

**REGULATION II – PERMITS AND FEES**

**RULE 280  
FEES**

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**DRAFT Rule 280 (Fees)**

Public Workshop: December 16, 2010 at 9:00 am

Location: MCAQD, 1001 N. Central Ave. #900, Phoenix, AZ 85004

Contact: David Bruce at 602.372.2250 or [davidbruce@mail.maricopa.gov](mailto:davidbruce@mail.maricopa.gov)

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**MARICOPA COUNTY**  
**AIR POLLUTION CONTROL REGULATIONS**  
**REGULATION II – PERMITS AND FEES**

**RULE 280**  
**FEES**

**SECTION 100 – GENERAL**

**101 PURPOSE:** To establish fees to be charged to owners and operators of sources of air pollution subject to these rules.

**102 APPLICABILITY:** Every person owning/operating equipment or engaged in activities that may cause or contribute to air pollution is subject to the prescribed fees in this rule.

**SECTION 200 – DEFINITIONS:** For the purpose of this rule, the following definitions apply, in addition to those definitions found in Rule 100 (General Provisions and Definitions) of these rules. In the event of any inconsistency between any of the Maricopa County air pollution control rules, the definitions in this rule take precedence.

**201 ANNUAL ADMINISTRATIVE FEE** – Paid annually by a source to recover the average cost of services required to administer the permit and conduct inspections. For a Non-Title V permitted source, the annual administrative fee also covers the cost of renewing the Non-Title V permit. For a General permitted source, the annual administrative fee also covers the cost of reapplying for authorization to operate under a General Permit.

**202 BILLABLE PERMIT ACTION** – The review, issuance or denial of a new permit, significant permit revision, or minor permit revision, or the renewal of an existing permit.

**203 EXISTING SOURCE** – A source that has commenced construction and has been issued a permit pursuant to A.R.S. § 49-480 after September 1, 1993.

**204 ITEMIZED INVOICE** – A breakdown of the permit processing time into the categories of pre-application activities, completeness review, substantive (technical) review, and

public involvement activities, and within each category, a further breakdown by employee name.

- 205 NON-MAJOR TITLE V SOURCE** – A source required to obtain a Non-Title V permit under Rule 200 to which both of the following apply:
- 205.1** The source is classified as a Synthetic Minor Source, and
  - 205.2** The source has a permit that contains allowable emissions greater than or equal to 50% of the major source threshold.
- 206 REGULATED AIR POLLUTANT** – For the purposes of Section 305 of this rule, regulated air pollutant consists of the following air pollutants:
- 206.1** Any conventional air pollutant as defined in A.R.S. § 49-401.01, which means any pollutant for which the Administrator of EPA has promulgated a primary or a secondary National Ambient Air Quality Standard (NAAQS) except carbon monoxide (i.e., for nitrogen oxides [NO<sub>x</sub>], lead, sulfur oxides [SO<sub>x</sub>] measured as sulfur dioxide [SO<sub>2</sub>], ozone, and particulates).
  - 206.2** Nitrogen oxides (NO<sub>x</sub>) and volatile organic compounds (VOCs).
  - 206.3** Any air contaminant that is subject to a standard contained in Rule 360 (New Source Performance Standards) of these rules or promulgated under Section 111 (Standards of Performance for New Stationary Sources) of the Act.
  - 206.4** Any hazardous air pollutant (HAP) as defined in A.R.S. § 49-401.01 or listed in Section 112(b) (Hazardous Air Pollutants; List of Pollutants) of the Act.
  - 206.5** Any Class I or II substance listed in Section 602 (Stratospheric Ozone Protection; Listing of Class I and Class II Substances) of the Act.
- 207 SOURCES REQUIRED TO HAVE A TITLE V PERMIT** – The following sources shall be considered sources required to have a Title V permit:
- 207.1** Any source required to have a Title V permit under Rule 200, Section 302 of these rules;
  - 207.2** Any source that qualifies for a Non-Title V permit but that elects to have a Title V permit under Rule 200, Section 302 of these rules.

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**SECTION 300 – STANDARDS**

**301 TITLE V PERMIT FEES:** The owner or operator of a source required to have a Title V permit shall pay fees according to the following provisions:

**301.1 Fees for Billable Permit Actions:** The owner or operator of a Title V source shall pay to the Control Officer ~~\$133.50~~ \$143.30 per hour, adjusted annually under Section 304 of this rule, for all permit processing time required for a billable permit action. The owner or operator of a Title V source shall also pay the Control Officer the actual costs incurred by the Control Officer to meet the public participation requirements of Rule 210 of these rules. Costs incurred to meet the public participation requirements of Rule 210 of these rules may include, but are not limited to, costs incurred by the Control Officer to publish public notice of a public hearing or draft permit, to hire a hearing officer, to hire transcription or court reporting services, to rent meeting room space, and to perform permit processing activities associated with a public hearing, such as time spent by a permit engineer(s) to participate in the public hearing and to prepare responses to comments. Permit processing activities associated with a public hearing shall be charged at the rate of ~~\$133.50~~ \$143.30 per hour, adjusted annually under Section 304 of this rule. The fees shall be paid as follows:

- a. An application shall be submitted with the applicable fee from the table below:

| <b>Type of Application</b>   | <b>Application Fee</b> |
|--|------------------------|
| New permit application   | \$7,000                |
| Significant permit revision application that is a result of a major modification | \$7,000                |
| Other significant permit revision applications                                   | \$1,000                |
| Minor permit revision application  | \$150                  |
| Permit renewal application   | \$3,500                |

- b. At any time after submittal of the application, the Control Officer may request additional application fees based on the cost to date of reviewing and acting on the application, minus all fees previously submitted for the application.
- c. When permit processing is completed for a facility, the Control Officer shall send an itemized invoice. The invoice shall indicate the total actual cost of reviewing and acting upon the application, the actual costs incurred by the Control Officer to meet the public participation requirements of Rule 210 of these rules, minus all fees previously submitted, and the balance due.
- d. The Control Officer shall not issue a permit, permit revision, or permit renewal until the balance due on the itemized invoice is paid in full. The Control Officer may deny a permit, a permit revision, or a permit renewal in

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accordance with Rule 200 of these rules if the applicant does not pay fees required for billable permit actions within 90 days of the invoice date.

