

{not to be codified}

AN ORDINANCE PROVIDING FOR THE COLLECTION OF FEES
AS MANDATED BY THE FEDERAL CLEAN AIR ACT OF 1977
AS IT RELATES TO THE
MARIPOSA COUNTY AIR POLLUTION CONTROL DISTRICT

WHEREAS, the Federal Clean Air Act of 1977, Section 110[a] [2]K, requires all state and local districts to collect fees from industry to support air pollution control programs, and

WHEREAS, California Health and Safety Code Division 26, Part 4, Chapter 4, Article 1, Section 42311 allows the collection of fees for air pollution control permits, and

WHEREAS, the Legislature has recently required the collection of fees by local districts as a condition for receipt of state subvention funds, and

WHEREAS, the fees established by this ordinance are to be applied only to businesses which are required to have permits from the Air Pollution Control District;

NOW THEREFORE, the Board of Supervisors of Mariposa County, a political subdivision of the State of California does, ordain as follows:

SECTION I: Regulation VI Fees relative to the Air Pollution Control Permit Fees shall be governed by the following rules entitled: "REGULATION VI FEES" a copy of which is attached hereto, marked Exhibit "A" and by this reference incorporated herein.

SECTION II: This ordinance shall become effective thirty (30) days after final passage pursuant to Government Code Section 25123.

PASSED AND ADOPTED by the Board of Supervisors of Mariposa County this 3rd day of January, 1988 by the following vote:

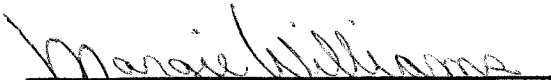
AYES: BAGGETT, PUNTE, ERICKSON, RADANOVICH, TABER
NOES: NONE
ABSENT: NONE
ABSTAINED: NONE



GERTRUDE R. TABER, Chairman
Mariposa County Board of Supervisors

ATTEST:

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:


MARGIE WILLIAMS
Clerk of the Board


JEFFREY G. GREEN
County Counsel

REGULATION
VI
FEES

This Rule requires that fees be paid for:

Rule 601 Permit Fee

- A. Filing Fee. Every applicant, except any state or local governmental agency or public district, for an Authority to Construct, or a Permit to Operate equipment for which a permit is required by the State Law or the Rules and Regulations of the Air Pollution Control District, shall pay a filing fee of \$100.00. When an application is filed for a Permit to Operate any article, machine, equipment, or other contrivance by reason of transfer from one person to another, and where a Permit to Operate had previously been granted under Rule and no alteration, addition, or transfer of location has been made, the applicant shall pay only the filing fee.
- B. Engineering Evaluation Fee. Every applicant who files an application for a permit, alteration of a permit, additions to a permit or revision of a permit, including one for change of location, shall in addition to the filing fee pay upon notification an engineering evaluation fee. The fee shall not exceed the actual engineering costs incurred by the district.
- C. Permit Fee. Every applicant, except any state or local governmental agency, or public district, who files application with the Air Pollution Control Officer for a Permit to Operate, shall, in addition to the filing fee prescribed herein, pay the fee for the issuance of a Permit to Operate in the amount prescribed in the following schedules, provided, however, that the filing fee shall be applied to the fee prescribed for the issuance of the Permit to Operate.
- D. Cancellation or Denial. If an application for an Authority to Construct or a Permit to Operate is cancelled, or if an Authority to Construct or Permit to Operate is denied and such denial becomes final, the filing fee required herein shall not be refunded nor applied to any subsequent application. The charge for engineering evaluation incurred shall not be refunded.

