

STATE OF CALIFORNIA
Air Resources Board

Resolution 87-61

July 9, 1987

Agenda Item No.: 87-10-1

WHEREAS, Sections 39600 and 39601 of the Health and Safety Code authorize the Air Resources Board (the "Board") to adopt standards, rules and regulations necessary for the proper execution of the powers and duties granted to and imposed upon the Board by law;

WHEREAS, in the Kapiloff Acid Deposition Act (Health and Safety Code Sections 39900-39915), the Legislature declared that acid deposition from anthropogenic sources in California may have significant adverse effects on the environment, on the economy and the public health and directed the Board to design and implement a comprehensive research and monitoring program with regard to acid deposition;

WHEREAS, Section 39910 of the Health and Safety Code authorizes the Board to require districts to impose additional permit and variance fees on nonvehicular sources within their jurisdictions to supplement funds which may be appropriated by the Legislature for acid deposition monitoring and research;

WHEREAS, acid deposition research and monitoring program objectives and priorities have been established and reported to the Governor and the Legislature in December 1983, December 1984, December 1985, and December 1986 in accordance with the Kapiloff Acid Deposition Act;

WHEREAS, in approving the reports to the Governor and the Legislature, the Scientific Advisory Committee on Acid Deposition, appointed pursuant to Section 39905, specified that full implementation of the Board's research and monitoring program will require the maximum level of funding provided for under the Kapiloff Acid Deposition Act;

WHEREAS, the Board has adopted Resolution 85-70, dated July 24, 1986, the provisions of which are incorporated by reference herein, in which it approved a fee program for fiscal year 1986-87 and stated its intention to consider in 1987 the renewal and modification of the fee program;

WHEREAS, the Air Resources Board staff, in consultation with representatives of local air pollution control districts, has developed a proposed fee program for fiscal year 1987-88;

WHEREAS, in accordance with Health and Safety Code Section 39914, the proposed fee program has been designed to provide to the Air Pollution Control Fund net revenues in fiscal year 1987-88 in an amount which is the least of two million dollars (\$2,000,000), or the amount based on the rate of twenty-five one hundredths of one cent (\$.0025) per pound of sulfur or nitrogen oxides emitted from major sources, or the amount appropriated from state funds for acid deposition research and monitoring by the Legislature;

WHEREAS, the California Environmental Quality Act and Board regulations require that no project having significant adverse environmental impacts be adopted as originally proposed if feasible alternatives or mitigation measures are available;

WHEREAS, a public hearing and other administrative proceedings have been held in accordance with the provisions of Chapter 3.5 (commencing with Section 11340), Part 1, Division 3, Title 2 of the Government Code;

WHEREAS, the Board finds that:

The funds to be collected pursuant to the proposed fee program are needed to implement the acid deposition research and monitoring program established pursuant to the Kapiloff Acid Deposition Act;

The proposed regulations are based on the most current data available for annual emissions of sulfur or nitrogen oxides from sources emitting 1,000 tons or more per year of either pollutant; and

The economic impact of the fee program on the affected sources of sulfur or nitrogen oxides will not be significant; and

WHEREAS, the Board has determined, pursuant to the requirements of the California Environmental Quality Act and Air Resources Board regulations, that this regulatory action will have no significant adverse impact on the environment.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby approves Sections 90616-90619, Title 17, California Administrative Code, as set forth in Attachment A.

BE IT FURTHER RESOLVED that the Board directs the Executive Officer to adopt the regulations set forth in Attachment A after making them available to the public for a period of 15 days, provided that the Executive Officer shall consider such written comments as may be submitted during this period, shall make such modifications as he deems 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.

BE IT FURTHER RESOLVED that the Board directs the Executive Officer to forward the adopted regulations to the specified districts for appropriate action, and to the Department of Finance, the Legislative Analyst, and the State Controller, for information and for appropriate action.

I hereby certify that the above is a true and correct copy of Resolution 87-61, as adopted by the Air Resources Board.


Harold Holmes, Board Secretary

ATTACHMENT A

Adopt Sections 90616-90619, Article 5,
Subchapter 3.5, Chapter 1, Part III, Title 17,
California Administrative Code, to read as follows:

Article 5. Fee Program to be Implemented by Air Pollution
Control Districts and Air Quality Management Districts
for Fiscal Year 1987-1988.