**301.2 Annual Fees:** The owner or operator of a Title V source shall pay an annual administrative fee plus an emissions-based fee as follows:

- a. The applicable annual administrative fee from the table below, as adjusted annually under Section 304 of this rule. The fee is due on the first anniversary date of the initial permit covering construction and startup of operations and annually thereafter on that date.

| <b>Title V Source Category</b>              | <b>Annual Administrative Fee</b>  |
|---|---|
| Aerospace                                   | <del>\$18,320</del> <u>\$22,280</u>   |
| Air Curtain Destructors                     | <u>\$860</u>  |
| <u>Air Force Base</u>                       | <u>\$31,830</u>   |
| <u>Can Coater</u>                           | <u>\$18,820</u>   |
| Cement Plants                               | <u>\$69,960</u>   |
| Combustion/Boilers                          | <u>\$17,010</u>   |
| Compressor Stations                         | <u>\$13,900</u>   |
| Expandable Foam                             | <del>\$14,800</del> <u>\$28,320</u>   |
| Landfills                                   | <u>\$18,500</u>   |
| Lime Plants                                 | <u>\$66,090</u>   |
| Copper and Nickel Mines                     | <u>\$16,470</u>   |
| Gold Mines                                  | <u>\$16,470</u>   |
| Paper Mills                                 | <u>\$22,500</u>   |
| Petroleum Products Terminal Facilities      | <del>\$25,800</del> <u>\$44,950</u>   |
| Polymeric Fabric Coaters                    | <del>\$18,140</del> <u>\$21,820</u>   |
| Reinforced Plastics                         | <del>\$13,630</del> <u>\$16,360</u>   |
| Semiconductor Fabrication                   | <u>\$29,590</u>   |
| <u>Steel Processing</u>                     | <u>\$32,630</u>   |
| Copper Smelters                             | <u>\$69,960</u>   |
| Utilities-Primary Fuel Natural Gas          | <del>\$9,500</del> <del>\$18,780</del> + <del>\$16,480</del><br><u>\$13,620</u> per turbine installed/<br>modified after May 10, 1996<br>and subject to annual source<br>testing or CEM RATA*<br>certifications |
| Utilities-Fossil Fuel Except Natural Gas    | <u>\$35,780</u>   |
| Vitamin/Pharmaceutical Manufacturing        | <u>\$17,360</u>   |
| Wood Furniture                              | <u>\$15,310</u>   |
| Others                                      | <del>\$18,130</del> <u>\$21,400</u>   |
| Others with Continuous Emissions Monitoring | <u>\$22,510</u>   |

\* Continuous emissions monitoring relative accuracy test audit (CEM RATA)

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- b. An emissions-based fee of ~~\$38.25~~ \$44.48 per ton of actual emissions of all regulated pollutants emitted during the previous calendar year as determined by Section 305 of this rule. The fee is adjusted annually under Section 304 of this rule.

**302 NON-TITLE V PERMIT FEES:** The owner or operator of a source required to have a Non-Title V permit under Rule 200, Section 303 of these rules shall pay fees according to the following provisions:

**302.1 Fees for Billable Permit Actions:** The owner or operator of a Non-Title V source shall pay to the Control Officer ~~\$133.50~~ \$143.30 per hour, adjusted annually under Section 304 of this rule, for all permit processing time required for a billable permit action, except for the renewal of an existing permit. In addition, the owner or operator of a Non-Title V source shall pay the Control Officer the actual costs incurred by the Control Officer to meet the public participation requirements of Rule 220 of these rules, including costs incurred to meet the public participation requirements for the renewal of an existing permit. Costs incurred to meet the public participation requirements of Rule 220 of these rules may include, but are not limited to, costs incurred by the Control Officer to publish public notice of a public hearing or draft permit, to hire a hearing officer, to hire transcription or court reporting services, to rent meeting room space, and to perform permit processing activities associated with a public hearing, such as time spent by a permit engineer(s) to participate in the public hearing and to prepare responses to comments. Permit processing activities associated with a public hearing shall be charged at the rate of ~~\$133.50~~ \$143.30 per hour, adjusted annually under Section 304 of this rule. The minimum fee due shall be \$200.00. The fees shall be paid as follows:

- a. An application shall be submitted with an application fee of \$200.00.
- b. At any time after the submittal of an application the Control Officer may request an additional application fee based on the cost to date of reviewing and acting on the application, minus all fees previously submitted for the application.
- c. When permit processing is completed and final costs are greater than the fee submitted with the application under Section 302.1(a) of this rule, the Control Officer shall send an itemized invoice. The invoice shall indicate the total cost of reviewing and acting upon the application, the actual costs incurred by the Control Officer to meet the public participation requirements of Rule 220 of these rules, minus all fees previously submitted, and the balance due.
- d. The maximum fee for processing permit applications listed in Section 302.1 of this rule is \$25,000.00.
- e. The Control Officer shall not issue a permit or permit revision until the balance due on the itemized invoice is paid in full. The Control Officer may

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deny a permit or a permit revision in accordance with Rule 200 of these rules if the applicant does not pay fees required for billable permit actions within 90 days of the invoice date.

