



PUBLIC HEARING NOTICE

March 16, 2009

TO: INTERESTED PARTIES
 FROM: EXECUTIVE OFFICER / APCO
 SUBJECT: **PUBLIC HEARING: PROPOSED AMENDMENTS TO REGULATION 3: FEES**

On **Wednesday, April 15, 2009**, the Board of Directors of the Bay Area Air Quality Management District will conduct a public hearing to accept testimony on proposed amendments to District Regulation 3: Fees. California Health and Safety Code Section 41512.5 requires a district board, prior to adopting or revising fees applicable to emission sources that are not permitted, to hold a public hearing at least 30 days prior to the meeting of the district board at which the fees are adopted or revised. Notice is also given that the Board of Directors will conduct a second public hearing on **Wednesday, May 20, 2009**, at the District Headquarters Board Room to consider adoption of the proposed amendments to District Regulation 3: Fees and to approve the filing of a Notice of Exemption from the California Environmental Quality Act (CEQA). The hearing will be held in the 7th floor Board Room of the District Office, 939 Ellis Street, San Francisco. **District Board meetings commence at 9:45 a.m.**

The amendments to the District's fee regulation would be effective on July 1, 2009, and would increase fee revenue in order to help the District recover a greater share of the costs the District incurs related to implementing and enforcing regulatory programs for stationary sources of air pollution. The following changes in the District's Fee Schedules are proposed:

Schedule A	Hearing Board	15% increase
Schedule B	Combustion of Fuels	6% increase
Schedule C	Stationary Containers for the Storage of Organic Liquids	No change
Schedule D	Gasoline Transfer at Gasoline Dispensing Facilities, Bulk Plants and Terminals	15% increase
Schedule E	Solvent Evaporating Sources	15% increase
Schedule F	Miscellaneous Sources	9% increase
Schedule G1	Miscellaneous Sources	12% increase
Schedule G2	Miscellaneous Sources	9% increase
Schedule G3	Miscellaneous Sources	No change
Schedule G4	Miscellaneous Sources	No change
Schedule G5	Miscellaneous Sources	15% increase
Schedule H	Semiconductor and Related Operations	9% increase
Schedule I	Dry Cleaners	9% increase

Schedule K	Solid Waste Disposal Sites	15% increase
Schedule L	Asbestos Operations	9% increase
Schedule M	Major Stationary Source Fees	15% increase
Schedule N	Toxic Inventory Fees	3% increase
Schedule P	Major Facility Review Fees	12% increase
Schedule Q	Excavation of Contaminated Soil and Removal of Underground Storage Tanks	3% increase
Schedule R	Equipment Registration Fees	No change
Schedule S	Naturally Occurring Asbestos Operations	15% increase
Schedule T	Greenhouse Gas Fees	3% increase

Fees for filing permit applications for new and modified sources, duplicate permits, emission banking filing and withdrawal, alternate compliance plans, and permit renewal processing would increase 6%.

The court reporter fee of \$200 in Schedule A: Hearing Board Fees would be replaced by the actual cost of the court reporter for the Hearing Board Docket. The provision to charge back fees in Section 3-303 would be amended to apply to equipment registration fees.

A new Schedule U: Indirect Source Review Fees would be added for the purpose of recovering District costs associated with an upcoming Indirect Source Review (ISR) rule that the District intends to develop. The ISR rule is expected to apply to various development projects and require that an application be submitted for District review and approval. Schedule U would include an application filing fee of \$533 for residential projects and \$796 for non-residential or mixed use projects. Schedule U would also include an application evaluation fee, which would be established based on the District's actual costs of evaluating the application. All filing fees would be credited towards the evaluation fee. Schedule U would also include an offsite emission reduction fee, but the details of this fee would be determined at a later date.

The District has determined that these amendments to Regulation 3 are exempt from provisions of the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) pursuant to State CEQA Guidelines, Sections 15061, subd. (b)(3) and 15273. The amendments increase District fees that are used to meet District operating expenses. The amendments are administrative in nature, do not affect air emissions from any sources, and can be seen with certainty to have no possibility of causing significant environmental effects. The District intends to file a Notice of Exemption pursuant to State CEQA Guidelines, Section 15062.

The proposed regulatory language (in strikethrough/underline format), is available on the District's website at the following address:

http://www.baaqmd.gov/pln/ruledev/regulatory_public_hearings.htm .

Copies are also available by calling the Engineering Division at (415) 749-4990. Staff will accept written comments on the proposed amendments until **Monday, May 12,**

2009. Please direct comments or questions to Brian Bateman, the District's Director of Engineering, at (415) 749-4653, or electronically at bbateman@baaqmd.gov.

PUBLIC TRANSPORTATION

MUNI -- #47 AND 49 NORTH AND SOUTH ON VAN NESS AVENUE

BART -- CIVIC CENTER STATION 8TH AND MARKET STREETS

Attendees are encouraged to ride public transit, rideshare, bicycle, walk or use other non-motorized modes to and from the District.