90616. General Requirements.

(a) To provide revenue for acid deposition research and monitoring for
fiscal year 1987-88, each district identified in Section 90617 shall adopt
regulations, with an effective date no later than December 15, 1987, which
provide for the collection of fees from the holders of permits for sources
which emitted 1,000 tons per year or more of either sulfur oxides or nitrogen
oxides during the period from January 1, 1986 through December 31, 1986. The
fees collected shall be in addition to permit and other fees already
authorized to be collected from such sources.

(b) Such fees, including fees collected to cover administrative costs to
the district, shall not exceed twenty-five one-hundredths of one cent
(\$0.0025) per pound of sulfur oxides or nitrogen oxides emitted. With respect
to sources identified on or before June 26, 1987, as emitting 1,000 tons per
year or more of sulfur oxides or nitrogen oxides during the period from
January 1, 1986 through December 31, 1986, the amount of emissions as
determined by the executive officer of the state board on June 26, 1987 shall
be used to determine compliance with this limitation and with the fee

requirements of Section 90617(a). In determining the amount of emissions, the executive officer shall utilize data provided by the districts, where available.

NOTE: Authority cited: Sections 39600, 39601, and 39910, Health and Safety Code. Reference: Sections 39002, 39500, 39600, and 39910-39914, Health and Safety Code.

90617. Fee Revenues.

(a) No later than March 1, 1988, each district specified in this section shall transmit the amount specified below, less an amount equal to the district's best estimate of or actual administrative costs, to the state board for deposit into the Air Pollution Control Fund:

~~(2)~~ (1) South Coast Air Quality Management District: ~~two-hundred-five thousand eight hundred twenty dollars (\$205,820)~~ two hundred five thousand three hundred eighty-five dollars (\$205,385);

~~(1)~~ (2) Bay Area Air Quality Management District: ~~two-hundred-thirteen thousand-eighty-five-dollars-(\$213,085)~~ one hundred eighty-five thousand one hundred fifty-five dollars (\$185,155);

(3) Kern County Air Pollution Control District: ~~one-hundred-seventy-one thousand-nine-hundred-twenty-dollars-(\$171,920)~~ one hundred eighty-one thousand one hundred thirty dollars (\$181,130);

(4) San Bernardino County Air Pollution Control District: ~~ninety thousand-eight-hundred-twenty-dollars-(\$90,820)~~ ninety thousand fifteen dollars (\$90,015);

(5) San Diego County Air Pollution Control District: thirty-one thousand four hundred ten dollars (\$31,410);

(6) San Luis Obispo County Air Pollution Control District: twenty-seven thousand two hundred twenty dollars (\$27,220);

(7) Monterey Bay Unified Air Pollution Control District: ~~twenty-four thousand-three-hundred-seventy-five-dollars-(\$24,375)~~ twenty-four thousand three hundred thirty-five dollars (\$24,335);

(8) San Joaquin County Air Pollution Control District: ~~twelve thousand-eight-hundred-thirty-five-dollars-(\$12,835)~~ thirteen thousand four hundred seventy dollars (\$13,470);

(9) Ventura County Air Pollution Control District: twelve thousand six hundred ninety dollars (\$12,690);

(10) North Coast Unified Air Quality Management District: eight thousand five hundred thirty dollars (\$8,530).

(11) Fresno County Air Pollution Control District: ~~twenty-four thousand-three-hundred-thirty-dollars-(\$24,330)~~ eight thousand dollars (\$8,000);

(12) Stanislaus County Air Pollution Control District: five thousand sixty dollars (\$5,060);

(b) In addition to the fees specified in subsection (a) above, a district shall, no later than March 1, 1988:

(1) For any source identified after June 26, 1987, as having emitted 1,000 tons per year or more of sulfur oxides or nitrogen oxides during the period from January 1, 1986 through December 31, 1986, transmit to the state board for deposit into the Air Pollution Control Fund five dollars (\$5.00) per ton of such pollutant, less an amount equal to the district's best estimate of or actual administrative costs; and

(2) For any source identified after July 14, 1986, as having emitted 1,000 tons per year or more of sulfur oxides or nitrogen oxides during the period from January 1, 1985 through December 31, 1985, for which fees have not been transmitted pursuant to Section 90613(b)(1), transmit to the state board for deposit into the Air Pollution Control Fund five dollars (\$5.00) per ton of such pollutant, less an amount equal to the district's best estimate of or actual administrative costs; and