**302.2 Annual Administrative Fees:** The owner or operator of an existing Non-Title V source shall pay the applicable annual administrative fee from the table below, as adjusted annually under Section 304 of this rule. The fee is due on the first anniversary date of the initial permit covering construction and startup of operations and annually thereafter on that date.

| <b>Fee Table</b><br>Source categories designated as Fee Tables A–I are listed in Sections 403.1–403.9 of this rule | <b>Annual Administrative Fee</b>  |
|--|-----------------------------------|
| Sources listed in Fee Table A (see Section 403.1)  | <del>\$5,980</del> <u>\$7,320</u> |
| Sources listed in Fee Table B (see Section 403.2)  | <del>\$1,550</del> <u>\$1,890</u> |
| Sources listed in Fee Tables C–D (see Sections 403.3 and 403.4)  | <del>\$610</del> <u>\$880</u>     |
| Sources listed in Fee Table E (see Section 403.5)  | <del>\$320</del> <u>\$500</u>     |
| Sources listed in Fee Table F (see Section 403.6)  | <del>\$7,940</del> <u>\$9,760</u> |
| Sources listed in Fee Table G (see Section 403.7)  | <del>\$4,790</del> <u>\$5,870</u> |
| Sources listed in Fee Table H (see Section 403.8)  | <del>\$7,940</del> <u>\$9,760</u> |
| Sources listed in Fee Table I (see Section 403.9)  | <del>\$4,790</del> <u>\$5,870</u> |

**303 GENERAL PERMIT FEES:** The owner or operator of a source required to obtain a permit pursuant to these rules who elects to be covered by a General Permit shall pay fees according to the following provisions:

**303.1 Fees Due with an Application:** The owner or operator of a source initially applying for authorization to operate under a General Permit shall pay the applicable fee from the table below with the submittal of the application.

| <b>Fee Table</b><br>Source categories designated as Fee Tables A–I are listed in Sections 403.1–403.9 of this rule             | <b>Application Fee</b>                                      |
|--|---|
| Title V General Permits except Air Curtain Destructors   | Fee from Section 301.1(a) table for Title V source category |
| Air Curtain Destructors  | <del>\$840</del> <u>\$860</u>                               |
| Sources listed in Fee Table A (see Section 403.1)  | <del>\$4,870</del> <u>\$7,320</u>                           |
| Sources listed in Fee Table B (see Section 403.2)  | <del>\$3,250</del> <u>\$1,890</u>                           |
| Sources listed in Fee Tables <del>C–D</del> <u>Table C</u> (see <del>Sections</del> <u>Section</u> 403.3 <del>and</del> 403.4) | <del>\$320</del> <u>\$500</u>                               |
| Sources listed in Fee Table D (see Section 403.4)  | <del>\$550</del>  |
| Sources listed in Fee Table E (see Section 403.5)  | <del>\$240</del> <u>\$410</u>                               |
| Sources listed in Fee Table F (see Section 403.6)  | <del>\$6,970</del> <u>\$9,760</u>                           |
| Sources listed in Fee Table G (see Section 403.7)  | <del>\$4,170</del> <u>\$5,870</u>                           |

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|   |                                   |
|---|-----------------------------------|
| Sources listed in Fee Table H (see Section 403.8) | <del>\$6,970</del> <u>\$9,760</u> |
| Sources listed in Fee Table I (see Section 403.9) | <del>\$4,170</del> <u>\$5,870</u> |

**303.2 Annual Administrative Fee:** The owner or operator of a source with an authorization to operate under a General Permit shall pay the applicable annual administrative fee from the table below, as adjusted annually under Section 304 of this rule. The fee is due on the first anniversary date of the initial approval to operate under a General Permit and annually thereafter on that date.

| <b>Fee Table</b><br>Source categories designated as Fee Tables A–I are listed in Sections 403.1–403.9 of this rule             | <b>Annual Administrative Fee</b>                            |
|--|---|
| Title V General Permits  | Fee from Section 301.2(a) table for Title V source category |
| Sources listed in Fee Table A (see Section 403.1)  | <del>\$4,870</del> <u>\$7,320</u>                           |
| Sources listed in Fee Table B (see Section 403.2)  | <del>\$3,250</del> <u>\$1,890</u>                           |
| Sources listed in Fee <del>Tables C–D</del> <u>Table C</u> (see <del>Sections</del> <u>Section</u> 403.3 <del>and</del> 403.4) | <del>\$320</del> <u>\$500</u>                               |
| Sources listed in Fee Table D (see Section 403.4)  | <u>\$550</u>  |
| Sources listed in Fee Table E (see Section 403.5)  | <del>\$240</del> <u>\$410</u>                               |
| Sources listed in Fee Table F (see Section 403.6)  | <del>\$6,970</del> <u>\$9,760</u>                           |
| Sources listed in Fee Table G (see Section 403.7)  | <del>\$4,170</del> <u>\$5,870</u>                           |
| Sources listed in Fee Table H (see Section 403.8)  | <del>\$6,970</del> <u>\$9,760</u>                           |
| Sources listed in Fee Table I (see Section 403.9)  | <del>\$4,170</del> <u>\$5,870</u>                           |

**304 ANNUAL ADJUSTMENT OF FEES:** Fees shall be increased yearly by the percentage, if any, by which the Consumer Price Index for the most recent year exceeds the base year Consumer Price Index as set forth in the following manner:

**304.1** The Control Officer shall adjust the hourly rate every January 1, to the nearest 10 cents per hour, beginning on January 1, ~~2009~~ 2012. The Control Officer will multiply ~~\$133.50~~ \$143.30 by the Consumer Price Index (CPI) for the most recent year as described in Section 304.4 of this rule, and then divide by the CPI for the year ~~2008~~ 2011.

