

VENTURA COUNTY AIR POLLUTION CONTROL DISTRICT

**RULE 42 - PERMIT FEES**

*(Adopted 10/22/68, Revised 8/12/69, Revised and Renumbered 11/18/69, Renumbered 5/23/72, Revised 4/17/73, 2/26/74, 3/9/76, 6/14/77, 7/17/78, 11/21/78, 6/19/79, 8/14/79, 9/9/80, 10/14/80, 6/23/81, 9/29/81, 7/1/83, 10/25/83, 11/13/84, 6/3/86, 10/21/86, 5/5/87, 6/14/88, 5/30/89, 2/13/90, 6/19/90, 7/30/91, 5/5/92, 9/15/92, 12/22/92, 5/4/93, 5/10/94, 7/12/94, 7/11/95, 3/12/96, 4/15/97, 6/22/99, 4/11/00, 6/13/00, 4/10/01, 4/9/02, 4/13/04, 4/12/05, 4/11/06, 4/10/07, 4/8/08)*

A. Filing Fee

1. Payment

For each Authority to Construct application, for each Permit to Operate application, and for each application to certify emission reduction credits, an applicant shall pay a Filing Fee of \$450.00.

For each Permit to Operate application for which an Authority to Construct was required but not obtained, an applicant shall pay a Filing Fee of \$900.00.

For each application to transfer ownership of a Permit to Operate, an Authority to Construct or Certificate of Emission Reduction Credits, an applicant shall pay a Filing Fee of \$225.00.

For each application for an administrative Part 70 permit amendment, an applicant shall pay a filing fee of \$450.00.

2. Refunds

a. If an application is withdrawn by the applicant, a portion of the Filing Fee will be refunded provided that the District receives a written request for withdrawal within ten (10) working days of submittal of the application. The amount of such refund shall be the lesser of:

i. The original amount of the Filing Fee minus the actual time spent on the application prior the District's receipt of the written withdrawal request times the hourly service rate for an Air Quality Engineer as approved by the Ventura County Air Pollution Control Board, or

ii. \$225.00

b. If an application is returned to the applicant as unacceptable, \$225.00 of the Filing Fee will be refunded.

B. Processing Fees

1. Payment

A permit processing fee may be assessed in addition to the filing fee.

The applicant shall be notified of the amount of the fee:

- a. When the applicant has complied with all provisions for granting the permit; or
- b. When the applicant has withdrawn the application (Note: No permit processing fee shall be assessed if the application is withdrawn within 10 days of its submittal); or
- c. When the District has informed the applicant that the application is denied.

Non-payment of the fee within 60 days from the date of personal service or mailing of the permit processing fee invoice will result in cancellation of the application.

2. Description

- a. For Authority to Construct applications or applications to certify emission reduction credits, the processing fee shall be based on the actual hours spent by District staff in evaluating the application and verifying compliance with all applicable requirements. This fee shall be assessed at the hourly service rate for an Air Quality Engineer as approved by the Ventura County Air Pollution Control Board.

The number of hours used to calculate this fee shall be 1.3 times the sum of:

- i. the number of hours spent by the Permit Engineer assigned to the application, and
- ii. the number of hours in excess of 0.5 hours spent by the Supervisor of the Permitting Section.

However, the minimum processing fee for Authority to Construct applications or applications to certify emission reduction credits shall be \$250.00.

An application which is submitted solely to add air pollution control equipment to existing equipment or to modify existing equipment to

reduce emissions, when no Emission Reduction Credits are being requested, shall be assessed a processing fee of \$150.00.

Each compliance plan submitted pursuant to 40 CFR Part 55, Outer Continental Shelf Air Regulations, shall be treated as an Authority to Construct application in accordance with this subsection.

If the amount of the processing fee is expected to exceed two thousand dollars (\$2,000), the District will, when the application is determined complete, provide the applicant with an estimate of the amount of the fee.

- b. For Permit to Operate applications, the processing fee shall be the initial permit period fees, and any applicable source test fees as described in Rule 47. For new permits, the initial permit period fees shall be calculated in the same way that renewal fees are calculated using the fee schedule in Section H of this Rule. For existing permits, the initial permit period fees shall be calculated as an adjustment to the renewal fees for the current permit period using the fee schedule in effect the last time the permit was renewed. Initial permit period fees of less than \$50.00 shall be waived.
- c. For each Permit to Operate application for which an Authority to Construct was not obtained, the processing fee shall be the sum of the fees required by subsection a and the fees required by subsection b.
- d. In addition to the fees calculated above, the processing fee for each application includes the costs for publication, reproduction, and mailing of any required public notice or documents provided by the District as part of the public participation process associated with the application. Publication and reproduction costs are the actual costs of those services and materials. Mailing costs include actual postage costs.

### 3. Refunds

No refunds of Permit Processing Fees shall be made for equipment changed or not installed after an Authority to Construct or Permit to Operate is issued.

