

**MONTEREY BAY UNIFIED AIR POLLUTION CONTROL DISTRICT
REGULATION III
FEES**

RULE 310. AGRICULTURAL DIESEL ENGINE REGISTRATION FEES

(Adopted May 16, 2007; Revised June 18, 2008; June 30, 2010; June 15, 2011; June 18, 2014; and Proposed for Adoption June 17, 2015.)

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PART 1 GENERAL

1.1 Purpose

The purpose of this Rule is to provide funding for the issuance and enforcement of Registrations for Agricultural Diesel Engines.

1.2 Applicability

The provisions of this Rule shall apply to any facility that is required to apply for and maintain a Diesel Engine Registration pursuant to Rule 220 (Agricultural Diesel Engine Registration).

1.3 Exemptions

Reserved.

1.4 Effective Dates

This Rule is effective on July 1, 2015.

Effective July 1, 2015, all District fees contained in this Rule shall be adjusted (rounded to the nearest half dollar) by the prior calendar years annual Revised Consumer Price Index (CPI) for All Urban Consumers as published by the United States Department of Labor, Bureau of Labor Statistics for All Consumers for the San Francisco statistical area. Notwithstanding the foregoing, in no event shall the permit fee be decreased and in no event shall any increase exceed 4% per annum, without formal action by the Air Pollution Control Board.

1.5 References

The requirements of this Rule arise from the provisions of Health and Safety Code Sections 39656, 39659, and 39666. Referenced or related District Rules include: 220 (Agricultural Diesel Engine Registration); and 1010 (Air Toxic Control Measure for Stationary Compression Ignition Engines).

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PART 2 DEFINITIONS

2.1 Air Pollution Control Officer (APCO)

The Air Pollution Control Officer for the Monterey Bay Unified Air Pollution Control District.

2.2 District

The Monterey Bay Unified Air Pollution Control District (MBUAPCD).

2.3 In-Use Diesel Engine

A diesel engine that is not a New Diesel Engine.

2.4 New Diesel Engine

A diesel engine that is purchased on or after March 1, 2008.

2.5 Owner or Operator

Any person subject to the requirements of this Rule, including but not limited to:

2.5.1 an individual, trust, firm, joint stock company, business concern, partnership, limited liability company, association, or corporation including but not limited to, a government corporation; and

2.5.2 Any city, county, district, commission, the state or any department, agency, or political subdivision thereof, any interstate body, and the federal government or any department or agency thereof to the extent permitted by law.

PART 3 REQUIREMENTS

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3.1 Application Fees

3.1.1 Every applicant for an in-use diesel engine registration shall pay the following fees:

3.1.1.1 \$366 for the first engine and \$183 for each additional engine registered to the same owner or operator if the applications are submitted to the District after February 29, 2008.

3.1.2 Every applicant for a new diesel engine registration shall pay the following fees:

3.1.2.1 \$183 for the first engine and \$91 for each additional engine registered to the same owner or operator provided the application(s) are submitted to the District within 90 days of purchase.

3.1.2.2 \$366 for the first engine and \$183 for each additional engine registered to the same owner or operator if the applications are not submitted to the District within 90 days of purchase.

3.2 Annual Registration Fees

The owner or operator of each individual operational diesel engine which is registered shall pay an annual registration fee of \$67. The owner or operator of each individual non-operational diesel engine which is registered shall pay an annual registration fee of \$34.

These fees will be billed annually in the month of July and shall be due and payable 30 days after a statement is issued by the District. In the event all or part of the fee prescribed in the statement is not paid in accordance with these provisions within this 30-day period, the penalties prescribed by Section 4.2 of this Rule shall apply.

PART 4 ADMINISTRATIVE REQUIREMENTS

4.1 Information Requests

All owners or operators subject to this Rule shall complete any Information Requests provided by the District within the time period specified in the Request. Failure to timely complete and submit the Request may result in suspension of the Registration.

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4.2 Registration Fee Penalties

If any fee payment required pursuant to Part 3 of this Rule is not submitted within 30 days of the issuance date of the District's billing statement, it shall be considered delinquent, and penalties for the delinquency shall be imposed as set forth below.

- 4.2.1 For purposes of this Part any fee payment shall be considered to be timely if it is postmarked on or before the 30th day following the statement issuance date. If the 30th 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 30th day.
- 4.2.2 If no fee payment is submitted within the time prescribed by Section 4.2.1, a delinquency penalty of 50 percent of the amount of the billed fee, to a maximum of \$5,000, shall be added to the amount of the fee due.
- 4.2.3 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.
- 4.2.4 If a fee payment is delinquent and the fee plus the delinquency penalty is not received within 60 days of the issuance date of the District's billing statement, the delinquency penalty shall be increased to 75 percent of the original amount due, to a maximum of \$7,500.
- 4.2.5 If, in the case of a failure to pay the annual fees required pursuant to Part 3, the delinquent annual fees plus penalties assessed pursuant to Section 4.2.4 are not submitted within 90 days of the issuance date of the District's billing statement, the Registration shall automatically expire for failure to renew. In such case, the District shall immediately notify the Owner or Operator that the Registration has expired and that further operation of the equipment without a valid registration is prohibited. Such expiration shall not preclude the Owner or Operator from submitting an application for a replacement Registration, although the delinquent fee and penalty shall become an obligation owing to the District, which may be recovered along with any Registration fee from such new application.

4.3 Extension of Payment Period by the APCO

The 30-day payment period for fee payment required pursuant to Part 3 of this Rule may be extended for extraordinary circumstances at the discretion of the Air Pollution Control Officer (APCO). The adequacy of cause to extend the period shall be decided

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on a case-by-case basis by the APCO.

4.4 Waiver of Penalty by the APCO

The penalty for fee delinquency may be waived for extraordinary circumstances at the discretion of the APCO, provided that there have been no prior delinquencies. The adequacy of cause to waive the penalty shall be decided on a case-by-case basis by the APCO.

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