATE-A.

(4) Fee for Evaluation of Applications for Emission Reductions
 Every applicant who files an application for banking of emission reduction credits; change of title of emission reduction credits; alteration/modification of emission reduction credits; or conversion of emission reduction credits, mobile source credits, or area source credits to short term emission reduction credits, as described in paragraph (a)(2) of this rule shall, at the time of filing, pay a processing fee in accordance with Schedule I in Table

FEE RATE-B. Additionally, the applicant shall, if required by Rule 1310(c), either:

- (A) Pay a fee for publication of public notice and a preparation fee as per Rule 301(j)(4), or
- (B) Arrange publication of the public notice independent of the District option and provide to the Executive Officer a copy of the proof of publication.

- (5) Fees for Retirement of Short Term Emission Reduction Credits for Transfer into Rule 2202, and for ERCs Transfer Out of Rule 2202.

Any applicant who files an application to transfer a short term emission reduction credit certificate into Rule 2202 or to transfer ERCs out of Rule 2202 pursuant to Rule 2202 – On-Road Motor Vehicle Mitigation Options shall, at the time of filing, pay the fee as listed in Table FEE RATE-B.

- (d) Annual Operating Permit Renewal Fee

- (1) Renewal of Permit to Operate

All Permits to Operate (including temporary Permits to Operate pursuant to Rule 202) for equipment on the same premises shall be renewed on the annual renewal date set by the Executive Officer. A Permit to Operate is renewable if the permit is valid according to the District's Rules and Regulations and has not been voided or revoked and if the annual operating permit fee is paid within the time and upon the notification specified in paragraph (d)(8) of this rule and if all court judgments in favor of the District and administrative civil penalties associated with the facility are paid.

- (2) Annual Operating Fees

The annual operating permit renewal fee shall be assessed in accordance with the following schedules:

Equipment/Process Schedules in Tables IA and IB	Non-Title V Annual Operating Permit Renewal Fee	Title V Annual Operating Permit Renewal Fee
A1	\$203.01	\$229.88 for FY 2018-19 and \$254.38 for FY 2019-20 and thereafter
A, B, and B1 (excluding Rule 461 liquid fuel dispensing nozzles)	\$406.79	\$460.64 for FY 2018-19 and \$509.74 for FY 2019-20 and thereafter
C and D	\$1,456.96	\$1,649.83 for FY 2018-19 and \$1,825.70 for FY 2019-20 and thereafter
E, F, G, and H	\$3,498.33	\$3,961.46 for FY 2018-19 and \$4,383.76 for FY 2019-20 and thereafter
Rule 461 liquid fuel dispensing system	\$120.26 per product dispensed per nozzle	\$136.19 for FY 2018-19 and \$150.71 for FY 2019-20 and thereafter per product dispensed per nozzle

In addition to the annual operating permit renewal fees based on equipment/process, each RECLAIM/Title V facility shall pay the additional fee of:

Title V Facility	\$667.85 for FY 2018-19 and \$739.04 for FY 2019-20 and thereafter per facility
RECLAIM Facility	\$978.67 per Major Device
	\$195.74 per Large Device
	\$195.74 per Process Unit Device
RECLAIM and Title V Facility	RECLAIM fee + Title V fee

(3) **Credit for Solar Energy Equipment**

Any permittee required to pay an annual operating permit renewal fee shall receive an annual fee credit for any solar energy equipment installed at the site where the equipment under permit is located. Solar energy projects that receive grant funding from the Rule 1309.1 – Priority Reserve account shall not be eligible for this annual fee credit.

(A) Computation

The design capacity of the solar energy equipment expressed in thousands of British Thermal Units (Btu) per hour shall be used to determine the fee credit calculated at \$1.97 per 1,000 Btu.

(B) Limitation

The solar energy credit shall not exceed the annual operating permit renewal fee for all permits at the site where the solar energy equipment is located.

(4) Renewal of Temporary Permit to Operate New Equipment

A Permit to Construct, which has not expired or has not been canceled or voided, will be considered a temporary Permit to Operate on the date the applicant completes final construction and commences operation, pursuant to subdivision (a) of Rule 202. For the purposes of this paragraph, the date specified as the estimated completion date on the application for Permit to Construct will be considered the date of commencement of operation, unless the applicant notifies the District in writing that operation will commence on another date, or unless the equipment already has been placed in operation. Such temporary Permit to Operate shall be valid for the period of time between commencement of operation and the applicant's next annual renewal date following commencement of operation and shall be subject to a prorated amount of the annual operating permit renewal fee prescribed in paragraph (d)(2). The proration shall be based on the time remaining to the next annual renewal date. On that next annual renewal date, and each year thereafter, the annual operating permit renewal fee for the temporary Permit to Operate shall be due in the amount prescribed in paragraph (d)(2).

(5) Renewal of Temporary Permit to Operate Existing Equipment

In the case of equipment operating under a temporary Permit to Operate issued pursuant to subdivision (c) of Rule 202, where a Permit to Construct was not issued, the company is immediately subject to a prorated amount of the annual operating permit renewal fee prescribed in paragraph (d)(2) following the submission of the completed application for Permit to Operate. The proration shall be based on the time remaining to the next annual renewal date. On that next annual renewal date, and each year thereafter, the annual operating permit renewal fee shall be due in the amount prescribed in paragraph (d)(2). If no annual renewal date has been

established, the Executive Officer shall set one upon receipt of the application.

(6) Annual Renewal Date

If, for any reason, the Executive Officer determines it is necessary to change the annual renewal date, all annual operating permit renewal fees shall be prorated according to the new annual renewal date.

(7) Annual Renewal Date for Change of Operator

The same annual renewal date shall apply from one change of operator to another.

(8) Notice of Amount Due and Effect of Nonpayment

At least thirty (30) days before the annual renewal date, the owner/operator of equipment under permit will be notified by mail, electronic mail, or other electronic means, of the amount to be paid and the due date. If such notice is not received at least thirty (30) days before the annual renewal date, the owner/operator of equipment under permit shall notify the District on or before the permit renewal date that said notice was not received. The annual operating permit renewal fee for each permit shall be in the amount described in paragraph (d)(2). If the annual operating permit renewal fee is not paid within thirty (30) days after the due date, the permit will expire and no longer be valid. In the case of a RECLAIM facility, if the individual device fee(s) are not paid, the application(s) associated with the device(s) shall expire and no longer be valid. For a Title V facility, if the Title V facility fee, which is not based on any specific equipment but applies to the whole facility, is not paid, the Title V facility permit shall expire. In such a case, the owner/operator will be notified by mail, electronic mail, or other electronic means, of the expiration and the consequences of operating equipment without a valid permit, as required by Rule 203 (Permit to Operate). For the purpose of this paragraph, the fee payment will be considered to be received by the District if it is delivered, postmarked by the United States Postal Service, or electronically paid on or before the expiration date stated on the billing notice. If the expiration date falls on a Saturday, Sunday, or a state holiday, the fee payment may be delivered, postmarked, or electronically paid on the next business day following the Saturday, Sunday, or state holiday with the same effect as if it had been postmarked on the expiration date.

(9) Annual Operating Fees for Redundant Emission Controls

Any person holding permits to operate for two or more emission controls applicable to the same equipment who establishes that any of the emission controls is redundant, i.e., not necessary to assure compliance with all applicable legal requirements, shall not be required to pay annual operating permit renewal fees under subdivision (d) for the redundant equipment. The Executive Officer may reinstate the obligation to pay such fees at any time upon determination that operating the control is or has become necessary to assure compliance with any applicable legal requirements.

(e) Annual Operating Emissions Fee

(1) Annual Operating Emission Fee Applicability

In addition to the annual operating permit renewal fee, the owner/operator of all equipment operating under permit shall pay an annual emissions fee based on the total weight of emissions of each of the contaminants specified in Table III from all equipment used by the operator at all locations, including total weight of emissions of each of the contaminants specified in Table III resulting from all products which continue to passively emit air contaminants after they are manufactured, or processed by such equipment, with the exception of such product that is shipped or sold out of the District so long as the manufacturer submits records which will allow for the determination of emissions within the District from such products.

(2) Emissions Reporting and Fee Calculation

For the reporting period July 1, 2000 to June 30, 2001, and all preceding reporting periods, emissions from equipment not requiring a written permit pursuant to Regulation II shall be reported but not incur a fee for emissions so long as the owner/operator keeps separate records which allow the determination of emissions from such non-permitted equipment. Notwithstanding the above paragraph, for the purposes of Rule 317 – Clean Air Act Non-Attainment Fees, all major stationary sources of NO_x and VOC, as defined in Rule 317, shall annually report and pay the appropriate clean air act non-attainment fees for all actual source emissions including but not limited to permitted, unpermitted, unregulated and fugitive emissions. Beginning with the reporting period of July 1, 2001 to June 30, 2002, and for subsequent reporting periods, each facility with total emissions including emissions from equipment or processes not requiring a written permit pursuant to Regulation II greater than or equal to the

threshold amount of contaminants listed in paragraph (e)(5) shall report all emissions and incur an emissions fee as prescribed in Table III.

Non-permitted emissions which are not regulated by the District shall not be reported and shall be excluded from emission fees if the facility provides a demonstration that the emissions are not regulated and maintains sufficient records to allow the accurate demonstration of such non-regulated emissions.

(3) Exception for the Use of Clean Air Solvents

An owner/operator shall not pay a fee for emissions from the use of Clean Air Solvents issued a valid Certificate from the District so long as the facility submits separate records which allow the determination of annual emissions, usage, and identification of such products. A copy of the Clean Air Solvent certificate issued to the manufacturer or distributor shall be submitted with the separate records.

(4) Flat Annual Operating Emission Fee

The owner/operator of all equipment operating under at least one permit (not including certifications, registrations or plans) shall each year be assessed a flat annual emissions fee of \$131.79.

(5) Emission Fee Thresholds

Each facility with emissions greater than or equal to the threshold amount of the contaminant listed below shall be assessed a fee as prescribed in Table III.

Air Contaminant(s)	Annual Emissions Threshold (TPY)
Gaseous sulfur compounds (expressed as sulfur dioxide)	≥4 TPY
Total organic gases (excluding methane, exempt compounds as specified in paragraph (e)(13), and specific organic gases as specified in paragraph (b)(28))	≥4 TPY
Specific organic gases	≥4 TPY
Oxides of nitrogen (expressed as nitrogen oxide)	≥4 TPY
Total particulate matter	≥4 TPY
Carbon monoxide	≥100 TPY

- (6) Clean Fuels Fee Thresholds
Each facility emitting 250 tons or more per year (≥ 250 TPY) of Volatile Organic Compounds, Nitrogen Oxides, Sulfur Oxides and Particulate Matter shall pay an annual clean fuels fee as prescribed in Table V (California Health and Safety Code Section 40512).
- (7) Fees for Toxic Air Contaminants or Ozone Depleters
Each facility emitting a toxic air contaminant or ozone depleter greater than or equal to the annual thresholds listed in Table IV shall be assessed an annual emissions fee as indicated therein. The annual emissions fee for toxic air contaminants and ozone depleters shall be based on the total weight of emissions of these contaminants associated with all equipment and processes including, but not limited to, material usage, handling, processing, loading/unloading; combustion byproducts, and fugitives (equipment/component leaks).
- (A) Any dry cleaning facility that emits less than two (2) tons per year of perchloroethylene, and qualifies as a small business as defined in the general definition of Rule 102, shall be exempt from fees listed in Table IV. This provision shall be retroactive to include the July 10, 1992, rule amendment which included perchloroethylene in Table IV.
- (B) Any facility that emits less than two (2) tons per year, of formaldehyde, perchloroethylene, or methylene chloride, may petition the Executive Officer, at least thirty (30) days prior to the official submittal date of the annual emissions report as specified in paragraph (e)(10), for exemption from formaldehyde, perchloroethylene, or methylene chloride fees as listed in Table IV. Exemption from emissions fees shall be granted if the facility demonstrates that no alternatives to the use of these substances exist, no control technologies exist, and that the facility qualifies as a small business as defined in the general definition of Rule 102.
- (8) Reporting of Total Emissions from Preceding Reporting Period and Unreported or Under-reported Emissions from Prior Reporting Periods
- (A) The owner/operator of equipment subject to paragraph (e)(1), (e)(2), (e)(5), (e)(6), and (e)(7) shall report to the Executive Officer the total emissions for the immediate preceding reporting period of each of the air contaminants concerned from all equipment. The report shall be made at the time and in the manner prescribed by the Executive

Officer. The permit holder shall report the total emissions for the twelve (12) month period reporting for each air contaminant concerned from all equipment or processes, regardless of the quantities emitted.

(B) The Executive Officer will determine default emission factors applicable to each piece of permitted equipment or group of permitted equipment, and make them available to the owner/operator in a manner specified by the Executive Officer and provide them to the owner/operator upon request. In determining emission factors, the Executive Officer will use the best available data. A facility owner/operator can provide alternative emission factors that more accurately represent actual facility operations subject to the approval of the Executive Officer.

(C) A facility owner/operator shall report to the Executive Officer, in the same manner, and quantify any emissions of air contaminants in previous reporting periods which had not been reported correctly and should have been reported under the requirements in effect in the reporting period in which the emissions occurred.

(9) Request to Amend Emissions Report and Refund of Emission Fees

(A) A facility owner/operator shall submit a written request (referred to as an “Amendment Request”) for any proposed revisions to previously submitted annual emissions reports. Amendment requests with no fee impact, submitted after one (1) year and seventy five (75) days from the official due date of the subject annual emissions report shall include a non-refundable standard evaluation fee of \$343.96 for each subject facility and reporting period. Evaluation time beyond two hours shall be assessed at the rate of \$172.01 per hour and shall not exceed ten (10) hours. Amendment requests received within one year (1) and seventy five (75) days from the official due date of a previously submitted annual emissions report shall not incur any such evaluation fees. The Amendment Request shall include all supporting documentation and copies of revised applicable forms.

(B) A facility owner/operator shall submit a written request (referred to as a “Refund Request”) to correct the previously submitted annual emissions reports and request a refund of overpaid emission fees. Refund Requests must be submitted within one (1) year and seventy

five (75) days from the official due date of the subject annual emissions report to be considered valid. The Refund Request shall include all supporting documentation and copies of revised applicable forms. If the Refund Request is submitted within one (1) year and seventy five (75) days from the official due date of the subject annual emissions report, and results in no fee impact, then the facility owner/operator shall be billed for the evaluation fee pursuant to subparagraph (e)(9)(A).

(10) Notice to Pay and Late Filing Surcharge

(A) A notice to report emissions and pay the associated emission fees will be sent by mailmailed, electronic mail, or other electronic means, annually to the owners/operators of all equipment (as shown in District records) to which this subdivision applies. A notice to pay the semi-annual fee specified in paragraph (e)(11) will also be sent by mailmailed, electronic mail, or other electronic means, to facilities which in the preceding reporting year emitted any air contaminant equal to or greater than the emission thresholds specified in subparagraph (e)(11)(A). Emissions reports and fee payments are the responsibility of the owner/operator regardless of whether the owner/operator was notified.

If both the fee payment and the completed emissions report are not received by the seventy-fifth (75th) day following July 1 (for semi-annual reports), or January 1 (for annual reports), they shall be considered late, and surcharges for late payment shall be imposed as set forth in subparagraph (e)(10)(B). For the purpose of this subparagraph, the emissions fee payment and the emissions report shall be considered to be timely received by the District if it is delivered, postmarked, or electronically paid on or before the seventy-fifth (75th) day following the official due date. If the seventy-fifth (75th) day falls on a Saturday, Sunday, or a state holiday, the fee payment and emissions report may be delivered, postmarked, or electronically paid on the next business day following the Saturday, Sunday, or the state holiday with the same effect as if they had been delivered, postmarked, or electronically paid on the seventy-fifth (75th) day.

(B) If fee payment and emissions report are not received within the time prescribed by subparagraph (e)(10)(A), a surcharge shall be

assessed and added to the original amount of the emission fee due according to the following schedule:

Less than 30 days	5% of reported amount
30 to 90 days	15% of reported amount
91 days to 1 year	25% of reported amount
More than 1 year	(See subparagraph (e)(10)(D))

- (C) If an emission fee is timely paid, and if, within one year after the seventy-fifth (75th) day from the official due date is determined to be less than ninety percent (90%) of the full amount that should have been paid, a fifteen percent (15%) surcharge shall be added, and is calculated based on the difference between the amount actually paid and the amount that should have been paid, to be referred to as underpayment. If payment was ninety percent (90%) or more of the correct amount due, the difference or underpayment shall be paid but with no surcharges added. The fee rate to be applied shall be the fee rate in effect for the year in which the emissions actually occurred. If the underpayment is discovered after one (1) year and seventy five (75) days from the official fee due date, fee rates and surcharges will be assessed based on subparagraph (e)(10)(D).
 - (D) The fees due and payable for the emissions reported or reportable pursuant to subparagraph (e)(8)(C) shall be assessed according to the fee rate for that contaminant specified in Tables III, IV, and V, and further increased by fifty percent (50%). The fee rate to be applied shall be the fee rate in effect for the year in which the emissions are actually reported, and not the fee rate in effect for the year the emissions actually occurred.
 - (E) If one hundred twenty (120) days have elapsed since January 1st, July 1st, or as applicable, and all emission fees including any surcharge have not been paid in full, the Executive Officer may take action to revoke all Permits to Operate for equipment on the premises, as authorized in Health and Safety Code Section 42307.
- (11) Semi-Annual Emissions Fee Payment
- (A) For facilities emitting the threshold amount of any contaminant listed below, the Executive Officer will estimate one half (1/2) of the previous annual emission fees and request that the permit holder

pay such an amount as the first installment on annual emission fees for the current reporting period.

Air contaminant(s)	Annual emissions threshold (TPY)
Gaseous sulfur compounds (expressed as sulfur dioxide)	≥10 TPY
Total organic gases (excluding methane, exempt compounds as specified in paragraph (e)(13), and specific organic gases as specified in paragraph (b)(28))	≥10 TPY
Specific organic gases	≥10 TPY
Oxides of nitrogen (expressed as nitrogen dioxide)	≥10 TPY
Total particulate matter	≥10 TPY
Carbon monoxide	≥100 TPY

- (B) In lieu of payment of one half the estimated annual emission fees, the owner/operator may choose to report and pay on actual emissions for the first six months (January 1 through June 30). By January 1 of the year following the reporting period, the permit holder shall submit a final Annual Emission Report together with the payment of the balance; the annual emission fees less the installment previously paid. The report shall contain an itemization of emissions for the preceding twelve (12) months of the reporting period (January 1 through December 31).
- (C) An installment fee payment is considered late and is subject to a surcharge if not received within seventy five (75) days of the due date pursuant to paragraph (e)(10).

- (12) **Fee Payment Subject to Validation**
Acceptance of a fee payment does not constitute validation of the emission data.
- (13) **Exempt Compounds**
Emissions of acetone, ethane, methyl acetate, parachlorobenzotrifluoride (PCBTF), and volatile methylated siloxanes (VMS), shall not be subject to the requirements of Rule 301(e).
- (14) **Reporting Emissions and Paying Fees**
For the reporting period of January 1 through December 31, emission fees shall be determined in accordance with fee rates specified in Tables III, IV

and V, and paragraph (e)(2). Installment fees that have been paid for Semi-Annual Emission Fees shall not be subject to this provision.

(15) **Deadline for Filing Annual Emissions Report and Fee Payment**

Notwithstanding any other applicable Rule 301(e) provisions regarding the annual emissions report and emission fees, for the reporting period January 1 through December 31, the fee payment and the completed annual emissions report shall be ~~received by the District, or delivered,~~ postmarked, or electronically paid on or before the seventy-fifth (75th) day following January 1 of the subsequent year to avoid any late payment surcharges specified in subparagraph (e)(10)(B).

(16) **Reporting GHG Emissions and Paying Fees**

A facility that is subject to the California Air Resources Board (CARB)'s mandatory reporting of Greenhouse Gas (GHG) emissions may request District staff to review and verify the facility's GHG emissions. The fee for review and verification for each GHG emissions report shall consist of an initial submittal fee of \$135.77 in addition to a verification fee assessed at \$140.52 per hour or prorated portion thereof.

(f) **Certified Permit Copies and Reissued Permits**

A request for a certified permit copy shall be made in writing by the permittee after the destruction, loss, or defacement of a permit. A request for a permit to be reissued shall be made in writing by the permittee where there is a name or address change without a change of operator or location. The permittee shall, at the time a written request is submitted, pay the fees to cover the cost of the certified permit copy or reissued permit as follows:

(1) **Certified Permit Copy**

Facility Type	Non-Title V	Title V
FY 2018-19	\$30.19	\$34.19
FY 2019-20 and thereafter	\$30.19	\$37.84

(2) Reissued Permit

Facility Type	Non-Title V	Title V
FY 2018-19	\$233.77	\$264.71
FY 2019-20 and thereafter	\$233.77	\$292.93

No fee shall be assessed to reissue a permit to correct an administrative error by District staff.

(g) Reinstating Expired Applications or Permits; Surcharge

An application or a Permit to Operate which has expired due to nonpayment of fees or court judgments in favor of the District or administrative civil penalties associated with the facility may be reinstated by submitting a request for reinstatement of the application or Permit to Operate accompanied by a reinstatement surcharge and payment in full of the amount of monies due at the time the application or Permit to Operate expired. The reinstatement surcharge shall be fifty percent (50%) of the amount of fees due per equipment at the time the application or Permit to Operate expired, or the following amount, whichever is lower:

Permit Holder Per Equipment Fee	Title V Facility	Non-Title V Facility	Other Facility Type
FY 2018-19	\$280.86	\$248.03	\$248.03
FY 2019-20 and thereafter	\$310.79	\$248.03	\$248.03

Such request and payment shall be made within one (1) year of the date of expiration. An application or Permit to Operate which has expired due to nonpayment of fees shall not be reinstated if the affected equipment has been altered since the expiration of the application or Permit to Operate. If the period of expiration has exceeded one (1) year or the affected equipment has been altered, operation of the equipment shall require a new Permit to Operate and the application shall be subject to Rule 1313(b).

(h) Reinstating Revoked Permits

If a Permit to Operate is revoked for nonpayment of annual permit fees based on emissions or fees on non-permitted emissions, it may be reinstated upon payment by the permit holder of such overdue fees and accrued surcharge in accordance with (e)(10).

(i) Clean Air Act Non-Attainment Fees

Any fees remitted to the District pursuant to Rule 317 – Clean Air Act Non-attainment Fees shall be held in escrow accounts unique to each source. Fees accrued in such escrow accounts may be used for either of the following at the discretion of the source’s owner or operator.

- (1) Creditable up to the amount of fees due by the same source during the calendar year or subsequent calendar year(s) for annual emissions fees due pursuant to Rule 301(e)(2), (4), (6), (7) and (11) and annual operating permit renewal fees due pursuant to Rule 301(d)(1), (2) and (4). In no case shall the credit be greater than the fees paid; or
- (2) Use by the owner or operator for VOC and NOx reduction programs at their source that are surplus to the State Implementation Plan according to the following prioritization:
 - (A) at the source; or
 - (B) use within another facility under common ownership; or
 - (C) use in the community adjacent to the facility; or
 - (D) other uses to reduce emissions.

Up to five percent of funds can be used by the South Coast Air Quality Management District for administrative support for items in paragraph (i)(2).

(j) Special Permit Processing Fees - California Environmental Quality Act (CEQA) Assistance, Air Quality Analysis, Health Risk Assessment, and Public Notice for Projects

(1) Payment for CEQA Assistance

(A) CEQA Document Preparation

When a determination is made by the Executive Officer that the District is the Lead Agency for a project, pursuant to the California Environmental Quality Act (CEQA), Public Resources Code Section 21000 et seq. and state CEQA Guidelines (14 California Code of Regulations section 15000 et seq.), the project applicant may be required to pay a review fee (based on a staff rate of \$172.01

per hour) when a 400-CEQA form requires the CEQA staff to review for CEQA applicability. If preparation of CEQA documentation is deemed necessary, the applicant shall pay an initial fee for the preparation of necessary CEQA documentation according to the following schedule:

Notice of Exemption (upon applicant request)	\$344.00
Negative Declaration (ND), including Supplemental or Subsequent ND	\$5,187.47
Mitigated Negative Declaration (MND), including Supplemental or Subsequent MND	\$5,187.47
Environmental Impact Report (EIR), including Supplemental or Subsequent EIR	\$6,916.58
Addendum to EIR, including Addendum to ND/MND	\$3,584.56

If the Executive Officer determines that the District's CEQA preparation costs (may include, but not limited to, mailing, noticing, publications, et cetera) and staff time (based on the rate of \$172.01 per hour) exceed the initial fee the project applicant, upon notification from the District, shall make periodic payment of the balance due. The Executive Officer shall determine the amount and timing of such periodic payments, based upon the level of CEQA analysis and the amount of monies needed to offset the actual preparation costs.

(B) CEQA Document Assistance

When the District is not the Lead Agency for a project and a request is made by: another public agency; a project proponent; or any third party, for staff assistance with any of the following tasks including, but not limited to: reviewing all or portions of a CEQA document and air quality analysis protocols for emissions inventories and air dispersion modeling prior to its circulation to the public for review pursuant to Public Resources Code §21092; assisting lead agencies with developing and implementing mitigation measures, the requestor may be required to pay a fee for staff time at the rate of \$172.01 per hour. This fee shall not apply to review of CEQA documents prepared by other public agencies that are available for public review pursuant to Public Resources Code §21092 and is part

of the District's intergovernmental review responsibilities under CEQA.

(2) Payment for Air Quality Analysis

When a determination is made by the Executive Officer that an air quality analysis of the emissions from any source is necessary to predict the extent and amount of air quality impact prior to issuance of a permit, the Executive Officer may order air quality simulation modeling by qualified District personnel. Alternatively, the Executive Officer may require (or the owner/operator of the source may elect) that modeling be performed by the owner/operator or an independent consultant.

Where modeling is performed by the owner/operator or an independent consultant, the Executive Officer may require that the results be verified by qualified District personnel. The owner/operator of the source shall provide to the Executive Officer a copy of the final modeling report including all input data, description of methods, analyses, and results. The owner/operator of the source modeled by District personnel shall pay a fee as specified in Table IIA to cover the costs of the modeling analysis. A fee, as specified in Table IIA, shall be charged to offset the cost of District verification of modeling performed by an independent consultant.

(3) Payment for Health Risk Assessment

(A) When a determination is made by the Executive Officer that any source being evaluated for a Permit to Construct or a Permit to Operate may emit toxic or potentially toxic air contaminants, the Executive Officer may order a Health Risk Assessment be conducted by qualified District personnel or by a qualified consultant, as determined by the Executive Officer, engaged by the District under a contract. Alternatively, the Executive Officer may require (or owner/operator of the source may elect) that the assessment be performed by the owner/operator or an independent consultant engaged by the owner/operator. The Health Risk Assessment shall be performed pursuant to methods used by the California EPA's Office of Environmental Health Hazard Assessment.

(B) For a Health Risk Assessment conducted by the owner/operator of the source or the owner/operator's consultant, the Executive Officer may require that the results be verified by qualified District personnel or by a qualified consultant engaged by the District. The

owner/operator of the source shall provide to the Executive Officer a copy of the final Health Risk Assessment including all input data, and description of methods, analyses, and results. The owner/operator of the source for which a Health Risk Assessment is conducted or is evaluated and verified by District personnel or consultant shall pay the fees specified in Table IIA to cover the costs of an Air Quality Analysis and Health Risk Assessment analysis, evaluation, or verification. When the Health Risk Assessment is conducted or is evaluated and verified by a consultant engaged by the District, or District personnel, the fees charged will be in addition to all other fees required.

(C) When a Health Risk Assessment is evaluated by the California EPA, pursuant to Health and Safety Code Sections 42315, 44360, 44361 or 44380.5, or by a consultant engaged by the California EPA, or when the District consults with the California EPA regarding the Health Risk Assessment, any fees charged by the California EPA to the District will be charged to the person whose Health Risk Assessment is subject to the review, in addition to other fees required.

(4) Payment for Public Notice

An applicant shall pay the applicable fee, for preparation of any public notice as required by the rules, as shown below in this paragraph:

Public Notification Type	Non-Title V Source	Title V Source
For a project requiring notification as defined in Rule 212(c)	\$1,084.50	\$1,228.07 for FY 2018-19 and \$1,358.99 for FY 2019-20 and thereafter
For emission reduction credits (ERCs) in excess of the amounts as specified in Rule 1310(c)	\$1,084.50	\$1,228.07 for FY 2018-19 and \$1,358.99 for FY 2019-20 and thereafter
Requesting allocations from the Offset Budget or requesting the generation or use of any Short Term Credit (STCs)	\$1,084.50	\$1,228.07 for FY 2018-19 and \$1,358.99 for FY 2019-20 and thereafter
Significant revision of a Title V permit	---	\$1,228.07 for FY 2018-19 and \$1,358.99 for FY 2019-20 and thereafter

The notice preparation fee is waived for existing dry cleaning operations at the same facility that install, modify or replace dry cleaning equipment to comply with Rule 1421 provided there is a concurrent removal from service of the perchloroethylene equipment. Eligibility includes converting from perchloroethylene to non-toxic alternative solvents, including non-toxic hydrocarbon solvents. In addition, an applicant for a project subject to the requirements of Rule 212(g) shall either:

- (A) Pay the actual cost as invoiced for publication of the notice by prominent advertisement in the newspaper of general circulation in the area affected where the facility is located and for the mailing of the notice to persons identified in Rule 212(g), or
- (B) Arrange publication of the above notice independent of the District option. This notice must be by prominent advertisement in the newspaper of general circulation in the area affected where the

facility is located. Where publication is performed by the owner/operator or an independent consultant, the owner/operator of the source shall provide to the Executive Officer a copy of the proof of publication.

(5) Payment for Review of Continuous Emissions Monitoring System (CEMS), Fuel Sulfur Monitoring System (FSMS), and Alternative Continuous Emissions Monitoring System (ACEMS)

(A) New Application for Process Equipment Requiring CEMS or, Alternatively, an FSMS or ACEMS to Comply with the CEMS Requirement.

When a determination is made by the Executive Officer that a Continuous Emissions Monitoring System (CEMS) is required in order to determine a source's compliance with a District rule or regulation, the applicant shall:

- (i) Apply for the use of a CEMS and pay a basic processing fee as specified in Table IIB at the time of filing.
- (ii) Apply for the use of an FSMS or ACEMS in lieu of a CEMS and pay a basic processing fee as specified in Table IIB at the time of filing.

(B) Modification of an Existing Certified CEMS, FSMS, or ACEMS

If a certified CEMS, FSMS, or ACEMS is modified in a manner (excluding routine replacement or servicing of CEMS or FSMS components for preventive or periodic maintenance according to established quality assurance guidelines, or CEMS or FSMS components designated by the Executive Officer as "standardized" or direct replacement-type components) determined by the Executive Officer to compromise a source's compliance with a District rule or regulation, the applicant shall pay a processing fee covering the evaluation of the modification and recertification, if necessary, as follows:

- (i) If one or more CEMS or FSMS components (excluding additional pollutant monitors) are replaced, modified, or added, the applicant shall pay a minimum processing fee of \$907.51; and additional fees will be assessed at a rate of \$172.01 per hour for time spent on the evaluation in excess of 10 hours up to a maximum total fee of \$5738.49.

- (ii) If one or more pollutant monitors are added to a CEMS or FSMS (and one or more of its components are concurrently replaced, modified, or added), the applicant shall pay a minimum processing fee as specified in Table IIB, based on the number of CEMS or FSMS pollutant monitors and components added.
 - (iii) If one or more pollutant emission sources at a facility are added to an FSMS, a time-shared CEMS, or a SO_x CEMS which is specifically used to “back-calculate” fuel sulfur content for these sources, the applicant shall pay a minimum processing fee as specified in Table IIB, based on the number of CEMS or FSMS monitors and components added.
 - (iv) If one or more ACEMS (or PEMS) components are replaced, modified, or added, the applicant shall pay a minimum processing fee \$907.51; and additional fees will be assessed at a rate of \$172.01 per hour for time spent on the evaluation in excess of 10 hours up to a maximum total fee of \$5738.49.
- (C) **Modification of CEMS, FSMS, or ACEMS Monitored Equipment**
For any RECLAIM or non-RECLAIM equipment monitored or required to be monitored by a CEMS, FSMS, or ACEMS, that is modified in a manner determined by the Executive Officer to compromise a source’s compliance with a District CEMS-, FSMS-, or ACEMS-related rule or regulation, or requires an engineering evaluation, or causes a change in emissions; the applicant shall pay a minimum processing fee of \$907.51, covering the evaluation and recertification, if necessary, of the CEMS, FSMS, or ACEMS. Additional fees will be assessed at a rate of \$172.01 per hour for time spent on the evaluation in excess of 10 hours up to a maximum total fee of \$5738.49.
- (D) **Periodic Assessment of an Existing CEMS, FSMS, or ACEMS**
An existing CEMS, FSMS, or ACEMS must be retested on a quarterly, semi-annual, or annual basis to remain in compliance with District regulations. The applicant shall pay a minimum processing fee of \$907.51 for this evaluation, if required. Additional fees will be assessed at a rate of \$172.01 per hour for time spent on the evaluation in excess of 10 hours up to a maximum total fee of \$5738.49.

- (E) CEMS, FSMS, or ACEMS Change of Ownership
Every applicant who files an application for a change of operator of a RECLAIM or non-RECLAIM facility permit shall also file an application for a change of operator of a CEMS, FSMS, or ACEMS, if applicable, and be subject to a processing fee equal to \$273.61 for the first CEMS, FSMS, or ACEMS, plus \$54.57 for each additional CEMS, FSMS, or ACEMS.
- (6) Payment for Review and Certification of Barbecue Charcoal Igniter Products
 - (A) Certification of Barbecue Charcoal Igniter Products
Pursuant to the requirements of District Rule 1174, manufacturers, distributors, and/or retailers of applicable barbecue charcoal igniter products shall perform the required testing and shall submit a formal report for review by SCAQMD staff for product compliance and certification. For each product evaluated, the applicant shall pay a minimum processing fee of \$678.79 per product certified, and additional fees will be assessed at the rate of \$135.77 per hour for time spent on the evaluation/certification process in excess of 5 hours.
 - (B) Repackaging of Certified Barbecue Charcoal Igniter Products
When a currently certified barbecue charcoal igniter product is repackaged for resale or redistribution, the manufacturer, distributor, and/or retailer shall submit the required documentation to SCAQMD staff for evaluation and approval. For each product or products evaluated, the applicant shall pay a processing fee of \$339.42 for the first certificate issued, and additional fees will be assessed at the rate of \$135.77 per hour for the time spent in excess of 3 hours for the first certificate issued. Additional certificates for the same product or products shall be assessed at the rate of \$67.85 per each additional certificate issued.
- (7) Fees for Inter-basin, Inter-district, or Interpollutant Transfers of Emission Reduction Credits
An applicant for inter-basin, inter-district, or interpollutant transfer of ERCs shall file an application for ERC Change of Title and pay fees as listed in Table FEE RATE-B. Additional fees shall be assessed at a rate based on the number of hours for the time spent on review and evaluation of inter-

basin, inter-district, and interpollutant transfers of ERCs pursuant to Rule 1309 subdivisions (g) and (h).

Facility Type	Non-Title V	Title V
FY 2018-19	\$186.04/hr	\$210.67/hr
FY 2019-20 and thereafter	\$186.04/hr	\$233.13/hr

- (8) Fees for Grid Search to Identify Hazardous Air Pollutant Emitting Facilities
A fee of \$341.74 shall be submitted by any individual, business or agency requesting the District to conduct a grid search to identify all facilities with the potential to emit hazardous air pollutants located within one-quarter mile of a proposed school boundary.

Failure to pay the fees described in this subdivision within thirty (30) days after their due date(s) shall result in expiration of pending applications, and no further applications will be accepted from the applicant until the fees have been paid in full.

- (k) Government Agencies

All applicants and permittees, including federal, state, or local governmental agencies or public districts, shall pay all fees.

- (l) RECLAIM Facilities

- (1) For RECLAIM facilities, this subdivision specifies additional conditions and procedures for assessing the following fees:

- (A) Facility Permit;
- (B) Facility Permit Amendment;
- (C) Change of Operating Condition;
- (D) Change of Operator;
- (E) Annual Operating Permit;
- (F) Transaction Registration;
- (G) RECLAIM Pollutant Emission;
- (H) Duplicate Permits;
- (I) Reissued Permits;
- (J) RECLAIM Breakdown Emissions; and
- (K) Non-Tradeable Allocation Credit Mitigations.

- (2) RECLAIM Fees Applicability
All RECLAIM Facility Permit holders shall be subject to this subdivision.
- (3) Rule 301 - Permit Fees Applicability
Unless specifically stated, all RECLAIM Facility Permit holders shall be subject to all other provisions of Rule 301 - Permit Fees.
- (4) Facility Permit Amendment
At the time of filing an application for a Facility Permit Amendment, a Facility Permit Amendment Fee shall be paid and an application for such amendment shall be submitted. The Facility Permit Amendment Fees for an application or group of applications are listed in Table VII and shall be based on the type of facility permit. Facility Permit Amendment Fees are in addition to the sum of applicable fees assessed for each application required for affected equipment as specified in subparagraph (c)(3)(C) (for administrative equipment applications) or Table FEE RATE-A (for non-administrative equipment applications) or Rule 306 (i)(1). All delinquent fees, court judgments in favor of the District and administrative civil penalties associated with the facility must be paid before a Facility Permit Amendment application will be accepted.
- (5) Change of Operating Condition
At the time of filing an application for a Change of Operating Conditions that requires engineering evaluation or causes a change in emissions, a Change of Condition Fee shall be paid. Such fee shall be equal to the sum of fees assessed for each equipment subject to the change of condition as specified in Table FEE RATE-A. All delinquent fees associated with the affected facility subject to the change of condition must be paid before a Change of Operating Conditions application will be accepted.
- (6) Fee for Change of Operator
The Permit Processing Fee for a Change of Operator of a RECLAIM facility permit shall be determined from Table FEE RATE-C. In addition, a Facility Permit Amendment fee as specified in paragraph (1)(4) shall be assessed. All fees, billed within the past 3 years from the date of application submittal that are, associated with the facility for equipment for which a Change of Operator or Additional Operator application is filed, and all facility-specific fees (such as "Hot Spots" fees), must be paid before a Change of Operator or Additional Operator application is accepted. If after an application is received and SCAQMD determines that fees are due, the new operator shall

pay such fees within 30 days of notification. If the fees are paid timely the new operator will not be billed for any additional fees billed to the previous operator.

- (7) Annual Operating Permit Renewal Fee
- (A) Unless otherwise stated within this subdivision, the Facility Permit holder shall be subject to all terms and conditions pursuant to subdivision (d).
- (B) An Annual Operating Permit Renewal Fee shall be submitted by the end of the compliance year. Such fee shall be equal to the sum of applicable permit renewal fees specified in paragraph (d)(2).
- (C) At least thirty (30) days before the annual renewal date, the owner/operator of equipment under permit will be notified by mail, electronic mail, or other electronic means, of the amount to be paid and the due date. If such notice is not received at least thirty (30) days before the annual renewal date, the owner/operator of equipment under permit shall notify the District on or before the permit renewal date that said notice was not received. If the Annual Operating Permit Renewal fee is not paid within thirty (30) days after the due date, the permit will expire and no longer be valid. In such a case, the owner/operator will be notified by mail, electronic mail, or other electronic means, of the expiration and the consequences of operating equipment without a valid permit as required by District Rule 203 (Permit to Operate). For the purpose of this subparagraph, the fee payment will be considered to be received by the District if it is delivered, postmarked, or electronically paid ~~by the United States Post Office~~ on or before the expiration date stated on the billing notice. If the expiration date falls on a Saturday, Sunday, or a state holiday, the fee payment may be delivered, postmarked, or electronically paid on the next business day following the Saturday, Sunday, or state holiday as if it had been delivered, postmarked, or electronically paid on the expiration date.
- (8) Transaction Registration Fee
- The transferor and transferee of an RTC shall jointly register the transaction with the District pursuant to District Rule 2007 – Trading Requirements. The transferee shall pay a Transaction Registration Fee of \$175.37 at the time the transaction is registered with the SCAQMD.

(9) RECLAIM Pollutant Emission Fee

At the end of the reporting period specified in subparagraph (e)(8)(A), RECLAIM facilities shall pay a RECLAIM Pollutant Emission Fee based on the facilities' total certified RECLAIM pollutant emissions. For facilities emitting ten (10) tons per year or more of any contaminant the previous year, the Facility Permit holders shall pay a semi-annual installment equal to one half (1/2) of the total estimated fee with final balance due at the end of the reporting period.

(A) The Facility Permit Holder shall pay emission fees according to the provisions of subdivision (e) for all emissions that are not accounted for with RECLAIM pollutant emissions. The Facility Permit holder shall add non-RECLAIM emissions to applicable RECLAIM emissions to determine the appropriate fee rate from Table III fee rate per ton of emissions.

(B) Facility Permit Holders shall pay RECLAIM Pollutant Emission Fees according to the provisions of subdivision (e), except that:

(i) Fees based on emissions of RECLAIM pollutants as defined in Rule 2000(c)(58) for annual payments shall be calculated based on certified emissions as required by paragraph (b)(2) or (b)(4) of Rule 2004, as applicable;

(ii) RECLAIM Pollutant Emission Fees shall be due as established by subdivision (e) of this rule for both Cycle 1 and Cycle 2 Facilities;

(iii) Facilities emitting ten (10) tons per year or more of a RECLAIM pollutant during the previous annual reporting period, shall also pay a semi-annual installment based on either (a) one-half (1/2) of the facility's RECLAIM pollutant fees for the previous annual reporting period; or (b) emissions certified pursuant to paragraph (b)(2) and (b)(4) of Rule 2004 in the two (2) quarters falling in the time period that coincides with the first six (6) months of the current reporting period, by the deadline as established by subdivision (e) of this rule for both Cycle 1 and Cycle 2 Facilities.

(iv) A fee payment is considered late and subject to the late payment surcharge of paragraph (e)(10) if not received

within sixty (60) days of the due date specified in this paragraph.

- (C) If the Executive Officer determines that the APEP emissions reported by a Facility Permit Holder are less than the amount calculated as specified in Rule 2004(b)(2) and (b)(4), the Facility Permit Holder shall pay RECLAIM Pollutant Emission Fees on the difference between the APEP total as determined by the Executive Officer and the reported APEP total as specified in subparagraph (1)(9)(A).
- (D) In the event that certified emissions determined pursuant to Rule 2004(b)(2) and (b)(4), for compliance year beginning January 1, 1995 and after, include emissions calculated using missing data procedures, and these procedures were triggered pursuant to Rule 2011(c)(3) or 2012(c)(3) solely by a failure to electronically report emissions for major sources due to a problem with transmitting the emission data to the District which was beyond the control of the Facility Permit holder, such portion of the emissions may be substituted by valid emission data monitored and recorded by a certified CEMS, for the purpose of RECLAIM pollutant emission fee determination only, provided that a petition is submitted to the Executive Officer with the appropriate processing fee by the Facility Permit holder. The petition must be made in writing and include all relevant data to clearly demonstrate that the valid emission data were recorded and monitored by a certified CEMS as required by Rules 2011 and 2012 and the only reason for missing data procedures being triggered was due to a problem with transmitting the emission data to the District which was beyond the control of the Facility Permit holder. In addition to the RECLAIM pollutant emission fee, the petitioner shall pay a minimum processing fee as shown in the following table in this subparagraph:

Facility Type	Non-Title V	Title V
FY 2018-19	\$725.37	\$821.41
FY 2019-20 and thereafter	\$725.37	\$908.97

and an additional fee assessed at the applicable hourly rate, for time spent on evaluation in excess of 3 hours, as shown in the table below in this subparagraph:

Facility Type (After 3 hours)	Non-Title V	Title V
FY 2018-19	\$186.04/hr	\$210.67/hr
FY 2019-20 and thereafter	\$186.04/hr	\$233.13/hr

(10) **Certified Permits Copies**

A request for a certified copy of a Facility Permit shall be made in writing by the permittee. The permittee shall, at the time the written request is submitted, pay a fee for the first page as follows:

Facility Type	Non-Title V	Title V
FY 2018-19	\$30.19	\$34.19
FY 2019-20 and thereafter	\$30.19	\$37.84

and the applicable fee per page for each additional page in the Facility Permit as shown below:

Facility Type	Non-Title V	Title V
FY 2018-19	\$2.13/page	\$2.42/page
FY 2019-20 and thereafter	\$2.13/page	\$2.68/page

(11) Reissued Permits

A request for a reissued Facility Permit shall be made in writing by the permittee where there is a name or address change without a change of operator or location. The permittee shall, at the time the written request is submitted, pay a fee for the first page as follows:

Facility Type	Non-Title V	Title V
FY 2018-19	\$233.78	\$264.71
FY 2019-20 and thereafter	\$233.78	\$292.93

and the applicable fee per page for each additional page in the facility permit as shown below:

Facility Type	Non-Title V	Title V
FY 2018-19	\$2.13/page	\$2.42/page
FY 2019-20 and thereafter	\$2.13/page	\$2.68/page

(12) Breakdown Emission Report Evaluation Fee

The Facility Permit Holder, submitting a Breakdown Emission Report to seek exclusion of excess emissions from the annual allocations pursuant to Rule 2004 - Requirements, shall pay fees for the evaluation of a Breakdown Emission Report. The Facility Permit Holder shall pay a filing fee of one (1) hour based on the fee rates shown in the table below in this paragraph, at the time of filing of a Breakdown Emission Report, and shall be assessed an evaluation fee at the hourly rate shown in the same table.

Facility Type (After 3 hours)	Non-Title V	Title V
FY 2018-19	\$186.04/hr	\$210.67/hr
FY 2019-20 and thereafter	\$186.04/hr	\$233.13/hr

(13) Breakdown Emission Fee

At the end of the time period from July 1 through June 30, the Facility Permit holder shall pay a Breakdown Emission Fee for excess emissions determined pursuant to District Rule 2004 - Requirements. The Facility Permit Holder shall include excess emissions to the total certified RECLAIM emissions to determine the appropriate RECLAIM Pollutant Emission Fee.

(14) Mitigation of Non-Tradeable Allocation Credits

Upon submitting a request to activate non-tradeable allocation credits pursuant to District Rule 2002(h), the RECLAIM Facility Permit Holder shall pay a mitigation fee per ton of credits requested as shown below:

Facility Type	Non-Title V	Title V
FY 2018-19	\$12,414.43/ton	\$14,057.88/ton
FY 2019-20 and thereafter	\$12,414.43/ton	\$15,556.45/ton

plus a non-refundable processing fee as shown below:

Facility Type	Non-Title V	Title V
FY 2018-19	\$123.74	\$140.13
FY 2019-20 and thereafter	\$123.74	\$155.07

(15) Evaluation Fee to Increase an Annual Allocation to a Level Greater than a Facility’s Starting Allocation Plus Non-Tradable Credits

The Facility Permit Holder submitting an application to increase an annual Allocation to a level greater than the facility’s starting allocation plus non-tradable credits pursuant to Rule 2005 - New Source Review shall pay fees for the evaluation of the required demonstration specified in Rule 2005(c)(3). The Facility Permit Holder shall pay an evaluation fee at the applicable hourly rate as shown in the table below:

Facility Type (After 3 hours)	Non-Title V	Title V
FY 2018-19	\$186.04/hr	\$210.67/hr
FY 2019-20 and thereafter	\$186.04/hr	\$233.13/hr

(16) Facility Permit Reissuance Fee for Facilities Exiting RECLAIM

A facility exiting the NOx RECLAIM program pursuant to Rule 2002(f)(7) shall be assessed a Facility Permit Reissuance Fee for the conversion of its RECLAIM Facility Permit to a Command-and-Control Facility Permit. The conversion consists of removal of non-applicable RECLAIM provisions and addition of requirements for applicable command-and-control rules. The Facility Permit Reissuance Fee includes an initial flat fee, plus an additional time and materials (T&M) charge where applicable. Both the initial flat fee and T&M charge are tiered based on the number of permitted RECLAIM NOx sources at the facility. Both the initial flat fee and T&M charge are also differentiated based on a facility’s Title V status.

The initial flat fee to transition from NOx RECLAIM Facility Permit to Command-and-Control Facility Permit per Rule 2002(f)(7) shall be paid at the time of filing and assessed according to the following fee schedule.

Number of Permitted RECLAIM NOx Sources	Non-Title V	Title V
Less than 10	\$2,232	\$3,160
Greater than or equal to 10 and less than 20	\$4,651	\$6,320
20 or more	\$9,302	\$12,640

An additional T&M charge shall be assessed for time spent on the permit conversion in excess of the number of hours and at the hourly rate specified in the following fee schedule and billed following permit reissuance.

	Non-Title V		Title V	
Number of Permitted RECLAIM NOx Sources	Begin Charging Hourly Rate After (hrs)	T&M Rate (\$/hr)	Begin Charging Hourly Rate After (hrs)	T&M Rate (\$/hr)
Less than 10	12	\$186.04	15	\$210.67
Greater than or equal to 10 and less than 20	25	\$186.04	30	\$210.67
20 or more	50	\$186.04	60	\$210.67

(17) **Optional Conversion of Transitioned RECLAIM Facility Permit**

A Facility that has transitioned out of the RECLAIM program in accordance with paragraph (1)(16) and that elects to convert all permitted equipment described on the RECLAIM Facility Permit to equipment/process based Permits to Operate (pursuant to Regulation II) shall pay a fee equal to the Change of Condition fee specified in Table FEE RATE-A, in accordance with the Schedule identified in Table IA or IB, for each equipment/process converted.

(m) **Title V Facilities**

(1) **Applicability**

The requirements of this subdivision apply only to facilities that are subject to the requirements of Regulation XXX - Title V Permits.

(2) **Rule 301 Applicability**

All Title V facilities shall be subject to all other provisions of Rule 301 - Permit Fees, except as provided for in this subdivision.

(3) **Permit Processing Fees for Facilities Applying for an Initial Title V Facility Permit**

(A) The applicant shall pay the following initial fee when the application is submitted:

Title V INITIAL Fee				
Number of Devices	1-20	21-75	76-250	251+
Applications submitted on or after July 1, 2018 through June 30, 2019	\$2,106.89	\$6,742.71	\$15,171.75	\$25,708.01
Applications submitted on or after July 1, 2019	\$2,331.48	\$7,461.49	\$16,789.06	\$28,448.48

To determine the initial fee when the number of devices is not available, the applicant may substitute the number of active equipment. This fee will be adjusted when the Title V permit is issued and the correct number of devices are known.

- (B) The applicant shall, upon notification by the District of the amount due when the permit is issued, pay the following final fee based on the time spent on the application:

Title V FINAL Fee				
Number of Devices	1-20	21-75	76-250	251+
Time Spent in Excess of:	8 Hours	30 Hours	70 Hours	120 Hours
On or after July 1, 2018 through June 30, 2019	\$210.67 per hour; up to a maximum total fee of \$25,718.81	\$210.67 per hour; up to a maximum total fee of \$51,437.58	\$210.67 per hour; up to a maximum total fee of \$131,671.29	\$210.67 per hour; up to a maximum total fee of \$192,890.92
On or after July 1, 2019	\$233.13 per hour; up to a maximum total fee of \$28,460.43	\$233.13 per hour; up to a maximum total fee of \$56,920.83	\$233.13 per hour; up to a maximum total fee of \$145,707.44	\$233.13 per hour; up to a maximum total fee of \$213,453.10

For applicants that did not pay the correct initial fee based on the actual number of devices, the fee when the permit is issued shall be equal to the correct initial fee less the initial fee actually paid, plus the final fee.

Applications submitted on or prior to January 15, 1998 shall not be subject to the final fee.

- (C) If the facility requests revisions to the existing permit terms or conditions, including permit streamlining, an alternative operating scenario or a permit shield, the facility shall submit additional applications with the applicable fees in subdivisions (c) and (j) for each piece of equipment for which a revision is requested. Evaluation time spent on these additional applications shall be excluded from the time calculated for the billing for initial permit issuance in subparagraph (m)(3)(B).
- (D) If a new facility is required to obtain a Title V facility permit to construct, the facility shall submit initial Title V fees as specified in

paragraph (m)(3). These fees are in addition to the sum of all the applicable fees in subdivisions (c) and (j) for all equipment at the facility.

(E) If an existing facility is required to obtain a Title V facility permit because of a modification, the facility shall submit initial Title V fees as specified in paragraph (m)(3). These fees are in addition to the sum of all the applicable fees in subdivisions (c) and (j) for all new and modified equipment at the facility.

(4) **Permit Revision Fee**

The permit processing fees for a Facility Permit Amendment or Revision shall be based on the Facility Permit type as specified in Table VII. Facility Permit Amendment or Revision includes any administrative permit revision or amendment, minor permit revision or amendment, de minimis significant permit revision or amendment, and any significant permit revision or amendment.

(5) **Renewal Fees**

The fees for renewal of a Title V Facility Permit, at the end of the term specified on the permit, are specified in Table VII. Renewal fees include both an initial processing fee that is due when the application is submitted, and a final fee assessed after SCAQMD evaluation is complete and the permit is issued, and is due upon notification by the SCAQMD of the amount due.

