

Eastern Kern Air Pollution Control District

Rule 301 PERMIT FEES

Rule 302 PERMIT FEE SCHEDULES

Rule 303 MISCELLANEOUS FEES

STAFF REPORT

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I. INTRODUCTION

The Eastern Kern Air Pollution Control District (District) is proposing to amend Rules 301, 302 and 303. Amendments to Rules 301, 302 and 303 are designed to streamline and adjust fees to appropriately represent staff time and other related operating costs.

Proposed amendments to Rules 301, 302, and 303 will be presented to the District's Governing Board for adoption at its regular Board Meeting held January 8, 2015 in Tehachapi, California.

On September 16, 2014 the District held a public rule development workshop at the Mojave Veteran's Building in Mojave, CA. At this workshop District staff presented proposed revisions to Rule 301, Permit Fees, Rule 302, Permit Fee Schedule, and Rule 303 Miscellaneous Fees. A 30-day public review and comment period followed the workshop.

Appendix A: Clean copy of Proposed Revision Rule 301 Permit Fees.

Appendix B: Strikeout underline of Proposed Revision Rule 301 Permit Fees.

Appendix C: Clean copy of Proposed Revision Rule 302 Permit Fee Schedules

Appendix D: Strikeout underline of Proposed Revision Rule 302 Permit Fee Schedules Fees.

Appendix E: Clean copy of Proposed Revision Rule 303 Miscellaneous Fees.

Appendix F: Strikeout underline of Proposed Revision Rule 303 Miscellaneous Fees.

Appendix G: Response to Comments

II. BACKGROUND

The District has not increased fee schedules since 2009, but the cost of operating the District has increased over that time. The District has also seen an increase in new programs and responsibilities. The proposed fees will offset costs of processing applications, other day to day operations and take into consideration inflation over the past 5 years.

III. RULE DEVELOPMENT

The District's primary responsibility is for overseeing the stationary source in Eastern Kern County and this effort is almost exclusively funded by fees imposed on those sources. The revenue to fund the District's annual operating budget

comes from various sources. A minor portion of District operational activities (3.5%) are funded by state subvention. Other state grant funds, such as the Carl Moyer Program, are used for pass-through grants to fund emission reduction projects by other entities. The fees collected through a surcharge on motor vehicle registrations (DMV Fees) are also primarily used for pass-through grants to fund vehicle related emission reduction projects. The District receives a percentage to administer these programs, which covers approximately 1.6% of the District's expenses. A small portion of the DMV Fees are also used for expenditures for air monitoring services and equipment; and for outside plan development assistance. The monitoring service and equipment; and for outside plan development assistance. The District does receive federal funds from the Environmental Protection Agency (EPA) to partially fund operation of two PM2.5 air monitoring instruments.

Rule 301 - Currently, after a District engineers processes an application, the initial \$120 filing fee is credited towards the total application processing fee. However, in reviewing the District operations and expenditures, it was determined approximately 1.1 hours of District time is utilized prior to actual engineering processing time. Currently, the weighted hourly rate of District staff is \$120. Therefore, currently, the applicant is receiving a credit for engineering processing. To alleviate this process, the District is proposing to cease refunding the initial \$120 filing fee.

Rule 302 – The District is proposing to move fee Schedule from Rule 303 Section VII to Schedule 7 of Rule 302. A fee schedule for agricultural engines was needed to clearly outline the fees associated with these engines along with appropriately covering the processing costs and staff time spent on these types of applications. The District is also proposing to add fee Schedule 12, Commercial Solar Power Generation. A fee schedule for solar facilities is needed because of increase in number of solar facilities in the District along with an increased impact on the District.

Rule 303 - Updates to Rule 303 include the increase in engineering analysis fees for 2015 from \$88 to \$100 per hour. This change will be implemented to cover cost of processing and engineering time to complete the applications. Additionally section 303.VII is to be removed.

IV. APPLICABILITY

Rule 301 - Provisions of Rule 301 will apply to all Authority to Construct, Permit to Operate, or Request for Exemption. The rule shall be modified to read: Every applicant for an Authority to Construct, a Permit to Operate or a Request for Exemption shall pay a filing fee of \$120.

Rule 302 - Modifications of Rule 302 will apply to only two sources: Schedule 7, Agricultural Engine Registration Schedule; and Schedule 12, Commercial Solar Power Generation Facilities Schedule.

SCHEDULE 7
AGRICULTURAL ENGINE REGISTRATION SCHEDULE

Compression Ignition engines that burn fuel for the production of useful power for agricultural facilities (as defined in Rule 102), shall be assessed a registration fee based on the designed horsepower output (expressed in brake horsepower bhp) in accordance with the following schedule:

<u>BRAKE HORSEPOWER</u>	<u>FEE</u>
Greater than 50 but less than 100	\$100
100 or greater but less than 300	\$141
300 or greater but less than 600	\$241
600 or greater but less than 700	\$382
700 or greater but less than 800	\$503
800 or greater but less than 900	\$744
900 or greater but less than 1,000	\$1,005
1,000 or greater but less than 5,000	\$1,266
5,000 or greater but less than 10,000	\$1,527
10,000 or greater	\$1,789

SCHEDULE 12
COMMERCIAL SOLAR POWER GENERATION SCHEDULE

Solar Power generation as used in this section refers to the continuous or intermittent generation of electricity for resale from solar facilities. Permit units subject to this section shall be assessed a permit fee based on the actual acreage the permit unit in accordance with the following schedule:

<u>ACREAGE</u>	<u>FEE</u>
10 or greater but less than 50	\$3,220

50 or greater but less than 100	\$8,041
100 or greater but less than 200	\$10,131
200 or greater but less than 300	\$12,222
300 or greater but less than 400	\$14,311
400 or greater but less than 500	\$16,402
500 or greater but less than 1000	\$18,745
1000 or greater but less than 2000	\$20,836
2000 or greater but less than 3000	\$25,300
3000 or greater but less than 4000	\$32,200
4000 or greater but less than 5000	\$41,400
5000 or Greater	\$52,900

Rule 303 - Modification of Section II (Application Processing) of Rule 303 will apply the engineering processing time utilized for the issuance of an Authority to Construct required by Rule 201, Title V Permit to Operate pursuant to Rule 201.1, or a Banking Certificate pursuant to Rule 210.3.