(3) For any source identified after July 15, 1985, as having emitted 1,000 tons per year or more of sulfur oxides or nitrogen oxides during the period from January 1, 1984 through December 31, 1984, for which fees have not been transmitted pursuant to Section 90609(b)(1) or Section 90613(b)(2),

transmit to the state board for deposit into the Air Pollution Control Fund five dollars (\$5.00) per ton of such pollutant, less an amount equal to the district's best estimate of or actual administrative costs; and

(4) For any source identified after September 1, 1984, as having emitted 1,000 tons per year or more of sulfur oxides or nitrogen oxides during the period from January 1, 1983 through December 31, 1983, for which fees have not been transmitted pursuant to Section 90605(b)(1), Section 90609(b)(2) or Section 90613(b)(3), transmit to the state board for deposit into the Air Pollution Control Fund five dollars (\$5.00) per ton of such pollutant, less an amount equal to the district's best estimate of or actual administrative costs; and

(5) For any source identified after July 29, 1983 as having emitted 1,000 tons per year or more of sulfur oxides or nitrogen oxides during the period from January 1, 1982 through December 31, 1982, for which fees have not been transmitted pursuant to Section 90605(b)(2), Section 90609(b)(3) or Section 90613(b)(4), transmit to the state board for deposit into the Air Pollution Control Fund three dollars and sixty-nine cents (\$3.69) per ton of such pollutant.

NOTE: Authority cited: Sections 39600, 39601, and 39910, Health and Safety Code. Reference: Sections 39002, 39500, 39600, and 39910-39914, Health and Safety Code.

90618. Administrative Costs and Billing Information.

(a) To pay for the administrative costs of collecting the fees required by this article, each district may, in accordance with Section 90617, retain fees in an amount equal to the best estimate of or actual costs incurred by the district in establishing the program, and collecting and transmitting the fees. Each district shall, upon request, submit to the state board within 30 days documentation to substantiate such administrative costs.

(b) Each district shall submit to the state board, within 30 days of request, information relating to the assessed total tons of nitrogen oxides and sulfur oxides, the amount of fees per pollutant collected from each major nonvehicular source, including fees to cover administrative costs, and the net amount of fees transmitted to the state board pursuant to Section 90617.

NOTE: Authority cited: Sections 39600, 39601, and 39910, Health and Safety Code. Reference: Sections 39002, 39500, 39600, and 39910-39914, Health and Safety Code.

90619. Exemption.

In the event that any district is unable to collect the assessed acid deposition fee required by district rules and regulations from any source due to circumstances beyond the control of the district, including but not limited to plant closure or refusal of the source owner or operator to pay despite permit revocation and/or other enforcement action, such district shall notify the executive officer of the state board, and for demonstrated good cause may be relieved, on a prorated basis, from that portion of the fee collection

requirement for the district, as set forth in Section 90617. Nothing herein shall relieve the owner or operator from any legal obligation to pay any fees assessed pursuant to district rules and regulations.

NOTE: Authority cited: Sections 39600, 39601, and 39910, Health and Safety Code. Reference: Sections 39002, 39500, 39600, and 39910-39914, Health and Safety Code.

State of California
AIR RESOURCES BOARD

Response to Significant Environmental Issues

Item: Public Hearing to Consider the Adoption of Sections 90616-90619 Title 17, California Administrative Code, Regarding the Acid Deposition Fee Program

Agenda Item No.: 87-10-1

Public Hearing Date: July 9, 1987

Response Date:

Issuing Authority: Air Resources Board

Comment: No comments were received identifying any significant environmental issues pertaining to this item. the staff report identified no adverse environmental effects.

Response: N/A

Certified: Harold Holmer
Board Secretary

Date: November 13, 1987


State of California

MEMORANDUM

To : Gordon Van Vleck
Secretary
Resources Agency

Date : January 13, 1988

Subject : Filing of Notice
of Decisions of
the Air Resources
Board


Cary Allison
Board Secretary

From : Air Resources Board

Pursuant to Title 17, Section 60007 (b), and in compliance with Air Resources Board certification under Section 21080.5 of the Public Resources Code, the Air Resources Board hereby forwards for posting the attached notice of decisions and response to environmental comments raised during the comment period.

ATTACHMENTS

86-68
86-70
86-71
86-94
86-98
86-99
86-115
87-9
87-61
87-62
87-66
88-1
88-8