## C. Projects Requiring a Deposit

### 1. Payment

For each Authority to Construct application submitted for a project as defined below, and for each Permit to Operate application submitted for such project for which no Authority to Construct is required, an applicant shall pay a deposit of two thousand dollars (\$2,000.00) at the time the application is submitted. Such deposit shall be in addition to the filing fee required in Section A of this Rule.

This deposit shall be applied toward the permit processing fee. If the fee is larger than the deposit, the difference shall be paid to the District prior to the issuance of the Authority to Construct, or prior to the issuance of the Permit to Operate if no Authority to Construct is required. If the fee is less than the deposit, the difference shall be returned to the applicant.

The deposit described above shall be required for the following projects:

- a. Any cogeneration project
- b. Any resource recovery project
- c. Any project involving the land disposal of reactive organic compounds.
- d. Any project involving the disposal, by incineration, or other thermal process, of hazardous, toxic, or infectious wastes.
- e. Any project which is expected to emit 25 tons, or more, per year of any pollutant, or which is expected to increase the emissions of any pollutant from an existing facility by 25 tons, or more, per year.
- f. Any project for which the evaluation is expected to take 25 hours or more.
- g. Any project for which it is expected that the permit processing fees will be \$2,500 or more.

## 2. Refunds

Notwithstanding any other provision, the withdrawal, by the applicant, of an application which has been accompanied by a deposit shall result in a refund of the unused portion, if any, of said deposit. The portion not refunded will be retained by the District and will be based on the calculation procedures described in Section B of this Rule.

## D. Air Quality Impact or Health Risk Assessment Review Fee

Applicants for an Authority to Construct or a Permit to Operate which requires evaluation under Rule 26.2.C or which requires evaluation of a health risk assessment shall, in addition to the applicable filing and permit processing fees, pay a fee equal to 1.3 times the hourly service rate for an Air Quality Engineer as approved by the Ventura County Air Pollution Control Board for the actual hours spent reviewing the air quality impact analysis or the health risk assessment. If the amount of this fee is expected to exceed two thousand dollars (\$2,000), the District will, when the application is determined complete, provide the applicant with an estimate of the amount of the fee. The fee shall be payable prior to permit issuance.

E. Permit Modification Fee

A person seeking the modification of a Permit to Operate shall pay a fee based on Section B of this Rule for any new, modified, replacement or relocated emission units, and for any existing emission units on that permit which requires reevaluation because of the modification. No fee shall be charged for relocated emission units where the new location is no more than five miles from the previous location and there is no emission increase. The fee shall be payable prior to permit issuance.

F. (Reserved)

G. Revisions to Applications

In the event an applicant requests that an Authority to Construct application be revised prior to issuance, or requests a revision to the Authority to Construct at the time a Permit to Operate application is submitted, the APCO may take one of the following actions:

1. Accept the revision for evaluation with the current application.
2. Not accept the revision for evaluation with the current application, and request that the applicant submit an additional application which would address the revision.

The applicant shall be assessed a processing fee for the additional time expended resulting from the application revision. The processing fee shall be assessed at the hourly service rate for an Air Quality Engineer as approved by the Ventura County Air Pollution Control Board, and the actual time spent by District staff times 1.3. The fee shall be payable prior to permit issuance.

H. Renewal Fee

Prior to renewal pursuant to Rule 30, the permittee shall pay a renewal fee based on the permitted emissions calculated pursuant to Rule 29.

Hourly carbon monoxide (CO) emissions occurring solely as a result of rocket motor testing are exempt from annual permit renewal fees.

The annual permit renewal fee for an emergency internal combustion engine shall be limited to the larger of either: 1) the minimum renewal fee, or 2) a fee in which the dollars per Lb/Hr component does not exceed 10 times the dollars per Ton/Yr component.

The renewal fee shall be based on the following schedule plus annual CPI adjustments directed by the Board after 6/30/2000:

<u>Air Contaminant</u>	<u>Dollars per Ton/Yr</u>			<u>Dollars per Lb/Hr</u>	
	<u>Effective Dates</u>			<u>Effective Dates</u>	
	<u>Through 6/30/2008</u>	<u>After 6/30/2008</u>		<u>Through 6/30/2008</u>	<u>After 6/30/2008</u>
Reactive Organic Compounds (ROC)	\$81.00	\$87.50	+	\$81.00	\$87.50
Nitrogen Oxides (NOx)	\$81.00	\$87.50	+	\$81.00	\$87.50
Particulate Matter (PM)	\$61.00	\$66.00	+	\$61.00	\$66.00
Sulfur Oxides (SOx)	\$41.00	\$44.25	+	\$41.00	\$44.25
Carbon Monoxide (CO)	\$ 8.50	\$ 9.00	+	\$ 8.50	\$ 9.00
Other Pollutants	\$61.00	\$66.00	+	\$61.00	\$66.00

The permit renewal fee, however, shall not be less than a minimum fee calculated using the following method. Determine which pollutant among ROC, NOx, PM or SOx has the largest annual permitted emissions. Use the annual permitted emissions of that pollutant to determine the minimum fee from the following table. For a facility with no permitted emissions of any of these pollutants, the minimum fee shall be the lowest fee in the following table effective at the time of the permit renewal plus annual CPI adjustments directed by the Board after 6/30/2000.

