

REGULATION II – PERMITS AND FEES

RULE 280 FEES

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Draft Rule 280 for Public Workshop on Thursday, September 3, 2009
1001 North Central Avenue, 9th Floor classroom at 9:00 a.m.
Contact David Bruce at 602.372.2250 or davidbruce@mail.maricopa.gov
Comments accepted in writing until 5:00 p.m. on Friday, September 4, 2009

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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 shall 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_x], lead, sulfur oxides [SO_x] measured as sulfur dioxide [SO₂], ozone, and particulates).

206.2 Nitrogen oxides (NO_x) 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~~ will 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.

SECTION 300 – STANDARDS

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

301.1 Fees for Billable Permit Actions: The owner or operator of a Title V source shall must pay to the Control Officer \$133.50 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 must 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; ~~including~~ 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 and/or draft permit, to hire a hearing officer, to hire transcription or court reporting services, ~~and~~ 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 will be charged at the rate of \$133.50 per hour, adjusted annually under Section 304 of this rule. The fees shall must be paid as follows:

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

Type of Application	Application Fee
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 will send an itemized invoice. The invoice shall will 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 will 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 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 must 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.

Title V Source Category	Annual Administrative Fee
Aerospace	\$18,320
Air Curtain Destructors	\$840
Cement Plants	\$68,590
Combustion/Boilers	\$16,680
Compressor Stations	\$13,630
Expandable Foam	\$14,800
Landfills	\$18,140
Lime Plants	\$64,790
Copper & Nickel Mines	\$16,150
Gold Mines	\$16,150
Paper Mills	\$22,060
Petroleum Products Terminal Facilities	\$25,800
Polymeric Fabric Coaters	\$18,140
Reinforced Plastics	\$13,630
Semiconductor Fabrication	\$29,010
Copper Smelters	\$68,590
Utilities–Primary Fuel Natural Gas	\$9,500 + \$16,480 per turbine installed/modified after May 10, 1996 and subject to annual source testing or CEM RATA* certifications
Utilities–Fossil Fuel Except Natural Gas	\$35,080
Vitamin/Pharmaceutical Manufacturing	\$17,020
Wood Furniture	\$15,010
Others	\$18,130
Others With Continuous Emissions Monitoring	\$22,070

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

- b. An emissions-based fee of \$38.25 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~~ must pay fees according to the following provisions:

302.1 Fees for Billable Permit Actions: ~~Except for the renewal of an existing permit,~~ The owner or operator of a Non-Title V source ~~shall~~ must pay to the Control Officer \$133.50 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. ~~The~~ In addition, the owner or operator of a Non-Title V source ~~shall must also~~ 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. including ~~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 and/or draft permit, to hire a hearing officer, to hire transcription or court reporting services, ~~and 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 will be charged at the rate of \$133.50 per hour, adjusted annually under Section 304 of this rule.~~ The minimum fee due ~~shall will~~ be \$200.00. The fees ~~shall must~~ be paid as follows:

- a. An application ~~shall must~~ 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 will~~ send an itemized invoice. The invoice ~~shall will~~ 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 will~~ not issue a permit or permit revision until the balance due on the itemized invoice is paid in full. The Control Officer may 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 must~~ 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.

Fee Table Source categories designated as Fee Tables A–I are listed in Sections 403.1–403.9 of this rule	Annual Administrative Fee
Sources listed in Fee Table A (see Section 403.1)	\$5,980
Sources listed in Fee Table B (see Section 403.2)	\$1,550
Sources listed in Fee Tables C–D (see Sections 403.3 and 403.4)	\$610
Sources listed in Fee Table E (see Section 403.5)	\$320
Sources listed in Fee Table F (see Section 403.6)	\$7,940
Sources listed in Fee Table G (see Section 403.7)	\$4,790
Sources listed in Fee Table H (see Section 403.8)	\$7,940
Sources listed in Fee Table I (see Section 403.9)	\$4,790

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~~ must 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~~ must pay the applicable fee from the table below with the submittal of the application.

