

RULE 3200 PETROLEUM REFINERY COMMUNITY AIR MONITORING FEES
(Adopted December 19, 2019, Amended [rule adoption date])

1.0 Purpose

The purpose of this rule is to recover the District's costs of developing and maintaining a refinery-related community air monitoring system, as required by California Health and Safety Code §42705.6.

2.0 Applicability

This rule applies to petroleum refineries.

3.0 Definitions

3.1 Air Pollution Control Officer (APCO): as defined in Rule 1020 (Definitions).

3.2 District: as defined in Rule 1020 (Definitions).

3.3 Community Air Monitoring System: a combination of equipment that measures and records air pollutant concentrations in communities near a petroleum refinery.

~~3.4 Operating: Actively refining crude oil.~~

3.45 Petroleum Refinery, or Refinery: a facility that processes petroleum as described in the Standard Industrial Classification Code under 2911 (Petroleum Refining).

~~4.0 Exemptions~~

~~4.1 Refineries not currently engaged in refining crude oil shall be exempted from the requirements of this rule, except for Section 7.1. Not later than thirty (30) calendar days after adoption of this rule, the owner or operator of a refinery not currently engaged in refining crude oil shall submit to the District for APCO review and approval a declaration that the facility is not refining crude oil.~~

45.0 Equipment and Installation Fees

45.1 Pursuant to California Health and Safety Code §42705.6, the owner or operator of an ~~operating~~ petroleum refinery shall pay the District for costs associated with implementation of a refinery-related community air monitoring system, as defined in Table 1.

Table 1: Community Air Monitoring System Installation Fees

Petroleum Refinery Capacity (barrels per day)	Community Air Monitoring Installation Fee Amount
Less than 40,000	\$173,595
Greater than or equal to 40,000	\$715,000

This fee may be reduced in the event that an existing air monitoring site, which is not directly related to petroleum refinery community air monitoring, is used to measure air pollutants for petroleum refinery community air monitoring purposes.

~~45.2~~ No later than ~~[6 months after rule adoption]~~ ~~July 1, 2020~~, the owner or operator of an ~~operating~~ petroleum refinery shall pay the community air monitoring installation fee, as specified in Table 1.

56.0 Annual Operating and Maintenance Fees

56.1 Pursuant to California Health and Safety Code §42705.6, the owner or operator of a petroleum refinery operating in the San Joaquin Valley shall pay an annual operating and maintenance fee, as defined in Table 2, to the District beginning in ~~2021~~2023.

Table 2: Community Air Monitoring Annual Operating and Maintenance Fees

Petroleum Refinery Capacity (barrels per day)	Annual Operating and Maintenance Fee
Less than 40,000	\$70,729
Greater than or equal to 40,000	\$223,549

56.2 The annual operating and maintenance fees will be included in the annual operating permit invoice and payment shall be submitted to the District in accordance with the timelines for the annual operating permit renewal fee in District Rule 3010.

~~7.0~~ ~~Refinery Facilities Not Refining Crude Oil~~

~~7.1~~ ~~The owner or operator of a refinery not currently engaged in refining crude oil must submit payment of the community air monitoring installation fee, as specified in Table 1, at least six (6) months prior to planned resumption of petroleum refining operations.~~

~~7.2 — Refinery facilities that cease to engage in refining crude oil shall notify the District in writing at least thirty (30) calendar days prior to ceasing petroleum refinery operations.~~

78.0 Increases in Petroleum Refinery Capacity

The owner or operator of a petroleum refinery with the capacity to process less than 40,000 barrels per day that subsequently increases processing capacity to greater than or equal to 40,000 barrels per day must notify the District in writing of planned increase in capacity at least six (6) months before a planned increase in capacity. No later than thirty (30) calendar days after an increase in facility capacity, the owner or operator must pay the applicable community air monitoring system installation fee specified in Table 1, less the amount already paid for refineries with operating capacities less than 40,000 barrels per day. The petroleum refinery will also pay the increased annual operation and maintenance fee for petroleum refineries with capacity greater than or equal to 40,000 barrels per day, as specified in Table 2, beginning the year following the capacity increase.

89.0 Late Fees

Fees not paid by the invoice due date shall be subject to late fees in accordance with Section 11.0 of District Rule 3010.

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