



COUNTY OF TEHAMA  
**Air Pollution Control District**  
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### **What is Rule 2:11D Indirect Source Fees?**

#### **What is the purpose of Rule 2:11D?**

Purpose: To provide the Tehama County Air Pollution Control District (District) with a sound method for mitigating the emissions produced from the operation of new commercial and residential development projects throughout the County of Tehama, including within the incorporated cities in the County. All developers have the option to pay the Indirect Source Fee established by this rule, provide on-site or off-site mitigation through an Alternative Emission Reduction Plan, or do a combination of both. This rule will assist the District in attaining and maintaining the State ambient air quality standards for PM10 and Ozone.

#### **Who must comply with Rule 2:11D?**

All project developers who obtain a building permit for the construction of new residential and commercial developments or the expansion of any existing commercial or multi-family residential structure within the County of Tehama, or any incorporated city within Tehama County. (Expansion includes addition of any square footage to an existing commercial structure, addition of unit(s) to an existing multi-family residential structure, and conversion of an existing single family residential dwelling into a multi-family structure.)

#### **Are there any exemptions to the rule applicability?**

Yes, the rule identifies three (3) exemptions. Although the rule lists exemptions, the project proponent must still submit an application for the exemption to be certified.

#### **Exemptions:**

- a. Reconstruction of any development project that is damaged or destroyed and is rebuilt to essentially the same use and intensity. (The APCO will determine whether a project qualifies as "reconstruction" on a case-by-case basis, taking into account the length of time between the destruction of the project and the new building, and the justification for any delay. Generally speaking, rebuilding on the same building site within one year of the date of destruction will qualify as reconstruction; new buildings constructed more than one year after the destruction may be treated as new development, rather than exempt reconstruction.)
- b. Remodeling of multi-family residential or commercial buildings where no expansion of square footage occurs.

- c. Remodeling or expansion of an existing single family residential dwelling. (Conversion of an existing single family residential dwelling into a multi-family structure will be treated as new construction of any added units.)

**What documentation is required by the Air District if I want to build a commercial or residential development?**

All project proponents seeking a building permit must submit a Rule 2:11D application and a copy of the project's site plan. The application MUST be properly filled out identifying the physical address and all Area Parcel Numbers (APN's). Because projects are not all the same, the Air District may require additional information such as a lot tracking sheet, from the project proponent in order to finalize the application.

**Are all commercial/residential projects required to pay the same fee regardless of the type of project?**

All commercial/residential projects are required to pay the same per-unit fee or square foot fee as set forth in Table 1 and Table 2, unless the developer has submitted an Alternative Emissions Reduction plan to provide full or partial mitigation of emissions associated with the project. Fees are effective July 1, 2012.

**Does the Air District provide another option instead of paying the Rule 2:11D Fee?**

Yes, the owner/developer has the option of developing an Alternative Emission Reduction Plan which will allow the project owner/developer to mitigate some or all of the project's emissions through approved mitigation measures of its choosing. For example, the project proponent might prefer to mitigate emissions by paving a road or parking lot, modifying or retrofitting engines (emission reductions must be surplus and not required by law).

The proposed Alternative Emission Reduction Plan must comply with Section 6 of Rule 2:11D. The applicant shall reimburse the District for any time expended in the review and evaluation of an Alternative Emissions Reduction Plan at the Hourly Labor Rates set forth in Rule 2:11.

**Can the payment of the Rule 2:11D fee be delayed?**

Deferral of payments is allowed as stipulated under section 5.1 of Rule 2:11D. A project developer may select to defer his/her fees. This process will require the submittal of a Deferral Agreement with the District following these conditions:

- a. The developer may request that the payment of Indirect Source Fees be deferred to the time that a Certificate of Occupancy (or equivalent documentation) is issued. Such request must be made to the Air Pollution Control Officer in writing.
- b. The fees shall be paid at the higher of the rate at the time of obtaining the building permit or the current applicable rate at the time of final payment.

- c. If the fee is not paid at the time that a Certificate of Occupancy (or equivalent documentation) is issued, the developer shall be in violation of this Rule, and shall be subject to the penalties set forth in Article 3 (Commencing with Section 42400) of Chapter 4 or Part 4 of Division 26 of the Health and Safety Code.
- d. All of the foregoing must be set forth in writing that is in a form acceptable to the District Counsel and executed by the developer and the Air Pollution Control Officer.

**What should I do if a City issues a building permit and I did not pay the Rule 2:11D fee?**

Contact the APCD office immediately upon the discovery of the error. Failure to pay the Rule 2:11D fee constitutes a violation of this Rule, and the developer shall be subject to the penalties set forth in Article 3 (Commencing with Section 42400) of Chapter 4 or Part 4 of Division 26 of the Health and Safety Code.

**What happens to the collected fees?**

The Rule 2:11D fees collected are separated into two separate accounts. Account 1 will be designated for funding mitigation projects that reduce Ozone precursor emissions and Account 2 will be designated for mitigation projects that reduce PM<sub>10</sub> emissions. The funds are redistributed by the Air District through a Request For Proposal (RFP) process on a yearly basis throughout the County of Tehama and everyone is welcome to apply.