Modification (elimination) of Section VIII of Rule 303 will apply solely to Registration of Agricultural engines.

V. EXEMPTIONS

If the equipment is required to have an Authority to Construct/ Permit to Operate then it is subject to Rule 301, 302 or 303, and therefore not exempt to these Rules.

VI. ADMINISTRATIVE REQUIREMENTS

Rule 301 - Rule requires that every applicant of an Authority to Construct, a Permit to Operate or a Request for Exemption shall pay a filing fee of \$120. If an application is filed for a Permit to Operate by reason of transfer of ownership from one person to another, or a change in the company's name to a Permit to Operate that had previously been granted, and no alteration, addition, or transfer of location has been made, the applicant shall pay a \$65 filing fee.

Rule 302 – Rule requires a first year fee according to the equipment type and size to be paid before issuance of Authority to Construct. These fees will also be billed every year for renewal of Permit to Operate once construction is completed. It is determined that the cost of issuing permits, and of inspections pertaining to such issuance, exceeds the fees prescribed. In determining fees to be charged, applicable equipment within each process requiring a permit shall be totaled for each schedule. In the event that more than one fee schedule is applicable to a Permit to Operate, the governing schedule shall be that resulting in the higher fee.

Rule 303 – Rule requires an application processing fee for engineering analysis based on the number of hours spent completing the project. Emissions testing, CEQA document preparation, portable equipment inspections and preliminary consultation may require additional fees which will be determined by the Control Officer. Priority processing is also available and has a separate overtime hourly processing rate.

VII. RULE CONSISTENCY ANALYSIS

Pursuant to Section 40727.2 of the California Health and Safety Code, prior to adopting, amending, or repealing a rule or regulation, the District is required to perform a written analysis that identifies and compares the air pollution control elements of Draft Rule 301, 302, and 303 with the corresponding elements of existing or proposed District and EPA rules, regulations, and guidelines that apply to the same source category. Rule element that was analyzed was applicability.

Results of Consistency Analysis

District Rules

All facilities will be subject to 301, 302 and 303:

Rule 301, Permit Fees
Rule 302, Permit Fee Schedule
Rule 303, Miscellaneous Fees

VIII. ECONOMIC IMPACTS

Rule 301 - The economic impact on the applicants from the updates to Rule 301 are expected to be minimal. This change is necessary to appropriately cover administrative processing fees.

Rule 302 - As the amount of Solar Farms in Eastern Kern increase, the effect on the District and the surrounding communities increase. Solar Farms require the analysis of dust control plans, as well as best available control technology and monitoring, all which require processing time and engineering time. There has been a significant increase in the amount of staff time spent on these projects for investigating complaints, inspecting solar farm sites and approving dust mitigation plans. The addition of Schedule 12 – Commercial Solar Power Generation Schedule will offset those costs, along with the addition of more defined terms in permits and monitoring requirements which may result in less violations and fees associated with these violations for the operator. Solar Farms can range widely in size and capacity but are usually projects with very large budgets, the new implementation of these fees are not expected to be a hindrance on the applicant compared to the total cost of the project. The fee

schedule will follow a fee scaled based on acreage. Facilities 10 acres or larger will be required to obtain an Authority to Construct and Permit to Operate from the District.

For agricultural engines, the previous registration fee and process was cumbersome and not very explicit. The new fee schedule for agricultural engines will allow for fee schedule that is more consistent with the fees for other engines in the District. The proposed fee schedule for agricultural engines will be proportional to the size of the engine, unlike before. The applicant will also be subject to pay an hourly rate for the engineering analysis. Completing an analysis for agriculture engines is a more thorough and time intensive process than before. The previous registration fees did not accurately depict the amount of time it takes to process applications, travel to sites and inspect these units. Inspection fees are embedded in the registration fees. Time spent on these units currently exceed filing and registration fees. The updates better represent the time for processing, engineering analysis and health risk assessment for each unit. Below is a comparison of current registration fees for agricultural engines, normal use engines and proposed agricultural engine fees. The same processing and inspections are necessary for Agricultural engines and normal use engines.

TABLE 1

Comparison of current agricultural engine registration, current normal use engines, and proposed Rule 302, Schedule 7 – Ag Engine fees.

	Current Ag Engine Registration	Current Normal Use Engines	Proposed Ag Engine Registration
Filing Fee (4)	\$480.00	\$480.00	\$480.00
Engine Fee (4-300 HP)	\$350.00	\$1928.00	\$964.00
4 Hour Engineering Analysis (\$88/hr)	N/A	\$352.00	\$352.00
Total	\$830.00	\$2,760.00	\$1,796.00

Rule 303 – There is a proposed increase of \$12 in hourly rate of engineering analysis, which is less than a 14% increase. Each year the District only receives approximately \$36,000 from engineering analysis fees, which only covers 1% of the department’s annual expenses. The increase will offset engineering time and increasing operating costs of the District.

IX. ENVIRONMENTAL IMPACTS

Both the California Environmental Quality Act (CEQA) and ARB policy require an evaluation of the potential adverse environmental impacts of proposed projects. The intent of Draft Rules 301, 302 and 303 is to outline fee requirement of the District. An additional consideration is the impact that the proposed rule may have on the environment. District has determined that no significant adverse environmental impacts should occur as a result of adopting Draft Rules 301, 302 and 303.

Pursuant to the Section 15061, Subsections (2) & (3) of the CEQA Guidelines, staff will prepared and file a Notice of Exemption for this project upon adoption.

X. SOCIOECONOMIC IMPACTS

CHSC Section 40728.5 exempts districts with a population of less than 500,000 persons from the requirement to assess the socioeconomic impacts of proposed rules. Eastern Kern County population is below 500,000 persons.

XI. RULE APPROVAL PROCESS

District will be accepting written comments and concerns from persons interested in Draft Rule 301, 302 and 303 for a period of 30 days following the workshop on September 16, 2014. District anticipates Draft Rules 301, 302 and 303 will be considered for adoption by the Board at the January 2015 Board Hearing.

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APPENDIX A:
PROPOSED REVISION RULE 301
PERMIT FEES

REGULATION III - FEES

RULE 301 **Permit Fees** - Adopted 04/18/72; Amended 06/20/78; 06/30/80; 12/15/80; 06/29/81; 04/28/86; 06/29/87; 07/11/88; 06/01/93; 11/14/96; 09/04/97; 01/08/98; 03/13/08; XX/XX/2015

I. Filing Fee

Every applicant for an Authority to Construct, a Permit to Operate or a Request for Exemption, Engine Registration shall pay a nonrefundable filing fee of \$120.

