

TEHAMA COUNTY AIR POLLUTION CONTROL DISTRICT

Rule 2:11 Permit Fees

Adopt 9/19/1984, Amend 4/25/1989, Amended 9/18/1990, Adopted 6/16/1992, Repealed/Adopted 7/13/1993, Repealed/Adopted 6/27/1995, Repealed/Adopted 10/1/1996, Repealed/Adopted, 4/28/1998, Repealed/Adopted 9/25/2007, Repealed/Adopted 4/4/2008, Repealed/Adopted 7/22/2008, Repealed/Adopted 10/07/2008, Repealed/Adopted 03/02/09, Amended 07/01/10

- 1 Filing Fee: Every application and renewal for Authority To Construct and/or Permit to Operate, Title V Federal Operating Permit or modification pursuant to Rule 2:3A shall be accompanied by a nonrefundable filing fee of \$135.25 except for Phase II vapor recovery systems which shall be \$157.25. All applicants for an Authority to Construct and/or Permit to Operate or Title V Federal Operating Permit shall pay to the Air Pollution Control District an amount equal to the District's cost of any staff time, materials, mileage, etc. that was not covered by the application fee. In the event that a source is constructed or modified without first obtaining an Authority To Construct pursuant to Rule 2:2 1 the filing fee shall be \$203.50. A prorated fee for equipment added to an already existing source will be charged to coincide with the expiration of the current permit.
- 2 Permit to Operate: All fees prescribed in this Rule pertaining to a Permit to Operate are non-refundable and shall be paid in advance of issuance to the Tehama County Air Pollution Control District. The District will issue a billing statement for new permits. Nonpayment of the fee within 30 days of the billing date shall cause the automatic cancellation of the application.
 - 2.1 The District will issue a billing statement for permit renewals a minimum of thirty (30) days prior to the expiration date. Nonpayment of the renewal fee until after the Permit to Operate expiration date shall result in the automatic cancellation of the permit. Renewing a Permit to Operate after the expiration date shall cause an additional 50% late fee.
 - 2.1.1 Any further costs incurred by the District after issuance of the Authority to Construct but prior to issuance of the Permit to Operate shall be paid within 30 days of the subsequent billing by the District for the new Permit to Operate pursuant to Section [9](#).
- 3 Transfer of Location: Where an application is filed for a revised Permit to Operate by reason of transfer of the location of already permitted equipment, where there is no modification of the transferred equipment, the applicant shall pay only the filing fee required pursuant Section [1](#) above.
 - 3.1 Any such filing fee shall be tendered along with the application for which it is due. Any application for transfer of location is not complete until the filing fee is paid.
- 4 Identical Replacement: Where an application is filed for a revised Permit to Operate by reason of an identical replacement of an entire permitted unit or a component thereof, where a revision to the equipment description of the existing permit is necessary, the applicant shall pay only the amount of the filing fee required by Section [1](#) above.
 - 4.1 Any such filing fee shall be tendered along with the application for which it is due. Any application for an identical replacement is not complete until the filing fee is paid.
- 5 Permit Granted by Hearing Board: In the event an Authority to Construct or Permit to Operate is granted by the Hearing Board after denial by the Air Pollution Control Officer, the permit fee provisions prescribed by Section [1](#), or [2](#) above shall be payable within 30 days of the date of billing by the District pursuant to Section [9](#).
- 6 Revising Permit Terms or Conditions: Where an application is filed requesting revisions to the terms or conditions of an existing Permit to Operate, or when the Air Pollution Control Officer issues a revised Permit to Operate, the applicant shall pay the actual cost incurred by the District in processing the application. Such

fee shall be paid within 30 days of the date of billing by the District and shall be based on a rate of \$69.25 per hour of District staff time expended in processing the application.

6.1 Any application requesting revisions to the terms or conditions of an existing Permit to Operate shall be accompanied by a filing fee of \$103.75, and the application shall not be complete until the filing fee is paid.