**304.2** The Control Officer shall adjust the administrative or permit processing fees listed in Sections 301–303 of this rule every January 1, to the nearest \$10, beginning on January 1, ~~2009~~ 2012. The Control Officer will multiply the administrative or permit processing fee by the Consumer Price Index (CPI) for the most recent year as described in Section 304.4 of this rule, and then divide by the CPI for the year ~~2008~~ 2011.

**304.3** The Control Officer shall adjust the rate for emissions-based fees every January 1, beginning on January 1, ~~2009~~ 2012. The Control Officer will multiply ~~\$38.25~~

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\$44.48 by the Consumer Price Index (CPI) for the most recent year as described in Section 304.4, and then divide by the CPI for the year ~~2008~~ 2011.

**304.4** The Consumer Price Index (CPI) for any year is the average of the monthly CPI for all urban consumers published by the United States Department of Labor, as of the close of the 12-month period ending on August 31 of that year.

**305 CALCULATION AND PAYMENT OF EMISSIONS-BASED FEES:**

**305.1** For purposes of this section, actual emissions means the actual quantity of regulated air pollutants emitted over the preceding calendar year or any other period determined by the Control Officer to be representative of normal source operations, determined as follows:

- a. Emissions quantities, including fugitive emissions, reported under Rule 100, Section 500 of these rules shall be used for purposes of calculating the emissions-based fee.
- b. Actual emissions quantities calculated under Rule 100, Section 500 of these rules shall be determined using the following methods:
  - (1) Whenever available, emissions estimates shall be calculated from continuous emissions monitors certified under 40 CFR Part 75, Subpart C and referenced appendices, or data quality-assured pursuant to Appendix F of 40 CFR, Part 60 which are incorporated by reference in Appendix G of these rules.
  - (2) When sufficient data obtained using the methods described in Section 305.1(b)(1) of this rule is not available, emissions estimates shall be calculated from source performance tests conducted pursuant to Rule 270 of these rules.
  - (3) When sufficient data obtained using the methods described in Sections 305.1(b)(1) or (2) of this rule is not available, emissions estimates shall be calculated from material balance using engineering knowledge of process.
  - (4) When sufficient data obtained using the methods described in Sections 305.1(b)(1) through (3) of this rule is not available, emissions estimates shall be calculated using emissions factors from EPA Publication No. AP-42 "Compilation of Air Pollutant Emission Factors," Volume I: Stationary Point and Area Sources, which is incorporated by reference in Appendix G of these rules.
  - (5) When sufficient data obtained using the methods described in Sections 305.1(b)(1) through (4) of this rule is not available, emissions estimates shall be calculated by equivalent methods approved by the Control

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Officer. The Control Officer shall only approve methods that are demonstrated as accurate and reliable as the applicable methods in Sections 305.1(b)(1) through (4) of this rule.

- c. Actual emissions quantities calculated under Section 305.1(b) of this rule shall be determined for each source on the basis of actual operating hours, production rates, in-place process control equipment, operational process control data, and types of materials processed, stored, or combusted.

**305.2** The following emissions of regulated air pollutants shall be excluded from a source's actual emissions for purposes of this section:

- a. Emissions of a regulated air pollutant from the source in excess of 4,000 tons per year.
- b. Emissions of any regulated air pollutants that are already included in the fee calculation for the source, such as a federally listed hazardous air pollutant that is already accounted for as a VOC or as PM<sub>10</sub>.
- c. Emissions from insignificant activities excluded from the permit for the source under Rule 210 of these rules.
- d. Fugitive emissions of PM<sub>10</sub> from activities other than crushing, belt transfers, screening, or stacking.
- e. Fugitive emissions of VOC from solution-extraction units.

**305.3** A notice to pay the fee specified in Section 301.2(b) of this rule, a declaration of emissions form and the annual emission inventory questionnaire will be mailed annually to the owner or operator of a source to which this applies. The emission fee is due and payable by April 30 each year or no later than 90 days following the date of notice, whichever is later.

**306 HEARING BOARD FILING FEE:** A person filing a petition with the Hearing Board under Rule 400 of these rules shall pay a fee of \$100.00. This fee may be refunded by a majority vote of the Hearing Board upon a showing of undue hardship.

**307 CONDITIONAL ORDER FEE:** Any person applying for a conditional order pursuant to Rule 120 of these rules shall pay a conditional order fee. The amount of a conditional order fee shall be equal to the amount of the applicable permit fee as specified in this rule.

**308 GASOLINE DELIVERY VESSEL DECAL FEE:** A person wishing to obtain a decal for each gasoline delivery vessel that passes the required annual test under Rule 352 of these rules shall pay a fee of \$280.00. A person wishing to obtain a replacement decal shall pay a fee of \$80.00.

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**309 OPEN BURN FEE:**

**309.1 BURN PERMIT FEE:** A person applying for a Burn Permit shall pay a fee as set forth in the following fee schedule:

| Fire Category                       | Permit Period | Fee      |
|-------------------------------------|---------------|----------|
| Tumbleweeds                         | 30 days       | \$100.00 |
| Fire Hazard                         | 30 days       | \$100.00 |
| Fire Fighting Instruction           | 1 year        | \$100.00 |
| Ditch Bank/Fence Row                | 1 year        | \$100.00 |
| Disease/Pest Prevention             | 30 days       | \$100.00 |
| Land Clearance Less than 5.0 Acres  | 30 days       | \$150.00 |
| Land Clearance 5.0 Acres or Greater | 30 days       | \$350.00 |

**309.2 AIR CURTAIN DESTRUCTOR BURN PLAN REVIEW AND INSPECTION FEE:** Any person required to file an air curtain destructor Burn Plan under the provisions of Rule 314 of these rules shall pay a fee of \$350.00.