If an application is filed for a Permit to Operate by reason of transfer of ownership from one person to another, or a change in the company's name to a Permit to Operate that had previously been granted, and no alteration, addition, or transfer of location has been made, the applicant shall pay a \$65 filing fee.

II. Authority to Construct, Permit to Operate, and Exemption Issuance Fees

- A. For issuance of an Authority to Construct, an initial district Permit to Operate, Title V Permit to Operate, or an initial Request for Exemption pursuant to Rule 202 Section II.K.5-7, the applicant shall pay fees as prescribed in Rule 302. For issuance of an Authority to Construct, or Permit Exemption application processing fees shall also be paid as prescribed in Rule 303.
- B. If an application for an Authority to Construct, Permit to Operate or a Request for Exemption is canceled, or if an Authority to Construct, Permit to Operate, or a Request for Exemption is denied and such denial becomes final, filing fees paid pursuant to this Rule shall not be refunded or applied to any subsequent application.
- C. In the event an Authority to Construct, Permit to Operate or a Request for Exemption is granted by the Hearing Board after denial by the Control Officer or after the applicant deems his application denied, the applicant shall pay fees as prescribed in Rule 302 for issuance of the permit upon receipt of a written statement from the District of fees due.
- D. After determination by the District of appropriate fees due, a written statement for fees due shall be mailed or delivered to the applicant. Nonpayment of fees due after 30 days of receipt of such statement may result in cancellation of the application.
- E. Receipt of a statement for initial permit fees due for existing equipment not requiring an Authority to Construct shall serve as a temporary Permit to Operate for 30 days. The Control Officer may extend this period with adequate justification.

III. Permit to Operate and Exemption Renewal Fee

Annually on the anniversary of issuance of a Permit to Operate the permittee shall pay a renewal fee as prescribed in Rule 302. On the second anniversary of granting of a Request for Exemption issued pursuant to Rule 202 Section II.K.5-7, the holder of the exemption shall pay a \$120 renewal fee and biennially thereafter. The holder of permits or exemptions with more than one anniversary date may adjust annual renewal payments to a single anniversary date by prorating renewal fee(s) as necessary. If the renewal fee is not paid within 30 days after it becomes due, the Control Officer shall promptly send a second notice to the permittee. If the fee is not paid within 30 days after such second notice, the permit may be revoked and the Control Officer shall so notify the permittee by mail.

IV. Alteration of Equipment Fee

If an application is filed for an Authority to Construct or modified Permit to Operate by reason of alterations or additions to any existing equipment, the applicant may be subject to assessment of a fee resulting from the increase in total equipment rating used in Rule 302 to determine the applicable fee. Such fee will be due if the increase in rating results in a higher applicable fee schedule. Where there is no change in such rating or applicable fee schedule, the applicant shall pay only the filing fee and application processing fee required herein.

V. Multiple Locations

When a permit has been issued to operate portable equipment at two or more locations, only one annual renewal fee shall be charged.

VI. Duplicate Permit

A request for a duplicate Authority to Construct, Permit to Operate or Exemption shall be made in writing to the Control Officer within 10 days after the destruction, loss or defacement of such document. Copy fees shall be charged in accordance with current Kern County Administrative Office policy.

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APPENDIX B:
PROPOSED REVISION RULE 301
PERMIT FEES
STRIKEOUT UNDERLINE

REGULATION III - FEES

RULE 301 Permit Fees - Adopted 04/18/72; Amended 06/20/78; 06/30/80; 12/15/80; 06/29/81; 04/28/86; 06/29/87; 07/11/88; 06/01/93; 11/14/96; 09/04/97; 01/08/98; 03/13/08.

I. Filing Fee

Every applicant for an Authority to Construct, a Permit to Operate or a Request for Exemption, Agricultural Engine Registration shall pay a nonrefundable filing fee of \$120. If an application is filed for a Permit to Operate by reason of transfer of ownership from one person to another, or a change in the company's name to a Permit to Operate that had previously been granted, and no alteration, addition, or transfer of location has been made, the applicant shall pay a \$65 filing fee.

II. Authority to Construct, Permit to Operate, and Exemption Issuance Fees

- A. For issuance of an Authority to Construct, an initial district Permit to Operate, Title V Permit to Operate, or an initial Request for Exemption pursuant to Rule 202 Section II.K.5-7, the applicant shall pay fees as prescribed in Rule 302. For issuance of an Authority to Construct, or Permit Exemption application processing fees shall also be paid as prescribed in Rule 303. ~~The applicant shall receive credit for filing fees paid.~~
- B. If an application for an Authority to Construct, Permit to Operate or a Request for Exemption is canceled, or if an Authority to Construct, Permit to Operate, or a Request for Exemption is denied and such denial becomes final, filing fees paid pursuant to this Rule shall not be refunded or applied to any subsequent application.
- C. In the event an Authority to Construct, Permit to Operate or a Request for Exemption is granted by the Hearing Board after denial by the Control Officer or after the applicant deems his application denied, the applicant shall pay fees as prescribed in Rule 302 for issuance of the permit upon receipt of a written statement from the District of fees due.
- D. After determination by the District of appropriate fees due, a written statement for fees due shall be mailed or delivered to the applicant. Nonpayment of fees due after 30 days of receipt of such statement may result in cancellation of the application.
- E. Receipt of a statement for initial permit fees due for existing equipment not requiring an Authority to Construct shall serve as a temporary Permit to Operate for 30 days. The Control Officer may extend this period with adequate justification.

III. Permit to Operate and Exemption Renewal Fee

Annually on the anniversary of issuance of a Permit to Operate the permittee shall pay a renewal fee as prescribed in Rule 302. On the second anniversary of granting of a Request for Exemption issued pursuant to Rule 202 Section II.K.5-7, the holder of the exemption shall pay a \$120 renewal fee and biennially thereafter. The holder of permits or exemptions with more than one anniversary date may adjust annual renewal payments to a single anniversary date by prorating renewal fee(s) as necessary. If the renewal fee is not paid within 30 days after it becomes due, the Control Officer shall promptly send a second notice to the permittee. If the fee is not paid within 30 days after such second notice, the permit may be revoked and the Control Officer shall so notify the permittee by mail.