(6) **Public Notice Fees**

The holder of, or applicant for, a Title V permit shall either:

(A) pay the actual cost as invoiced for publication of the notice by prominent advertisement in the newspaper of general circulation in the area affected where the facility is located and for the mailing of the notice to persons identified in Rule 212(g), or

(B) arrange publication of the above notice independent of the District option. This notice must be by prominent advertisement in the newspaper of general circulation in the area affected where the facility is located.

Where publication is performed by the owner/operator or an independent consultant, the owner/operator of the source shall provide to the Executive Officer a copy of the proof of publication.

(7) Public Hearing Fees

The holder of, or applicant for, a Title V permit shall, upon notification by the District of the amount due, pay fees of \$4,217.11 for FY 2018-19 and \$4,666.65 for FY 2019-20 and thereafter plus \$1,311.16 for FY2018-19 and \$1,450.93 for FY 2019-20 and thereafter per hour for a public hearing held on a permit action.

(8) Application Cancellation

If a Title V permit application is canceled, the applicant shall pay, upon notification of the amount due, a final fee in accordance with this subdivision. The District shall refund the initial fee only if evaluation of the application has not been initiated.

(9) Notice of Amount Due and Effect of Nonpayment

For fees due upon notification, such notice may be given by personal service ~~or by deposit, postpaid, in the United States or sent by mail, electronic mail, or other electronic means,~~ and shall be due thirty (30) days from the date of personal service, ~~or mailing, or electronic transmission.~~ For the purpose of this paragraph, the fee payment will be considered to be received by the District if it is delivered, postmarked by the United States Postal Service, or electronically paid on or before the expiration date stated on the billing notice. If the expiration date falls on a Saturday, Sunday, or a state holiday, the fee payment may be delivered, postmarked, or electronically paid on the next business day following the Saturday, Sunday, or the state holiday with the same effect as if it had been delivered, postmarked, or electronically paid on the expiration date. Nonpayment of the fee within this period of time will result in permit expiration or revocation of the subject permit(s) in accordance with subdivision (f) of Rule 3002. No further applications will be accepted from the applicant until such time as overdue permit processing fees have been fully paid.

(10) Exclusion Requests

The fees for requesting exclusion or exemption from the Title V program shall be calculated in accordance with Rule 306 – Plan Fees.

(n) All Facility Permit Holders

(1) Applicability

The requirements of this subdivision apply to all non-RECLAIM holders of a Facility Permit.

- (2) Rule 301 Applicability
All non-RECLAIM Facility Permit holders or applicants shall be subject to all other provisions of Rule 301 - Permit Fees, except as provided for in this subdivision.
- (3) Facility Permit Revision
Except as provided in paragraphs (m)(4) and (m)(5), the permit processing fee for an addition, alteration or revision to a Facility Permit that requires engineering evaluation or causes a change in emissions shall be the sum of applicable fees assessed for each affected equipment as specified in subdivisions (c) and (j).
- (4) Change of Operating Condition
The permit processing fee for a Change of Operating Condition that requires engineering evaluation or causes a change in emissions shall be the sum of fees assessed for each equipment or process subject to the change of condition as specified in subdivisions (c) and (j).
- (5) Fee for Change of Operator
The Permit Processing Fee for a Change of Operator of a facility permit shall be determined from Table FEE RATE-C. In addition, an administrative permit revision fee, as specified in Table VII, shall be assessed. All fees billed within the past 3 years from the date of application submittal that are associated with the facility for equipment for which a Change of Operator or Additional Operator application is filed, and all facility specific fees (such as “Hot Spots” fees), must be paid before the Change of Operator or Additional Operator application is accepted. If after an application is received and SCAQMD determines that fees are due, the new operator shall pay such fees within 30 days of notification. If the fees are paid timely, the new operator will not be billed for any additional fees billed the previous operator.
- (6) Annual Operating Permit Renewal Fee
 - (A) Unless otherwise stated within this subdivision, the Facility Permit holder shall be subject to all terms and conditions pursuant to subdivision (d).
 - (B) An Annual Operating Permit Renewal Fee shall be submitted by the end of the compliance year. Such fee shall be equal to the sum of applicable annual operating permit renewal fees specified in paragraph (d)(2).

(C) At least thirty (30) days before the annual renewal date, the owner/operator of equipment under permit will be notified by mail, electronic mail, or other electronic means, of the amount to be paid and the due date. If such notice is not received at least thirty (30) days before the annual renewal date, the owner/operator of equipment under permit shall notify the District on or before the permit renewal date that said notice was not received. If the Annual Operating Permit Renewal Fee is not paid within thirty (30) days after the due date, the permit will expire and no longer be valid. In such a case, the owner/operator will be notified by mail, electronic mail, or other electronic means, of the expiration and the consequences of operating equipment without a valid permit as required by District Rule 203 (Permit to Operate). For the purpose of this subparagraph, the fee payment will be considered to be received by the District if it is delivered, postmarked by the United States Post Office, or electronically paid on or before the expiration date stated on the billing notice. If the expiration date falls on a Saturday, Sunday, or a state holiday, the fee payment may be delivered, postmarked, or electronically paid on the next business day following the Saturday, Sunday, or state holiday as if it had been delivered, postmarked, or electronically paid on the expiration date.

(7) Certified Permit Copies

A request for a certified copy of a Facility Permit shall be made in writing by the permittee. The permittee shall, at the time a written request is submitted, pay \$27.92 for the first page and \$1.97 for each additional page in the facility permit.

(8) Reissued Permits

A request for a reissued Facility Permit shall be made in writing by the permittee where there is a name or address change without a change of operator or location. The permittee shall, at the time a written request is submitted, pay \$216.14 for the first page plus \$1.97 for each additional page in the Facility Permit.

(o) Asbestos Fees

Any person who is required by District Rule 1403 - Asbestos Emissions from Demolition/Renovation Activities to submit a written notice of intention to demolish or renovate shall pay at the time of delivery of notification, the Asbestos

and Lead Fees specified in Table VI of this rule. Fees are per notification and multiple fees may apply. No notification shall be considered received pursuant to Rule 1403, unless it is accompanied by the required payment. Each revision of a notification shall require a payment of the Revision to Notification fee in Table VI. When a revision involves a change in project size, the person shall pay, in addition to the revision fee, the difference between the fee for the original project size and the revised project size according to Table VI. If the project size does not change for the revision, no additional fees based on project size shall be required. Revisions are not accepted for expired notifications.

For all requests of pre-approved Procedure 5 plans submitted in accordance with Rule 1403(d)(1)(D)(i)(V)(2), the person shall pay the full fee for the first evaluation and shall pay fifty percent (50%) of the applicable fee for each subsequent pre-approved Procedure 5 plan evaluation.

(p) Lead Abatement Notification Fees

A person who is required by a federal or District rule to submit written notice of intent to abate lead shall, at the time of delivery of notification, pay the appropriate renovation and abatement fee specified in Table VI of this rule. Fees are per notification and multiple fees may apply. No notification shall be considered received unless it is accompanied by the required payment. Each revision of a notification shall require a payment of the Revision to Notification fee in Table VI. When a revision involves a change in project size, the person shall pay, in addition to the revision fee, the difference between the fee for the original project size and the revised project size according to Table VI. If the project size does not change for the revision, no additional fees based on project size shall be required. Revisions are not accepted for expired notifications.

(q) NESHAP Evaluation Fee

(1) At the time of filing an application for a Change of Operating Conditions submitted solely to comply with the requirements of a NESHAP, a NESHAP Evaluation Fee shall be paid. The fee shall be \$348.01. Additional fees shall be assessed at a rate of \$172.01 per hour for time spent in the evaluation in excess of two (2) hours, to a maximum total fee not to exceed the applicable Change of Conditions Fees listed for each affected piece of equipment as specified in Table FEE RATE-A.

(2) Payment of all applicable fees shall be due in thirty (30) days from the date of personal service, ~~or mailing,~~ or electronic transmission of the notification

of the amount due. Non-payment of the fees within this time period will result in expiration of the permit. For the purpose of this paragraph, the fee payment will be considered to be received by the District if it is delivered, postmarked by the United States Postal Service, or electronically paid on or before the expiration date stated on the billing notice. If the expiration date falls on a Saturday, Sunday, or a state holiday, the fee payment may be delivered, postmarked, or electronically paid on the business day following the Saturday, Sunday, or the state holiday, with the same effect as if it had been delivered, postmarked, or electronically paid on the expiration date. No further applications will be accepted until such time as all overdue fees have been fully paid.

(r) Fees for Certification of Clean Air Solvents

At the time of filing for a Clean Air Solvent certificate, the applicant shall submit a fee of \$1,503.77 for each product to be tested. Additional fees will be assessed at the rate of \$135.77 per hour for time spent on the analysis/certification process in excess of 12 hours. Adjustments, including refunds or additional billings, shall be made to the submitted fee as necessary. A Clean Air Solvent Certificate shall be valid for five (5) years from the date of issuance and shall be renewed upon the determination of the Executive Officer that the product(s) containing a Clean Air Solvent continue(s) to meet Clean Air Solvent criteria, and has not been reformulated.

(s) Fees for Certification of Consumer Cleaning Products Used at Institutional and Commercial Facilities

At the time of filing for certification of any Consumer Cleaning Products Used at Institutional and Commercial Facilities, the applicant shall submit a fee of \$1,503.77 for each product to be tested, plus an additional fee of \$300 for quantification of total nitrogen, total phosphorous, and trace metals by a contracting laboratory. Additional fees will be assessed at the rate of \$135.77 per hour for time spent on the analysis/certification process in excess of 12 hours. Adjustments, including refunds or additional billings, shall be made to the submitted fee as necessary. A Consumer Cleaning Products Used at Institutional and Commercial Facilities Certificate shall be valid for three (3) years from the date of issuance and shall be renewed upon the determination of the Executive Officer that the product(s) certified as a Consumer Cleaning Products Used at Institutional and

Commercial Facilities continue(s) to meet Consumer Cleaning Products Used at Institutional and Commercial Facilities criteria, and has not been reformulated.

- (t) All Facility Registration Holders
 - (1) Applicability
The requirements of this subdivision apply to all holders of a Facility Registration.
 - (2) Rule 301 Applicability
Unless specifically stated otherwise, all Facility Registration holders shall be subject to all other provisions of Rule 301 - Permit Fees.
 - (3) Fee Applicability to Existing Facilities
Existing facilities entering the Facility Registration Program shall pay no fee if no changes are initiated by actions of the permittee to the existing permit terms or conditions or to the draft Facility Registration prepared by the District.
 - (4) Duplicate of Facility Registrations
A request for a duplicate of a Facility Registration shall be made in writing by the permittee. The permittee shall, at the time a written request is submitted, pay \$27.92 for the first page and \$1.97 for each additional page in the Facility Registration.
 - (5) Reissued Facility Registrations
A request for a reissued Facility Registration shall be made in writing by the permittee where there is a name or address change without a change of operator or location, or for an administrative change in permit description or a change in permit conditions to reflect actual operating conditions, which do not require any engineering evaluation, and do not cause a change in emissions. The permittee shall, at the time a written request is submitted, pay \$216.14 for the first equipment listed in the Facility Registration plus \$1.97 for each additional equipment listed in the Facility Registration.

- (u) Fees for Non-permitted Emission Sources Subject to Rule 222
 - (1) Initial Filing Fee
Prior to the operation of the equipment, the owner/operator of an emission source subject to Rule 222 shall pay to the District an initial non-refundable non-transferable filing and processing fee of \$209.98 for each emission source.

- (2) Change of Operator/Location
If the owner/operator or the location of an emission source subject to Rule 222 changes, the current owner/operator must file a new application for Rule 222 and pay to the District an initial non-refundable non-transferable filing and processing fee of \$209.98 for each emission source.
- (3) Annual Renewal Fee
On an annual re-filing date set by the Executive Officer the owner/operator of a source subject to Rule 222 shall pay a renewal fee of \$209.98 (except for non-retrofitted boilers). At least thirty (30) days before such annual re-filing date, all owners/operators of emission sources subject to Rule 222 will be notified by ~~either electronic or regular mail,~~ electronic mail, or other electronic means, of the amount to be paid and the due date for the annual re-filing fee.
- (4) Notification of Expiration
If the annual re-filing fee is not paid within thirty (30) days after the due date, the filing will expire and no longer be valid. In such case, the owner/operator will be notified by ~~either electronic or regular mail,~~ electronic mail, or other electronic means, of the expiration and the consequences of operating equipment without a valid Rule 222 filing.
- (5) Reinstating Expired Filings
To re-establish expired filings, the owner/operator of a source subject to Rule 222 shall pay a reinstatement fee of fifty percent (50%) of the amount of fees due per emission source. Payment of all overdue fees shall be made in addition to the reinstatement surcharge. Payment of such fees shall be made within one year of the date of expiration. If the period of expiration has exceeded one year or the affected equipment has been altered, the owner/operator of an emission source subject to Rule 222 shall file a new application and pay all overdue fees.

- (v) Fees for Expedited Processing Requests
An applicant has the option to request expedited processing for an application for a permit, CEQA work, an application for an ERC/STC, Air Dispersion Modeling, HRA, Source Test Protocols and Report Fees and Asbestos Procedure 4 & 5 notifications. A request for expedited processing pursuant to this section shall be made upon initial application submittal. Expedited processing is intended to be performed by District Staff strictly during overtime work. Approval of such a request is contingent upon the District having necessary procedures in place to

implement an expedited processing program and having available qualified staff for overtime work to perform the processing requested. The applicant shall be notified whether or not the request for expedited processing has been accepted within 30 days of submittal of the request. If the request for expedited processing is not accepted by the District, the additional fee paid for expedited processing will be refunded to the applicant.

(1) Permit Processing Fee

Fees for requested expedited processing of permit applications will be an additional fee of fifty percent (50%) of the applicable base permit processing fee (after taking any discounts for identical equipment but not the higher fee for operating without a permit) by equipment schedule. For schedule F and higher as shown in the table below in this paragraph, expedited processing fees will include an additional hourly fee, as set forth in the applicable “Non-Title V Added Base Hourly Fee” or “Title V Added Base Hourly Fee” columns, when the processing time exceeds times as indicated in the “Processing Time Exceeding” column; but not to exceed the total amounts in the applicable “Non-Title V Maximum Added Base Cap Fee” or “Title V Maximum Added Base Cap Fee” columns.

Processing Time Exceeding	Schedule	Non-Title V Added Base Hourly Fee	Non-Title V Maximum Added Base Cap Fee	Title V Added Base Hourly Fee	Title V Maximum Added Base Cap Fee
FY 2018-19					
99 hours	F	\$279.08	\$52,454.40	\$316.02	\$59,398.44
117 hours	G	\$279.08	\$89,866.71	\$316.02	\$101,763.49
182 hours	H	\$279.08	\$114,265.30	\$316.02	\$129,392.03
FY 2019-20					
99 hours	F	\$279.08	\$52,454.40	\$349.71	\$65,730.31
117 hours	G	\$279.08	\$89,866.71	\$349.71	\$112,611.47
182 hours	H	\$279.08	\$114,265.30	\$349.71	\$143,185.22

(2) **CEQA Fee**

Fees for requested expedited CEQA work will be an additional fee based upon actual review and work time billed at a rate for staff overtime which is equal to the staff’s hourly rate of \$172.01 plus \$89.21 per hour (one half of hourly plus mileage). The established CEQA fees found in the provisions of Rule 301(j) shall be paid at the time of filing with the additional overtime costs billed following permit issuance. Notwithstanding other provisions of this section, fees are due at the time specified in the bill which will allow a reasonable time for payment. This proposal is contingent upon the ability of the District to implement the necessary policies and procedures and the availability of qualified staff for overtime work.

(3) **CEMS, FSMS, and ACEMS Fee**

Fees for requested expedited processing of CEMS, FSMS, and ACEMS applications will be an additional fee based upon actual review and work time billed at a rate for staff overtime which is equal to the staff’s hourly

rate of \$172.01 plus \$89.21 per hour (one half of hourly plus mileage). The established “Basic Fee” schedule found in the CEMS, FSMS, and ACEMS Fee Schedule in TABLE IIB shall be paid at the time of filing with the additional overtime costs billed following project completion. Notwithstanding other provisions of this section, fees are due at the time specified in the bill which will allow a reasonable time for payment. A request for expedited CEMS, FSMS, and ACEMS application work can only be made upon initial work submittal, and approval of such a request is contingent upon the ability of the District to implement the necessary policies and procedures and the availability of qualified staff for overtime work.

(4) Air Dispersion Modeling and HRA Fees

Fees for requested expedited review and evaluation of air dispersion modeling and health risk assessments will be an additional fee based upon actual review and work time billed at a rate for staff overtime which is equal to the staff’s hourly rate of \$144.05 plus \$74.72 per hour (one half of hourly plus mileage).

(5) ERC/STC Application Fees

Fees for requested expedited review and evaluation of ERC/STC application fees will be an additional fee based upon actual review and work time billed at a rate for staff overtime which is equal to the staff’s hourly rate of \$172.01 plus \$89.21 per hour (one half of hourly plus mileage).

(6) Procedure 4 & 5 Evaluation

Fees for requested expedited reviews and evaluation of Procedure 4 or 5 plans per Rule 301(o) Asbestos Fees will be an additional fee of fifty percent (50%) of the Procedure 4 & 5 plan evaluation fee.

(w) Enforcement Inspection Fees for Statewide Portable Equipment Registration Program (PERP)

(1) Registered Portable Equipment Unit Inspection Fee

Registered portable equipment units are those which emit PM10 in excess of that emitted by an associated engine alone. An hourly fee of \$98.00 shall be assessed for a triennial portable equipment unit inspection, including the subsequent investigation and resolution of violations, if any, of applicable state and federal requirements, not to exceed \$500.00 per unit.

- (2) Registered Tactical Support Equipment (TSE) Inspection Fee
- Registered TSE includes registered equipment using a portable engine, including turbines, that meet military specifications, owned by the U.S. Department of Defense, the U.S. military services, or its allies, and used in combat, combat support, combat service support, tactical or relief operations, or training for such operations.
- (A) To determine compliance with all applicable state and federal requirements, each registered TSE unit will be inspected once per calendar year.
- (i) For registered TSE units determined to be in compliance with all applicable state and federal requirements during the annual inspection:
- (a) A fee for the annual inspection of a single registered TSE unit shall be assessed at a unit cost of \$75.00.
- (b) A fee for annual inspection of two or more registered TSE units at a single location shall be assessed at the lesser of the following costs:
- (1) The actual time to conduct the inspection at the rate of \$100.25 per hour; or
- (2) A unit cost of \$75.00 per registered TSE unit inspected.
- (ii) For registered TSE units determined to be out of compliance with one or more applicable state or federal requirements during the annual inspection, fees for the annual inspection (including the subsequent investigation and resolution of the violation) shall be assessed at the lesser of the following costs:
- (1) The actual time to conduct the inspection at the rate of \$100.25 per hour; or
- (2) A unit cost of \$75.00 per registered TSE unit inspected.
- (3) Off-hour Inspection Fee
- In addition to the inspection fees stated above, any arranged inspections requested by the holder of the registration that are scheduled outside of District normal business hours may be assessed an additional off-hour inspection fee of \$40.96 per hour for the time necessary to complete the inspection.

(4) Notice to Pay and Late Payment Surcharge

A notice to pay the inspection fees will be sent by mail, electronic mail, or other electronic means, ~~mailed~~ to the registration holder. Fees are due and payable immediately upon receipt of the notice to pay. All inspection fees required under this section are due within 30 days of the invoice date. If fee payment is not received by the thirtieth (30th) day following the date of the notice to pay, the fee shall be considered late and, a late payment surcharge of \$70.11 per portable engine or equipment unit shall be imposed, not to exceed \$138.73 for any notice to pay. For the purpose of this subparagraph, the inspection fee payment shall be considered to be timely received by the District if it is delivered, postmarked, or electronically paid ~~by the United States Postal Service~~ on or before the thirtieth (30th) day following the date of the notice to pay. If the thirtieth (30th) day falls on a Saturday, Sunday, or a state holiday, the fee payment may be delivered, postmarked, or electronically paid on the next business day following the Saturday, Sunday, or the state holiday with the same effect as if it had been delivered, postmarked, or electronically paid on the thirtieth (30th) day. Failure to pay the inspection fees and any late payment surcharge within 120 days of the date of the initial notice to pay may result in the suspension or revocation of the registration by CARB. Once a registration has been suspended, CARB will not consider reinstatement until all fees due, including late payment surcharge fees, have been paid in full.

(x) Rule 1149, Rule 1166, and Rule 1466 Notification Fees

- (1) Any person who is required by the District to submit a written notice pursuant to Rule 1149, Rule 1166, Rule 1466, or for soil vapor extraction projects shall pay a notification fee of \$62.92 per notification.
- (2) Notifications pursuant to Rule 1466 paragraph (f)(2) shall be exempt from this subdivision.

(y) Fees for the Certification of Equipment Subject to the Provisions of Rules 1111, 1121 and 1146.2

(1) Initial Certification Fee

Any person requesting certification pursuant to Rules 1111, 1121 or 1146.2 shall pay a fee of \$579.97 per certification letter for each family of model series certified. This fee shall be paid in addition to the fees paid to review any associated source test report(s).

- (2) Additional Fees for Modification or Extension of Families to Include a New Model(s)
Any person requesting a modification or extension of a certification already issued to include a new model(s) shall pay an additional fee of \$290.00 for certification of new models added by extension to the previously certified model series per request.
- (3) Failure to pay all certification fees shall result in the revocation of each certified piece of equipment that was evaluated for which fee payment has not been received within 30 days after the due date.
- (z) “No Show” Fee for Rule 461 – Gasoline Dispensing Equipment Scheduled Testing
 - (1) Reverification, and Performance Testing
If a testing company and/or tester does not show for a Reverification test, or Performance test within one hour of its original scheduled time, and an SCAQMD inspector arrives for the inspection, a “No Show” fee of \$426.45 shall be charged to the testing company and/or tester. The fee shall be paid within 60 days of the date of the invoice. If the fee is not paid, the account will become delinquent 30 days after the due date. Any delinquent account holder will not be allowed to schedule any future tests within SCAQMD jurisdiction until all overdue fees are paid in full.
 - (2) Pre-Backfill Inspection
If a contracting company is not ready for a Pre-Backfill inspection of its equipment at the original scheduled time, and/or did not notify the SCAQMD inspector of postponement/cancellation at least three hours prior to the scheduled time, a “No Show” fee of \$426.45 shall be charged to the contracting company. The fee shall be paid within 60 days of the date of the invoice. If the fee is not paid, the account will become delinquent 30 days after the due date. Any delinquent account holder will not be allowed to schedule any future pre-backfill inspections within SCAQMD jurisdiction until all overdue fees are paid in full.
- (aa) Refinery Related Community Air Monitoring System Annual Operating and Maintenance Fees
 - (1) The owner or operator of a petroleum refinery subject to Rule 1180 shall pay an annual operating and maintenance fee for a refinery-related community air monitoring system designed, developed, installed, operated,

and maintained by SCAQMD in accordance with California Health and Safety Code Section 42705.6.

- (2) The annual operating and maintenance fee per facility required by paragraph (aa)(1) shall be as follows:

Facility Name* and Location	Annual Operating and Maintenance Fee
Andeavor Corporation (Carson)	\$871,086.00
Andeavor Corporation (Wilmington)	\$435,543.00
Chevron U.S.A, Inc. (El Segundo)	\$871,086.00
Delek U.S. Holdings, Inc. (Paramount)	\$217,771.50
Phillips 66 Company (Carson)	\$435,543.00
Phillips 66 Company (Wilmington)	\$435,543.00
PBF Energy, Torrance Refining Company (Torrance)	\$871,086.00
Valero Energy (Wilmington)	\$435,543.00

*Based on the current facility names. Any subsequent owner(s) or operator(s) of the above listed facilities shall be subject to this rule.

- (3) The annual operating and maintenance fee required by this subdivision shall be billed with the annual operating permit renewal fee required by subdivision (d) beginning in calendar year 2020. If the annual operating and maintenance fee required by this subdivision is not paid in full within sixty (60) calendar days of its due date, a ten-percent (10%) penalty shall be imposed every sixty (60) calendar days from the due date.
- (4) No later than January 1, 2022 and every three years thereafter, the Executive Officer shall reassess the annual operating and maintenance fee required by this subdivision to ensure that the fee is consistent with the requirements of the California Health and Safety Code Section 42705.6 (f)(1) and (f)(2).

(ab) Defense of Permit

Within 10 days of receiving a complaint or other legal process initiating a challenge to the SCAQMD’s issuance of a permit, the SCAQMD shall notify the applicant or permit holder in writing. The applicant or permit holder may, within 30 days of posting of the notice, request revocation of the permit or cancellation of the

application. An applicant or permit holder not requesting revocation or cancellation within 30 days of receipt of notice from the District shall be responsible for reimbursement to the District for all reasonable and necessary costs to defend the issuance of a permit or permit provisions against a legal challenge, including attorney's fees and legal costs. The Executive Officer will invoice the applicant or permit holder for fees and legal costs at the conclusion of the legal challenge. The SCAQMD and the applicant or permit holder will negotiate an indemnity agreement within 30 days of the notice by SCAQMD to the facility operator. The agreement will include, among other things, attorneys' fees and legal costs. The Executive Officer or designee may execute an indemnity agreement only after receiving authorization from the Administrative Committee. The Executive Officer may in his discretion, waive all or any part of such costs upon a determination that payment for such costs would impose an unreasonable hardship upon the applicant or permit holder.

TABLE FEE RATE-A. FY 2018-19
SUMMARY PERMIT FEE RATES - PERMIT PROCESSING, CHANGE OF
CONDITIONS, ALTERATION/MODIFICATION

Schedule	Non-Title V			Title V		
	Permit Processing	Change of Condition	Alteration/Modification	Permit Processing	Change of Condition	Alteration/Modification
A	\$1,785.79	\$930.20	\$1,785.79	\$2,022.19	\$1,053.34	\$2,022.19
A1	\$1,785.79	\$930.20	\$1,785.79	\$2,022.19	\$1,053.34	\$2,022.19
B	\$2,846.14	\$1,409.95	\$2,846.14	\$3,222.92	\$1,596.61	\$3,222.92
B1	\$4,501.77	\$2,440.17	\$4,501.77	\$5,097.71	\$2,763.20	\$5,097.71
C	\$4,501.77	\$2,440.17	\$4,501.77	\$5,097.71	\$2,763.20	\$5,097.71
D	\$6,213.19	\$4,173.34	\$6,213.19	\$7,035.72	\$4,725.82	\$7,035.72
E	\$7,143.30	\$6,127.48	\$7,143.30	\$8,088.94	\$6,938.66	\$8,088.94
F	\$17,951.51+ T&M	\$8,945.72+ T&M	\$14,230.75+ T&M	\$20,327.97+ T&M	\$10,129.97+ T&M	\$16,114.65+ T&M
G	\$21,188.37+ T&M	\$15,180.30+ T&M	\$17,467.57+ T&M	\$23,993.33+ T&M	\$17,189.91+ T&M	\$19,779.97+ T&M
H	\$32,833.37+ T&M	\$19,247.37+ T&M	\$29,112.58+ T&M	\$37,179.92+ T&M	\$21,795.39+ T&M	\$32,966.58+ T&M

Schedule	Begin Charging Hourly Rate After (hrs)	Non-Title V T& M Rate (\$/hr)	Non-Title V Not to Exceed (\$)	Title V T& M Rate (\$/hr)	Title V Not to Exceed (\$)
F	99	\$186.04	\$34,969.61	\$210.67	\$39,598.97
G	117	\$186.04	\$59,911.11	\$210.67	\$67,842.29
H	182	\$186.04	\$76,176.86	\$210.67	\$86,261.34

**TABLE FEE RATE-A. FY 2019-20 and thereafter
SUMMARY PERMIT FEE RATES - PERMIT PROCESSING, CHANGE OF
CONDITIONS, ALTERATION/MODIFICATION**

Schedule	Non-Title V			Title V		
	Permit Processing	Change of Condition	Alteration/Modification	Permit Processing	Change of Condition	Alteration/Modification
A	\$1,785.79	\$930.20	\$1,785.79	\$2,237.76	\$1,165.62	\$2,237.76
A1	\$1,785.79	\$930.20	\$1,785.79	\$2,237.76	\$1,165.62	\$2,237.76
B	\$2,846.14	\$1,409.95	\$2,846.14	\$3,566.48	\$1,766.81	\$3,566.48
B1	\$4,501.77	\$2,440.17	\$4,501.77	\$5,641.13	\$3,057.76	\$5,641.13
C	\$4,501.77	\$2,440.17	\$4,501.77	\$5,641.13	\$3,057.76	\$5,641.13
D	\$6,213.19	\$4,173.34	\$6,213.19	\$7,785.73	\$5,229.60	\$7,785.73
E	\$7,143.30	\$6,127.48	\$7,143.30	\$8,951.22	\$7,678.32	\$8,951.22
F	\$17,951.51+ T&M	\$8,945.72+ T&M	\$14,230.75+ T&M	\$22,494.94+ T&M	\$11,209.83+ T&M	\$17,832.48+ T&M
G	\$21,188.37+ T&M	\$15,180.30+ T&M	\$17,467.57+ T&M	\$26,551.02+ T&M	\$19,022.35+ T&M	\$21,888.51+ T&M
H	\$32,833.37+ T&M	\$19,247.37+ T&M	\$29,112.58+ T&M	\$41,143.30+ T&M	\$24,118.77+ T&M	\$36,480.81+ T&M

Schedule	Begin Charging Hourly Rate After (hrs)	Non-Title V T& M Rate (\$/hr)	Non-Title V Not to Exceed (\$)	Title V T& M Rate (\$/hr)	Title V Not to Exceed (\$)
F	99	\$186.04	\$34,969.61	\$233.13	\$43,820.23
G	117	\$186.04	\$59,911.11	\$233.13	\$75,074.28
H	182	\$186.04	\$76,176.86	\$233.13	\$95,456.79

TABLE FEE RATE-B. SUMMARY OF ERC PROCESSING RATES, BANKING, CHANGE OF TITLE, ALTERATION/MODIFICATION, CONVERSION TO SHORT TERM CREDITS, RE-ISSUANCE OF SHORT TERM CREDITS, RETIREMENT OF SHORT TERM CREDITS FOR TRANSFER INTO RULE 2202, and TRANSFER OF ERCs OUT OF RULE 2202

Schedule I	Non-Title V	Title V	
		FY 2018-19	FY 2019-20 and thereafter
Banking Application	\$4,608.06	\$5,218.08	\$5,774.33
Change of Title	\$814.00	\$921.75	\$1,020.01
Alteration/Modification	\$814.00	\$921.75	\$1,020.01
Conversion to Short Term Credits	\$814.00	\$921.75	\$1,020.01
Re-Issuance of Short Term Credits	\$814.00	\$921.75	\$1,020.01
Retirement of Short Term Emission Credits for Transfer into Rule 2202 and Transfer of ERCs Out of Rule 2202	\$273.76	\$310.01	\$343.06

**TABLE FEE RATE-C. SUMMARY OF PERMIT FEE RATES
CHANGE OF OPERATOR^a**

Facility Type	Non-Title V	Title V
Small Business	\$248.03	\$280.86 for FY 2018-19 and \$310.79 for FY 2019-20 and thereafter
Non-Small Business	\$681.14	\$771.30 for FY 2018-19 and \$853.53 for FY 2019-20 and thereafter

^a Fees are for each permit unit application and apply to all facilities, including RECLAIM facilities. The change of operator fee for Non-RECLAIM Title V facilities shall not exceed \$9,593.22 for FY 2018-19 and \$10,615.86 for FY 2019-20 and thereafter per facility and for all other Non-RECLAIM facilities shall not exceed \$16,943.43 per facility. There is no limit to the change of operator fees for RECLAIM facilities.

TABLE IA - PERMIT FEE RATE SCHEDULES FOR CONTROL EQUIPMENT

Equipment/Process	Schedule
Abatement System/HEPA, Asbestos, Lead	B
Activated Carbon Adsorber, Venting Single Source (s.s.=single source)	B
Activated Carbon Adsorber, Venting Multiple Source (m.s.=multiple sources)	C
Activated Carbon Adsorber, Other	D
Activated Carbon Adsorber, Drum Venting Toxic Source (t.s. = toxic source)	C
Activated Carbon Adsorber, with regeneration	E
Afterburner (<= 1 MMBTU/hr, venting s.s.)	B
Afterburner (<= 1 MMBTU/hr, venting m.s.)	C
Afterburner, Catalytic for Bakery Oven	C
Afterburner, Direct Flame	D
Afterburner/Oxidizer: Regenerative Ceramic/Hot Rock Bed Type, Recuperative Thermal	D
Afterburner/Oxidizer, Catalytic	D
Air Filter, Custom	C
Amine (or DEA) Regeneration Unit ¹	D
Amine Treating Unit ¹	D
Baghouse, Ambient (<= 100 FT ²)	A
Baghouse, Ambient (> 100 - 500 FT ²)	B
Baghouse, Ambient (> 500 FT ²)	C
Baghouse, Hot (> 350 F)	D
Biofilter (<= 100 cfm)	B
Biofilter (> 100 cfm)	C
Boiler as Afterburner	D
CO Boiler	F
Condenser	C
Control Systems, two in series	C
Control Systems, three in series	D
Control Systems, four or more in series	E
Control Systems, Venting Plasma Arc Cutters	B1
Cyclone	B
Dry Filter (<= 100 FT ²)	A
Dry Filter (> 100 - 500 FT ²)	B

Equipment/Process	Schedule
Dry Filter (> 500 FT ²)	C
Dust Collector/HEPA, other Rule 1401 toxics	C
Electrostatic Precipitator, Restaurant	B
Electrostatic Precipitator, Asphalt Batch Equipment	C
Electrostatic Precipitator, Extruder	B
Electrostatic Precipitator, < 3000 CFM	B
Electrostatic Precipitator, => 3000 CFM	D
Electrostatic Precipitator for Fluid Catalytic Cracking Unit (FCCU)	H
Ethylene Oxide Sterilization, Control, Hospital	B
Flare, Landfill/Digester Gas, Enclosed	E
Flare, Landfill/Digester Gas, Open	C
Flare, Portable	B
Flare System, Refinery ²	F
Flare Other	C
Flue Gas Desulfurization ¹	D
Gas Absorption Unit ³	D
Gas Scrubbing System ¹	F
Incinerator, Afterburner	D
Mesh pads, for toxics gas stream	C
Mesh pads, for other acid mists	B
Mist Control	B
Mist Eliminator with HEPA	C
Negative Air Machine/HEPA, Asbestos, Lead	A
Non-Selective Catalytic Reduction	B
Odor Control Unit	D
Relief and Blowdown System ⁴	D
Scrubber, Biofiltration	C
Scrubber Controlling NO _x venting	D
Scrubber Controlling SO _x venting	D
Scrubber Controlling HCL or NH ₃ venting s.s.	B
Scrubber Controlling HCL or NH ₃ venting m.s.	C
Scrubber, NO _x , multistage	D
Scrubber, NO _x , single stage	C
Scrubber, Odor, < 5000 cfm	C

TABLE IA - PERMIT FEE RATE SCHEDULES FOR CONTROL EQUIPMENT

Equipment/Process	Schedule
Scrubber, Other venting s.s.	B
Scrubber, Other venting m.s.	C
Scrubber, Other Chemical venting s.s.	B
Scrubber, Other Chemical venting m.s.	D
Scrubber, Particulates venting s.s.	B
Scrubber, Particulates venting m.s.	C
Scrubber, Particulates venting t.s.	D
Scrubber, Restaurant	B
Scrubber, Toxics venting	D
Scrubber, Venturi venting s.s.	B
Scrubber, Venturi venting m.s.	C
Scrubber, Venturi venting t.s.	C
Scrubber, Water (no packing)	B
Selective Catalytic Reduction (SCR)	C
Settling Chamber	B
Ship Hold Hatch Cover	A
Slop Oil Recovery System	D
Sour Water Oxidizer Unit ⁵	D
Sour Water Stripper ⁶	D
Sparger	B
Spent Acid Storage & Treating Facility ⁷	E
Spent Carbon Regeneration System	D
Spent Caustic Separation System ⁸	D
Spray Booth/Enclosure, Other	B
Spray Booth/Enclosure, Powder Coating System with single or multiple APC for particulates	B

Equipment/Process	Schedule
Spray Booth, Metallizing	C
Spray Booth with Carbon Adsorber (non-regenerative)	C
Spray Booths (multiple) with Carbon Adsorber (non-regenerative)	D
Spray Booth(s) with Carbon Adsorber (regenerative)	E
Spray Booth(s) (1 to 5) with Afterburner/Oxidizer (Regenerative/Recuperative)	D
Spray Booths (>5) with Afterburner/Oxidizer (Regenerative/Recuperative)	E
Spray Booth, Automotive, with Multiple VOC Control Equipment	C
Spray Booth with Multiple VOC Control	D
Spray Booths (multiple) with Multiple VOC Control Equipment	E
Storm Water Handling & Treating System ⁹	E
Sulfur Recovery Equipment ⁷	H
Tail Gas Incineration	D
Tail Gas Unit ¹⁰	H
Storage Tank, Degassing Unit	D
Ultraviolet Oxidation	D
Vapor Balance System ¹¹	B
Vapor Recovery, Serving Crude Oil Production ¹¹	D
Vapor Recovery, Serving Refinery Unit ¹¹	E
Waste Gas Incineration Unit	E

¹ Including, but not limited to, all or part of the following: Accumulators, Columns, Condensers, Drums, Heat Exchangers, Knock Out Pots, Pots, Pumps, Regenerators, Scrubbers, Settling Tanks, Sumps, Tanks, Towers, Vessels

² Including, but not limited to, all or part of the following: Flare, Compressors, Drums, Knock Out Pots, Pots, Vessels

³ Including, but not limited to, all or part of the following: Accumulators, Columns, Condensers, Drums, Heat Exchangers, Knock

Out Pots, Pots, Pumps, Regenerators, Scrubbers, Settling Tanks, Sumps, Tanks, Towers, Vessels

⁴ Including, but not limited to, all or part of the following: Compressors, Drums, Knock Out Pots, Pots

⁵ Including, but not limited to, all or part of the following: Accumulators, Columns, Drums, Knock Out Pots, Tanks, Vessels

⁶ Including, but not limited to, all or part of the following: Condensers, Coolers, Drums, Sumps, Vessels

TABLE IA - PERMIT FEE RATE SCHEDULES FOR CONTROL EQUIPMENT

⁷ Including, but not limited to, all or part of the following: Accumulators, Clarifier, Columns, Compressors, Condensers, Drums, Filters, Filter Presses, Heat Exchangers, Knock Out Pots, Pits, Pots, Pumps, Reactors, Regenerators, Scrubbers, Settling Tanks, Sumps, Tanks, towers, Vessels

⁸ Including, but not limited to, all or part of the following: Process Tanks, Separators, Tanks

⁹ Including, but not limited to, all or part of the following: Air Floatation Units, Floatation

Units, Filter Presses, Clarifiers, Settling Tanks, Waste Water Separators, Tanks

¹⁰ Including, but not limited to, all or part of the following: Absorbers, Condensers, Coolers, Drums, Heat Exchangers, Knock Out Pots, Reactors, Tanks, Vessels

¹¹ Including, but not limited to, all or part of the following: Absorbers, Compressors, Condensers, Knock Out Pots, Pumps, Saturators

TABLE IB - PERMIT FEE RATE SCHEDULES FOR BASIC EQUIPMENT

Equipment/Process	Schedule	Equipment/Process	Schedule
Abatement System, Asbestos, Lead	B	Aggregate Production/Crushing (< 5000 tpd) Including, but not limited to, all or part of the following: Bins, Bucket Elevators, Conveyors, Feeders, Hoppers, Crushers, Cyclones, Log Washers, Mixers, Screens, Vibrating Grizzlies, Weigh Stations	C
Abrasive Blasting (Cabinet, Mach., Room)	B		
Abrasive Blasting (Open)	A	Aggregate Production/Crushing (=> 5000 tpd) Including, but not limited to, all or part of the following: Bins, Bucket Elevators, Conveyors, Feeders, Hoppers, Crushers, Cyclones, Log Washers, Mixers, Screens, Vibrating Grizzlies, Weigh Stations	D
Absorption Chillers, Gas-Fired, < 5 MM Btu/hr	B		
Absorption Chillers, Gas-Fired, => 5 MM Btu/hr	C	Aggregate Screening Including, but not limited to, all or part of the following: Bins, Bucket Elevators, Conveyors, Feeders, Hoppers, Cyclones, Screens, Weigh Stations	C
Acetylene Purification System Including, but not limited to, all or part of the following: Absorbers, Accumulators, Columns, Compressors, Condensers, Drums, Heat Exchangers, Knock Out Pots, Pots, Pumps, Reactors, Regenerators, Scrubbers, Settling Tanks, Sumps, Tanks, Towers, Vessels	C		
Acid Treating Including, but not limited to, all or part of the following: Absorbers, Accumulators, Columns, Compressors, Condensers, Drums, Heat Exchangers, Knock Out Pots, Pots, Pumps, Reactors, Regenerators, Scrubbers, Settling Tanks, Sumps, Tanks, Towers, Vessels	E	Air Strippers	C
Adhesives Organic Additions Including, but not limited to, all or part of the following: Reactors, Mixers, Process Tanks, Vessels	C	Aircraft Fueling Facility Including, but not limited to, all or part of the following: Storage Tanks, Dispensing Nozzles	D
Adsorption Chillers, Gas-Fired, < 5 MM Btu/hr	B	Alkylation Unit Including, but not limited to, all or part of the following: Absorbers, Accumulators, Columns, Compressors, Condensers, Drums, Heat Exchangers, Knock Out Pots, Pots, Pumps, Reactors, Regenerators, Scrubbers, Settling Tanks, Sumps, Tanks, Towers, Vessels	E
Adsorption Chillers, Gas-Fired, => 5 MM Btu/hr	C		
Adsorption, Other	B	Ammonia Mfg. Including, but not limited to, all or part of the following: Absorbers, Accumulators, Columns, Compressors, Condensers, Coolers, Drums, Ejectors, Heat Exchangers, Knock Out Pots, Pots, Pumps, Reactors, Regenerators, Scrubbers, Settling Tanks, Sumps, Tanks, Towers, Vessels	C
Aeration Potable Water	C		
Aggregate, Tank Truck Loading/Conveying Including, but not limited to, all or part of the following: Bins, Bucket Elevators, Conveyors, Feeders, Hoppers, Weigh Stations	B	Ammonia Vaporization Unit Including, but not limited to, all or part of the following: Absorbers, Accumulators, Columns, Compressors, Condensers, Coolers, Drums, Ejectors, Heat Exchangers, Knock Out Pots, Pots, Pumps, Reactors, Regenerators, Scrubbers, Settling Tanks, Sumps, Tanks, Towers, Vessels	C
Aggregate Production, with Dryer Including, but not limited to, all or part of the following: Bins, Bucket Elevators, Conveyors, Dryers, Feeders, Hoppers, Crushers, Cyclones, Log Washers, Mixers, Screens, Vibrating Grizzlies, Weigh Stations	E		

TABLE IB - PERMIT FEE RATE SCHEDULES FOR BASIC EQUIPMENT

Equipment/Process	Schedule
Animal Feed Processing, Conveying Including, but not limited to, all or part of the following: Conveyors, Bins, Hoppers, Bucket Elevators	B
Animal Feed Processing, Other Including, but not limited to, all or part of the following: Conveyors, Bins, Hoppers, Bucket Elevators, Mixers, Feeders, Grinders	C
Anodizing (sulfuric, phosphoric)	B
Aqueous Ammonia Transfer & Storage	C
Aromatics Recovery Unit Including, but not limited to, all or part of the following: Absorbers, Accumulators, Columns, Compressors, Condensers, Drums, Heat Exchangers, Knock Out Pots, Pots, Pumps, Reactors, Regenerators, Scrubbers, Settling Tanks, Sumps, Tanks, Towers, Vessels	E
Asphalt Air Blowing	B
Asphalt Blending/Batching Including, but not limited to, all or part of the following: Bins, Bucket Elevators, Conveyors, Cyclones, Dryers, Feeders, Hoppers, Knock Out Pots, Mixers, Screens, Tanks, Weigh Stations	E
Asphalt Coating	C
Asphalt Day Tanker/Tar Pot	A
Asphalt Refining Including, but not limited to, all or part of the following: Absorbers, Accumulators, Columns, Compressors, Condensers, Drums, Heat Exchangers, Knock Out Pots, Pots, Pumps, Reactors, Regenerators, Scrubbers, Settling Tanks, Sumps, Tanks, Towers, Vessels	E
Asphalt Roofing Line Including, but not limited to, all or part of the following: Pumps, Conveyors, Process Tanks, Coater Operations, Cutters	C
Asphalt Roofing Saturator	D
Asphalt-Rubber Spraying	B
Auto Body Shredding	C
Autoclave, Non-sterilizing Type	B

Equipment/Process	Schedule
Battery Charging/Manufacturing Including, but not limited to, all or part of the following: Cutters, Crushers, Separators, Process Tanks, Conveyors	C
Benzene/Toluene/Xylene Production Equip. Including, but not limited to, all or part of the following: Absorbers, Accumulators, Columns, Compressors, Condensers, Drums, Heat Exchangers, Knock Out Pots, Pots, Pumps, Reactors, Regenerators, Scrubbers, Settling Tanks, Sumps, Tanks, Towers, Vessels	E
Beryllium Machining and Control Including, but not limited to, all or part of the following: Machining Operations, Filters, Baghouses,	C
Bleach Manufacturing Including, but not limited to, all or part of the following: Accumulators, Columns, Compressors, Condensers, Drums, Heat Exchangers, Knock Out Pots, Pots, Pumps, Tanks, Towers, Vessels	B
Blending, Other	B
Boiler/hot water heater, various locations, diesel/oil fired (< 300,000 BTU/hr)	A
Boiler/hot water heater, single facility, portable, diesel/oil fired (< 600,000 BTU/hr)	A
Boiler, Landfill/Digester Gas (< 5 MMBTU/hr)	B
Boiler, Landfill/Digester Gas (5 to 20 MMBTU/hr)	C
Boiler, Landfill/Digester Gas (> 20 to 50 MMBTU/hr)	D
Boiler, Landfill/Digester Gas (>50MMBTU/hr)	F
Boiler, Natural gas-fired, 5 – 20 MM BTU/hr	C
Boiler, Other Fuel (< 5MMBTU/hr)	B
Boiler, Other Fuel (5 - 20 MMBTU/hr)	C
Boiler, Other Fuel (> 20 - 50 MMBTU/hr)	D
Boiler, Other Fuel (> 50 MMBTU/hr)	E
Boiler, Utility (> 50 MW)	H
Brake Shoes, Grinding, Bonding and Debonding, Deriveter	B
Bulk Chemical Terminal	B

TABLE IB - PERMIT FEE RATE SCHEDULES FOR BASIC EQUIPMENT

Equipment/Process	Schedule	Equipment/Process	Schedule
Bulk Loading/Unloading Stn (< 50,000 GPD)	B	Charbroiler with Integrated Control	B
Bulk Loading/Unloading Rack (50,000 - 200,000 GPD)	D	Charbroiler, Food Manufacturing	C
Bulk Loading/Unloading Rack (> 200,000 GPD)	E	Chemical Additive Injection System Including, but not limited to, all or part of the following: Injectors, Compressors, Pumps	C
Bulk Loading/Unloading	C	Chip Dryer	D
Carbon Dioxide Production Facility Including, but not limited to, all or part of the following: Separator, Knockout Pot, Scrubber, Chiller, Pumps, Blowers, Oil Separator, Compressor, Intercoolers, Filters, Cooling Tower	F	Chippers, Greenwaste, not including I.C. Engine	A
Carpet Processing System Including, but not limited to, all or part of the following: Process Tanks, Dryers, Carpet Beaters, Carpet Shears	D	Circuit Board Etchers	B
Catalyst Handling System Including, but not limited to, all or part of the following: Centrifuge, Bins, Conveyors, Hoppers, Cyclones, Screens, Tanks, Weigh Stations	C	Cleaning, Miscellaneous	B
Catalyst Mfg./Calcining Including, but not limited to, all or part of the following: Bins, Conveyors, Reactors, Mixers, Process Tanks, Kilns	D	Coal Bulk Loading Including, but not limited to, all or part of the following: Bins, Conveyors, Bucket Elevators, Hoppers, Loading Arms, Weigh Stations	E
Catalyst Storage (Hoppers)	C	Coal Research Pilot / Equip (0-15 MMBTU/hr)	C
Catalytic Reforming Unit Including, but not limited to, all or part of the following: Absorbers, Accumulators, Columns, Compressors, Condensers, Drums, Fractionators, Heat Exchangers, Knock Out Pots, Pots, Pumps, Reactors, Regenerators, Scrubbers, Settling Tanks, Sumps, Tanks, Towers, Vessels	E	Coal Research Pilot / Equip (> 15 MMBTU/hr)	D
Caustic Treating Unit Including, but not limited to, all or part of the following: Knock Out Pots, Tanks, Towers, Vessels	E	Coal Tar Treating Including, but not limited to, all or part of the following: Absorbers, Accumulators, Columns, Compressors, Condensers, Drums, Heat Exchangers, Knock Out Pots, Pots, Pumps, Reactors, Regenerators, Scrubbers, Settling Tanks, Sumps, Tanks, Towers, Vessels	C
Cement Marine Loading & Unloading Including, but not limited to, all or part of the following: Bins, Conveyors, Bucket Elevators, Hoppers, Loading & Unloading Arms, Weigh Stations	E	Coating & Drying Equipment, Continuous Organic, Web Type Including, but not limited to, all or part of the following: Coater Operations, Process Tanks, Dryers	C
Cement Packaging Including, but not limited to, all or part of the following: Bins, Conveyors, Bucket Elevators, Hoppers, Weigh Stations	C	Coffee Roaster < 50 lbs capacity with integrated afterburner	B
Cement Truck Loading	C	Coffee Roasting, (11-49 lb roaster capacity Including, but not limited to, all or part of the following: Bins, Conveyors, Bucket Elevators, Hoppers, Roasters, Coolers	A
Charbroiler, Eating Establishment	A	Coffee Roasting, 50-99 lb roaster capacity Including, but not limited to, all or part of the following: Bins, Conveyors, Bucket Elevators, Hoppers, Roasters, Coolers	B
		Coffee Roasting, 100 lb or more roaster capacity Including, but not limited to, all or part of the following: Bins, Conveyors, Bucket Elevators, Hoppers, Roasters, Coolers	C

TABLE IB - PERMIT FEE RATE SCHEDULES FOR BASIC EQUIPMENT

Equipment/Process	Schedule	Equipment/Process	Schedule
Coke Handling & Storage Facility Including, but not limited to, al or part of the following: Centrifuge, Bins, Conveyors, Clarifier, Hoppers, Cyclones, Screens, Tanks, Weigh Stations	E	Crude Oil, Distillation Unit Including, but not limited to, all or part of the following: Absorbers, Accumulators, Columns, Compressors, Condensers, Drums, Fractionators, Heat Exchangers, Knock Out Pots, Pots, Pumps, Reactors, Regenerators, Scrubbers, Settling Tanks, Sumps, Tanks, Towers, Vessels	E
Composting, in vessel Including, but not limited to, all or part of the following: Bins, Conveyors, Hoppers	C	Crude Oil/Gas/Water Separation System (< 30 BPD)** Including, but not limited to, all or part of the following: Adsorbers, Oil Water Separators, Oil Gas Water Separators, Pits, Sumps, Tanks, Vessels	C
Concrete/Asphalt Crushing Including, but not limited to, all or part of the following: Bins, Bucket Elevators, Conveyors, Feeders, Hoppers, Crushers, Cyclones, Screens, Vibrating Grizzlies, Weigh Stations	C	Crude Oil/Gas/Water Separation System, (= > 30 BPD & < 400 BPD)** Including, but not limited to, all or part of the following: Adsorbers, Oil Water Separators, Oil Gas Water Separators, Pits, Sumps, Tanks, Vessels	C
Concrete Batch Equipment Including, but not limited to, all or part of the following: Bins, Bucket Elevators, Conveyors, Dryers, Feeders, Hoppers, Crushers, Cyclones, Log Washers, Mixers, Screens, Vibrating Grizzlies, Weigh Stations	C	Crude Oil/Gas/Water Separation System, (= > 400 BPD)** Including, but not limited to, all or part of the following: Adsorbers, Oil Water Separators, Oil Gas Water Separators, Pits, Sumps, Tanks, Vessels	E
Confined Animal Facility	A	Decorating Lehr	C
Container Filling, Liquid	B	Decorator	B
Conveying, Other	B	Deep-Fat Fryer	C
Cooling Tower, Petroleum Operations	C	Dehydration Unit Including, but not limited to, all or part of the following: Absorbers, Accumulators, Columns, Compressors, Condensers, Drums, Heat Exchangers, Knock Out Pots, Pots, Pumps, Reactors, Regenerators, Scrubbers, Settling Tanks, Sumps, Tanks, Towers, Vessels	C
Cooling Tower, Other	B	Degreaser, Cold Solvent Dipping	B
Core Oven	B	Degreaser, Cold Solvent Spray	C
Cotton Ginning System Including, but not limited to, all or part of the following: Hoppers, Conveyors, Separators, Screens, Classifiers, Mixers	D	Degreaser, (<= 1 lb VOC/day)	B
Crankcase Oil, Loading and Unloading	C	Degreaser (> 1 lb VOC/day)	B
Crematory	C	Degreaser, (VOCw/Toxics)	C
Crude Oil, Cracking Catalytic Including, but not limited to, all or part of the following: Absorbers, Accumulators, Columns, Compressors, Condensers, Drums, Fractionators, Heat Exchangers, Knock Out Pots, Pots, Pumps, Reactors, Regenerators, Scrubbers, Settling Tanks, Sumps, Tanks, Towers, Vessels	G		

