

LASSEN COUNTY AIR POLLUTION CONTROL DISTRICT

RULE 3:6 - EVALUATION FEE

ADOPTED 10/01/1971, AMENDED 01/11/2011

1. Every applicant for an Authority to Construct or Permit to Operate shall pay an engineering and technical evaluation fee. The fee shall be calculated by the District Board on the actual labor, overhead, and general and administrative expenses of the District, including any expenses incurred by the District in preparing or reviewing so air quality analysis under the California Environmental Quality Act (Public Resources Code Sections 21000 et seq.), incurred in connection with the evaluation. The fee shall be paid whether or not an application is approved.
2. In lieu of requiring payment of the evaluation fee after issuance of a permit, the Air Pollution Control Officer may require an applicant to make a deposit, as a condition to determining that an application is complete, equivalent to the estimated cost of evaluation. Any such deposit shall be maintained in a separate account maintained by the District. The applicant shall promptly submit additional funds to the District upon notification by the Control Officer that the cost of evaluation has exceeded the original deposit and payment of such amount may be made a condition of issuance of the Authority to Construct or Permit to Operate. If the deposit exceeds the actual cost of evaluation, the District shall refund the surplus funds to the applicant upon taking final action on the application
3. If after mutual agreement by the APCO and the Applicant, it is determined that, due to a large demand on District staff time or due to the complex technical nature of the application, additional studies or evaluations are needed in order to process the Authority to Construct or Permit to Operate application, outside engineering review assistance shall be obtained by the District and shall be paid for by the applicant, as specified in Section 2.
4. When outside engineering review assistance is to be obtained by the District, the APCO shall submit a Request for Proposal to at least three (3) qualified consulting firms for evaluation by both the APCO and the Applicant. Final selection for outside engineering review and evaluation shall be mutually agreed upon by the APCO and the applicant. A trust account shall be established by the applicant in the amount of the firm's proposal. Expenditures in excess of funds in the trust account shall not be made, except by mutual consent of the APCO and the Applicant and only when necessary to complete the permit review process. Any of the provisions in Sections 3 and 4 may be waived by mutual consent of the APCO and the Applicant.
5. In the event the APCO and the Applicant cannot reach mutual agreement on any matter where agreement is called for in Sections 3 and 4, the District Control Board shall determine what action is to be taken.
6. The Air Pollution Control Officer may also assess a fee for engineering or technical evaluation services provided to any holder of a District permit, not to exceed the District's actual costs, as specified under Section 1 above.

7. The APCO and the Applicant shall mutually develop a budget detailing expenditures involved with the permit review process. The APCO shall provide the applicant or permit holder with a full accounting of the costs actually incurred by the District in connection with the District's evaluation services.

8. DISTRICT HOURLY LABOR RATE- Any person requesting that the District undertake or perform any of the activities in this Rule shall pay for the full cost of such activity as incurred by the District. Such costs shall include staff time, materials, mileage, etc. Staff time shall be charged at the rate of \$62.99 per hour. Overtime shall be charged at one and a half (1.5) times the staff time rate.