<u>Permitted Emissions</u>	<u>Minimum Renewal Fee</u>	
	<u>Effective Dates</u>	
	<u>Through 6/30/2008</u>	<u>After 6/30/2008</u>
Less than 5 tons/year	\$ 471.00	\$ 509.00
Less than 10 tons/year	\$ 942.00	\$1,017.00
Less than 15 tons/year	\$1,412.00	\$1,525.00
Less than 20 tons/year	\$1,883.00	\$2,034.00
Less than 25 tons/year	\$3,767.00	\$4,068.00
Equal to or more than 25 tons/year	\$9,417.00	\$10,170.00

In accordance with state law, the Board may annually, at a scheduled meeting, direct an adjustment to the renewal fee rates not greater than the change in the California Consumer Price Index for the preceding year. Any fee rate adjustment greater than the

change in the CPI must be adopted by the Board in a duly noticed public hearing. Board-directed CPI fee rate adjustments shall take effect on the following July 1. The Air Pollution Control Officer shall annually advise the Board whether the CPI adjustment will be necessary based on District funding requirements and Board policy.

The renewal fee due date shall be the permit expiration date or sixty days after the mailing of the notice of renewal fee due, whichever is later. For a Part 70 Permit, the due date shall be sixty days after the notice of renewal fees due. If the renewal fee is not received by the due date the Permit to Operate will be void on that date.

If a source will be non-operational during the permit period for the renewed permit, the permittee may pay a non-refundable fee equal to a minimum renewal fee based on no permitted emissions. To exercise this option, the permittee shall submit a written request to the Air Pollution Control Officer. Prior to resuming operation of a non-operational source, the permittee shall pay the regular renewal fee in full.

A person requesting reinstatement of a Permit to Operate which has been voided due to nonpayment of the renewal fee, shall pay the renewal fee plus the late fee prescribed below.

During the first 30 day period after the due date, the late fee shall be an amount equal to thirty percent (30%) of the renewal fee. For each additional 30 day period, or portion thereof, between the due date and the date of payment, the late fee shall be increased by an amount equal to ten percent (10%) of the renewal fee. In no case shall the late fee exceed one hundred percent (100%) of the renewal fee.

The late fee shall be waived if the renewal fee is paid within the first 10 calendar days after the receipt of the certified notice that the permit is void. The late fee shall also be waived if the renewal fee is paid by a new owner or operator at the time of transfer of ownership.

I. Duplicate Permit Fee

A request for a duplicate Permit to Operate shall be made in writing to the Air Pollution Control Officer within ten (10) days after the destruction, loss, or defacement of a permit. The fee for issuance of a duplicate permit shall be \$50.00.

J. Atmospheric Acidity Protection Program Fee (Repealed 6/22/99)

K. California Clean Air Act Fee (Repealed 4/13/04)

L. Rule 59 Meteorological Support Fee (Repealed 9/15/92)

M. Air Toxics "Hot Spots" Program Fees (Repealed 4/15/97)

N. Flaring Excess Emission Fee

1. Applicability

Section N of this rule shall apply to any source whose operation causes the flaring of gas that contains sulfur compounds in excess of the limits in Section B.1 of Rule 54.

2. Assessment of Fee

Each operator shall pay a fee in the amount of \$5.00 per pound of excess sulfur compound emitted (calculated as sulfur dioxide) for each calendar year. For each source, an SO<sub>2</sub> emission is considered to be excess when and after its flaring gas volume allowance has been exceeded during the calendar year. The flare gas volume allowance is 91 percent of the average of the two highest, consecutive annual flare gas volumes in the preceding 5 years. The operator shall submit records indicating the amount of gas flared annually in the preceding 6 years and any excess sulfur emissions for the previous year. These records are initially due October 12, 1994, and every January 15, thereafter.

3. Billing

Each year, the District shall notify the operator in writing of the total assessment pursuant to Subsection N.2 of this Rule for the previous year. The operator shall remit the fee to the District within 60 days of the date of the invoice.

4. Late Fees

Fees not paid within 60 days after the receipt of the fee assessment notice will be considered past due. If an operator fails to pay the fee within 60 days of this notice, the District shall assess a late fee of 100 percent of the assessed fee, except that the amount of the late fee shall not exceed \$500.00. If an operator fails to pay the fee within 120 days after receipt of the fee assessment notice, the District may initiate permit revocation proceedings. If any permit is revoked, it shall be reinstated only upon full payment of the overdue fee plus any late fee, and a reinstatement fee of \$60.00 to cover administrative costs of reinstating the permit.

O. Part 70 Compliance Certification Fee

Any person who submits a Part 70 Compliance Certification pursuant to Section C of Rule 33.9 shall pay a fee based on the actual hours spent by District staff reviewing and approving the compliance certification. The fee shall be assessed at the hourly service rate for an Air Quality Engineer as approved by the Ventura County Air Pollution Control Board, times 1.3.