

RULE 505 Title V Supplemental Annual Fee

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RULE 505

The fee Rule shall apply only to sources subject to Rule 1101 *Title V - Federal Operating Permits*. The fees collected pursuant to this Rule shall supplement the fee requirements in Rule 500 *Annual Permit to Operate Renewal Fees*, if applicable.

- 1 PAYMENT OF SUPPLEMENTAL FEE:** [Reference: 40 CFR Part 70.9 (b) (2) (i)] The owner/operator, or his or her delegee, shall pay an annual fee for a Permit to Operate pursuant to Rule 1101 as determined by the calculation method in Section 2 of this Rule to meet an overall fee rate of \$25 per ton of fee-based emissions (CPI (Consumer Price Index) adjusted) unless Section 2 below applies.

1.1 Fee-based emissions means the actual rate of emissions in tons per year of any fee pollutant, including fugitive emissions, emitted from the stationary source over the preceding year or any other period determined by the Air Pollution Control Officer (APCO) to be representative of normal operation. Fee-based emissions shall be calculated using each emission unit's actual operating hours, production rates, and in-place control equipment; type of material processed, stored, or combusted during the preceding calendar year, or other time period established by the APCO. [Reference: 40 CFR Part 70.9 (b) (2) (iii)]

1.2 Fee Pollutant means oxides of nitrogen, volatile organic compounds, any pollutant for which a national ambient air quality standard has been promulgated by the United States Environmental Protection Agency (EPA) (excluding carbon monoxide), and any other pollutant that is subject to a standard or regulation promulgated by EPA under the federal Clean Air Act (CAA) or adopted by the Colusa County Air Pollution Control District (DISTRICT) pursuant to section 112(g) and (j) of the CAA. Any air pollutant that is regulated solely because of a standard or regulation under section 112(r) of the CAA for accidental release or under Title VI of the CAA for stratospheric ozone protection shall not be included. [Reference: 40 CFR Part 70.2 Regulated Pollutant (for Presumptive Fee Calculation)]

1.3 (CPI adjusted) means adjusted by the percentage, if any, by which the Consumer Price Index of the year exceeds the Consumer Price Index for calendar year 1989. The value of (CPI adjusted) shall be obtained from EPA. [Reference: 40 CFR Part 70.9(b) (2) (iv)]

- 2 NO SUPPLEMENTAL FEE** [Reference: 40 CFR Part 70.9(b)(1)]

There shall not be a supplemental annual fee if the total annual fees paid by the source under Regulation IV, including Rule 4.5 (Annual Permit to Operate Renewal Fees) and Rule 4.10 (Air Toxics Program Fees), equals or exceeds \$25 per ton of fee-based emissions (CPI adjusted). Only those AB 2588 Toxic Hot Spots fees that fund direct and indirect costs associated with activities related to the operating permits program as specified in section 502(b)(3)(A)

of the CAA are to be used to meet the overall fee rate of \$25 per ton of fee-based emissions (CPI adjusted).

3 DETERMINATION OF SUPPLEMENTAL FEE

3.1 Calculation of Annual Fee

$$s = [\$25 \text{ per ton (CPI adjusted)} \times e] - f$$

where:

s = supplemental annual fee in dollars

e = fee-based emissions in tons per year

f = sum (in dollars) of annual fee (Annual Permit to Operate Renewal Fees) and that portion of AB2588 Toxic Hot Spot fees that funds direct and indirect costs associated with activities related to the operating permits program as specified in section 502(b)(3)(A) of the CAA.

If “f” is equal to or greater than “[\$25 per ton (CPI adjusted) x e]” then “s” shall be zero and there shall be no supplemental fee. If “f” is less than “[\$25 per ton (CPI adjusted) x e]” then “s” shall be as calculated above.

3.2 When the Supplemental Annual Fee is Zero

If "f" is equal to or greater than "[\$25 per ton (CPI adjusted) x e]," then "s" shall be zero and subsection b., above, applies. If "f" is less than "[\$25 per ton (CPI adjusted) x e]," then "s" shall be as calculated in Step 1.

4 SUBMITTAL OF INFORMATION: [Reference: 40 CFR Part 70.6(a) (7)] The owner/operator, or his or her representative, shall provide the APCO sufficient information to determine the annual supplemental fee.