**310 DUST CONTROL PERMIT FEE AND FEE REFUNDS:**

**310.1 DUST CONTROL PERMIT FEE:**

**a.** A person applying for a Dust Control Permit shall pay an annual fee as set forth in the following fee schedule, based on the total surface area that is disturbed. The maximum fee for a Dust Control Permit listed in Section 310.1.a of this rule is \$23,620.

| Total Surface Area Disturbed     | Fee                              |
|----------------------------------|----------------------------------|
| Annual Block Permit              | \$2,000                          |
| 0.1 to less than one acre        | \$795 <u>\$620</u>               |
| One acre to less than 10 acres   | \$1,325                          |
| 10 acres to less than 50 acres   | \$3,855                          |
| 50 acres to less than 100 acres  | \$6,425                          |
| 100 acres to less than 500 acres | \$9,635                          |
| 500 acres or greater             | \$15,415                         |
| One acre or greater*             | <u>\$115 per acre plus \$620</u> |

\*Maximum chargeable acreage of 200 acres.

**b.** A person applying for a Dust Control Annual Block Permit shall pay an annual fee as set forth in the following fee schedule:

**DRAFT Rule 280 (Fees)**

Public Workshop: December 16, 2010 at 9:00 am

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Contact: David Bruce at 602.372.2250 or [davidbruce@mail.maricopa.gov](mailto:davidbruce@mail.maricopa.gov)

| <b><u>Permit Category</u></b>          | <b><u>Municipalities<br/>(population)</u></b> | <b><u>Satellite Facilities*<br/>(number of facilities)</u></b> | <b><u>Linear Facilities**<br/>(miles controlled)</u></b> | <b><u>Annual<br/>Fee</u></b> |
|--|---|--|--|------------------------------|
| <u>Annual Block<br/>Permit – Small</u> | <u>less than 50,000</u>                       | <u>less than 5</u>   | <u>less than 800</u>                                     | <u>\$1,340</u>               |
| <u>Annual Block<br/>Permit –Medium</u> | <u>50,000 to less<br/>than 500,000</u>        | <u>5 to 10</u>   | <u>800 to less than 1200</u>                             | <u>\$3,580</u>               |
| <u>Annual Block<br/>Permit – Large</u> | <u>greater than<br/>500,000</u>               | <u>greater than 10</u>   | <u>greater than 1,200</u>                                | <u>\$7,160</u>               |

\* Satellite Facilities are those utilities and agencies with primarily specific facility locations (e.g., prisons).

\*\* Linear Facilities are those utilities or agencies with primarily linear locations (e.g., roads, canals, utility lines).

**310.2 DUST CONTROL PERMIT FEE REFUNDS:**

- a. **Refunds Prior to Project Start Date and Prior to Commencement of Dust-Generating Operations:** If a Dust Control Permit is cancelled by the permittee prior to the project start date and before commencing any dust-generating operations, the Control Officer shall refund the Dust Control Permit fee, less a \$150.00 nonrefundable processing fee.
- b. **Refunds after Project Start Date and Prior to Commencement of Dust-Generating Operations:** If a Dust Control Permit is cancelled by the permittee after the project start date and before commencing any dust-generating operations, the Control Officer shall refund the Dust Control Permit fee, less a \$350.00 nonrefundable processing and initial inspection fee.
- c. No Dust Control Permit refund shall be given for a Dust Control Permit cancelled by the permittee after commencing any dust-generating operations.

**311 DUST CONTROL TRAINING CLASS FEE:**

**311.1 Basic Dust Control Training Class Fee:** A person required to complete basic dust control training shall pay a training class fee of ~~\$50.00~~ \$100.00 which includes the issuance of an ID card.

**311.2 Comprehensive Dust Control Training Class Fee:** A person required to complete comprehensive dust control training shall pay a training class fee of ~~\$125.00~~ \$175.00, which includes the issuance of an ID card.

**311.3 Requests for Dust Control Training:** A person may request that the Control Officer conduct a dust control training class within Maricopa County. A minimum of ~~10~~ and a maximum of ~~30~~ 20 class participants shall be required and meeting room space shall be provided by the person making the request. The fee for such a training class shall be ~~\$35.00 per person~~ paid per Section 311.1 of this rule for basic dust control training or ~~\$100.00 per person~~ per Section 311.2 of this rule for

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comprehensive dust control training. ~~A discounted fee of \$30.00 per person shall be required for issuance of training cards at third-party provider dust control training classes.~~

**311.4 “Train-the-Trainer” Class Fee:** A person taking a “train-the-trainer” class offered by the Control Officer shall pay a training class fee of ~~\$125.00~~ \$175.00.

**312 SUBCONTRACTOR REGISTRATION FEE:** A person required to register with the Control Officer under Rule 200 Section 306 of these rules and wishing to obtain a registration number shall pay an annual fee of ~~\$50.00~~ \$70.00.

**313 ASBESTOS NOTIFICATION AND PLAN REVIEW FILING FEES:** Any person required to file notification under the provisions of Rule 370 of these rules shall pay fees according to the provisions in Sections 313.1 through 313.5 below.