IV. Alteration of Equipment Fee

If an application is filed for an Authority to Construct or modified Permit to Operate by reason of alterations or additions to any existing equipment, the applicant may be subject to assessment of a fee resulting from the increase in total equipment rating used in Rule 302 to determine the applicable fee. Such fee will be due if the increase in rating results in a higher applicable fee schedule. Where there is no change in such rating or applicable fee schedule, the applicant shall pay only the filing fee and application processing fee required herein.

V. Multiple Locations

When a permit has been issued to operate portable equipment at two or more locations, only one annual renewal fee shall be charged.

VI. Duplicate Permit

A request for a duplicate Authority to Construct, Permit to Operate or Exemption shall be made in writing to the Control Officer within 10 days after the destruction, loss or defacement of such document. Copy fees shall be charged in accordance with current Kern County Administrative Office policy.

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APPENDIX C:
PROPOSED REVISION RULE 302
PERMIT FEES SCHEDULE

RULE 302 Permit Fee Schedules - Adopted 04/18/72; Amended 06/20/78; 12/15/80; 06/29/81; 04/25/83; 06/29/87; 03/01/88; 06/01/93; 03/13/08, 11/13/08; XX/XX/2015.

It is hereby determined the cost of issuing permits, and of inspections pertaining to such issuance, exceeds the fees prescribed herein. In determining fees to be charged, applicable equipment within each process requiring a permit shall be totaled for each schedule. In the event more than one fee schedule is applicable to a Permit to Operate, the governing schedule shall be that resulting in the higher fee.

SCHEDULE 1
ELECTRIC MOTOR HORSEPOWER SCHEDULE

Any equipment which may cause the emission of air contaminants where an electric motor is used as the power supply, shall be assessed a permit fee based on total rated motor horsepower of all electric motors included in any article, machine, equipment or other contrivance, in accordance with the following schedule:

<u>HORSEPOWER</u>	<u>FEE</u>
Up to and including 25	\$200
Greater than 25 but less than 50	\$281
50 or greater but less than 100	\$482
100 or greater but less than 200	\$764
200 or greater but less than 400	\$1,005
400 or greater but less than 800	\$1,487
800 or greater but less than 1,600	\$2,010
1,600 or greater	\$2,532

SCHEDULE 2
FUEL BURNING EQUIPMENT SCHEDULE

Any equipment which may cause the emission of air contaminants in which fuel is burned, with the exception of incinerators which are covered in Schedule 4, shall be assessed a permit fee based upon the design fuel consumption of the equipment expressed in British Thermal Units (BTU) per hour, using the gross heating value of the fuel, in accordance with the following schedule (for facilities using waste-derived fuels, amounts shall be doubled):

<u>1000 BRITISH THERMAL UNITS PER HOUR</u>	<u>FEE</u>
Up to and including 150	\$200
Greater than 150 but less than 400	\$281
400 or greater but less than 650	\$482
650 or greater but less than 1,500	\$764

<u>1000 BRITISH THERMAL UNITS PER HOUR</u>	<u>FEE</u>
1,500 or greater but less than 2,500	\$1,005
2,500 or greater but less than 5,000	\$1,487
5,000 or greater but less than 15,000	\$2,010
15,000 or greater but less than 35,000	\$2,532
35,000 or greater but less than 100,000	\$3,054
100,000 or greater	\$3,578

SCHEDULE 3
ELECTRICAL ENERGY SCHEDULE

Any equipment which may cause the emission of air contaminants and using electrical energy, with the exception of electric motors covered in Schedule 1, shall be assessed a permit fee based on total kilovolt-ampere (KVA) rating, in accordance with the following schedule:

<u>KILOVOLT AMPERES</u>	<u>FEE</u>
Up to and including 45	\$200
Greater than 45 but less than 145	\$281
145 or greater but less than 450	\$482
450 or greater but less than 1,450	\$764
1,450 or greater but less than 4,500	\$1,005
4,500 or greater but less than 14,500	\$1,487
14,500 or greater	\$2,532

SCHEDULE 4
INCINERATOR SCHEDULE

Any equipment designed and used primarily to dispose of combustible refuse by wholly consuming the material charged leaving only the ashes or residue shall be assessed a permit fee based on the following schedule of maximum horizontal inside cross sectional area, in square feet, of the primary combustion chamber.

<u>AREA IN SQUARE FEET</u>	<u>FEE</u>
Up to and including 8	\$137
Greater than 8 but less than 16	\$192
16 or greater but less than 27	\$247
27 or greater but less than 47	\$384
47 or greater but less than 90	\$522
90 or greater	\$769

SCHEDULE 5
STATIONARY CONTAINER SCHEDULE

Any stationary tank, reservoir, or other container, the contents of which may emit an air contaminant, shall be assessed a permit fee based on the following schedule of capacities in gallons:

<u>GALLONS</u>	<u>FEE</u>
Up to and including 5,000	\$137
Greater than 5,000 but less than 15,000	\$192
15,000 or greater but less than 25,000	\$330
25,000 or greater but less than 50,000	\$522
50,000 or greater but less than 100,000	\$688
100,000 or greater but less than 500,000	1,018
500,000 or greater	\$1,375

SCHEDULE 6
MISCELLANEOUS SCHEDULE

Any article, machine, equipment or other contrivance which may cause the issuance of air contaminants as defined in Rule 102 of the Rules and Regulations, not included in any other schedule, shall be assessed a permit fee of \$138.