7 Amendment to Authority to Construct: An applicant may request written authorization to alter the proposed design and/or operational characteristics of a specified permit unit after the application for Authority to Construct has been deemed complete by the District and before work has begun on the Permit to Operate evaluation. The applicant shall pay the actual cost incurred by the District to evaluate the impact of the alteration(s) at the rate of \$69.25 per hour of District staff time expended. Such fee shall be paid within 30 days of the date of billing by the District pursuant to Section 9.

8 Withdrawal or Denial: When an application for any of the above permit actions is submitted to the District it initiates action by the District which commits staff resources in reliance upon the request of the applicant. In the event an applicant withdraws or cancels its application, or the District denies the requested Permit to Operate or Authority to Construct, the resources expended by the District in processing the application becomes an obligation owing to the District as follows:

8.1 The actual time spent by the District in processing any application for a Permit to Operate, an Authority to Construct, revision to permit terms or conditions, or to revise an Authority to Construct application, the applicant shall pay the actual costs incurred by the District which were beyond the application fee at a rate of \$69.25 per hour upon withdrawal or denial of the application. Such fee shall be payable within 30 days of the date of billing, and constitutes a legal obligation owing to the District for work done in reliance upon an applicant's request.

9 Payment of Fees: No Authority to Construct or Permit to Operate shall be issued or renewed to any applicant until the applicable fee pursuant to this Rule, and any other fee obligations arising under this Rule or any other District Rule, is paid in full.

10 All fees prescribed in this Rule must be paid in full within the time periods specified. Partial payments are not accepted and will not constitute satisfaction of the obligation established by this Rule, nor will they suspend the running of the period of time during which payments must be made. In the event fees are not paid within (30) days of the billing date an additional 50% late fee will be charged.

11 If any person who failed to pay any fee prescribed in this Rule within the time period specified establishes to the satisfaction of the Air Pollution Control Officer that such failure was due to reasonable cause and not due to willful neglect, and the person has subsequently paid such fee in full, the Air Pollution Control Officer may waive the 50% late fee prescribed in this Rule. As used herein, "reasonable cause" shall not include the failure of the person to receive any mailed billing statement or renewal notice.

12 Fee Schedule Fee

12.1 Air Conveyance Control Devices

12.1.1	Cyclone	
	<30,000 scfm	221.00
	>30,000 scfm	354.25
12.1.2	Baghouse	442.50
12.1.3	Electrostatic Precipitator	442.50
12.1.4	Wet Scrubber	442.50

12.1.5	Dry Scrubber	442.50
12.1.6	Packed Tower	442.50
12.1.7	Afterburner	442.50
12.1.8	Absorption Device	442.50
12.1.9	Multiclone/Fly Ash Reinject	442.50
12.1.10	NOx Reduction System	442.50
12.2	Asphalt Batch Plant (Maximum Design Rating)	
12.2.1	<100 tons/hour	691.50
12.2.2	>100 - <250 tons/hour	824.25
12.2.3	>250 - <500 tons/hour	956.75
12.2.4	>500 - tons/hour	1,091.25
12.3	Asphalt Storage Facility	221.00
12.4	Fuel Combustion Devices (Boilers, etc. 10 ⁶ BTU/hour, Maximum Design Rating)	
12.4.1	<15	223.00
12.4.2	>15 - <30	392.00
12.4.3	>30 - <45	688.25
12.4.4	>45 - <60	1,359.50
12.4.5	>60 - <75	1,533.75
12.4.6	>75 - <100	1,737.25
12.4.7	>100 - <250	2,127.50
12.4.8	<250 - <500	2,413.50
12.4.9	>500	2,747.75
12.5	Cement Batch Plant	221.00
12.6	Kilns (10 ⁶ BTU/hour, Maximum design Rating)	
12.6.1	<100	531.50
12.6.2	>100 - <200	665.00
12.6.3	>200 - <500	797.25
12.6.4	>500	930.25
12.7	Charcoal/Carbon Manufacturing Furnace	531.50
12.8	Dryers	
12.8.1	Plywood Veneer	265.25
12.8.2	All Others	177.00
12.9	Vapor Recovery Systems	
12.9.1	Minimum charge	119.00
12.9.2	Dispensing nozzles (per nozzle) whichever is greater	29.50
12.10	Incinerators/Remelt Furnaces (Pathological, Cremation Retorts, Burnout ovens, etc.) - Maximum Horizontal Cross Sectional Area, Ft ² of Primary Combustion Chamber.	
12.10.1	<50	221.00

