

**REGULATION VI
FEES**

RULE 605 TITLE V PERMIT SUPPLEMENTARY FEES

The fees collected pursuant to this section shall supplement the fee requirements in Rule 603. The terms shown in italics in this rule are defined in Rule 522, Part 2.0.

A. Payment of Supplemental Fee

An *owner or operator*, or his or her delegee, shall pay an annual supplemental fee for a permit to operate pursuant to this rule as determined by the calculation method in subsection C. below to meet an overall fee rate of \$25 per ton of fee-based emissions (CPI adjusted), unless subsection B. below applies.

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 *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; types of material processed, stored, or combusted during the preceding calendar year, or other time period established by the *APCO*.

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 *U.S. EPA* (excluding carbon monoxide), and any other pollutant that is subject to a standard or regulation promulgated by the *U.S. EPA* under the *CAA* or adopted by the *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.

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 for (CPI adjusted) shall be obtained from the *U.S. EPA*.

B. No Supplemental Fee

There shall not be a supplemental annual fee if the total annual fee rate paid by the source under Rule 603 and *H&SC* section 44380 (AB 2588 Toxic Hot Spots) equals or exceeds \$25 per ton of fee-based emissions (CPI adjusted).

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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).

C. Determination of Supplemental Fee

The supplemental annual fee shall be determined by completing the following steps:

Step 1: Calculation of Supplemental 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 under Rule 603 and that portion of AB 2588 Toxic Hot Spots 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

Step 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.

D. Submittal of Information

An owner or operator of a source, or his or her delegee, shall provide the APCO sufficient information to determine the supplemental fee.