

**MONTEREY BAY UNIFIED AIR POLLUTION CONTROL DISTRICT  
REGULATION III  
FEES**

---

**RULE 307. FEES FOR THE IMPLEMENTATION OF THE CALIFORNIA CLEAN  
AIR ACT BY THE CALIFORNIA AIR RESOURCES BOARD**

---

*(Adopted March 28, 1990; Revised June 26, 1991 and June 19, 1996; Repealed June 18, 1997;  
Readopted June 17, 1998; Revised June 16, 1999, and June 21, 2000.)*

**CONTENTS**

<b>PART 1</b>	<b>GENERAL</b>	<b>2</b>
1.1	Purpose	2
1.2	Applicability	2
1.3	Exemptions	2
1.4	Effective Dates	2
1.5	References	2
<b>PART 2</b>	<b>DEFINITIONS</b>	<b>2</b>
2.1	Base Year Emissions (BYE)	2
2.2	CARB Assessment	3
2.3	Fee Rate	3
2.4	Major Non-vehicular Source	3
2.5	Nonattainment Pollutants and Precursors	3
<b>PART 3</b>	<b>FEE REQUIREMENTS FOR MAJOR NON-VEHICULAR SOURCES</b>	<b>4</b>
3.1	1988 California Clean Air Act Fee	4
3.2	Applicable Emissions	5
3.3	Fee Penalty	5
<b>PART 4</b>	<b>ADMINISTRATIVE REQUIREMENTS</b>	<b>6</b>
4.1	Transfer of Fees Collected	6
4.2	Administrative Costs	6

**PART 1 GENERAL**

**MONTEREY BAY UNIFIED AIR POLLUTION CONTROL DISTRICT  
REGULATION III  
FEES**

1.1 Purpose

The purpose of this Rule is to collect fees for the implementation of the 1988 California Clean Air Act by the California Air Resources Boards required in Title 17 California Code of Regulations 90800 *et seq.* The fees required pursuant to this Rule shall be in addition to permit and other fees currently required.

1.2 Applicability

The provisions of this Rule shall apply to all major non-vehicular sources, as defined by this Rule.

1.3 Exemptions

There are no exemptions from this Rule.

1.4 Effective Dates

This Rule as most recently adopted is effective July 1, 2000.

1.5 References

The requirements of this Rule arise from the provisions of California Code of Regulations 90800 *et seq.* and the California Clean Air Act.

**PART 2      DEFINITIONS**

For the purposes of this Rule the following terms are defined:

2.1 Base Year Emissions (BYE)

The calendar year accumulative emissions of pollutants, and precursors to such pollutants, for which the North Central Coast Air Basin is deemed not in attainment

**MONTEREY BAY UNIFIED AIR POLLUTION CONTROL DISTRICT  
REGULATION III  
FEES**

by the California Air Resources Board, two years prior to that during which the fees are due. For the purposes of calculating the fee, the Air Pollution Control Officer will consider all emissions data submitted no later than six months after the end of the base year.

2.2 CARB Assessment

The assessed value for the Monterey Bay Unified Air Pollution Control District in Section 90800 of the California Code of Regulations.

2.3 Fee Rate

The CARB Assessment with the administrative costs of collecting the fees included.

2.4 Major Non-vehicular Source

Any plant, building, structure, stationary facility or group of facilities under the same ownership, leasehold, or operation which, in the base calendar year, emitted to the atmosphere 500 tons or greater of any nonattainment pollutant or of any nonattainment pollutant precursor.

2.5 Nonattainment Pollutants and Precursors

Those pollutants recognized as causing or contributing to violations of a California Ambient Air Quality Standard such that the California Air Resources Board determines that the North Central Coast Air Basin is a nonattainment area for that standard.

The following table summarizes the nonattainment/precursor relationships.