12.10.2	>50 - <100	354.25
12.10.3	>100	487.75
12.11	Industrial/Commercial Surface Coating Operations	
12.11.1	<1,000 gallons/year	221.00
12.11.2	>1,000 gallons/year	310.50
12.12	Volatile Organic Compound Substance Use	
12.12.1	<1,500 gallons/year	221.00
12.12.2	>1,500 gallons/year	310.50
12.13	Fiberglass Resin Usage	
12.13.1	<50 tons/year	221.00
12.13.2	>50 tons/year	310.50
12.14	Mineral Processing-Rock Crushing/Screening	
12.14.1	<25,000 tons/year	177.00
12.14.2	>25,00 - <50,000 tons/year	442.50
12.14.3	>50,00 - <100,000 tons/year	665.00
12.14.4	>100,000 - <500,000 tons/year	892.50
12.14.5	>500,000 tons/year	981.75
12.15	Miscellaneous	
12.15.1	Minimum Charge (<5 tons/year emitted)	141.50
12.15.2	Other (E = tons/year emitted)	26.75
12.16	Insignificant Source/Emission Inventory Tracking Fee	34.50
12.17	Fugitive Dust Permit	
12.17.1	Fugitive Dust Permit to Operate, non large source	141.50
12.17.2	Fugitive Dust Permit to Operate, large source, initial issuance (A deposit of 250 shall be paid at the time of application. The balance of the Fee, if any, shall be paid prior to issuance of the renewal.)	69.25 per hour
12.17.3	Fugitive Dust Permit to Operate, large source, renewal	69.25 per hour
12.17.4	Surcharge for Stationary Source Permits containing Fugitive Dust conditions	17.00
12.18	Agricultural Burn Permit (per year)	
12.18.1	Each applicant shall pay a fee upon application or renewal for a permit based on the following schedule:	
	0 to 50 acres	25.75

51 to 100 acres	51.75
101 to 200 acres	103.75
Over 200 acres	155.75

12.19 The provisions of Part 4, Chapter 3, Article 3, Section 41866 of the California Health and Safety Code which are in effect as of June 16, 1992 are incorporated herein as a part of the Rules and Regulations of the Tehama County Air Pollution Control District.

12.20 Land Clearing (Burning conducted under Rule 4:6 1.1.8) 52.25

12.21 Fire Hazard and/or Employee Instruction (Burn conducted under Rule 4:6 3.1.1 and/or 3.1.2.) 52.25

12.22 Transfer of Ownership (Permit to Operate) 40.50

12.23 Stationary Source Greenhouse Gas Calculation and Tracking Fee (Whichever amount is greater)-This calculation and associated fee applies to all stationary source Permits to Operate and renewals of Permits to Operate that have a potential to emit greenhouse gases, to include carbon dioxide and carbon dioxide equivalent emissions.

12.23.1 Hourly Labor rate 69.25 per hour
 (A deposit of \$34.50 shall be paid at the time of paying the applicable fee under Subdivision 2 of this rule. The balance of the Stationary Source Greenhouse Gas Calculation and Tracking Fee, if any, shall be paid prior to issuance of the permit or renewal.)

13 General Rules Applicable to Permit Fee Schedules:

13.1 The permit fee of a multi-component system shall be the sum of those fee schedules for each individual device in the component system.

13.2 If more than one fee schedule is applicable to an individual device, the schedule with the higher fee shall be used exclusively.

13.3 If the Control Officer ascertains that tests will be required which the APCD staff does not routinely perform, then the APCD is authorized to charge additional fees not to exceed the estimated cost of making such tests provided that the applicant shall be advised of such additional fees prior to the making of such tests and given the option to have such test made by an independent laboratory approved by the Control Officer at the applicant's cost. All fees estimated and collected by the Control Officer for special tests which are later found to exceed the actual test costs will be refunded.

13.4 For devices which the Control Officer ascertains are inherently seasonally operational due to location or nature of raw materials processed (i.e. devices operating less than three consecutive months), the permit fee shall be twenty-five (25) percent of the regular fee or \$200 dollars whichever is higher.

