

STATE OF CALIFORNIA  
Air Resources Board

Resolution 85-62

July 25, 1985

Agenda Item No.: 85-11-3

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 (Stats. 1982, ch 1473; 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 and December 1984 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 84-38, dated June 21, 1984, the provisions of which are incorporated by reference herein, in which it approved a fee program for fiscal year 1984-85 and stated its intention to consider in 1985 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 1985-86;

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 1985-86 in an amount which is the least of two million dollars (\$2,000,000), or 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 which would be collected pursuant to the proposed fee program are needed to implement the research 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 90608-90611, 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.

BE IT FURTHER RESOLVED that the Board gives notice of its intention to review the status of the acid deposition research and monitoring program in 1986, and to reconsider at that time the renewal and modification, as necessary, of the

Attachment A

State of California

AIR RESOURCES BOARD

Changes and Errata to ARB staff report dated June 10, 1985,  
entitled: PUBLIC HEARING TO CONSIDER ADOPTION OF SECTIONS  
90608-90611, TITLE 17, CALIFORNIA ADMINISTRATIVE CODE,  
REGARDING THE ACID DEPOSITION FEE PROGRAM.

July 25, 1985

NOTE: Following publication of the staff's report on June 10, several air pollution control districts submitted minor changes to their previous estimates of emissions which were presented on page 7 of the staff's report and in the proposed regulation. The revised final emission data are shown in the attached table. The staff proposed regulation has also been changed (attachment) to reflect the final emission data reported by the air pollution control districts.

State of California  
AIR RESOURCES BOARD

CHANGES AND ERRATA TO

PUBLIC HEARING TO CONSIDER THE ADOPTION OF SECTIONS 90608-90611, TITLE 17,  
CALIFORNIA ADMINISTRATIVE CODE, REGARDING THE ACID DEPOSITION FEE PROGRAM

Scheduled for Consideration: July 25, 1985  
Agenda Item No.:

TABLE 1

1984 SO<sub>x</sub> AND NO<sub>x</sub> EMISSIONS  
FROM MAJOR SOURCES  
FOR 1985-86  
ACID DEPOSITION FEE PROGRAM\*

DISTRICT	NO. OF SOURCES	EMISSIONS (TONS PER YEAR)			PROPOSED FEES** (\$)
		SO <sub>x</sub>	NO <sub>x</sub>	TOTAL	
Kern County	14	18,318	35,620	53,938	269,690
	16	28,330	36,770	65,100	325,500
South Coast	16		35,941	46,212	231,060
	15	10,271	33,923	44,194	220,970
Bay Area	14	14,099	31,877	45,976	229,880
	12	13,818	27,877	41,695	208,475
San Bernardino			17,779	17,779	88,895
	7	0	17,574	17,574	87,870
San Luis Obispo		4,962	5,868	10,830	54,150
	3	5,918	5,868	11,786	58,930
San Diego	2	2,338	3,948	6,286	31,430
Monterey	2	0	5,790	5,790	28,950
Ventura	3	0	4,105	4,105	20,525
Fresno	2	1,598	1,059	2,657	13,285
North Coast	1	1,783	0	1,783	8,915
Stanislaus	1	0	1,335	1,335	6,675
TOTAL	65	53,369	143,322	196,691	983,455
	64	64,056	138,249	202,305	1,011,525

\* The original data shown herein reflected the staff's best estimates of emissions and fees as of April 1985, based on information received from local districts. Revisions reflect the incorporation of data reported as final by all districts as of July 15, 1985.

\*\* The proposed fees are based on \$5.00/ton of SO<sub>x</sub> and NO<sub>x</sub>, including District administrative costs.

ARB/RD  
6/85 7/85

State of California  
AIR RESOURCES BOARD

PUBLIC HEARING TO CONSIDER THE ADOPTION OF SECTION 90608-90611, TITLE 17,  
CALIFORNIA ADMINISTRATIVE CODE, REGARDING THE ACID DEPOSITION FEE PROGRAM

Scheduled for Consideration: July 25, 1985  
Agenda Item No.:

PROPOSED REGULATIONS

Adopt Sections 90608-90611, Article 3, Subchapter 3.5, Chapter 1,  
Part III, Title 17, California Administrative Code, to read as follows:

Article 3. Fee Program to be Implemented by

Air Pollution Control Districts and Air Quality Management Districts  
for Fiscal Year 1985-1986.

90608. General Requirements.

(a) To provide revenue for acid deposition research and monitoring for fiscal year 1985-86, each district identified in Section 90609 shall adopt regulations, with an effective date no later than December 15, 1985, which provide for the collection of fees from the holders of permits for sources which emitted 1000 tons per year or more of either sulfur oxides or nitrogen oxides during the period from January 1, 1984 through December 31, 1984. 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 July 15, 1985, as emitting 1,000 tons per

year or more of sulfur oxides or nitrogen oxides during the period from January 1, 1984 through December 31, 1984, the amount of emissions as determined by the executive officer of the state board on July 15, 1985, shall be used to determine compliance with this limitation and with the fee requirements of Section 90609(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.