SCHEDULE 7
AGRICULTURAL ENGINE REGISTRATION SCHEDULE

Compression Ignition (piston, gas turbine, etc.) engines that burn fuel for the production of useful power for agricultural purposes, shall be assessed a registration fee based on the designed horsepower output (expressed in brake horsepower – bhp) in accordance with the following schedule:

<u>BRAKE HORSEPOWER</u>	<u>FEE</u>
Greater than 50 but less than 100	\$100
100 or greater but less than 300	\$141
300 or greater but less than 600	\$241
600 or greater but less than 700	\$382
700 or greater but less than 800	\$503
800 or greater but less than 900	\$744
900 or greater but less than 1,000	\$1,005
1,000 or greater but less than 5,000	\$1,266
5,000 or greater but less than 10,000	\$1,527
10,000 or greater	\$1,789

SCHEDULE 8
INTERNAL COMBUSTION ENGINE SCHEDULE

Internal combustion (piston, gas turbine, etc.) engines that burn fuel for the production of useful power, including engine driven generators used for intermittent production of electrical power not for resale, shall be assessed a permit fee based of the designed horsepower output (expressed in brake horsepower – bhp) in accordance with the following schedule:

<u>BRAKE HORSEPOWER</u>	<u>FEE</u>
Greater than 50 but less than 100	\$200
100 or greater but less than 300	\$281
300 or greater but less than 600	\$482
600 or greater but less than 700	\$764
700 or greater but less than 800	\$1,005
800 or greater but less than 900	\$1,487
900 or greater but less than 1,000	\$2,010
1,000 or greater but less than 5,000	\$2,532
5,000 or greater but less than 10,000	\$3,054
10,000 or greater	\$3,578

SCHEDULE 9
EMISSION REDUCTION CREDIT FEE SCHEDULE

For issuance of a new or revised Banking Certificate pursuant to Rule 210.3, the applicant shall be assessed a \$525 fee. For renewal of a valid Banking Certificate, the owner shall be assessed a fee of \$125. For transfer of ownership of a Banking Certificate, the new owner shall be assessed a fee of \$250.

SCHEDULE 10
POWER GENERATION, COGENERATION AND RESOURCE RECOVERY
SCHEDULE

Power generation as used in this section refers to the continuous or intermittent generation of electricity for resale, including solar facilities. Permit units subject to this section shall be assessed a permit fee based on the designed or actual energy output (whichever is greater, expressed in megawatts – MW) of the permit unit in accordance with the following schedule:

<u>MEGAWATTS (Gross Rating)</u>	<u>FEE</u>
Up to 1	\$3,220
Greater than 1 including 3	\$8,041
Greater than 3 but less than 10	\$10,131
10 or greater but less than 20	\$12,222
20 or greater but less than 30	\$14,311
30 or greater but less than 40	\$16,402
40 or greater but less than 50	\$18,745
50 or greater but less than 100	\$20,836

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100 or greater but less than 250	\$25,300
250 or greater but less than 500	\$32,200
500 or greater but less than 1000	\$41,400
1000 or Greater	\$52,900

SCHEDULE 11 **COMMERCIAL OFFSITE MULTIUSER HAZARDOUS AND** **NONHAZARDOUS WASTE DISPOSAL FACILITIES**

Each affected facility shall be assessed a permit fee based upon the size of the facility as specified in the conditional use permit issued by the appropriate city or county planning department or based upon the maximum potential size of the facility as determined by the Control Officer. In determining this fee, the following schedule shall be utilized.

<u>ACRES</u>	<u>FEE</u>
Up to and including 5	\$1,960
Greater than 5 but less than 10	\$2,161
Greater than 10 but less than 15	\$2,361
Greater than 15 but less than 20	\$2,562
Greater than 20 but less than 25	\$2,763
Greater than 25 but less than 30	\$2,965
Greater than 30 but less than 35	\$3,166
Greater than 35 but less than 40	\$3,366
Greater than 40 but less than 45	\$3,567
Greater than 45 but less than 50	\$3,768
Greater than 50 but less than 55	\$3,970
Greater than 55 but less than 60	\$4,171
Greater than 60 but less than 65	\$4,371
Greater than 65 but less than 70	\$4,572
Greater than 70 but less than 75	\$4,774
Greater than 75 but less than 80	\$4,975
Greater than 80 but less than 85	\$5,176
Greater than 85 but less than 90	\$5,376
Greater than 90 but less than 95	\$5,577

For facilities greater than 100 acres, the fee shall be increased at \$201 increments for each additional 5 acre increase beyond that provided above.

SCHEDULE 12

COMMERCIAL SOLAR POWER GENERATION SCHEDULE

Solar Power generation as used in this section refers to the continuous or intermittent generation of electricity for resale from solar facilities. Permit units subject to this section shall be assessed a permit fee based on the actual acreage of the permit unit in accordance with the following schedule:

<u>ACREAGE</u>	<u>FEE</u>
10 or greater but less than 50	\$3,220
50 or greater but less than 100	\$8,041
100 or greater but less than 200	\$10,131
200 or greater but less than 300	\$12,222
300 or greater but less than 400	\$14,311
400 or greater but less than 500	\$16,402
500 or greater but less than 1000	\$18,745
1000 or greater but less than 2000	\$20,836
2000 or greater but less than 3000	\$25,300
3000 or greater but less than 4000	\$32,200
4000 or greater but less than 5000	\$41,400
5000 or Greater	\$52,900

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APPENDIX D:
PROPOSED REVISION RULE 302
PERMIT FEE SCHEDULE
STRIKEOUT UNDERLINE

RULE 302 Permit Fee Schedules - Adopted 04/18/72; Amended 06/20/78; 12/15/80; 06/29/81; 04/25/83; 06/29/87; 03/01/88; 06/01/93; 03/13/08, 11/13/08; XX/XX/~~2014~~2015.

It is hereby determined the cost of issuing permits, and of inspections pertaining to such issuance, exceeds the fees prescribed herein. In determining fees to be charged, applicable equipment within each process requiring a permit shall be totaled for each schedule. In the event more than one fee schedule is applicable to a Permit to Operate, the governing schedule shall be that resulting in the higher fee.

SCHEDULE 1
ELECTRIC MOTOR HORSEPOWER SCHEDULE

Any equipment which may cause the emission of air contaminants where an electric motor is used as the power supply, shall be assessed a permit fee based on total rated motor horsepower of all electric motors included in any article, machine, equipment or other contrivance, in accordance with the following schedule:

<u>HORSEPOWER</u>	<u>FEE</u>
Up to and including 25	\$200
Greater than 25 but less than 50	\$281
50 or greater but less than 100	\$482
100 or greater but less than 200	\$764
200 or greater but less than 400	\$1,005
400 or greater but less than 800	\$1,487
800 or greater but less than 1,600	\$2,010
1,600 or greater	\$2,532

SCHEDULE 2
FUEL BURNING EQUIPMENT SCHEDULE

Any equipment which may cause the emission of air contaminants in which fuel is burned, with the exception of incinerators which are covered in Schedule 4, shall be assessed a permit fee based upon the design fuel consumption of the equipment expressed in British Thermal Units (BTU) per hour, using the gross heating value of the fuel, in accordance with the following schedule (for facilities using waste-derived fuels, amounts shall be doubled):