13.5 Any person requesting that the District undertake or perform any of the following activities shall pay for the full cost of such activity as incurred by the District. Such costs shall include staff time, materials, mileage, etc. Staff time shall be charged at a rate of \$69.25 per hour. Staff time solely provided by the Control Officer at the determination of the Control Officer shall be charged at a rate of \$81.25 per hour. Overtime shall be charged at one and one-half (1.5) times the staff time rate.

13.5.1 Technical evaluations and/or pre-permit evaluation.

- 13.5.2 Any other activity not routinely performed by the Air Pollution Control District.
- 13.6 Should the Control Officer find that an analysis of emissions or any special studies are necessary pursuant to these regulations, the cost shall be charged against the owner or operator of said source.
- 13.7 Any facility which has a source test performed which is required by the District shall pay for the full cost of such activity as incurred by the District at a rate of \$69.25 per hour. The cost shall include source test protocol review, source test observation and compliance analysis of such tests.
- 13.8 Any facility which chooses to submit emission data from continuous emission monitor(s) in lieu of source testing shall pay the District at a rate of \$69.25 per hour for compliance analysis.
- 13.9 Any fees prescribed in this Rule may be adjusted annually on July 1st by the Air Pollution Control Officer based on the change in the California Consumer Price Index for the preceding year, as determined pursuant to Section 2212 of the Revenue and Taxation Code. All other revisions of this Rule require approval of the District's Board of Directors.

TEHAMA COUNTY AIR POLLUTION CONTROL DISTRICT
Rule 2:11A Air Toxic "Hot Spots" Fees
Adopt 5/24/1994, Repealed/Adopted 6/27/1995

- 1 Applicability: This rule shall apply to any stationary source facility which commenced operation prior to January 1, of the year in which the fees are assessed pursuant to this rule, and which:
 - 1.1 Manufactures, formulates, uses, or releases any of the substances listed pursuant to Health & Safety Code Section 44321, or any other substance which reacts to form a substance so listed, and which releases less than 10 tons per year of total organic gases, particulate matter, sulfur oxides or nitrogen oxides and is included in any class listed in Appendix E of Title 17 of the California Code of Regulations (Emission Inventory Criteria and Guidelines Regulation), or
 - 1.2 Manufactures, formulates, uses, or releases any of the substances listed pursuant to Health & Safety Code Section 44321, or any other substance which reacts to form a substance so listed, and which releases 10 tons per year or greater of total organic gases, particulate matter, sulfur oxides, or nitrogen oxides.
- 2 Assessment of Fees: The operator of each stationary source facility which meets the criteria of Subsection [1.1](#) or [1.2](#) shall pay an annual air toxic assessment fee according to the following:
 - 2.1 Facilities shall pay an annual base fee of \$40.00 plus a proportional share of the district's cost attributed to each facility at the rate of \$40.00 per hour.
 - 2.2 Facilities shall pay a prorated share of the state's cost as specified in the states's Air Toxic "Hot Spots" Fee Regulation, Title 17, California Code of Federal Regulation, Sections 90700-90705.
 - 2.3 The operator of a stationary source facility which meets the criteria of Subsection [1.2](#) solely on the basis of the release of non-combustion related particulate matter shall be assessed a flat fee of \$100.00 per year if the facility demonstrates to the satisfaction of the Air Pollution Control Officer that the non-combustion related air release does not contain a substance listed pursuant to Health & Safety Code Section 44321 or a precursor to a listed substance.
- 3 Billings: The District shall notify and assess the operator of each stationary source facility subject to the requirements of this rule in writing of the fees due. The operator shall remit the fee to the District within 60 days after the receipt of the toxic assessment fee notice.
- 4 Penalties: Air toxic assessment fees not paid by the due date as specified in Subsection [3](#) shall be assessed a 50% late charge. If an operator fails to pay the fee within 120 days after the receipt of the initial fee assessment notice, the District may initiate permit revocation proceedings. If any permit is revoked, it shall be reinstated only upon full payment of the overdue fee plus any late penalty, and a reinstatement fee of \$50.00 to recover administrative costs of reinstating the permit.
- 5 Exemptions: Any facility meeting the criteria of Subsection [1.1](#) which was required only to complete a use and production survey (facilities listed in Appendix E-II of the Emission Inventory Criteria and Guideline Regulation),and was previously assessed, and has paid a fee, subsequent fees in future fiscal years shall be waived by the District if the District determines that there are insignificant costs with respect to said facility under the Act.
- 6 Annual Adoption of Fees: Unless it amends this rule, the District Board automatically re-adapt this fee rule annually by operation of law, in compliance with Title 17, California Code of Regulations, Section 90703.