TABLE IB - PERMIT FEE RATE SCHEDULES FOR BASIC EQUIPMENT

Equipment/Process	Schedule	Equipment/Process	Schedule
Delayed Coking Unit Including, but not limited to, all or part of the following: Absorbers, Accumulators, Columns, Compressors, Condensers, Drums, Fractionators, Heat Exchangers, Knock Out Pots, Pots, Pumps, Reactors, Regenerators, Scrubbers, Settling Tanks, Sumps, Tanks, Towers, Vessels	E	Evaporator, Other	B
Deposition on Ceramics (< 5 pieces)	B	Extraction - Benzene Including, but not limited to, all or part of the following: Absorbers, Accumulators, Columns, Compressors, Condensers, Drums, Heat Exchangers, Knock Out Pots, Pots, Pumps, Reactors, Regenerators, Scrubbers, Settling Tanks, Sumps, Tanks, Towers, Vessels	C
Deposition on Ceramics (5 or more pieces)	C	Extruder	B
Desalting Unit Including, but not limited to, all or part of the following: Mixers, Pumps, Reactors, Settling Tanks, Sumps, Tanks, Vessels	C	Extrusion System (Multiple Units) Including, but not limited to, all or part of the following: Extruders	C
Die Casting Equipment	C	Fatty Acid Mfg.	C
Digester Gas Desulfurization System Including, but not limited to, all or part of the following: Absorbers, Accumulators, Columns, Compressors, Condensers, Drums, Heat Exchangers, Knock Out Pots, Pots, Pumps, Reactors, Regenerators, Scrubbers, Settling Tanks, Tanks, Towers, Vessels	C	Feathers, Size Classification	A
Dip Tank, Coating	B	Feed Handling (combining conveying and loading)	D
Dip Tank, (<= 3 gal/day)	B	Fermentation/Brewing Including, but not limited to, all or part of the following: Hoppers, Conveyors, Brew Kettles	C
Distillation, Other Including, but not limited to, all or part of the following: Absorbers, Accumulators, Columns, Compressors, Condensers, Drums, Fractionators, Heat Exchangers, Knock Out Pots, Pots, Pumps, Reactors, Regenerators, Scrubbers, Settling Tanks, Sumps, Tanks, Towers, Vessels	C	Fertilizer, Natural, Packaging/ Processing Including, but not limited to, all or part of the following: Bins, Conveyors, Bucket Elevators, Hoppers, Loading Arms, Weigh Stations	B
Drilling Rig, Crude Oil Prod.	C	Fertilizer, Synthetic, Production Including, but not limited to, all or part of the following: Bins, Conveyors, Bucket Elevators, Mixers, Dryers, Process Tanks, Reactors, Hoppers, Loading Arms, Weigh Stations	C
Drop Forge	B	Fiberglass Panel Mfg Including, but not limited to, all or part of the following: Conveyors, Mixers, Reactors, Process Tanks, Cutters	C
Dry Cleaning & Associated Control Equipment	A	Filament Winder, Rule 1401 Toxics	C
Dryer for Organic Material	C	Filament Winder, Other	B
Drying/Laundry	A	Filling Machine, Dry Powder	C
Drying, Other	B	Film Cleaning Machine	B
Emission Reduction Credits [Rule 301(c)(4) and (c)(5)]	I	Flour Handling (combining conveying, packaging, and loadout)	E
End Liner, Can	B	Flour Manufacturing (combining milling and conveying)	E
Ethylene Oxide Sterilization, Hospital	B	Flour Milling Including, but not limited to, all or part of the following: Bins, Conveyors, Bucket Elevators, Hoppers, Mills, Weigh Stations	D
Evaporation, Toxics	C		

TABLE IB - PERMIT FEE RATE SCHEDULES FOR BASIC EQUIPMENT

Equipment/Process	Schedule
Flow Coater	B
Fluid Catalytic Cracking Equipment Including, but not limited to, all or part of the following: Absorbers, Accumulators, Columns, Compressors, Condensers, Drums, Fractionators, Heat Exchangers, Knock Out Pots, Pots, Pumps, Reactors, Regenerators, Scrubbers, Settling Tanks, Sumps, Tanks, Towers, Vessels	H
Fluid Elimination, Waste Water	B
Foam-in-Place Packaging	A
Food Processing Grinding, Blending, Packaging, Conveying, Flavoring	C
Fractionation Unit Including, but not limited to, all or part of the following: Absorbers, Accumulators, Columns, Compressors, Condensers, Drums, Fractionators, Heat Exchangers, Knock Out Pots, Pots, Pumps, Reactors, Regenerators, Scrubbers, Settling Tanks, Sumps, Tanks, Towers, Vessels	E
Fruit and Vegetable Treating	A
Fuel Gas Mixer	C
Fuel Gas, Treating Including, but not limited to, all or part of the following: Absorbers, Accumulators, Columns, Compressors, Condensers, Drums, Heat Exchangers, Knock Out Pots, Pots, Pumps, Scrubbers, Settling Tanks, Towers, Vessels	D
Fuel Storage & Dispensing Equipment (Rule 461) Including, but not limited to, all or part of the following: Storage Tanks, Dispensing Nozzles	A
Fumigation	A
Furnace, Arc	D
Furnace, Burn-Off, Armature	C
Furnace, Burn-Off, Drum	D
Furnace, Burn-Off, Engine Parts	C
Furnace, Burn-Off, Paint	C
Furnace, Burn-Off, Wax	C
Furnace, Burn-Off, Other	C
Furnace, Cupola	D
Furnace, Electric, Induction and Resistance	C

Equipment/Process	Schedule
Furnace, Frit	C
Furnace, Galvanizing	C
Furnace, Graphitization and Carbonization	C
Furnace, Heat Treating	B
Furnace, Other Metallic Operations	C
Furnace, Pot/Crucible	C
Furnace, Reverberatory	D
Furnace, Wire Reclamation	C
Garnetting, Paper/Polyester Including, but not limited to, all or part of the following: Feeders, Conveyors, Condensers, Cutters	C
Gas Plant Including, but not limited to, all or part of the following: Accumulators, Columns, Condensers, Drums, Heat Exchangers, Knock Out Pots, Pots, Pumps, Reactors, Re-generators, Scrubbers, Settling Tanks, Sumps, Tanks, Towers, Vessels	E
Gas Turbine, Landfill/Digester Gas, <0.3 MW	B
Gas Turbine, Landfill/Digester Gas, => 0.3 MW	E
Gas Turbine, <= 50 MW, other fuel	D
Gas Turbine, > 50 MW, other fuel	G
Gas Turbine, Emergency, < 0.3 MW	A
Gas Turbine, Emergency, => 0.3 MW	C
Gas Turbines (Microturbines only)	A
Gas-Oil Cracking Unit Including, but not limited to, all or part of the following: Absorbers, Accumulators, Columns, Compressors, Condensers, Drums, Fractionators, Heat Exchangers, Knock Out Pots, Pots, Pumps, Reactors, Regenerators, Scrubbers, Settling Tanks, Sumps, Tanks, Towers, Vessels	E
Gasoline, In-line Blending Including, but not limited to, all or part of the following: Absorbers, Accumulators, Columns, Compressors, Condensers, Drums, Fractionators, Heat Exchangers, Knock Out Pots, Pots, Pumps, Reactors, Regenerators, Scrubbers, Settling Tanks, Sumps, Tanks, Towers, Vessels	D

TABLE IB - PERMIT FEE RATE SCHEDULES FOR BASIC EQUIPMENT

Equipment/Process	Schedule	Equipment/Process	Schedule
Gasoline, Refining Including, but not limited to, all or part of the following: Absorbers, Accumulators, Columns, Compressors, Condensers, Drums, Fractionators, Heat Exchangers, Knock Out Pots, Pots, Pumps, Reactors, Regenerators, Scrubbers, Settling Tanks, Sumps, Tanks, Towers, Vessels	D	Grain Cleaning Including, but not limited to, all or part of the following: Air Classifiers, Bins, Conveyors, Bucket Elevators, Hoppers, Mills, Screens, Weigh Stations	C
Gasoline, Separation - Liquid Production Including, but not limited to, all or part of the following: Absorbers, Accumulators, Columns, Compressors, Condensers, Drums, Fractionators, Heat Exchangers, Knock Out Pots, Pots, Pumps, Reactors, Regenerators, Scrubbers, Settling Tanks, Sumps, Tanks, Towers, Vessels	D	Grain Handling (combining storage and cleaning)	E
Gasoline, Vapor Gathering System Including, but not limited to, all or part of the following: Absorbers, Accumulators, Columns, Compressors, Condensers, Drums, Fractionators, Heat Exchangers, Knock Out Pots, Pots, Pumps, Reactors, Regenerators, Scrubbers, Settling Tanks, Sumps, Tanks, Towers, Vessels	D	Grain Storage	C
Gasoline Blending Unit Including, but not limited to, all or part of the following: Absorbers, Accumulators, Columns, Compressors, Condensers, Drums, Heat Exchangers, Knock Out Pots, Pots, Pumps, Scrubbers, Settling Tanks, Towers, Vessels	E	Grinder, Size Reduction	B
Gasoline Fractionation Unit Including, but not limited to, all or part of the following: Absorbers, Accumulators, Columns, Compressors, Condensers, Drums, Fractionators, Heat Exchangers, Knock Out Pots, Pots, Pumps, Reactors, Regenerators, Scrubbers, Settling Tanks, Sumps, Tanks, Towers, Vessels	F	Groundwater Treatment System Including, but not limited to, all or part of the following: Air Strippers, Adsorbers, Process Tanks	C
Gasoline Transfer & Dispensing Facility (See Fuel Storage & Dispensing Equipment)		Gypsum, Calcining Including, but not limited to, all or part of the following: Air Classifiers, Bins, Conveyors, Bucket Elevators, Hoppers, Kilns, Weigh Stations	E
Glass Forming Machine	C	Halon/Refrigerants, Recovery and Recycling Equipment	A1
Glass Furnace < 1TPD	B	Heater, (< 5 MMBTU/hr)	B
Glass Furnace, > 1 - 50 TPD Pull	D	Heater, (5 - 20 MMBTU/hr)	C
Glass Furnace, > 50 TPD Pull	E	Heater, (> 20-50 MMBTU/hr)	D
		Heater, (> 50 MMBTU/hr)	E
		Hot End Coating, (Glass Mfg. Plant)	B
		Hydrant Fueling, Petrol. Middle Distillate Including, but not limited to, all or part of the following: Storage Tanks, Dispensing Nozzles	D
		Hydrocarbons, Misc., Treating Including, but not limited to, all or part of the following: Absorbers, Accumulators, Columns, Compressors, Condensers, Drums, Fractionators, Heat Exchangers, Knock Out Pots, Pots, Pumps, Reactors, Regenerators, Scrubbers, Settling Tanks, Sumps, Tanks, Towers, Vessels	D
		Hydrogen Desulfurization (HDS) Unit Including, but not limited to, all or part of the following: Absorbers, Accumulators, Columns, Compressors, Condensers, Drums, Fractionators, Heat Exchangers, Knock Out Pots, Pots, Pumps, Reactors, Regenerators, Scrubbers, Settling Tanks, Sumps, Tanks, Towers, Vessels	F

TABLE IB - PERMIT FEE RATE SCHEDULES FOR BASIC EQUIPMENT

Equipment/Process	Schedule
Hydrogen Production Equipment Including, but not limited to, all or part of the following: Absorbers, Accumulators, Columns, Compressors, Condensers, Drums, Fractionators, Heat Exchangers, Knock Out Pots, Pots, Pumps, Reactors, Regenerators, Scrubbers, Settling Tanks, Sumps, Tanks, Towers, Vessels	F
Hydrotreating Unit Including, but not limited to, all or part of the following: Absorbers, Accumulators, Columns, Compressors, Condensers, Drums, Fractionators, Heat Exchangers, Knock Out Pots, Pots, Pumps, Reactors, Regenerators, Scrubbers, Settling Tanks, Sumps, Tanks, Towers, Vessels	E
IC Engine, (51-500 HP) Cogeneration	B
IC Engine, (> 500 HP) Cogeneration	C
IC Engine, Emergency	B
IC Engine, Landfill/Digester Gas	D
IC Engine, Other, 51-500 HP	B
IC Engine, Other, > 500 HP	C
Impregnating Equipment	C
Incineration, Hazardous Waste	H
Incinerator, < 300 lbs/hr, Non-Hazardous	E
Incinerator, >= 300 lbs/hr, Non-Hazardous	F
Indoor Shooting Range	B
Ink Mfg./Blending Including, but not limited to, all or part of the following: Process Tanks, Mixers	B
Inorganic Chemical Mfg. Including, but not limited to, all or part of the following: Process Tanks, Mixers, Reactors	D
Insecticide Separation/Mfg Including, but not limited to, all or part of the following: Absorbers, Accumulators, Columns, Compressors, Condensers, Coolers, Drums, Ejectors, Heat Exchangers, Knock Out Pots, Pots, Pumps, Reactors, Regenerators, Scrubbers, Settling Tanks, Sumps, Tanks, Towers, Vessels	E

Equipment/Process	Schedule
Iodine Reaction Including, but not limited to, all or part of the following: Columns, Compressors, Condensers, Coolers, Heat Exchangers, Pumps, Reactors, Regenerators, Scrubbers, Settling Tanks, Tanks, Towers	C
Isomerization Unit Including, but not limited to, all or part of the following: Absorbers, Accumulators, Columns, Compressors, Condensers, Drums, Fractionators, Heat Exchangers, Knock Out Pots, Pots, Pumps, Reactors, Regenerators, Scrubbers, Settling Tanks, Sumps, Tanks, Towers, Vessels	E
Jet Engine Test Facility	C
Kiln, Natural Gas	C
Landfill Condensate/Leachate Collection/Storage	B
Landfill Gas, Collection, (< 10 Wells)	B
Landfill Gas, Collection, (10 -50 Wells)	C
Landfill Gas, Collection, (> 50 Wells)	D
Landfill Gas, Treatment	E
Lime/Limestone, Conveying Including, but not limited to, all or part of the following: Bins, Conveyors, Bucket Elevators, Hoppers, Weigh Stations	C
Liquid Separation, Other Including, but not limited to, all or part of the following: Process Tanks, Settling Tanks, Separators, Tanks	D
Liquid Waste Processing, Hazardous Including, but not limited to, all or part of the following: Air Floatation Units, Floatation Units, Filter Presses, Reactors, Process Tanks, Clarifiers, Settling Tanks, Waste Water Separators, Tanks	E
Liquid Waste Processing, Non Hazardous Including, but not limited to, all or part of the following: Air Floatation Units, Floatation Units, Filter Presses, Reactors, Process Tanks, Clarifiers, Settling Tanks, Waste Water Separators, Tanks	C
LPG, Tank Truck Loading	D

TABLE IB - PERMIT FEE RATE SCHEDULES FOR BASIC EQUIPMENT

Equipment/Process	Schedule	Equipment/Process	Schedule
LPG, Treating Including, but not limited to, all or part of the following: Absorbers, Accumulators, Columns, Compressors, Condensers, Drums, Fractionators, Heat Exchangers, Knock Out Pots, Pots, Pumps, Reactors, Regenerators, Scrubbers, Settling Tanks, Sumps, Tanks, Towers, Vessels	D	Merox Treating Unit Including, but not limited to, all or part of the following: Absorbers, Accumulators, Columns, Compressors, Condensers, Drums, Fractionators, Heat Exchangers, Knock Out Pots, Pots, Pumps, Reactors, Regenerators, Scrubbers, Settling Tanks, Sumps, Tanks, Towers, Vessels	E
LPG Distillation Unit Including, but not limited to, all or part of the following: Absorbers, Accumulators, Columns, Compressors, Condensers, Drums, Fractionators, Heat Exchangers, Knock Out Pots, Pots, Pumps, Reactors, Regenerators, Scrubbers, Settling Tanks, Sumps, Tanks, Towers, Vessels	E	Metal Deposition Equipment	C
Lube Oil Additive/Lubricant Mfg.	B	Metallic Mineral Production Including, but not limited to, all or part of the following: Bins, Bucket Elevators, Conveyors, Feeders, Hoppers, Crushers, Cyclones, Log Washers, Mixers, Screens, Vibrating Grizzlies, Weigh Stations	E
Lube Oil Re-refining Including, but not limited to, all or part of the following: Absorbers, Accumulators, Columns, Compressors, Condensers, Drums, Fractionators, Heat Exchangers, Knock Out Pots, Pots, Pumps, Reactors, Regenerators, Scrubbers, Settling Tanks, Sumps, Tanks, Towers, Vessels	D	Misc. Solvent Usage at a Premise	B
Marine Bulk Loading/Unloading System, Including, but not limited to, all or part of the following: Absorbers, Compressors, Condensers, Knock Out Pots, Pumps, Reactors, Saturators	D	Mixer, Chemicals	B
Marine Vessel Displaced Vapor Control, Including, but not limited to, all or part of the following: Absorbers, Compressors, Condensers, Knock Out Pots, Pumps, Reactors, Saturators	D	MTBE Production Facility Including, but not limited to, all or part of the following: Absorbers, Accumulators, Columns, Compressors, Condensers, Coolers, Drums, Ejectors, Heat Exchangers, Knock Out Pots, Mixers, Pots, Pumps, Reactors, Regenerators, Scrubbers, Settling Tanks, Sumps, Tanks, Towers, Vessels	F
Merichem Unit Including, but not limited to, all or part of the following: Absorbers, Accumulators, Columns, Compressors, Condensers, Drums, Fractionators, Heat Exchangers, Knock Out Pots, Pots, Pumps, Reactors, Regenerators, Scrubbers, Settling Tanks, Sumps, Tanks, Towers, Vessels	D	Natural Gas Dehydration Including, but not limited to, all or part of the following: Absorbers, Accumulators, Columns, Compressors, Condensers, Drums, Heat Exchangers, Knock Out Pots, Pots, Pumps, Reactors, Regenerators, Scrubbers, Settling Tanks, Sumps, Tanks, Towers, Vessels	C
		Natural Gas Odorizers	C
		Natural Gas Stabilization Unit Including, but not limited to, all or part of the following: Absorbers, Accumulators, Columns, Compressors, Condensers, Drums, Heat Exchangers, Knock Out Pots, Pots, Pumps, Reactors, Scrubbers, Regenerators, Settling Tanks, Sumps, Tanks, Towers, Vessels	E
		Nut Roasters Including, but not limited to, all or part of the following: Bins, Conveyors, Bucket Elevators, Hoppers, Roasters, Coolers	C

TABLE IB - PERMIT FEE RATE SCHEDULES FOR BASIC EQUIPMENT

Equipment/Process	Schedule	Equipment/Process	Schedule
Nut Shell Drying Including, but not limited to, all or part of the following: Bins, Conveyors, Bucket Elevators, Hoppers, Dryers, Coolers	C	Petroleum Coke Conveying Including, but not limited to, all or part of the following: Conveyors, Bins, Hoppers, Bucket Elevators	B
Oil/Water Separator (< 10,000 GPD) Including, but not limited to, all or part of the following: Oil Water Separators, Pits, Sumps, Tanks, Vessels	B	Pharmaceutical Mfg. Including, but not limited to, all or part of the following: Conveyors, Bins, Hoppers, Reactors, Process Tanks, Pelletizers, Mixers, Dryers	C
Oil/Water Separator (>= 10,000 GPD) Including, but not limited to, all or part of the following: Oil Water Separators, Pits, Sumps, Tanks, Vessels	C	Pharmaceutical Mfg. Tableting, Coating Vitamins or Herbs	C
Open-Air resin operations	A	Pipe Coating, Asphaltic	B
Oven Bakery	C	Plasma Arc Cutting	B1
Oven, Curing (Rule 1401 toxics)	C	Plastic Mfg., Blow Molding Machine	B
Oven, Other	B	Plastic/Resin Size Reduction Including, but not limited to, all or part of the following: Bins, Bucket Elevators, Conveyors, Feeders, Hoppers, Grinders, Mills, Cyclones, Screens, Weigh Stations	B
Packaging, Other	B	Plastic/Resins Reforming	C
Paint Stripping, Molten Caustic	C	Plastic/Resins Treating	C
Paper Conveying	A	Plastisol Curing Equipment	B
Paper Pulp Products	D	Polystyrene Expansion/Molding	C
Paper Size Reduction	C	Polystyrene Expansion/Packaging	C
Pavement Grinder	B	Polystyrene Extruding/Expanding	B
Pavement Heater	B	Polyurethane Foam Mfg. Including, but not limited to, all or part of the following: Coolers, Heat Exchangers, Pumps, Reactors, Mixers, Process Tanks	C
Pelletizing, Chlorine Compounds Including, but not limited to, all or part of the following: Conveyors, Bins, Hoppers, Pelletizers, Mixers, Dryers	C	Polyurethane Mfg/Production	B
Perlite Furnace	C	Polyurethane Mfg/Rebonding	B
Perlite Handling Including, but not limited to, all or part of the following: Conveyors, Bins, Hoppers, Bucket Elevators	C	Process Line, Chrome Plating (Hexavalent)	C
Pesticide/Herbicide Mfg. Including, but not limited to, all or part of the following: Absorbers, Accumulators, Columns, Compressors, Condensers, Coolers, Drums, Ejectors, Heat Exchangers, Knock Out Pots, Mixers, Pots, Pumps, Reactors, Regenerators, Scrubbers, Settling Tanks, Sumps, Tanks, Towers, Vessels	E	Process Line, Chrome Plating (Trivalent)	B
Petroleum Coke Calcining Including, but not limited to, all or part of the following: Bins, Conveyors, Reactors, Mixers, Process Tanks, Kilns	F	Precious Metal, Recovery, Other	B
		Precious Metal, Recovery, Catalyst	D
		Printing Press, Air Dry	B
		Printing Press With IR, EB or UV Curing	B
		Printing Press, Other	C
		Printing Press, Screen	B
		Production, Other	B
		Railroad Car Loading/Unloading, Other	C
		Railroad Car Unloading, liquid direct to trucks	B

TABLE IB - PERMIT FEE RATE SCHEDULES FOR BASIC EQUIPMENT

Equipment/Process	Schedule
Reaction, Other	C
Recovery, Other	B
Refined Oil/Water Separator Including, but not limited to, all or part of the following: Oil/Water Separators, Pits, Sumps, Tanks, Vessels	B
Refrigerant Recovery/Recycling	A1
Rendering Equipment, Blood Drying	C
Rendering Equipment, Fishmeal Drying	C
Rendering Equipment, Rendering	D
Rendering Equipment, Separation, Liquid	C
Rendering Product, Handling Including, but not limited to, all or part of the following: Conveyors, Bins, Hoppers, Bucket Elevators	C
Resin, Varnish Mfg. Including, but not limited to, all or part of the following: Coolers, Heat Exchangers, Pumps, Reactors, Mixers, Process Tanks	D
Roller Coater	B
Rubber Mfg. Including, but not limited to, all or part of the following: Coolers, Heat Exchangers, Pumps, Reactors, Mixers, Process Tanks	C
Rubber Presses or Molds with a ram diameter of more than 26 inches Submitted before September 11, 1999	A
Submitted on or after September 11, 1999	B
Rubber Roll Mill	B
Sand Handling Equipment, Foundry Including, but not limited to, all or part of the following: Conveyors, Bins, Hoppers, Bucket Elevators	C
Sand Handling Equipment w/Shakeout, Foundry Including, but not limited to, all or part of the following: Conveyors, Bins, Hoppers, Bucket Elevators	D
Screening, Green Waste	A
Screening, Other Including, but not limited to, all or part of the following: Screens, Conveyors, Bins, Hoppers, Bucket Elevators	C
Semiconductor, Int. Circuit Mfg (< 5 pieces)	B

Equipment/Process	Schedule
Semiconductor, Int. Circuit Mfg (5 or more)	C
Semiconductor, Photo resist (< 5 pieces)	B
Semiconductor, Photo resist (5 or more pieces)	C
Semiconductor, Solvent Cleaning (< 5 pieces)	B
Semiconductor, Solvent Cleaning (5 or more pieces)	C
Sewage Sludge Composting	C
Sewage Sludge Drying, Conveying, Storage, Load-out Including, but not limited to, all or part of the following: Conveyors, Bins, Hoppers, Bucket Elevators, Loading Arms	D
Sewage Sludge Digestion	D
Sewage Sludge Dryer	D
Sewage Sludge Incineration	H
Sewage Treatment, (<= 5 MGD), Aerobic Including, but not limited to, all or part of the following: Air Flootation Units, Flootation Units, Filter Presses, Clarifiers, Settling Tanks, Trickling Filters, Waste Water Separators, Tanks	C
Sewage Treatment, (> 5 MGD) Including, but not limited to, all or part of the following: Air Flootation Units, Flootation Units, Filter Presses, Clarifiers, Settling Tanks, Trickling Filters, Waste Water Separators, Tanks	F
Sewage Treatment, (> 5 MGD), Anaerobic Including, but not limited to, all or part of the following: Air Flootation Units, Flootation Units, Digesters, Filter Presses, Clarifiers, Settling Tanks, Trickling Filters, Waste Water Separators, Tanks	G
Sheet Machine	B
Shell Blasting System	B
Shipping Container System	B
Sintering	C
Size Reduction, Other Including, but not limited to, all or part of the following: Bins, Bucket Elevators, Conveyors, Dryers, Feeders, Hoppers, Crushers, Cyclones, Mixers, Screens, Weigh Stations	C

TABLE IB - PERMIT FEE RATE SCHEDULES FOR BASIC EQUIPMENT

Equipment/Process	Schedule
Size Reduction, Petroleum Coke Including, but not limited to, all or part of the following: Bins, Bucket Elevators, Conveyors, Dryers, Feeders, Hoppers, Crushers, Cyclones, Mixers, Screens, Weigh Stations	C
Sludge Dewatering, Other Including, but not limited to, all or part of the following: Filter Press, Process Tanks, Settling Tanks	D
Sludge Dryer, Other	B
Sludge Incinerator	H
Smoke Generator	B
Smokehouse	C
Soap/Detergent Mfg Including, but not limited to, all or part of the following: Process Tanks, Mixers, Tanks, Conveyors, Bins, Hoppers, Bucket Elevators	D
Soil Treatment, Other Including, but not limited to, all or part of the following: Bins, Conveyors, Ovens	D
Soil Treatment, Vapor Extraction Including, but not limited to, all or part of the following: Adsorbers, Afterburners	C
Solder Leveling	B
Soldering Machine	B
Solvent Reclaim, Still (Multistage)	C
Solvent Reclaim, Still (Single stage)	A
Solvent Redistillation Unit Including, but not limited to, all or part of the following: Absorbers, Accumulators, Columns, Compressors, Condensers, Drums, Heat Exchangers, Knock Out Pots, Pots, Pumps, Reactors, Regenerators, Scrubbers, Settling Tanks, Sumps, Tanks, Towers, Vessels	E
Spent Stretford Solution Regeneration Including, but not limited to, all or part of the following: Absorbers, Accumulators, Columns, Compressors, Condensers, Drums, Heat Exchangers, Knock Out Pots, Pots, Pumps, Reactors, Regenerators, Scrubbers, Settling Tanks, Sumps, Tanks, Towers, Vessels	D
Spray Equipment, Open	B

Equipment/Process	Schedule
Spray Machine, Adhesive	B
Spray Machine, Coating	B
Spray Machine, Powder Coating	B
Spraying, Resin/Gel Coat	C
Sterilization Equipment	C
Stereolithography	A
Storage, Petroleum Coke	C
Storage Container, Baker-Type	B
Storage Container, Baker-Type w/Control	C
Storage Silo, Other Dry Material	A
Storage Tank, w/o Control, Crude Oil/Petroleum Products	B
Storage Tank, Acid with sparger	B
Storage Tank, Ammonia with sparger	B
Storage Tank, Asphalt <= 50,000 gallons	B
Storage Tank, Asphalt > 50,000 gallons	C
Storage Tank, Degassing Unit	D
Storage Tank, Fixed Roof with Internal Floater	C
Storage Tank, Fixed Roof with Vapor Control	C
Storage Tank, Fuel Oil	A
Storage Tank, Lead Compounds	C
Storage Tank, LPG	A
Storage Tank, LPG w/Vaporizing System	C
Storage Tank, Other	A
Storage Tank, Other w/ Control Equipment	B
Storage Tank, with Passive Carbon s.s.	B
Storage Tank, with Passive Carbon m.s.	C
Storage Tank, with Passive Carbon t.s.	C
Storage Tank, Rendered Products	C
Storage Tank, Waste Oil	A
Storage Tank with condenser	B
Storage Tank, with External Floating Roof	C
Stove-Oil Filter/Coalescer Facility	D
Striper, Can	B
Striper, Pavement	B
Stripping, Other	B

TABLE IB - PERMIT FEE RATE SCHEDULES FOR BASIC EQUIPMENT

Equipment/Process	Schedule	Equipment/Process	Schedule
Sulfonation Including, but not limited to, all or part of the following: Absorbers, Accumulators, Columns, Compressors, Condensers, Drums, Heat Exchangers, Knock Out Pots, Pots, Pumps, Reactors, Regenerators, Scrubbers, Settling Tanks, Sumps, Tanks, Towers, Vessels	E	Treating, Petroleum Distillates Including, but not limited to, all or part of the following: Absorbers, Accumulators, Columns, Compressors, Condensers, Drums, Fractionators, Heat Exchangers, Knock Out Pots, Pots, Pumps, Reactors, Regenerators, Scrubbers, Settling Tanks, Sumps, Tanks, Towers, Vessels	D
Sulfuric Acid Plant Including, but not limited to, all or part of the following: Accumulators, Columns, Condensers, Drums, Heat Exchangers, Knock Out Pots, Pots, Pumps, Regenerators, Scrubbers, Settling Tanks, Sumps, Tanks, Towers, Vessels	F	Vacuum Distillation Unit Including, but not limited to, all or part of the following: Absorbers, Accumulators, Columns, Compressors, Condensers, Drums, Fractionators, Heat Exchangers, Knock Out Pots, Pots, Pumps, Reactors, Regenerators, Scrubbers, Settling Tanks, Sumps, Tanks, Towers, Vessels	E
Sump, Covered & Controlled	C	Vacuum Machine	C
Sump, Spill Containment	A	Vacuum Metalizing	B
Tablet Coating Pans	A	Vacuum Pumps	C
Tank, Hard Chrome Plating	C	Vegetable Oil Extractor Including, but not limited to, all or part of the following: Bins, Conveyors, Cookers, Presses, Tanks, Kilns	E
Tank/Line, Other Chrome Plating or Chrome Anodizing	C	Warming Device, Electric	A
Tank, Line, Other Process Emitting Hexavalent Chrome	C	Waste Water Treating (< 10,000 gpd) Including, but not limited to, all or part of the following: Air Flootation Units, Flootation Units, Filter Presses, Clarifiers, Settling Tanks, Waste Water Separators, Tanks	B
Tank/Line, Trivalent Chrome Plating	B	Waste Water Treating (< 20,000 gpd) no toxics Including, but not limited to, all or part of the following: Air Flootation Units, Flootation Units, Filter Presses, Clarifiers, Settling Tanks, Waste Water Separators, Tanks	B
Tank/Line, Cadmium or Nickel Plating	C	Waste Water Treating (20,000 - 50,000 gpd) Including, but not limited to, all or part of the following: Air Flootation Units, Flootation Units, Filter Presses, Clarifiers, Settling Tanks, Waste Water Separators, Tanks	D
Tank/Line, Other Process Emitting Nickel or Cadmium	B1	Waste Water Treating (> 50,000 gpd) Including, but not limited to, all or part of the following: Air Flootation Units, Flootation Units, Filter Presses, Clarifiers, Settling Tanks, Waste Water Separators, Tanks	E
Tank/Line, Other Plating	B		
Tank/Line Nitric Acid Process Emitting NOx	C		
Tank/Line, Other Process Using Aqueous Solutions	B		
Tank, Paint Stripping w/Methylene Chloride	C		
Textiles, Recycled, Processing	C		
Thermal Cracking Unit Including, but not limited to, all or part of the following: Absorbers, Accumulators, Columns, Compressors, Condensers, Drums, Fractionators, Heat Exchangers, Knock Out Pots, Pots, Pumps, Reactors, Regenerators, Scrubbers, Settling Tanks, Sumps, Tanks, Towers, Vessels	E		
Tire Buffer	A		
Treating, Other	B		

TABLE IB - PERMIT FEE RATE SCHEDULES FOR BASIC EQUIPMENT

Equipment/Process	Schedule
Waste-to-Energy Equipment	H
Wet Gate Printing Equipment using Perchloroethylene	B
Weigh Station	A
Wood Treating Equipment Including, but not limited to, all or part of the following: Coater Operations, Process Tanks	C

TABLE IIA
SPECIAL PROCESSING FEES
AIR QUALITY ANALYSIS/HEALTH RISK ASSESSMENT

Schedule	Fee
A	\$1,406.78
B	\$1,406.78
C	\$1,406.78
D	\$5,036.43+T&M
E	\$5,036.43+T&M
F	\$5,036.43+T&M
G	\$5,036.43+T&M
H	\$6,716.44+T&M

D through G: T&M = Time and Material charged at \$144.05 per hour above 35 hours.

H: T&M = Time and Material charged at \$144.05 per hour above 47 hours. Time and material charges for work beyond these hourly limits shall be for analysis or assessment required due to modification of the project or supporting analysis submitted for initial review or for multiple analyses or assessments required for a project or other special circumstances and shall be approved by the Executive Officer.

An additional fee of \$2,411.61 shall be assessed for a project requiring modeling review triggered by the requirements of Regulation XVII – Prevention of Significant Deterioration (PSD). The total combined fee for these reviews shall not exceed \$16,077.38.

TABLE IIB
CEMS, FSMS, & ACEMS FEE SCHEDULE

Certification Review		
CEMS and FSMS Review ¹	Basic Fee ²	Maximum Fee
Any combination of pollutants, diluent, flow, or other parameter ³ for:		
One to two components	\$3,894.50	\$6,972.94
Three to four components	\$4,684.79	\$12,831.72
For each additional component beyond four, the following amount is added to the fee for four components	\$0.00	\$3,169.68
For time-sharing of CEMS, the following amount is added to any fee determined above	\$0.00	\$3,169.68
ACEMS Review	Basic Fee ⁴	Maximum Fee
	\$3,894.50	\$12,831.72
¹ The certification fee includes the initial application approval, approval of test protocol, and approval of the performance test results. An application resubmitted after a denial will be treated as a new application and will be subject to a new fee. ² Covers up to 40 hours evaluation time for the first two components, 60 hours for the first four components, and up to an additional 12 hours for each component beyond four. Excess hours beyond these will be charged at \$172.01 per hour, to the maximum listed in the table. ³ Additional components, as necessary, to meet monitoring requirements (e.g., moisture monitor). ⁴ Covers up to 40 hours evaluation time.		

TABLE III - EMISSION FEES

Annual Emissions (tons/yr)	Organic Gases* (\$/ton)	Specific Organics** (\$/ton)	Nitrogen Oxides (\$/ton)	Sulfur Oxides (\$/ton)	Carbon Monoxide (\$/ton)	Particulate Matter (\$/tons)
4 – 25	\$625.17	\$111.85	\$365.75	\$433.63	-	\$478.05
>25 – 75	\$1,015.03	\$177.23	\$580.97	\$700.97	-	\$774.62
>75 and <100	\$1,519.37	\$265.82	\$874.97	\$1,052.41	-	\$1,159.81
≥100	\$1,519.37	\$265.82	\$874.97	\$1,052.41	\$7.49	\$1,159.81

* Excluding methane, exempt compounds as specified in paragraph (e)(13), and specific organic gases as specified in paragraph defined in subdivision (b) of this rule.

** See specific organic gases as defined in subdivision (b) of this rule.

TABLE IV
TOXIC AIR CONTAMINANTS AND OZONE DEPLETERS

TOXIC COMPOUNDS	Fee \$/1 lb	Annual Emission Thresholds (lbs)
Ammonia (Reporting Period 07/01/04 and beyond)	\$0.03	200
Asbestos	\$6.52	0.0001
Benzene	\$2.20	2.0
Cadmium	\$6.52	0.01
Carbon tetrachloride	\$2.20	1.0
Chlorinated dioxins and dibenzofurans (26 species)	\$10.90	0.000001
Ethylene dibromide	\$2.20	0.5
Ethylene dichloride	\$2.20	2.0
Ethylene oxide	\$2.20	0.5
Formaldehyde	\$0.49	5.0
Hexavalent chromium	\$8.71	0.0001
Methylene chloride	\$0.08	50.0
Nickel	\$4.34	0.1
Perchloroethylene	\$0.49	5.0
1,3-Butadiene	\$6.52	0.1
Inorganic arsenic	\$6.52	0.01
Beryllium	\$6.52	0.001
Polynuclear aromatic hydrocarbons (PAHs)	\$6.52	0.2
Vinyl chloride	\$2.20	0.5
Lead	\$2.20	0.5
1,4-Dioxane	\$0.49	5.0
Trichloroethylene	\$0.17	20.0
Chlorofluorocarbons (CFCs)	\$0.42	1
1,1,1-trichloroethane	\$0.05	1

TABLE V
ANNUAL CLEAN FUELS FEES

Volatile Organic Compounds (\$/ton)	Nitrogen Oxides (\$/ton)	Sulfur Oxides (\$/ton)	Particulate Matter (\$/ton)
\$48.71	\$27.31	\$33.85	\$27.31

TABLE VI
DEMOLITION, ASBESTOS AND LEAD NOTIFICATION FEES

Demolition and Renovation by Project Size (square feet) ¹					
up to 1,000	> 1,000 to 5,000	5,000 to 10,000	> 10,000 to 50,000	> 50,000 to 100,000	> 100,000
\$62.92	\$192.40	\$450.38	\$706.21	\$1,023.47	\$1,705.79

Additional Service Charge Fees				
Revision to Notification	Special Handling Fee ²	Planned Renovation	Procedure 4 or 5 Plan Evaluation	Expedited Procedure 4 or 5 Fee ³
\$62.92	\$62.92	\$706.21	\$706.21	\$353.10

¹ For demolition, the fee is based on the building size.
For refinery or chemical unit demolition, the fee is based on the structure's footprint surface area.

For renovation, the fee is based on the amount of asbestos/lead removed.

² For all notifications postmarked less than 14 calendar days prior to project start date.

³ For all expedited Procedure 4 or 5 plan evaluation requests postmarked less than 14 calendar days prior to project start date.

For each subsequent notification for pre-approved Procedure 5 plan submitted per Rule 1403(d)(1)(D)(i)(V)(2).

TABLE VII
 FACILITY PERMIT FEES FOR FACILITIES THAT ARE RECLAIM ONLY, TITLE V ONLY, AND BOTH RECLAIM & TITLE V

Description	Rule section	FY 2018-19	FY 2019-20 and thereafter
Facility Permit Amendment/Revision Fee <ul style="list-style-type: none"> • RECLAIM Only • Title V Only* • RECLAIM & Title V* * Includes administrative, minor, de minimis significant, or significant amendment/revision	(l)(4) (m)(4)	\$1,170.63 \$1,325.61 \$2,496.24	\$1,170.63 \$1,466.92 \$2,637.55
Facility Permit Change of Operator <ul style="list-style-type: none"> • Facility Permit Amendment Fee Plus <ul style="list-style-type: none"> • Application Processing Fee for Each Application 	(c)(2) (l)(6) (m)(4) (n)(5)	<i>Facility Permit Amendment/Revision Fee (See Above)</i> Plus <i>Processing Fees (See Table FEE RATE-C)</i>	
Title V Facility Permit Renewal Fee (Due at Filing) Plus Hourly Rate for Calculation of Final Fee for Evaluation Time in Excess of 8 hours (Due upon Notification)	(m)(5) (m)(9)	\$3,010.95 Plus \$210.67 per hour	\$3,331.91 Plus \$233.13 per hour

ATTACHMENT F4

(Adopted September 2, 1977)(Amended May 5, 1978)(Amended March 5, 1982)
(Amended August 5, 1983)(Amended October 5, 1984)(Amended January 6, 1989)
(Amended June 1, 1990)(Amended June 6, 1992)(Amended June 11, 1993)
(Amended June 10, 1994)(Amended May 12, 1995)(Amended May 10, 1996)
(Amended May 9, 1997)(Amended May 8, 1998)(Amended May 14, 1999)
(Amended May 19, 2000)(Amended May 11, 2001)(Amended May 3, 2002)
(Amended June 6, 2003)(Amended July 9, 2004)(Amended June 3, 2005)
(Amended June 9, 2006)(Amended May 4, 2007)(Amended May 2, 2008)
(Amended June 5, 2009)(Amended May 7, 2010)(Updated July 1, 2011)
(Updated July 1, 2012)(Updated July 1, 2013)(Amended June 6, 2014)
(Amended May 1, 2015)(Updated July 1, 2016)(Amended June 2, 2017)
(Updated May 4, 2018)
(PAR 303 – February 12, 2019)
Effective July 1, 2018

PROPOSED AMENDED RULE 303. HEARING BOARD FEES

- (a) Filing and Appearance Fees
- (1) Every applicant or petitioner in a proceeding before the Hearing Board shall pay to the Clerk of the Board, at the time of filing, a filing fee for each petition in accordance with the schedule set forth in Table III.
 - (2) If the hearing runs more than one day, supplemental appearance fees shall be assessed pursuant to Table III for each additional day of the hearing, unless otherwise ordered by the Hearing Board.
- (b) Filing Fee Refunds
- (1) In the event the Hearing Board reverses in total an appealed decision of the Executive Officer, the filing fee specified in subdivision (a) shall be refunded to the petitioner.
 - (2) In the event that the petition is withdrawn, and the petitioner notifies the Clerk of the Board in writing not less than four (4) days prior to the scheduled appearance, or the hearing is not held for any other reason, the petitioner shall be entitled to a refund of fifty percent (50%) of the filing fees.

(c) Publication Fees

Every petitioner for relief which requires published notice shall pay to the Clerk of the Board a fee to cover the actual cost of publication of notice(s) of hearing. The fee shall be due and payable within fifteen (15) days of the notification in writing of the amount due.

(d) Excess Emission Fee

(1) Each applicant or petitioner for a variance from these Rules and Regulations shall pay to the Clerk of the Board, in addition to the filing fees required in subdivision (a) an emission fee in accordance with the schedule set forth in Table I, based on the total emissions discharged during the variance period in excess of that allowed by these rules or permit conditions, other than those described in subdivision (e) below. If the amount of the excess emission fee is less than that specified in subdivision (f), the applicant or petitioner shall pay the higher amount, unless otherwise ordered by the Hearing Board.

(2) In cases where the Hearing Board determines that calculations or estimations of excess emissions cannot be made, the petitioner shall pay the amount set forth in subdivision (f), unless otherwise ordered by the Hearing Board.

(3) In the event that more than one rule and/or permit condition limiting the discharge of the same contaminant is violated, the excess emission fee shall be based on the excess emissions resulting from the violation of the most stringent rule or permit condition. For the purposes of this subdivision, opacity rules and particulate mass emissions shall not be considered rules limiting the discharge of the same contaminant.

(e) Excess Visible Emission Fee

Each applicant or petitioner for a variance from Rule 401 and/or Health and Safety Code Section 41701 shall pay to the Clerk of the Board, in addition to the filing fees required in subdivision (a) above, and the excess emission fees required in (d) above (if any), an emission fee based on the difference between the percent opacity allowed by Rule 401 and/or Health and Safety Code Section 41701 and the percent opacity of the emissions allowed under the variance. Such fees shall be calculated in accordance with the schedule set forth in Table II.

- (f) **Minimum Excess Emission Fees**
The excess emission fee remitted, regardless of calculations, shall be no less than \$192.36 for each day on which the excess emissions occur or are expected to occur at each facility during the variance period, unless otherwise ordered by the Hearing Board.
- (g) **Adjustment of Excess Emission Fees**
The Hearing Board may adjust the excess emission fee required by subdivisions (d), (e), and (f) of this rule, at the request of the petitioner or upon motion of the Hearing Board, based on evidence regarding emissions presented at the time of the hearing.
- (h) **Eligibility as a Small Business and Eligibility for Table III Schedule A Fees**
(1) Petitioners that are individuals or that meet the definition of Small Business as set forth in Rule 102 - Small Business or that meet the gross annual receipts criterion for small businesses shall be assessed twenty percent (20%) of the fees required by subdivisions (d), (e), or (f), whichever is applicable.
(2) A request for eligibility as a small business, individual, or entity that meets the total annual gross receipts criterion for small businesses in Rule 102 shall be made by the petitioner under penalty of perjury on a declaration form provided by the Executive Officer, which shall be submitted to the Clerk of the Board at the time of filing of a petition for a variance.
- (i) **Group Variance Fees**
(1) Petitioners filing as a group for a variance shall jointly pay the total filing fee specified in Table III. Each petitioner shall individually pay excess emission fees for their facility or product(s), as specified in subdivisions (d), and (e), or (f) whichever is applicable.
(2) The Publication Fee required by subdivision (c) shall be totaled and divided equally among the petitioners.
- (j) **Adjustment of Fees**
If, after the term of a variance for which emission fees have been paid, petitioner can establish, to the satisfaction of the Executive Officer, that (1) emissions were less than those upon which the fee was based, or (2) excess emission fee calculations are otherwise incorrect, a pro rata refund shall be made. If the amount

of the excess emissions fee is less than that specified in subdivision (f), the applicant or petitioner shall pay the higher amount, unless otherwise ordered by the Hearing Board.

(k) Fee Payment/Variance Revocation

(1) Excess emission fees required by subdivisions (d), (e), and (f) shall be due and payable to the Clerk of the Board within fifteen (15) days of notification in writing that the fees are due, unless otherwise ordered by the Hearing Board.

(2) Failure to pay any assessed fees within fifteen (15) days of written notification that fees are due may be cause for the Hearing Board to issue further orders as may be appropriate, including but not limited to revocation of a variance. Such notification may be given by personal service ~~or by deposit, postpaid, in the United States or sent by mail, electronic mail, or other electronic means,~~ and shall be due fifteen (15) days from the date of personal service, or mailing, or electronic transmission. For the purpose of this rule, the fee payment shall be considered to be received by the District if it is delivered, postmarked by the United States Postal Service, or electronically paid on or before the expiration date stated on the fee billing notice. If the expiration date falls on a Saturday, Sunday, or a state holiday, the fee payment may be delivered, postmarked, or electronically paid on the next business day with the same effect as if it had been delivered, postmarked, or electronically paid on the expiration date.

(l) Request for Time Extension of Payment Due

Whenever this rule requires fees to be paid by a certain date, the petitioner may, for good cause, request the Executive Officer to grant an extension of time, not to exceed ninety (90) days, within which the fees shall be paid. Any request for extension of time shall be presented in writing, and accompanied by a statement of reasons demonstrating good cause as to why the extension should be granted.

(m) Discretionary Powers

Any person may allege that payment of any of the fees within this rule, excluding publication fees, will cause an unreasonable hardship or is otherwise inequitable. Such petitioner may be excused from payment of such fees or a portion thereof by order of the Hearing Board if the Board, in its discretion, determines after hearing evidence thereon that payment of such fees would cause financial or other

unreasonable hardship to the petitioner or is otherwise inequitable. The Hearing Board, on its own motion, may also waive all or any portion of any fee(s) except the Publication Fee.

(n) Transcript Fees

Any person requesting a transcript of the hearing shall pay the cost of such transcript. The parties to hearings and pre-hearing proceedings may be directed by the Hearing Board to pay the cost of transcripts necessary for the Hearing Board's determination of the matter, in such proportion as the Hearing Board may order.

(o) Government Agencies

- (1) This rule shall not apply to petitions filed by the Executive Officer.
- (2) Federal, state or local government agencies or public districts shall pay all fees.

(p) Waiver of Fees

All fees associated with this rule shall be waived for any petition for a variance filed as the direct and proximate result of any event declared to be a "state of emergency" by local, state, or federal authorities.

(q) Service Charge for Returned Check

Any person who submits a check to the District that is returned due to insufficient funds, or for which that person issues instructions to stop payment on the check, absent an overcharge or other legal entitlement to withhold payment, shall be subject to a \$25.00 service charge.

(r) Effective Date of Fee Schedules

Appearance and excess emission fees shall be those in effect at the time of the hearing dates.

TABLE I
SCHEDULE OF EXCESS EMISSIONS FEES

<u>Air Contaminants</u>	<u>Dollars Per Ton</u>
Organic gases, except methane and those containing sulfur	\$6,073.43
Carbon Monoxide	\$59.46
Oxides of nitrogen (expressed as nitrogen dioxide)	\$3,643.58
Gaseous sulfur compounds (expressed as sulfur dioxide)	\$4,248.96
Particulate matter	\$4,248.96
Ammonia	\$0.11
Asbestos	\$26.80
Benzene	\$8.94
Cadmium	\$26.80
Carbon tetrachloride	\$8.94
Chlorinated dioxins and dibenzofurans (26 species)	\$44.62
Ethylene dibromide	\$8.94
Ethylene dichloride	\$8.94
Ethylene oxide	\$8.94
Formaldehyde	\$1.87
Hexavalent chromium	\$35.67
Methylene chloride	\$0.42
Nickel	\$17.73
Perchloroethylene	\$1.87
1,3-Butadiene	\$26.80
Inorganic arsenic	\$26.80
Beryllium	\$26.80
Polynuclear aromatic hydrocarbons (PAHs)	\$26.80
Vinyl chloride	\$8.94
Lead	\$8.94
1,4-Dioxane	\$1.87
Trichloroethylene	\$0.77

**TABLE II
SCHEDULE OF EXCESS VISIBLE EMISSION FEE**

For each source with opacity emissions in excess of twenty percent (20%), the fee is calculated as follows:

$$\text{Fee} = (\text{Opacity* equivalent} - 20) \times \text{number of days on which the violation is expected to occur} \times \$10.05$$

For each source with opacity emissions in excess of forty percent (40%) (where the source is exempt from Rule 401 and in violation of California Health and Safety Code Section 41701), the fee is calculated as follows:

$$\text{Fee} = (\text{Opacity* equivalent} - 40) \times \text{number of days on which the violation is expected to occur} \times \$10.05$$

* Where "Opacity" equals 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."

TABLE III - FILING FEE SCHEDULE

Filing and supplemental fees shall be paid by the petitioner as follows:

Schedule A shall apply to -

- (1) small businesses as defined by Rule 102,
- (2) individual persons, and
- (3) entities that meet the total annual gross receipts criterion for small businesses in Rule 102.

Schedule B - shall apply to - all others.

	Schedule B	Schedule A
VARIANCE (Interim, Short, Regular, Emergency) and Alternate Operating Condition(s)		
<input type="checkbox"/> Interim and Short or Interim and Regular	\$1,574.33	\$282.34
<input type="checkbox"/> Short (without interim)	\$1,259.47	\$282.34
<input type="checkbox"/> Regular (without interim)	\$1,259.47	\$282.34
<input type="checkbox"/> Emergency or Ex Parte Emergency	\$1,259.47	\$282.34
<input type="checkbox"/> Variance plus Alternate Operating Condition(s)	\$1,889.19	\$282.34
<input type="checkbox"/> Plus, for each hearing day in addition to the first hearing day necessary to dispose of the petition, the additional sum of	\$705.19	\$140.91

PRODUCT VARIANCE		
Filing Fee	\$1,889.19	\$282.34
Plus, for each hearing day in addition to the first hearing day necessary to dispose of the petition, the additional sum of	\$705.19	\$140.91

GROUP VARIANCE		
Two	\$1,416.91	
Three	\$2,204.06	
Four or More	\$3,148.69	
Plus, for each hearing day in addition to the first hearing day necessary to dispose of the petition, the additional sum of	\$1,057.84	

	Schedule B	Schedule A
MODIFICATION OF EXISTING ORDERS INCLUDING FINAL COMPLIANCE DATE		
<input type="checkbox"/> Modification of a Final Compliance Date and Extension of a Variance	\$1,259.47	\$282.34
<input type="checkbox"/> Modification of Order for Abatement (requested by respondent)	\$1,259.47	\$282.34
Plus, for each hearing day in addition to the first hearing day necessary to dispose of the petition, the additional of	\$705.19	\$140.91

MODIFICATION OF EXISTING ORDERS EXCLUDING FINAL COMPLIANCE DATE		
<input type="checkbox"/> Modification of Variance (Increments of Progress and Conditions)	\$940.67	\$282.34
<input type="checkbox"/> Interim Authorization (Increments of Progress)	\$940.67	\$282.34
Plus, for each hearing day in addition to the first hearing day necessary to dispose of the petition, the additional sum of	\$303.80	

ADMINISTRATIVE TYPE OF HEARINGS		
<input type="checkbox"/> Administrative Hearings (issuance of subpoenas, waiver of fees, etc.)	\$940.67	\$282.34
Plus, for each hearing day in in addition to the first hearing day necessary to dispose of the petition, the additional sum of	\$314.88	\$140.91

APPEAL		
Filing fee	\$1,889.19	\$282.34
Plus, for each hearing day in addition to the first hearing day necessary to dispose of the petition, the additional sum of	\$1,057.84	\$207.00

CONSENT CALENDAR		
Filing Fee	\$435.27	\$140.91
Plus, for each hearing day in addition to the first hearing day necessary to dispose of the petition, the additional sum of	\$275.52	\$140.91
<input type="checkbox"/> In the event that the Board determines that there was insufficient documentation to consider the matter on the Consent Calendar, and the matter is scheduled for a hearing before the Board, petitioner shall pay an additional sum of	\$787.17	\$282.34
Plus, for each hearing day in addition to the first hearing day necessary to dispose of the petition, the additional sum of	\$705.19	\$140.91

ATTACHMENT F5

(Adopted January 4, 1985)(Amended June 5, 1987)(Amended June 3, 1988)
(Amended January 6, 1989)(Amended November 3, 1989)(Amended July 6, 1990)
(Amended June 11, 1993)(Amended June 10, 1994)(Amended May 12, 1995)
(Amended May 10, 1996)(Amended May 9, 1997)(Amended May 8, 1998)
(Amended May 14, 1999)(Amended May 19, 2000)(Amended May 11, 2001)
(Amended May 3, 2002)(Amended June 6, 2003)(Amended July 9, 2004)
(Amended June 3, 2005)(Amended June 9, 2006)(Amended May 4, 2007)
(Amended May 2, 2008)(Amended June 5, 2009)(Amended May 7, 2010)
(Updated July 1, 2011)(Updated July 1, 2012)(Updated July 1, 2013)
(Amended June 6, 2014)(Amended May 1, 2015)(Amended May 6, 2016)
(Updated July 1, 2016)(Amended June 2, 2017)(Amended May 4, 2018)
(PAR 306 – February 12, 2019)

Effective July 1, 2018

PROPOSED AMENDED RULE 306. PLAN FEES

(a) Summary

California Health and Safety Code Section 40522 provides authority for the South Coast Air Quality Management District to adopt a fee schedule for the approval of plans to cover the costs of review, planning, inspection, and monitoring related to activities conducted pursuant to the plans. An annual fee may also be charged to cover the costs of annual review, inspection, and monitoring related thereto. This rule establishes such a fee schedule, and requires that fees be paid for:

- (1) Filing of plans;
- (2) Evaluation of the above plans;
- (3) Inspections to verify compliance with the plans;
- (4) Duplicate plans;
- (5) Change of condition; and
- (6) Annual review/renewal of plans, if applicable.