EXHIBIT A

- E. Transfer of Location or Owner. Where an application is filed for a Permit to Operate any equipment by reason of transfer of location or transfer from one person to another, or both, and where a Permit to Operate had previously been granted for such equipment under Rule 501 and an alteration or addition has been made, the applicant shall be assessed a fee based upon the increase in total horsepower rating, the increase in total fuel consumption expressed in thousands of British Thermal Units (BTU) per hour, the increase in total electrical energy rating, the increase in maximum horizontal inside cross sectional area or the increase in total stationary container capacity resulting from such alteration or additions, as described in the fee schedules contained herein. Where the application is for transfer of location, and no alteration or addition has been made, the applicant shall pay only the amount of the filing fee required herein.
- F. Alteration of Equipment. Where an application is filed for an Authority to Construct or a Permit to Operate exclusively involving revisions to the conditions of an existing Permit to Operate or involving alterations or additions resulting in a change to any existing equipment holding a permit under the provisions of Rule 501 of these Rules and Regulations, the applicant shall be assessed a fee based upon the increase in total horsepower rating, the increase in total fuel consumption expressed in thousands of British Thermal Units (BTU) per hour, the increase in total electrical energy rating, the increase in maximum horizontal inside cross sectional area or the increase in total stationary container capacity resulting from such alterations or additions, as described in the fee schedules contained herein. Where there is no change or a decrease in such rating, the applicant shall pay only the amount of the filing fee and engineering analysis fee required herein.
- G. Permit Fee. After the provisions for granting permits as set forth in Article 1, Chapter 4, Part 4, Division 26, of the Health and Safety Code and these Rules and Regulations, have been complied with, the applicant shall be notified by the Air Pollution Control Officer, in writing, of the fee to be paid for issuance of the Permit to Operate. Such notice may be given by personal service, or by deposit, postpaid, in the United States Mail and shall serve as a Temporary Permit to Operate for thirty (30) days from the date of personal service or mailing. Non-payment of the fee within this period of time shall result in the automatic cancellation of the application.

- H. Permit Granted by Hearing Board. In the event that a Permit to Operate is granted by the Hearing Board, after denial by the Air Pollution Control Officer, or after the applicant deems his application denied, the applicant shall pay the fee prescribed in the following schedules within thirty (30) days after the date of the decision of the Hearing Board. Non-payment of the fee within this period of time shall result in automatic cancellation of the permit and the application.
- I. Annual Renewal Fee. Annually on the anniversary of the issuance of a Permit to Operate granted under Rule 501 the permittee shall pay a renewal fee amounting to one-fourth of the initial permit fee under current fee schedules. (Rule 602A) and the total annual emission fees (Rule 602B). Gasoline service stations subject to vapor recovery shall pay 100% of the nozzle fee in Schedule 6. Gasoline service stations exempt from vapor recovery shall not be charged an annual renewal fee under this rule. The holder of permits with more than one anniversary date may adjust annually, prorating renewal fee(s) as necessary. If the renewal fee is not paid within thirty (30) days after it becomes due, the fee shall be increased by one-half the amount thereof, and the Air Pollution Control Officer shall thereupon promptly notify the permittee by mail of the increased fee. If the increased fee is not paid within thirty (30) days after such notice, the permit shall be automatically revoked and the Air Pollution Control Officer shall so notify the permittee by mail.
- J. Multiple Locations. When permits have been issued to operate movable equipment at two or more locations, only one annual renewal fee will be charged. The anniversary date on which the annual renewal fee will be due will be that noted on the original permit.
- K. Duplicate Permit. A request for duplicate Permit to Operate shall be made in writing to the Air Pollution Control Officer within ten (10) days after the destruction, loss, or defacement of a Permit to Operate. A fee of \$5.00 shall be charged, except to any state or local governmental agency or public district, for issuing a duplicate Permit to Operate.

Rule 602 Permit Fee Schedules

A. Equipment

. In determining the fees to be charged, the applicable equipment within each process that requires a permit will be totalled for each schedule. In the event that more than one fee schedule is applicable to a Permit to Operate, the governing schedule shall be that which results in the higher fee.

