

May 7, 2003

**REVISIONS TO FEDERAL OPERATING PERMITS PROGRAM FEE PAYMENT
DEADLINES FOR CALIFORNIA AGRICULTURAL FACILITIES**

FACT SHEET

TODAY'S ACTION

- The Environmental Protection Agency (EPA) is today issuing a direct final rule and a parallel proposal to revise the deadline for fee payment by agricultural facilities in California that are subject to the Federal Operating Permits Program under the Clean Air Act.
- Today's direct final rule extends the due date for submitting operating permit fees to EPA until May 14, 2004, for agricultural facilities that are major sources of air pollution and that are located in 35 California districts.
- Agricultural facilities affected by this direct final rule are located in:

Amador County Air Pollution Control
District (APCD),
Antelope Valley Air Quality Management
District (AQMD)
Bay Area AQMD
Butte County AQMD,
Calaveras County APCD
Colusa County APCD
El Dorado County APCD
Feather River AQMD
Glenn County APCD
Great Basin Unified APCD
Imperial County APCD
Kern County APCD
Lake County AQMD
Lassen County APCD
Mariposa County APCD
Mendocino County APCD
Modoc County APCD

Mojave Desert AQMD
Monterey Bay Unified APCD
North Coast Unified AQMD
Northern Sierra AQMD
Northern Sonoma County APCD
Placer County APCD
Sacramento Metro AQMD
San Diego County APCD
San Joaquin Valley Unified APCD
San Luis Obispo County APCD
Santa Barbara County APCD
Shasta County APCD
Siskiyou County APCD
South Coast AQMD
Tehama County APCD
Tuolumne County APCD
Ventura County APCD, and
Yolo-Solano AQMD

- This action extends the deadline for submitting operating permit fees past the deadline for the permit application and allows the applications to be considered complete even though fees will be paid at a later time. The EPA will process the applications and issue permits while the Agency computes a fee amount based on the cost of administering the permits program for these sources.

- The EPA is also publishing a separate document that will serve as the proposal in the event that adverse comments are filed on this action.

BACKGROUND

- In 1990, Congress amended the Clean Air Act to require all States to develop operating permit programs to improve compliance with Federal air regulations by issuing a single operating permit to each major pollution source.
- The EPA approved the operating permits programs of the 35 California districts mentioned above. The approval of 34 districts was challenged by several environmental and community groups in part because the districts could not issue operating permits to major agricultural sources due to California law that exempted them from regulation. The EPA entered into a settlement on this litigation and partially withdrew approval of the operating permit programs for the 34 local air districts. The EPA began administering the Federal Operating Permits Program (established in 40 CFR part 71) for the State-exempt agricultural facilities located in the 34 districts on November 14, 2002.
- Subsequently, the interim approval of the Antelope Valley AQMD program expired and EPA began administering the Federal Operating Permits Program for agricultural facilities in that district.
- Most agricultural sources subject to the Federal Operating Permits Program in California must submit their permit applications by May 14, 2003.
- The EPA believes that the Federal Operating Permit Program's standard fee, which is based on costs of permitting industrial sources, may substantially exceed the cost of permitting the simpler agricultural sources. However, EPA does not have time before May 14, 2003, to develop an appropriate cost-based fee for permitting these sources. Extending the deadline for submitting operating permit fees to EPA until May 14, 2004, will allow EPA to compute a fee based on the costs of administering the program for agricultural facilities.

FOR MORE INFORMATION

- To download the text of today's rulemaking actions, go to EPA's World Wide Web site at the following address: <http://www.epa.gov/ttn/oarpg/t5pfpr.html>.
- For general information on this action, contact Candace Carraway of EPA's Office of Air Quality Planning and Standards at (919) 541-3189.