(b) Definitions

For the purpose of this rule, a plan is any data and/or test report (including equipment certification source tests) required by federal or state law, or District Rules and Regulations to be submitted to the District. A plan may be a description of a method to control or measure emissions of air contaminants required by the Rules and Regulations. Plans include, but are not limited to, the following: Demonstration Plan; Application Test Plan; Implementation Plan; Compliance

Plan; Management Plan; Control Plan; CEQA Mitigation Monitoring Plan; Acid Rain Repowering Extension Plan and Compliance Plan; Acid Rain Continuous Emission Monitoring System Plan; Acid Rain Protocol/Report Evaluation; VOC Excavation Mitigation Plans (Site Specific and Various Locations); Reduction of Refrigerant Emissions from Stationary Refrigeration and Air Conditioning Systems Plan; Title V Exclusion Requests; Smoke Management Plans; Burn Management Plans; Emergency Burn Plans; Post Burn Evaluation Reports; Rule 109 Alternative Recordkeeping System Plan; Solid Waste Air Quality Assessment Test Reports (Health and Safety Code Section 41805.5); Compliance Assurance Monitoring Plan (40 CFR 64); Maximum Achievable Control Technology MACT Exemption Requests; Equipment Certification Source Test Reports; and MACT Case-by-Case Analysis.

(c) Plan Filing Fee

The filing fee for a plan or change of condition shall be as follows:

Facility Type	Non-Title V	Title V
FY 2018-19	\$155.80	\$176.42
FY 2019-20 and thereafter	\$155.80	\$195.23

(d) Plan Evaluation Fee

The plan evaluation fee shall be an amount equal to the total actual and reasonable time incurred by District staff for evaluation of a plan, assessed at the hourly rate or prorated portion thereof as follows:

Facility Type	Non-Title V	Title V
FY 2018-19	\$155.80	\$176.42
FY 2019-20 and thereafter	\$155.80	\$195.23

(e) Duplicate Plan Fee

A request for a duplicate plan shall be made in writing by the applicant. The applicant shall pay the fee as shown in the table below in this subdivision for each plan requested:

Facility Type	Non-Title V	Title V
FY 2018-19	\$25.29	\$28.63
FY 2019-20 and thereafter	\$25.29	\$31.68

(f) Inspection Fee

The inspection fee for plan verification shall be an amount equal to the total actual and reasonable time incurred by the District for inspection and verification of the plan, assessed at the hourly rate per inspection staff or prorated portion thereof as shown in the table below in this subdivision. For inspections conducted outside of regular District working hours, the fee shall be assessed at the rate of 150% of the above hourly rate. This subdivision shall not apply to plans subject to Rule 306(h).

Facility Type	Non-Title V	Title V
FY 2018-19	\$124.58	\$141.07
FY 2019-20 and thereafter	\$124.58	\$156.10

(g) Change of Condition Fee

Any request for a change of condition on a VOC Excavation Mitigation Plan shall be made in writing by the applicant. A request submitted after thirty (30) days of the issuance of the plan shall be subject to additional fees assessed at the hourly rate shown in the table below in this subdivision for time spent evaluating the plan. Such fees shall be imposed at the time the review is completed.

Facility Type	Non-Title V	Title V
FY 2018-19	\$155.80	\$176.42
FY 2019-20 and thereafter	\$155.80	\$195.23

(h) Annual Review/Renewal Fee

An annual review/renewal fee shall be charged for plans listed in the following table in this subdivision. The annual review/renewal fee shall be an amount equal to the Rule 301(d)(2) Schedule A fee. In addition, annual reviews/renewals shall

meet all relevant and applicable requirements of Rule 301(d) and 301(g), and be paid on an annual renewal date set by the Executive Officer.

Annual Review/Renewal Plan Fee by Rule Number

Rule/Reference	Plan Type
410	Odor Monitoring
431.1	Sulfur Content of Gaseous Fuels
462	Organic Liquid Loading Continuous Monitoring System (CMS) Plan
463(e)(1)(A)	Organic Liquid Storage – Self-Inspection of Floating Roof Tanks
1105.1	Reduction of PM10 and Ammonia Emissions from Fluid Catalytic Cracking Units
1118	<ul style="list-style-type: none">• Control of Emissions from Refinery Flares – Flare Minimization Plan• Control of Emissions from Refinery Flares – Flare Monitoring and Recording Plan
1123	Refinery Process Turnarounds
1132	Further Control of VOC Emissions from High-Emitting Spray Booth Facilities
1150	Excavation Management
1150.1.	Active Landfill Control of Gaseous Emissions
1158	Storage, Handling, and Transport of Coke, Coal and Sulfur – Open Pile Control Plan
1166	<ul style="list-style-type: none">• Volatile Organic Compound Emissions from Decontamination of Soil – Fixed Site• Volatile Organic Compound Emissions from Decontamination of Soil – Various locations
1173	Control of Volatile Organic Compound Leaks and Releases from Components at Petroleum Facilities and Chemical Plants (h)(2)
1176	VOC Emissions Waste Water System
1407	Non Ferrous Metal Melting
1420	Emissions of Lead

Rule/Reference	Plan Type
1420.1	<ul style="list-style-type: none"> • Rule – Compliance Plan • Continuous Furnace Pressure Monitoring Plan • Compliance Plan for Closure Activities
1469	Chrome Plating Operations
1469.1	Spray Coating Chromium
1470	Requirements for Stationary Diesel-Fueled Internal Combustion and Other Compression Ignition Engines
40 CFR 64.7	Compliance Assurance Monitoring Plan

(i) Payment of Fees

(1) Plan Filing and Plan Evaluation Fees

In addition to payment of the filing fee pursuant to subdivision (c), the initial payment for plan evaluation fees shall be as shown in the table below in this subparagraph and paid at the time of filing. The adjustment to plan evaluation fees will be determined at the time a plan is approved or rejected and may include additional fees based upon actual review and work time billed at a rate pursuant to subdivision (d). Notification of the amount due or refund will be provided to the applicant, and any additional fees due to the adjustment to plan evaluation fees will be billed following project completion.

A – Rule 403 and 461 Plans and Rule 1166 Various Location Plans	Non-Title V	Title V
FY 2018-19	\$155.80	\$176.42
FY 2019-20 and thereafter	\$155.80	\$195.23
B – Rule 444, 1133 and 1415 Plans	See Rule 306 (c)	See Rule 306 (c)
C – All Other Plans, including Rule 1166 Fixed Site Plans	Non-Title V	Title V
FY 2018-19	\$545.27	\$617.45
FY 2019-20 and thereafter	\$545.27	\$683.28

(2) Independent Consultant Fees

In the case that the Executive Officer requires a qualified independent consultant, engaged by the District under a contract, to review the plan, the fees charged by the consultant will be in addition to all other fees required.

(3) Payment Due Date

Payment of all applicable fees, including annual review/renewal fee, shall be due in sixty (60) days from the date of personal service or sending by mail, electronic mail, or other electronic means, ~~or mailing~~ of the notification of the amount due. Non-payment of the fee within this time period will result in expiration of the plan. For the purpose of this paragraph, the fee payment will be considered to be received by the District if it is delivered, postmarked by the United States Postal Service, or electronically paid on or before the expiration date stated on the billing notice. If the expiration date falls on a Saturday, Sunday, or a state holiday, the fee payment may be delivered, postmarked, or electronically paid on the business day following the Saturday, Sunday, or the state holiday with the same effect as if it had been delivered, postmarked, or electronically paid on the expiration date. No further plan applications will be accepted until such time as all overdue fees have been fully paid.

(4) Fee Due Date Exception

Whenever the Executive Officer has reasonable cause to believe that the plan evaluation fee will be less than the fee for one hour's work, the fee need not be paid at the time of filing and notification of amount due, if any, shall be sent at the time the plan is approved or rejected.

(5) Optional Expedited Plan Evaluation Processing Fee

Initial fees for requested expedited processing of plan evaluation shall be an additional fifty percent (50%) of the applicable plan filing and initial evaluation fees pursuant to paragraph (i)(1), and shall be submitted at the time that the expedited processing is requested. The adjustment to expedited plan evaluation processing fee will be determined at the time a plan is approved or rejected and may include additional fees based upon actual review and work time billed at a rate for staff overtime which is equal to one-half of staff's hourly rate as specified in subdivision (d). Notification

of the amount due or refund will be provided to the applicant and any additional fees due to the adjustment to expedited plan evaluation processing fees will be billed following project completion. A request for expedited plan evaluation work can only be made upon initial work submittal, and approval of such a request is contingent upon the ability of the District to implement the necessary policies and procedures and the availability of qualified staff for overtime work.

(j) **Small Business Discount**

For small businesses filing plans, the fees assessed shall be fifty percent (50%) of the amounts specified in subdivisions (c), (d), (f), and (g).

(k) **Alternative Recordkeeping System Plan Discount**

For alternative recordkeeping system plan filed pursuant to Rule 109, the fee assessed shall be fifty percent (50%) of the amount specified in subdivisions (d), (f), and (g).

(l) **Plan Application Cancellation Fee**

The plan application cancellation fee shall be as shown in the table below in this subdivision. The cancellation fee shall not apply when the application was filed based on an erroneous District request.

Facility Type	Non-Title V	Title V
FY 2018-19	\$207.68	\$235.16
FY 2019-20 and thereafter	\$207.68	\$260.23

(m) **Protocol/Report/Catalyst Equivalency Evaluation Fees**

(1) A minimum fee of \$409.45 shall be charged for the evaluation of source test protocols and reports. Additional fees for time spent on the evaluation in excess of 5 hours shall be assessed at the hourly rate specified in subdivision (d) for non-Title V facilities. The established minimum fee and additional fees for time spent on the evaluation in excess of 5 hours shall be billed after project completion. Fees are due at the time specified in the bill, which will allow a reasonable time for payment.

- (2) The fee for catalyst equivalency evaluation requests shall be the actual and reasonable evaluation hours assessed at the hourly rate specified in subdivision (d), and billed after project completion. Fees are due at the time specified in the bill, which will allow a reasonable time for payment.
- (n) Exemptions
Mobile Source Emission Reduction Credit (MSERC) Applications, Compliance Plans required under Regulation XVI and Rule 2449 – Control of Oxides of Nitrogen from Off-Road Diesel Vehicles and Technical Infeasibility Certification Requests as cited in District Fleet Rules under Regulation XI shall be exempt from the provisions of this rule. Fees for Regulation XVI MSERC Applications and Compliance Plans shall be assessed in accordance with District Rule 309.
- (o) Government Agencies
Federal, state, or local government agencies or public districts shall pay all fees.
- (p) Air Quality Investment Program (AQIP)
Effective July 1, 1996, all Air Quality Investment Program (AQIP) fees shall be subject to Rule 311 and all other Rule 2202 registration fees shall be subject to Rule 308.
- (q) Optional Expedited Protocol/Report/Catalyst Equivalency Evaluation Processing Fee
- (1) Fees for requested expedited processing of Protocol/Report Evaluations, will be an additional fee based upon actual review and work time billed at a rate for staff overtime which is equal to one-half of staff's hourly rate as specified in subdivision (d) for non-Title V facilities. The established "minimum fee" and additional fees for time spent on the evaluation in excess of 5 hours found in Rule 306(m)(1) shall be paid with the additional overtime fee billed following project completion. Fees are due at the time specified in the bill which will allow a reasonable time for payment. Request for expedited Protocol/Report Evaluation work can only be made upon initial work submittal, and approval of such a request is contingent upon the ability of the District to implement the necessary policies and procedures and the availability of qualified staff for overtime work.

- (2) Fees for requested expedited processing of Catalyst Equivalency Evaluations, will be an additional fee based upon actual review and work time billed at a rate for staff overtime which is equal to one-half of staff's hourly rate as specified in subdivision (d). The established fee described in Rule 306(m)(2) shall be paid with the additional overtime fee and will be billed following project completion. Fees are due at the time specified in the bill, which will allow a reasonable time for payment.

- (r) Regulation XXVII Fees
 - (1) Fees for Rule 2701 – SoCal Climate Solutions Exchange
 - (A) Entities submitting a plan will be assessed a filing fee of \$135.77.
 - (B) The fee for review and verification of Certified Greenhouse Gas Emission Reductions by SCAQMD staff shall be assessed at \$140.52 per hour or a prorated portion thereof.
 - (2) Fees for Rule 2702 – Greenhouse Gas Reduction Program
 - (A) Upon submitting a completed Greenhouse Gas Reduction Program Request to the Executive Officer for certified emission reductions an entity shall pay a fee of \$135.77.
 - (B) Individuals or households wishing to participate are exempt from the plan fees for reductions used to offset personal, household or event GHG emissions.

ATTACHMENT F6

(Adopted May 10, 1996)(Amended May 14, 1999)(Amended May 19, 2000)
(Amended May 11, 2001)(Amended May 3, 2002) (Amended June 6, 2003)
(Amended July 9, 2004)(Amended June 3, 2005)(Amended June 9, 2006)
(Amended May 4, 2007)(Amended May 2, 2008)(Amended June 5, 2009)
(Amended May 7, 2010)(Updated July 1, 2011)(Updated July 1, 2012)
(Updated July 1, 2013)(Amended June 6, 2014)(Amended May 1, 2015)
(Updated July 1, 2016)(Amended October 7, 2016)(Amended June 2, 2017)
(Amended May 4, 2018)
(PAR 307.1 – February 12, 2019)

Effective July 1, 2018

PROPOSED AMENDED RULE 307.1 ALTERNATIVE FEES FOR AIR TOXICS EMISSIONS INVENTORY

(a) Purpose

California Health and Safety Code Section 44300 et seq. provides authority for the District to adopt a fee schedule to recover the cost of implementing and administering the Air Toxics “Hot Spots” Information and Assessment Act of 1987. The District will annually collect from the owner/operator of each facility meeting the criteria set forth in paragraph (b)(1), (b)(2), and (b)(3), and each owner/operator shall pay, fees which shall provide for the following:

- (1) Recovery of anticipated costs to be incurred by the California Air Resources Board (CARB) and Office of Environmental Health Hazard Assessment (OEHHA) to implement and administer the Act, and any costs incurred by OEHHA or its independent contractor for review of facility risk assessments submitted to the State after March 31, 1995 under Health and Safety Code Section 44361(c).
- (2) Recovery of anticipated costs to be incurred by the District to implement and administer the Act, including but not limited to the cost incurred to review emission inventory plans, emission inventory data, air toxics inventory reports, risk assessments, to verify plans and data, and to administer this rule, Rule 1402 – Control of Toxic Air Contaminants from Existing Sources, and the Air Toxics “Hot Spots” program.

(b) Applicability

Except for facilities exempted by Health and Safety Code Sections 44324, 44344.4(a), or 44380.1, this rule applies to any facility that operates in any portion of the fiscal year for which the fee is assessed and which:

- (1) Manufactures, formulates, uses, or releases any of the substances listed by the State Board pursuant to Health and Safety Code Section 44321 and contained in Appendix A of the Guidelines Report, or any other substance which reacts to form a substance so listed, and releases ten (10) tons per year or greater of any criteria pollutant;
- (2) Manufactures, formulates, uses or releases any listed substance or any other substance which reacts to form any listed substance, and which releases less than ten (10) tons per year of any criteria pollutant and falls in any class listed in Appendix E of the Guidelines Report;
- (3) Is reinstated under Health and Safety Code Section 44344.7; or
- (4) Is subject to Rule 1402.

(c) Definitions

For the purpose of this rule, the following definitions shall apply:

- (1) COMPLEX FACILITY means a facility that has more than five (5) processes as determined by six-digit Source Classification Codes (SCC).
- (2) CRITERIA POLLUTANT means total organic gases, particulate matter, nitrogen oxides, or sulfur oxides.
- (3) DIESEL ENGINE means an internal combustion engine with operating characteristics similar to the theoretical diesel combustion cycle. The regulation of power by controlling fuel supply in lieu of a throttle is indicative of a diesel (or compression ignition) engine.
- (4) DIESEL ENGINE FACILITY means any facility which has a diesel engine and is not subject to any other Rule 307.1 fees.
- (5) DIESEL-FUELED as defined in Rule 1470 – Requirements for Stationary Diesel-Fueled Internal Combustion and Other Compression Ignition Engines (Rule 1470).
- (6) Diesel Particulate Matter (PM) as Defined In Rule 1470.
- (7) DISTRICT means South Coast Air Quality Management District.
- (8) DISTRICT TRACKING FACILITY means a facility:
 - (A) That has been prioritized by the District in accordance with Health and Safety Code Section 44360(a) using procedures that have

- undergone public review and that are consistent with the procedures presented in the most current version of the SCAQMD “Facility Prioritization Procedures For AB 2588 Program”, which is incorporated by reference herein;
- (B) That is required by the District to submit a quadrennial emissions inventory update pursuant to Health and Safety Code Section 44344 during the applicable fiscal year; and
 - (C) Whose prioritization scores for cancer and non-cancer health effects are both greater than 1.0 and equal to or less than 10.0.
- (9) FACILITY has the same meaning as defined in Section 44304 of the Health and Safety Code.
 - (10) FACILITY PROGRAM CATEGORY means a grouping of facilities, meeting the definitions in paragraphs (c)(1), (c)(4), (c)(8), (c)(12), (c)(13), (c)(17), (c)(20), (c)(21), (c)(22), (c)(24), (c)(29), (c)(32), or (c)(33) of this rule.
 - (11) GUIDELINES REPORT (Air Toxics Hot Spots Emission Inventory Criteria and Guidelines Report) is the report incorporated by reference under Section 93300.5 of this title that contains regulatory requirements for the Air Toxics Hot Spots Emission Inventory Program.
 - (12) HRA TRACKING FACILITY means a facility that has been prioritized by the District in accordance with Health and Safety Code Section 44360(a) using procedures that have undergone public review and that are consistent with the procedures presented in the most current version of the SCAQMD “Facility Prioritization Procedures For AB 2588 Program”, which is incorporated by reference herein, and the greater of the facility’s prioritization scores for cancer and non-cancer health effects is greater than 10.0, and meets either one of the following criteria:
 - (A) The facility has had its health risk assessment approved by the District in accordance with Health and Safety Code Section 44362 and the risk assessment results show a total potential cancer risk, summed across all pathways of exposure and all compounds, of equal to or greater than 1.0 and less than ten (10) cases per million persons and a total hazard index for each toxicological endpoint, both acute and chronic, of less than or equal to 1.0; or
 - (B) The facility has had its health risk assessment approved by the District in accordance with Health and Safety Code Section 44362

and the risk assessment results show a total hazard index for each toxicological endpoint, either acute or chronic, of greater than or equal to 0.1, but less than or equal to 1.0, and a total potential cancer risk, summed across all pathways of exposure and all compounds, of less than ten (10) cases per million persons.

- (13) MEDIUM FACILITY means a facility that has three (3) to five (5) processes as determined by six-digit SCCs.
- (14) NORTH AMERICAN INDUSTRY CLASSIFICATION SYSTEM (NAICS) CODE is the standard used to classify business establishments developed under the auspices of the United States Office of Management and Budget, which is herein incorporated by reference.
- (15) OEHHA means the Office of Environmental Health Hazard Assessment, California Environmental Protection Agency.
- (16) OPERATOR means the person who owns or operates a facility or part of a facility.
- (17) POTENTIALLY HIGH RISK LEVEL FACILITY means a facility designated by the Executive Officer pursuant to the definition in Rule 1402.
- (18) POTENTIALLY HIGH RISK LEVEL FACILITY FEE means the fee charged to facilities upon designation as a Potentially High Risk Level Facility under Rule 1402. The fee will be assessed on a Time and Materials (T&M) basis to cover the District's costs in determining Rule 1402 compliance. This includes, but is not limited to, evaluation of findings pursuant to Rule 1402(g).
- (19) PRIORITIZATION SCORE GREATER THAN TEN (10.0) FACILITY means a facility that does not have an approved health risk assessment and has been prioritized by the District in accordance with Health and Safety Code Section 44360(a) using procedures that have undergone public review and that are consistent with the procedures presented in the most current version of the SCAQMD "Facility Prioritization Procedures For AB 2588 Program", which is incorporated by reference herein, and the greater of the facility's prioritization scores for cancer and non-cancer effects is greater than 10.0.
- (20) RISK OF 10.0 TO LESS THAN 50.0 PER MILLION FACILITY means a facility that has had its health risk assessment approved by the District in accordance with Health and Safety Code Section 44362 and whose risk assessment results meet either of the following criteria:

- (A) A total potential cancer risk, summed across all pathways of exposure and all compounds, of greater than or equal to 10.0, but less than 50.0 cases per million persons; or
 - (B) A total hazard index for each toxicological endpoint, either acute or chronic, of greater than 1.0 and a total potential cancer risk, summed across all pathways of exposure and all compounds, of less than 50.0.
- (21) **RISK OF 50.0 TO LESS THAN 100.0 PER MILLION FACILITY** means a facility that has had its health risk assessment approved by the District in accordance with Health and Safety Code Section 44362 and whose risk assessment results show a total potential cancer risk, summed across all pathways of exposure and all compounds, of greater than or equal to 50.0, but less than 100.0 cases per million persons.
- (22) **RISK OF 100.0 PER MILLION OR GREATER FACILITY** means a facility that has had its health risk assessment approved by the District in accordance with Health and Safety Code Section 44362 and whose risk assessment results show a total potential cancer risk, summed across all pathways of exposure and all compounds, of greater than or equal to 100.0 cases per million persons.
- (23) **SIGNIFICANT RISK LEVEL** is a maximum individual cancer risk of at least one hundred per million (100×10^{-6}) or a total acute or chronic hazard index of at least five (5) for any target organ system at any receptor location.
- (24) **SIMPLE FACILITY** means a facility that has one (1) or two (2) processes as determined by six-digit SCC.
- (25) **SMALL BUSINESS** for the purpose of this rule, means a facility which is independently owned and operated and has met all of the following criteria in the preceding year:
- (A) The facility has ten (10) or fewer (annual full-time equivalence) employees;
 - (B) The facility's total annual gross receipts are less than \$1,000,000; and
 - (C) The total annual gross receipts of the facility's California operations are less than \$5,000,000.
- (26) **SOURCE CLASSIFICATION CODES (SCC)** means number codes created by the United States Environmental Protection Agency used to identify

processes associated with point sources that contribute emissions to the atmosphere.

- (27) SPECIAL REVIEW FEE means the fee charged to facilities to cover the cost of the qualified District personnel or a qualified consultant, as determined by the Executive Officer (EO), engaged by the District under contract, in the event that the EO determines that an air toxics inventory report or health risk assessment should be revised and the owner/operator cannot perform this task without errors or delays.
- (28) STATE COSTS means the reasonable anticipated cost which will be incurred by the CARB and OEHHA to implement and administer the Act, as shown in the District staff report.
- (29) STATE INDUSTRY-WIDE FACILITY means a facility that (1) qualifies to be included in an industry-wide emission inventory prepared by the District pursuant to Health and Safety Code Section 44323, (2) releases, or has the potential to release, less than ten tons per year of each criteria pollutant, and (3) is either of the following:
- (A) A facility in one of the following four classes of facilities: autobody shops, as described by NAICS Codes 441110 or 811121; gasoline stations, as described by NAICS Codes 447110 and 447190; dry cleaners, as described by NAICS Code 812320; and printing and publishing, as described by NAICS Codes 323111 through 323117 or 511110 through 511199; or
- (B) A facility that has not prepared an Individual Plan and Report in accordance with sections 44340, 44341, and 44344 of the Health and Safety Code and for which the District submits documentation for approval by the Executive Officer of the CARB, verifying that the facility meets the requirements of Health and Safety Code Section 44323(a)-(d).
- (30) SUPPLEMENTAL FEE means the fee charged, pursuant to Section 44380.5 of the Health and Safety Code, to cover the costs of the District to review a health risk assessment containing supplemental information which was prepared in accordance with the provisions of Section 44360(b)(3) of the Health and Safety Code.
- (31) TOTAL ORGANIC GASES (TOG) means all gases containing carbon, except carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate.

- (32) UNPRIORITIZED FACILITY means a facility that has not been prioritized by the District in accordance with Health and Safety Code Section 44360(a) using procedures that have undergone public review and that are consistent with the procedures presented in the most current version of the SCAQMD “Facility Prioritization Procedures For AB 2588 Program”, which is incorporated by reference herein.
- (33) VOLUNTARY RISK REDUCTION FACILITY means a facility that elected to participate in the Voluntary Risk Reduction Program pursuant to Rule 1402.

(d) Fees

All sources subject to this rule shall be assessed an annual fee pursuant to Table I of this rule.

(1) Calculation of Fees

- (A) The District will establish the fee applicable to each facility for the recovery of State and District costs. The District will use State costs and District costs to calculate fees, and will take into account and allow for the unanticipated closing of businesses, nonpayment of fees, and other circumstances which would result in a shortfall in anticipated revenue; and
- (B) The District will calculate fees on the basis of the Facility Program Category as set forth by July 1 of the applicable fiscal year, except for facilities excluded under subparagraph (d)(9) of this rule.

(2) Flat Fees

- (A) A facility in the State Industry-Wide Facility Program Category, as defined in this rule, shall be assessed the fee specified in Table I.
- (B) A facility in the District Tracking Program Category, as defined in this rule, will be assessed the annual fee specified in Table I to cover the cost to the District to review the facility's quadrennial emission inventory update.
- (C) A facility in the Diesel Engine Facility Program Category, as defined in this rule, shall be assessed the annual Flat Fee specified in Table I.
- (D) The maximum fee that a small business as defined in this rule shall pay is \$300.00.

(E) The supplemental fee as defined in this rule, which may be assessed upon the operator of a facility, shall be no higher than \$3,106.66.

(3) **Special Review Fees**

When a facility's air toxics inventory report or health risk assessment submitted pursuant to Rule 1402 is prepared or revised by District personnel or a contractor engaged by the District, the owner/operator of the facility for which an air toxics inventory report or health risk assessment is performed shall pay the fees equal to the total actual and reasonable time incurred by District, including actual contractor costs as invoiced and District staff time assessed at the hourly rate of \$150.62. When the air toxics inventory report or health risk assessment is conducted or is evaluated and verified by a consultant engaged by the District or District personnel, the fees charged will be in addition to all other fees required.

(4) **Voluntary Risk Reduction Facility Fees**

A Voluntary Risk Reduction Facility, as defined in this rule, shall be assessed the fee specified in Table I until approval of the Final Implementation Report under Rule 1402 paragraph (j)(2). Once the Final Implementation Report is approved by the Executive Officer, the Voluntary Risk Reduction Fee shall be assessed the HRA Tracking Facility Program Category specified in Table I.

(5) **Potentially High Risk Level Facility Fees**

When a facility is designated as a Potentially High Risk Level Facility, as defined under Rule 1402, the owner/operator of the facility shall pay a fee for staff time at the rate of \$172.88 per hour to offset the District's costs to determine Rule 1402 compliance. The Potentially High Risk Level Facility Fees are billed annually and are due at the time of the AB 2588 annual billing which allows a reasonable time for payment. The Potentially High Risk Level Facility Fees will not exceed \$100,000 per year per facility.

(6) **Public Notifications and Meetings**

When public notification is required pursuant to Rule 1402 subdivision (q), the facility owner/operator shall either directly pay or reimburse the District for costs of Public Meetings, including venue rental, audio visual rental equipment and personnel, mailing, translation services, parking, security, and equipment rental.

(7) Fee Payment and Collection; Effect of Failure to Pay

(A) The District will notify and assess the operator of each facility subject to this rule in writing of the fee due. The operator shall remit the fee to the District within sixty (60) days after the receipt of the fee assessment notice or the fee will be considered past due. For the purpose of this rule, the fee payment will be considered received by the District if it is delivered, postmarked by the United States Postal Service, or electronically paid on or before the due date stated on the billing notice. If the due date falls on a Saturday, Sunday, or a state holiday, the fee payment may be delivered, postmarked, or electronically paid on the next business day following the Saturday, Sunday, or state holiday with the same effect as if it had been delivered, postmarked, or electronically paid on the due date.

(B) If an operator fails to pay the fee within sixty (60) days of this notice pursuant to subparagraph (d)(7)(A) of this rule, the District may assess a surcharge of not more than one hundred percent (100%) of the assessed fee, but in an amount sufficient, in the District's determination, to pay the District's additional expenses incurred by the operator's non-compliance. If an operator fails to pay the fee within 120 days after receipt of this notice, the District may initiate permit revocation proceedings. If any permit is revoked it shall be reinstated only upon full payment of the overdue fees plus any surcharge as specified in this subparagraph.

(8) Payment to the State

The District will collect the fees assessed by or required to be assessed by this rule. After deducting the costs to the District to implement and administer the program, the District will transmit to the State Board the amount the District is required to collect for recovery of state costs as specified in Table I.

(9) Exemptions

A facility shall be exempt from paying fees if, by July 1 of the applicable Fiscal Year, any one or more of the following criteria are met:

(A) The facility has been prioritized by the District in accordance with Health and Safety Code Section 44360(a) using procedures that have undergone public review, and the facility's prioritization score is less than or equal to 1.0 for both cancer and non-cancer health

effects. The procedure for estimating priority of facilities were developed based on the most current approved version of SCAQMD “Facility Prioritization Procedures For AB 2588 Program”, which is incorporated by reference herein.

- (B) The facility had its health risk assessment approved by the District in accordance with Health and Safety Code Section 44362 and the risk assessment results show a total potential cancer risk, summed across all pathways of exposure and all compounds, of less than one case per one million persons and a total hazard index for each toxicological endpoint, both acute and chronic, of less than 0.1. Some appropriate procedures for determining potential cancer risk and total hazard index are presented in the most current approved version of the OEHHA “Air Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk Assessments” and SCAQMD “Supplemental Guidelines for Preparation of Health Risk Assessments for the Air Toxics “Hot Spots” Information and Assessment Act”, which are incorporated by reference herein.
- (C) The facility primarily performs printing as described by NAICS Codes 323111 through 323117 or 511110 through 511199, and the facility uses an annualized average of two (2) gallons per day or less [or seventeen (17) pounds per day or less] of all graphic arts materials (deducting the amount of any water or acetone) unless the District required a health risk assessment and results show the facility would not qualify under subparagraph (d)(9)(A) of this rule.
- (D) The facility is a wastewater treatment plant as described by NAICS Code 221320, the facility does not have a sludge incinerator and the maximum throughput at the facility does not exceed 10,000,000 gallons per day of effluent unless the District required a health risk assessment and results show the facility would not qualify under subparagraph (d)(9)(A) of this rule.
- (E) The facility is a crematorium for humans, animals, or pets as described by NAICS Codes 812210, 812220, or any NAICS Code that describes a facility using an incinerator to burn biomedical waste (animal), the facility uses propane or natural gas as fuel, and the facility annually cremates no more than 300 cases (human) or 43,200 pounds (human or animal) unless the District required a

health risk assessment and results show the facility would not qualify under subparagraph (d)(9)(A) of this rule. Facilities using incinerators that burn biomedical waste other than cremating animals do not qualify for this exemption.

- (F) The facility is primarily a boat building and repair facility or primarily a ship building and repair facility as described by NAICS Codes 336611, 336612, 488390 or 811490, and the facility uses twenty (20) gallons per year or less of coatings or is a coating operation using hand held non-refillable aerosol cans only unless the District required a health risk assessment and results show the facility would not qualify under subparagraph (d)(9)(A) of this rule.
- (G) The facility is a hospital or veterinary clinic building that is in compliance with the control requirements specified in the Ethylene Oxide Control Measure for Sterilizes and Aerators, section 93108 of this title and has an annual usage of ethylene oxide of less than 100 pounds per year if it is housed in a single story building, or has an annual usage of ethylene oxide of less than 600 pounds per year if it is housed in a multi-story building unless the District required a health risk assessment and results show the facility would not qualify under subparagraph (d)(9)(A) of this rule.
- (H) The facility was not required to conduct a risk assessment under Health and Safety Code Section 44360(b), and the District, or the facility with the concurrence of the District, has conducted a worst-case, health conservative risk assessment using screening air dispersion modeling criteria set forth in Appendix F of the Guidelines Report and has demonstrated to the satisfaction of the District that the facility's screening risk levels meet the criteria set forth in subparagraph (d)(9)(A) of this rule.

TABLE I
FACILITY FEES BY PROGRAM CATEGORY

FACILITY PROGRAM CATEGORY	COMPLEXITY	DISTRICT FEE	STATE FEE	TOTAL FACILITY FEE
<i>HRA Tracking¹</i>	Simple Facility	\$441.17	\$67	\$508.17
	Medium Facility	\$637.29	\$100	\$737.29
	Complex Facility	\$833.41	\$134	\$967.41
<i>Unprioritized</i>	Simple Facility	\$655.66	\$402	\$1,057.66
	Medium Facility	\$3,592.96	\$603	\$4,195.96
	Complex Facility	\$4,774.53	\$804	\$5,578.53
<i>PS>10, No HRA</i>	Simple Facility	\$5,563.37	\$1,674	\$7,237.37
	Medium Facility	\$5,958.69	\$2,009	\$7,967.69
	Complex Facility	\$6,350.95	\$2,344	\$8,694.95
<i>Risk ≥10 <50 in a million or HI>1</i>	Simple Facility	\$6,746.24	\$3,014	\$9,760.24
	Medium Facility	\$7,140.01	\$3,349	\$10,489.01
	Complex Facility	\$7,533.82	\$3,684	\$11,217.82
<i>Risk ≥50 <100 in a million</i>	Simple Facility	\$7,929.12	\$4,353	\$12,282.12
	Medium Facility	\$8,321.36	\$4,688	\$13,009.36
	Complex Facility	\$8,716.65	\$5,023	\$13,739.65
<i>Risk ≥100 in a million</i>	Simple Facility	\$9,112.00	\$5,693	\$14,805.00
	Medium Facility	\$9,504.24	\$6,028	\$15,532.24
	Complex Facility	\$9,903.43	\$6,363	\$16,266.43
<i>Potentially High Risk Level</i>	Simple Facility	T&M ²	\$5,693 ³	\$(T&M ² + 5,693 ³)
	Medium Facility	T&M ²	\$6,028 ³	\$(T&M ² + 6,028 ³)
	Complex Facility	T&M ²	\$6,363 ³	\$(T&M ² + 6,363 ³)
<i>Voluntary Risk Reduction</i>	Simple Facility	\$5,563.37	\$1,674	\$7,237.37
	Medium Facility	\$5,958.69	\$2,009	\$7,967.69
	Complex Facility	\$6,350.95	\$2,344	\$8,694.95
<i>District Tracking⁴</i>		\$243.88		\$243.88
<i>State Industry-wide</i>		\$177.60	\$35	\$212.60
<i>Diesel Engine Facility</i>		\$132.98		\$132.98

¹ HRA Tracking --- (PS > 10 with HRA) Risk ≥ 1, <10 in a million, or HI ≥ 0.1, ≤ 1

² T&M --- Annual District fee will be capped at \$100,000 per year per facility.

³ For facilities with Risk > 100 in a million, the state fee is equivalent to that of the “Risk ≥ 100 in a million” category. For facilities with HI > 5.0, the state fee is equivalent to the “Risk ≥10 <50 in a million or HI>1” category.

⁴ District Tracking --- PS > 1, ≤ 10

HRA --- Health Risk Assessment

HI --- Hazard Index, Acute or Chronic

PS --- Priority Score

ATTACHMENT F7

(Adopted June 10, 1994)(Amended May 10, 1996)(Amended May 9, 1997)
(Amended May 8, 1998)(Amended May 14, 1999)(Amended May 19, 2000)
(Amended May 11, 2001)(Amended May 3, 2002)(Amended June 6, 2003)
(Amended July 9, 2004)(Amended June 3, 2005)(Amended June 9, 2006)
(Amended May 4, 2007)(Amended May 2, 2008)(Amended May 7, 2010)
(Updated July 1, 2011)(Updated July 1, 2012)(Updated July 1, 2013)
(Amended June 6, 2014)(Amended May 1, 2015)(Updated July 1, 2016)
(Amended June 2, 2017)(Updated May 4, 2018)
(PAR 309 – February 12, 2019)

Effective July 1, 2018

PROPOSED AMENDED RULE 309. FEES FOR REGULATION XVI AND REGULATION XXV

(a) Applicability

Provisions of this rule shall apply to fees assessed for plans required by Regulation XVI and Regulation XXV, and for the transfer and acquisition of Mobile Source Emission Reduction Credits (MSERCs) generated pursuant to Regulation XVI and Regulation XXV rules. Fees shall be paid for:

- (1) Rule 1610 Scrapping Plans
- (2) Regulation XVI and Regulation XXV Mobile Source Emission Reduction Credit (MSERC) Applications and Compliance Plans
- (3) MSERC Transaction Registration

(b) Definitions

For the purpose of this rule the following definitions shall apply:

- (1) MSERC TRANSACTION is the trade or transfer of MSERC ownership between entities, or between MSERC accounts of the same entity. MSERCs shall be denominated in terms of one pound of MSERC pollutant.
- (2) PLAN is any data and/or test report required by federal or state law, or District rules and regulations to be submitted to the District. Plans include, but are not limited to, the following: Rule 1610 Scrapping Plans, Regulation XVI and Regulation XXV MSERC Applications, and Regulation XVI and Regulation XXV Compliance Plans.
- (3) SMALL BUSINESS is as defined in Rule 102.

(c) Fee Assessments

- (1) Rule 1610 Scrapping Plans shall be assessed a filing and evaluation fee of \$1,936.38. The fee shall be paid at the time of plan submittal.
- (2) Regulation XVI and Regulation XXV Plans as defined in paragraph (b)(2), except Scrapping Plans, shall be assessed a filing fee of \$146.86 and an evaluation fee of \$489.61 at the time of submittal.
- (3) Additional evaluation fees for plans shall be assessed at the rate of \$143.25 per person per hour if necessary. Evaluation fees shall also be assessed at this rate for any amendments to Plans and Applications.
- (4) For small businesses filing scrapping plans, MSERC applications, and compliance plans, the fees assessed shall be fifty percent (50%) of the amounts specified in paragraphs (c)(1), (c)(2), and (c)(3).
- (5) MSERC transactions shall be jointly registered with the District by the MSERC transferor and transferee. The transferee shall be assessed a Transaction Registration Fee of \$95.74 per transaction at the time the transaction is registered with the District.

(d) Inspection Fee

The inspection fee for Rule 1610 Scrapping Plan verification shall be an amount equal to the total actual and reasonable time incurred by the District for inspection and verification of the plan, assessed at the hourly rate of \$117.42 per inspection staff or prorated portion thereof. For inspections conducted outside of regular District working hours, the fee shall be assessed at a rate of 150% of the above hourly rate.

(e) Payment of Fees

- (1) Payment of all applicable fees, including annual review/renewal fee, shall be due in thirty (30) days from the date of personal service or sending by mail, electronic mail, or other electronic means, ~~or mailing~~ of the notification of the amount due. Non-payment of the fee within this time period will result in expiration of the plan. For the purpose of this paragraph, the fee payment will be considered to be received by the District if it is delivered, postmarked by the United States Postal Service, or electronically paid on or before the expiration date stated on the billing notice. If the expiration date

falls on a Saturday, Sunday, or a state holiday, the fee payment may be delivered, postmarked, or electronically paid, ~~or~~ on the business day following the Saturday, Sunday, or the state holiday with the same effect as if it had been delivered, postmarked, or electronically paid on the expiration date. No further plan applications will be accepted until such time as all overdue fees have been fully paid.

- (2) Whenever the Executive Officer has reasonable cause to believe that the plan evaluation fee will be less than the fee for one hour's work, the fee need not be paid at the time of filing and notification of amount due, if any, shall be sent at the time the plan is approved or rejected.

(f) Refunds

- (1) If a plan or an application as defined in paragraph (b)(2) is canceled, plan filing and evaluation fees, less the plan cancellation fee, will be refunded:
 - (A) If it is determined that the plan was not required pursuant to District rules; or
 - (B) The plan evaluation procedure has not been initiated by District staff.
- (2) The plan cancellation fee will be \$195.75.
- (3) Claims for refund of any fee required by this rule shall be submitted in writing within one (1) year after the fee was paid.
- (4) The cancellation fee shall not apply when the plan was filed based on an erroneous District request.

(g) Government Agencies

Federal, state, or local government agencies or public districts shall pay all fees.

ATTACHMENT F8

(Adopted May 7, 2010)(Amended May 6, 2011)(Updated July 1, 2011)
(Updated July 1, 2012)(Updated July 1, 2013)(Amended June 6, 2014)
(Amended May 1, 2015)(Updated July 1, 2016)(Amended June 2, 2017)
(Amended May 4, 2018)
(PAR 315 – February 12, 2019)

EFFECTIVE JULY 1, 2018

PROPOSED AMENDED RULE 315. FEES FOR TRAINING CLASSES AND LICENSE RENEWAL

(a) Fees for Rule Training Classes

SCAQMD Training Class	Fee
Rules 403 & 403.1	No Cost
Rule 461 Daily Self-Inspection Class	\$162.38
Rule 461 Annual Periodic Inspection Class	\$177.71
Rule 461 Tester Orientation Class	\$168.96
Rule(s) 463/1178	\$82.13
Rule(s) 1110.2/1146/1146.1	No Cost
Rule 1176	\$63.47
Rule 1403	\$88.38
Rule 1469	\$35.09

(b) Certified Permitting Professional (CPP) License Fees

- (1) The fee for the CPP exam administered by SCAQMD is \$167.71. This fee also covers the first year license fee for those who pass the exam.
- (2) The annual renewal fee for the CPP license fee is \$167.71. The license shall expire if the license renewal fee is not received by the District, ~~or~~

postmarked, or electronically paid within 30 days after invoices are sent by mail, electronic mail, or other electronic means or the mailing of invoices or June 30th, whichever is later.

- (3) A CPP license that has expired due to nonpayment of the annual renewal fee may be reinstated by submitting a request for reinstatement and payment in full of the amount due at the time the license expired. A reinstatement surcharge shall also be paid equivalent to fifty percent (50%) of the amount due. Such request and payment shall be made within six (6) months of the license expiration. A license shall not be reinstatable after December 31st of the year it has expired.

ATTACHMENT F9

(Adopted January 12, 1996)(Amended December 21, 2001)
(PAR 518.2 – February 12, 2019)

PROPOSED AMENDED RULE 518.2. FEDERAL ALTERNATIVE OPERATING CONDITIONS

(a) Purpose

This rule establishes procedures by which a Title V facility, as defined in subdivision (b) of Rule 3000 - General, may obtain approval of an Alternative Operating Condition from the SCAQMD Hearing Board that would be recognized by the United States Environmental Protection Agency. Incorporation of an Alternative Operating Condition into a Title V permit pursuant to the requirements of this rule would shield the petitioner from enforcement pursuant to the federal Clean Air Act of otherwise applicable requirements specifically modified by the Alternative Operating Condition.

(b) Definitions

- (1) **ACTIVITY LEVEL** is the amount of activity of the source during the emission reduction strategy, expressed in units consistent with the units of baseline and post-reduction emission rate.
- (2) **ALTERNATIVE OPERATING CONDITION** is an order established by the Hearing Board pursuant to subdivision (e) of this rule which, if recognized by the United States Environmental Protection Agency, authorizes a source to be operated in a specified manner that would otherwise not comply with an applicable requirement of the State Implementation Plan or a permit term or condition based on any such applicable requirement.
- (3) **ALTERNATIVE OPERATING CONDITION CREDIT** means an emissions reduction credit or a mobile source emission reduction credit created pursuant to an EPA approved rule, or an alternative credit or allowance approved into the SIP by EPA, and held by the District for the purpose of offsetting excess emissions allowed under an Alternative Operating Condition.

- (4) ALTERNATIVE OPERATING CONDITION CREDIT BANK means the repository for the Alternative Operating Condition Credits that the District is holding to offset excess emissions pursuant to this rule.
- (5) APPLICABLE REQUIREMENTS means all requirements listed in paragraph (c)(1).
- (6) BASELINE EMISSION RATE means the lowest of:
 - (A) The emission rate allowed by the most stringent regulatory requirement applicable to the source; or
 - (B) The emission rate in an applicable Air Quality Management Plan Control Measure with implementation dates contemporaneous with the emission reduction; or
 - (C) The documented actual historical emission rate averaged over the two years preceding the emission reduction.
- (7) BREAKDOWN means a condition caused by a mechanical or electrical failure or the failure of a source to operate as designed.
- (8) EMERGENCY means any situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including acts of God, which situation requires immediate corrective action to restore normal operation, and that causes the source to exceed a technology-based emission limitation under the permit, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operation, or operator error.
- (9) EMISSION REDUCTION DURATION is the length of time during which the emission reduction strategy results in verifiable and surplus emission reductions.
- (10) EXCESS EMISSIONS means the amount of emissions from a source, stated in pounds per month, that exceeds the amount of emissions that would be allowed if the source were operated in compliance with an applicable requirement, calculated pursuant to paragraph (h)(1) of this rule.
- (11) FACILITY means any permit unit or source, or grouping of permit units or sources, or other air contaminant-emitting activities which are located on one or more contiguous properties, in actual physical contact or separated solely by a public roadway or other public right-of-way, and are owned or operated by the same person (or by persons under common control), or an

outer continental shelf (OCS) source as defined in 40 CFR Section 55.2. Such above-described groupings, if on noncontiguous properties, but connected only by land carrying a pipeline, shall not be considered one facility. Equipment or installations involved in crude oil and gas production in Southern California coastal or OCS waters, and transport of such crude oil and gas in Southern California coastal or OCS waters, shall be included in the same facility which is under the same ownership or use entitlement as the crude oil and gas facility on shore.

- (12) INTRA-FACILITY EMISSION REDUCTION CREDIT is an amount of emission reduction from within a facility seeking an Alternative Operating Condition that is eligible for credit pursuant to the criteria set forth in this rule. Intra-facility Emission Reduction Credits may be used to reduce the amount of Alternative Operating Condition Credits needed to obtain an Alternative Operating Condition.
- (13) POST-REDUCTION EMISSION RATE means the emission rate of the source after implementation of the emission reduction strategy.
- (14) SOURCE means any discrete operation, unit or pollutant-emitting activity at a facility.
- (15) TITLE V FACILITY means any facility that meets the criteria set forth in subdivision (a), (b) or (c) of Rule 3001 - Applicability.

(c) Applicability

- (1) This rule authorizes the District Hearing Board to establish Alternative Operating Conditions for Title V facilities. Alternative Operating Conditions may be established for the following statute and District rules and regulations, and for federally-enforceable permit terms and conditions that are based on such statute, rules and regulations:
 - (A) Health and Safety Code Section 41701;
 - (B) Rules 202, 203, 217, 218 and 221;
 - (C) Regulation IV, except Rules 402 and 430;
 - (D) Regulation VII;
 - (E) Regulation XI;
 - (F) Rule 2202; and
 - (G) Regulation XX, except-
 - (i) any provisions which require Permits to Construct or which set forth requirements for Permits to Construct,

- (ii) missing data provisions of Appendix A, Chapter 2 of Rule 2011 – Requirements for Monitoring, Reporting, and Recordkeeping for Oxides of Sulfur (SO_x) Emissions, and Appendix A, Chapter 2 of Rule 2012 – Requirements for Monitoring, Reporting, and Recordkeeping for Oxides of Nitrogen (NO_x) Emissions, and
 - (iii) subdivisions (b), (d), (o), and (p) of Rule 2004 – Requirements, and any permit conditions which state annual Allocations.
 - (2) No Alternative Operating Condition shall be granted from any federally promulgated rule, regulation or permit condition, or any District rule that substitutes for such requirements under section 112(l), including but not limited to the following:
 - (A) the requirement to apply for and obtain an operating permit under Rule 3002 – Requirements, or an authority to construct;
 - (B) any requirement of NSPS, NESHAP or other standard promulgated by the U.S. EPA under Sections 111 or 112 of the Clean Air Act;
 - (C) any standard promulgated by the U.S. EPA under Title IV or Title VI of the Clean Air Act; or
 - (D) any requirement contained in a permit issued by the U.S. EPA.
 - (3) No Alternative Operating Condition shall be granted from any rule or provision for which a variance is not allowed under Rule 504 - Rules for Which Variances Are Not Allowed.
 - (4) Except in the case of an emergency or a breakdown of technology, no Alternative Operating Condition shall be granted from the requirement to implement Best Available Control Technology as required by Rule 1303(a) or 2005 or from a permit condition that was imposed to avoid application of Best Available Control Technology as required by Rule 1303(a) or 2005.
 - (5) Except in the case of an emergency or a breakdown of technology, no Alternative Operating Condition shall be granted from a permit condition which was imposed to avoid the applicability of a requirement from which a variance may not be granted pursuant to paragraphs (c)(1) and (c)(2).
- (d) **Modification of Applicable Requirements**
A source shall not be subject to a provision of an applicable requirement specified in paragraph (c)(1) of this rule if the source is subject to an Alternative Operating

Condition established for such provision that has been incorporated into its Title V permit in accordance with paragraph (f) of this rule.

(e) Establishment of Alternative Operating Conditions

(1) Alternative Operating Conditions may be established only by the District Hearing Board upon petition relating to a specified source.

(2) A petitioner shall not receive an Alternative Operating Condition unless all of the following circumstances exist:

(A) the petitioner is or will be in violation of any applicable requirement(s) listed in paragraph (c)(1) of this rule;

(B) due to conditions beyond the reasonable control of the petitioner, requiring compliance would result in either (1) an arbitrary or unreasonable taking of property or (2) the practical closing and elimination of a lawful business. In making the above findings, where the petitioner is a public agency, the Hearing Board shall consider whether or not requiring immediate compliance would impose an unreasonable burden upon an essential public service. For purposes of this subparagraph, "essential public service" means a prison, detention facility, police or fire-fighting facility, school, health care facility, landfill gas control or processing facility, sewage treatment works, or water delivery operation, if owned and operated by a public agency;

(C) the closing or taking would be without a corresponding benefit in reducing air contaminants;

(D) the petitioner for the Alternative Operating Condition has given consideration to curtailing operations of the source in lieu of obtaining an Alternative Operating Condition;

(E) during the period the Alternative Operating Condition is in effect, the petitioner will reduce excess emissions to the maximum extent feasible;

(F) during the period the Alternative Operating Condition is in effect, the petitioner will monitor or otherwise quantify emission levels from the source, and report these emission levels to the District pursuant to a schedule established by the District;

(G) the Alternative Operating Condition will not result in noncompliance with the requirements of any NSPS, NESHAP or

- other standard promulgated by the U.S. EPA under Sections 111 or 112 of the Clean Air Act, or any District rule that substitutes for such requirements under section 112(1), or any standard or requirement promulgated by the U.S. EPA under Titles IV or VI of the Clean Air Act, or any requirement contained in a permit issued by the U.S. EPA, or other requirement contained in paragraph (c)(2);
- (H) any emissions (calculated pursuant to subparagraph (h)(3)(B) of this rule) resulting from the Alternative Operating Condition will not, in conjunction with emissions (calculated pursuant to subparagraph (h)(3)(B)) resulting from all other Alternative Operating Conditions established by the Hearing Board and in effect at the time, exceed the amount of Alternative Operating Condition Credits held in the Alternative Operating Condition Credit Bank; and
 - (I) operation under the Alternative Operating Condition will not result in the source discharging such quantities of air contaminants or other material which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health, or safety of any such persons or to the public, or which cause, or have a natural tendency to cause, injury or damage to business or property.
- (3) In addition to the circumstances specified in paragraph (e)(2) of this rule, if the violation of the applicable requirement is caused by a breakdown of technology, a petitioner shall not receive an Alternative Operating Condition unless all of the following circumstances exist:
- (A) the violation could not have been prevented through careful planning or design;
 - (B) the breakdown could not reasonably have been foreseen and avoided;
 - (C) at all times the equipment, including air pollution control equipment, or processes were maintained and operated in a manner consistent with good practice for minimizing emissions;
 - (D) repairs were or will be made in an expeditious fashion using off-shift labor and overtime, to the extent practicable, to ensure that such repairs are made as expeditiously as practicable; and
 - (E) the breakdown is not part of a recurring pattern indicative of inadequate design, operation, or maintenance.