SCHEDULE I
ELECTRIC MOTOR HORSEPOWER SCHEDULE

Any equipment which may cause the emission of air contaminants where an electric motor is used as the power supply shall be assessed a permit fee based on the total rated motor horsepower of all electric motors included in any article, machine, equipment, or other contrivance, in accordance with the following schedule:

<u>Horsepower</u>	<u>Fee</u>
(A) Less than 50.	\$. 55.00
(B) 50 or greater but less than 100.	110.00
(C) 100 or greater but less than 200.	165.00
(D) 200 or greater but less than 300.	220.00
(E) 300 or greater but less than 400.	275.00
(F) 400 or greater but less than 500.	330.00
(G) 500 or greater but less than 600.	385.00
(H) 600 or greater.	440.00

SCHEDULE II
FUEL BURNING EQUIPMENT SCHEDULE

Any equipment which may cause the emission of air contaminants in which fuel is burned, with the exception of incinerators which are covered in Schedule 4, shall be assessed a permit fee based upon the design of the equipment expressed in British Thermal Units (BTU) per hour in accordance with the following schedule:

<u>1,000 BTU Per Hour</u>	<u>Fee</u>
(A) Less than 1,500.	\$ 55.00
(B) 1,500 or greater but less than 5,000 . . .	165.00
(C) 5,000 or greater but less than 15,000 . . .	220.00
(D) 15,000 or greater but less than 50,000 . . .	385.00
(E) 50,000 or greater but less than 100,000 . . .	660.00
(F) 100,000 or greater but less than 200,000 . . .	990.00
(G) 200,000 or greater	1265.00

SCHEDULE III
ELECTRICAL ENERGY SCHEDULE

Any equipment which may cause the emission of air contaminants which uses electrical energy, with the exception of electric motors covered in Schedule I, shall be assessed a permit fee based upon the total kilovolt ampere (KVA) ratings, in accordance with the following schedule:

<u>Kilovolt Amperes</u>	<u>Fee</u>
(A) Less than 50	\$ 55.00
(B) 150 or greater but less than 450	110.00
(C) 450 or greater but less than 4,500	165.00
(D) 4,500 or greater but less than 14,500	220.00
(E) 14,500 or greater but less than 45,000	275.00
(F) 45,000 or greater.	330.00

SCHEDULE IV
INCINERATOR SCHEDULE

Any equipment designed and used primarily to dispose of combustible refuse by wholly consuming the material charge leaving only the ashes or residue shall be assessed a permit fee based on the following schedule of the maximum horizontal inside cross sectional area, in square feet, of the primary combustion chamber:

<u>Area in Square Feet</u>	<u>Fee</u>
(A) Less than 10	\$ 55.00
(B) 10 or greater but less than 15.	110.00
(C) 15 or greater but less than 25.	165.00
(D) 25 or greater but less than 40.	220.00
(E) 40 or greater but less than 100	330.00
(F) 100 or greater	495.00

SCHEDULE V
STATIONARY CONTAINER SCHEDULE

Any stationary tank, reservoir, or other container, with the exception of stationary storage tanks covered in Schedule 6 herein, shall be assessed a permit fee on the following schedule of capacities in gallons or cubic equivalent:

<u>Gallons</u>	<u>Fee</u>
(A) Less than 40,000	\$ 55.00
(B) 40,000 or greater but less than 100,000 .	110.00
(C) 100,000 or greater but less than . 400,000 .	165.00
(D) 400,000 or greater but less than 1,000,000 .	220.00
(E) 1,000,000 or greater but less than 1,500,000 .	275.00
(F) 1,500,000 or greater	330.00

SCHEDULE VI
GASOLINE FUELING EQUIPMENT SCHEDULE

Any gasoline fueling equipment, at a single location including stationary gasoline storage tanks and dispensers, required to have a vapor recovery system shall be assessed an annual permit fee based on the number of gasoline dispensing nozzles, in accordance with the following schedule:

Nozzles

Each. \$ 15.00

SCHEDULE VII
MISCELLANEOUS SCHEDULE

Any article, machine, equipment, or other contrivance which may cause the issuance of air contaminants as defined in Rule 102 of the Rules and Regulations which is not included in the preceding schedules shall be assessed a permit fee of \$25.00.

