RULE 4.9 AIR TOXICS "HOT SPOTS" FEES

Effective July 1, 2026

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100 GENERAL

101 **PURPOSE:** This Rule provides for the establishment of fees to pay for the costs of implementing and administering the Air Toxics "Hot Spots" Information and Assessment Act of 1987 (AB 2588). This Rule allows the District to collect from the operators of facilities subject to the "Hot Spots" program fees for the following:

101.1 Recovery of anticipated costs to be incurred by the California Air Resources Board and the Department to implement and administer the Act as set forth by State Regulation required by Health and Safety Code Section 44380; and

101.2 Recovery of anticipated costs to be incurred by the District to implement and administer the Act, including but not limited to the cost incurred to: review emissions inventory plans, inventory data, and risk assessments; verify plans and data; and administer the Air Toxics "Hot Spots" Program.

102 **APPLICABILITY:** This rule applies to any facility which manufactures, formulates, uses, or releases any of the substances listed by the Air Resources Board pursuant to Section 44321 of the Healthy and Safety Code and contained in Appendix A of Sections 90700 through 90705, Title 17, California Code of Regulations, knows as the Air Toxics "Hot Spots" Fee Regulation or any other substance which reacts to form a substance so listed, and

102.1 Releases 10 tons per year or greater of any criteria pollutant (excluding Carbon Monoxide);
102.2 Falls in any class listed in Appendix E of the Guidelines Report;
102.3 Is listed in any current toxics use, or toxics air emission survey, inventory, or report released or compiled by the District and referenced in Appendix E of the Guidelines Report; or
102.4 Is reinstated under Health and Safety Code Section 44344.7

103 **EXEMPTIONS:** This rule shall not apply to facilities exempted by Health & Safety Code section 44324 or 44380.1

200 DEFINITIONS

201 Air Release: has the same meaning as defined in Section 44303 of the Health & Safety Code

202 Complex: a facility that has five or more Source Classification Code processes

203 Criteria Pollutant: means, for purposes of this Rule, volatile organic compounds (VOC), particulate matter (PM), nitrogen oxides (NOx), and sulfur oxides (SOx)

204 Department: means the State Department of Health Services

205 District Update Facility (Intermediate Priority): A facility with a prioritization score greater than 1 but less than or equal to 10

206 Facility: has the same meaning as defined by Section 44304 of the Health and Safety Code

207 Guidelines Report: The Emission Inventory Criteria and Guidelines Report was published in accordance with the Air Toxics "Hot Spots" Information and Assessment Act of 1987.

208 Health Risk Assessment (HRA): the use of the factual base to define the health effects of exposure of individuals or populations to hazardous materials and situations.

209 High Priority: A facility with a prioritization score greater than 10.

210 High Risk (10 – 50): A facility that has had an HRA performed with a calculated cancer risk equal to or greater than 10 in a million but less than 50 in a million, or a Hazard Index equal to or greater than 1 and less than 5.

211 High Risk (50 – 100): A facility that has had an HRA performed with a calculated cancer risk equal to or greater than 50 in a million but less than 100 in a million, or a Hazard Index equal to or greater than 5.

212 High Risk (over 100): A facility that has had an HRA performed with a calculated cancer risk equal to or greater than 100 in a million, or a Hazard Index equal to or greater than 5.

213 Industrywide: facilities that are not required to prepare reports because the district, in coordination with the California Air Pollution Control Officers Association (CAPCOA and the Air Resources Board (ARB), prepares inventories for these source categories. As of the date of this rule's adoption, there are three source categories covered by Industry-Wide assessments: auto body shops, Perchloroethylene dry cleaners, and retail gasoline service stations. The districts determine whether industrywide inventories are appropriate for facility classes by reviewing the criteria specified in Health and Safety Code 44323.

214 Low Priority: A facility with a prioritization score equal to or less than 1.

215 Low Risk: A facility that has had an HRA performed with a calculated cancer risk of less than 1.0 in a million and a calculated Hazard Index of less than 0.1.