- (4) If the violation occurs during startup or shutdown, the frequency and duration of operation in startup or shutdown mode must be minimized to the maximum extent practicable.
 - (5) The Hearing Board shall not establish an Alternative Operating Condition unless the Board establishes, as part of the Alternative Operating Condition, enforceable alternative emissions limits, operational requirements, and/or monitoring and recordkeeping provisions, as set forth in subdivision (g).
 - (6) The Hearing Board shall not establish an Alternative Operating Condition unless it makes its findings that the circumstances described in paragraphs (e)(2), (e)(3) and/or (e)(4), as applicable, exist. The petitioner bears the burden of proof. The findings shall be based on evidence in the record of a public hearing which is noticed and conducted in compliance with Health and Safety Code Sections 40820-40865, except in the case of an Alternative Operating Condition established by the Board or a single member thereof under circumstances specified in Health & Safety Code Section 42359 or 42359.5. An Alternative Operating Condition established by the Board under circumstances specified in Health & Safety Code Section 42359 shall be based on evidence in the record of a public hearing which is conducted pursuant to Health & Safety Code Sections 40820, 40822, and 40828-40865. An Alternative Operating Condition established by a single Board member under circumstances specified in Health & Safety Code Section 42359.5 shall be based on evidence presented in the form of a petition and declaration signed under penalty of perjury, and may be supplemented by sworn oral testimony.
 - (7) The Hearing Board shall deny a petition for an Alternative Operating Condition if excess emissions resulting from operation of a source pursuant to the Alternative Operating Condition would, by themselves, cause an exceedance of a National Ambient Air Quality Standard. The burden of proof on this issue, should it arise, shall be upon the source.
- (f) EPA Objection; Effective Date of Alternative Operating Condition
- (1) Each Alternative Operating Condition shall be subject to review for 30 days by the public and any affected state, and, concurrently, for 45 days by the U.S. EPA. The review period may commence prior to approval of the Alternative Operating Condition by the Hearing Board and, in such event, will satisfy this subdivision if the terms of the Alternative Operating

Condition approved by the Hearing Board do not significantly deviate from the proposed terms that were made available to the public, affected states, and the U.S. EPA.

- (2) Copies of any adverse comments shall be forwarded to EPA by the District within two (2) working days of receipt.
- (3) If the terms of the Alternative Operating Condition approved by the Hearing Board significantly deviate from proposed terms released for review, the approved terms must be subjected to the notice requirements of paragraphs (f)(4) and (f)(5) and the process requirements of paragraph (f)(6).
- (4) The U.S. EPA's 45-day review period shall commence on the latter of the date of public notification or upon the U.S. EPA's receipt of the following information:
 - (A) a copy of the proposed or issued Alternative Operating Condition;
 - (B) information sufficient to support the findings set forth in subdivision (e); and
 - (C) the name of any affected state as defined in subdivision (b) of Rule 3000 – General.
- (5) Notification to the public and affected states shall commence upon the date of public notice as specified in Rule 3006 – Public Participation, including publication in a daily newspaper of general circulation posting the notice on the District public website.
- (6) If EPA objects to the Alternative Operating Condition in writing within its 45 day review period, in the manner set forth in paragraph (k)(1) of Rule 3003 – Applications--
 - (A) the District shall notify the petitioner of U.S. EPA's objection; and
 - (B) the Alternative Operating Condition shall be ineffective unless the Hearing Board adopts and submits to U.S. EPA a revised Alternative Operating Condition which conforms to such objection or EPA issues a written rescission to its objection.
- (7) If the U.S. EPA does not object to the Alternative Operating Condition, it shall become operative, effective as of the date of issuance by the Hearing Board, subject to the provisions of subdivision (l) of Rule 3003 – Applications. The effective date shall be the date of filing the petition with the Hearing Board if excess emissions during the period between the filing of the petition and the issuance of the Alternative Operating Condition by

the Hearing Board are quantifiable and all circumstances specified in paragraph (e)(2) existed during this period.

(g) Content of Alternative Operating Conditions

Each Alternative Operating Condition shall contain the following provisions, as applicable:

(1) Emission Limits

If an Alternative Operating Condition allows emissions that are greater than an emission limit in an applicable requirement, the Hearing Board shall establish an enforceable alternative emission limit that requires the source to reduce excess emissions to the maximum extent feasible. The Hearing Board may establish an alternative emission limit for any source located at the facility that creates emissions of the subject pollutant that may feasibly be reduced.

(2) Operational Requirements

If an Alternative Operating Condition allows deviation from an applicable operational requirement that is designed to limit or minimize emissions, the Hearing Board shall establish an enforceable alternative operational requirement or emission limit that requires the source to operate in a manner that reduces excess emissions to the maximum extent feasible. The Hearing Board may establish an alternative operational requirement or emission limit for any source located at the facility which creates emissions of the subject pollutant that may feasibly be reduced.

(3) Monitoring, Recordkeeping, and Reporting Requirements

If the Alternative Operating Condition allows deviation from an applicable emissions monitoring, recordkeeping or reporting requirement, the Hearing Board shall establish an enforceable alternative requirement which, to the extent feasible:

- (A) mandates quantification, recordkeeping, and reporting of emissions as accurately, expeditiously, and verifiably as the applicable requirement,
- (B) complies with the requirements of paragraph (a)(4) of Rule 3004 – Permit Type and Content, and
- (C) for RECLAIM sources, complies with the RECLAIM protocols for monitoring, recordkeeping, and reporting.

(4) Conditions

The Hearing Board shall impose conditions, other than those imposed by applicable requirements, that are necessary to ensure quantifiability of emissions increases, and any decreases, resulting from the Alternative Operating Condition.

(5) Stringency

Any alternative requirement or other condition imposed pursuant to this subdivision shall not be more stringent than an applicable requirement, except when consented to by the petitioner for purposes of excess emissions mitigation.

(6) Term

Each Alternative Operating Condition established by the Hearing Board shall include a term during which the Alternative Operating Condition shall be in effect. The term shall be determined in accordance with Health and Safety Code Sections 42352 and 42358. Upon termination of the Alternative Operating Condition, the source shall comply with all applicable requirements and the preexisting permit term(s) shall have full force and effect.

(7) EPA Objection

Each Alternative Operating Condition shall contain a provision stating that if the U.S. EPA objects to the Alternative Operating Condition within its 45-day review period or in response to a citizen petition, the Alternative Operating Condition is ineffective to protect the petitioner from U.S. EPA or citizen enforcement under the federal Clean Air Act for any federally enforceable requirement.

(h) Emissions Calculations

For purposes of determining whether or not the amount of excess emissions resulting from an Alternative Operating Condition exceeds the amount of Alternative Operating Condition Credits in the Alternative Operating Condition Credit Bank, as set forth in subparagraph (e)(2)(H) of this rule, the amount of excess emissions resulting from establishment of an Alternative Operating Condition, and the amount of any emission reductions resulting from conditions included in the Alternative Operating Condition, shall be determined in the following manner:

(1) Excess Emissions

Excess emissions from the source that is in violation of an applicable requirement shall be calculated as follows:

- (A) calculate calendar monthly mass emissions allowed by the applicable requirement based on the terms of the applicable requirement and projected activity during the term of the Alternative Operating Condition;
- (B) calculate calendar monthly mass emissions allowed by the Alternative Operating Condition based on any alternative emission limits, operational requirements and other conditions established pursuant to subdivision (g), and projected activity during the term of the Alternative Operating Condition; and
- (C) subtract the calendar monthly mass emissions calculated pursuant to subparagraph (A) from the calendar monthly mass emissions calculated pursuant to subparagraph (B).

(2) Intra-Facility Emission Reductions

A Title V facility may reduce the amount of Alternative Operating Condition Credits it needs to obtain an Alternative Operating Condition by reducing emissions internally from a source other than the source which is in violation of an applicable requirement. The reduction shall meet the following requirements:

- (A) The emission reduction duration shall be contemporaneous with the period during which the Alternative Operating Condition is in effect;
- (B) The emission reduction shall be:
 - (i) *real* (meaning the emission reduction reflects an actual decrease in air emissions);
 - (ii) *quantifiable* (meaning the quantity of emission reductions can be measured by accurate and replicable techniques. These techniques shall be at least as accurate and replicable as the emission testing methods accepted by the U.S. EPA for State Implementation Plan rule purposes);
 - (iii) *permanent* (meaning the emission reduction will exist for the duration of the Alternative Operating Condition);
 - (iv) *enforceable* (meaning that credible and relevant evidence exists throughout the emission reduction duration with

which to evaluate compliance with the terms and conditions of the Alternative Operating Condition governing the reduction); and

- (v) *surplus* (meaning that throughout the duration of the Alternative Operating Condition, the emission reduction: is not required by any local, state, or federal rule, regulation, law or ordinance; has not been assumed to occur in the Air Quality Management Plan; and no credit has been or shall be taken for the emission reduction under any other program, rule, or regulation).
- (vi) The source providing the emission reduction shall be in compliance with all applicable EPA, ARB, and District rules and regulations, except that in the case of a source which performs multiple processes, emission reductions may be provided from a process that is in compliance with all applicable EPA, ARB, and District rules and regulations even if other processes performed by the same source are not in compliance with such requirements.
- (C) Reductions of RECLAIM pollutants at RECLAIM facilities shall not be eligible to generate emission reductions.
- (D) Intra-facility Emission Reduction Calculation Methodology
The quantity of emission reductions generated by an emission reduction strategy within a facility shall be calculated according to the following formula:

$$IER_{\text{month } i} = [\text{Baseline Emission Rate}_{\text{month } i}] - \text{Post-reduction Emission Rate}_{\text{month } i} \times \text{Activity Level}_{\text{month } i}$$

Where:

- $IER_{\text{month } i}$ = Intra-facility Emission Reductions for month *i*
- $\text{Baseline Emission Rate}_{\text{month } i}$ = Baseline emission rate in month *i*
- $\text{Post Reduction Emission Rate}_{\text{month } i}$ = Post Reduction emission rate in month *i*
- $\text{Activity Level}_{\text{month } i}$ = Activity Level of the source in month *i*

(3) Alternative Operating Condition Credit Bank Balance Determination

- (A) The Hearing Board will maintain a record of the balance of emissions in the Alternative Operating Condition Credit Bank on a daily basis.

- (B) The amount of emissions that will be debited from the Alternative Operating Condition Credit Bank as a result of an Alternative Operating Condition will be determined by subtracting the emission reduction calculated pursuant to paragraph (2), and the amount of any emission reduction credits temporarily surrendered by the petitioner pursuant to paragraph (5), from excess emissions calculated pursuant to paragraph (1). Any remaining excess emissions calculated pursuant to this subparagraph shall be subtracted from the balance of the Alternative Operating Condition Credit Bank for the applicable period.
- (4) The petitioner shall notify the Hearing Board within five days after achieving continuous compliance with an applicable requirement for which an Alternative Operating Condition has been issued. Upon notification, the Alternative Operating Condition for that applicable requirement shall expire. Any unused emissions previously allocated to a petitioner will be restored by the Hearing Board to the balance of the Alternative Operating Condition Credit Bank for the same period from which they were originally debited.
- (5) For non-RECLAIM sources, and non-RECLAIM pollutants at RECLAIM sources, the amount of excess emissions calculated pursuant to paragraph (h)(1) may be reduced by the amount of excess emissions credits or offsets approved pursuant to Regulation XIII - New Source Review, which the facility voluntarily relinquishes for the term of the Alternative Operating Condition. Relinquishment of ERCs shall not be deemed to satisfy the requirements of subparagraph (e)(2)(E). Executive Officer will not issue a Permit to Construct which relies upon ERCs relinquished pursuant to this paragraph during the period for which such ERCs have been relinquished. The Executive Officer shall not discount the value of ERCs due to relinquishment pursuant to this paragraph.
- (i) **Tracking of Alternative Operating Condition Credits**
The District shall use generally accepted accounting principles for the establishment and implementation of a system for tracking, on a daily basis, the balance of the Alternative Operating Condition Credit Bank. The District shall provide for an annual audit of the tracking system. If the audit shows that the District has failed to establish or implement that tracking system described above,

issuance of future Alternative Operating Conditions shall be suspended until such tracking system has been established and implemented.

(j) Compliance with Alternative Operating Condition

Any source that is subject to an Alternative Operating Condition shall comply with such condition at all times during its term. Any violation of a permit term or condition implementing an Alternative Operating Condition shall constitute a separate violation of this rule for each day of violation.

(k) Fees

Fees for Alternative Operating Conditions will be assessed pursuant to Regulation III - Fees.

(l) Effective Date of Rule

This rule shall be effective upon approval by the U.S. EPA of Regulation XXX - Title V Permits, under Title V of the Clean Air Act, and U.S. EPA approval into the SIP of this rule.

(m) Notice to U.S. EPA

All notices required by this rule to be sent to EPA shall be sent to the Permits Office Chief, Air Division, U.S. EPA Region 9.

ATTACHMENT F10

(Adopted October 5, 1979)(Amended September 10, 1982)(Amended July 12, 1985)
(Amended August 1, 1986)(Amended June 28, 1990)
(Amended December 7, 1995)
(PAR 1310 – February 12, 2019)

PROPOSED AMENDED RULE 1310. ANALYSIS AND REPORTING

(a) Completeness of Application

The Executive Officer or designee shall determine whether or not the application is complete and shall notify the applicant in writing not later than 30 calendar days after receipt of the application, or after such longer time as both the applicant and the Executive Officer or designee may agree. If the application is determined to be incomplete, the determination shall specify which parts of the application are incomplete and how they can be made complete. Upon receipt by the Executive Officer or designee of any resubmittal of the application, a new 30-day period, in which the Executive Officer or designee must determine completeness, shall begin. Completeness of an application or resubmitted application shall be evaluated on the basis of the guidelines for such, published by the Executive Officer or designee.

(b) Reporting and Rule Modifications

By February 1997, and annually thereafter, the Executive Officer or designee shall report to the District Governing Board regarding the effectiveness of Regulation XIII in meeting the state and federal NSR requirements.

(c) Requirements for Public Notice

For those sources requesting emission reduction credits in excess of the amounts specified below:

<u>Air Contaminant</u>	<u>Daily Maximum in Lbs Per Day</u>
Volatile Organic Compounds (VOC)	30
Nitrogen Oxides (NO _x)	40
Particulate Matter (PM ₁₀)	30
Sulfur Dioxide (SO _x)	60
Carbon Monoxide (CO)	220

following acceptance of an application as complete, the Executive Officer or designee shall:

- (1) Perform the evaluations required to determine compliance with this regulation and make a preliminary written decision, as appropriate, as to whether or not an ERC should be approved or disapproved. The decision shall be supported by a succinct written analysis; and
- (2) Within ten calendar days following such decision, post a public notice on the District public website ~~publish a notice by prominent advertisement in at least one newspaper of general circulation in the District~~ stating the preliminary decision of the Executive Officer or designee and where the public may inspect the information required to be made available under paragraph (c)(3). The public notice shall provide 30 days from the date of publication ~~public notice posting~~ for the public to submit written comments on the preliminary decision; and
- (3) At the time ~~notice of the preliminary decision is published~~ publicly notified ~~posted~~, make available for public inspection, upon request, at the District office the information submitted by the applicant, the supporting analysis for the preliminary decision, and the preliminary decision to grant or deny an ERC and the reasons therefore. The confidentiality of trade secrets shall be considered in accordance with Section 6254.7 of the Government Code.

ATTACHMENT F11

(Adopted October 11, 1996)
(PAR 1605 – February 12, 2019)

PROPOSED AMENDED RULE 1605. CREDITS FOR THE VOLUNTARY REPAIR OF ON-ROAD MOTOR VEHICLES IDENTIFIED THROUGH REMOTE SENSING DEVICES

(a) Purpose

The purpose of this rule is to provide opportunities to generate VOC, NO_x, and CO mobile source emission reduction credits (MSERCs) that could be used as an alternative means of compliance with District regulations. These credits would be generated based on voluntary emission reductions created by reducing the emissions of high-emitting vehicles through the repair of emissions related components. High-emitting vehicles would be identified through the use of remote sensing devices (RSDs). MSERCs would be based on emission reductions that are surplus to local, state, and federal emission reduction requirements, including the State's Motor Vehicle Inspection Program and Accelerated Vehicle Retirement Program.

(b) Applicability

This voluntary rule is inoperative 60 days subsequent to a declaration by the Bureau of Automotive Repair (BAR) that the enhanced Inspection and Maintenance Program is operational in the District, and applies to 1966 and newer model-year gasoline-powered passenger cars and light-duty trucks that are registered as operable vehicles in the District by the California Department of Motor Vehicles (DMV).

(c) Definitions

For the purpose of this rule, the following definitions shall apply:

- (1) BAR90 means the test equipment/procedure implemented since July 1990 by the BAR that is utilized to emission test vehicles as part of the Motor Vehicle Inspection Program.
- (2) CARBON MONOXIDE (CO) means a colorless, odorless gas, having a chemical formula of CO, produced by the incomplete combustion of carbonaceous material.

- (3) CREDIT LIFE means the period of time in years that an MSERC can be used as an alternative means of compliance with a District rule, as permitted by Rule 1605.
- (4) CUT POINT means the minimum HC, CO, or NO_x (if available) exhaust emission concentration level measured by RSD(s) that is used to initially identify potential high-emitting vehicles.
- (5) HIGH-EMITTING VEHICLE means a gasoline powered passenger car or light-duty truck that does not comply with State Motor Vehicle Inspection Program requirements according to the BAR 2500 rpm testing using BAR90 test equipment either for HC or for CO.
- (6) HYDROCARBON (HC) means methane and any other volatile compound of carbon, reported as an equivalent concentration of hexane, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates; ammonium carbonate, and exempt compounds as defined in District Rule 102.
- (7) MOTOR VEHICLE INSPECTION PROGRAM means the statewide requirements for the periodic inspection, emission testing, and repair of motor vehicles pursuant to Chapter 5, Sections 44000 to 44095, of the California Health and Safety Code.
- (8) NITROGEN OXIDES (NO_x) mean the sum of nitric oxides and nitrogen dioxides emitted, calculated as nitrogen dioxide.
- (9) POTENTIAL HIGH-EMITTING VEHICLE means a vehicle that has been measured by RSD(s) to have exhaust concentration levels above the HC, CO, or NO_x (if available) cut points.
- (10) PROGRAM OPERATOR means the person that has submitted and obtained Project Plan approval pursuant to subdivision (e) to conduct a remote sensing/vehicle repair program for mobile source emission reduction credits under Rule 1605.
- (11) REMOTE SENSING DEVICE (RSD) means an electronic instrument or device that is used to remotely measure vehicle exhaust hydrocarbon, carbon monoxide, and nitrogen oxides (if available) emissions using a light beam directed perpendicularly to the path of passing vehicles.
- (12) SMOG CHECK means the emission, functional, and visual tests specified for the Motor Vehicle Inspection Program pursuant to Health and Safety Code Sections 44012 and 44013.

- (13) SMOG TEST STATION means a facility that is authorized or licensed by BAR to inspect and emission test vehicles to determine compliance with the Motor Vehicle Inspection Program requirements.
 - (14) TAMPER means to modify, remove, or disconnect vehicle emissions control components.
 - (15) VEHICLE AGE means the difference between the calendar year of the vehicle repair and the vehicle model year.
 - (16) VOLATILE ORGANIC COMPOUND (VOC) means any volatile compound of carbon; excluding methane, carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates; ammonium carbonate, and exempt compounds as defined in District Rule 102.
- (d) Rule 1605 MSERC Program Requirements
- (1) In order to generate MSERCs, a program operator shall identify and repair high-emitting vehicles as follows:
 - (A) The program operator shall use RSDs to initially identify potential high-emitting vehicles using cut points of 4 percent and 0.1 percent for exhaust CO and HC, respectively. The Executive Officer may approve alternative CO and HC cut points provided that data is submitted by the program operator to the District demonstrating that these alternative cut points are at least as effective in identifying high-emitting vehicles compared to cut points of 4 percent and 0.1 percent for exhaust CO and HC, respectively.
 - (B) The program operator shall emission test vehicles identified as potential high-emitting vehicles at a Smog Test Station to determine compliance with Motor Vehicle Inspection Program requirements according to BAR90 emission test results. The program operator shall be responsible for obtaining permission to include a vehicle in the program from the vehicle owner. The program operator shall ensure that:
 - (i) the vehicle engine is at its normal operating temperature (i.e., warmed-up) at the beginning of the emission test.
 - (ii) the vehicle does not use accessory equipment which would result in an additional load on the vehicle's engine during the BAR90 emission test, such as the use of air conditioning.

- (iii) the BAR90 emission test is conducted by a person authorized by BAR to conduct such tests.
 - (iv) the emission test procedure includes BAR90 exhaust emission testing and all other procedures specified by BAR to determine compliance with Motor Vehicle Inspection Program requirements.
 - (v) the initial pre-repair BAR90 emission test is conducted on the vehicle as received, without any adjustments or modifications to the vehicle that could affect its emissions prior to performing the smog check. The initial pre-repair emission test shall be conducted with the BAR90 test equipment in manual mode (i.e., without electronic notification of test results to BAR).
- (C) The program operator shall only identify vehicles failing BAR90 2500 rpm emission testing as high-emitting vehicles, and such vehicles shall be eligible for MSERC generation.
 - (D) The program operator shall ensure the vehicle repairs performed under a Rule 1605 MSERC Program are conducted only by person(s) permitted by BAR to conduct vehicle repairs under the Motor Vehicle Inspection Program. Repairs shall include all procedures necessary to bring the vehicle into compliance with Motor Vehicle Inspection Program requirements.
 - (E) The program operator shall have the vehicle retested subsequent to repairs for compliance with Motor Vehicle Inspection Program requirements. The post-repair emission test shall be conducted with the BAR90 test equipment in certification mode (i.e., with electronic notification of test results to BAR).
- (2) The program operator shall not include any gasoline-powered passenger cars and light-duty trucks in the program for MSERC generation if one or more of the following occur:
 - (A) A smog check has yet to be conducted as required by law or the owner has been notified that a smog check is required as part of the DMV registration renewal process.
 - (B) The vehicle is scheduled to be smog checked due to DMV registration renewal requirements, within a three month period subsequent to its identification as a potential high-emitting vehicle.

- (C) The vehicle will be scrapped or retired as part of a local or statewide vehicle scrapping program.
 - (3) For Rule 1605 MSERC programs that utilize more than 10 smog test stations, program operators shall submit notice to the Executive Officer at least one week prior to emission testing and repairing vehicles at smog test stations, pursuant to paragraph (d)(1), indicating specific locations, dates, and times for emission testing and repair activities. The notice may be submitted either in writing or electronically. For Rule 1605 MSERC programs that utilize 10 or fewer smog test stations, the smog test facility or the program operator shall provide the Executive Officer with the projected number of vehicles to be emission tested or repaired for a specific day upon request at any time during that specific day.
 - (4) Program operators shall comply with all applicable regulations and obtain all necessary permits from applicable agencies with regard to conducting RSD measurements on public roads, and identifying and contacting vehicle owners.
- (e) Issuance of MSERCs
- (1) Rule 1605 Project Plan

At least one month prior to initial implementation of a Rule 1605 remote sensing/vehicle repair project, the Program Operator shall submit a Rule 1605 Project Plan. The Rule 1605 Project Plan shall contain the following specific information:

 - (A) description of RSD equipment, including HC, CO and NO_x (if available) cut points to be used to identify potential high-emitting vehicles pursuant to subparagraph (d)(1)(A);
 - (B) proposed RSD test locations and site configurations; and
 - (C) identification of Smog Test Station(s) to be used to test and repair high-emitting vehicles and proof of BAR certification.
 - (2) To be eligible for MSERC generation, the Rule 1605 Project Plan must be approved by the Executive Officer prior to implementation of the project.
 - (3) Rule 1605 MSERC Application

In order to generate MSERCs, the Program Operator shall submit a Rule 1605 MSERC Application for MSERCs for a vehicle not later than 6 months after a vehicle has been identified for inclusion in the program. The purpose of the Application is to document the identification and repair (if

applicable) of all vehicles identified as high-emitting vehicles. The Application shall include at a minimum:

- (A) Information Required For Repaired High-Emitting Vehicles
 - (i) make, model, model-year, and license plate number
 - (ii) name and address of each vehicle owner
 - (iii) a statement from the Program Operator verifying vehicle registration address with DMV for each vehicle
 - (iv) location of RSD site
 - (v) location of Smog Test Station corresponding to pre- and post-BAR90 emission testing and vehicle repair for each high emitting vehicle
 - (vi) a listing of pre- and post-BAR90 2500 rpm HC, CO and NOx (if applicable) concentration levels in parts per million (ppm)
 - (vii) a listing of RSD concentration levels for HC, CO, and NOx (if applicable)
 - (viii) a list of repairs required to bring vehicle into compliance with the Motor Vehicle Inspection Program
 - (ix) date of next required smog check
 - (x) mileage accumulation rate and calculated MSERCs for VOC, CO, and NOx
- (4) All MSERCs shall be issued after approval and verification as needed of the Rule 1605 MSERC Application by the Executive Officer in accordance with the MSERC calculation methodology specified in subdivision (f).
- (5) MSERCs shall expire two years after date of issuance.

(f) MSERC Calculation

- (1) The total amount of VOC, CO and NOx MSERCs generated for exhaust emission reductions when a high-emitting vehicle is repaired shall be calculated by the Executive Officer according to the following formulas:

VOC MSERCs

$$\text{MSERC} = \frac{[(63.3 \times (\text{HC}_{\text{pre}} - \text{HC}_{\text{post}})) \times (\text{Days}/365) \times \text{CF} \times \text{Mileage}]/(454 \times \text{TAF})}{1}$$

where

MSERC = Mobile Source Emission Reduction Credits (pounds)

HC_{post} = BAR90 2500 rpm HC concentration percent in exhaust after repair.

Rule 1605 (Cont.)

(Adopted October 11, 1996)

- HC_{pre} = BAR90 2500 rpm HC concentration percent in exhaust before repair.
- Days = Number of days between high-emitting vehicle repair date and next required smog check.
- Mileage = Annual mileage accumulation rate according to Table 1, based on vehicle age.
- TAF = Technical Uncertainty Adjustment Factor, for the purpose of generating credits.
- CF = Correction factor to convert HC emissions to VOC emissions, equal to 0.9019 for catalyst equipped vehicles, and 0.9794 for non-catalyst equipped vehicles.

CO MSERCs

MSERC = $[(11.1 \times (\text{CO}_{\text{pre}} - \text{CO}_{\text{post}})) \times (\text{Days}/365) \times \text{Mileage}] / (454 \times \text{TAF})$

where

- MSERC = Mobile Source Emission Reduction Credits (pounds)
- CO_{post} = BAR90 2500 rpm CO concentration percent in exhaust after repair.
- CO_{pre} = BAR90 2500 rpm CO concentration percent in exhaust before repair.
- Days = Number of days between high-emitting vehicle repair date and next required smog check.
- Mileage = Annual mileage accumulation rate according to Table 1, based on vehicle age
- TAF = Technical Uncertainty Adjustment Factor, for the purpose of generating credits.

NOx MSERCs

MSERC = $[0.426 \times (\text{Days}/365) \times \text{Mileage}] / (454 \times \text{TAF})$

where

- MSERC = Mobile Source Emission Reduction Credits (pounds).
- Days = Number of days between high-emitting vehicle repair date and next required smog check.
- Mileage = Annual mileage accumulation rate according to Table 1, based on vehicle age.
- TAF = Technical Uncertainty Adjustment Factor, for the purpose of generating credits.

- (2) The Executive Officer shall modify the MSERC calculation procedure specified in paragraph (f)(1) to provide for a improved methodology for relating BAR90 concentration measurements and actual gram per mile emissions rates, compared to the methodology contained in paragraph (f)(1), if one or both of the following occur:

- (A) the ARB develops a methodology using its existing emissions data base for relating BAR90 concentration measurements and actual gram per mile emission rates.
 - (B) the BAR90 test procedure is replaced with another test procedure by BAR as part of the Motor Vehicle Inspection Program.
- (3) The Executive Officer may update the values in Table 1 to reflect revised mileage accumulation rates used in ARB's Motor Vehicle Emission Inventory Model. In addition, the Executive Officer may approve different mileage accumulation rates other than those specified in Table 1 if the program operator provides sufficient documentation (at least three most recent years of mileage accumulation data) to the Executive Officer to justify these different rates for the specific vehicles being repaired for MSERC credit generation.

Table 1
Mileage Accumulation Rate (miles per year)

Vehicle Age	Mileage	
	Passenger Car	Light-Duty Truck
0	14,169	15,640
1	13,563	14,590
2	12,956	13,610
3	12,349	12,696
4	11,742	11,843
5	11,135	11,048
6	10,528	10,306
7	9,921	9,614
8	9,314	8,968
9	8,707	8,366
10	8,101	7,804
11	7,597	7,280
12	7,164	6,791
13	6,788	6,335
14	6,457	5,909
15	6,214	5,512
16	6,071	5,142
17	5,940	4,797
18	5,819	4,475
19	5,707	4,174
20	5,603	4,174
21	5,505	4,174
22	5,414	4,174
23	5,328	4,174
24	5,247	4,174
25	5,170	4,174
26	5,098	4,174
27	5,029	4,174
28	4,963	4,174
29	4,901	4,174
30	4,842	4,174
31	4,785	4,174
32	4,730	4,174
33	4,678	4,174
34 or more	4,628	4,174

- (4) For the purpose of calculating MSERCs pursuant to paragraph (f)(1), a Technical Uncertainty Adjustment Factor (TAF) equal to 1.2 shall be applied. The Executive Officer shall perform a

semiannual analysis to determine the appropriateness of the TAF to ensure that the MSERCs issued pursuant to paragraph (e)(4) do not exceed the actual emissions reductions generated from Rule 1605 remote sensing/vehicle repair programs, and may recommend revisions to the TAF based on information obtained from BAR and the California Air Resources Board regarding vehicle repair durability, and the effectiveness of the Motor Vehicle Inspection Program and Accelerated Vehicle Retirement Program.

(g) Use of MSERCs

- (1) MSERCs may be used for any of the following applications:
 - (A) As RECLAIM Trading Credits. The Executive Officer shall convert MSERCs to RTCs upon submission of MSERCs by the user.
 - (B) As an alternative method of compliance with any District regulations which specifically authorize the use of MSERCs.
 - (C) As an alternative method of compliance with District Regulation XI rules that have future compliance dates. MSERCs shall not be used to offset emission increases caused by the removal of emission control equipment or replacement of compliant with noncompliant materials subject to Regulation XI. MSERCs must be in existence and designated as an alternative method of compliance in advance of the compliance date.
 - (D) As New Source Review (NSR) offsets for emission increases at new or modified facilities that are subject to Rule 1303 (b)(2) in accordance with the provisions of Regulation XIII. Pursuant to Rule 504, no variance or series of variances, including emergency and interim variances, shall be granted for a period in excess of 90 days from the initial granting of a variance, from a permit condition implementing a Regulation XIII offset requirement if such permit condition is based upon the use of MSERCs.
 - (E) For voluntary retirement of MSERCs for air quality benefits.
- (2) MSERCs shall only be consumed in the air basin where the vehicle is based.
- (3) In order to use MSERCs for the applications listed in subparagraph (g)(1)(C) of this subdivision, the user shall submit a compliance plan to the Executive Officer. The user of MSERCs for applications listed under subparagraph (g)(1)(B) shall also submit a compliance plan to the Executive

Officer if the District regulation specifically authorizing the use of the MSERCs does not already require a compliance plan. The purpose of the compliance plan is to demonstrate compliance with rule requirements, and specify the use of the MSERCs.

- (4) The compliance plan required in paragraph (g)(3) above shall contain the following information:
 - (A) Total MSERCs in possession;
 - (B) Identification of the specific rule for which the alternative method of compliance is sought;
 - (C) The period of time for the alternative method of compliance;
 - (D) Number of MSERCs used to substantiate the alternative method of compliance;
 - (E) A quantification of emissions that would result from noncompliance with the rule identified in subparagraph (g)(4)(B), and documentation supporting the emission quantification; and
 - (F) A demonstration that the use of MSERCs shall result in full compliance with the specific rule requirements for which the alternative method of compliance is sought.
- (5) Supporting documentation (applicable for MSERC usage for Regulation XI rules) shall include:
 - (A) A listing of equipment or materials that are the source of noncompliant VOC, NO_x, or CO emissions associated with the rule identified in subparagraph (g)(4)(B).
 - (B) a description and operating conditions of equipment listed in subparagraph (g)(5)(A) or composition and rate of use of materials listed in subparagraph (g)(5)(A).
 - (C) emission rates associated with the use of equipment or materials listed in subparagraph (g)(5)(A).
 - (D) a listing of equipment or materials that would result in compliance with the rule identified in subparagraph (g)(4)(B).
 - (E) a description and operating conditions of equipment listed in subparagraph (g)(5)(D) or composition and rate of use of materials listed in subparagraph (g)(5)(D).
 - (F) emission rates associated with the use of equipment or materials listed in subparagraph (g)(5)(D).

- (6) The compliance plan shall be written on a form to be specified by the Executive Officer.
 - (7) The Executive Officer shall approve or disapprove the compliance plan. The plan shall be disapproved unless it demonstrates that an equivalent amount of emissions reductions are obtained through the alternative method of compliance.
 - (8) MSERCs may not be used as an alternative method of compliance with Regulation XI rules until the Executive Officer has approved the compliance plan.
 - (9) The compliance plan shall be valid only for the period for which MSERCs have been submitted.
- (h) **Recordkeeping Requirements**
Program Operators shall be required to maintain a copy of information submitted pursuant to paragraph (e)(3), and the original BAR90 vehicle inspection reports generated before and after high-emitting vehicle repair, for three years after corresponding MSERC application submittal.
- (i) **Compliance Auditing and Enforcement**
- (1) The program operator shall afford the Executive Officer access in the District to audit any files or records created to comply with recordkeeping requirements specified in subdivision (h); or the Executive Officer shall require persons receiving MSERCs under this rule to submit such records to the Executive Officer upon request.
 - (2) The program operator shall afford the Executive Officer access to inspect RSD measurement activities, as well as emission testing and vehicle repairs performed for compliance with Motor Vehicle Inspection Program requirements pursuant to subdivision (d).
 - (3) Violation of any provision of this rule, including falsification of information in the Rule 1605 Project Plan or MSERC Application, or the acceptance of vehicles for MSERC generation that have been tampered with prior to vehicle repair shall be grounds for the Executive Officer to disallow or void any MSERCs resulting from or associated with the violation, by disapproving or seeking revocation of the Rule 1605 MSERC Application, and shall be subject to the penalties specified in the Health and Safety Code for violation of District rules.

(j) Requirements for Public Notice

Following a completeness determination of the Rule 1605 MSERC Application for the use of MSERCs as NSR offsets only, as provided in subparagraph (g)(1)(D), the Executive Officer shall:

- (1) perform the evaluations required to determine compliance with this regulation and make a preliminary written decision, as appropriate, as to whether or not MSERCs, to be used as emission reduction credits (ERC), should be approved or disapproved. The decision shall be supported by a succinct written analysis; and
- (2) ~~post a public notice on the District public website~~~~publish a notice by prominent advertisement in at least one newspaper of general circulation in the District~~ stating the preliminary decision of the Executive Officer- and where the public may inspect the information. The notice shall provide 30 days from the date of ~~publication~~ public notice posting for the public to submit written comments on the preliminary decision; and
- (3) at the time ~~notice of~~ the preliminary decision is ~~published~~posted, make available for public inspection, upon request, at the District office the information submitted by the applicant, the supporting analysis for the preliminary decision, and the preliminary decision to grant or deny MSERCs and the reasons therefore. The confidentiality of trade secrets shall be considered in accordance with Section 6254.7 of the Government Code.

(k) Appeal of Disapproval of MSERC Issuance

An applicant may, within 30 days of receipt of notice of disapproval, request the hearing board to hold a hearing on whether the Rule 1605 MSERC Application was properly refused.

(l) Relationship to Intercredit Trading

- (1) MSERCs generated pursuant to this rule may be converted to other denominations, as authorized by other District rules and regulations.
- (2) MSERC credit life may be adjusted, as authorized by other District rules and regulations.

ATTACHMENT F12

(Adopted January 8, 1993)(Amended January 14, 1994)
(Amended February 11, 1994)(Amended October 13, 1995)
(Amended March 8, 1996)(Amended April 11, 1997)(Amended May 9, 1997)
(Amended July 10, 1998)(Amended January 8, 1999)(Amended February 12, 1999)
(Amended December 6, 2002)(Amended July 11, 2008)
(PAR 1605 – February 12, 2019)

PROPOSED AMENDED RULE 1610. OLD-VEHICLE SCRAPPING

(a) Purpose

The purpose of this rule is to reduce motor vehicle volatile organic compounds (VOC), nitrogen oxides (NO_x), carbon monoxide (CO), and particulate matter (PM) exhaust emissions by issuing mobile source emission reduction credits (MSERCs) in exchange for the scrapping of old, high emitting vehicles. Procurement of old vehicles could be accomplished by persons voluntarily giving up their vehicle for scrapping upon receiving an incentive payment. This rule provides a mechanism through which stationary source emissions and mobile source emissions can be brought into compliance with District regulations through mobile source emission reductions. Mobile source emission reduction credits (MSERCs) generated may only be applied towards compliance with designated rules with future compliance dates within District Regulation XI, Source Specific Standards; Regulation XXII, On-Road Motor Vehicle Mitigation; Regulation XIII, New Source Review; Regulation XX, Regional Clean Air Incentives Market (RECLAIM); or any other District regulations that allow the use of credits. MSERCs may not be applied towards compliance with federal requirements that do not authorize compliance through emissions trading including those promulgated by U.S. EPA as authorized under Title 42, U.S. Code Sections 7411, 7412(d), and those subsections of 7511(b) of the U.S. Code that do not authorize compliance through emissions trading. The value of these credits is based on old vehicles having, on average, at least three remaining years of useful life prior to scrapping as determined pursuant to paragraph (b)(17).

(b) Definitions

For purposes of this rule, the following definitions shall apply:

- (1) CARB VAVR REGULATIONS means the most recent version of the Voluntary Accelerated Vehicle Retirement Regulations codified by the California Air Resources Board (CARB) as Title 13, California Code of Regulations, Chapter 13, Article 1, Sections 2601-2610.
- (2) CARBON MONOXIDE (CO) means carbon monoxide, as emitted in vehicle exhaust.
- (3) DAY means any week or weekend day including all holidays.
- (4) DISMANTLE means to punch, crush, stamp, hammer, shred, or otherwise render permanently and irreversibly incapable of functioning as originally intended, any vehicle or vehicle part.
- (5) DISMANTLER means the person or business, defined and licensed according to the requirements of the California Vehicle code and the regulations of the Department of Motor Vehicles, who dismantles or otherwise removes from service through compliance with subdivision (e) those vehicles obtained as part of a vehicle Scrapping Program.
- (6) DRIVE TRAIN PARTS are all parts associated with the drive train such as engine, drive mechanism, transmission, differential, axles and brakes.
- (7) EMISSIONS-RELATED PART means any vehicle part, which affects any regulated emissions from a motor vehicle that is subject to California or federal emissions standards. This includes, but is not limited to, those parts specified in the "Emissions-Related Parts List," adopted by the California Air Resources Board on November 4, 1977, as last amended June 1, 1990.
- (8) INSPECTION SITE means a location where a vehicle to be scrapped is inspected for compliance with functional and eligibility requirements.
- (9) MOBILE SOURCE EMISSION REDUCTION CREDIT (MSERC) means credit for real, quantified emission reductions, approved by the Executive Officer, as authorized by this rule, and surplus to emission reductions required by CARB, District, and U.S. EPA regulations and the most recent District or U.S. EPA approved Air Quality Management Plan, whichever is more stringent.
- (10) NITROGEN OXIDES (NO_x) means nitrogen oxide and nitrogen dioxide, measured as nitrogen dioxide, emitted in vehicle exhaust.
- (11) OLD VEHICLE means a passenger car or a light-duty truck, which includes a pick-up truck, sports utility vehicle (SUV), van, or similar vehicle, not exceeding 8,500 pounds gross vehicular weight rating.

- (12) OLD-VEHICLE SCRAPPING PROGRAM means a voluntary program whereby cash payments or other incentives are offered to a vehicle owner to scrap their older, more polluting vehicle that is operational and still has a useful life.
 - (13) PARTICULATE MATTER (PM) means particulate matter as emitted in vehicle exhaust.
 - (14) SMOG CHECK means the motor vehicle inspection and maintenance program established by California Health and Safety Code §44000, et seq.
 - (15) SCAQMD CERTIFIED SCRAPPER (SCRAPPER) means the enterprise operator certified by the Executive Officer who conducts a vehicle scrapping program according to this rule, purchases vehicles, arranges for a vehicle's permanent removal from operation, and receives any MSERCs generated.
 - (16) SCRAPPING means the process by which a motor vehicle is permanently removed from service for the purpose of generating MSERCs.
 - (17) USEFUL LIFE means the physical condition of a vehicle proposed for retirement such that the vehicle passes the functional and equipment eligibility inspection, as defined in subdivision (g) of this regulation, and has passed the last scheduled Smog Check.
 - (18) VOLATILE ORGANIC COMPOUND (VOC) means any volatile compound of carbon, excluding: methane, carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, ammonium carbonate, and exempt compounds as defined in District Rule 102.
- (c) SCAQMD Scrapper (Scrapper) Certification Requirements
- (1) Scrapers shall have vehicles dismantled only by auto dismantlers that are licensed by the California Department of Motor Vehicles (DMV), and shall include the following in the scrapping plan:
 - (A) The name and address of the California Department of Motor Vehicles licensed auto dismantler (hereafter referred to as dismantler); and
 - (B) A written statement from the dismantler under penalty of perjury certifying compliance with:
 - (i) Local water conservation regulations;
 - (ii) State, county, and city energy and hazardous materials response regulations; and

- (iii) Local water agency soil, surface, and ground water contamination regulations.
- (2) Entities intending to be certified as a Scrapper shall submit a scrapping plan to the Executive Officer at least 90 days prior to planned initiation of Rule 1610 vehicle scrapping operations. An existing scrapping plan shall remain in effect until the Executive Officer approves or disapproves a revised scrapping plan. The scrapping plan shall be submitted on forms specified by the Executive Officer, and contain specific information including, but not limited to:
 - (A) Information demonstrating the ability to comply with all provisions of this rule relating to vehicle selection, inspection, storage, destruction, disposal, and recordkeeping requirements;
 - (B) Anticipated initiation date for scrapping program. (Entities certified as Scrappers prior to December 6, 2002 shall be exempt from this requirement.);
 - (C) Description of the procedure to permanently destroy vehicle components listed in paragraph (e)(1); and
 - (D) Other information required by the Executive Officer to ensure the enforceability of the provisions of this rule.
- (3) Certification as a Scrapper shall occur with written approval of the scrapping plan by the Executive Officer. Approval of the scrapping plan shall be based on information denoted in paragraph (c)(1) and paragraph (c)(2). The Executive Officer shall have 90 days to approve or disapprove the scrapping plan and shall disapprove the scrapping plan unless it complies with paragraph (c)(1) and paragraph (c)(2). The Executive Officer shall also disapprove the scrapping plan if the additional air pollutant emissions, caused by scrapping vehicles in connection with this rule, exceed District significance thresholds.
- (4) Scrapper shall be prohibited from modifying Rule 1610 vehicle scrapping operations in a manner that is inconsistent with any information provided in the most recently submitted scrapping plan, unless the Scrapper has provided a revised scrapping plan to the District and obtained written approval from the Executive Officer prior to implementing these modifications. The Executive Officer may revoke the scrapping plan if the Scrapper fails to comply with this requirement.

(d) Notice Requirements for Scrappers

- (1) Scrappers shall submit written notice to the Executive Officer at least 14 days prior to accepting vehicles for inspection, indicating date, location, and estimated number of vehicles to be inspected. The purpose of this notice is to notify the District of acceptance dates of the vehicles at the inspection site.
- (2) Scrapper shall make reservations to accept a minimum of 15 vehicles for inspection at a specific site on a single day unless a written waiver is obtained from the District to allow fewer reservations. This waiver may be issued if the Scrapper provides written documentation to the District indicating that fewer than 15 vehicles are required to complete an existing vehicle scrapping contract. At the District's request, the Scrapper shall provide the names of vehicle owners making reservations and corresponding vehicle license plate numbers at least one week prior to accepting the vehicles for inspection.
- (3) Scrapper shall allow a minimum period of 10 days between the day the Scrapper provides a description of a vehicle, as specified under subparagraph (d)(3)(A), to the District and the day a DMV Registration 42 form (Report of Vehicle to be Dismantled and Notice of Acquisition) is transmitted to the DMV for the vehicle. During this period, if any person contacts the Scrapper and indicates an interest in purchasing the vehicle, the Scrapper shall hold the vehicle for an additional 7 days. During this extended waiting period, the Scrapper shall provide an opportunity for the interested party to examine the vehicle and, if appropriate, negotiate the sale of the vehicle or the sale of any parts. Notwithstanding the foregoing, nothing in this section places the Scrapper under any obligation to hold the vehicle for an interested party beyond the waiting period or two or more missed appointments to examine any vehicle, or to sell the vehicle or any of its parts if a mutually acceptable price cannot be negotiated.
 - (A) The Scrapper shall submit to the District a description of the vehicle including, at a minimum, the vehicle make, model year, and first eight characters of the VIN. The District will, in turn, make this information available to an appropriate segment of the public. The intent is to allow interested third parties, including car collector enthusiasts and those interested in affordable transportation, an opportunity to examine the vehicle and to negotiate with the

Scrapper the purchase of the vehicle or any of its parts pursuant to subdivision (e).

- (B) Entire vehicles and/or parts may be sold prior to entry into the program; however, no MSERCs shall be granted for any vehicle resold to the public in this manner except as authorized pursuant to subdivision (e).

(e) **Parts Recycling and Resale**

- (1) Parts recycling shall be at the sole discretion of the Scrapper subject to the limitations included herein. If the Scrapper recovers parts from a vehicle retired for the purpose of generating MSERCs, then parts recycling and resale is limited to non-emission-related and non-drive train parts. Emission-related and drive-train parts as identified in Appendix A to this regulation shall be permanently destroyed in order to qualify for MSERC generation.

- (A) After the 10 day waiting period (and additional 7 days if an appointment for inspection is made) and prior to offering non-emission and non-drive train parts for resale; the engine, emission-related parts, transmission, and drive-train parts must be removed from a vehicle used for MSERCs and destroyed by the Scrapper, or the Scrapper's duly contracted dismantler.

- (B) For the purpose of this rule, permanent destruction is the infliction of physical damage to the vehicle components to the extent that the damaged components are not rebuildable or reusable except to provide raw material (e.g., scrap metal) for recycling.

- (C) The Scrapper may elect to resell parts, provided a Quality Control Checklist such as Appendix C to Article 1 of the CARB VAVR Regulations or an equivalent checklist approved by the Executive Office containing a list of emission-related and drive train parts shall be used for recording the status of parts.

- (i) After all emission-related and drive train parts are removed and destroyed, the Scrapper or quality control inspector shall perform an inspection of the non-emission related and non-drive train parts as well as the vehicle body.

- (ii) Upon verification that no emission-related or drive train parts have been exchanged with the non-emission-related,

- and non-drive train parts, the Scrapper or quality control inspector shall sign the checklist.
- (iii) After the Scrapper or quality control inspector signs the checklist, the Scrapper may place the remaining non-emission parts, non-drive train parts and vehicle body in yard to be available for sale to the public.
- (2) The Scrapper shall dismantle the entire vehicle within 90 days of acquisition provided the Scrapper does not recover parts from the vehicle.
 - (A) No parts shall be removed, for sale or reuse, from any dismantled retired vehicle for the purpose of generating MSERCs. The only allowable use for any dismantled retired vehicle is as a source of scrap metal and other scrap material.
 - (B) A Scrapper may separate ferrous and non-ferrous metals from a dismantled retired vehicle to sell as scrap metal only.
 - (C) A Scrapper may sell tires and batteries from a dismantled retired vehicle to an intermediary tire/battery recycler only.
 - (i) All facilities generating or receiving waste tires shall use the services of tire hauler/recycler.
 - (ii) Battery recyclers shall be registered and licensed to handle batteries.
 - (3) No MSERCs or other compensation with public funds shall be granted for any vehicle from which emissions-related or drive train parts have been sold or reused.
 - (4) All activities associated with scrapping vehicles, including but not limited to the disposal of vehicle fluids and vehicle components, shall comply with:
 - (A) Local water conservation regulations;
 - (B) State, county, and city energy and hazardous materials response regulations; and
 - (C) Local water agency soil, surface, and ground water contamination regulations.
 - (5) Vehicles shall be stored in a separate holding area as described in paragraph (m)(1) until emission and drive train related parts listed in Appendix A have been removed for the purpose of permanent destruction.
 - (6) The scrapper may recover parts from a vehicle which is intended for resale provided the scrapper recovers and permanently destroys the emission and

drive train related parts listed in Appendix A no later than 90 days subsequent to possession of the vehicle by the Scrapper or Dismantler.

(f) **Vehicle Eligibility**

Scrapper shall ensure that old vehicles meet all of the following requirements to qualify for the generation of MSERCs:

- (1) The vehicle shall be voluntarily sold to the Scrapper for a price mutually agreed between the vehicle seller and the Scrapper.
- (2) The vehicle shall be currently registered with the DMV as an operable vehicle and shall have been so registered for at least 24 months (730 days), prior to the final sale to the Scrapper, to an address or addresses within the District.
 - (A) Smog Checks must have been performed as required by the DMV in order for the vehicle to be considered registered.
 - (B) Vehicles may also be eligible if the vehicle was placed in planned non-operational status per Vehicle Code Section 4604, et seq., for less than 60 days during the continuous 24 months registration period, provided that the vehicle is registered in full operational status and all appropriate registration fees and late penalties have been paid to the DMV, for at least 90 days immediately prior to its date of sale to the Scrapper
 - (C) Vehicles may also be eligible if the registration has lapsed for less than 181 days during the continuous 24 months, pursuant to Health and Safety Code §44094, and all appropriate registration fees and late penalties have been paid to the DMV, provided that the vehicle is registered for at least 90 days immediately prior to its date of sale to the Scrapper.
 - (D) Scrapper shall determine an individual vehicle's registration history, which shall be based on:
 - (i) Registration data for that vehicle obtained from DMV records.
 - (ii) Copies of Vehicle registration certificates may be used if clause (f)(2)(D)(i) provides inconclusive results for an individual vehicle.
 - (E) Vehicles shall not be operating under a Smog Check repair cost waiver or economic hardship extension.