B. Annual Permit Fee Based on Emissions

1. The operator of all equipment operating under permit shall pay an annual permit fee based on the total weight of emissions of each of the contaminants specified in schedule VIII from equipment on the premises. The fee established in Rule 602B is pursuant to the authority granted in the Health and Safety Code Section 42311. Such fee shall be in addition to other fees payable under this Regulation. As used in this paragraph, "premises" means one parcel of land, or continuous 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. No annual permit fee based upon emissions shall be required for vehicle (Section 670 Vehicle Code) fueling equipment.

SCHEDULE VIII
EMISSION FEE SCHEDULE

Each ton (rounded to the nearest ton) for any one of the following air contaminants: gaseous sulfur compounds (expressed as sulfur dioxide), total organic gases, oxides of nitrogen (expressed as nitrogen dioxide), or particulate matter; and in excess of 10 tons per year (rounded to the nearest ton) for carbon monoxide shall be assessed a fee as set forth in the following schedule:

Air Contaminant	Dollars Per Ton
Organic gases	\$ 20.00
Carbon monoxide	3.50
Oxides of nitrogen. (expressed as nitrogen dioxide)	8.00
Gaseous sulfur compounds. (expressed as sulfur dioxide)	48.00
Particulate matter.	33.00

2. The Air Pollution Control Officer shall determine the total emissions for the preceding year of each of the air contaminants listed in Schedule VIII from all equipment on the premises of facilities to which this paragraph applies. The Air Pollution Control Officer shall determine the emission factors applicable to each permit unit or group of permit units, and provide them to the operator upon request. In determining emission factors, the Air Pollution Control Officer shall use the best available data. "Emission Factor", as used in this subparagraph, means the amount of air contaminant emitted per unit of time or per unit of material handled, processed, produced or burned.

C. Open Burning. Any person who shall set and conduct an open outdoor fire or fires for which a permit must be issued authorizing such a fire under the provisions of Regulation III shall pay a permit fee in accordance with the following schedule:

SCHEDULE IX
OPEN BURNING

Burns less than 100 acres.	\$ 15.00
Burns 100 acres or greater	25.00

Rule 603 Analysis Fees. Whenever the Air Pollution Control Officer finds that an analysis of the emissions from any source is necessary to determine the extent and amount of pollutants being discharged into the atmosphere which cannot be determined by visual observation, he may order the collection of samples and the physical analysis made or the collection of data and the engineering analysis made by qualified personnel as determined by the Air Pollution Control Officer. The time required for collecting samples or data, making the physical or engineering analysis, and preparing the necessary reports, but excluding the time required in going to and from such premises, shall be charged against the owner or operator of said premises in a reasonable sum to be determined by the Air Pollution Control Officer, which sum is not to exceed the actual cost of such work.

Rule 604 Technical Reports. Charges for information, circular, reports of technical work, and other reports prepared by the Air Pollution Control District when supplied to other governmental agencies or individuals or groups requesting copies of the same may be charged for by the District in a sum not to exceed the cost of preparation and distribution of such documents. All such monies collected shall be turned into the general funds of the said District.

Rule 605 Hearing Board Fees.

- A. Every applicant or petitioner for a variance, or for the extension, revocation, or modification of a variance or for an appeal from a denial or conditional approval or an Authority to Construct or Permit to Operate, except any state or local governmental agency or public district, shall pay the clerk of the Hearing Board, on filing, a fee not to exceed the cost of the Hearing.
- B. Any person requesting a transcript of the hearing shall pay the cost of such transcript.
- C. This Rule shall not apply to petitions filed by the Air Pollution Control Officer.

Rule 606 Compliance Fee. If a notice of violation is issued and the annual fee paid under previous schedules is insufficient to pay District costs for the additional time required for inspections, report writing and evaluations associated with enforcement and returning a source to compliance, a charge of \$21.00/hour will be assessed, the amount not to exceed actual District costs. This fee is in addition to any penalties or fines imposed by the District or State.