216 Medium: a facility that has more than three and fewer than five Source Classification Code processes.

217 Operator: has the same meaning as defined in Section 44307 of the Health and Safety Code.

218 Person: has the same meaning as defined in Section 39047 of the Health and Safety Code.

219 Prioritization Score: a numerical value used to rank a facility's potential risk using the *CAPCOA Air Toxics "Hot Spots" Program Facility Prioritization Guidelines* (July 1990, or any subsequent updates).

220 Simple: a facility that has three or fewer Source Classification Codes processes.

221 Source Classification Code (SCC): an 8-digit code used to categorize individual processes or unit operations that generate air emissions.

222 Title 17: California Code of Regulations, Sections 90700 through 90705 for the applicable fiscal year (Air Toxics "Hot Spots" Fee Regulation).

223 Tracking Facility (Intermediate Risk): A facility that has had an HRA performed with a calculated cancer risk greater than 1.0 but less than 10, or Hazard Index greater than or equal to 0.1 but less than or equal to 1.0.

224 Unprioritized: A facility subject to the Hot Spots program for which a Priority Score has not been determined.

300 **STANDARDS**

301 FEES: The following fees (District and State) shall be charged annually to affected sources:

CATEGORY		DISTRICT FEE	STATE FEE* (Title 17)
Industrywide		**$125**	***$35**
Unprioritized	Simple	**$404**	***$402**
	Medium	**$607**	***$603**
	Complex	**$810**	***$804**
Low Priority		**$0**	**$0**
District Update Facility (Intermediate Priority)		**$125** (every 4 years)	**$0**
High Priority	Simple	**$1,194**	***$1,674**
	Medium	**$1,434**	***$2,009**
	Complex	**$1,672**	***$2,344**
Low Risk		**$0**	**$0**
Tracking Facility (Intermediate Risk)	Simple	**$597**	***$67**
	Medium	**$717**	***$100**
	Complex	**$836**	***$134**
High Risk (10 – 50)	Simple	**$2,148**	***$3,014**
	Medium	**$2,388**	***$3,349**
	Complex	**$2,626**	***$3,684**
High Risk (50 – 100)	Simple	**$3,104**	***$4,353**
	Medium	**$3,342**	***$4,688**
	Complex	**$3,580**	***$5,023**
High Risk (over 100)	Simple	**$4,059**	***$5,693**
	Medium	**$4,297**	***$6,028**
	Complex	**$4,537**	***$6,363**

** The District is required to collect the State Fee from sources in our District and pass the money to the ARB. The State Fees listed here are the dollar amounts as of the date of adoption and are included for reference.*

302 Time and Materials Labor Rate: The rate for time and materials shall be **$140** per hour.

400 **ADMINISTRATIVE REQUIREMENTS**

401 NOTIFICATION: The District shall notify and assess the operator of each facility subject to this Rule in writing of the fee due. The operator shall remit the fee to the District within 45 days after receiving the fee assessment notice; otherwise, the fee will be considered past due. If an operator fails to pay the fee within 45 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 90 days of receiving this notice, the District permit will be canceled. If any permit is canceled for non-payment of fees, it shall be reinstated upon full payment of the overdue fees, any late penalty, and a reinstatement fee to cover the administrative costs of reinstatement.

402 CONSUMER PRICE INDEXING OF FEES: Beginning on July 1, 2016, the Air Pollution Control Officer may adjust the District Fee portion prescribed by this rule on an annual basis (rounded to the nearest whole dollar) following approval of the budget by the District Board of Directors. The rate change shall be determined considering the California Consumer Price Index (CPI) for the preceding fiscal year as provided in California Health and Safety Code Section 42311(a). The rate change shall be noticed pursuant to California Health and Safety Code Section 40131 and presented to the District's Board of Directors at the annual budget hearing. Any CPI adjustments authorized by this section shall not apply to the Industrywide Fee or the District Update Facility fee.

403 HRA FEES: If an HRA is required, a facility may, in lieu of submitting the HRA, petition the District to perform the HRA on its behalf. If the District has the necessary resources available, the APCO may approve the request and have District staff perform the HRA. In this case, the facility will be charged for all time spent performing the HRA at the time-and-materials labor rate specified in Section 302.