**313.1 Renovation:** Any person filing notification of a project to renovate regulated asbestos-containing materials (RACM) shall pay a nonrefundable notification and plan review filing fee based on the amount of regulated asbestos-containing materials removed as shown in the table below:

| <b>Amount of Regulated Asbestos-Containing Materials (RACM) Removed</b> |                    |                   |             |
|---|--------------------|-------------------|-------------|
| <b>Linear Feet</b>  | <b>Square Feet</b> | <b>Cubic Feet</b> | <b>Fee*</b> |
| 0–259   | 0–159              | 0–34              | \$0         |
| 260–499   | 160–499            | 35–109            | \$600       |
| 500 or more   | 500 or more        | 110 or more       | \$1,770     |

\* If materials are reported on the notification in more than one category, the higher fee will apply.

**313.2 Demolition:** Any person filing notification of a project to demolish a facility (as defined in 40 CFR 61, Subpart M) shall pay a nonrefundable notification and plan review filing fee of \$600.00.

**313.3** For projects involving both renovation and demolition activities in a single notification, separate fees for each activity will apply according to Sections 313.1 and 313.2 of this rule.

**313.4** When a revision to a notification involves an increase in the RACM, the difference between the fee for the original RACM and the revised RACM shall be paid.

**313.5 Annual Operation and Maintenance:** Any person filing an annual notification of planned renovation operations involving individual nonscheduled operations to renovate regulated asbestos-containing materials shall pay a nonrefundable notification and plan review filing fee of \$1,250.00.

**314 LATE FEE:** The Control Officer shall assess the following fees in addition to all other applicable fees:

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- 314.1 TITLE V, NON-TITLE V, OR GENERAL PERMIT:** An owner/operator of a source requiring a permit who has received a Notice of Violation for constructing or operating without such permit shall pay a late fee of \$100.00.
- 314.2 DUST CONTROL PERMIT:** Any person who is engaging in dust-generating operations without a Dust Control Permit and has received a Notice of Violation for engaging in dust-generating operations without a Dust Control Permit shall pay a late fee of \$100.00.
- 315 DELINQUENCY FEE:** An applicant or permittee who fails to pay any required fee(s) by 30 days after the invoice due date shall pay a delinquency fee of \$50.00 or a delinquency fee of \$100.00 if delinquent over 60 days from the invoice due date. Applicants and permittees will be notified by mail of any permit delinquency fees that are due and payable.
- 316 SUBSCRIPTION FEE FOR RULE REVISIONS:** A person requesting to be placed on a mailing list to receive copies of new and revised rules shall pay to the Control Officer an annual subscription fee of \$35.00.
- 317 ACCELERATED PERMIT PROCESSING FEE:** An applicant requesting accelerated permit processing shall pay fees to the Control Officer according to the following provisions:
- 317.1** Such a request shall be accompanied by an initial fee of \$15,000. The fee is nonrefundable to the extent of the Control Officer's costs for accelerating the processing if the Control Officer undertakes to provide accelerated processing as described in Rule 200, Section 313 of these rules.
- 317.2** At any time after an applicant has requested accelerated permit processing, the Control Officer may request an additional advance payment fee based on the most recent estimated cost of accelerating the processing of the application.
- 317.3** Upon completion of permit processing activities but before issuing or denying a permit or permit revision, the Control Officer shall send notice of the decision to the applicant along with a final invoice. The final invoice shall include all regular permit processing and other fees due, as well as the difference between the actual cost of accelerating the permit application, including any costs incurred by the Control Officer in contracting for, hiring, or supervising the work of outside consultants, and all advance payments submitted for accelerated processing. In the event all payments made exceed actual accelerated permit costs, the Control Officer shall refund the excess advance payments.
- 317.4** Any additional costs incurred as a result of accelerated permit processing shall not be applied toward any applicable maximum fee described in this rule.

**318 FAILURE TO PAY REQUIRED FEES:** Nonpayment of fees required by this rule constitutes a violation as provided in A.R.S. §§ 49-502, 49-511 and 49-513.

**319 INFORMAL REVIEW OF PERMIT PROCESSING HOURS:**

**319.1** Any person who receives a final itemized invoice from the Control Officer under Section 301.1 or 302.1 of this rule for a billable permit action may request an informal review of the permit processing hours billed and may pay the invoice under protest as provided below. If the invoice is paid under protest, the Control Officer shall issue the permit.

**319.2** The request for an informal review of the permit processing hours billed shall be made in writing, and received by the Control Officer within 30 days of the invoice date. Unless the Control Officer and person agree otherwise, the informal review shall take place within 30 days after the Control Officer's receipt of the request. The Control Officer shall arrange the date and location of the informal review with the person at least 10 business days before the informal review. The Control Officer shall review whether the amounts of time billed are correct and reasonable for the tasks involved. The Control Officer shall mail his or her decision on the informal review to the person within 10 business days after the informal review date. The Control Officer's decision after the informal review shall be final.

**320 HAZARDOUS AIR POLLUTANTS TIER 4 RISK MANAGEMENT ANALYSIS FEE:** If an applicant uses the Tier 4 method for conducting a risk management analysis (RMA) according to Rule 372 of these rules, the applicant shall pay any costs incurred by the Control Officer in contracting for, hiring or supervising work of outside consultants.

**321 AIR QUALITY AWARENESS FLAG PROGRAM FEE:** A person who elects to participate in the air quality awareness flag program may obtain program materials from the Control Officer for a fee of \$200.00.

**322 TRAINING CLASS FEE:**

**322.1 Basic Training Class Fee:** A person required to complete basic training shall pay a training class fee of \$100.00 which includes the issuance of an ID card.

**322.2 Comprehensive Training Class Fee:** A person required to complete comprehensive training shall pay a training class fee of \$175.00 which includes the issuance of an ID card.