Fee Table Source categories designated as Fee Tables A–I are listed in Sections 403.1–403.9 of this rule	Application Fee
Title V General Permits <u>except Air Curtain Destructors</u>	Fee from Section 301.1(a) table for Title V source category
<u>Air Curtain Destructors</u>	<u>\$840</u>
Sources listed in Fee Table A (see Section 403.1)	\$4,870
Sources listed in Fee Table B (see Section 403.2)	\$3,250
Sources listed in Fee Tables C–D (see Sections 403.3 and 403.4)	\$320
Sources listed in Fee Table E (see Section 403.5)	\$240
Sources listed in Fee Table F (see Section 403.6)	\$6,970
Sources listed in Fee Table G (see Section 403.7)	\$4,170
Sources listed in Fee Table H (see Section 403.8)	\$6,970
Sources listed in Fee Table I (see Section 403.9)	\$4,170

303.2 Annual Administrative Fee: The owner or operator of a source with an authorization to operate under a General Permit ~~shall~~ must 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.

Fee Table Source categories designated as Fee Tables A–I are listed in Sections 403.1–403.9 of this rule	Annual Administrative Fee
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)	\$4,870
Sources listed in Fee Table B (see Section 403.2)	\$3,250
Sources listed in Fee Tables C–D (see Sections 403.3 and 403.4)	\$320
Sources listed in Fee Table E (see Section 403.5)	\$240
Sources listed in Fee Table F (see Section 403.6)	\$6,970
Sources listed in Fee Table G (see Section 403.7)	\$4,170
Sources listed in Fee Table H (see Section 403.8)	\$6,970
Sources listed in Fee Table I (see Section 403.9)	\$4,170

304 ANNUAL ADJUSTMENT OF FEES:

- 304.1** The Control Officer ~~shall~~ will adjust the hourly rate every January 1, to the nearest 10 cents per hour, beginning on January 1, 2009. The Control Officer will multiply \$133.50 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.
- 304.2** The Control Officer ~~shall~~ will 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. 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.
- 304.3** The Control Officer ~~shall~~ will adjust the rate for emissions-based fees every January 1, beginning on January 1, 2009. The Control Officer will multiply \$38.25 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.
- 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~~ will be used for purposes of calculating the emissions-based fee.
 - b. Actual emissions quantities calculated under Rule 100, Section 500 of these rules ~~shall~~ will be determined using the following methods:
 - (1) Whenever available, emissions estimates ~~shall~~ will 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~~ will 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~~ will 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~~ will 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~~ will be calculated by equivalent methods approved by the Control Officer. The Control Officer ~~shall~~ will 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~~ will 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~~ will 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 PM₁₀.
- c. Emissions from insignificant activities excluded from the permit for the source under Rule 210 of these rules.
- d. Fugitive emissions of PM₁₀ 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~~ must 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~~ must pay a conditional order fee. The amount of a conditional order fee ~~shall~~ will 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~~ must pay a fee of \$280.00. A person wishing to obtain a replacement decal ~~shall~~ must pay a fee of \$80.00.

309 OPEN BURN FEE:

309.1 BURN PERMIT FEE: A person applying for a Burn Permit ~~shall~~ must 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~~ must pay a fee of \$350.00.

310 DUST CONTROL PERMIT FEE:

310.1 A person applying for a Dust Control Permit ~~shall~~ must 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 of this rule is \$15,750.~~

Total Surface Area Disturbed	Fee
Annual Block Permit	\$2,000
0.1 to less than one acre	\$350 <u>\$770</u>
One acre or greater	\$77 per acre plus \$350 <u>\$885</u>

Example: 6 acres = 6 × \$77 + ~~\$350~~ \$885 = ~~\$812~~ \$1,347

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~~ will 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~~ will refund the dust control permit fee, less a \$350.00 nonrefundable processing and initial inspection fee.
- c. No dust control permit refund ~~shall~~ will be given for a dust control permit cancelled by the permittee after commencing any ~~dust-generation~~ 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~~ must pay a training class fee of \$50.00.

311.2 Comprehensive Dust Control Training Class Fee: A person required to complete comprehensive dust control training shall must pay a training class fee of \$125.00.

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 class participants shall will be required and meeting room space shall must be provided by the person making the request. The fee for such a training class shall will be \$35.00 per person for basic dust control training or \$100.00 per person for comprehensive dust control training. A discounted fee of \$30.00 per person shall will 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 must pay a training class fee of \$125.00.

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 must pay an annual fee of \$50.00.