**MONTEREY BAY UNIFIED AIR POLLUTION CONTROL DISTRICT  
REGULATION III  
FEES**

<u>Substance</u>	<u>Nonattainment Pollutant/Precursor</u>
Ozone	reactive organic gases oxides of nitrogen
Sulfur Dioxide	oxides of sulfur
Sulfates	oxides of sulfur
Nitrogen Dioxide	oxides of nitrogen
Carbon Monoxide	carbon monoxide
Suspended Particulate Matter (PM <sub>10</sub> )	suspended particulate matter (PM <sub>10</sub> ) oxides of nitrogen oxides of sulfur reactive organic compounds
Visibility Reducing Particles	suspended particulate matter (PM <sub>10</sub> ) oxides of nitrogen oxides of sulfur reactive organic compounds
Hydrogen sulfide	hydrogen sulfide
Lead	lead

**PART 3 FEE REQUIREMENTS FOR MAJOR NON-VEHICULAR SOURCES**

**3.1 1988 California Clean Air Act Fee**

The owner or operator of each major source is hereby assessed a California Clean Air Act fee payable to the Monterey Bay Unified Air Pollution Control District and due within 30 days of notice of assessment by the Air Pollution Control Officer. This fee shall be calculated by the following formula.

$$\text{Major Source Fee} = (\text{Fee Rate}) (\text{BYE})$$

**MONTEREY BAY UNIFIED AIR POLLUTION CONTROL DISTRICT  
REGULATION III  
FEES**

3.2 Applicable Emissions

In determining the fee amount, actual emissions of nonattainment pollutants and nonattainment pollutant precursors occurring during the base year shall be counted and thereby included in the calculations.

3.3 Fee Penalty

If any fee payment required pursuant to this Rule is not submitted within 30 days of the issuance date of the District's billing statement, it shall be considered delinquent, and penalties for the delinquency shall be imposed as set forth below.

3.3.1 For purposes of this Part any fee payment shall be considered to be timely if it is postmarked on or before the 30th day following the statement issuance date. If the 30th day falls on a Saturday, Sunday, or holiday, the fee payment may be postmarked on the next business day with the same effect as if it had been postmarked on the 30th day.

3.3.2 If no fee payment is submitted within the time prescribed by Section 3.3.1 above, a delinquency penalty of 50 percent of the amount of the billed fee, to a maximum of \$1,000, shall be added to the amount of fee due, and the facility shall thereupon be notified by mail of the increased fee.

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

3.3.4 If a fee payment is delinquent and the fee plus the delinquency penalty is not received within 30 days of the District's notification pursuant to Section 3.3.2 above, the delinquency penalty shall be increased to 100 percent of the original amount due, to a maximum of \$2,500, and the facility shall thereupon be notified by mail of the increased fee.

3.3.5 If, in the case of a failure to pay the fees required pursuant to this part, the delinquent fee plus penalties assessed pursuant to Section 3.3.2 and 3.3.4 above are not submitted within 120 days of the date of the District's first statement issuance pursuant to Section 3.3.1 of this Rule, the facility shall be considered to be in default of its fee obligation and in violation of this Rule. In such case the Air Pollution Control Officer shall immediately petition the District Hearing Board to

**MONTEREY BAY UNIFIED AIR POLLUTION CONTROL DISTRICT  
REGULATION III  
FEES**

hold a hearing to determine whether any or all of the facility's permits should be revoked pursuant to Health and Safety Code Section 42307.

- 3.3.5.1 After the District has initiated a permit revocation action through the filing of an accusation but before the revocation of any permit pursuant to Health and Safety Code Section 42307, the facility may still cure its default by submitting all outstanding fees plus delinquency penalties and a \$280 revocation initiation fee.
- 3.3.5.2 If any Permit to Operate is revoked by the Hearing Board on account of such default, it may be reinstated upon written request of the facility and upon full payment of all fees, penalties, revocation initiation fee, and a reinstatement fee of \$420.

**PART 4 ADMINISTRATIVE REQUIREMENTS**

**4.1 Transfer of Fees Collected**

The Air Pollution Control Officer shall transfer the fees required by this Rule to the California Air Resources Board for deposit into the Air Pollution Control Fund prior to January 1 of each fiscal year.

**4.2 Administrative Costs**

The administrative costs of collecting the fees required by this Rule shall be determined by the costs of the total number of technical District staff-hours expended in collection of the respective fees.

\* \* \* \* \*