**322.3 ID Card Issuance Fee:** A fee of \$30.00 per person shall be required for issuance of an ID card other than one issued and paid for as part of a training class as described in this rule.

**SECTION 400 – ADMINISTRATIVE REQUIREMENTS**

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- 401 EFFECTIVE DATE OF FEES:** The fees in this rule ~~became effective May 1, 2008~~ become effective July 1, 2011, except for the emissions-based fee, ~~the air curtain destructor application fee, the Dust Control Permit fee, the “train the trainer” class fee, the air quality awareness flag program fee, and the asbestos notification and plan review filing fees.~~ The emissions-based fee ~~became~~ becomes effective January 1, ~~2009~~ 2012, beginning with the emissions reported for calendar year ~~2008~~ 2011. ~~The air curtain destructor application fee, the Dust Control Permit fee, the “train the trainer” class fee, the air quality awareness flag program fee, and the asbestos notification and plan review filing fees become effective July 1, 2010.~~
- 402 PAYMENT OF FEES:** All fees required by this rule are payable to Maricopa County Air Quality Department.
- 402.1 Annual Administrative Fees:**
- a. Title V and Non-Title V Permits:** The Control Officer shall mail the owner or operator of a Title V or Non-Title V source an invoice for the annual administrative fee due under Sections 301.2 and 302.2 of this rule at least 30 days prior to the anniversary date of the permit.
  - b. General Permits:** The Control Officer shall mail the owner or operator of a source authorized to operate under a General Permit an invoice for the annual administrative fee due under Section 303.2 of this rule at least 30 days prior to the anniversary date of the authorization to operate.
- 402.2 Gasoline Delivery Vessel Decal Fee:** Gasoline delivery vessel decal fee shall be paid at the time the application is submitted showing satisfactory test results and prior to the issuance of the decal required in the provisions of Rule 352 of these rules.
- 402.3 Asbestos Removal Notification and Plan Review Filing Fee:** The asbestos notification and plan review filing fee shall be paid at the time the notification is submitted. The notification is not considered filed until the appropriate filing fee is paid.
- 402.4 Other Fees:** Other fees shall be paid in the manner and at the time required by the Control Officer.
- 402.5 Fees in Effect:** All fees charged as a result of this rule shall be paid at the rate or in the amount that is in effect on the date the fee is charged.
- 402.6 Payment Applied to Delinquent Penalties and Fees:** All monies paid to the Control Officer shall first be applied to any delinquent penalties and fees owed by the owner or operator of a source before being applied to current charges.
- 403 FEE TABLE A, B, C, D, E, F, G, H, AND I SOURCES:** Fee Tables A– I list processes and equipment subject to the fees outlined in Sections 302.2, 303.1, and 303.2 of this

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rule. For processes and equipment not listed below, the Control Officer will designate Fee Table A, B, C, D, E, F, G, H or I, as applicable. Sources reclassified to a higher fee table due to the receipt of three complaints on different dates during a one-year period from different individuals resulting in violations resolved by an order of abatement by consent or judicial action shall remain in that fee table until two calendar years pass without complaints against the facility resulting in violations resolved by an order of abatement by consent or judicial action.

**403.1 Fee Table A Sources:**

Aircraft Manufacturing

Bakery with Oven of Greater than or Equal to 25 Tons per Year of Potential Uncontrolled VOC Emissions or Facility with Controls

Biofuel Manufacturing Operations > 1,000,000 gal/yr

Brick and Structural Clay Products (BSCP) Manufacturing

Chemical Manufacturing, Dry

Chemical Manufacturing, Liquid

Circuit Board Manufacturing Greater than or Equal to 5 Tons per Year VOC

Coating Line, Can/Coil/Fabric/Film/Glass/Paper

Ethylene Oxide Sterilization

Gypsum, Calcining

Incinerator, Medical Waste

Incinerator, Hazardous Material

Fiberglass Insulation Manufacturing

Jet or Auxiliary Engine Manufacturing

Non-Major Title V Source

Pesticide/Herbicide Production

Petroleum Loading Racks and Storage Tanks at Bulk Terminals

Pharmaceutical Manufacturing

Polymeric Foam Products Greater than or Equal to 25 Tons per Year Potential

Uncontrolled VOC Emissions or Facility with Controls Subject to Source Testing

Power Plant Greater than or Equal to 25 Tons per Year Potential Uncontrolled

NO<sub>x</sub> Emissions

Printing Facilities Greater than or Equal to 25 Tons per Year Potential

Uncontrolled VOC Emissions or Facility with Controls Subject to Source Testing

Rendering

Rubber Products Manufacturing

Semiconductor Manufacturing Less than 25 Tons per Year of Potential

Uncontrolled VOC Emissions

Solid Waste Landfill

Source Subject to BACT Determination

Source Subject to a MACT, NESHAP or NSPS Standard under CAA Section 111 or 112 Unless Otherwise Identified in another Fee Table

Source with 3 or More Fee Table B Processes

Vegetable Oil Extraction

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Sources not otherwise classified with emissions of all regulated pollutants greater than 25 tons per year.