- (F) A vehicle volunteered for retirement is within 60 days of its next required Smog Check inspection, shall pass the Smog Check inspection without receiving a repair cost waiver or economic hardship extension prior to acceptance by a Scrapper.
 - (G) Owners of vehicles requiring a Smog Check inspection pursuant to paragraph (f)(2)(F) shall be required to submit documentation issued by a Bureau of Automotive Repair (BAR) licensed Smog Check technician demonstrating compliance with paragraph (f)(2)(F) to the person performing the functional and equipment eligibility inspection.
 - (H) Vehicles volunteered for scrapping within the timeframe of 61 to 90 days prior to their next required Smog Check inspection, that have failed the Smog Check inspection in this timeframe, shall not be accepted by the Scrapper unless it passes the Smog Check inspection prior to being transferred to the Scrapper. The Scrapper shall verify compliance with this requirement based upon the data made available by the California Bureau of Automotive Repair to the Scrapper at least 7 days prior to the date the vehicle is sold to the Scrapper.
 - (i) With each application for the issuance of MSERCs pursuant to subdivision (k), the Scrapper shall include a list of all vehicles accepted for scrapping that are within 61 to 90 days of their next required Smog Check inspection for the purpose of compliance with paragraph (f)(2)(H). The scrapper shall provide information for each vehicle including, but not limited to, vehicle identification number (VIN); vehicle license plate number; and vehicle make, model and model year.
 - (I) Vehicles that are tampered with, pursuant to Section 3340.41.5 of Title 16, Division 33, Article 5.5 of the California Code of Regulations, shall not be eligible for acceptance into a scrapping program.
- (g) **Vehicle Inspection**
- In order to be eligible for MSERCs, each vehicle shall pass a functional and equipment eligibility inspection performed by the Scrapper, which is conducted at

the inspection site prior to delivery to the dismantler. Scrapper shall verify compliance with vehicle inspection requirements specified in this subdivision. Prior to conducting this inspection, the Scrapper shall verify that the person(s) delivering the vehicle to inspection site are the legal owner(s), or an authorized representative of the legal owner(s) properly empowered to perform the transaction, and that the vehicle does not have any liens. The following elements shall be included in the inspection:

- (1) Vehicle must have been driven under its own power to the inspection site. If the Scrapper and/or District personnel has knowledge prior to the inspection of a vehicle that the vehicle was towed or pushed for any portion of the trip to the inspection site, then the Scrapper shall not accept the vehicle.
- (2) Scrapper shall inspect the vehicle to ensure it meets the following equipment eligibility requirements and shall reject the vehicle for MSERC generation if the vehicle fails any of these requirements:
 - (A) All doors shall be present and in place.
 - (B) The hood shall be present and in place.
 - (C) The dashboard shall be in place.
 - (D) The windshield shall be present and in place.
 - (E) The driver's seat shall be present and in place.
 - (F) Interior pedals (flat surface attached to a lever(s) controlling the brake, clutch, and accelerator) shall be operational.
 - (G) One bumper and all side and/or quarter panels shall be present and in place.
 - (H) Vehicle drivability shall not be affected by any body, steering or suspension damage.
 - (I) Exhaust system shall be present and in place.
 - (J) One headlight, one taillight and one brake light shall be present and in place.
 - (K) One side window glass shall be present and in place.
 - (L) The vehicle shall comply with Smog Check requirements pursuant to paragraph (f)(2).
- (3) Scrapper or other person(s) designated by the Scrapper shall complete the following functional inspection requirements, and shall reject the vehicle for MSERC generation if the vehicle fails any of these requirements. Prior to implementing the functional inspection:

- (A) Turn vehicle engine off;
 - (B) Insert key, vehicle engine shall start using keyed ignition system. In addition to the keyed ignition switch, ignition or fuel kill switches may be activated if required to start engine. The vehicle must start readily through ordinary means without the use of starting fluids or external booster batteries;
 - (C) Drive the vehicle forward for a minimum of 25 feet under its own power; and
 - (D) Drive the vehicle in reverse for a minimum of 25 feet under its own power.
- (4) Scrappers shall inspect all vehicles to ensure that the functional and equipment eligibility requirements pursuant to paragraphs (g)(1) through (g)(3) are met. Scrappers shall complete and retain a certificate of functional and equipment eligibility provided in Appendix A of the CARB VAVR Regulations or an equivalent inspection checklist approved by the Executive Officer.
- (5) Vehicles failing the requirements pursuant to paragraph (g)(2) may be repaired to correct all deficiencies identified and subsequently retested by the inspector for compliance with these requirements and issued a certificate of equipment eligibility at any time.
- (6) Vehicles failing the requirements pursuant to paragraphs (g)(1) and (g)(3) may be re-tested by the inspector for compliance with these requirements and issued a Certificate of Functional Eligibility provided:
- (A) Inoperable vehicle odometers are fixed prior to conducting this test;
 - (B) Vehicles have traveled a minimum of 50 miles subsequent to the failure determination; and
 - (C) Vehicles pass the functional eligibility inspection.
- (h) Mobile Source Emission Reduction Credits (MSERCs) Per Scrapped Vehicle
- (1) Scrappers may generate MSERCs that can be sold on the open market.
 - (2) Scrappers may not make MSERCs available for purchase until they are approved and issued by the District.
 - (3) MSERCs shall not be issued unless a Scrapper demonstrates compliance with all applicable provisions in this rule.
 - (4) MSERCs will be issued based on data supplied by each Scrapper pursuant to subdivision (j).

- (5) MSERCs shall not be issued for any vehicle retired within sixty-one to ninety (61-90) days of its next required Smog Check inspection until the scrapper has verified that the vehicle did not fail its Smog Check inspection during that timeframe pursuant to subparagraph (f)(2)(H). MSERCs shall not be issued for any vehicle failing its Smog Check inspection during the sixty-one to ninety (61-90) day timeframe.
 - (6) MSERCs have a default lifetime of three years, provided:
 - (A) The maximum credit amount shall be no greater than the calculated emission reduction on which the credit is based;
 - (B) A discount factor may be applied to credits calculated under these regulations, consistent with applicable District and Board credit rules and programs; and
 - (C) Credit usage shall be in accordance with all federal, state, and local laws and regulations in effect at time of usage.
 - (7) MSERCs generated from vehicle scrapping activities shall be valid for five years from the date of application approval pursuant to subdivision (l), with the limitation that no more than one-third of the MSERCs may be consumed within one year from the date of approval and not more than two-thirds of the MSERCs may be consumed within two years from the date of approval.
 - (8) MSERCs shall be generated by the retirement of any vehicle for reductions of VOC, NO_x, CO and PM where the magnitude of the credit for each pollutant shall be determined by the methodology described in Appendix D of CARBs VAVR Regulation, "Calculation of Default Emission Reduction Credit".
- (i) Use of MSERCs
- (1) MSERCs may only be used for the following applications:
 - (A) As an alternative method of compliance with District rules that allow the use of MSERCs generated pursuant to this rule and such use has been approved by CARB and USEPA. MSERCs shall not be used to offset emission increases caused by the removal of emission control equipment or replacement of compliant with noncompliant materials subject to Regulation XI.
 - (B) As an alternative method of compliance with District Regulation XXII rules that allow the use of MSERCs.
 - (C) For voluntary retirement of MSERCs for air quality benefits.

- (2) The discount factor shall be equal to 1.2 except that credits used as an alternative method of compliance with Regulation XXII shall be quantified using a discount factor equal to 1.0.
- (3) An entity using MSERCs in accordance to subparagraph (i)(1)(A) shall demonstrate to the Executive Officer that emissions at the entity's facility are not subject to Risk Reduction Requirements pursuant to Rule 1402, or use of MSERCs will not result in adverse change in attainment of risk reduction requirements under Rule 1402.
 - (A) In order to use MSERCs in lieu of compliance with an emission limitation in a Regulation XI rule, as authorized in subparagraph (i)(1)(A), an entity must establish that:
 - (i) Use of MSERCs does not result in NO_x emissions greater than or equal to 200 pounds per day, from those portable internal combustion engines where MSERCs will be used, where portable internal combustion engines are defined pursuant to Rule 1110.2.
 - (ii) NO_x emissions from those portable internal combustion engines where MSERCs will be used, will not cause an exceedance of the state nitrogen dioxide ambient air quality standard.
 - (B) In order to use MSERCs in lieu of compliance with an emission limitation in a Regulation XI rule as authorized in subparagraph (i)(1)(A), an entity must demonstrate that:
 - (i) Use of MSERCs will not result in an increase or forgone reduction in carcinogenic health risk greater than 1×10^{-5} or Hazard Index greater than 1 for all substances listed in Rule 1402; the assessment of health risk shall be conducted in accordance with guidance used in implementing Rules 1401 - New Source Review of Carcinogenic Air Contaminants and 1402 - Control of Toxic Air Contaminants from Existing Sources;
 - (ii) Use of MSERCs will not result in a Significant Risk Level, in accordance with Rule 1402, when the increased carcinogenic health risk or Hazard Index as determined pursuant to Rule 1402 are added to the total facility risk for

those facilities that were required to prepare a health risk assessment pursuant to the criteria in Rule 1402; and

- (iii) Use of MSERCs will not cause a significant increase in an air quality concentration as determined using the methodology as set forth in Rule 1303, Table A-2 of Appendix A.
 - (5) MSERCs may only be transferred as permitted by Regulations XX or XXII, except Scrappers that are not subject to either District Regulation XI or Rule 1301(b)(2) may also transfer MSERCs to other entities that were Scrappers as of the date the MSERCs were generated.
 - (6) MSERCs shall only be consumed within the jurisdictional boundaries of the SCAQMD.
- (j) Recordkeeping and Auditing Requirements
- (1) Scrappers shall maintain a copy of the scrapping plan described in subdivision (c) and the notices given pursuant to subdivision (d) for five years following termination of vehicle scrapping.
 - (2) The following information shall also be collected and maintained in written records by the Scrapper for five years following termination of vehicle scrapping, and be made available to District personnel upon request:
 - (A) Starting and ending dates of the old-vehicle scrapping program;
 - (B) Number of vehicles scrapped;
 - (C) Dates vehicles were inspected;
 - (D) Dates vehicles were scrapped;
 - (E) Complete name, address, and telephone number of the person conducting the old-vehicle scrapping program;
 - (F) Complete name, address, and telephone number of the dismantler and any program subcontractors;
 - (G) A detailed description of project organizational structure and logistical arrangements, including location(s) of collection and disposal facilities, and scrapping procedure including disposal procedures for all vehicle components and fluids; and
 - (H) Smog Check documentation pursuant to paragraphs (f)(2)(E) through (f)(2)(H).
 - (3) Scrappers shall be responsible for storing and maintaining computer accessible data records of scrapped vehicles.

- (4) The computer hardware, software, and communications protocol, to be used for storing and maintaining computer accessible data records, shall be specified by the Executive Officer for compatibility with existing District computer related equipment.
- (5) Data records for each vehicle dismantled and used to generate MSERCs shall include the following:
 - (A) Vehicle make;
 - (B) Vehicle model;
 - (C) Vehicle model-year;
 - (D) Vehicle license plate number;
 - (E) Vehicle identification number (VIN);
 - (F) Vehicle odometer reading;
 - (G) Name, address, and telephone number of legal owner selling vehicle to the Scrapper;
 - (H) Name, address, and telephone number of registered owner if different from subparagraph (j)(5)(G);
 - (I) Date of purchase of vehicle by the Scrapper;
 - (J) Date of vehicle retirement;
 - (H) Date of inspection;
 - (I) Date of scrapping;
 - (J) VOC, NO_x, CO, and PM MSERC;
 - (K) Name of person(s) conducting vehicle inspection, as required by subdivision (g), with employer's name, address, and telephone number;
 - (L) Reproductions of California Certificate of Title and registration, as signed-off by the seller at time of final sale to the Scrapper;
 - (M) Reproduction of the applicable certificate of functional and equipment eligibility;
 - (N) Reproduction of the applicable Notice to Dismantler (report of vehicle to be dismantled and notice of acquisition,) (California Department of Motor Vehicles Registration 42 form);
 - (O) Reproduction of written documentation from the DMV verifying that a vehicle meets the requirements of subdivision (f);
 - (P) If applicable, reproduction of documentation issued pursuant to subparagraph (f)(2)(G); and
 - (Q) Any other pertinent data requested by the Executive Officer.

- (6) Data records shall be made accessible to the Executive Officer for a minimum of five years subsequent to the issuance of MSERCs for each scrapped vehicle.
- (8) Scrapper shall maintain copies of the information listed in subparagraph (k)(5)(A) through (k)(5)(K) for a period of five years, and shall make them available to the District upon request.
- (9) Announced and unannounced audits and on-site inspections of Vehicle Scrapping Programs may be conducted to ensure that the programs are being operated according to all applicable rules and regulations.
 - (A) Scrapers and their subcontractors shall allow the district to conduct announced and unannounced audits and inspections and shall cooperate fully.
- (k) Issuance of MSERCs
 - (1) Scrapers shall submit an application to the Executive Officer at least once every six months following certification as a Scrapper. The purpose of the application is to document the number of vehicles scrapped and MSERCs earned during the six month period, and demonstrate compliance with rule requirements. If no vehicles are scrapped for a period of two consecutive years, the scrapping plan shall be deemed expired. A new scrapping plan shall be submitted after this two year period to reinitiate vehicle scrapping operation pursuant to Rule 1610.
 - (2) The application shall contain the following information for each six month period:
 - (A) Data records pursuant to paragraph (k)(5), in an electronic format for the vehicles scrapped; and
 - (B) Total MSERCs claimed for scrap program period.
 - (3) MSERCs shall be issued after the Executive Officer has approved the application pursuant to paragraph (l)(1). In addition, for those vehicles procured on or after February 1, 2003, the Executive Officer shall not issue MSERCs unless emission-related and drive train parts listed in paragraph (e)(1) have been permanently destroyed. The application shall be disapproved unless it demonstrates the Scrapper has complied with all applicable provisions in this regulation, as determined by the Executive Officer.

- (4) For the purposes of assessing fees, the application shall be deemed a plan, and the fees shall be assessed in accordance with the provisions of Rule 306.
 - (5) The application, including data records specified in subdivision (k), shall be stored by the Executive Officer for a minimum of five years.
- (1) **Compliance Plan**
- (1) In order to use MSERCs for the application listed in subparagraph (i)(1)(A), the user shall submit a Rule 1610 compliance plan to the Executive Officer. The purpose of the compliance plan is to demonstrate compliance with rule requirements, and specify the use of the MSERCs.
 - (2) The compliance plan shall contain the following information:
 - (A) Total MSERCs (attach certificates);
 - (B) Identification of the specific rule for which the alternative method of compliance is sought;
 - (C) Period of time for the alternative method of compliance;
 - (D) Number of MSERCs used to substantiate the alternative method of compliance;
 - (E) Quantification of emissions that would result from noncompliance with the rule identified in subparagraph (1)(2)(B), and documentation supporting the emissions quantification.
 - (i) This quantification shall be performed using District Governing Board approved quantification methodologies.
 - (ii) The Executive Officer shall submit this rule and associated quantification methodologies to U.S. EPA for inclusion into the State Implementation Plan.
 - (3) Supporting documentation (applicable for MSERC usage for Regulation XI rules) shall include, but is not limited to:
 - (A) A listing of equipment and/or materials that are the source of noncompliant VOC, NO_x, CO, or PM emissions associated with the rule identified in subparagraph (1)(2)(B).
 - (B) A description and operating conditions of equipment listed in subparagraph (1)(3)(A) and/or composition and rate of use of materials listed in subparagraph (m)(3)(A).
 - (C) Emission rates associated with the use of equipment and/or materials listed in subparagraph (1)(3)(A).

- (D) A listing of equipment and/or materials that would result in compliance with the rule identified in subparagraph (1)(2)(B).
 - (E) A description and operating conditions of equipment listed in subparagraph (1)(3)(D) and/or composition and rate of use of materials listed in subparagraph (1)(3)(D).
 - (F) Emission rates associated with the use of equipment and/or materials listed in subparagraph (1)(3)(D).
- (4) The compliance plan shall be written on a form to be specified by the Executive Officer.
 - (5) The Executive Officer shall approve or disapprove the compliance plan. The plan shall be disapproved unless it demonstrates that an equivalent amount of emissions reductions are obtained through the alternative method of compliance.
 - (6) MSERCs may not be used as an alternative method of compliance with Regulation XI rules until the Executive Officer has approved the compliance plan.
 - (7) The user must renew the compliance plan prior to the expiration of the MSERCs upon which the plan is based.
 - (8) The compliance plan, including supporting documentation, shall be stored by the Executive Officer for a minimum of five years.
- (m) Compliance Auditing and Enforcement
- (1) Vehicles accepted for scrapping, in the absence of District enforcement personnel, shall be held at the auto dismantling site where the vehicle is volunteered for scrapping for a holding period of three calendar days subsequent to the day in which the vehicle is accepted by the Scrapper from the vehicle owner. The vehicle shall be made available to District enforcement personnel to determine compliance with requirements specified for functional and equipment eligibility inspection of vehicle components and shall be held in a holding area dedicated for the storage of these vehicles. District enforcement personnel shall be allowed to conduct any test required by Rule 1610 or direct the Scrapper (or a person designated by the Scrapper) to conduct these tests.
 - (2) The Executive Officer may audit any files and/or records created to comply with recordkeeping requirements.

- (3) The Executive Officer shall reserve the right to inspect facilities, including dismantlers, for compliance with the requirements specified in this rule. District inspectors shall be afforded immediate access to inspection/dismantling facilities on request.
- (4) Violation of any provision of this rule or the contents of any scrapping plan shall be grounds for the Executive Officer to disallow or void any MSERCs resulting from or associated with the violation, by disapproving or seeking revocation of the compliance plan (as appropriate), and shall constitute a citable violation and shall be subject to the penalties specified in the Health and Safety Code for violation of District rules. In addition, rejection of vehicles by District enforcement personnel due to noncompliance with Rule 1610 during the three day holding period at the auto dismantling facility shall result in non-issuance of MSERCs for the failing vehicle and may result in the issuance of a Notice of Violation(s). The scrapping plan shall be revoked if the Scrapper demonstrates a recurrent pattern of accepting disqualified vehicles while implementing a Rule 1610 scrapping program.

(n) Requirements for Public Notice

Following a completeness determination of the scrapping plan for the use of MSERCs as NSR offsets only, the Executive Officer shall:

- (1) Perform the evaluations required to determine compliance with this regulation and make a preliminary written decision, as appropriate, as to whether or not MSERCs, to be used as emission reduction credits (ERCs), should be approved or disapproved. The decision shall be supported by a succinct written analysis; and
- (2) Post a public notice on the District public website ~~Publish a notice by prominent advertisement in at least one newspaper of general circulation in the District~~ stating the preliminary decision of the Executive Officer or designee and where the public may inspect the information. The notice shall provide 30 days from the date of ~~publication~~ public notice posting for the public to submit written comments on the preliminary decision; and
- (3) Make available for public inspection, upon request, at the District office, at the time ~~notice of~~ the preliminary decision is ~~published~~ publicly noticed posted, the information submitted by the applicant, the supporting analysis for the preliminary decision, and the preliminary decision to grant or deny MSERCs and the reasons therefore. The confidentiality of trade secrets

shall be maintained in accordance with Section 6254.7 of the Government Code.

(o) Appeal of Disapproval of MSERC Issuance

An applicant may, within 30 days of receipt of notice of disapproval, request the Hearing Board to hold a hearing on whether the scrapping application was properly evaluated.

(p) Advertising

(1) Any advertising conducted by the Scrapper for the purpose of recruiting vehicle owners to sell their vehicles into the scrapping program shall not contain any language stating that the scrapping is anything but voluntary for the consumer or that the scrapping is affiliated with or is operated by the State of California or the District.

(A) Any contracts or agreements between a vehicle seller and a Scrapper relating to the sale of a vehicle to a Scrapper shall not contain any language stating that the scrapping is anything but voluntary for the consumer or that the old vehicle scrapping program is affiliated with or is operated by the State of California or the District.

(2) Any Scrapper requesting the DMV to send notices to vehicle owners as prospective scrapping participants pursuant to Health and Safety Code §44103, shall meet the following requirements:

(A) Prominently display the disclaimer statement as follows: “This voluntary old vehicle scrapping program is conducted by a private operator under the auspices of the State of California and the District. It is not operated by the State of California or the District. State or the District funds are not used for the purchase of vehicles. Emission reduction credits may be purchased by the State or the District for air quality improvements. Your participation is entirely voluntary.”

(B) Provide the DMV with adequate criteria for selecting those registered vehicle owners who own the desired target vehicles-which may consist of vehicle makes, models, model years, geographical locales, or any other criteria deemed acceptable or necessary by the DMV.

APPENDIX A

EMISSION-DRIVE TRAIN RELATED PARTS LIST

(The following list of components are examples of emission related parts as will be defined in Section 1900 (b) (3), Chapter 3, Title 13, California Code of Regulations)

I. CARBURETION AND AIR INDUCTION SYSTEM

A. Air Induction System:

1. Temperature sensor elements
2. Vacuum motor for air control
3. Hot air duct & stove
4. Air filter housing & element
5. Turbocharger or supercharger
6. Intercooler

B. Emission Calibrated Carburetors:

1. Metering jets
2. Metering rods
3. Needle and seat
4. Power valve
5. Float circuit
6. Vacuum break
7. Choke mechanism
8. Throttle-control solenoid
9. Deceleration valve
10. Dashpot
11. Idle stop solenoid, anti-dieseling assembly
12. Accelerating pump
13. Altitude compensator

C. Mechanical Fuel Injection:

1. Pressure regulator
2. Fuel injection pump
3. Fuel injector
4. Throttle-position compensator
5. Engine speed compensator
6. Engine temperature compensator
7. Altitude cut-off valve
8. Deceleration cut-off valve
9. Cold-start valve

D. Continuous Fuel Injection:

1. Fuel pump
2. Pressure accumulator
3. Fuel filter
4. Fuel distributor
5. Fuel injections
6. Air-flow sensor
7. Throttle-position compensator
8. Warm-running compensator
9. Pneumatic overrun compensator
10. Cold-start valve

E. Electronic Fuel Injection:

1. Pressure regulator
2. Fuel distribution manifold
3. Fuel injectors
4. Electronic control unit
5. Engine speed sensor
6. Engine temperature sensor
7. Throttle-position sensor
8. Altitude/manifold-pressure sensor
9. Cold-start valve

F. Air Fuel Ratio Control:

1. Frequency valve
2. Oxygen sensor
3. Electronic control unit

G. Intake Manifold

II. IGNITION SYSTEM

A. Distributor

1. Cam
2. Points
3. Rotor
4. Condenser
5. Distributor cap
6. Breaker plate
7. Electronic components (breakerless or electronic system)

- B. Spark Advance/Retard System:
 - 1. Centrifugal advance mechanism:
 - a. Weights
 - b. Springs
 - 2. Vacuum advance unit
 - 3. Transmission controlled spark system:
 - a. Vacuum solenoid
 - b. Transmission switch
 - c. Temperature switches
 - d. Time delay
 - e. CEC valve
 - f. Reversing relay
 - 4. Electronic spark control system:
 - a. Computer circuitry
 - b. Speed sensor
 - c. Temperature switches
 - d. Vacuum switching valve
 - 5. Orifice spark advance control system:
 - a. Vacuum bypass valve
 - b. OSAC (orifice spark advance control) valve
 - c. Temperature control switch
 - d. Distributor vacuum control valve
 - 6. Speed controlled spark system:
 - a. Vacuum solenoid
 - b. Speed sensor and control switch
 - c. Thermal vacuum switch
- C. Spark Plugs
- D. Ignition Coil
- E. Ignition Wires

III. MECHANICAL COMPONENTS

A. Valve Trains:

1. Intake valves
2. Exhaust valves
3. Valve guides
4. Valve springs
5. Valve seats
6. Camshaft

B. Combustion Chamber:

1. Cylinder head or rotor housing¹
2. Piston or rotor¹

IV. EVAPORATIVE CONTROL SYSTEM

A. Vapor Storage Canister and Filter

B. Vapor Liquid Separator

C. Filler Cap

D. Fuel Tank

E. Canister Purge Valve

V. POSITIVE CRANKCASE VENTILATION SYSTEM

A. PCV Valve

B. Oil Filler Cap

C. Manifold PCV Connection Assembly

VII. EXHAUST GAS RECIRCULATION SYSTEM

A. EGR Valve:

1. Valve body and carburetor spacer
2. Internal passages and exhaust gas orifice

¹ Rotary (Wankel) engines only

- B. Driving Mode Sensors:
 - 1. Speed sensor
 - 2. Solenoid vacuum valve
 - 3. Electronic amplifier
 - 4. Temperature-controlled vacuum valve
 - 5. Vacuum reducing valve
 - 6. EGR coolant override valve
 - 7. Backpressure transducer
 - 8. Vacuum amplifier
 - 9. Delay valves

VIII. AIR INJECTION SYSTEM

- A. Air Supply Assembly:
 - 1. Pump
 - 2. Pressure relief valve
 - 3. Pressure-setting plug
 - 4. Pulsed air system
- B. Distribution Assembly:
 - 1. Diverter, relief, bypass, or gulp valve
 - 2. Check or anti-backfire valve
 - 3. Deceleration control part
 - 4. Flow control valve
 - 5. Distribution manifold
 - 6. Air switching valve
- C. Temperature sensor

IX. CATALYST, THERMAL REACTOR, AND EXHAUST SYSTEM

- A. Catalytic Converter:
 - 1. Constricted fuel filler neck
 - 2. Catalyst beads (pellet-type converter)
 - 3. Ceramic support and monolith coating (monolith-type converter)
 - 4. Converter body and internal supports
 - 5. Exhaust manifold

B. Thermal Reactor:

1. Reactor casing and lining
2. Exhaust manifold and exhaust port liner

C. Exhaust System:

1. Manifold
2. Exhaust port liners
3. Double walled portion of exhaust system
4. Heat riser valve and control assembly

X. MISCELLANEOUS ITEMS USED IN ABOVE SYSTEMS

1. Hoses, clamps, and pipers
2. Pulleys, belts, and idlers

XI. COMPUTER CONTROLS

1. Electronic Control Unit (ECU)
2. Computer-coded engine operating parameter (including computer chips)
3. All sensors and actuators associated with the ECU

XII. DRIVE TRAIN PARTS (ADDED TO EMISSION-RELATED PARTS LIST)

1. Engine
2. Drive mechanism
3. Transmission
4. Differential
5. Axles
6. Brakes

ATTACHMENT F13

(Adopted September 8, 1995)(Amended July 10, 1998)
(PAR 1612 – February 12, 2019)

PROPOSED AMENDED RULE 1612. CREDITS FOR CLEAN ON-ROAD VEHICLES

(a) Purpose

The purpose of this rule is to provide opportunities to generate NO_x, VOC, CO, PM, and SO_x mobile source emission reduction credits (MSERC) that could be used as an alternative means of compliance with District regulations. These credits would be generated based on voluntary emission reductions created by the operation of low- or zero-emission on-road vehicles within the boundaries of the District that result in emission reductions beyond those required by local, state and federal regulations.

(b) Applicability

This voluntary rule becomes effective January 1, 1996 and applies to passenger cars, light-duty trucks, medium-duty vehicles, and heavy-duty vehicles which are registered and operated in the District, and optional emission standards have been specified in ARB's Mobile Source Credit Guidelines. References to ARB's Mobile Source Credit Guidelines or Title 13, California Code of Regulations correspond to the versions of the applicable guidelines/regulations which are in effect at the time of initial application for MSERCs.

(c) Definitions

For the purpose of this rule, the following definitions shall apply:

- (1) **BASELINE EMISSION STANDARDS** mean the applicable ceiling emission standards, baseline vehicle emissions, or certification emission standard of the original vehicle (if retrofitted) for light-, medium-, or heavy-duty vehicles or engines pursuant to ARB's Mobile Source Credit Guidelines.
- (2) **CERTIFIED CONVERSION KIT** means any alternative fuel or add-on hardware conversion (retrofit) kit which has been certified by the ARB to meet the heavy-duty vehicle optional emission standards specified in Title 13, California Code of Regulations. For light- and medium-duty vehicles,

certified conversion kit means any alternative fuel or add-on hardware conversion (retrofit) kit which has been certified by the ARB to meet one of the low-emission vehicle standards as specified in Title 13, California Code of Regulations.

- (3) CLEAN FUEL means any fuel for which the vehicle or engine was certified to an optional emission standard.
- (4) CLOSED FUELING SYSTEM means an onboard vehicular emission control system that completely eliminates evaporative emissions under any and all possible operational modes and conditions.
- (5) CONVERSION FACTOR means the multiplicative factor used to convert grams per brake horsepower-hour (g/bhp-hr) into grams per mile (g/mi).
- (6) DUAL-FUEL VEHICLE means a vehicle that is engineered and designed to be capable of operating on gasoline or diesel and on compressed natural gas or liquefied petroleum gas, with separate fuel tanks for each fuel onboard the vehicle.
- (7) ENGINE LIFE means the period of use (in miles) to which a given engine must comply with its certification emission standards, pursuant to ARB regulations specified in Title 13, California Code of Regulations. For new heavy-duty engines, the engine life shall be equal to the engine's useful life, pursuant to Title 13 California Code of Regulations. For retrofitted heavy-duty engines, the engine life shall be equal to miles remaining until the engine is next expected to be overhauled, or the expiration of the engine's original useful life, whichever occurs first.
- (8) EVAPORATIVE EMISSIONS means VOCs emitted into the atmosphere from a vehicle, other than exhaust and crankcase emissions.
- (9) EXTENDED ENGINE LIFE means the period of use (in miles) after a major engine overhaul during which a given engine must comply with its certification emission standards as specified by the vehicle operator. The extended engine life shall be not be greater than the engine's original useful life, pursuant to Title 13 California Code of Regulations.
- (10) FUEL-FLEXIBLE VEHICLE means any methanol-fueled or ethanol-fueled vehicle that is engineered and designed to be operated using any gasoline-methanol or gasoline-ethanol fuel mixture or blend.
- (11) LOW-EMISSION VEHICLE means a light- or medium- duty vehicle that is certified by the ARB to one of the low- emission standards as specified in Title 13, California Code of Regulations, or a heavy-duty vehicle that is

equipped with an engine certified by ARB to one of the optional emission standards as specified in Title 13, California Code of Regulations.

- (12) MAJOR ENGINE OVERHAUL means a complete rebuilding of a low-emission vehicle engine such that the engine is returned to a condition that is equivalent in operation, durability, and emissions performance to the originally certified engine, by cleaning, adjustment, repair, and major component replacement of the engine which are considered to be beyond routine maintenance procedures.
- (13) MARKETING EMISSIONS means VOC emissions emitted into the atmosphere from the transport of gasoline or other fuels used to power on-road vehicles, from the fuel's point of origin to the vehicle refueling site, occurring within the South Coast Air Quality Management District.
- (14) MOBILE SOURCE EMISSION REDUCTION CREDIT (MSERC) means credits for real, quantified emission reductions in accordance with the Air Resources Board's Mobile Source Credit Guidelines, approved by the Executive Officer or designee, that can be used to comply with District Regulations pursuant to subdivision (g), and are surplus to emission reductions required by ARB, District, or U.S. EPA regulations.
- (15) NITROGEN OXIDES (NO_x) mean the sum of nitric oxides and nitrogen dioxides emitted, calculated as nitrogen dioxide.
- (16) OPTIONAL EMISSION STANDARDS mean the applicable vehicle or engine certification emission standards, as specified by ARB's Mobile Source Credit Guidelines, which are more stringent than the baseline emission standard.
- (17) REPOWER means to replace the existing on-road heavy-duty vehicle engine with an engine certified to meet one of the optional emission standards.
- (18) RETROFIT means a hardware modification to an existing heavy-duty engine, according to the most recent version of ARB's California Certification and Installation Procedures for Alternative Fuel Retrofit Systems for Motor Vehicles Certified for 1994 and Subsequent Model years and for All Model Year Motor Vehicle Retrofit Systems Certified For Emission Reduction Credit (ARB Retrofit Procedures), that results in compliance with one of the ARB's optional emission standards. For light- and medium-duty vehicles, retrofit means a hardware modification to an existing vehicle, according to ARB Retrofit Procedures, that results in

compliance with one of the low-emission vehicle standards as specified in Title 13, California Code of Regulations.

- (19) **VEHICLE LIFE** means the period of use (in miles) during which a given vehicle must comply with its certification emission standards, pursuant to ARB regulations specified in Title 13, California Code of Regulations. For retrofitted passenger cars, light-duty trucks, and medium-duty vehicles, the vehicle life shall be equal to the useful life of the vehicle, according to Title 13 California Code of Regulations minus the actual vehicle odometer reading upon retrofit. The vehicle life for zero-emission vehicles shall be the period of time beginning when the vehicle is first placed in operation for the purpose of generating MSERCs and extending until the zero-emission vehicle is permanently retired.
- (20) **VEHICLE OPERATOR** means any entity who leases for at least one year or owns on-road vehicles, and controls the operation of on-road vehicles within the boundaries of the District.
- (21) **VOLATILE ORGANIC COMPOUND (VOC)** means any volatile compound of carbon; excluding methane, carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates; ammonium carbonate, and exempt compounds as defined in District Rule 102.
- (22) **ZERO-EMISSION VEHICLE (ZEV)** means any vehicle which produces zero emissions of any criteria pollutants under any and all possible operational modes and conditions.

(d) **Vehicle Operator Requirements**

In order to generate MSERCs, a vehicle operator shall:

- (1) implement one or more of the following projects that result in exhaust, evaporative, or marketing loss emission reductions surplus to those required by ARB, District and U.S. EPA regulations:
 - (A) operation of new heavy-duty vehicles powered with engines certified to optional emission standards.
 - (B) operation of repowered heavy-duty vehicles with engines certified to optional emission standards.
 - (C) operation of passenger cars, light-duty trucks, medium-duty vehicles, and heavy-duty vehicles, retrofitted to comply with optional emission standards using certified conversion kits, and using manufacturer approved facilities for the installation of the

certified conversion kits ("manufacturer" refers to the certified conversion kit manufacturer). (In such projects MSERCs shall be issued only after ARB certification of the conversion kit to meet one of the optional emission standards. MSERC applications may be processed concurrently with pending ARB certification of the conversion kit.)

- (D) operation of zero-emission vehicles, where operation of the light-duty zero-emission vehicles will not be used by any vehicle manufacturer for current or future compliance with its fleet average non-methane organic gas emission standards as specified in Title 13, California Code of Regulations, or for compliance with any vehicle manufacturer's zero-emission vehicle production commitments contained in its Memorandum of Agreement with the California Resources Board.
 - (E) operation of new low- or zero-emission passenger cars, light-duty trucks, medium-duty vehicles, or heavy-duty vehicles that results in evaporative and marketing loss emission reductions. (MSERCs from exhaust emission reductions are excluded from this operation.)
- (2) for projects which begin operation after rule effective date, submit an On-Road MSERC Application, as specified in subdivision (e), within 90 days subsequent to initial operation of each low-emission vehicle.
 - (3) for projects which begin operation prior to rule adoption, submit an On-Road MSERC Application, as specified in subdivision (e) within one year of the rule effective date.
 - (4) following approval of the On-Road MSERC Application, demonstrate the operation of the low- or zero-emission vehicle to the satisfaction of the Executive Officer or designee by submitting the actual vehicle miles traveled (VMT) for the six-month period following the initial service date, and the projected VMT for the subsequent six-month period.
 - (5) annually renew the MSERCs by submitting the actual VMT for each preceding twelve-month period and the projected VMT for each subsequent six-month period.
 - (6) notify the Executive Officer or designee in writing within 90 days following retirement of the low- or zero-emission vehicle, or removal of the vehicle from service for an engine replacement or a major engine overhaul. For a major engine overhaul, such notification shall specify the extended engine

life. The vehicle operator shall ensure that engine replacements and major engine overhauls are performed in accordance with specifications and procedures required by the engine or retrofit system manufacturer(s). The operator shall also be responsible for maintaining the engine and any retrofit systems within manufacturer(s)' specifications throughout the engine life.

(e) On-Road MSERC Application

(1) In order to obtain MSERCs, a vehicle operator shall submit an On-Road MSERC Application. The purpose of the Application is to document the purchase, retrofit, or repowering as well as the operation of the low- or zero-emission vehicle(s) following the initial service date. The On-Road MSERC Application shall contain specific information including, but not limited to:

- (A) a description of the repowering, retrofitting, or purchasing project, including, at a minimum, the vehicle and engine model and model year, vehicle identification number, number of miles accumulated on the vehicle and engine (not applicable for new vehicle purchases), and applicable baseline and optional emission standards;
- (B) proof of purchase or lease for the low- or zero-emission vehicle/engine or certified conversion kit purchase;
- (C) the initial service date of each low- or zero-emission vehicle;
- (D) identification of the legal owner of the MSERCs to be issued by the Executive Officer or designee; and
- (E) intended use of MSERCs pursuant to subdivision (h), if known.

(2) The Executive Officer or designee shall approve or disapprove the On-Road MSERC Application in writing.

(3) For the purposes of assessing fees, the On-Road MSERC Application shall be deemed a plan, and the fees shall be assessed in accordance with the provisions of Rule 309.

(f) Issuance of MSERCs

(1) MSERCs shall be issued after approval of the On-Road MSERC Application by the Executive Officer or designee and upon submittal and verification by the Executive Officer or designee of the actual and projected VMT for each low- or zero emission vehicle as specified in paragraphs (d)(4) and (d)(5) and in accordance with the MSERC calculation

methodology specified in subdivision (g). For projects involving purchasing prior to rule adoption, MSERCs shall be issued based only on the operation of the low- or zero-emission vehicles which occur following the submittal of the On-Road MSERC Application.

- (2) For projects involving the purchase of low- or zero emission vehicles after adoption of the rule, MSERCs shall be issued by the Executive Officer or designee based on continued demonstration of the actual operation of each low- or zero-emission vehicle. This demonstration shall start when the vehicle is first placed into service, and shall end at the end of the vehicle life, engine life, or extended engine life. The demonstration shall also end when the vehicle is retired or removed from service for an engine replacement.
- (3) For projects involving the purchase of low- or zero emission vehicles prior to the adoption of the rule, MSERCs shall be issued by the Executive Officer or designee based on continued demonstration of the actual operation of each low- or zero-emission vehicle. This demonstration shall start when the On-Road MSERC Application is submitted to the District, and shall end at the end of the vehicle life, engine life, or extended engine life. The demonstration shall also end when the vehicle is retired or removed from service for an engine replacement.
- (4) For all projects, MSERCs shall be issued by the Executive Officer or designee:
 - (A) for NO_x, VOC, CO, and PM in accordance with paragraph (g)(1), if optional emission standards have been specified in the ARB's Mobile Source Credit Guidelines, or if compliance with applicable optional emission standards can be demonstrated as approved by the Executive Officer or designee in consultation with the ARB according to ARB's certification test methods.
 - (B) for VOC, in accordance with paragraph (g)(2), for evaporative and marketing emission reductions resulting from the use of non-volatile fuels or closed fueling systems.
 - (C) for SO_x, in accordance with paragraph (g)(3), for emission reductions resulting from the use of low-sulfur fuels.
- (5) If a heavy-duty engine is overhauled, MSERCs shall be issued based on continued demonstration of the actual operation of each low- emission vehicle during the extended engine life.

(g) MSERC Calculation

(1) The total amount of NO_x, CO, VOC, and PM MSERCs generated for exhaust emission reductions when a strategy specified in subparagraphs (d)(1)(A) through (d)(1)(F) is implemented shall be calculated by the Executive Officer or designee for each year according to the following formulas.

(A) For chassis certified passenger cars, light-duty trucks, and medium-duty vehicles:

$$\text{MSERC} = [(S_{\text{base}} - S_{\text{opt}}) \times \text{ML}] / (454 \times \text{DF})$$

where

MSERC = Mobile source emission reduction credits (pounds per year)

S_{base} = Baseline emission standards (or certification emission standard of original vehicle if retrofitted) (grams per mile).

S_{opt} = The applicable optional emission standard for passenger cars, light- and medium-duty vehicles (grams per mile)

ML = Annual VMT in the South Coast Air Quality Management District while operating on clean fuel.

DF = Discount factor, for the purpose of generating credits, equal to 1.0.

(B) For engine certified medium- and heavy-duty vehicles:

$$\text{MSERC} = [((S_{\text{base}} \times \text{CF}_1) - (S_{\text{opt}} \times \text{CF}_2)) \times \text{ML}] / (454 \times \text{DF})$$

where

MSERC = Mobile source emission reduction credit (pounds per year)

S_{base} = Baseline emission standards (or certification emission standard of original vehicle if retrofitted) g/bhp-hr).

S_{opt} = The applicable optional emission standards for engines used in medium- and heavy-duty vehicles (g/bhp-hr)

CF₁ = Conversion factor associated with the fuel used to power an engine certified to the S_{base} emission standard (bhp-hr/mile)

- CF₂ = Conversion factor associated with the fuel used to power an engine that has certified to the S_{Opt} emission standard (bhp-hr/mile)
- ML = Annual VMT in the South Coast Air Quality Management District while operating on clean fuel.
- DF = Discount factor, for the purpose of generating credits, equal to 1.0.

(2) VOC MSERCs issued for evaporative and marketing emissions, when a strategy specified in paragraph (d)(1) is implemented, shall be calculated by the Executive Officer or designee according to the following formula:

$$\text{MSERC} = (\text{EVP} + \text{ME}) \times (\text{ML}/\text{VL}) \times (1/\text{DF})$$

where

- MSERC = Mobile source emission reduction credit (pounds per year)
- EVP = Lifetime evaporative emission reduction (pounds)
- ME = Lifetime marketing emission reductions (pounds)
- ML = Annual VMT (miles/year)
- VL = Vehicle life (miles)
- DF = Discount factor, for the purpose of generating credits, equal to 1.0.

Lifetime evaporative and marketing emissions needed to quantify MSERCs pursuant to this paragraph shall be obtained from the Executive Officer or designee.

(3) MSERCs issued for SO_x emission reductions when a strategy specified in paragraph (d)(1) is implemented shall be calculated by the Executive Officer or designee according to the following formula:

$$\text{MSERC} = 2 \times ((F_{\text{base}} \times S_{\text{base}}) - (F_{\text{opt}} \times S_{\text{opt}}))/\text{DF}$$

where

- MSERC = Mobile source emission reduction credits (pounds per year)
- F_{base} = Amount of fuel used to power (applicable) vehicle certified to baseline emission standard (gallons or standard cubic feet per year).

- S_{base} = Sulfur concentration in fuel used to power (applicable) vehicle certified to baseline emission standard (pounds per gallon or pounds per standard cubic foot).
- F_{opt} = Amount of fuel used to power vehicle certified to optional emission standard (gallons or standard cubic feet per year)
- S_{opt} = Sulfur concentration in fuel used to power vehicle certified to optional emission standard (pounds per gallon or pounds per standard cubic foot).
- DF = Discount factor, for the purpose of generating credits, equal to 1.0.

S_{base} and S_{opt} shall be obtained from the Executive Officer or designee and shall be representative of average sulfur concentrations for applicable fuels within the boundaries of the District. F_{base} and F_{opt} shall be submitted by the vehicle operator at the same time that annual VMTs are submitted to the Executive Officer or designee pursuant to paragraphs (d)(4) and (d)(5).

- (4) For all projects,
 - (A) the MSERCs for the first year after the initial service date shall be calculated by the Executive Officer or designee based on the actual VMT for the six-month period following the initial service date and the projected VMT for the subsequent six-month period. For projects involving the purchase of low- or zero-emission vehicles prior to rule adoption, the initial service date shall be the submittal date of the On-Road MSERC Application.
 - (B) The projected VMT shall not be 50% greater than the actual vehicle miles traveled for the previous six-month period unless the vehicle operator provides documentation to the District that the projected VMT shall occur, as approved by the Executive Officer or designee.
 - (C) The MSERCs shall be adjusted to reflect the difference between the projected VMT reported in the previous year and the actual VMT for the same period.
- (5) MSERCs for dual-fueled vehicles or fuel-flexible vehicles shall be based on the VMT resulting from operation of the vehicle on the clean fuel.
- (6) MSERCs shall expire two years after the date of issuance.

- (h) Use of MSERCs
- (1) MSERCs may be used for any of the following applications:
 - (A) As RECLAIM Trading Credits. The Executive Officer or designee shall convert MSERCs to RTCs upon submission of MSERCs by the user.
 - (B) As an alternative method of compliance with District Regulation XI rules that have future compliance dates. MSERCs shall not be used to offset emission increases caused by the removal of emission control equipment or replacement of compliant with noncompliant materials subject to Regulation XI. MSERCs must be in existence and designated as an alternative method of compliance in advance of the compliance date.
 - (C) As an alternative method of compliance with District Regulation XXII rules that allow the use of MSERCs in accordance with Regulation XXII.
 - (D) As New Source Review (NSR) offsets for emission increases at new or modified facilities that are subject to Rule 1303 (b)(2) in accordance with the provisions of Regulation XIII. Pursuant to Rule 504, no variance or series of variances, including emergency and interim variances, shall be granted for a period in excess of 90 days from the initial granting of a variance, from a permit condition implementing a Regulation XIII offset requirement if such permit condition is based upon the use of MSERCs.
 - (E) For voluntary retirement of MSERCs for air quality benefits.
 - (F) As an alternative method of compliance with any District regulations which specifically authorize the use of MSERCs.
 - (2) For the purpose of using MSERCs pursuant to subparagraphs (h)(1)(A) and (h)(1)(B), a discount factor equal to 1.2 shall be applied except for MSERCs generated by the (1) operation of post 1992 model-year vehicles that are certified at or below ultra-low-emission standards; (2) operation of compressed natural gas (CNG), liquefied petroleum gas (LPG), or methanol heavy-duty engines certified to optional emission standards or operation of CNG, LPG, or methanol heavy-duty vehicles certified to optional emission standards using ARB certified conversion kits; or (3) operation of zero-emission vehicles. For other uses pursuant to paragraph (h)(1), a discount

factor equal to 1.0 shall be applied unless specified otherwise in District regulations.

- (3) MSERCs shall only be consumed in the air basin where the vehicle operator is based.
- (4) In order to use MSERCs for the applications listed in subparagraph (1)(B) of this subdivision, the user shall submit a compliance plan to the Executive Officer or designee. The purpose of the compliance plan is to demonstrate compliance with rule requirements, and specify the use of the MSERCs.
- (5) The compliance plan shall contain the following information:
 - (A) Total MSERCs (attach certificates)
 - (B) Identification of the specific rule for which the alternative method of compliance is sought;
 - (C) The period of time for the alternative method of compliance;
 - (D) Number of MSERCs used to substantiate the alternative method of compliance;
 - (E) A quantification of emissions that would result from noncompliance with the rule identified in subparagraph (h)(5)(B), and documentation supporting the emission quantification.
- (6) Supporting documentation (applicable for MSERC usage for Regulation XI rules) shall include, but is not limited to:
 - (A) A listing of equipment or materials that are the source of noncompliant VOC, NO_x, CO, PM, or SO_x emissions associated with the rule identified in subparagraph (h)(5)(B).
 - (B) a description and operating conditions of equipment listed in subparagraph (h)(6)(A) or composition and rate of use of materials listed in subparagraph (h)(6)(A).
 - (C) emission rates associated with the use of equipment or materials listed in subparagraph (h)(6)(A).
 - (D) a listing of equipment or materials that would result in compliance with the rule identified in subparagraph (h)(5)(B).
 - (E) a description and operating conditions of equipment listed in subparagraph (h)(6)(D) or composition and rate of use of materials listed in subparagraph (h)(6)(D).
 - (F) emission rates associated with the use of equipment or materials listed in subparagraph (h)(6)(D).

- (7) The compliance plan shall be written on a form to be specified by the Executive Officer or designee.
 - (8) The Executive Officer or designee shall approve or disapprove the compliance plan. The plan shall be disapproved unless it demonstrates that an equivalent amount of emissions reductions are obtained through the alternative method of compliance.
 - (9) MSERCs may not be used as an alternative method of compliance with Regulation XI rules until the Executive Officer or designee has approved the compliance plan.
 - (10) The user must renew the compliance plan prior to the expiration of the MSERCs upon which the plan is based.
- (i) Recordkeeping Requirements
- (1) Low- or zero-emission vehicle operators shall be responsible for storing and maintaining data records for each low- or zero-emission vehicle which generates MSERCs. For each low- or zero-emission vehicle, the data records shall include vehicle miles traveled per calendar year in the South Coast Air Quality Management District (for dual-fuel or fuel-flexible vehicles, miles traveled per year on clean fuel), maintenance and repair records, and any other necessary data as specified by the Executive Officer or designee.
 - (2) Low- or zero-emission vehicle operators shall maintain a copy of the data records described in paragraph (i)(1) for the two most recent years of operation for each low- or zero-emission vehicle which generates MSERCs.
- (j) Compliance Auditing and Enforcement
- (1) The Executive Officer or designee shall be afforded access in the District to audit any files or records created to comply with recordkeeping requirements specified in subdivision (i) or require vehicle operators to submit such records to the Executive Officer or designee upon request.
 - (2) The Executive Officer or designee shall be afforded access to inspect low- or zero-emission vehicles at vehicle operators' facilities. The Executive Officer or designee may require emissions testing at a designated emission test facility, at the District's expense, to determine compliance with Rule 1612 requirements for the generation of MSERCs.

- (3) Violation of any provision of this rule, including falsification of information in the On-Road MSERC application or annual operating data, shall be grounds for the Executive Officer to disallow or void any MSERCs resulting from or associated with the violation, by disapproving or seeking revocation of the On-Road MSERC application, and shall be subject to the penalties specified in the Health and Safety Code for violation of District rules.

(k) Requirements for Public Notice

Following a completeness determination of the On-Road MSERC Application for the use of MSERCs as NSR offsets only, as provided in subparagraph (h)(1)(D), the Executive Officer or designee shall:

- (1) perform the evaluations required to determine compliance with this regulation and make a preliminary written decision, as appropriate, as to whether or not MSERCs, to be used as emission reduction credits (ERC), should be approved or disapproved. The decision shall be supported by a succinct written analysis; and
- (2) post a public notice on the District public website ~~publish a notice by prominent advertisement in at least one newspaper of general circulation in the District~~ stating the preliminary decision of the Executive Officer or designee and where the public may inspect the information. The public notice shall provide 30 days from the date of ~~publication~~ public notice posting for the public to submit written comments on the preliminary decision; and
- (3) at the time ~~notice of~~ the preliminary decision is ~~published~~ posted, make available for public inspection, upon request, at the District office the information submitted by the applicant, the supporting analysis for the preliminary decision, and the preliminary decision to grant or deny MSERCs and the reasons therefore. The confidentiality of trade secrets shall be considered in accordance with Section 6254.7 of the Government Code.

(l) Appeal of Disapproval of MSERC Issuance

An applicant may, within 30 days of receipt of notice of disapproval, request the hearing board to hold a hearing on whether the application was properly refused.

ATTACHMENT F14

(Adopted September 8, 1995)(Amended July 10, 1998)
(PAR 1620 – February 12, 2019)

PROPOSED AMENDED RULE 1620. CREDITS FOR CLEAN OFF-ROAD MOBILE EQUIPMENT

(a) Purpose

The purpose of this rule is to provide opportunities to generate NO_x, VOC, CO, PM, and SO_x mobile source emission reduction credits (MSERCs) that can be used as an alternative means of compliance with District regulations. These credits would be generated based on voluntary emission reductions created by the operation of low- or zero-emission off-road equipment within the jurisdiction of the District that result in emission reductions beyond those required by local, state, and federal regulations.

(b) Applicability

This voluntary rule becomes effective January 1, 1996 and applies to any off-road mobile equipment or vehicle for which emission standards have been adopted by the ARB or U.S. EPA and for which optional emission standards have been specified in the ARB's Mobile Source Credit Guidelines. The equipment and vehicles subject to this rule are used primarily off the highways to propel, move, or draw persons or property in construction, commercial, industrial, mining, agricultural, or forestry applications within the boundaries of the District and include equipment such as dozers, loaders, tractors, scrapers, graders, off-highway trucks, forklifts, and utility service vehicles. This rule does not apply to utility and lawn and garden equipment, off-road motorcycles, all-terrain vehicles, go-karts, golf carts, marine vessels, aircraft and locomotives. References to the ARB's Mobile Source Credit Guidelines correspond to the version of the applicable guidelines which are in effect at the time of initial application for MSERCs.

(c) Definitions

For purposes of this rule, the following definitions shall apply:

- (1) **BASELINE EMISSION STANDARDS** means the ceiling emission standards for off-road mobile equipment engines pursuant to the ARB's

Mobile Source Credit Guidelines, or the actual emission level of the existing off-road mobile equipment pursuant to paragraph (d)(6). For spark-ignition Otto-cycle internal combustion engines, hydrocarbon (HC), carbon monoxide (CO), and NO_x emissions shall not exceed the most stringent District, ARB, or U.S. EPA baseline emission standard requirements applicable for the type of engine and the year in which the engine is being used to generate credits. For these engines, the baseline emission standards for VOC and NO_x shall be based on the combined VOC+NO_x emission standard prorated by certification emission values of each pollutant provided by ARB.

- (2) CERTIFIED ENGINE means an ARB-certified engine or an off-road engine which has been upgraded to the configuration of an ARB-certified on-road engine in accordance with the ARB's Mobile Source Credit Guidelines.
- (3) CERTIFIED CONVERSION KIT means any alternative fuel or add-on hardware conversion (retrofit) kit which has been certified by ARB to meet the optional emission standards in accordance with the ARB's Mobile Source Credit Guidelines.
- (4) EQUIPMENT means any self-propelled off-road mobile equipment or vehicle which is targeted for repowering, retrofitting, or permanent replacement.
- (5) EQUIPMENT OPERATOR means any entity who leases for at least one year or owns off-road mobile equipment, and controls the operation of off-road mobile equipment within the boundaries of the South Coast Air Quality Management District.
- (6) LOAD FACTOR means the ratio of the engine power output during typical operating conditions to the engine rated horsepower.
- (7) LOW-EMISSION EQUIPMENT means equipment utilizing ARB-certified engines or conversion kits, or which has been retrofitted to meet one of the optional emission standards.
- (8) MAJOR ENGINE OVERHAUL means a complete rebuilding of a low-emission equipment engine such that the engine is returned to a condition that is equivalent in operation, durability, and emissions performance to the originally certified engine or conversion kit, by cleaning, adjustment, repair, and major component replacement of the engine which are considered to be beyond routine maintenance procedures.