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TEHAMA COUNTY AIR POLLUTION CONTROL DISTRICT
Rule 2:11B Emission Reduction Credit Banking Fee
Adopt 6/7/1994, Adopt 12/15/98

- 1 An application fee and an evaluation fee shall be charged for all sources that apply for an Emission Reduction Credit Certificate. The application fee shall be \$40.00. The evaluation fee shall be charged as follows:
 - 1.1 The application filing fee shall cover the cost of application and evaluation for Emission Reduction Credits for agricultural/open burning which require no more than one (1) hour of evaluation. Evaluation in excess of one (1) hour shall be charged at the rate of \$40.00 per hour.
 - 1.2 Stationary Source Emission Reduction Credit evaluation shall be charged at the rate of \$40.00 per hour.
- 2 The fee for transfer of an Emission Reduction shall be \$40.00.
- 3 The fee for a modification of an Emission Reduction Credit Certificate shall be based on a rate of \$40.00 per hour.
- 4 The fee for replacement of an Emission Reduction Credit Certificate shall be \$20.00. Rule 2:12 Status of Permit.
- 5 The person responsible for obtaining such permit shall maintain the same in a current status by notifying the Control Officer in writing of any significant change in any item of information furnished in connection with obtaining such permit.

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TEHAMA COUNTY AIR POLLUTION CONTROL DISTRICT
Rule 2:11C Document Copy Fees
Adopted 09/25/07

1 The following fees shall apply:

1.1	Standard Copy Rate	\$2.00 first page plus \$.10 per page
1.2	Proposals to Board of Directors	no charge
1.3	Public Record Information already copied	no charge
1.4	District Forms	no charge
1.5	Duplicate Permits	\$15.00
1.6	Tape Copy	\$6.00 plus hourly rate
1.7	Disk Copy	\$6.00 plus hourly rate

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TEHAMA COUNTY AIR POLLUTION CONTROL DISTRICT
Rule 2:11D Indirect Source Fees
Adopted 10/26/2010

- 1 Purpose: To provide the Tehama County Air Pollution Control District (District) with a sound method for mitigating the emissions produced from the operation of new commercial and residential development projects throughout the County of Tehama, including within the incorporated cities in the County. All developers have the option to pay the Indirect Source Fee established by this rule, provide on-site or off-site mitigation through an Alternative Emission Reduction Plan, or do a combination of both. This rule will assist the District in attaining and maintaining the State ambient air quality standards for PM10 and Ozone.
- 2 Definitions: For the purposes of this rule, and in addition to the definitions in Rule 1:2 Definitions, the following definitions shall apply:
 - 2.1 Developer: Any person whose causes, suffers, or permits the construction of any Indirect Source anywhere within the boundaries of the Tehama County Air Pollution Control District. "Developer" shall not include a public entity that issues a permit or other approval for an Indirect Source constructed by another person.
 - 2.2 Indirect Source: Any facility, building, structure, installation, real property, road or highway which attracts or may attract mobile sources of air pollution.
 - 2.3 Industrial Land Use Group: Includes warehouses, general light industry facilities, general heavy industry facilities, industrial parks, and manufacturing facilities.
 - 2.4 Mitigation: For the purpose of this rule, mitigation means an activity taken or conditions incorporated in a project to avoid, minimize, reduce, eliminate, or compensate emissions estimated to occur from new development projects.
 - 2.5 Office Land Use Group: Includes banks (with drive-through), general office buildings, office parks, medical office buildings, hospitals, day-care centers, elementary schools, junior high schools, high schools, junior colleges (2 year), libraries, government office buildings, government (civic center) facilities, racquet club, racquetball/health club, and places of worship.
 - 2.6 Residential: Any construction, placement, or installation of a family dwelling unit. Each dwelling shall be considered one unit. Residential projects can be placed in one of the following three categories:
 - 2.6.1 Single Family Dwelling: A building, including accessory buildings, used as living quarters by one family.
 - 2.6.2 Multiple Family Dwelling: A building, including accessory buildings, used as living quarters by multiple families residing independent of one another.
 - 2.6.3 Mobile Home: A mobile home as defined in Health and Safety Code section 18008 or a manufactured home as defined in Health and Safety Code section 18007, whether located within or outside a park, the construction, placement, or installation of which requires a permit issued by the applicable City, County, or other enforcement agency.
 - 2.7 Retail Land Use Group: Includes free-standing discount stores, free standing discount superstores, discount clubs, regional shopping centers, electronic superstores, home improvement superstores, supermarkets, hardware/paint stores, strip malls, convenience markets (24 hour), convenience markets with gas pumps, gasoline service stations, restaurants, hotels and motels.