90609. Fee Revenues.

(a) No later than March 1, 1986, 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:

(1) Kern County Air Pollution Control District: two hundred sixty-nine thousand six hundred ninety dollars (269,690);

(2) South Coast Air Quality Management District: two hundred thirty-one thousand sixty dollars (\$231,060);

(3) Bay Area Air Quality Management District: two hundred twenty-nine thousand eight hundred eighty dollars (229,880);

(4) San Bernardino County Air Pollution Control District: eighty-eight thousand eight hundred ninety-five dollars (\$88,895);

(5) San Luis Obispo County Air Pollution Control District: fifty-four thousand one hundred fifty dollars (\$54,150);

(6) San Diego County Air Pollution Control District: thirty-one thousand four hundred thirty dollars (\$31,430);

(7) Monterey Bay Unified Air Pollution Control District: twenty-eight thousand nine hundred fifty dollars (\$28,950);

(8) Ventura County Air Pollution Control District; twenty thousand five hundred twenty-five dollars (\$20,525);

(9) Fresno County Air Pollution Control District: thirteen thousand two hundred eighty-five dollars (\$13,285);

(10) North Coast Unified Air Quality Management District: eight thousand nine hundred fifteen dollars (\$8,915);

(11) Stanislaus County Air Pollution Control District: six thousand six hundred seventy-five dollars (\$6,675);

(b) In addition to the fees specified in subsection (a) above, a district shall, no later than March 1, 1986:

(1) 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, 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 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), 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 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), 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.

90610. 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 90609, 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 90609.

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

90611. 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 90609. 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.

Adopt title for Article 4, Subchapter 3.5, Chapter 1, Part III, Title 17, California Administrative Code, to read as follows:

Article 4. Fee Program to be Implemented by  
Air Pollution Control Districts and Air Quality Management Districts  
for Fiscal Year 1986-1987 and Subsequent Years

[Reserved.]

Attachment B

Adopt Sections 90608-90611, Article 3, Subchapter 3.5, Chapter 1, Part III, Title 17, California Administrative Code, to read as follows:

Article 3. Fee Program to be Implemented by  
Air Pollution Control Districts and Air Quality Management Districts  
for Fiscal Year 1985-1986.

90608. General Requirements.

(a) To provide revenue for acid deposition research and monitoring for fiscal year 1985-86, each district identified in Section 90609 shall adopt regulations, with an effective date no later than December 15, 1985, 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, 1984 through December 31, 1984. 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 July 15, 1985, as emitting 1,000 tons per year or more of sulfur oxides or nitrogen oxides during the period from January 1, 1984 through December 31, 1984, the amount of emissions as determined by the executive officer of the state board on July 15, 1985, shall be used to determine compliance with this limitation and with the fee requirements of Section 90609(a). In determining the amount of emissions, the

executive officer shall utilize data provided by the districts, where available.

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(a) No later than March 1, 1986, 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:

(1) Kern County Air Pollution Control District: ~~three hundred twenty-five thousand five hundred dollars (\$325,500)~~ two hundred sixty-nine thousand six hundred ninety dollars (\$269,690);

(2) South Coast Air Quality Management District: ~~two hundred twenty thousand nine hundred seventy dollars (\$220,970)~~ two hundred thirty-one thousand sixty dollars (\$231,060);

(3) Bay Area Air Quality Management District: ~~two hundred eight thousand four hundred seventy-five dollars (\$208,475)~~ two hundred twenty-nine thousand eight hundred eighty dollars (\$229,880);

(4) San Bernardino County Air Pollution Control District: ~~eighty-seven thousand eight hundred seventy dollars (\$87,870)~~ eighty-eight thousand eight hundred ninety-five dollars (\$88,895);

(5) San Luis Obispo County Air Pollution Control District: ~~fifty-eight thousand nine hundred thirty dollars (\$58,930)~~ fifty-four thousand one hundred fifty dollars (\$54,150);

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(7) Monterey Bay Unified Air Pollution Control District: twenty-eight thousand nine hundred fifty dollars (\$28,950);

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(1) 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, 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 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), 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

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(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 90609.

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

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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 90609. Nothing herein shall relieve the owner or operator from any legal obligation to pay any fees assessed pursuant to district rules and regulations.

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Adopt title for Article 4, Subchapter 3.5, Chapter 1, Part III, Title 17, California Administrative Code, to read as follows:

Article 4. Fee Program to be Implemented by  
Air Pollution Control Districts and Air Quality Management Districts  
for Fiscal Year 1986-1987 and Subsequent Years

[Reserved.]

State of California  
AIR RESOURCES BOARD

Response to Significant Environmental Issues

Item: Public Hearing to Consider Amendments to Regulations Regarding the Certification of Federally Certified Light-Duty Motor Vehicles for Sale in California

Agenda Item No.: 85-11-2

Public Hearing Date: July 25, 1985

Response Date: August 21, 1985

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:

  
Board Secretary

Date:

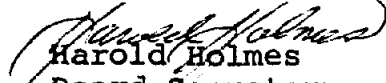
09-17-85

# Memorandum

To : Gordon Van Vleck  
Secretary  
Resources Agency

Date : September 24, 1985

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

From :   
Harold Holmes  
Board Secretary  
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  
85-55  
85-61 (SEI)  
85-62

SEP 24 1985

Resources Agency of California



State of California  
AIR RESOURCES BOARD

Response to Significant Environmental Issues

Item: Public Hearing to Consider Adoption of Sections 90608-90611, Title  
17, California Administrative Code, Regarding the Acid Deposition Fee  
Program

Agenda Item No.: 85-11-3

Public Hearing Date: July 25, 1985

Response Date: August 29, 1985

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:   
Board Secretary

Date: 10-16-85