- (9) **MOBILE SOURCE EMISSION REDUCTION CREDIT (MSERC)** means real, quantified emission reductions in accordance with the ARB's Mobile Source Credit Guidelines, approved by the Executive Officer or designee, that can be used to comply with District Regulations pursuant to subdivision (g), and are surplus to emission reductions required by U.S. EPA, ARB or District regulations.
- (10) **NITROGEN OXIDES (NO_x)** means the sum of nitric oxides and nitrogen dioxides emitted, calculated as nitrogen dioxide.
- (11) **NON-POLLUTING ALTERNATIVES** means methods or processes which are used to replace existing off-road equipment and do not directly generate any air pollution.
- (12) **OPTIONAL EMISSION STANDARDS** means the applicable equipment engine emission standards, as specified by the ARB's Mobile Source Credit Guidelines, which are more stringent than the baseline emission standard. Zero-emission equipment and non-polluting alternatives shall be assigned an optional emission standard of zero grams per brake horsepower-hour.
- (13) **PERMANENT REPLACEMENT** means to permanently remove existing off-road equipment which has been in continuous active operation from service, such that the equipment will not be operated within the District, and to replace it with non-polluting alternatives. Equipment which is scrapped, or permanently relocated or sold outside the District, and is demonstrated not to be brought back or sold back into the District, will be considered to be permanently removed.
- (14) **REPOWER** means to replace the existing off-road equipment engine with a certified engine to meet one of the optional emission standards.
- (15) **RETROFIT** means to modify the existing off-road equipment engine with a certified conversion kit to meet one of the optional emission standards. Retrofit may also mean to modify the existing off-road equipment with on-road emission control technologies, tested in accordance with the ARB's test procedures for off-road equipment engines specified in Title 13, California Code of Regulations, to meet one of the optional emission standards, subject to the approval of the Executive Officer or designee in consultation with the ARB.
- (16) **USEFUL LIFE** means the life (in hours) that the equipment retrofitted with alternative fuel conversion kits is expected to meet one of the optional

emission standards and is equivalent to the durability period of the certified conversion kit.

- (17) VOLATILE ORGANIC COMPOUND (VOC) is any volatile compound of carbon; excluding methane, carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates; ammonium carbonate, and exempt compounds as defined in District Rule 102.
- (18) ZERO-EMISSION EQUIPMENT means any equipment which produces zero emissions of any criteria pollutants under any and all possible operational modes and conditions.

(d) Equipment Operator Requirements

In order to generate MSERCs, an equipment operator shall:

- (1) implement one or more of the following projects: purchase new low- or zero-emission equipment; or repower, retrofit, or permanently replace existing equipment to meet one of the optional emission standards. Equipment using alternative-fuel or add-on hardware retrofit kits shall become eligible for credit generation once ARB has approved applicable certification procedures and the retrofit kit is ARB-certified to meet an optional emission standard.
- (2) for projects involving permanent replacement,
 - (A) submit an Off-Road MSERC Application, as specified in subdivision (e), within 90 days of the completion of any permanent replacement which occurs after rule effective date. For projects involving permanent replacement completed prior to rule effective date, the equipment operator shall submit an Off-Road MSERC Application, as specified in subdivision (e), within one year of the rule effective date.
 - (B) annually renew the MSERCs by notifying the Executive Officer or designee in writing of the continued operation of the non-polluting alternative one year following the approval of the Off-Road MSERC Application and every year thereafter.
- (3) for projects not involving permanent replacement,
 - (A) submit an Off-Road MSERC Application, as specified in subdivision (e), within 90 days subsequent to the initial service date of the low- or zero-emission equipment, for projects involving purchasing, repowering, or retrofitting after rule effective date.

- (B) submit an Off-Road MSERC Application, as specified in subdivision (e), within one year subsequent to rule effective date, for projects involving purchasing prior to rule effective date.
 - (C) following approval of the Off-Road MSERC Application, demonstrate the operation of the low- or zero-emission equipment to the satisfaction of the Executive Officer or designee by submitting the actual operating hours for the six-month period from the initial service date, and the projected operating hours for the subsequent six-month period.
 - (D) annually renew the MSERCs by submitting the actual operating hours for each preceding twelve-month period and the projected operating hours for each subsequent six-month period.
 - (E) verify that the operation of new, repowered, or retrofitted equipment shall not increase emissions of other pollutants, including VOC, CO, PM, and smoke beyond the standards specified in Title 13, California Code of Regulations.
- (4) notify the Executive Officer or designee in writing within 90 days following retirement of the low- or zero-emission equipment or the non-polluting alternative or removal of the equipment from service for an engine replacement or a major engine overhaul. The equipment operator shall ensure that engine replacements and major engine overhauls are performed in accordance with specifications and procedures required by the engine and/or conversion kit manufacturer(s). The equipment operator shall also be responsible for maintaining the engines or conversion kits, meeting optional emission standards, within manufacturer(s)' specifications throughout the credit life.
 - (5) use only manufacturer approved facilities for the installation of certified conversion kits ("Manufacturer" refers to the certified conversion kit manufacturer).
 - (6) in lieu of using baseline emission standards specified in the ARB's Mobile Source Credit Guidelines, submit emissions test data in accordance with ARB's applicable test procedures and protocols to demonstrate the actual emission level of the existing equipment, subject to the approval of the Executive Officer or designee in consultation with the ARB. The maximum baseline emission levels allowable for credit when using actual emissions

level testing procedures for piston-type diesel internal combustion engines are as follows.

- (A) Engines greater than 50 horsepower (hp) but less than 117 hp shall not exceed NO_x emissions of 10.5 grams per brake-horsepower-hour (g/bhp-hr).
 - (B) Engines greater than or equal to 117 hp but less than 400 hp shall not exceed NO_x emissions of 10.0 g/bhp-hr.
 - (C) Engines greater than or equal to 400 hp shall not exceed NO_x emissions of 7.0 g/bhp-hr.
- (e) Off-Road MSERC Application
- (1) In order to obtain MSERCs, an equipment operator shall submit an Off-Road MSERC Application. The purpose of the Application is to document the purchase, retrofit, repowering or permanent replacement project as well as the operation of the low- or zero-emission equipment or the non-polluting alternative following the initial service date. The Off-Road MSERC Application shall contain specific information including, but not limited to:
 - (A) a description of the repowering, retrofitting, purchasing or permanent replacement project, including at minimum the equipment type, equipment and engine manufacturer, equipment and engine model, engine model year, equipment identification number, or any non-polluting alternative methods or processes which will be used;
 - (B) proof of purchase or lease of the low- or zero-emission equipment or non-polluting alternative, and proof of purchase for certified engines and conversion kits;
 - (C) the initial service date of each low- or zero-emission equipment or the non-polluting alternative;
 - (D) for projects involving permanent replacement, historical records of annual operating hours and fuel consumption for the existing equipment which is permanently replaced, and proof of permanent replacement to the satisfaction of the Executive Officer or designee;
 - (E) load factor for each low-emission equipment supported by actual fuel consumption data;

- (F) emission test results for existing off-road mobile equipment from equipment operators seeking to establish baseline emission standard based on actual emission levels;
 - (G) written statement from the equipment operator to verify that the Repowering, retrofitting, or upgrading of existing off-road equipment engine was conducted in accordance with engine or conversion kit manufacturer's specifications and procedures;
 - (H) identification of the legal owner of the MSERCs to be issued by the Executive Officer or designee; and
 - (I) intended use of MSERCs pursuant to subdivision (h), if known.
- (2) For projects involving retrofit kits not certified to an optional emission standard, the Off-Road MSERC application may be processed concurrently with pending ARB action to approve the retrofit kit and shall become eligible for credit generation pursuant to paragraph (d)(1).
 - (3) The Executive Officer or designee shall approve or disapprove the Off-Road MSERC Application in writing.
 - (4) For the purposes of assessing fees, the Off-Road MSERC Application shall be deemed a plan, and the fees shall be assessed in accordance with the provisions of Rule 309.
- (f) Issuance of MSERCs
- (1) For projects not involving permanent replacement, MSERCs shall be issued after approval of the Off-Road MSERC Application by the Executive Officer or designee and upon submittal and verification by the Executive Officer or designee of the actual and projected operating hours for each low- or zero-emission equipment as specified in paragraph (d)(3) and in accordance with the MSERC calculation methodology specified in subdivision (g). For projects involving purchasing prior to rule effective date, MSERCs shall be issued based only on the operation of the low- or zero-emission equipment which occurs following the submittal of the Off-Road MSERC Application.
 - (2) For projects involving permanent replacement, MSERCs shall be issued upon approval of the Off-Road MSERC Application by the Executive Officer or designee and submittal and verification by the Executive Officer or designee of the annual written notifications of the continued operation of the non-polluting alternative as specified in paragraph (d)(2) and in

accordance with the MSERC calculation methodology specified in subdivision (g). For projects involving permanent replacement prior to rule effective date, MSERCs shall be issued based only on the operation of the non-polluting alternative which occurs following the submittal of the Off-Road MSERC Application.

- (3) For all projects, MSERCs shall be issued by the Executive Officer or designee:
 - (A) for NO_x, VOC, CO, and PM, in accordance with paragraph (g)(1), if mandatory emission standards have been adopted by the ARB or U.S. EPA, and optional emission standards have been specified in the ARB's Mobile Source Credit Guidelines, or if compliance with applicable optional emission standards can be demonstrated, according to ARB's certification test methods, as approved by the Executive Officer or designee in consultation with the ARB; and
 - (B) for SO_x, in accordance with the MSERC calculation methodology specified in paragraph (g)(2).
- (4) For all projects, MSERCs shall be issued by the Executive Officer or designee based on continued demonstration of the actual operation of each low- or zero-emission equipment or non-polluting alternative. This demonstration shall start when the equipment or non-polluting alternative is first placed into service, but shall end when the equipment or non-polluting alternative is retired or removed from service for an engine replacement. However, for projects involving purchasing or permanent replacement prior to rule effective date, MSERC generation shall start when the Off-Road MSERC Application is submitted. In addition, MSERC generation shall start for equipment using retrofit kits when MSERC eligibility requirements pursuant to paragraph (d)(1) are satisfied, and MSERC generation shall end when the useful life of the kit expires.

(g) MSERC Calculation

- (1) The total amount of NO_x, VOC, CO, and PM MSERCs generated when an equipment is permanently replaced, repowered, retrofitted, or when a new low- or zero-emission equipment is purchased shall be calculated by the Executive Officer or designee for each year according to the following formula:

Rule 1620 (Cont.)**(Amended July 10, 1998)**

$$\text{MSERC} = [(S_{\text{base}} - S_{\text{opt}}) \times (\text{HRS} \times \text{HP} \times \text{LF})] / (454 \times \text{DF})$$

where:

MSERC = Mobile source emission reduction credits per unit (pounds per year)

S_{base} = Baseline emission standards (grams/bhp-hr)

S_{opt} = Optional emission standards (grams/bhp-hr) for repowered, retrofitted, or new equipment engine

HRS = Annual hours of operation, as specified in paragraph (g)(2)

HP = Rated horsepower (hp)

LF = Load factor

DF = Discount factor, for the purpose of generating credits, equal to 1.0.

Equipment operators should contact the District or ARB to confirm the applicable baseline and optional emission standards before submitting the Off-Road MSERC Application.

- (2) MSERCs issued for SO_x emission reductions shall be calculated by the Executive Officer or designee according to the following formula:

$$\text{MSERC} = 2 \times ((F_{\text{base}} \times S_{\text{base}}) - (F_{\text{opt}} \times S_{\text{opt}})) / \text{DF}$$

where

MSERC = Mobile source emission reduction credits (pounds per year)

F_{base} = amount of fuel used to power equipment targeted for repowering, retrofitting, or permanent replacement (gallons or standard cubic feet per year)

S_{base} = sulfur concentration in fuel used to power equipment targeted for repowering, retrofitting, or permanent replacement (pounds per gallon or pounds per standard cubic foot)

F_{opt} = amount of fuel used to power low-emission equipment (gallons or standard cubic feet per year)

S_{opt} = sulfur concentration in fuel used to power low-emission equipment (pounds per gallon or pounds per standard cubic foot)

DF = Discount factor, for the purpose of generating credits, equal to 1.0.

S_{base} and S_{opt} shall be obtained from the Executive Officer or designee and shall be representative of average sulfur concentrations for applicable fuels used within the boundaries of the District. F_{base} and F_{opt} shall be submitted by the equipment operator at the same time that annual operating hours are submitted to the Executive Officer or designee pursuant to paragraphs (d)(2) or (d)(3).

- (3) For projects not involving permanent replacement,
 - (A) the MSERCs for the first year after initial service date shall be calculated by the Executive Officer or designee based on the actual operating hours for the six-month period following the initial service date and the projected operating hours for the subsequent six-month period. For projects involving purchasing prior to rule effective date, the initial service date shall be the submittal date of the Off-Road MSERC Application.
 - (B) for all subsequent years, the MSERCs shall be based on the actual operating hours for each preceding twelve-month period and the projected operating hours for each subsequent six-month period. The projected operating hours shall not be 50% greater than the actual operating hours for the previous six-month period unless the equipment operator can demonstrate to the satisfaction of the Executive Officer or designee that the projected operating hours shall occur.
 - (C) the MSERCs shall be adjusted every year to reflect any difference between the projected operating hours reported in the previous year and the actual operating hours for the same period.
- (4) For projects involving permanent replacement, MSERCs shall be calculated by the Executive Officer or designee based on historical records of operating hours of the replaced equipment. For the first year, MSERCs shall be issued upon approval of the Off-Road MSERC Application. For all subsequent years, MSERCs shall be issued upon submittal of written notification of the continued operation of the non-polluting alternative. For

projects involving permanent replacement prior to rule effective date, the initial service date shall be the submittal date of the Off-Road MSERC Application.

(5) MSERCs shall expire two years after the date of issuance.

(h) Use of MSERCs

(1) MSERCs may be used for any of the following applications:

(A) As RECLAIM Trading Credits. The Executive Officer or designee shall convert MSERCs to RTCs upon submission of MSERCs by the user.

(B) As an alternative method of compliance with District Regulation XI rules that have future compliance dates. MSERCs shall not be used to offset emission increases caused by the removal of emission control equipment or replacement of compliant with noncompliant materials subject to Regulation XI. MSERCs must be in existence and designated as an alternative method of compliance in advance of the compliance date.

(C) As an alternative method of compliance with District Regulation XXII rules that allow the use of MSERCs.

(D) As New Source Review (NSR) offsets for emission increases at new or modified facilities that are subject to Rule 1303 (b)(2) in accordance with the provisions of Regulation XIII. Pursuant to Rule 504, no variance or series of variances, including emergency and interim variances, shall be granted for a period in excess of 90 days from the initial granting of a variance, from a permit condition implementing a Regulation XIII offset requirement if such permit condition is based upon the use of MSERCs.

(E) For voluntary retirement of MSERCs for air quality benefits.

(F) As an alternative method of compliance with any District regulations which specifically authorize the use of MSERCs.

(2) For the purpose of using MSERCs pursuant to subparagraphs (h)(1)(A) and (h)(1)(B), a discount factor equal to 1.2 shall be applied except that a discount factor of 1.0 shall be applied for operation of zero-emission equipment. For other uses pursuant to paragraph (h)(1), a discount factor equal to 1.0 shall be applied unless specified otherwise in District regulations.

- (3) MSERCs shall only be consumed in the air basin where the equipment operator is based.
- (4) In order to use MSERCs for the applications listed in subparagraph (1)(B) of this subdivision, the user shall submit a compliance plan to the Executive Officer or designee. The purpose of the compliance plan is to demonstrate compliance with rule requirements, and specify the use of MSERCs.
- (5) The compliance plan shall contain the following information:
 - (A) Total MSERCs (attach certificates);
 - (B) Identification of the specific rule for which the alternative method of compliance is sought;
 - (C) The period of time for the alternative method of compliance;
 - (D) Number of MSERCs used to substantiate the alternative method of compliance;
 - (E) A quantification of emissions that would result from noncompliance with the rule identified in subparagraph (h)(5)(B), and documentation supporting the emissions quantification.
- (6) Supporting documentation (applicable for MSERC usage for Regulation XI rules) shall include, but is not limited to:
 - (A) a listing of equipment or materials that are the source of noncompliant VOC, NO_x, CO, PM, or SO_x emissions associated with the rule identified in subparagraph (h)(5)(B).
 - (B) a description and operating conditions of equipment listed in subparagraph (h)(6)(A) or composition and rate of use of materials listed in subparagraph (h)(6)(A).
 - (C) emission rates associated with the use of equipment or materials listed in subparagraph (h)(6)(A).
 - (D) a listing of equipment or materials that would result in compliance with the rule identified in subparagraph (h)(5)(B).
 - (E) a description and operating conditions of equipment listed in subparagraph (h)(6)(D) or composition and rate of use of materials listed in subparagraph (h)(6)(D).
 - (F) emission rates associated with the use of equipment or materials listed in subparagraph (h)(6)(D).
- (7) The compliance plan shall be written on a form to be specified by the Executive Officer or designee.

- (8) The Executive Officer or designee shall approve or disapprove the compliance plan. The plan shall be disapproved unless it demonstrates that an equivalent amount of emissions reductions are obtained through the alternative method of compliance.
 - (9) MSERCs may not be used as an alternative method of compliance with Regulation XI rules until the Executive Officer or designee has approved the compliance plan.
 - (10) The user must renew the compliance plan prior to the expiration of MSERCs upon which the plan is based.
- (i) Recordkeeping Requirements
- (1) Equipment operators shall be responsible for storing and maintaining data records for each low- or zero-emission equipment which generates MSERCs. The data records shall contain operating data (monthly hour-meter logs obtained from non-resettable hour-meters), fuel consumption data (monthly fuel usage logs), maintenance and repair records, and any other necessary data.
 - (2) Equipment operators shall maintain a copy of data records described in paragraph (i)(1) for the two most recent years of operation for each low- or zero-emission equipment which generates MSERCs.
- (j) Compliance Auditing and Enforcement
- (1) The Executive Officer or designee shall be afforded access in the District to audit any files or records created to comply with recordkeeping requirements, specified in subdivision (i), or require equipment operators to submit such records to the Executive Officer or designee upon request.
 - (2) The Executive Officer or designee shall be afforded access upon request to inspect the low- or zero-emission equipment, or non-polluting alternative at equipment operators' facilities. The Executive Officer or designee may require emissions testing at a designated emission test facility, at the District's expense, to determine compliance with Rule 1620 requirements for the generation of MSERCs.
 - (3) Violation of any provision of this rule, including falsification of information in the Off-Road MSERC Application or annual operating data shall be grounds for the Executive Officer to disallow or void any MSERCs resulting from or associated with the violation, by disapproving or seeking

revocation of the Off-Road MSERC Application, and shall be subject to the penalties specified in the Health and Safety Code for violation of District rules.

(k) Requirements for Public Notice

Following a completeness determination of the Off-Road MSERC Application for the use of MSERCs as NSR offsets only, as provided in subparagraph (h)(1)(D), the Executive Officer or designee shall:

- (1) perform the evaluations required to determine compliance with this regulation and make a preliminary written decision, as appropriate, as to whether or not MSERCs, to be used as emission reduction credits (ERCs), should be approved or disapproved. The decision shall be supported by a succinct written analysis; and
- (2) post a public notice on the District public website ~~publish a notice by prominent advertisement in at least one newspaper of general circulation in the District~~ stating the preliminary decision of the Executive Officer and where the public may inspect the information. The public notice shall provide 30 days from the date of ~~publication~~ public notice posting for the public to submit written comments on the preliminary decision; and
- (3) at the time ~~notice of~~ the preliminary decision is ~~published~~ posted, make available for public inspection, upon request, at the District office the information submitted by the applicant, the supporting analysis for the preliminary decision, and the preliminary decision to grant or deny MSERCs and the reasons therefore. The confidentiality of trade secrets shall be considered in accordance with Section 6254.7 of the Government Code.

(l) Appeal of Disapproval of MSERC Issuance

An applicant may, within 30 days of receipt of notice of disapproval, request the hearing board to hold a hearing on whether the Off-Road MSERC Application was properly refused.

ATTACHMENT F15

(Adopted May 10, 1996)
(PAR 1310 – February 12, 2019)

PROPOSED AMENDED RULE 1623. CREDITS FOR CLEAN LAWN AND GARDEN EQUIPMENT

(a) Purpose

The purpose of this rule is to provide opportunities to generate NOx, VOC, CO, and PM mobile source emission reduction credits (MSERCs) that can be used as an alternative means of compliance with District regulations, as well as promote the purchase of low-polluting equipment and the early retirement of older, high-polluting equipment. These credits would be generated based on voluntary emission reductions within the District that are beyond those required by local, state, and federal regulations.

(b) Applicability

This rule applies to any lawn & garden equipment for which emission standards have been adopted by the ARB. The equipment subject to this rule includes lawn mowers, edgers, trimmers, blowers, vacuums, tillers, shredders, grinders, chainsaws, riding mowers, and garden tractors.

(c) Definitions

For purposes of this rule, the following definitions shall apply:

- (1) EQUIPMENT means any lawn and garden implement which is targeted for replacement, scrapping, or purchasing.
- (2) EQUIPMENT LIFE means the time period, in years, in which new lawn and garden equipment is expected to operate.
- (3) EXISTING EQUIPMENT means any equipment which has been operated in the Basin for at least one year, and has remaining useful life.
- (4) LAWN AND GARDEN EQUIPMENT means any implement which is designed to be used in lawn, garden, turf, and general landscape maintenance, and whose engine has been identified as having to meet the California emission standards found in California's Utility and Lawn and Garden Emission Regulation.

- (5) **LOW-EMISSION EQUIPMENT** means lawn and garden equipment purchased or delivered for sale prior to January 1, 1999, that utilizes ARB-certified engines which meet California's 1999 and later emission standards as specified in Title 13, California Code of Regulations.
- (6) **MOBILE SOURCE EMISSION REDUCTION CREDIT (MSERC)** means real, quantified emission reductions in accordance with the ARB's Mobile Source Credit Guidelines, approved by the Executive Officer or designee, that can be used to comply with District Regulations pursuant to subdivision (h), and are surplus to emission reductions required by U.S. EPA, or ARB regulations.
- (7) **NITROGEN OXIDES (NOx)** means the sum of nitric oxides and nitrogen dioxides emitted, calculated as nitrogen dioxide.
- (8) **REMAINING USEFUL LIFE** is the number of years until an existing piece of equipment is removed from service, and shall be based on the difference between the age of the equipment and the expected equipment life.
- (9) **SCRAPPING** means to permanently remove existing lawn and garden equipment from service.
- (10) **VOLATILE ORGANIC COMPOUND (VOC)** is any volatile compound of carbon; excluding methane, carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates; ammonium carbonate, and exempt compounds as defined in District Rule 102.
- (11) **ZERO-EMISSION EQUIPMENT** means any equipment which produces zero emissions of any criteria pollutants under any and all possible operational modes and conditions.

(d) **Requirements**

- (1) In order to generate MSERCs, a person shall implement either (1)(A) or (1)(B) below.
 - (A) **Replacement of Existing Lawn and Garden Equipment**
 - (i) Before January 1, 1999, permanently scrap and replace existing lawn and garden equipment with new equipment which meets the 1995 California emission standards for Utility and Lawn and Garden Engines (Option 1).
 - (ii) Before and after January 1, 1999, permanently scrap and replace existing lawn and garden equipment with

new low- or zero-emission lawn and garden equipment (Option 2).

(B) Direct Sale of New Low- or Zero-Emission Equipment (Option 3)

- (i) After May 10, 1996 and prior to January 1, 1999, direct sale to an end user of new low-emission lawn and garden equipment.
- (ii) On or after January 1, 1991, direct sale to an end user of new zero-emission equipment.

- (2) All actions initiated under this subdivision shall require a minimum of 100 units of lawn and garden equipment. No minimum shall apply in cases where the Executive Officer or designee determines that the minimum of 100 should be lowered because the amount of MSERCs that a facility needs is less than the number of MSERCs generated when 100 units of lawn and garden equipment are scrapped and replaced.
- (3) Only one unit of each equipment type per residence shall be collected for permanent replacement. No limit shall apply for commercial users of existing equipment. Commercial users submitting their equipment for collection and scrapping must supply proof of business operation in the Basin for at least one year prior to 1995 or 1999 for equipment replaced pursuant to subparagraph (d)(1)(A).
- (4) All persons seeking MSERCs under this rule shall submit a Rule 1623 Project Plan, as specified in subdivision (e), at least one month prior to implementing any action described in this subdivision.
- (5) The Executive Officer or designee shall receive at least two weeks written notice prior to implementing projects described in subparagraph (d)(1)(A) indicating date(s), location(s) and approximate numbers and types of equipment to be scrapped.

(e) Issuance of MSERCs

(1) Rule 1623 Project Plan

In order to generate MSERCs, a person shall submit a Rule 1623 Project Plan. The Rule 1623 Project Plan shall contain the following specific information:

- (A) identification of the specific option(s) selected for generating MSERCs; and

- (B) a description of the collection and screening process for the scrapping of existing lawn and garden equipment (applicable for options described in subparagraph (d)(1)(A)), including the location of scrapping sites, and procedures to verify the operability of equipment to be scrapped; and
 - (C) a description of equipment to be provided as a replacement unit including equipment type, manufacturer, model number, and engine horsepower rating; and
 - (D) a description of the process to permanently render equipment engines inoperable according to subdivision (f), applicable for equipment volunteered for scrapping.
- (2) In order for the project to be eligible for MSERC generation, the Rule 1623 Project Plan must be approved by the Executive Officer or designee prior to implementation of the project.
- (3) **Lawn and Garden MSERC Application**
In order to generate MSERCs, a person shall submit a Lawn and Garden MSERC Application. The purpose of the Application is to document the scrapping and replacement of lawn and garden equipment, or direct sale of low- or zero-emitting equipment, pursuant to subparagraphs (d)(1)(A) and (d)(1)(B). The Application shall contain specific information including:
- (A) **Proof of Replacement and Sale**
 - (i) Pursuant to subparagraph (d)(1)(A), proof of replacement of scrapped equipment with new low- or zero-emission equipment in the Basin meeting California Emission Standards for Utility and Lawn and Garden Engines (the proof of replacement shall include the seller's name and address, purchaser's name and address, purchase date, equipment type, manufacturer, and engine model number or equivalent information determined by the Executive Officer or designee);
 - (ii) Pursuant to subparagraph (d)(1)(B), sales records of new low- or zero-emission equipment in the Basin meeting California Emission Standards for Utility and Lawn and Garden Engines (the proof of sales shall include the seller's name and address, purchase date, equipment type, manufacturer, and engine model number or equivalent

information as determined by the Executive Officer or designee);

- (B) For each piece of equipment scrapped: date of scrapping, equipment type, and engine model number; and
 - (C) classification of each piece of equipment scrapped and/or purchased in terms of residential or commercial application.
- (4) For the purposes of assessing fees, the Lawn and Garden MSERC Application shall be deemed a plan, and the fees shall be assessed in accordance with the provisions of Rule 309.
 - (5) All MSERCs shall be issued after approval of the Lawn and Garden MSERC Application by the Executive Officer or designee and in accordance with the MSERC calculation methodology specified in subdivision (g).
 - (6) MSERCs shall be designated for use on a per year basis for the number of years as specified in Table 1. Residential sales or purchases shall use the years specified as residential, while sales or purchases to commercial users shall be based on the years referenced as commercial.
 - (7) MSERCs shall expire two years after the year they were designated for use.
 - (8) The Executive Officer may revise the number of years specified in Table 1 to reflect new information on equipment life or remaining useful life.
- (f) **Rendering Engines Inoperable**
Engines shall be rendered permanently inoperable by drilling a hole through the engine block. Alternative, equally effective procedures for permanently rendering engines inoperable shall be allowed, as approved by the Executive Officer or designee in the Rule 1623 Project Plan.

Table 1
Credit Issuance (years)

Equipment	Residential		Commercial	
	Option 1 & 2	Option 3	Option 1 & 2	Option 3
Lawnmowers	4	7	2	3
Edgers/Trimmers (4-Stroke)	4	7	2	3
Edgers/Trimmers (2-Stroke)	3	5	2	3
Shredders/Grinders	4	7	3	5
Blowers/Vacuums (4-Stroke)	4	7	2	3
Blowers/Vacuums (2-Stroke)	3	5	2	3
Chainsaws	3	5	1	1
Tillers	4	7	3	5
Garden Tractors	4	7	2	4
Riding Mowers	4	7	2	4

(g) MSERC Calculation

- (1) The total amount of NO_x, VOC, CO, and PM MSERCs generated per year for the number of years specified in Table 1, when any low- or zero-emission lawn and garden equipment is purchased, sold, replaced, or scrapped shall be based on the following calculation:

$$\text{MSERC} = (\text{Credit per Unit} \times \# \text{ Units}) / \text{TAF}$$

where:

MSERC = Mobile source emission reduction credits (pounds/year).

Credit = Annual emissions reduction generated by equipment type (pounds/year).

Unit = The actual number of lawn and garden equipment purchased, sold, replaced, or scrapped.

TAF = Technical Uncertainty Adjustment Factor, for the purpose of generating credits.

- (2) The amount of Credits per Unit is to be taken from Table 2 for units used by residential users and from Table 3 for units used by commercial users. For projects involving scrapping and replacement, the amount of Credit per Unit is read directly from Tables 2 and 3. For purchase-only projects occurring prior to January 1, 1999, the Credit per Unit is the difference between the credits generated for low- or zero-emission equipment and equipment meeting the 1995 California Emission Standards for Utility and Lawn and Garden Engines. After January 1, 1999, the Credit per Unit is the difference between the credits generated for zero-emission equipment

and equipment meeting the 1999 California Emission Standards for Utility and Lawn and Garden Engines.

- (3) A Technical Uncertainty Adjustment Factor equal to 1.2 shall be applied except that a Technical Uncertainty Adjustment Factor of 1.0 shall be applied for the sale of zero-emission equipment or the replacement of existing equipment with zero-emission equipment.

(h) Use of MSERCs

- (1) MSERCs may be used for any of the following applications:

- (A) As RECLAIM Trading Credits. The Executive Officer or designee shall convert MSERCs to RTCs upon submission of MSERCs by the user.

- (B) As an alternative method of compliance with District Regulation XI rules that have future compliance dates. MSERCs shall not be used to offset emission increases caused by the removal of emission control equipment or replacement of compliant with noncompliant materials subject to Regulation XI. MSERCs must be in existence and designated as an alternative method of compliance in advance of the compliance date.

- (C) As a method of compliance with District Rule 2202.

- (D) As New Source Review (NSR) offsets for emission increases at new or modified facilities that are subject to Rule 1303 (b)(2) in accordance with the provisions of Regulation XIII. Pursuant to Rule 504, no variance or series of variances, including emergency and interim variances, shall be granted for a period in excess of 90 days from the initial granting of a variance, from a permit condition implementing a Regulation XIII offset requirement if such permit condition is based upon the use of MSERCs.

- (E) For voluntary retirement of MSERCs for air quality benefits.

- (F) As an alternative method of compliance with any District regulations which specifically authorize the use of MSERCs.

- (2) MSERCs shall only be consumed in the air basin where the lawn and garden equipment, used to generate the MSERCs, are based.

- (3) In order to use MSERCs for the applications listed in subparagraph (h)(1)(B) of this subdivision, the user shall submit a compliance plan to the

Executive Officer or designee. The user of MSERCs for applications listed under subparagraph (h)(1)(F) shall also submit a compliance plan to the Executive Officer or designee if the District regulation specifically authorizing the use of MSERCs does not already require a compliance plan. The purpose of the compliance plan is to demonstrate compliance with rule requirements, and specify the use of MSERCs.

Table 2
Annual Credits per Unit (Residential) by Type of Lawn and Garden Equipment
(lbs/yr)

Equipment	Residential											
	Meeting 1995 Standards				Meeting 1999 Standards				Zero-Emission Equipment			
	VOC	NOx	CO	PM	VOC	NOx	CO	PM	VOC	NOx	CO	PM
Lawnmowers												
4-Stroke	2	0	7	0	2	0.1	18	0	3	0.1	24	0
2-Stroke	11	0	10	0	11	0	21	0.4	13	0	27	0.4
Edgers/Trimmers												
4-Stroke	1	0	4	0	1	0	8	0	2	0.1	12	0
Handheld												
2-Stroke <50 cc	1	0	3	0	2	0	7	0	3	0	8	0
2-Stroke >50 cc	1	0	5	0	2	0	7	0	3	0	8	0
Shredders/Grinders												
4-Stroke	2	0	7	0	2	0.1	17	0	3	0.1	23	0
2-Stroke	11	0	10	0	11	0	20	0.4	12	0	25	0.4
Blowers/Vacuums												
4-Stroke	1	0	4	0	1	0	9	0	2	0.1	12	0
2-Stroke	2	0	5	0	2	0	7	0	3	0	8	0
Handheld												
2-Stroke <50 cc	1	0	3	0	2	0	7	0	3	0	8	0
2-Stroke >50 cc	1	0	5	0	2	0	7	0	3	0	8	0
Chainsaws												
2-Stroke <50 cc	1	0	1	0	3	0	7	0	4	0	8	0
2-Stroke >50 cc	2	0	5	0	3	0	7	0	4	0	8	0
Tillers												
4-Stroke <225 cc	2	0	10	0	3	0.1	26	0.1	4	0.2	34	0
4-Stroke >225 cc	3	0	10	0	3	0.1	26	0.1	4	0.2	34	0
Garden Tractors												
All	4	0	63	0	8	1.2	285	0.2	15	2.6	396	0
Riding Mowers												
All	1	0	20	0	3	0.4	97	0	6	0.8	136	0

Table 3
Annual Credits per Unit (Commercial) by Type of Lawn and Garden Equipment
(lbs/yr)

Equipment	Commercial											
	Meeting 1995 Standards				Meeting 1999 Standards				Zero-Emission Equipment			
	VOC	NOx	CO	PM	VOC	NOx	CO	PM	VOC	NOx	CO	PM
Lawnmowers												
4-Stroke <225 cc	30	0	132	0	36	0.9	335	0	59	2.1	436	1
4-Stroke >225 cc	32	0	132	0	36	0.7	335	0	59	2.1	436	1
2-Stroke <225 cc	203	0	189	0	209	0	392	7.6	232	0.3	493	7.8
2-Stroke >225 cc	207	0	189	0	210	0	392	7.6	232	0.3	493	7.8
Edgers/Trimmers												
4-Stroke <225 cc	22	0	98	0	27	0.8	226	0	43	1.5	324	0.6
4-Stroke >225 cc	24	0	98	0	27	0.2	226	0	43	1.5	324	0.6
Handheld												
2 Stroke <20 cc	25	0	25	0	89	0	201	1.3	116	0.4	250	1.4
2-Stroke 20 - 50 cc	40	0	25	0	89	0	201	1.3	116	0.4	250	1.4
2-Stroke >50 cc	63	0	138	0	89	0	201	1.3	116	0.4	250	1.4
Shredders/Grinders												
4-Stroke <225 cc	52	0	95	0	64	2.1	457	0	91	3.7	638	1.3
4-Stroke >225 cc	60	0	95	0	66	0.5	457	0	91	3.7	638	1.3
2-Stroke <225 cc	361	0	336	0	372	0	698	13.5	399	0.5	879	13.9
2-Stroke >225 cc	368	0	336	0	373	0	698	13.5	399	0.5	879	13.9
Blowers/Vacuums												
4-Stroke <225 cc	35	0	64	0	43	0.1	305	0	68	0.1	425	0.9
4 -Stroke >225 cc	38	0	64	0	43	0.1	305	0	68	0.1	425	0.8
2-Stroke <225 cc	250	0	552	0	255	0	734	3.0	277	0	825	3.3
2-Stroke >225 cc	253	0	552	0	256	0	734	3.0	277	0	825	3.3
Handheld												
2-Stroke <20 cc	57	0	280	0	212	0	707	3.0	277	0	825	3.3
2-Stroke 20 - 50 cc	94	0	280	0	212	0	707	3.0	277	0	825	3.3
2-Stroke >50 cc	148	0	552	0	212	0	707	3.0	277	0	825	3.3

continued

**Table 3 (continued)
Annual Credits per Unit (Commercial) by Type of Lawn and Garden Equipment
(lbs/yr)**

Equipment	Commercial											
	Meeting 1995 Standards				Meeting 1999 Standards				Zero-Emission Equipment			
	VOC	NOx	CO	PM	VOC	NOx	CO	PM	VOC	NOx	CO	PM
Tillers												
4-Stroke <225 cc	11	0	49	0	14	0.4	126	0	19	0.8	164	0.3
4-Stroke >225 cc	12	0	49	0	14	0.3	126	0	19	0.8	164	0.3
Garden Tractors												
All	14	0	231	0	31	4.4	1039	0	51	9.3	1444	0.9
Riding Mowers												
All	9	0	210	0	28	4.2	1003	0	53	8.1	1400	0.2

- (4) The compliance plan shall contain the following information:
 - (A) Total MSERCs;
 - (B) Identification of the specific rule for which the alternative method of compliance is sought;
 - (C) The period of time for the alternative method of compliance;
 - (D) Number of MSERCs used to substantiate the alternative method of compliance;
 - (E) A quantification of emissions that would result from noncompliance with the rule identified in subparagraph (h)(4)(B), and documentation supporting the emissions quantification.
- (5) Supporting documentation (applicable for MSERC usage for Regulation XI rules) shall include, but is not limited to:
 - (A) a listing of equipment or materials that are the source of noncompliant VOC, NOx, CO, PM emissions associated with the rule identified in subparagraph (h)(4)(B).
 - (B) a description and operating conditions of equipment listed in subparagraph (h)(5)(A) or composition and rate of use of materials listed in subparagraph (h)(5)(A).
 - (C) emission rates associated with the use of equipment or materials listed in subparagraph (h)(5)(A).

- (6) The compliance plan shall be written on a form to be specified by the Executive Officer or designee.
 - (7) The Executive Officer or designee shall approve or disapprove the compliance plan. The plan shall be disapproved unless it demonstrates that an equivalent amount of emissions reductions are obtained through the alternative method of compliance.
 - (8) MSERCs may not be used as an alternative method of compliance with Regulation XI rules until the Executive Officer or designee has approved the compliance plan.
 - (9) The user must renew the compliance plan prior to the expiration of MSERCs upon which the plan is based.
- (i) Recordkeeping Requirements
- (1) Persons generating MSERCs under this rule shall be responsible for storing and maintaining data records for each lawn and garden equipment scrapped and purchased. The data records shall identify the equipment's type, manufacturer, model number, identification number, engine displacement, and horsepower, and any other necessary data. The records must also identify the individuals or businesses submitting their old lawn and garden equipment for collection, scrapping, and replacement.
 - (2) A copy of data records described in paragraph (i)(1) shall be maintained by the operator of the project for at least two years from the date of MSERC issuance.
- (j) Compliance Auditing and Enforcement
- (1) The Executive Officer or designee shall be afforded access in the District to audit any files or records created to comply with recordkeeping requirements, specified in subdivision (i), or require persons receiving MSERCs under this rule to submit such records to the Executive Officer or designee upon request.
 - (2) Violation of any provision of this rule, including falsification of information in the Lawn and Garden MSERC Application shall be grounds for the Executive Officer to disallow or void any MSERCs resulting from or associated with the violation, by disapproving or seeking revocation of the Lawn and Garden MSERC Application, and shall be subject to the penalties specified in the Health and Safety Code for violation of District rules.

(k) Requirements for Public Notice

Following a completeness determination of the Lawn and Garden MSERC Application for the use of MSERCs as NSR offsets only, as provided in subparagraph (h)(1)(D), the Executive Officer or designee shall:

- (1) perform the evaluations required to determine compliance with this regulation and make a preliminary written decision, as appropriate, as to whether or not MSERCs, to be used as emission reduction credits (ERCs), should be approved or disapproved. The decision shall be supported by a succinct written analysis; and
- (2) ~~post a public notice on the District public website publish a notice by prominent advertisement in at least one newspaper of general circulation in the District~~ stating the preliminary decision of the Executive Officer or designee and where the public may inspect the information. The notice shall provide 30 days from the date of ~~publication~~ public notice posting for the public to submit written comments on the preliminary decision; and
- (3) at the time ~~notice of the preliminary decision is published~~ posted, make available for public inspection, upon request, at the District office the information submitted by the applicant, the supporting analysis for the preliminary decision, and the preliminary decision to grant or deny MSERCs and the reasons therefore. The confidentiality of trade secrets shall be considered in accordance with Section 6254.7 of the Government Code.

(l) Appeal of Disapproval of MSERC Issuance

An applicant may, within 30 days of receipt of notice of disapproval, request the hearing board to hold a hearing on whether the Lawn and Garden MSERC Application was properly refused.

(m) Relationship to Intercredit Trading

- (1) MSERCs generated pursuant to this rule may be converted to other denominations, as authorized by other District rules and regulations.
- (2) MSERC credit life may be adjusted, as authorized by other District rules and regulations.

ATTACHMENT F16

(Adopted October 7, 1988)(Amended January 6, 1989)
(PAR 1710 – February 12, 2019)

PROPOSED AMENDED RULE 1710. ANALYSIS, NOTICE, AND REPORTING

- (a) The Executive Officer shall notify all applicants within 30 days as to the completeness of the application or any deficiency in the application or information submitted. In the event of such a deficiency, the date of receipt of the application shall be the date on which the Executive Officer received all required information.
- (b) For major stationary sources subject to Rule 1703(a)(3), within 180 days after receipt of a complete application, the Executive Officer shall:
- (1) Make a preliminary determination whether construction shall be approved, approved with conditions, or disapproved;
 - (2) Make available for public review, upon request, a copy of materials the applicant submitted, a copy of the preliminary determination, and a copy or summary of other materials, if any, considered in making the preliminary determination. This requirement may be met by making these materials available at a physical location or on the District website. -The confidentiality of trade secrets shall be considered in accordance with Section 6254.7 of the Government Code;
 - (3) Notify the public, ~~by posting a public notice on the District public website~~ advertisement in a newspaper of general circulation in the District, of the application, the preliminary determination, the degree of increment consumption that is expected from the source or modification, whether an alternative to an EPA approved model was used, and of the opportunity for comment at a public hearing. The notice shall be available on the District website for the duration of the public comment period and shall include the notice of public comment, the draft permit (or denial of the permit application), and information on how to access the administrative record for the draft permit and how to request and/or attend a public hearing on the draft permit. The applicant shall be responsible for the

distribution of the public notice to each address within a 1/4-mile radius of the project or such other greater area as determined appropriate by the Executive Officer. The applicant shall provide verification to the Executive Officer that the public notice has been distributed as required by this Section. The notice shall provide 30 days from date of ~~publication~~ public notice posting for the public to submit written comments;

- (4) Send a copy of the notice of public comment to the applicant, the EPA Administrator, and to officials and agencies having cognizance over the location where the proposed construction would occur as follows: any other state or local air pollution control agencies, the chief executives of the city and county where the source would be located, any comprehensive regional land use planning agency, and any State or Federal Land Manager, or Indian Governing body whose lands may be affected by emissions from the source or modification;
- (5) Provide opportunity for a public hearing for interested persons to appear and submit written or oral comments on the air quality impact of the source, alternatives to it, the control technology required, and other appropriate considerations;
- (6) Consider all written comments submitted within a time specified in the notice of public comment and all comments received at any public hearing(s) in making a final decision on the approvability of the application. The Executive Officer shall make all comments available for public inspection at the same physical location or on the same District website where the Executive Officer made available preconstruction information relating to the proposed source or modification. ~~on the District public website.~~ ~~in the same locations where the Executive Officer made available preconstruction information relating to the proposed source or modification.~~
- (7) Make a final determination whether construction should be approved, approved with conditions, or disapproved; and
- (8) Notify the applicant in writing of the final determination and make such notification available for public inspection at the same location or on the same District website where the Executive Officer made available preconstruction information and public comments relating to the proposed source. ~~at the same location where the Executive Officer made available~~

~~preconstruction information and public comments relating to the *source* on
the District public website.~~

ATTACHMENT F17

(Adopted November 5, 2010)
(PAR 1714 – February 12, 2019)

PROPOSED AMENDMENT RULE 1714. PREVENTION OF SIGNIFICANT DETERIORATION FOR GREENHOUSE GASES

(a) Purpose

This rule sets forth preconstruction review requirements for greenhouse gases (GHG). The provisions of this rule apply only to GHGs as defined by the U.S. EPA to mean the air pollutant as an aggregate group of six GHGs: carbon dioxide, nitrous oxide, methane, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride. All other attainment air contaminants, as defined in Rule 1702 subdivision (a), shall be regulated for the purpose of Prevention of Significant Deterioration (PSD) requirements pursuant to Regulation XVII, excluding Rule 1714.

(b) Applicability

The provisions of this rule shall apply to any source and the owner or operator of any source subject to any GHG requirements under 40 Code of Federal Regulations ~~Part~~ Section 52.21 as incorporated into this rule.

(c) Incorporation by Reference

Except as provided below, the provisions of Title 40 of the Code of Federal Regulations (CFR) Part 52.21, are incorporated herein by reference and made part of the Rules and Regulations of the South Coast Air Quality Management District.

(1) The following subsections of 40 CFR ~~Part~~ Sections 52.21 are excluded: (a)(1), (b)(13), (b)(14), (b)(15), (b)(55-58), (c), (d), (e), (f), (g), (h), (i)(1)(i-v) and (ix-xi), (i)(6-8), (k), (l), (m), (o), (p), (q), (s), (t), (u), (v), (w), (x), (y), (z), (aa), and (cc).

(2) The following term found in 40 CFR Part 52.21(b) is revised as follows:

(A) The term “administrator” means:

(i) “federal administrator” in 40 CFR 52.21(b)(17), (b)(37)(i), (b)(43), (b)(48)(ii)(c), (b)(50)(i), and (b)(51); and

(ii) Executive Officer elsewhere, as defined in Rule 102.

(d) Requirements

(1) An owner or operator must obtain a PSD permit pursuant to this rule before beginning actual construction, as defined in 40 CFR 52.21 (b)(11), of a new major

stationary source or major modification to an existing major source as defined in 40 CFR 52.21 (b)(1) and (b)(2), respectively.

- (2) Notwithstanding the provisions of any other District Rule or Regulation, the Executive Officer shall require compliance with this rule, if applicable, prior to issuing a PSD permit for GHG emissions as required by CAA Section 165

(e) Public Participation

For major stationary sources subject to Rule 1714, after receipt of a complete application, the Executive Officer shall:

- (1) Make a preliminary determination whether construction shall be approved, approved with conditions, or disapproved;
- (2) Make available for public review, upon request, a copy of materials the applicant submitted, a copy of the preliminary determination, a copy of the proposed permit, and a copy or summary of other materials, if any, considered in making the preliminary determination. This requirement may be met by making these materials available at a physical location or on the District website. The confidentiality of trade secrets shall be considered in accordance with Section 6254.7 of the Government Code;
- (3) Notify the public of the application, ~~by posting a public notice on the District public website, advertisement in a newspaper of general circulation in the District, of the application,~~ the preliminary determination, the degree of increment consumption that is expected from the source or modification, whether an alternative to ~~an~~ U.S. EPA approved model was used, and of the opportunity for written public comment. The notice shall be available on the District website for the duration of the public comment period and shall include the notice of public comment, the draft permit (or denial of the permit application), and information on how to access the administrative record for the draft permit and how to request and/or attend a public hearing on the draft permit. The applicant shall be responsible for the distribution of the public notice to each address within a 1/4-mile radius of the project or such other greater area as determined appropriate by the Executive Officer. The applicant shall provide verification to the Executive Officer that the public notice has been distributed as required by this Section. The notice shall provide 30 days from date of ~~publication~~ public notice posting for the public to submit written comments;
- (4) Send a copy of the notice of public comment to the applicant, the U.S. EPA Administrator, and to officials and agencies having cognizance over the location

where the proposed construction would occur as follows: any other state or local air pollution control agencies, the chief executives of the city and county where the source would be located, any comprehensive regional land use planning agency, and any State or Federal Land Manager, or Indian Governing body whose lands may be affected by emissions from the source or modification;

- (5) Provide opportunity for a public hearing for interested persons to appear and submit written or oral comments on the air quality impact of the source, alternatives to it, the control technology required, and other appropriate considerations;
- (6) Consider all written comments submitted within a time specified in the notice of public comment and all comments received at any public hearing(s) in making a final decision on the approvability of the application. The Executive Officer shall make all comments available for public inspection at the same physical location or on the same District website where the Executive Officer made available preconstruction information relating to the proposed source or modification.~~on the District public website in the same locations where the Executive Officer made available preconstruction information relating to the proposed source or modification.~~
- (7) Make a final determination whether construction should be approved, approved with conditions, or disapproved; and
- (8) Notify the applicant in writing of the final determination and make such notification available for public inspection at the same location or on the same District website where the Executive Officer made available preconstruction information and public comments relating to the proposed source or modification.~~on the District public website at the same location where the Executive Officer made available preconstruction information and public comments relating to the source.~~

ATTACHMENT F18

(Adopted October 8, 1993)(Amended August 11, 1995)
(Amended November 14, 1997)(Amended November 5, 2010)
(PAR 3006 – February 12, 2019)

PROPOSED AMENDED RULE 3006. PUBLIC PARTICIPATION

- (a) Public Participation Requirements for Permit Actions
- (1) All permit actions for initial permit issuance, significant permit revisions, establishment of general permits and permit renewals shall include the following public participation procedures:
- (A) ~~The District shall give public notice by posting a public notice on the District public website for the duration of the public comment period. In addition, public notice shall be given to persons on a mailing or electronic mailing list that has been developed to enable interested parties to subscribe to the mailing list. The Executive Officer may update the mailing list from time to time by requesting written indication of continued interest from those listed and may delete from the list the name of any person who fails to respond to such request within a reasonable timeframe. publication in a newspaper of general circulation in the county where the source is located, by mail to those who request in writing to be on a list to receive all such notices, and by any other means determined by the Executive Officer to be necessary to assure adequate notice to the affected public.~~
- (B) The ~~public~~ notice shall include:
- (i) The identity and location of the affected facility;
 - (ii) The name and mailing address of the facility's contact person;
 - (iii) The identity and address of the South Coast Air Quality Management District as the permitting authority processing the permit;
 - (iv) The activity or activities involved in the permit action;
 - (v) The emissions change involved in any permit revision;

- (vi) The name, address, and telephone number of a person who interested persons may contact to review additional information including copies of the proposed permit, the application, all relevant supporting materials, including compliance documents as defined in paragraph (b)(6) of Rule 3000, and all other materials available to the Executive Officer that are relevant to the permit decision;
 - (vii) A brief description of the public comment procedures provided; and,
 - (viii) The time and place of any proposed permit hearing that may be held or a statement of the procedures to request a proposed permit hearing if one has not already been requested.
- (C) Costs of such ~~public~~ notice and public participation process shall be paid, as specified in Regulation III, by the applicant.
- (D) The ~~public~~ notice shall provide at least 30 days for public comment, and shall give at least 30 days of notice if any proposed permit hearing is scheduled.
- (E) The Executive Officer shall keep a record of the commenters and also of the issues raised during the public participation process, for 5 years, so that the EPA Administrator may fulfill the obligation under Section 505(b)(2) of the federal Clean Air Act to determine whether a citizen petition may be granted. Such records shall be available to the public as provided in the California Public Records Act.
- (F) Any person may request a proposed permit hearing on an application for initial permit, permit renewal, or significant permit revision, or for establishment of a general permit, by filing with the Executive Officer a complete request for a proposed permit hearing within 15 days of the date of ~~publication of public notice~~ posting. On or before the date the request is filed, the person requesting a proposed permit hearing must also mail by first class mail a copy of the request to the contact person of the Title V facility at the address listed in the notice. A complete request for a proposed permit hearing shall include all of the following information:

- (i) Identification of the permit action on which a proposed permit hearing is requested;
 - (ii) Name, address, and telephone number of the person requesting the proposed permit hearing and of the person to whom further notices should be sent, if different;
 - (iii) Specific identification of the portion or portions of the proposed permit or revision to which objection is made;
 - (iv) Specific identification of the regulatory requirement or requirements, or provisions of these rules, with which the proposed permit or revision is inconsistent, and the reasons the inconsistency is believed to exist;
 - (v) Identification of proposed permit terms or conditions, if any, which would eliminate the inconsistency; and,
 - (vi) A statement of the reason or reasons the requester believes a public hearing would clarify one or more issues involved in the permit decision.
- (G) If a valid request for a proposed permit hearing is received in accordance with subparagraph (a)(1)(F) of this rule, the Executive Officer shall hold a proposed permit hearing noticed at least 30 days prior to the hearing and shall deny or approve the proposed permit, or continue the hearing to a specific announced date on which a revised proposed permit would be available for further public review and comment.
- (H) Unless there is an objection made by an affected facility, the Executive Officer may conduct a group permit hearing for facilities identified in the public's requests for permit hearings.
- (b) Exemptions
- Permit revision applications eligible for processing using administrative permit revision, minor permit revision, or de minimis significant permit revision procedures shall be exempt from the public participation requirements of subdivision (a) of this rule.