<u>1000 BRITISH THERMAL UNITS PER HOUR</u>	<u>FEE</u>
Up to and including 150	\$200
Greater than 150 but less than 400	\$281
400 or greater but less than 650	\$482
650 or greater but less than 1,500	\$764

<u>1000 BRITISH THERMAL UNITS PER HOUR</u>	<u>FEE</u>
1,500 or greater but less than 2,500	\$1,005
2,500 or greater but less than 5,000	\$1,487
5,000 or greater but less than 15,000	\$2,010
15,000 or greater but less than 35,000	\$2,532
35,000 or greater but less than 100,000	\$3,054
100,000 or greater	\$3,578

SCHEDULE 3
ELECTRICAL ENERGY SCHEDULE

Any equipment which may cause the emission of air contaminants and using electrical energy, with the exception of electric motors covered in Schedule 1, shall be assessed a permit fee based on total kilovolt-ampere (KVA) rating, in accordance with the following schedule:

<u>KILOVOLT AMPERES</u>	<u>FEE</u>
Up to and including 45	\$200
Greater than 45 but less than 145	\$281
145 or greater but less than 450	\$482
450 or greater but less than 1,450	\$764
1,450 or greater but less than 4,500	\$1,005
4,500 or greater but less than 14,500	\$1,487
14,500 or greater	\$2,532

SCHEDULE 4
INCINERATOR SCHEDULE

Any equipment designed and used primarily to dispose of combustible refuse by wholly consuming the material charged leaving only the ashes or residue shall be assessed a permit fee based on the following schedule of maximum horizontal inside cross sectional area, in square feet, of the primary combustion chamber.

<u>AREA IN SQUARE FEET</u>	<u>FEE</u>
Up to and including 8	\$137
Greater than 8 but less than 16	\$192
16 or greater but less than 27	\$247
27 or greater but less than 47	\$384
47 or greater but less than 90	\$522
90 or greater	\$769

SCHEDULE 5
STATIONARY CONTAINER SCHEDULE

Any stationary tank, reservoir, or other container, the contents of which may emit an air contaminant, shall be assessed a permit fee based on the following schedule of capacities in gallons:

<u>GALLONS</u>	<u>FEE</u>
Up to and including 5,000	\$137
Greater than 5,000 but less than 15,000	\$192
15,000 or greater but less than 25,000	\$330
25,000 or greater but less than 50,000	\$522
50,000 or greater but less than 100,000	\$688
100,000 or greater but less than 500,000	1,018
500,000 or greater	\$1,375

SCHEDULE 6
MISCELLANEOUS SCHEDULE

Any article, machine, equipment or other contrivance which may cause the issuance of air contaminants as defined in Rule 102 of the Rules and Regulations, not included in any other schedule, shall be assessed a permit fee of \$138.

SCHEDULE 7

AGRICULTURAL ENGINE REGISTRATION SCHEDULE

Compression Ignition (piston, gas turbine, etc.) engines that burn fuel for the production of useful power for agricultural purposes, shall be assessed a registration fee based on the designed horsepower output (expressed in brake horsepower – bhp) in accordance with the following schedule:

<u>BRAKE HORSEPOWER</u>	<u>FEE</u>
<u>Greater than 50 but less than 100</u>	<u>\$100</u>
<u>100 or greater but less than 300</u>	<u>\$141</u>
<u>300 or greater but less than 600</u>	<u>\$241</u>
<u>600 or greater but less than 700</u>	<u>\$382</u>
<u>700 or greater but less than 800</u>	<u>\$503</u>
<u>800 or greater but less than 900</u>	<u>\$744</u>
<u>900 or greater but less than 1,000</u>	<u>\$1,005</u>
<u>1,000 or greater but less than 5,000</u>	<u>\$1,266</u>
<u>5,000 or greater but less than 10,000</u>	<u>\$1,527</u>
<u>10,000 or greater</u>	<u>\$1,789</u>

SCHEDULE 8
INTERNAL COMBUSTION ENGINE SCHEDULE

Internal combustion (piston, gas turbine, etc.) engines that burn fuel for the production of useful power, including engine driven generators used for intermittent production of electrical power not for resale, shall be assessed a permit fee based of the designed horsepower output (expressed in brake horsepower – bhp) in accordance with the following schedule:

<u>BRAKE HORSEPOWER</u>	<u>FEE</u>
Greater than 50 but less than 100	\$200
100 or greater but less than 300	\$281
300 or greater but less than 600	\$482
600 or greater but less than 700	\$764
700 or greater but less than 800	\$1,005
800 or greater but less than 900	\$1,487
900 or greater but less than 1,000	\$2,010
1,000 or greater but less than 5,000	\$2,532
5,000 or greater but less than 10,000	\$3,054
10,000 or greater	\$3,578

SCHEDULE 9
EMISSION REDUCTION CREDIT FEE SCHEDULE

For issuance of a new or revised Banking Certificate pursuant to Rule 210.3, the applicant shall be assessed a \$525 fee. For renewal of a valid Banking Certificate, the owner shall be assessed a fee of \$125. For transfer of ownership of a Banking Certificate, the new owner shall be assessed a fee of \$250.

SCHEDULE 10
POWER GENERATION, COGENERATION AND RESOURCE RECOVERY
SCHEDULE

Power generation as used in this section refers to the continuous or intermittent generation of electricity for resale, including solar facilities. Permit units subject to this section shall be assessed a permit fee based on the designed or actual energy output (whichever is greater, expressed in megawatts – MW) of the permit unit in accordance with the following schedule:

<u>MEGAWATTS (Gross Rating)</u>	<u>FEE</u>
Up to 1	\$3,220
Greater than 1 including 3	\$8,041
Greater than 3 but less than 10	\$10,131
10 or greater but less than 20	\$12,222
20 or greater but less than 30	\$14,311
30 or greater but less than 40	\$16,402
40 or greater but less than 50	\$18,745
50 or greater but less than 100	\$20,836

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100 or greater but less than 250	\$25,300
250 or greater but less than 500	\$32,200
500 or greater but less than 1000	\$41,400
1000 or Greater	\$52,900

SCHEDULE 11 **COMMERCIAL OFFSITE MULTIUSER HAZARDOUS AND** **NONHAZARDOUS WASTE DISPOSAL FACILITIES**

Each affected facility shall be assessed a permit fee based upon the size of the facility as specified in the conditional use permit issued by the appropriate city or county planning department or based upon the maximum potential size of the facility as determined by the Control Officer. In determining this fee, the following schedule shall be utilized.

