

October 30, 2025

Michelle Angelich
Acting Director - Air Division
U.S. EPA, Region IX
75 Hawthorne Street
San Francisco, CA 94105-3901

**Re: Rule 3170 Annual Fee Equivalency Demonstration Report,
Fee Assessment Basis Year 2024**

Dear Ms. Angelich:

As required by District Rule 3170, *Federally Mandated Ozone Nonattainment Fee*, the San Joaquin Valley Air Pollution Control District (District) hereby submits the annual Fee Equivalency Demonstration Report for the Fee Assessment Basis Year 2024.

As you are aware, the District adopted Rule 3170 to implement the ozone non-attainment penalty requirements of Section 185 of the federal Clean Air Act (CAA). In doing so, the District followed EPA guidance on implementing an alternative fee collection program, which fees are at least equal to those that would be collected under a direct implementation of CAA Section 185. The District's goals in implementing an alternate program were to avoid further penalties on facilities that had done all they could to reduce air pollution, and to collect the penalty in a way that closely corresponds with the sources of ozone-causing air pollution in the San Joaquin Valley.

To that end, Rule 3170 assesses a fee penalty from Major Sources of air pollution only to the extent that such sources have any remaining operating non-Clean Emissions Units, i.e., those units not equipped with Best Available Control Technology (BACT), or equivalent, as accepted by the District during the five-year period immediately prior to and including the attainment year. Recognizing that this approach will result in a shortfall in penalty collection compared to direct implementation of Section 185, under Rule 3170 the District committed to making up the difference in one of two ways. First, the District would attribute fees collected under Section 9250.17 of the California Vehicle Code (VC) (to the extent those fees were authorized by AB 2522 (Arambula, 2008), herein referred to as the AB 2522 VC fees); and, second, if the above is insufficient to cover the shortfall, the District would assess the necessary fees to cover the remaining shortfall in a second round of fee collection from Major Sources of air pollution.

Samir Sheikh

Executive Director/Air Pollution Control Officer

Northern Region

4800 Enterprise Way

Modesto, CA 95356-8718

Tel: (209) 557-6400 FAX: (209) 557-6475

Central Region (Main Office)

1990 E. Gettysburg Avenue

Fresno, CA 93726-0244

Tel: (559) 230-6000 FAX: (559) 230-6061

Southern Region

34946 Flyover Court

Bakersfield, CA 93308-9725

Tel: (661) 392-5500 FAX: (661) 392-5585

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Section 7.2 of Rule 3170 requires the District to demonstrate on an annual basis an accounting of this equivalency effort. Specifically, the District is required to produce this report demonstrating that the fees required by Rule 3170 that are collected from Major Sources of air pollution, plus the AB 2522 VC fees collected, are at least equal to the fees that would have been collected had the District directly implemented Section 185.

This annual report is for the Fee Assessment Basis Year of 2024. The District's accounting of ozone precursor emissions demonstrated 1,670 tons of nitrogen oxides and volatile organic compounds were emitted in excess of 80% of the baseline emissions from major sources in the calendar year 2024. Using the required CPI-adjusted fee assessment rate of \$12,476.67 per ton of emissions, the District determined that a total penalty fee of \$20.8 million is due under Section 185 of the federal CAA.

Emissions fees collected from Major Sources under Rule 3170, for pollution emitted during the calendar year results in a total fee collected of \$448,599.

As demonstrated in this report, the fees collected under District Rule 3170, plus the Vehicle Code fees collected under the authorization of AB 2522, significantly exceed the total fees that would have been collected under a direct implementation of Section 185 of the federal CAA. Therefore, the District has successfully demonstrated Rule 3170 Annual Fee Equivalency for the Fee Assessment Basis Year of 2024. See attachment for additional information.

In light of recent federal actions, including EPA's final action (effective October 27, 2025) to terminating all anti-backsliding obligations for the San Joaquin Valley with respect to the revoked 1979 1-hour ozone standard, EPA has acknowledged that the District has fully satisfied its obligations under Section 185 of the CAA for this standard. Accordingly, the District recognizes that Rule 3170 has achieved its intended purpose, and the program will sunset and no longer be applicable beginning next year. The District remains committed to maintaining compliance with all applicable Clean Air Act requirements and will continue to adopt and implement rules necessary to address any future nonattainment fee or programmatic obligations.

If you have any questions regarding this matter, or if you would like to review additional details of our equivalency demonstration, please call me at (559) 230-5900.

Sincerely,



Brian Clements

Director of Permit Services

Attachment: Table of Rule 3170 Equivalency Information for Year 2024

Attachment: Rule 3170 Equivalency Information for Fee Assessment
 Basis Year 2024

Rule 3170 Section	Fee Description	Rule 3170 Equivalency Accounting
7.2.1.1	Total fees collected under District Rule 3170 for 2024 tracking year, not reported in a prior annual Fee Equivalency Demonstration Report:	\$448,599
7.2.1.2	Total AB 2522 VC fees collected in 2024 tracking year, not used to demonstrate equivalency in a prior annual Fee Equivalency Demonstration Report:	\$33,076,281
7.2.1.3	Total Section 185 fees required under a direct implementation of the Federal Ozone Nonattainment Fee:	(\$20,837,389)
7.2.2	Excess amount collected for Basis Year 2024:	\$12,687,491 ⁽¹⁾

¹ The historic excess amount collected from 2011 through 2024 totals \$179,891,960.