

## Rule 302 Other Fees

### (A) General

#### (1) Purpose

- (a) This rule sets forth fees which may be charged for various activities, documents and services, including but not limited to, provision of publications, performing analysis, filing, evaluation and enforcement of plans and State Mandated Fees.

#### (2) Applicability

##### (a) This rule applies to

- (i) Any person subject to a fee listed herein.
- (ii) Any of the following governmental entities subject to a fee listed herein.
  - a. Federal, state and local government agencies or public districts shall pay the fees to the extent allowed pursuant to the provisions of Chapter 2, Division 7, Title 1 of the Government Code (commencing with Section 6103); Part 4, Division 26 of the Health and Safety (H&S) Code (commencing with Section 41500) and Part 6, Division 26 of the H&S Code (commencing with Section 44300).

### (B) Definitions

The definitions contained in District Rule 102 shall apply unless the term is otherwise defined herein:

- (1) “Demolition Project” – The wrecking or taking out of any load-supporting structural member of a Structure subject to 40 CFR 61, Subpart M together with any related handling operations, or the intentional burning of such Structure.
- (2) “Installation” – Any building or structure or any group of buildings or structures at a single Demolition Project or Renovation Project site that are under control of the same owner or operator (or owner or operator under common control).
- (3) “Plan or Report” – A document required to be submitted to the District by District rule or regulation; or state or federal law or regulation, providing a description of actions or procedures necessary to accomplish the particular objective and containing those items set forth in the underlying requirement.

- (4) “Source Test Protocol” – A test work plan or protocol includes a process description, field sampling methods, analytical test methods, test schedules, equipment calibration and a results presentation format used to determine the type and quantity of pollutants emitted from sources by sampling the effluent stream.
- (5) “Source Test Report” – A document that provides the analytical results from an emission source test used to determine the type and quantity of pollutants emitted from sources by sampling the effluent stream. The report should contain an executive summary, field sampling methods, analytical test methods, equipment calibration and a results presentation to determine the type and quantity of pollutants emitted from sources by sampling the effluent stream.
- (6) “Structure subject to 40 CFR 61, Subpart M” – Any institutional, commercial, public, industrial, or residential structure, Installation, or building (including any structure, Installation, or building containing condominiums or individual dwelling units operated as a residential cooperative, but excluding residential buildings having four (4) or fewer dwelling units); any ship; and any active or inactive waste disposal site. For the purposes of this definition, any building, structure, or Installation that contains a loft used as a dwelling is not considered a residential structure, installation, or building. Any structure, Installation or building that was previously subject to 40 CFR 61, Subpart M is not excluded, regardless of its current use or function.
- (7) “Renovation Project” – Altering a Structure subject to 40 CFR 61, Subpart M or one or more Structure(s) subject to 40 CFR 61, Subpart M components in any way, including the removal of asbestos-containing material from a Structure subject to 40 CFR 61, Subpart M component. Operations in which load-supporting structural members are wrecked or taken out are Demolition Projects.

(C) Payments, Adjustments and Refunds

- (1) Fees shall be paid when due as specified herein.
  - (a) Analysis Fees and Monitoring Device Fees
    - (i) Analysis and Monitoring Device fees shall be invoiced as follows:
      - a. Directly by the entity retained by the District to perform the test and or analysis;
      - b. By the District within thirty (30) days of receipt of an invoice by the District for testing and/or analysis services;  
or
      - c. By the District within thirty (30) days of completion of the analysis of testing methodology and review of test results.
    - (ii) If invoiced by the District, the person ordered to provide the analysis or test by the Air Pollution Control Officer (APCO) will be notified by First Class mail of the amount to pay and the due date of the invoice.

- (iii) If the fee is not paid within thirty (30) days of the due date of the invoice shall constitute grounds for the denial, revocation or suspension of all permits to operate at sources subject to permit requirements and shall constitute a violation of this rule for any source, whether or not subject to permit requirements.
- (b) Asbestos Demolition/Renovation Fees
  - (i) Asbestos Demolition/Renovation Fees shall be paid at the time of the submittal of the Demolition or Renovation notification.
  - (ii) Permit fees for Air Pollution Control Devices shall be paid pursuant to the provisions of District Rule 301.
  - (iii) If subsequent charges for Asbestos Demolition/Renovation Fees apply the District shall be invoiced within ten (10) days of the change resulting in the subsequent charges as follows:
    - a. The invoice shall be sent via First Class mail to the person submitting the notification at the address listed therein.
    - b. Payment of the fees shall be due thirty (30) days from the date of mailing.
    - c. If the fee is not paid within thirty (30) days of the due date of the invoice shall constitute grounds for the denial, revocation or suspension of all permits to operate at sources subject to permit requirements and shall constitute a violation of this rule for any source, whether or not subject to permit requirements.
- (c) Asbestos Waste Disposal Site Fees
  - (i) Asbestos Waste Disposal Site Fees shall be invoiced and paid at the same time and in the same manner as permit fees set forth in District Rule 301.
- (d) Certificate of Occupancy Fee
  - (i) Certificate of Occupancy Fee, if applicable, shall be paid prior to delivery of the official documentation showing the District's approval of the Certificate of Occupancy.
- (e) Emission Reduction Credit (ERC) Fees
  - (i) The initial fee for the issuance, encumbrance, transfer or reclassification of ERCs shall be paid upon submission of the application for issuance, encumbrance, transfer or reclassification.
  - (ii) Analysis fees, if applicable, for the issuance of ERCs shall be invoiced within ten (10) days of the completion of the analysis as follows:
    - a. The invoice shall be sent via First Class mail to the applicant.
    - b. Payment of the fees shall be due thirty (30) days from the date of mailing.