3 Exemptions and Reductions:

3.1 The following construction units are exempt from provisions of this rule:

3.1.1 Reconstruction of any development project that is damaged or destroyed and is rebuilt to essentially the same use and intensity.

3.1.2 Remodeling of residential or commercial buildings where no expansion of square footage occurs.

3.1.3 Remodeling or expansion at existing single family residential dwelling.

3.2 Developers have the option to develop and implement an Alternative Emission Reduction Plan to provide full or partial mitigation of emissions associated with the project. An Alternative Emission Reduction Plan may include or consist of an individualized, project-specific analysis demonstrating that the emissions associated with the project are less than the emissions amounts upon which the otherwise applicable fees listed in Table 1 or Table 2 as applicable were calculated. In each instance, the otherwise applicable fees listed in Table 1 or Table 2 as applicable will be reduced in proportion to the demonstrated reduction in emissions associated with the project. The Alternative Emission Reduction Plan shall comply with the requirements of Section 6.

4 Applicable Fee: Except as provided in Section 3 of this Rule, any developer who obtains a building permit within the County of Tehama, or any incorporated city within Tehama County, shall pay the following fee to the District:

Table 1 – Fees Effective July 1, 2011 through December 31, 2011

		Ozone Precursors	PM10	Total
A.	Residential Single Family Dwelling	\$111.75/Unit	\$60.25/Unit	\$172.00/Unit
B.	Residential Multiple Family Dwelling	\$101.50/Unit	\$54.50/Unit	\$156.00/Unit
C.	Mobile Home	\$74.75/Unit	\$39.50/unit	\$114.25/Unit
D.	Retail	\$0.275/Sq. Ft.	\$0.125/Sq. Ft.	\$0.40/Sq. Ft.
E.	Industrial	\$0.06/Sq. Ft.	\$0.03/Sq. Ft.	\$0.09/Sq. Ft.
F.	Office	\$0.145/Sq. Ft.	\$0.075/Sq. Ft.	\$0.22/Sq. Ft.

Table 2 – Fees Effective January 1, 2012 and Thereafter

		Ozone Precursors	PM10	Total
A.	Residential Single Family Dwelling	\$223.50/Unit	\$120.50/Unit	\$344.00/Unit
B.	Residential Multiple Family Dwelling	\$203.00/Unit	\$109.00/Unit	\$312.00/Unit
C.	Mobile Home	\$149.50/Unit	\$79.00/unit	\$228.50/Unit
D.	Retail	\$0.55/Sq. Ft.	\$0.25/Sq. Ft.	\$0.80/Sq. Ft.
E.	Industrial	\$0.12/Sq. Ft.	\$0.06/Sq. Ft.	\$0.18/Sq. Ft.
F.	Office	\$0.29/Sq. Ft.	\$0.15/Sq. Ft.	\$0.44/Sq. Ft.

