

Board Administration and Regulatory Coordination Unit

Division 3. Air Resources Board

Chapter 1. Air Resources Board

Subchapter 3.6. Air Toxics "Hot Spots" Fee Regulation

Article 3. Fees

§ 90705. Fee Payment and Collection.

(a) Each district shall notify and assess the operator of each facility subject to this regulation in writing of the fee due. Except as provided in Sections 90702(c) and (d), 90703, 90704(f), and 90704(g), each district shall use the facility program category as the basis for billing. The operator shall remit the fee to the district within 60 days after the receipt of the fee assessment notice or the fee will be considered past due. If an operator fails to pay the fee within 60 days of this notice, the district shall assess a penalty of not more than 100 percent of the assessed fee, but in an amount sufficient, in the district's determination, to pay the district's additional expenses incurred by the operator's non-compliance. If an operator fails to pay the fee within 120 days after receipt of this 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 to cover administrative costs of reinstating the permit.

(1) The invoices sent by the districts to the facilities shall contain, but not be limited to, the following information: name and address of the facility; name, address, and phone number contact of the district sending the bill, invoice number, fiscal year for which the bill is being sent, where to send the remittance, an indication of whether or not a small business cap is applicable, and the following statement: "The California Health and Safety Code Section 44380 requires the collection of fees from facilities subject to the requirements of the Air Toxics Hot Spots Information and Assessment Act of 1987."

(b) Each district shall collect the fees assessed by or required to be assessed by this regulation. After deducting the costs to the district to implement and administer the program, each district shall transmit to the State Board the amount the district is required to collect for recovery of state costs pursuant to Section 90700(b)(1), as set forth in Table 1, within 180 days of the receipt of an invoice from the State Board. Checks shall be made payable to the State Air Resources Board. The State Board shall forward the revenues to the State Controller for deposit in the Air Toxics Inventory and Assessment Account.

(c) Any fee revenues received by a district for which fees have been adopted pursuant to Section 90704(b) that exceed district and state costs shall be reported to the State Board and shall be retained by the district for expenditure in the next two fiscal years.

(d) If a district does not collect sufficient revenues to cover both the district program costs and the portion of the state costs that the district is required to remit to the State Board for a particular fiscal year due to circumstances beyond the control of the district, the district shall notify the Executive Officer of the State Board prior to April 1 of the year following the applicable fiscal year and may for demonstrated good cause be relieved by the Executive Officer from an appropriate portion of the fees the district is required to collect and remit to the state.

Circumstances beyond the control of the district may include but are not limited to plant closure or refusal of the facility operator to pay despite permit revocation or other enforcement action. Documentation of the circumstances resulting in the shortfall shall be submitted to the ARB upon request. Nothing herein shall relieve the operator from any obligation to pay any fees assessed pursuant to this regulation.

(1) A district for which the State Board has adopted a fee schedule pursuant to Section 90704(b) may, upon notifying the Executive Officer of the State Board, carry over all or a portion of such shortfall in revenue from one to four fiscal years after the shortfall was discovered and add the shortfall amount to its program costs for each such subsequent fiscal year.

NOTE: Authority cited: Sections 39600, 39601 and 44380, Health and Safety Code. Reference: Section 44380, Health and Safety Code.

REFERENCE

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Table 1
Revenues to be Remitted to Cover State Costs by District

<i>District</i>	<i>Revenues to Be Remitted</i>
Amador.....	\$ 105
Antelope Valley	8,248
Bay Area.....	121,307
Butte.....	4,433
Calaveras	0
Colusa.....	0
El Dorado.....	6,441
Feather River	535
Glenn.....	140
Great Basin	5,004
Imperial	9,620
Kern	694
Lake	70
Lassen	3,129
Mariposa.....	507
Mendocino.....	7,555
Modoc	0
Mojave Desert	22,015
Monterey.....	4,109
North Coast	1,607
Northern Sierra.....	805
Northern Sonoma.....	70
Placer	10,945
Sacramento.....	19,647
San Diego	113,949
San Joaquin Valley	45,435
San Luis Obispo.....	560
Santa Barbara	28,688
Shasta.....	9,088
Siskiyou.....	5,069
South Coast	478,158
Tehama	1,257
Tuolumne.....	700
Ventura	29,9343
Yolo-Solano.....	5,978
Total	\$945,802

Table 2
District Costs to be Recovered Through the Fee Regulation

<i>District</i>	<i>Anticipated District Costs*</i>
Antelope Valley	12,570
Great Basin	3,570
Lassen	2,489
Mojave Desert	31,985
Santa Barbara	50,000
Total	\$100,614

*These amounts may reflect adjustments for excess or insufficient revenues under Sections 90705(c) and (d)(1).

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Table 3a

Cost per Facility by District and Facility Program Category

<i>District</i>	<i>Unprioritized (Simple)</i>	<i>Unprioritized (Medium)</i>	<i>Unprioritized (Complex)</i>	<i>Tracking (Simple)</i>	<i>Tracking (Medium)</i>	<i>Tracking (Complex)</i>
State Portion Of Fee	402	603	804	67	100	134
Total Fee (State Portion + District Portion)						
Antelope Valley Great Basin	780	1,170	1,560			
Lassen Mojave Desert Santa Barbara	800	4,143		460 344	690 516	921 688

Table 3b

Cost per Facility by District and Facility Program Category

<i>District</i>	<i>Score >10 (Simple)</i>	<i>Score >10 (Medium)</i>	<i>Score >10 (Complex)</i>	<i>Risk >=10 < 50 (Simple)</i>	<i>Risk >=10 < 50 (Medium)</i>	<i>Risk >=10 < 50 (Complex)</i>
State Portion Of Fee	1,674	2,009	2,344	3,014	3,349	3,684
Total Fee (State Portion + District Portion)						
Antelope Valley Great Basin	2,555	7,113				10,150
Lassen Mojave Desert Santa Barbara		4,498		7,725	10,428 8,337	11,157 8,949

Table 3c

Cost per Facility by District and Facility Program Category

<i>District</i>	<i>Risk >= 50 < 100 (Simple)</i>	<i>Risk >= 50 < 100 (Medium)</i>	<i>Risk >= 50 < 100 (Complex)</i>	<i>Risk >= 100 (Simple)</i>	<i>Risk >= 100 (Medium)</i>	<i>Risk >= 100 (Complex)</i>
State Portion Of Fee	4,353	4,688	5,023	5,693	6,028	6,363
Total Fee (State Portion + District Portion)						
Antelope Valley Great Basin Imperial Lassen						
Mojave Desert Santa Barbara		10,507	13,676			

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Table 4*
Fees for Industrywide and District Update Facilities

<i>District</i>	<i>Industrywide Facilities</i>	<i>District Update Facilities</i>
Antelope Valley	0	125
Great Basin	25	250
Lassen	0	0
Mojave Desert	0	125
Santa Barbara	60	125

*State cost per facility is consistent statewide as follows:
State Industrywide facilities: \$35

Appendix A

**Air Pollution Control District
Air Toxic Inventories, Reports or Surveys**

1. San Diego County Air Pollution Control District "List of Semiconductor Manufacturers Using Toxic Gases (Arsine or Phosphine). May 1988."
2. San Joaquin Valley Unified Air Pollution Control District "San Joaquin Valley Unified APCD Toxics List. February 25, 1994."
3. Santa Barbara County Air Pollution Control District "Current Santa Barbara County Air Pollution Control District List of Air Toxic Sources. July 14, 1997."