<u>ACRES</u>	<u>FEE</u>
Up to and including 5	\$1,960
Greater than 5 but less than 10	\$2,161
Greater than 10 but less than 15	\$2,361
Greater than 15 but less than 20	\$2,562
Greater than 20 but less than 25	\$2,763
Greater than 25 but less than 30	\$2,965
Greater than 30 but less than 35	\$3,166
Greater than 35 but less than 40	\$3,366
Greater than 40 but less than 45	\$3,567
Greater than 45 but less than 50	\$3,768
Greater than 50 but less than 55	\$3,970
Greater than 55 but less than 60	\$4,171
Greater than 60 but less than 65	\$4,371
Greater than 65 but less than 70	\$4,572
Greater than 70 but less than 75	\$4,774
Greater than 75 but less than 80	\$4,975
Greater than 80 but less than 85	\$5,176
Greater than 85 but less than 90	\$5,376
Greater than 90 but less than 95	\$5,577

For facilities greater than 100 acres, the fee shall be increased at \$201 increments for each additional 5 acre increase beyond that provided above.

SCHEDULE 12

COMMERCIAL SOLAR POWER GENERATION SCHEDULE

Solar Power generation as used in this section refers to the continuous or intermittent generation of electricity for resale from solar facilities. Permit units subject to this section shall be assessed a permit fee based on the actual acreage the permit unit in accordance with the following schedule:

<u>ACREAGE</u>	<u>FEE</u>
<u>10 or greater but less than 50</u>	<u>\$3,220</u>
<u>50 or greater but less than 100</u>	<u>\$8,041</u>
<u>100 or greater but less than 200</u>	<u>\$10,131</u>
<u>200 or greater but less than 300</u>	<u>\$12,222</u>
<u>300 or greater but less than 400</u>	<u>\$14,311</u>
<u>400 or greater but less than 500</u>	<u>\$16,402</u>
<u>500 or greater but less than 1000</u>	<u>\$18,745</u>
<u>1000 or greater but less than 2000</u>	<u>\$20,836</u>
<u>2000 or greater but less than 3000</u>	<u>\$25,300</u>
<u>3000 or greater but less than 4000</u>	<u>\$32,200</u>
<u>4000 or greater but less than 5000</u>	<u>\$41,400</u>
<u>5000 or Greater</u>	<u>\$52,900</u>

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APPENDIX E:
PROPOSED REVISION RULE 303
MISCELLANEOUS FEES

RULE 303 Miscellaneous Fees - Adopted 04/18/72; Amended 01/09/79; 06/01/93; 01/08/98; 03/13/08; XX/XX/2015.

I. Emissions Testing

If the Air Pollution Control Officer finds an analysis of emissions from any source is necessary to determine the extent and amount of pollutants being discharged into the atmosphere because it cannot be determined by visual observation, he may order collection and analysis of samples by qualified personnel of the Air Pollution Control District. Time required for collecting and analyzing samples, preparing necessary reports, but excluding time required in going to and from the source, may be charged to the owner or operator of said source in a reasonable sum to be determined by the Air Pollution Control Officer. Such sum shall not exceed the actual cost of such work.

II. Application Processing

For issuance of an Authority to Construct or Agriculture Engine Registration required by Rule 201, Title V Permit to Operate pursuant to Rule 201.1, or a Banking Certificate pursuant to Rule 210.3, the applicant shall pay, in addition to any fees required by Rules 301, or 301.1, a per hour Engineering Analysis Fee as specified in following table for the time required to process the application and the cost of all notices required by Rules 210.1, 201.1 and 210.3.

Per Hour Engineering Analysis Fee for applications received as of April 1 st each year	<u>2014</u>	<u>2015</u>
	\$88	\$100

III. CEQA Documents Preparation

If the Control District prepares environmental impact reports or negative declarations or parts there of as a lead or responsible agency under the California Environmental Quality Act (CEQA) for which a permit is required by the Rules and Regulations of the Control District, the applicant shall be assessed a fee to offset District costs pursuant to Section 15045 of the California Office of Planning and Research's guidelines for implementation of the 1970 CEQA.

IV. Portable Equipment Inspections

If the Control District finds it necessary to inspect a portable engine (and/or associated equipment) registered with the California Air Resources Board pursuant to Section 41753 of the California Health & Safety Code, it may charge an inspection fee as prescribed in Title 13 of the California Code of Regulations, Section 2461.

V. Preliminary Consultation

For a preliminary consultation regarding an issuance of an Authority to Construct required by Rule 201, Title V Permit to Operate pursuant to Rule 201.1, Request for Exemption pursuant to Rule 202 Section I.K.5-7, or a Banking Certificate pursuant to Rule 210.3, the applicant shall pay, in addition to any fees required by Rules 301, or 301.1, a per hour Engineering Analysis Fee as specified in Table I for the time required to perform a preliminary consultation.

VI. Priority Processing

The applicant may request priority processing for an Authority to Construct or other permit activity. The applicant shall pay a per hour Priority Processing Fee to process an application, in addition to the normal application and processing fees required by Rules 301, 301.1 or 303(subsection II) for each hour that the application is processed on a paid overtime basis. The Priority Processing Fee shall be 1.5 times an Air Quality Engineer II, step 5 hourly salary multiplied by the total actual overtime hours worked. The hourly rate for priority processing of an application will be posted on the District's website each April 1st and the applicant must note on their application that they agree to the Priority Processing Fee and for how many hours of overtime processing they are willing to pay for in order to process the application.

VII. Plan Review

Reports, fugitive dust plans, technical documents and other plans requiring District official review or response shall be assessed a Plan Review Fee to offset District costs. The Plan Review Fee shall be charged on an hourly basis and will be based the same as the Application Processing Fee in Section II of this rule, but in no case shall the total fee be less than \$120. If the plan requires annual or biennial review, the review fee will be a minimum of one hour of the Application Processing Fee in effect at the time of submittal. CEQA documents requiring an official review or response are not subject to this section.