313 ASBESTOS NOTIFICATION AND PLAN REVIEW FILING FEES: Any person required to file notification under the provisions of Rule 370 of these rules shall must 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 must 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:

Amount of Regulated Asbestos-Containing Materials (RACM) Removed			Fee*
Linear Feet	Square Feet	Cubic Feet	
0–259	0–159	0–34	\$0
260–499	160–499	35–109	\$200 <u>\$600</u>
500–999	500–999	110–218	— \$350
1,000–2,499	1,000–2,499	219–547	— \$800
2,500–4,999	2,500–4,999	548–1,094	— \$1,500
5,000–9,999	5,000–9,999	1,095–2,188	— \$3,100
10,000–14,999	10,000–14,999	2,189–4,499	— \$6,200
15,000 <u>500</u> or more	15,000 <u>500</u> or more	4,500 <u>110</u> or more	\$7,500 <u>\$1,770</u>
* 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 must pay a nonrefundable notification

and plan review filing fee based on the building size (building size floor area multiplied by the number of floors affected) in square feet as shown in the table below: of \$600.00.

Building Size (square feet)	Fee
0-999	\$150
1,000-2,499	\$300
2,500-4,999	\$450
5,000 or more	\$525

- 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 ~~or building size~~, the difference between the fee for the original RACM ~~or building size~~ and the revised RACM ~~or building size~~ shall must 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 must pay a nonrefundable notification and plan review filing fee of \$1,250.00.
- 314 LATE FEE:** The Control Officer shall will assess the following fees in addition to all other applicable fees:
- 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 must 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 must 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 must 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 must pay to the Control Officer an annual subscription fee of \$35.00.

317 ACCELERATED PERMIT PROCESSING FEE: An applicant requesting accelerated permit processing ~~shall~~ must pay fees to the Control Officer according to the following provisions:

317.1 Such a request ~~shall~~ must 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~~ will send notice of the decision to the applicant along with a final invoice. The final invoice ~~shall~~ will 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~~ will refund the excess advance payments.

317.4 Any additional costs incurred as a result of accelerated permit processing ~~shall~~ will 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~~ will issue the permit.

319.2 The request for an informal review of the permit processing hours billed ~~shall~~ must 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~~ will take place within 30 days after the Control Officer's receipt of the request. The Control Officer ~~shall~~ will 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~~ will review whether the amounts of time billed are correct and reasonable for the tasks involved. The Control Officer ~~shall~~ will 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~~ will 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~~ must pay any costs incurred by the Control Officer in contracting for, hiring or supervising work of outside consultants.

SECTION 400 – ADMINISTRATIVE REQUIREMENTS

- 401 EFFECTIVE DATE OF FEES:** The fees in this rule became effective May 1, 2008, except for the emissions-based fee, ~~in this rule become effective May 1, 2008,~~ the air curtain destructor application fee, the dust control permit fee, the “train the trainer” class fee, and the asbestos notification and plan review filing fees. The ~~revised~~ emissions-based fee ~~becomes~~ became effective January 1, 2009, beginning with the emissions reported for calendar year 2008. The air curtain destructor application fee, the dust control permit fee, the “train the trainer” class fee, and the asbestos notification and plan review filing fees become effective April 1, 2010.
- 402 PAYMENT OF FEES:** All fees required by this rule ~~shall be~~ 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~~ will 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~~ will 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~~ must 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~~ must 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~~ must 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 must 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 Outstanding Penalties and Delinquent Fees: All monies paid to the Control Officer will first be applied to any outstanding penalties and delinquent 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 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~~ will 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
- 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
- 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_x 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

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
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
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)
Polymeric Foam Products Less Than 25 Tons per Year Potential Uncontrolled
VOC Emissions
Power Plant Less Than 25 Tons per Year Potential Uncontrolled NO_x Emissions

Reinforced Plastics
Rubber Products Manufacturing With Only Molding
Soil Treatment/Remediation
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_x, and Less Than 1.0 Ton per Year PM₁₀
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

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 & 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
Powder Coating

Printing Facilities Less Than 25 Tons per Year of Potential Uncontrolled VOC Emissions
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 Reclamation
Sewage Lift Pump Station
Drinking Water Plant
Wood Furniture/Millwork/Small Source Less Than 10 Tons per Year VOC
Yard/Stockpiling

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

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:

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

SECTION 500 – MONITORING AND RECORDS (NOT APPLICABLE)