

State of California
AIR RESOURCES BOARD

Executive Order G-96-076

WHEREAS, on April 26, 1996, the Air Resources Board (the "Board") conducted a public hearing to consider the adoption of permit fee regulations for nonvehicular sources pursuant to the California Clean Air Act;

WHEREAS, following the public hearing, the Board adopted Resolution 96-14, in which the Board approved adoption of section 90800.7, and amendment to section 90803, Title 17, California Code of Regulations, as set forth in Attachment A thereto;

WHEREAS, the Board, in Resolution 96-14, directed the Executive Officer to adopt the regulations, after making them available to the public for a period of 15 days, provided that the Executive Officer shall consider such written comments regarding the modification as may be submitted during this period, shall make modifications as may be appropriate in light of the comments received, and shall present the regulations to the Board for further consideration if he determines that this is warranted;

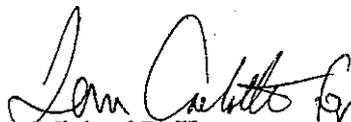
WHEREAS, the approved regulations were available for public comment for a period of 15 days, with the changes to the originally proposed text clearly indicated, in accordance with the provisions of Title 1, California Code of Regulations, section 44; and

WHEREAS, no written comments were received during this 15-day comment period.

NOW, THEREFORE, IT IS ORDERED that the recitals and findings contained in Resolution 96-14 are incorporated by reference herein.

IT IS FURTHER ORDERED, in accordance with Resolution 96-14, that Title 17, California Code of Regulations, section 90800.7 is adopted, and section 90803 is amended, as set forth in Attachment 1 hereto.

Executed this 18 day of September, 1996, at Sacramento, California.


Michael P. Kenny
Executive Officer

Attachment

Attachment 1

FINAL REGULATION ORDER

CALIFORNIA CLEAN AIR ACT NONVEHICULAR SOURCE FEE REGULATIONS

Adopt New Section 90800.7
and Amend Section 90803
Subchapter 3.8, California Clean Air Act
Nonvehicular Source Fee Regulations,
as follows:

SECTION 90800.7 IS ALL NEW TEXT:

90800.7 Fee Requirements for Fiscal Year 1996-97.

- (a) No later than 180 days after the operative date of this section, each district identified below shall transmit the dollar amount specified below to the Board for deposit into the Air Pollution Control Fund. The amount transmitted shall be collected from facilities which are the holders of permits for sources which emitted 500 tons or more per year of any nonattainment pollutant or precursors during the period from January 1, 1994, through December 31, 1994, inclusive. The fees shall be in addition to permit and other fees already authorized to be collected from such sources. The fee to be charged shall be \$18.78 per ton.
- (1) Bay Area Air Quality Management District:
one million one hundred sixty-eight thousand three hundred ninety-eight dollars
(\$1,168,398);
 - (2) Imperial County Air Pollution Control District:
nine thousand four hundred forty-six dollars
(\$9,446);
 - (3) Kern County Air Pollution Control District:
eighty-seven thousand seven hundred forty dollars (\$87,740);
 - (4) Mojave Desert Air Quality Management District:
three hundred sixty-seven thousand three hundred thirty-seven dollars (\$367,337);
 - (5) Monterey Bay Unified Air Pollution Control District:
two hundred six thousand two hundred four

dollars (\$206,204);

- (6) San Diego County Air Pollution Control District:
eighty-two thousand seven hundred eighty-two dollars (\$82,782);
- (7) San Joaquin Valley Unified Air Pollution Control District:
three hundred eighteen thousand ninety-six dollars (\$318,096);
- (8) San Luis Obispo County Air Pollution Control District:
eighty-five thousand six hundred seventy-four dollars (\$85,674);
- (9) South Coast Air Quality Management District:
four hundred seventy-five thousand two hundred eighty-four dollars (\$475,284);
- (10) Ventura County Air Pollution Control District:
twenty-eight thousand six hundred two dollars (\$28,602);
- (11) Amador County Air Pollution Control District,
Butte County Air Quality Management District,
Calaveras County Air Pollution Control District,
Colusa County Air Pollution Control District,
El Dorado County Air Pollution Control District,
Feather River Air Quality Management District,
Glenn County Air Pollution Control District,
Great Basin Unified Air Pollution Control District,
Lake County Air Quality Management District,
Lassen County Air Pollution Control District,
Mariposa County Air Pollution Control District,

Mendocino County Air Quality Management District,

Modoc County Air Pollution Control District,

North Coast Unified Air Quality Management District,

Northern Sierra Air Quality Management District,

Northern Sonoma County Air Pollution Control District,

Placer County Air Pollution Control District,

Sacramento Metropolitan Air Quality Management District,

Santa Barbara County Air Pollution Control District,

Shasta County Air Quality Management District,

Siskiyou County Air Pollution Control District,

Tehama County Air Pollution Control District,

Tuolumne County Air Pollution Control District,

Yolo/Solano Air Quality Management District:

zero dollars (\$0).

- (b) Emissions from facilities identified by the Air Resources Board on or before April 25, 1996, as having emitted 500 tons or more per year of any nonattainment pollutant or precursors during the period January 1, 1994, through December 31, 1994, shall be used to determine compliance with this regulation. Emissions from a facility are excluded from compliance with this regulation if the emissions from the facility would be subject to this regulation solely because the facility is in a district which is designated in section 60201 as not having attained the state ambient air quality standard for ozone solely as a result of ozone transport identified in section 70500, Title 17, California Code of Regulations.

(c) In addition to the amount cited in subsection (a) above, a district shall, for any facility identified after April 25, 1996, as having emitted 500 tons or more per year of any nonattainment pollutant or its precursors during the period from January 1, 1994, through December 31, 1994, transmit to the Board for deposit into the Air Pollution Control Fund eighteen dollars and seventy-eight cents (\$18.78) per ton of such pollutant or precursor.

NOTE: Authority cited: Sections 39600, 39601 and 39612, Health and Safety Code. Reference: Sections 39002, 39500, 39600 and 39612, Health and Safety Code.

90803. Failure of Facility to Pay Fees.

In the event any district is unable to collect the assessed fee from any source due to circumstances beyond the control of the district, including but not limited to facility closure, emission quantification errors, or refusal of the operator to pay despite permit revocation and/or other enforcement action, such district shall notify the Executive Officer of the State Board. For demonstrated good cause, the district may be relieved from that portion of the fees the district is required to collect and remit to the state as set forth in section 90800 or section 90800.1 or section 90800.2 or section 90800.3 or section 90800.4 or section 90800.5 or section 90800.6 or section 90800.7. Nothing herein shall relieve the operator from any obligation to pay any fees assessed pursuant to these regulations.

NOTE: Authority cited: Sections 39600, 39601 and 39612, Health and Safety Code. Reference: Sections 39002, 39500, 39600 and 39612, Health and Safety Code.