ATTACHMENT G

SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT

Final Staff Report

Proposed Amended Rule 110 – Rule Adoption Procedures to Assure Protection and Enhancement of the Environment

Proposed Amended Rule 212 – Standards for Approving Permits and Issuing Public Notice

Proposed Amended Rule 301 – Permitting and Associated Fees

Proposed Amended Rule 303 – Hearing Board Fees

Proposed Amended Rule 306 – Plan Fees

Proposed Amended Rule 307.1 – Alternative Fees for Air Toxics Emissions Inventory

Proposed Amended Rule 309 – Fees for Regulation XVI and Regulation XXV

Proposed Amended Rule 315 – Fees for Training Classes and License Renewal

Proposed Amended Rule 518.2 – Federal Alternative Operating Conditions

Proposed Amended Rule 1310 – Analysis and Reporting

Proposed Amended Rule 1605 – Credits For The Voluntary Repair of On-Road Motor Vehicles Identified Through Remote Sensing Devices

Proposed Amended Rule 1610 – Old-Vehicle Scrapping

Proposed Amended Rule 1612 – Credits for Clean On-Road Vehicles

Proposed Amended Rule 1620 – Credits for Clean Off-Road Mobile Equipment

Proposed Amended Rule 1623 – Credits for Clean Lawn and Garden Equipment

Proposed Amended Rule 1710 – Analysis, Notice, and Reporting

Proposed Amended Rule 1714 – Prevention of Significant Deterioration for Greenhouse Gases

Proposed Amended Rule 3006 – Public Participation

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CHAPTER 1: BACKGROUND

INTRODUCTION

BACKGROUND

AFFECTED INDUSTRIES

PUBLIC PROCESS

INTRODUCTION

Based on SCAQMD's concept to modernize public noticing, California Senate Bill (SB) 1502 was approved in June 2018, allowing air districts to electronically mail (email) public notices in lieu of mail for any person who requests noticing by email. Additionally, in 2016, the U.S. Environmental Protection Agency (U.S. EPA) revised the public notice provisions for Clean Air Act permitting programs (81 Fed. Reg. FR 71613), requiring electronic notice (e-notice) for permit actions for federal permit programs in lieu of providing public notice by newspaper publication. U.S. EPA's rule further allows for e-notice as an option for permit actions by permitting authorities implementing U.S. EPA-approved programs, including but not limited to, New Source Review and Title V permitting. Permitting authorities that implement e-notice are also required to make the draft permit available electronically, such as by posting on a permitting authority's South Coast Air Quality Management District's (SCAQMD) public website or on a public website identified by the permitting authority SCAQMD, for the duration of the comment period (e-access).

In an effort to streamline and modernize public noticing and communications with the public, staff reviewed all public noticing and communications in its regulatory program. SCAQMD is proposing amendments to Proposed Amended Rules 110, 212, 301, 303, 306, 307.1, 309, 315, 518.2, 1310, 1605, 1610, 1612, 1620, 1623, 1710, 1714, and 3006 (Proposed Amended Rules) will to modernize and extend flexibilities for public notice-noticing and other communications and to allow electronic payment of certain fee invoices. Pursuant to SB 1502, SCAQMD is also proposing procedures to develop a process to collect email addresses for those stakeholders that elect to receive public notices via email instead of mail and procedures to update email addresses and preferences for email or mail.

BACKGROUND

In response to SB 1502 and 81 Fed. Reg. FR 71613, SCAQMD is proposing amendments to modernize communications and streamline public notification. The Proposed Amended Rules which can be divided into four categories of amendments: 1) Public Notifications for New Source Review and Federal Permit Programs; 2) Public Notifications for Rulemaking Activities; 3) Communications for Implementing Fee Rules; and 4) Public Notifications for Offset Program Rules.

California Health and Safety Code Sections 40440.5 and 40440.7 require air districts SCAQMD to send public workshop and public hearing notices for rule adoption, amendment, or repeal by mail. In June 2018, SB 1502¹ was approved which allows air districts to send public notices by email in lieu of by mail. Under SB 1502, air districts are required to send notices by mail to any person who requests noticing by mail and to adopt procedures for the public to request public notices to be sent by mail and a process to update their email addresses. These procedures must be adopted, and updated as needed, by the air districts' Governing Board. The requirements of SB 1502 are now codified in relevant part at California Health and Safety Code Section 40006. Consistent with state law, proposed amendments to Rule 110 will allow for both email and mail distribution of public notifications for rulemaking activities.

In October 2016, the U.S. EPA revised the public notice and public participation provisions for federal permit programs including the New Source Review (NSR), Title V, Prevention of

¹ California Senate Bill 1502:

https://leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=201720180SB1502

Significant Deterioration (PSD),² and Outer Continental Shelf (OCS) permit programs of the Clean Air Act by revising permitting provisions in 40 Code of Federal Regulations (CFR) Parts 51, 52, 55, 70, 71, and 124 to update permit processing requirements.² The 2016 final rule removed the mandatory requirement for public notice of a draft air permit through publication in a newspaper, and instead requires ~~e-notice e-noticing~~ for U.S. EPA actions and actions by permitting authorities implementing the federal permitting rules, and allows for ~~e-notice e-noticing, such as posting on an air district's website,~~ as an option for actions by permitting authorities implementing U.S. EPA-approved programs. When ~~e-notice e-noticing~~ is provided, there must also be e-access to the draft permit. U.S. EPA defines “e-notice” as electronic posting on a publicly accessible website identified by the permitting authority and “e-access” as making a draft permit available electronically on a publicly accessible website identified by the permitting authority for the duration of the public comment period.

SCAQMD has received delegated authority to implement two programs under federal permitting rules. For these two permit programs, e-notice instead of newspaper publication is now mandated. The first program is a 2007 “Agreement for Partial Delegation of Authority” between SCAQMD and the U.S. EPA which partially delegated authority to issue PSD initial permits and to modify certain existing PSD permits, subject to the terms and conditions of the agreement.³ The proposed changes in PAR 212 and Regulation XVII – Prevention of Significant Deterioration, specifically PAR 1710 and 1714, will ensure federal permitting rules are followed for permitting actions in keeping with the partial delegation. -The second program is a 1994 “Agreement for Delegation of Authority” between SCAQMD and the U.S. EPA which delegated the authority to implement and enforce the requirements of the OCS Air Regulations (40 CFR Part 55) within 25 miles of the state’s seaward boundary.⁴ The delegation was expressly premised on SCAQMD working to ensure Rule 212 was interpreted (and amended, as needed) to incorporate the “public notice and comment procedures for permitting of OCS facilities.”⁵ The proposed changes in PAR 212 will also accomplish consistency with this historical delegation.⁶

Additionally, U.S. EPA’s final rule on e-noticing includes the option of e-noticing for permits issued under the authority of U.S. EPA-approved programs. ~~Given~~ With reference to this option, SCAQMD implements an U.S. EPA-approved Title V permit program and is also the permitting authority of Nonattainment NSR permits. In June 2018, California Air Resources Board (CARB)

² Revisions to Public Notice Provisions in Clean Air Act Permitting Programs, 81 ~~Fed. Reg.~~ FR 71613 (Oct. 18, 2016). <https://www.gpo.gov/fdsys/pkg/FR-2016-10-18/pdf/2016-24911.pdf>. New Source Review includes the minor NSR, Prevention of Significant Deterioration (PSD), and Nonattainment NSR programs.

³ U.S. EPA-South Coast Air Quality Management District Agreement for Partial Delegation of Authority to Issue and Modify Prevention of Significant Deterioration Permits Subject to 40 CFR 52.21, July 25, 2017, https://www.epa.gov/sites/production/files/2015-08/documents/south_coast_aqmd_psd_delegation_agreement.pdf

⁴ U.S. EPA-South Coast Air Quality Management District Agreement for Delegation of Authority for Outer Continental Shelf Air Regulations (40 CFR Part 55), May 9, 1994, https://www.epa.gov/sites/production/files/2015-08/documents/south_coast_ocs_agreement.pdf; Notice of the delegation was published in the Federal Register on July 15, 1994.

⁵ Updating Rule 212 is “mandatory” and appropriate according to the terms of the delegation agreement. In the fine print of the rule on e-noticing, U.S. EPA explained that e-notice and e-access was not generally required for “permitting authorities that are delegated authority to issue permits under 40 CFR part 55,” and that this was not proposed. 81 ~~Fed. Reg.~~ FR at 71618, n. 11.

⁶ The District adopted Rule 1183-Outer Continental Shelf (OCS) Air Regulations on March 12, 1993, to enable its exercise of authority under the delegation. Changes to Rule 1183 which only incorporates provisions of 40 CFR Part 55, ~~and are~~ not presently warranted or needed.

Advisory 299⁷ addressed the availability of this option for air districts, explaining that air districts can permissibly change their rules and practices for approved permit programs to accord with federally-authorized e-noticing and that such changes would not violate the Protect California Air Act of 2003⁸. CARB Advisory 299 also recommends a dedicated web page for listing all public notices related to NSR permitting and that all public notices contain certain minimum information requirements. U.S. EPA and CARB allow e-noticing to enhance public participation and to better inform the public. As CARB Advisory 299 indicates, newspaper publication of public notices may still be required under other provisions of the California Health and Safety Code and other laws and regulations, such as the California Environmental Quality Act.

Proposed amendments to Rules 212, 518.2, 1710, 1714, and 3006 are ~~offered~~ in direct response to the U.S. EPA rule changes in 2016 that allow or require e-noticing. Rules 1310, 1605, 1610, 1612, 1620, and 1623 were identified by staff. These rules concern permit-type actions (or actions ancillary to permitting actions) that involve offsets and emission reduction credits. California Health and Safety Code Section 40713 requires that there be procedures for the approval of reductions under offset programs, specifying that they provide “for public comment within 30 days after notice of any proposed approval” and that the procedures be “comparable to district permit procedures.” There is no Health and Safety Code or federal requirement for notice by newspaper advertisement for these types of actions, and staff has therefore identified these rules as eligible for amendment ~~that also warrant updates~~ to enable e-noticing. Neither the U.S. EPA rule on e-noticing nor CARB Advisory 299 had reason to address these types of actions or to mandate requirements for them, but the stated justifications and rationale for e-noticing are the same, and the proposed amendments will serve to ensure that procedures remain “comparable to district permit procedures.”

Proposed amendments to Rules 301, 303, 306, 307.1, 309, and 315 would also authorize modern means of communications and correspondence in the implementation of SCAQMD rules under Regulation III – Fees. These rules are subject to amendment under SCAQMD’s general authority to adopt and revise rules, and they are eligible for amendment apart from the enactment of SB 1502. These changes would generally enable SCAQMD to mail, email, or electronically issue notices, communications, and invoices in the implementation of fee rules. The changes would also recognize that certain fee invoices may be paid electronically.

Rules 510 – Notice of Hearing, 515 – Findings and Decision, and 812 – Notice of Hearing, were initially identified as eligible for amendment by SB 1502. These rules call for the mailing or delivery of certain notices in the conduct of Hearing Board activities. Under further review, these notices are not necessarily “public notices” under the terms of Health and Safety Code Section 40006. Staff now recommends Rules 510, 515, and 812 not be amended, because SB 1502 does not specifically enable or invite such changes. Delivery of notices by email may be consistent with current rule text, yet staff has determined that the previously contemplated rule changes for these rules that had been considered in reference to SB 1502 are no longer warranted.

Staff had additionally studied Rule 1309 – Emission Reduction Credits and Short Term Credits, as eligible for amendment to also allow for e-noticing in lieu of notice by newspaper advertisement, but that rule’s requirement to publish a newspaper notice (Rule 1309(f)(3)) is strictly the

⁷ California Air Resources Board Advisory 299: <https://www.arb.ca.gov/enf/advs/advs299.pdf>

⁸ California Senate Bill 288: http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=200320040SB288; California Health and Safety Code §§ 42501-42507.

responsibility of a facility that would request to generate or use Short Term Credits. It also bears noting that facilities have not been known to use this provision since its adoption. The rationale for e-noticing that applies when SCAQMD seeks public comment on its own proposed actions is not germane to this part of Rule 1309, and staff accordingly does not recommend amending Rule 1309.

AFFECTED INDUSTRIES

The proposed amendments are for permit actions, public notices required for rulemaking, and fee invoices. Therefore these amendments potentially affect every industry within the SCAQMD's jurisdiction.

PUBLIC PROCESS

~~The A Public Workshop was held at the SCAQMD Headquarters in Diamond Bar on November 29, 2018. The proposed rule amendments are administrative changes, and were deemed to not have a material impact on subject businesses, given the retention of the right to opt in to remain on a mailing list for rules made eligible for amendment by SB 1502. A Public Hearing will be held, during which the public may provide input on the proposed amendments. The Public Hearing is scheduled to be held at the SCAQMD Headquarters in Diamond Bar on March 1, 2019.~~

CHAPTER 2: SUMMARY OF PROPOSAL

INTRODUCTION

PROPOSED RULE AMENDMENTS

PROPOSED IMPLEMENTATION

INTRODUCTION

The purpose of the proposed amendments is to allow for the option to send public notices by electronic mail (email), electronically notice (e-notice) permit actions, and email fee invoices. Proposed Amended Rule 110 incorporates the option provided by California Senate Bill (SB) 1502 to email public notices regarding rule development to stakeholders that indicate their preference to receive such notices by email.

Rules 212, 518.2, 1710, 1714, and 3006 pertain to approved or delegated Clean Air Act permit programs, specifically New Source Review (NSR) permitting, which includes Prevention of Significant Deterioration (PSD) permitting; Outer Continental Shelf (OCS) permitting; and the Title V operating permits program. These rules are proposed for amendment to align with new amendments to the U.S. Environmental Protection Agency's (U.S. EPA's) permitting rules for the e-noticing of draft permits. These changes for Clean Air Act permit programs were published as a final rule on October 18, 2016 at 81 ~~Fed. Reg.~~ FR 71613. Accordingly, for South Coast Air Quality Management District's (SCAQMD's) delegated permit programs, e-noticing of draft permits has been required per 40 Code of Federal Regulations (CFR) parts 52, 55, 71, and 124 since the effective date in 2016. For SCAQMD's approved permit programs, the final rule authorizes permitting authorities to adopt e-noticing when it is adopted as the "consistent noticing method". Permitting authorities that conduct e-noticing are not precluded from supplementing ~~e-noticing~~ e-noticing with additional means of notification to the public, which may include newspaper advertisement. SCAQMD staff has coordinated with California Air Resources Board (CARB) staff in its development of the proposed changes to permit rules to ensure appropriate adherence to CARB Advisory 299. The text of the proposed amendments has been made to align with the regulatory text that U.S. EPA promulgated in its final rule, as now found in the pertinent paragraphs on public participation at 40 CFR sections 51.165, 51.166, 52.21, 70.7, and 124.10. To satisfy the final rule's requirement for electronic access (e-access) to draft permits, SCAQMD will host its existing, dedicated public web pages for permit actions to meet requirements for e-notice and e-access, as federally required. Adjusting changes to the website will be made, as appropriate, to reflect that ~~e-noticing~~ e-noticing will serve as the consistent noticing method for permit actions. The provision of e-access will not affect the SCAQMD's record retention policies.

SCAQMD proposes to enable options for electronic notification or communication in multiple other rules. The proposed rule amendments are administrative changes.

Additional details regarding the implementation of these options for electronic notification or communication are found in Appendix 1 – Procedures for Including Electronic Public Notice ~~and Invoice Delivery~~.

PROPOSED RULE AMENDMENTS

The rules proposed for amendment include:

- Rule 110 – Rule Adoption Procedures to Assure Protection and Enhancement of the Environment
- Rule 212 – Standards for Approving Permits and Issuing Public Notice
- Rule 301 – Permitting and Associated Fees
- Rule 303 – Hearing Board Fees
- Rule 306 – Plan Fees
- Rule 307.1 – Alternative Fees for Air Toxics Emissions Inventory

- Rule 309 – Fees for Regulation XVI and Regulation XXV
- Rule 315 – Fees for Training Classes and License Renewal
- Rule 518.2 – Federal Alternative Operating Conditions
- Rule 1310 – Analysis and Reporting
- Rule 1605 – Credits For The Voluntary Repair of On-Road Motor Vehicles Identified Through Remote Sensing Devices
- Rule 1610 – Old-Vehicle Scrapping
- Rule 1612 – Credits for Clean On-Road Vehicles
- Rule 1620 – Credits for Clean Off-Road Mobile Equipment
- Rule 1623 – Credits for Clean Lawn and Garden Equipment
- Rule 1710 – Analysis, Notice, and Reporting
- Rule 1714 – Prevention of Significant Deterioration for Greenhouse Gases
- Rule 3006 – Public Participation

The proposed amendments are categorized into four groups:

1. Public Notifications for New Source Review and Federal Permit Programs

Proposed Amended Rules 212, 518.2, 1710, 1714, and 3006 ~~are proposed for amendment to~~ will satisfy U.S. EPA's modernized requirements for public noticing~~notice~~ and public participation for delegated and approved Clean Air Act permit programs. The proposed amendments include removing provisions requiring public notification by newspaper and adding requirements to post draft air permits and public notices for permit actions on the SCAQMD website. These changes ensure SCAQMD permit processing will follow the e-notice and e-access requirements in U.S. EPA regulations.

2. Public Notifications for Rulemaking Activities

Proposed Amended Rule 110 ~~is proposed for amendment to~~ will allow SCAQMD to send public notices by email if an email address is available; by other electronic means; and by mail should an individual opt-in to receive public notices by mail only or has not registered his or her noticing preferences. SB 1502 enables the SCAQMD to amend its rules to expand public noticing options to include by email.

3. Communications for Implementing Fee Rules

Proposed Amended Rules 301, 303, 306, 307.1, 309, and 315 ~~will~~ are proposed for amendment to allow SCAQMD to email certain fee invoices to be emailed and expand. ~~Additionally, payment options for certain fee invoices payment options are expanded to include electronic payment.~~

4. Public Notifications for Offset Program Rules

Proposed Amended Rules 1310, 1605, 1610, 1612, 1620, and 1623 ~~will~~ are proposed for amendment to allow SCAQMD to post notices for public comment on the publicly accessible SCAQMD website, remove the requirement to conduct public noticing by newspaper publishing and instead require posting public notices on the SCAQMD website. Additionally, changes clarify that information required at the time the public notice is posted will now be available for public inspection upon request instead of immediately available.

Tables 1 through 4 summarizes the categories of categorical amendments for each rule:

Table 1. Public Notifications for New Source Review and Federal Permit Programs

Rule Number	Rule Title
212	Standards for Approving Permits and Issuing Public Notice
518.2	Federal Alternative Operating Conditions
1710	Analysis, Notice, and Reporting
1714	Prevention of Significant Deterioration for Greenhouse Gases
3006	Public Participation

Table 2. Public Notifications for Rulemaking Activities

Rule Number	Rule Title
110	Rule Adoption Procedures to Assure Protection and Enhancement of the Environment

Table 3. Communications for Implementing Fee Rules

Rule Number	Rule Title
301	Permitting and Associated Fees
303	Hearing Board Fees
306	Plan Fees
307.1	Alternative Fees for Air Toxics Emissions Inventory
309	Fees for Regulation XVI and Regulation XXV
315	Fees for Training Classes and License Renewal

Table 4. Public Notifications for Offset Program Rules

Rule Number	Rule Title
1310	Analysis and Reporting
1605	Credits For The Voluntary Repair of On-Road Motor Vehicles Identified Through Remote Sensing Devices
1610	Old-Vehicle Scrapping
1612	Credits for Clean On-Road Vehicles
1620	Credits for Clean Off-Road Mobile Equipment
1623	Credits for Clean Lawn and Garden Equipment

An example of each type of change is below:

Public Notifications for New Source Review and ~~Title V Permit Programs~~ Federal Permit Programs

Proposed Amended Rule 3006 - Subparagraph (a)(1)(A)

The District shall give ~~public~~ notice by posting a public notice on the District public website for the duration of the public comment period. In addition, public notice shall be given to persons on a mailing or electronic mailing list that has been developed to enable interested parties to subscribe to the mailing list. The Executive Officer may update the mailing list from time to time by requesting written indication of continued interest from those listed and may delete from the list the name of any person who fails to respond to such request within a reasonable timeframe. ~~publication in a newspaper of general circulation in the county where the source is located, by mail to those who request in writing to be on a list to receive all such notices, and by any other means determined by the Executive Officer to be necessary to assure adequate notice to the affected public.~~

Public Notifications for Rulemaking Activities

Proposed Amended Rule 110 - Subdivision (a)

In addition to providing the public notice of District Board meetings and hearings as required by Health and Safety Code Section 40725, the District shall consult with state and local governmental agencies having jurisdiction by law with respect to the subject matter of a proposed rule or regulation, and public notice shall be sent by mail, electronic mail, or other electronic means, mailed to all persons who have requested such notice in writing. For informational purposes, public notice may be posted on the District public website and may be provided to newspapers of general circulation, to all persons believed to be interested in the proceeding, and to the State Clearinghouse for circulation to public agencies.

Communications for Implementing Fee Rules

Proposed Amended Rule 301 - Subparagraph (c)(1)(B)

For fees due upon notification, such notice may be given by personal service ~~or by deposit, postpaid, in the United States~~ or sent by mail, electronic mail, or other electronic means, and shall be due thirty (30) days from the date of personal service, ~~or mailing, or electronic transmission.~~ For the purpose of this subparagraph, the fee payment will be considered to be received by the District if it is delivered, postmarked by the United States Postal Service, or electronically paid on or before the expiration date stated on the billing notice. If the expiration date falls on a Saturday, Sunday, or a state holiday, the fee payment may be delivered, postmarked, or electronically paid on the next business day following the Saturday, Sunday, or the state holiday with the same effect as if it had been delivered, postmarked, or electronically paid on the expiration date.

Public Notifications for Offset Program Rules

Proposed Amended 1310 – Paragraph (c)(2)

Within ten calendar days following such decision, post a public notice on the District public website ~~publish a notice by prominent advertisement in at least one newspaper of general circulation in the District~~ stating the preliminary decision of the Executive Officer or designee and where the public may inspect the information required to be made available

under paragraph (c)(3). The public notice shall provide 30 days from the date of ~~publication~~ ~~public notice~~posting for the public to submit written comments on the preliminary decision; and

PROPOSED IMPLEMENTATION

These administrative amendments will facilitate: e-noticing of permit actions and providing e-access to draft permits; sending public notices by email; and sending certain fee invoices by email and allowing electronic payment for certain fee invoices when possible and appropriate. Public notices required for rulemaking activities will continue to be delivered by mail until a facility or interested party submits a confirmation that notice by email ~~or e-notice~~ is preferred.

~~Air Districts~~ districts utilizing the flexibilities extended by SB 1502 are required to have their district board “adopt, and update as needed, procedures for a person to request public notices to be sent by mail and update an electronic email address.” These procedures are included in Appendix 1 – Procedures for Including Electronic Public Notice, and Invoice Delivery. ~~and will occur in two phases. Phase I will be a data gathering campaign to collect email addresses and preferences. During Phase I, public notices will be mailed in addition to being emailed. Phase II will continue to collect email addresses and preferences and will remove public noticing by mail for individuals who have requested public noticing by email. In addition, Appendix 1 discusses procedures regarding how permitted facilities and interested parties may receive other types of public notices and fee invoices regularly sent by SCAQMD, but these procedures are not in the purview of SB 1502 and the requirement for procedures that is codified at Health and Safety Code Section 40006(e).~~

In order to comply with U.S. EPA rules for e-noticing in the administration of Clean Air Act permit programs and CARB Advisory 299, SCAQMD will maintain and enhance a dedicated web page on its website to e-notice all public notices related to permit actions. This web page will provide e-access to the public and contain the draft permit. Supplementary material such as the permit application and preliminary determination materials will be made available for public inspection, upon request. These public notices will be available for e-access by the public for the duration of the public comment period for each permit action. Information on permitting actions that require public notice is maintained on the website beyond the end of the comment period, up to a maximum duration of six (6) months, under existing practices. The posted public notice provides directions on how to submit comments on a draft permit.

Noticing of permit actions by newspaper publication may continue to be retained as an additional and supplemental means of public noticing while SCAQMD pursues web page enhancements to better promote public participation in keeping with the e-notice and e-access requirements for Clean Air Act permit programs. An existing dedicated web page already serves to ensure SCAQMD satisfies e-noticing requirements for the issuance of federal Prevention of Significant Deterioration permits, and public notices for permit actions under Rule 3006 are already posted on the SCAQMD website. Changes will be made to specifically indicate that the website provides these notices to accomplish a consistent noticing method. Historically, public notices for permit-related actions, e.g., Rule 1310 or in the Rules under Regulation XVI, have been rare, but they would have the potential to be posted on the same dedicated web page.

CHAPTER 3: IMPACT ASSESSMENT

INTRODUCTION

RULE ADOPTION RELATIVE TO COST-EFFECTIVENESS

COMPLIANCE COSTS

SOCIOECONOMIC ASSESSMENT

CALIFORNIA ENVIRONMENTAL QUALITY ACT ANALYSIS

**DRAFT FINDINGS UNDER CALIFORNIA HEALTH AND SAFETY CODE
SECTION 40727**

COMPARATIVE ANALYSIS

INTRODUCTION

The proposed amendments allow for the option to send public notices by electronic mail (email), to electronically notice (e-notice) permit actions and provide electronic access (e-access) to these permit actions, and to email and allow for electronic payment of fee invoices.

RULE ADOPTION RELATIVE TO COST EFFECTIVENESS

The proposed amendments are administrative and have been determined to have no negative impact on air quality.

COMPLIANCE COSTS

South Coast Air Quality Management District (SCAQMD) has determined that no additional costs will be incurred to stakeholders. All elections to remain on a mailing list will be made either on the SCAQMD website or on existing print material presented to an individual, such as a sign-in sheet.

SOCIOECONOMIC ASSESSMENT

The amendments proposed are administrative in nature and will not impose any additional costs to facilities or result in other socioeconomic impacts. The proposed amendments do not significantly affect air quality and do not establish an emission limit or standard, and therefore, no socioeconomic analysis is required under California Health and Safety Code Sections 40440.8 and 40728.5.

CALIFORNIA ENVIRONMENTAL QUALITY ACT ANALYSIS

Pursuant to the California Environmental Quality Act (CEQA) and SCAQMD Rule 110, the SCAQMD, as lead agency for the proposed project, has reviewed the proposed amendments to the rules identified above (the proposed project) pursuant to: 1) CEQA Guidelines Section 15002(k) – General Concepts, the three-step process for deciding which document to prepare for a project subject to CEQA; and 2) CEQA Guidelines Section 15061 – Review for Exemption, procedures for determining if a project is exempt from CEQA. SCAQMD staff has determined that it can be seen with certainty that there is no possibility that the proposed project may have a significant adverse effect on the environment. Therefore, the project is considered to be exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3) – Activities Covered by General Rule. A Notice of Exemption will be prepared pursuant to CEQA Guidelines Section 15062 – Notice of Exemption. If the proposed project is approved, the Notice of Exemption will be filed with the county clerks of Los Angeles, Orange, Riverside, and San Bernardino counties.

DRAFT FINDINGS UNDER CALIFORNIA HEALTH AND SAFETY CODE SECTION 40727

Requirements to Make Findings

California Health and Safety Code Section 40727 requires that prior to adopting, amending, or repealing a rule or regulation, the SCAQMD Governing Board shall make findings of necessity, authority, clarity, consistency, non-duplication, and reference based on relevant information presented at the public hearing and in the staff report.

Necessity

Proposed Amended Rules 110, 212, 301, 303, 306, 307.1, 309, 315, 518.2, 1310, 1605, 1610, 1612, 1620, 1623, 1710, 1714, and 3006 are needed to align SCAQMD's rule language with U.S. Environmental Protection Agency, California Air Resources Board, and California Senate directives and recommendations. These proposed amendments are necessary to facilitate email public noticing and fee invoicing and to increase the public awareness of permit actions such as those triggered by New Source Review via e-noticing on the SCAQMD website. The proposed amendments also address the need that persons may still desire to receive communications from SCAQMD by mail, which the proposed amendments, in alignment with California Senate Bill 1502, allow. The adoption of these proposed amendments will allow for more efficient communication between SCAQMD and facilities and interested parties, promoting increased public engagement and improved communication.

Authority

The SCAQMD obtains its authority to adopt, amend, or repeal rules and regulations pursuant to California Health and Safety Code Sections 39002, 39650 et. seq., 40000, 40440, 40441, 40506, 40702, 40709, 40725 through 40728, 41508, 42300 et. seq., and 44380 et. seq.~~41511~~.

Clarity

Proposed Amended Rules 110, 212, 301, 303, 306, 307.1, 309, 315, 518.2, 1310, 1605, 1610, 1612, 1620, 1623, 1710, 1714, and 3006 are written or displayed so that their meaning can be easily understood by the persons directly affected by them.

Consistency

Proposed Amended Rules 110, 212, 301, 303, 306, 307.1, 309, 315, 518.2, 1310, 1605, 1610, 1612, 1620, 1623, 1710, 1714, and 3006 are in harmony with and not in conflict with or contradictory to, existing statutes, court decisions, or state or federal regulations.

Non-Duplication

Proposed Amended Rules 110, 212, 301, 303, 306, 307.1, 309, 315, 518.2, 1310, 1605, 1610, 1612, 1620, 1623, 1710, 1714, and 3006 will not impose the same requirements as any existing state or federal regulations. The proposed amended rules are necessary and proper to execute the powers and duties granted to, and imposed upon, the SCAQMD.

Reference

In amending these rules, the following statutes which the SCAQMD hereby implements, interprets, or makes specific are referenced: Health and Safety Code Sections 39002, 40001, 40506, 40006, 40702, 40709, 40713, 40440(a), 40725 through 40728.5, and 41511.

COMPARATIVE ANALYSIS

Pursuant to Health and Safety Code 40727.2(g), the SCAQMD is electing to comply with subdivision (a) by finding that the proposed amended rules do not impose new or more stringent monitoring, reporting, or recordkeeping requirements.

APPENDIX 1: PROCEDURES FOR INCLUDING ELECTRONIC PUBLIC NOTICE AND INVOICE DELIVERY

INTRODUCTION

~~RULE ADOPTION RELATIVE TO COST-EFFECTIVENESS~~

~~COMPLIANCE COSTS~~

~~SOCIOECONOMIC ASSESSMENT~~

~~CALIFORNIA ENVIRONMENTAL QUALITY ACT ANALYSIS~~

**~~DRAFT FINDINGS UNDER CALIFORNIA HEALTH AND SAFETY CODE
SECTION 40727~~**

~~COMPARATIVE ANALYSIS~~

BACKGROUND

California Senate Bill (SB) 1502, adopted on June 28, 2018, requires the South Coast Air Quality Management District (SCAQMD) Governing Board to adopt and update procedures that must identify how a person:

~~Requests public notices to be sent by mail;~~ and

~~Updates an electronic mail (email) address.~~

The procedures in this ~~appendix~~ Appendix describe how certain email distribution and ~~e-noticing~~ noticing processes will take place ~~and how permitted facilities and interested parties may receive other types of public notices and fee invoices regularly sent by SCAQMD.~~

~~Separately, this appendix also provides details on programmatic compliance with U.S. Environmental Protection Agency rules for e-noticing in the administration of Clean Air Act permit programs and California Air Resources Board Advisory 299.~~

CURRENT PRACTICE FOR MANAGING EMAIL SUBSCRIPTION AND PUBLIC NOTICE LISTS

SCAQMD currently collects and manages email subscription and public notice lists for various purposes. These lists are used to send communications via mail, email, or both, and utilize various means of data collection and storage for mailing addresses, email addresses, and other similar contact information.

Currently, the SCAQMD website includes a link for individuals to sign up for email distribution of public notices and other information of specific interest to that person at <http://www.aqmd.gov/sign-up>. The list of subscriptions for which an individual may enroll includes:

- General Notifications
- Clean Air Plans/CEQA Updates
- Equipment Exchange
- Incentive Programs
- Permit/Compliance Notifications
- Refinery Flare Emission Notification
- New Technology
- Rule Updates

Additionally, SCAQMD offers newsletter updates on these topics through its subscription-based public outreach tool. The subscriber is allowed to manage and update his or her subscription information including unsubscribing from lists, subscribing to additional lists, or updating his or her email address and other additional information. Subscription information is stored and managed at SCAQMD and communications are distributed to subscribers via automated public notices, for example Air Alerts for daily pollution forecasts or specific pollution levels in a particular area. In addition, subscribers may receive targeted information on selected and subscribed topics.

PROCEDURES TO COMPLY WITH SB 1502

SCAQMD will develop a program to collect and manage preferences for public noticing required by SCAQMD rules and regulations and a mechanism to provide and update an email address from approximately 22,000 permitted facilities as well as from interested parties. The procedures will be developed in ~~three~~two phases: 1) Data Gathering and Basic Email Noticing; and 2) Advanced Email Noticing; ~~and 3) Email Delivery of Fee Invoices.~~

Once completed, the program will allow SCAQMD to send notices:

1. By email to all facilities required to receive these public notices;
2. By mail to all facilities requesting to receive these public notices by mail; and
3. By email or mail to all interested parties that specify an interest in receiving these public notices either by email or mail, respectively.

Phase I: Data Gathering and Basic Email Noticing

The first phase of these procedures is to provide a means for permit holders and interested parties to provide their email addresses for notification. The primary objective is to collect email addresses and associated contact information, as well as public notice preferences (e.g.i.e., “All Permit Actions” or “All Title V Permit Actions”). Subsection “Notifying Permit Holders and Interested Parties of Procedures” within this Appendix 1 lists outreach methods for notifying individuals and permit holders to register their public notice preferences. Phase I will use the SCAQMD’s existing subscription-based public outreach program which can be accessed at <http://aqmd.gov/sign-up>. This tool will be used for emailing public notices, but will not replace any required mail-outs to permit holders and interested parties. Persons who specify an email notice preference will receive that public notice by both mail and email until Phase II is complete. The information collected in Phase I will be transferred to the new tool in Phase II.

Phase II: Advanced Email Noticing

Phase II will create a dedicated tool for emailing the appropriate public notices to permit holders and interested parties. This phase of the procedures is to enhance Phase I by adding additional, more-specific noticing preferences (e.g., noticing by NAICS code). The new tool will require an input field for mailing address in order to remove duplicate mailed public notices for those that ~~specified~~specify the email noticing preference.

Phase III: Email Delivery of Fee Invoices

~~This phase of the procedures is to provide a means for permit holders and interested parties to receive fee invoices by email instead of by mail. This phase will require a separate and more complex system to be developed and released in the future. Appropriate and advance notice will be given to all permit holders and interested parties when that project is complete and will include instructions for how to register their information to receive such items by email.~~

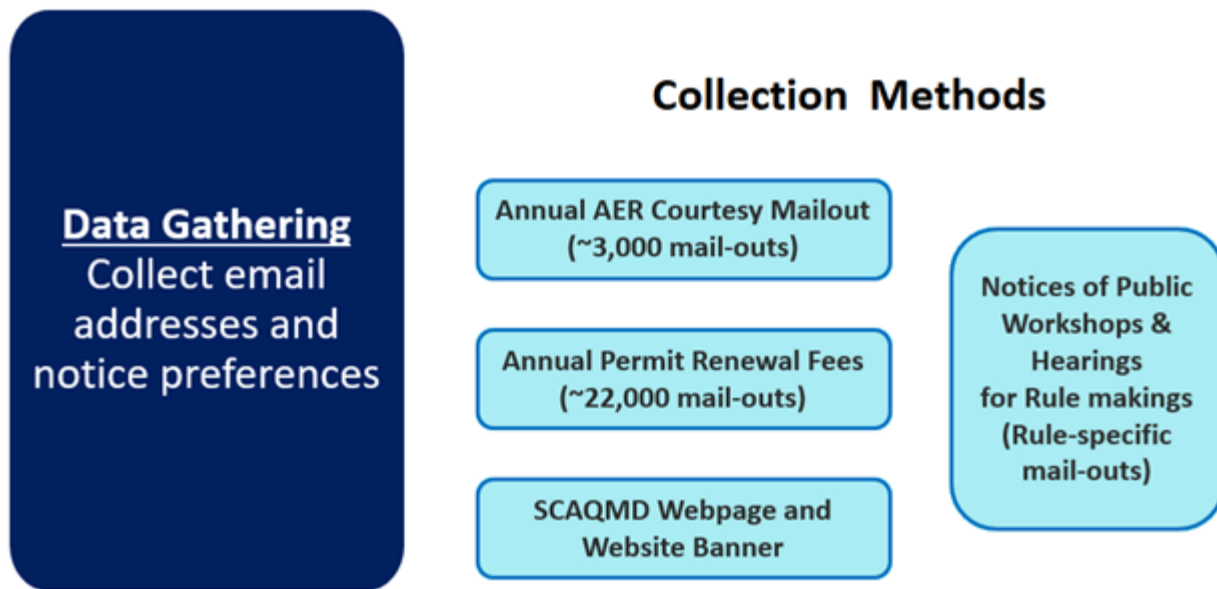
SCAQMD proposes to establish through these procedures the process to collect email addresses for all permit holders and for other interested parties who wish to receive certain notices ~~through the Procedures~~. The electronic infrastructure to collect and update email addresses needs to be developed. This document will be updated as necessary.

NOTIFYING PERMIT HOLDERS OF INTERESTED PARTIES OF PROCEDURES

To facilitate the transition to email noticing ~~and~~, web-based e-noticing, ~~and email invoicing~~, SCAQMD will conduct outreach efforts to permitted facilities and interested parties as part of a Data Gathering campaign to collect notice preference information. Figure 1 illustrates some, but not all, avenues SCAQMD may utilize for its Data Gathering campaign. These include mail-outs that are normally distributed to permit holders and interested parties which will include language to submit the recipients’ notice preferences on the SCAQMD website.

With regard to delivery of public notices required under rulemakings, SCAQMD will make the effort to contact each permit ~~holder~~ a minimum of three times to obtain an email address ~~and noticing preferences~~, using the methods described above in Phase I.

Figure 1. Data Gathering Collection Methods



~~PROCEDURES TO ELECTRONICALLY NOTICE PERMIT ACTIONS SUBJECT TO PUBLIC NOTIFICATION AS ALLOWED OR REQUIRED BY THE CODE OF FEDERAL REGULATIONS AND CALIFORNIA AREA RESOURCES BOARD ADVISORY 299~~

~~SCAQMD will maintain and enhance a dedicated web page on its website to e-notice all public notices related to permit actions. This web page will provide e-access to the public and contain the draft permit. with any sSupplementary material such as the permit application and preliminary determination materials will be made available for public inspection, upon request, at the SCAQMD officemade available, upon request. These public notices will be available for e-access by the public for the duration of the public comment period for each permit action. Information on permitting actions that require public notice is already maintained on the website beyond the~~

~~end of the comment period, up to a maximum duration of six (6) months, under existing practices. The posted public notice provides directions on how to submit comments on a draft permit.~~

~~Noticing of permit actions by newspaper publication may continue to be retained as an additional and supplemental means of public notice while SCAQMD pursues web page enhancements to better promote public participation in keeping with the e-notice and e-access requirements for Clean Air Act permit programs. An existing dedicated web page already serves to ensure SCAQMD satisfies e-noticing requirements for the issuance of federal Prevention of Significant Deterioration permits, and public notices for permit actions under Rule 3006 are already posted on the SCAQMD website. Changes will be made to specifically indicate that the website provides these notices to accomplish a consistent noticing method. Historically, public notices for permit-related actions, e.g., Rule 1310 or in the Rules under Regulation XVI, have been rare, but they would have the potential to be posted on the same dedicated web page.~~

APPENDIX 2: PUBLIC COMMENTS

Public Comments

Comments on the preliminary proposed amended rules ~~draft rule~~ were provided by stakeholders at the November 29, 2018 Public Workshop. Comments received at the Public Workshop and South Coast Air Quality Management District (SCAQMD) staff's responses are summarized below.

Comments Made During the Public Workshop

Todd Paxman, Environmental Consultant for AECOM

Comment 1: Facilities will have difficulty verifying delivery of public notices for permit actions to recipients within a quarter-mile for permit actions if they are delivered by email.

Response to Comment 1: The proposed language has been removed. The requirement for facilities to mail or distribute public notices for permit actions to recipients will remain unchanged. If an email address is provided by an individual within the quarter-mile area, they will receive an email version of the public notice in addition to the facility's mailed public notice.

Curtis Coleman, Executive Director for Southern California Air Quality Alliance

Comment 2: I have concern over if there is a designee for a facility for receipt of public notices by email that then leaves or retires and the email does not reach the facility or bounces back. How will SCAQMD handle this?

Response to Comment 2: Under the proposal, SCAQMD will deliver public notices to permitted facilities by mail until a facility affirmatively indicates a preference for email. The email option will allow for multiple individuals from a facility to receive the email, mitigating the single-point-of-contact issue.

Bill La Marr, Executive Director for the California Small Business Alliance

Comment 3: An individual may receive multiple copies of the same public notice and/or receive the same public notice under different titles and affiliations the individual has had.

Response to Comment 3: Staff will make an effort to minimize duplicate delivery of public notices to the same recipient. As stated in Phase I of ~~the Procedures~~ Appendix 1, an individual may update his or her subscription information, including email address and other contact information.

Comment 4: Who is the permit holder for a facility? What happens when an individual retires from the company? A physical mailed notice coming to a mailing address will draw the attention of someone there, another manager or owner or some responsible person, and will hopefully get forwarded to the proper channel.

Response to Comment 4: Please see Response to Comment 2.

Susan Stark, Marathon Oil

Comment 5: It appears that occasionally an individual will be dropped from an email list and said individual will not find out about the notice of the working group until a friend or colleague forwards it to him/her. Occasionally the forward recipient will unsubscribe, thus indirectly unsubscribing the original recipient.

Response to Comment 5: Under the proposal, SCAQMD will develop a data management tool to ensure that emails are sent to the email addresses provided by a facility or interested party. This issue will be taken into consideration in the development of this tool.



South Coast Air Quality Management District

21865 Copley Drive, Diamond Bar, CA 91765-4178
(909) 396-2000 • www.aqmd.gov

SUBJECT: NOTICE OF EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

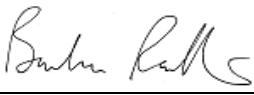
PROJECT TITLE: PROPOSED AMENDED RULES: 110 – RULE ADOPTION PROCEDURES TO ASSURE PROTECTION AND ENHANCEMENT OF THE ENVIRONMENT; 212 – STANDARDS FOR APPROVING PERMITS AND ISSUING PUBLIC NOTICE; 301 – PERMITTING AND ASSOCIATED FEES; 303 – HEARING BOARD FEES; 306 – PLAN FEES; 307.1 – ALTERNATIVE FEES FOR AIR TOXICS EMISSIONS INVENTORY; 309 – FEES FOR REGULATION XVI AND REGULATION XXV; 315 – FEES FOR TRAINING CLASSES AND LICENSE RENEWAL; 518.2 – FEDERAL ALTERNATIVE OPERATING CONDITIONS; 1310 – ANALYSIS AND REPORTING; 1605 – CREDITS FOR THE VOLUNTARY REPAIR OF ON-ROAD MOTOR VEHICLES IDENTIFIED THROUGH REMOTE SENSING DEVICES; 1610 – OLD-VEHICLE SCRAPPING; 1612 – CREDITS FOR CLEAN ON-ROAD VEHICLES; 1620 – CREDITS FOR CLEAN OFF-ROAD MOBILE EQUIPMENT; 1623 – CREDITS FOR CLEAN LAWN AND GARDEN EQUIPMENT; 1710 – ANALYSIS, NOTICE, AND REPORTING; 1714 – PREVENTION OF SIGNIFICANT DETERIORATION FOR GREENHOUSE GASES; AND 3006 – PUBLIC PARTICIPATION

Pursuant to the California Environmental Quality Act (CEQA) Guidelines, the South Coast Air Quality Management District (SCAQMD) is the Lead Agency and has prepared a Notice of Exemption for the project identified above. SCAQMD staff has reviewed the proposal to amend Rules 110, 212, 301, 303, 306, 307.1, 309, 315, 518.2, 1310, 1605, 1610, 1612, 1620, 1623, 1710, 1714, and 3006 (the proposed project) pursuant to: 1) CEQA Guidelines Section 15002(k) – General Concepts, the three-step process for deciding which document to prepare for a project subject to CEQA; and 2) CEQA Guidelines Section 15061 – Review for Exemption, procedures for determining if a project is exempt from CEQA. The proposed amendments to the rules identified above include language to enable the option for public notices and fee invoices to be delivered via electronic mail (email) or other electronic means, in addition to mail where it is required by the Health and Safety Code or SCAQMD rules. The proposed project also establishes a procedure for a person to request public notices to be sent by mail or email. The proposed project also enables for public notices for permit actions to be electronically noticed on the SCAQMD public website in lieu of publishing in a newspaper.

Because the proposed changes are administrative and procedural in nature and would not cause any physical changes that would affect any environmental topic area, SCAQMD staff has determined that it can be seen with certainty that there is no possibility that the proposed project may have a significant adverse effect on the environment. Therefore, the project is considered to be exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3) – Activities Covered by General Rule. A Notice of Exemption has been prepared pursuant to CEQA Guidelines Section 15062 – Notice of Exemption. If the project is approved, the Notice of Exemption will be filed with the county clerks of Los Angeles, Orange, Riverside, and San Bernardino counties.

Any questions regarding this Notice of Exemption should be sent to Tracy Tang (c/o Planning, Rule Development and Area Sources) at the above address. Ms. Tang can also be reached at (909) 396-2484. Mr. James McCreary is also available at (909) 396-2451 to answer any questions regarding the proposed amended rules.

Date: January 31, 2019

Signature: 
Barbara Radlein
Program Supervisor, CEQA Section
Planning, Rule Development & Area Sources

**NOTICE OF EXEMPTION FROM THE
CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

To: County Clerks
Counties of Los Angeles, Orange,
Riverside, and San Bernardino

From: South Coast Air Quality Management District
21865 Copley Drive
Diamond Bar, CA 91765

Project Title: Proposed Amended Rules: 110 – Rule Adoption Procedures to Assure Protection and Enhancement of the Environment; 212 – Standards for Approving Permits and Issuing Public Notice; 301 – Permitting and Associated Fees; 303 – Hearing Board Fees; 306 – Plan Fees; 307.1 – Alternative Fees for Air Toxics Emissions Inventory; 309 – Fees for Regulation XVI and Regulation XXV; 315 – Fees for Training Classes and License Renewal; 518.2 – Federal Alternative Operating Conditions; 1310 – Analysis and Reporting; 1605 – Credits For The Voluntary Repair of On-Road Motor Vehicles Identified Through Remote Sensing Devices; 1610 – Old-Vehicle Scrapping; 1612 – Credits for Clean On-Road Vehicles; 1620 – Credits for Clean Off-Road Mobile Equipment; 1623 – Credits for Clean Lawn and Garden Equipment; 1710 – Analysis, Notice, and Reporting; 1714 – Prevention of Significant Deterioration for Greenhouse Gases; and 3006 – Public Participation.

Project Location: The SCAQMD has jurisdiction over the four-county South Coast Air Basin (all of Orange County and the non-desert portions of Los Angeles, Riverside and San Bernardino counties), and the Riverside County portions of the Salton Sea Air Basin (SSAB) and Mojave Desert Air Basin (MDAB). The SCAQMD’s jurisdiction includes the federal nonattainment area known as the Coachella Valley Planning Area, which is a sub-region of Riverside County and the SSAB.

Description of Nature, Purpose, and Beneficiaries of Project: The proposed amendments to Rules 110, 212, 301, 303, 306, 307.1, 309, 315, 518.2, 1310, 1605, 1610, 1612, 1620, 1623, 1710, 1714, and 3006 (the proposed project) include language to enable the option for public notices and fee invoices to be delivered via electronic mail (email) or other electronic means, in addition to mail where it is required by the Health and Safety Code or SCAQMD rules. The proposed project also establishes a procedure for a person to request public notices to be sent by mail or email. The proposed project also enables for public notices for permit actions to be electronically noticed on the SCAQMD public website in lieu of publishing in a newspaper.

Public Agency Approving Project:
South Coast Air Quality Management District

Agency Carrying Out Project:
South Coast Air Quality Management District

Exempt Status: CEQA Guidelines Section 15061(b)(3) – Activities Covered by General Rule

Reasons why project is exempt: SCAQMD staff has reviewed the proposed project pursuant to: 1) CEQA Guidelines Section 15002(k) – General Concepts, the three-step process for deciding which document to prepare for a project subject to CEQA; and 2) CEQA Guidelines Section 15061 – Review for Exemption, procedures for determining if a project is exempt from CEQA. Because the proposed changes are administrative and procedural in nature and would not cause any physical changes that would affect any environmental topic area, it can be seen with certainty that there is no possibility that the proposed project may have a significant adverse effect on the environment. Therefore, the project is considered to be exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3) – Activities Covered by General Rule.

Date When Project Will Be Considered for Approval (subject to change):
SCAQMD Governing Board Hearing: March 1, 2019; SCAQMD Headquarters

CEQA Contact Person: Ms. Tracy Tang	Phone Number: (909) 396-2484	Email: ttang@aqmd.gov	Fax: (909) 396-3982
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Rule Contact Person: Mr. James McCreary	Phone Number: (909) 396-2451	Email: jmccreary@aqmd.gov	Fax: (909) 396-3324
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Date Received for Filing: _____

Signature: _____
(Signed Upon Board Approval)
Barbara Radlein
Program Supervisor, CEQA Section
Planning, Rule Development & Area
Sources



ATTACHMENT I

Proposed Amended Rules

**110, 212, 301, 303, 306, 307.1, 309, 315, 518.2, 1310,
1605, 1610, 1612, 1620, 1623, 1710, 1714, and 3006**

Governing Board Meeting

March 1, 2019

Background

- June 2018: SCAQMD sponsored SB 1502 which enabled air districts to modernize communication methods and email public notices for rulemaking activities
- October 2016: U.S. EPA revised its public notice requirements to authorize air districts to electronically notice draft air permits (81 Federal Register 71613)
- Proposed amendments streamline public noticing and communications with permit holders for:

**Public Notifications for
Rulemaking Activities**
(SB 1502)

**Public Notifications for New
Source Review and Federal
Permit Programs**
(81 Fed. Reg. 71613)

**Communications for
Implementing Fee Rules**
(No state or federal
requirement)

**Public Notifications for
Offset Program Rules**
(No state or federal
requirement)

Summary of Proposed Amendments

Public Notifications for Rulemaking Activities (SB 1502)

Email Notices of Public Workshop and Public Hearing

- 110 – Rule Adoption Procedures to Assure Protection and Enhancement of the Environment

Public Notifications for New Source Review and Federal Permit Programs (81 CFR 71613)

Post public notices on SCAQMD website and provide electronic access to draft permits

- 212 – Standards for Approving Permits and Issuing Public Notice
- 518.2 – Federal Alternative Operating Conditions
- 1710 – Analysis, Notice, and Reporting
- 1714 – Prevention of Significant Deterioration for Greenhouse Gases
- 3006 – Public Participation

Communications for Implementing Fee Rules (No state or federal requirement)

Email fee invoices and allow electronic payment of certain invoices

- 301 – Permitting and Associated Fees
- 303 – Hearing Board Fees
- 306 – Plan Fees
- 307.1 – Alternative Fees for Air Toxics Emissions Inventory
- 309 – Fees for Regulation XVI and Regulation XXV
- 315 – Fees for Training Classes and License Renewal

Public Notifications for Offset Program Rules (No state or federal requirement)

Post public notices on SCAQMD website

- 1310 – Analysis and Reporting
- 1605 – Credits For The Voluntary Repair Through Remote Sensing Devices
- 1610 – Old-Vehicle Scrapping
- 1612 – Credits for Clean On-Road Vehicle
- 1620 – Credits for Clean Off-Road Mobile Equipment
- 1623 – Credits for Clean Lawn and Garden Equipment

Public Notifications for Rulemaking Activities

Current Practice

- Notices for Public Workshops and Public Hearings sent by mail
- Publish Notices for Public Workshops and Public Hearings in newspapers

Proposal

- Email public notices to all facilities and interested parties who have provided an email address
- Continue to mail public notices unless stakeholder requests notice by email
- Continue to publish notices in newspapers

Email Addresses

- SCAQMD does not have a complete list of email addresses for permit holders
- SB 1502 requires air districts to adopt and update procedures for a person to request notices to be sent by mail and to update an email address

General Approach and Procedures to Collect Email Addresses and Noticing Preferences

Develop electronic infrastructure to collect and update email addresses and for stakeholders to select noticing preferences



Collect email addresses and noticing preferences through:

- Information on SCAQMD website
- Information in direct mailings for permit renewal notices, annual emissions reporting, and other public notices



Initiate email notifications for smaller rulemaking projects where staff can collect email addresses and ask for noticing preferences



For larger rulemaking projects, continue to mail public notices unless stakeholders request noticing by email



Goal is to begin sending majority of public notices by email by 2022 unless notice preference is by mail

Public Notifications for New Source Review and Federal Permit Programs

Method of Public Notifications	Current Practice	Proposal
Publish in newspaper	Yes	No
Post to SCAQMD website	Yes	Yes
Send by mail	Yes	Yes
Send by email	No	Yes (If email address available)

Communications for Implementing Fee Rules and Public Notifications for Offset Program Rules

Fee Rule Communications	Current Practice	Proposal
Fee invoices	Can only send by mail	Add option to send by mail or email

Offset Rule Public Notices	Current Practice (rare)	Proposal
Publish in newspaper	Yes	No
Post to SCAQMD website	Yes	Yes

Recommended Actions

- Adopt the Resolution:
 - Determining that the proposed amendments are exempt from the requirements of the California Environmental Quality Act
 - Amending the Rules 110, 212, 301, 303, 306, 307.1, 309, 315, 518.2, 1310, 1605, 1610, 1612, 1620, 1623, 1710, 1714, and 3006
 - Adopting “Procedures for Including Electronic Public Notice”