4.1 The fees listed in Table 2 shall automatically be adjusted annually effective on the 1st day of July, beginning July 1, 2013, as follows: The Air Pollution Control Officer shall adjust the amounts based on the change in the California Consumer Price Index for the preceding year, as determined pursuant to Section 2212 of the Revenue and Taxation Code.

5 Administrative Requirements:

- 5.1 The appropriate Indirect Source Fees, including any reduced fees set forth in an approved Alternative Emission Reduction Plan, shall be paid to the District by the developer at the time of obtaining the building permit. If approved by the District, the developer may have the option to defer payment of these fees by signing a deferral agreement with the District under the following conditions:
 - 5.1.1 The developer may request that the payment of Indirect Source Fees be deferred to the time that a Certificate of Occupancy (or equivalent documentation) is issued. Such request must be made to the Air Pollution Control Officer in writing.
 - 5.1.2 The fees shall be paid at the higher of the current applicable rate at the time of final payment or the rate at the time of obtaining the building permit.
 - 5.1.3 If the fee is not paid at the time that a Certificate of Occupancy (or equivalent documentation) is issued, the developer shall be in violation of this Rule, and shall be subject to the penalties set forth in Article 3 (Commencing with Section 42400) of Chapter 4 of Part 4 of Division 26 of the Health and Safety Code.
 - 5.1.4 All of the foregoing must be set forth in writing that is in a form acceptable to the District Counsel and executed by the developer and the Air Pollution Control Officer.
- 5.2 Funds established by the fee schedule in Section 4 will be separated into two accounts. Account 1 will be designated towards the reduction of Ozone Precursor emissions. Account 2 will be designated towards the reduction of PM10 emissions. No more than 10% of the combined funds may be used by the Air Pollution Control District to offset costs of administration. Any balance of the funds shall be carried over to the next fiscal year.
- 5.3 Funds will be allocated by the Board of Directors through a Request For Proposal (RFP) process for proposed mitigation projects based on the cost analysis and emissions reductions of each project.
- 5.4 RFPs shall be published by the District by August 1st of each year, based on the fees collected throughout the previous fiscal year.
- 5.5 Any person seeking funding for a mitigation project shall develop and submit a written Mitigation Project Report. The minimum criteria the proposed mitigation projects shall meet for considerations are the following:
 - 5.5.1 The proposed Mitigation Project Report shall contain a detailed project description, including sufficient information and documentation that supports the calculation of emissions and emissions reductions specified in the report.
 - 5.5.2 A thorough emission reduction analysis shall be performed for the proposed mitigation project using emission factors from EPA document AP-42 "Compliance of Air Pollution Emission Factors", the latest version of EMFAC, or other source(s) approved by the Air Pollution Control Officer. The emission reduction analysis shall include calculations for estimated emission reductions of all criteria pollutants on a daily and yearly basis. Documentation of emission factors and all assumptions shall be provided with the documentation.

