

NORTH COAST AIR QUALITY MANAGEMENT DISTRICT

Rule 415 Fees for Testing, Emission Analysis & Monitoring Services (Recodified May 19, 2005).

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RULE 415 FEES FOR TESTING, EMISSION ANALYSIS & MONITORING SERVICES

- 1.0 AUTHORITY TO OBTAIN INFORMATION:** When the Air Pollution Control Officer finds that any inspection, test, or analysis, including any source testing of emissions is necessary to determine the nature, extent, or amount of pollutants being discharged into the atmosphere, or to determine compliance with permit conditions or with any State or local law, order, rule or regulation relating to air pollution, including potential emissions which may endanger the health, comfort or repose of the public or which may have a tendency to cause injury or damage to business or property, the Air Pollution Control Officer may order the inspection of a source or its records, collection of emission samples, or the analysis or evaluation of such samples by qualified personnel of the District, or by an independent contractor selected by the Air Pollution Control Officer if qualified District personnel are not available.

No person shall fail or refuse to comply fully with the terms of any order issued by the Air Pollution Control Officer.

2.0 SERVICES:

- 2.1** The Air Pollution Control Officer may undertake or order the collection, testing or analysis of emissions pursuant to this rule, to determine compliance with permit conditions, State or local law, order, rule or regulation relating to air pollution.
- 2.2** The Air Pollution Control Officer may undertake or order the auditing of continuous emission monitoring equipment to determine the accuracy and precision of the instrument(s) used to measure emissions from a source on a continuous basis.
- 2.3** The Air Pollution Control Officer may undertake special studies, i.e., ambient monitoring, collection of meteorological data, to assess a source's emissions impact on air quality.
- 2.4** Nothing in this rule shall be construed to prevent the Air Pollution Control Officer from assessing fees for multiple testing, or for multiple samples and analyses, where the same is

necessary to determine compliance with any federal, State or local law, order, rule or regulation relating to air pollution including potential emissions which may endanger the health, comfort or repose of the public.

I **2.5** If any of the analyses or tests conducted pursuant herewith indicate that the subject source is not in compliance or raise reasonable doubt of the source complying with all federal, State and local regulations, the Air Pollution Control Officer may require additional analyses and/or testing as he determines necessary and may also include use of an independent tester for such additional tests. In such event, the owner or operator shall pay for each additional test accordingly.

3.0 FEES: The owner or operator of the subject premises shall pay the full costs of such services for which the said sum is not to exceed the actual cost for preparation, sample collection, sample analysis, materials and report preparation.

For the purposes of this rule the associated cost of analysis, emissions testing, CEM audits and special studies performed by the District shall be recovered and calculated at the rate of \$75.00 per hour, plus materials, laboratory analysis and the cost of any needed testing equipment. The staff activities and time involved include, planning and preparation for testing, equipment calibration, testing/sample collection time, sample analysis and preparation of a written report.

Payment for such services shall be made in full by the owner or operator of the premises within 30 days of notification thereof by either the District or the independent contractor conducting the activities.

4.0 APPEAL RIGHTS: Any owner or operator of a source subject to the provisions of this rule, and who is dissatisfied with any requirements of, or determination or finding made by the Air Pollution Control Officer concerning the implementation of any part of this rule, may within 30 days of notification of the respective requirement, determination or finding thereof, petition the District Hearing Board to review the issue at question seeking relief from or modification of the subject requirement, determination or finding made by the Air Pollution Control Officer. In such event the provisions of Chapter VI - Procedure before the Hearing Board shall apply.