

TO: APCD Community Advisory Council

FROM: Ron Tan, Planning and Technology Supervisor

DATE: July 11, 2007

SUBJECT: New Rule 213 –Fees for Registration Programs

The California Air Resources Board recently adopted a State Airborne Toxic Control Measures (ATCM) for stationary compression-ignition engines (California Code of Regulations §93115 as revised in April 2007). On August 16, 2007, the APCD Board of Directors will hold a public hearing to receive testimony on and consider adoption of APCD Rule 1201, Registration of Agricultural Diesel Engines, to implement this ATCM. The APCD Board will also hold the first of two hearings on new Rule 213, Fees for Registration Programs, which requires owner/operators of equipment subject to Rule 1201 registration provisions to pay an initial \$200 registration fee and an annual \$200 registration renewal fee. This fee, as all APCD fees, may be adjusted annually based on the California Consumer Price Index.

The proposed fee is equivalent to the statewide portable engine registration and was developed jointly with San Luis Obispo APCD and Ventura APCD staff. The basis for the fee was estimated by calculating the tasks and level of effort required to implement the ATCM on an assumed population of 300 engines in Santa Barbara County. The tasks required to implement the ATCM include program development, program oversight, outreach, source identification, data entry, inspections, Air Toxic Hot Spots implementation and advertising. The level of effort for each of these tasks was estimated over a 5 year implementation schedule to account for the varying level of effort required for program start-up and longer-term implementation. Our cost/revenue analysis found that the 5-year annualized costs to implement the program will be approximately \$66,500 per year while the revenue will be \$60,000 per year – we will be recovering about 90 percent of the costs to implement the program. The annual level of effort is approximately one-third of a full time employee and the level of effort per engine registered in the program will be a little less than 2 hours per year. Since the APCD does not receive any additional funding for this program, all un-recovered costs will be spread among other discretionary revenue sources.

As mandated by California Health and Safety Code §40131, this is the first of two hearings for Rule 213. The APCD Board will consider adopting Rule 213 during the October 18, 2007 meeting.

COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

To comply with the California Environmental Quality Act (CEQA), the APCD prepared a Notice of Exemption pursuant to CEQA Guidelines section 15273. The APCD analyzed the proposed Rule and found no potential for reasonably foreseeable environmental impacts, i.e., Rule 213 is an action taken by a regulatory agency to establish a fee as authorized by state law to assure clean air and protect public health.

Attachments:

1. Rule 213
2. CEQA Notice of Exemption

ATTACHMENT 1

PROPOSED RULE 213

FEES FOR REGISTRATION PROGRAMS

JULY 11, 2007

Santa Barbara County Air Pollution Control District

260 San Antonio Road, Suite A
Santa Barbara, California 93110

(805) 961-8800

RULE 213. FEES FOR REGISTRATION PROGRAMS (Adopted [*date of adoption*])

A. Applicability

Effective [*date of adoption*], this rule applies to diesel engines registered pursuant to Rule 1201.

B. Fee

The fee for registering and renewing registration of any diesel engine subject to Rule 1201 is \$200.

C. Annual Adjustment in Fees

Any fee prescribed in this Rule may be adjusted annually by the Air Pollution Control Officer based on the change in the California Consumer Price Index (CPI) for the preceding year, as determined pursuant to Section 2212 of the Revenue and Taxation Code. All other revisions of this Rule require approval of the District's Board of Directors.

ATTACHMENT 2

CEQA NOTICE OF EXEMPTION

PROPOSED RULE 213

FEEES FOR REGISTRATION PROGRAMS

JULY 11, 2007

Santa Barbara County Air Pollution Control District

260 San Antonio Road, Suite A
Santa Barbara, California 93110

(805) 961-8800

NOTICE OF EXEMPTION

TO: Clerk of the Board
County of Santa Barbara
105 East Anapamu Street
Santa Barbara, CA 93101

FROM: Santa Barbara County
Air Pollution Control District
260 N. San Antonio Road, Suite A
Santa Barbara, CA 93110

Project I.D.: RULE 213.

Project Title: FEES FOR REGISTRATION PROGRAMS

Location: Santa Barbara County, California

Project Description: This new Rule establishes fees and applies to diesel engines registered pursuant to Rule 1201. Registration must be renewed annually and fees are required to be paid annually. The Rule allows the APCD to adjust fees annually based on the Consumer Price Index.

Exempt Status: (Check One)

- ☐ Ministerial (Section 21080 (b)(1); 15268)
☐ Declared Emergency (Section 21080(b)(3); 15269(a))
☐ Emergency Project (Section 21080(b)(4); 15269(b)(c))
☐ Categorical Exemption
 CEQA Section(s):
☒ **Statutory Exemption**
 Code Number: 15273
☐ General Exemption under CEQA Section 15061(b)(3)
☐ APCD CEQA Guidelines, Appendix A ("APCD List of Exempt Projects")

Reasons Why Project is Exempt: The Rule is an action taken by a regulatory agency to establish a fee as authorized by state law to assure clean air and protect public health.

Contact Person: Ron Tan

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Bobbie Bratz
Technology and Environmental Review Division

Date: July 2, 2007

Clerk of the Board Date and Time Stamp

Terry Dressler
Air Pollution Control Officer