- 5.5.3 Emission reductions produced by the proposed mitigation projects must be above and beyond what is being required by any federal, State, or local regulation, memorandum of agreement/understanding with a regulatory agency, settlement agreement, mitigation requirement, or other legal mandate.
 - 5.5.4 Mitigation projects must adhere to the minimum cost-effectiveness criteria established by District using the rolling 3 year average figures to offset one weighted ton of PM10 or Ozone Precursors by projects funded in the preceding three years under this Rule and under the District's Carl Moyer Program.
 - 5.5.5 No emission reductions obtained by the proposed mitigation projects shall be utilized as marketable emission reduction credits, or to offset any emission reduction obligation of any individual or entity.
 - 5.5.6 Mitigation projects are obligated to have a minimum project life of ten years. Proposed projects possessing shorter life spans may be approved on a case-by-case basis by the Board of Directors. If approved, projects with shorter lives may be subject to additional funding restrictions, such as a lower cost-effectiveness limit and/or a project cost cap.
 - 5.5.7 Potential mitigation projects that do not meet designated criteria of 10 year life span or cost-effectiveness may be considered by the Board of Directors on a case-by-case basis if evidence supplied to the Board of Directors demonstrates potential surplus, real, quantifiable and enforceable emission reduction benefits.
- 5.6 A review committee for the proposed mitigation projects shall be established by the District. The Air Pollution Control Officer, or his designee, shall act as the secretary and oversee the meetings and activities of the review committee. However, the Air Pollution Control Officer, or his designee shall have no voting power during the proceedings. The committee will be composed of five members as followed:
- 5.6.1 (1) a representative of the County of Tehama appointed by the Tehama County Board of Supervisors, (2) a representative of the public (member-at-large), appointed by the District Board of Directors; (3) one member representing the City of Corning and one member representing the City of Red Bluff, each appointed by their respective city councils; (4) a representative of the construction industry, appointed by the District Board of Directors.
 - 5.6.2 The review committee will evaluate, review, and recommend the proposed mitigation projects based on the cost-effectiveness of each project. The District Board of Directors will make the final selection of mitigation projects.
- 5.7 The Board of Directors will enter into a binding contract with each successful mitigation project applicant, which will, at a minimum, require an annual report from the applicant that includes information necessary to ensure that emissions reductions are actually occurring.
- 5.8 On August 1st of each year the District will prepare an annual report which will include the following elements: total amount of fees received; total monies spent; total monies remaining; a list of all projects funded; total emissions reductions realized; and the overall cost-effectiveness factor for the projects funded.
- 6 Alternative Emission Reduction Plan Requirements: Any person seeking full or partial exemption from the otherwise applicable fee(s) set forth in Table 1 or Table 2 as applicable, including reductions based in whole or in part upon an individualized analysis of the emissions impacts associated with the project, shall

develop and submit for the Air Pollution Control Officer's approval a written Alternative Emission Reduction Plan. The Alternative Emission Reduction Plan shall meet all of the following requirements:

- 6.1 The Plan shall contain a detailed project description, including sufficient information and documentation that supports the calculation of emissions and emissions reductions specified in the Plan.
 - 6.2 A thorough emission reduction analysis shall be performed for the Alternative Emission Reduction Plan using emission factors from EPA document AP-42 "Compliance of Air Pollution Emission Factors", the latest version of EMFAC, or other source(s) approved by the Air Pollution Control Officer. The emission reduction analysis shall include calculations for estimated emission reductions of all criteria pollutants on a daily and yearly basis. Documentation of emission factors and all assumptions shall be provided with the documentation.
 - 6.3 Emission reductions contained in the Plan shall be Real, Surplus, Quantifiable, and Enforceable.
 - 6.4 Emission reductions contained in the Plan can NOT be utilized as marketable emission reduction credits, or to offset any emission reduction obligation of any individual or entity.
 - 6.5 Any person who submits an Alternative Emission Reduction Plan containing materially false representations shall be in violation of this Rule, and shall be subject to the penalties set forth in Article 3 (Commencing with Section 42400) of Chapter 4 of Part 4 of Division 26 of the Health and Safety Code. Any such Alternative Emission Reduction Plan shall be disregarded for purposes of determining the applicable fee(s) under this Rule, and the full fee(s) set forth in Table 1 shall be paid to the District.
 - 6.6 If the Air Pollution Control Officer denies or conditionally approves a proposed Alternative Emission Reduction Plan, the Developer may appeal such determination to the Hearing Board by filing a written appeal with the Clerk of the Hearing Board within thirty (30) days after the date the Air Pollution Control Officer renders his or her decision on the Plan. The written appeal shall state with specificity the grounds for challenging the decision of the Air Pollution Control Officer. The Hearing Board shall hear and decide whether the proposed Alternative Emission Reduction Plan complies with the requirements of this Rule, considering only those grounds raised in the Developer's written appeal and giving the Air Pollution Control Officer's decision a rebuttable presumption of correctness, which shall affect the burden of proof.
- 7 Alternative Emissions Reduction Plan Fees: The applicant shall reimburse the District for any time expended in the review and evaluation of an Alternative Emission Reduction Plan at the Hourly Labor Rates set forth in Rule 2:11. The District shall provide the applicant a cost estimate for reviewing the Alternative Emission Reduction Plan, and calculating any applicable fee reductions. A deposit of 50% of the estimated cost estimated shall be paid by the applicant at the time of submittal of the Alternative Emission Reduction Plan.

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