**403.2 Fee Table B Sources:**

Aerospace Products Manufacturing and Rework not Subject to MACT  
Aggregate Screening  
Animal Feed Processing  
~~Auto Body Shredding~~  
~~Bakery with Oven of Greater than or Equal to 25 Tons per Year of Potential Uncontrolled VOC Emissions or Facility with Controls~~  
Boiler, Gas-Fired or with Emergency Fuel Capabilities (Each Unit Greater than or Equal to 10 MMbtu/hr)  
Chemical/Fertilizer Storage, Mixing, Packaging and Handling  
Concrete Product Manufacturing  
Cement Terminal  
Cotton Gin  
Cotton Seed Processing  
Crematory  
Crushing Facilities that meet the definition of an “infrequent operation” under Rule 316 of these rules  
Cultured Marble  
Fiberglass Product Manufacturing  
Flour Milling  
Foundry  
Furnace, Metals  
Furnace, Burn-Off  
Furnace, Electric Arc  
Furnace, Other  
Gas Turbine, Non-Utility (Utility in Fee Table A)  
Grain Cleaning/Processing  
Grain Storage  
Incinerator, Non-Hazardous Material  
Inert Landfill  
Internal Combustion Engine, Other than Emergency  
Metal Recovery/Reclamation  
Pipeline Transmission Facility  
Plating Tanks, Electrolytic or Electrowinning (Includes Decorative Chrome and Hard Chrome Operations Less than or Equal to 60 Million Amp/Hrs per Year Subject to Area Source MACT Subpart N)  
Polymeric Foam Products Less than 25 Tons per Year Potential Uncontrolled VOC Emissions  
Power Plant Less than 25 Tons per Year Potential Uncontrolled NO<sub>x</sub> Emissions  
Reinforced Plastics  
Rubber Products Manufacturing with Only Molding  
Soil/Groundwater/Wastewater Treatment/Remediation

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~~Soil Solvent Extraction System with Package Thermal/Catalytic Oxidizer/Carbon Adsorption~~

Solvent Degreasing/Cleaning System, Solvent Use Greater than 3 Gallons per Day

Solvent Reclaiming

Source with 3 or More Fee Table C Processes

Stage I Vapor Recovery, Bulk Plants with Loading Racks

Stripping Operation, Equipment or Furniture Refurbishment

Tire Shredding/Retreading

Wastewater Treatment Plant

Wood Coating Operation Subject to RACT Including Furniture/Millwork Sources Larger than 10 Tons per Year VOC

Any Fee Table A, F, or G Source whose Aggregate of All Equipment, Processes or Production Lines Has Enforceable Permit Limits of Less than 2.0 Tons per Year VOC or NO<sub>x</sub>, and Less than 1.0 Ton per Year PM<sub>10</sub>

Any Fee Table C Source that Receives 3 Complaints on Different Dates During a One-Year Period from Different Individuals Resulting in Violations Resolved by an Order of Abatement by Consent or Judicial Action

Sources not otherwise classified with emissions of all regulated pollutants less than 25 tons per year.

**403.3 Fee Table C Sources:**

Abrasive Blasting

Asphalt Day Tanker/Kettle

Cement Products Packaging/Distribution

Circuit Board Assembly

Circuit Board Manufacturing Less than 5 Tons per Year of VOC

Dry Cleaning (Includes Perchloroethylene Dry Cleaning Facilities Subject to Area Source MACT)

Emergency Internal Combustion Engine

Engine Testing

Food Processing

Incinerator, Paper and Cardboard Products

Injection Molding

Landscape and Decorative Rock, Gravel, and Sand Distribution

Laundry, Other than Dry Cleaning

Miscellaneous Acid/Solvent Use

Packaging, Mixing and Handling, Granular or Powdered Material Other than Cement or Grain

Petroleum Storage, Non-Retail Dispensing Operations Exempted from Stage I Vapor Recovery by Rule 353

Plastic or Metal Extrusion

~~Plating, Electroless~~ Electroless Plating or Plating Subject to MACT Subpart WWWW

Powder Coating

Printing Facilities Less than 25 Tons per Year of Potential Uncontrolled VOC Emissions

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Semiconductor Lab/Testing/Services  
Non-Halogenated Solvent Cleaning, Less than 3 Gallons per Day  
Solvent Storage/Handling  
Spray Coating  
Bulk Plant Loading Facilities as Defined by Rule 351, Section 305.1  
Storage Tank, Non-Petroleum Volatile Organic Compounds  
~~Stripping Operation, Liquid Chemical Groundwater/Wastewater Remediation~~  
~~Vehicle Refinishing~~  
Waste Transfer Facility  
Water Treatment Plant  
~~Water Reclamation~~  
Sewage Lift Pump Station  
~~Drinking Water Plant~~  
Wood Furniture/Millwork/Small Source Less than 10 Tons per Year VOC  
Yard/Stockpiling  
Sources not otherwise classified with emissions of all regulated pollutants less than 5 tons per year.

**403.4 Fee Table D Sources:**

Service Station and Non-Resale Dispensing Operations Greater than 120,000 Gallons per Year

**403.5 Fee Table E Sources:**

Fuel Burning Equipment  
Emergency Generator

**403.6 Fee Table F Sources:**

Aggregate Production/Crushing Subject to an NSPS under CAA Section 111  
Hot Mix Asphalt Plants

**403.7 Fee Table G Sources:**

Aggregate Production/Crushing not Subject to NSPS under CAA Section 111  
Concrete Batch Plant

**403.8 Fee Table H Sources:**

Auto Body Shredding  
Semiconductor Manufacturing Greater than or Equal to 25 Tons per Year Potential Uncontrolled VOC Emissions or Facility with Controls Subject to Source Testing  
Any Fee Table A or G Source that Receives 3 Complaints on Different Dates During a One-Year Period from Different Individuals Resulting in Violations Resolved by an Order of Abatement by Consent or Judicial Action

**403.9 Fee Table I Sources:**

Any Fee Table B Source that Receives 3 Complaints on Different Dates During a One-Year Period from Different Individuals Resulting in Violations Resolved by an Order of Abatement by Consent or Judicial Action

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**SECTION 500 – MONITORING AND RECORDS (NOT APPLICABLE)**