APPENDIX F:
PROPOSED REVISION RULE 303
MISCELLANEOUS FEES
STRIKEOUT UNDERLINE

RULE 303 Miscellaneous Fees - Adopted 04/18/72; Amended 01/09/79; 06/01/93; 01/08/98; 03/13/08.

I. Emissions Testing

If the Air Pollution Control Officer finds an analysis of emissions from any source is necessary to determine the extent and amount of pollutants being discharged into the atmosphere because it cannot be determined by visual observation, he may order collection and analysis of samples by qualified personnel of the Air Pollution Control District. Time required for collecting and analyzing samples, preparing necessary reports, but excluding time required in going to and from the source, may be charged to the owner or operator of said source in a reasonable sum to be determined by the Air Pollution Control Officer. Such sum shall not exceed the actual cost of such work.

II. Application Processing

For issuance of an Authority to Construct or Agriculture Engine Registration required by Rule 201, Title V Permit to Operate pursuant to Rule 201.1, or a Banking Certificate pursuant to Rule 210.3, the applicant shall pay, in addition to any fees required by Rules 301, or 301.1, a per hour Engineering Analysis Fee as specified in following table for the time required to process the application and the cost of all notices required by Rules 210.1, 201.1 and 210.3 ~~-, less the filing fee proscribed in Rule 301 already submitted.—~~

Per Hour Engineering Analysis Fee for applications received as of April 1 st each year	<u>2008</u>	<u>2009</u>	<u>2010</u>	<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>
	\$40	\$46	\$52	\$59	\$67	\$77	\$88	<u>\$100</u>

III. CEQA Documents Preparation

If the Control District prepares environmental impact reports or negative declarations or parts there of as a lead or responsible agency under the California Environmental Quality Act (CEQA) for which a permit is required by the Rules and Regulations of the Control District, the applicant shall be assessed a fee to offset District costs pursuant to Section 15045 of the California Office of Planning and Research's guidelines for implementation of the 1970 CEQA.

IV. Portable Equipment Inspections

If the Control District finds it necessary to inspect a portable engine (and/or associated equipment) registered with the California Air Resources Board pursuant to Section 41753 of the California Health & Safety Code, it may charge an inspection fee as prescribed in Title 13 of the California Code of Regulations, Section 2461.

V. Preliminary Consultation

For a preliminary consultation regarding an issuance of an Authority to Construct required by Rule 201, Title V Permit to Operate pursuant to Rule 201.1, Request for Exemption pursuant to Rule 202 Section I.K.5-7, or a Banking Certificate pursuant to Rule 210.3, the applicant shall pay, in addition to any fees required by Rules 301, or 301.1, a per hour Engineering Analysis Fee as specified in Table I for the time required to perform a preliminary consultation.

VI. Priority Processing

The applicant may request priority processing for an Authority to Construct or other permit activity. The applicant shall pay a per hour Priority Processing Fee to process an application, in addition to the normal application and processing fees required by Rules 301, 301.1 or 303(subsection II) for each hour that the application is processed on a paid overtime basis. The Priority Processing Fee shall be 1.5 times an Air Quality Engineer II, step 5 hourly salary multiplied by the total actual overtime hours worked. The hourly rate for priority processing of an application will be posted on the District’s website each April 1st and the applicant must note on their application that they agree to the Priority Processing Fee and for how many hours of overtime processing they are willing to pay for in order to process the application.

~~VII. Stationary Agricultural Engine Registration~~

~~Owners or operators of stationary diesel fueled compression ignition (CI) agricultural engines, as defined in Section 93115, Title 17 of the California Code of Regulations, are required to register on an annual basis all stationary engines greater than 50 brake-horsepower (bhp). For each farm with stationary diesel fueled compression engines the following fee schedule shall apply:~~

~~A. Initial Filing Fee (first year) — \$120~~

~~B. Health Screen Analysis Processing Fee shall be required, in addition to the initial filing fee in this section, based on the number of engines to be registered at each stationary source (as defined in Rule 201.1 Section II, subsection EE, 2 and 3):~~

~~First Engine — \$125~~

~~2 or more but less than 5, fee per engine — \$75~~

~~5 or more, no additional fee —~~

Example	Processing Fee	Total
1	Fee \$125	\$125
2	Fee \$75	\$200
3	Fee \$75	\$275
4	Fee \$75	\$350
5	No additional fee	\$350

~~C. Annual registration renewal fee — \$80~~

~~VIII.~~VII. **Plan Review**

Reports, fugitive dust plans, technical documents and other plans requiring District official review or response shall be assessed a Plan Review Fee to offset District costs. The Plan Review Fee shall be charged on an hourly basis and will be based the same as the Application Processing Fee in Section II of this rule, but in no case shall the total fee be less than \$120. If the plan requires annual or biennial review, the review fee will be a minimum of one hour of the Application Processing Fee in effect at the time of submittal. CEQA documents requiring an official review or response are not subject to this section.

APPENDIX G:

**PROPOSED REVISION RULE 301
PERMIT FEES**

**PROPOSED REVISION RULE 302
PERMIT FEE SCHEDULES**

**PROPOSED REVISION RULE 303
MISCELLANEOUS FEES**

RESPONSE TO COMMENTS

301, 302, 303 Response to Comments

On September 16, 2014 the District held a public rule development workshop at the Mojave Veteran's Building in Mojave, CA. At this workshop District staff presented proposed revisions to Rule 301, Permit Fees, Rule 302, Permit Fee Schedule, and Rule 303 Miscellaneous Fees. The District was not required to submit copies of the proposed revisions to the Air Resources Board (ARB) or Region IX office of the U.S. Environmental Protection Agency (EPA) for review. A 30-day public review and comment period followed the workshop.

I. Rule 301 Permit Fees

No comments were received pertaining to proposed revision to Rule 301.

II. Rule 302 – Permit Fee Schedule

Comment: Proposed fee Schedule 10 is too burdensome on small solar facilities, such as those under 10 MW. Suggested to change the fee schedule to follow a fee scale based on size (acres).

Response: The District has decided to move Schedule 12, Agricultural Engine Registration Schedule to Schedule 7. Schedule 12 will now reference fees for Commercial Solar Power Generation. Schedule 12 will use acreage for assessing fees for commercial solar facilities. Solar facilities that are 10 acres or larger will be required to obtain an Authority to Construct and Permit to Operate from the District.

III. Rule 303 – Permit Fee Schedule

No comments were received pertaining to proposed revision to Rule 303.

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