

BUTTE COUNTY AIR QUALITY MANAGEMENT DISTRICT

**RULE 511 – DELINQUENCY PENALTIES/LATE FEES**

*(Adopted June 24, 1999; Recodified August 22, 2002, Amended June 23, 2005)*

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## **RULE 511**

- 1 DELINQUENT FEE:** If any fee payment required pursuant to Rules 500, 501, 502, 503, 504, 505 and 510 of this Regulation is not submitted within 30 days of the issuance date of the Butte County Air Quality Management District's (DISTRICT) billing statement, it shall be considered delinquent, and penalties for the delinquency shall be imposed as set forth below.
- 2 TIMELY PAYMENT OF FEES:** For purposes of this Rule, any fee payment shall be considered to be timely if it is postmarked on or before the 30<sup>th</sup> day following the statement issuance date. If the 30<sup>th</sup> day falls on a Saturday, Sunday, or holiday, the fee payment may be postmarked on the next business day with the same effect as if it had been postmarked on the 30<sup>th</sup> day.
- 3 DELINQUENCY NOTICE:** If no fee payment is submitted within the time prescribed in Section 2 above, a delinquency notice shall be mailed to the permittee with notification that a delinquency penalty will be assessed if payment is not received on or before the 60<sup>th</sup> day from the date the fee was assessed.
- 4 DELINQUENCY PENALTY:** If no fee payment is submitted within the time prescribed in Section 3 above, a delinquency penalty of 25 percent of the amount of the billed fee, to a maximum of \$500, shall be added to the amount of fee due, and the permittee shall thereupon be notified by mail of the increased fee.
- 5 IMPROPER PAYMENT OF FEES:** If a fee payment is timely paid, but the tendered amount is less than the amount due, the payment shall not be accepted, and the time for proper payment continues to run.
- 6 ADDITIONAL DELINQUENCY PENALTIES:** If any fee payment is delinquent and the fee plus the delinquency penalty is not received within 30 days of the DISTRICT's notification pursuant to Section 4 above, the delinquency penalty shall be increased to 50 percent of the original amount due, to a maximum of \$1,000, and the permittee shall thereupon be notified by mail of the increased fee.
- 7 PERMITTEE DEFAULT** If, in the case of a failure to pay permit fees required pursuant to Rule 500 and Rule 505, the delinquent fee plus penalties assessed pursuant to Section 6 above are not received within 30 days of the date of the DISTRICT's notification, the permittee shall be considered to be in default of its permit fee obligation and in violation of this Rule. In such case the DISTRICT shall immediately notify the applicant that its Permit to Operate or Authority to Construct is denied and that further operation of the subject equipment without a valid permit is prohibited. Such denial shall not preclude the applicant from submitting another permit application and beginning the process anew, although the delinquent fee and penalty shall become an obligation owing to the DISTRICT, which may be recovered along with any permit fee from such new application.

In the event the person whose permit has expired applies for a new permit, the unpaid annual renewal fee portion of this delinquent fee shall be prorated from the original permit's annual renewal date to the date of billing for the replacement permit and added to the permit fee for the replacement permit.

- 8 DELINQUENT FEES - PERMITS ISSUED BY HEARING BOARD:** If, in the case of a failure to pay the permit fee for a permit issued by the DISTRICT Hearing Board, the delinquent fee plus penalty assessed pursuant to Section 4 of this Rule is not received within 30 days of the date of the DISTRICT's notification, the delinquency penalty shall be increased to 50 percent of the original amount due, to a maximum of 50 percent of the original amount due, to a maximum of \$1,000, and the permittee shall be thereupon be notified by mail of the increased fee.
- 8.1** If the delinquent permit fee plus penalties assessed pursuant to Sections 4 and 8 of this Rule are not submitted within 30 days of the DISTRICT's notification, the permittee shall be in default of its fee obligation and in violation of this Rule. In such case, the Air Pollution Control Officer (APCO) shall petition the DISTRICT Hearing Board to hold a hearing to determine whether any or all of the facility's permits should be revoked pursuant to California Health and Safety Code Section 42307.
- 8.2** After the DISTRICT has initiated a permit revocation action through the filing of an accusation with the DISTRICT Hearing Board, but before the revocation hearing is held, the permittee may still cure its default by submitting all outstanding fees, plus delinquency penalties and a \$150 revocation initiation fee.
- 8.3** If any Permit to Operate is revoked by the DISTRICT Hearing Board on account of such default, it may be reinstated or replaced with a new permit, upon written request of the permittee and upon payment of all outstanding fees, penalties, revocation initiation fee, and a reinstatement fee of \$250.
- 9 EXTENSION OF PAYMENT PERIOD BY THE APCO:** The 30-day payment period for fee payment required pursuant to Section 2 of this Rule may be extended for extraordinary circumstances at the discretion of the APCO. The adequacy of cause to extend the period shall be decided on a case-by-case basis by the APCO.
- 10 WAIVER OF PENALTY BY THE APCO:** The penalty for fee delinquency may be waived for extraordinary circumstances at the discretion of the APCO. The adequacy of cause to waive the penalty shall be decided on a case-by-case basis by the APCO.