- c. If the fee is not paid within thirty (30) days of the due date of the invoice shall refrain from issuing the ERCs.

(f) Plan and Report Fees

- (i) Plan and Report filing and evaluation fees shall be paid at the time of submission of the Plan or Report.
- (ii) If a Plan or Report analysis exceeds ten (10) hours of District staff time then the District shall invoice the fee within ten (10) days of completion of the analysis but prior to the issuance of the approval of the Plan or Report.
  - a. The invoice shall be sent via First Class mail to the contact person indicated in the Plan or Report.
  - b. Payment of Plan or Report analysis Fee shall be due in thirty (30) days from the date of mailing.
  - c. If the fee is not paid within thirty (30) days of the due date of the invoice then the District shall refrain from approving the Plan or Report.
- (iii) If a Plan or Report requires an annual renewal the District shall invoice the renewal fee at least thirty (30) days prior to the expiration date.
  - a. The invoice shall be sent via First Class mail to the contact person indicated in the Plan or Report.
  - b. Payment of annual review fee shall be due in thirty (30) days from the date of mailing.
  - c. Fees not paid within thirty (30) days of the due date of the invoice shall constitute grounds for the denial, revocation or suspension of all permits to operate at sources subject to permit requirements and shall constitute a violation of this rule for any source, whether or not subject to permit requirements.

(g) Publication Fees

- (i) Publication fees shall be paid prior to the delivery of the publication requested.

(h) State Mandated Fees

- (i) State Mandated Fees shall be due and paid as specified in the regulation which imposes the mandate and allows the District to collect the state imposed fees for such mandate.

(2) Credit Card Payments

- (a) Fees may be paid by credit card directly from the District website.
- (b) If any person wishes to pay using a credit card, the person shall also pay any costs imposed by the company processing the credit card transaction.

- (3) Refunds
  - (a) Fees set forth in this rule are non-refundable unless otherwise listed below.
  - (b) Asbestos Fee Refunds
    - (i) Applicants who have paid Asbestos Fees and submitted a notification for a project that is subsequently not accomplished, may request a refund of the fee.
    - (ii) The amount of the refund shall be calculated as the fee paid minus any amount expended by the District in labor to review, analyze, inspect or otherwise deal with the notification at the hourly labor rate specified in District Rule 301 subsection (C)(2)(c)(i) or the fee paid minus one (1) hour at the specified labor rate, whichever amount is less.
  - (c) ERC Fee Refunds
    - (i) If an application for the issuance of ERCs is withdrawn by the applicant within sixty (60) days of the date of the submittal of the application, the applicant shall be entitled to a refund of sixty percent (60%) of the application fee.
- (4) Service Charge for Returned Checks
  - (a) Any person who submits a check to the District on insufficient funds or on instructions to stop payment on the check, absent an overcharge or other legal entitlement to withhold payment, shall be subject to a \$25.00 service charge.

(D) Analysis Fees

- (1) Any person ordered by the APCO to provide an analysis of materials used by, or the determination of emissions from, any source of air contaminants shall pay all direct costs associated with such tests as invoiced by the entity which is retained by the District or retained by the owner/operator to perform the tests.
- (2) Any owner or operator of a facility from whom the District collects a sample shall pay all direct costs associated with such tests as invoiced by the entity which is retained by the District to perform the tests.
- (3) Any person subject to the provisions of subsection (D)(1) or (2) above shall also be assessed a fee for the reasonable time required by District staff to review the testing methodology and results.
  - (a) Such fee shall be calculated at the hourly labor rate specified in District Rule 301 subsection (C)(2)(c)(i) plus actual expenses.
- (4) Data and sample collection methods, analysis methods and the qualifications of testing personnel or firms shall be determined by the APCO.

(E) Asbestos Demolition/Renovation Fees

- (1) Any person who is required by the provisions of the National Emissions Standards for Hazardous Air Pollutants (NESHAP) for Asbestos as set forth in 40 Code of Federal Regulations, Part 61 (40 CFR 61), Subpart M, (and as adopted by reference in District Rule 1000 subsection (C)(2)(m)) to submit a written notice of intention to demolish, including but not limited to Demolitions Projects where no asbestos is present, and/or Demolition Projects by fire, shall pay a fee of \$132.00.
  - (a) This fee may be waived by the APCO in those cases where a single notification is submitted for a Renovation and subsequent Demolition on the same building, provided that the notification meets all the requirements of 40 CFR 61, Subpart M for both projects.
- (2) Any person who is required by the provisions of the National Emissions Standards for Hazardous Air Pollutants (NESHAP) for Asbestos as set forth in 40 Code of Federal Regulations, Part 61 (40 CFR 61), Subpart M, (and as adopted by reference in District Rule 1000 subsection (C)(2)(m)) to submit a written notice of intention to renovate or abate shall pay a fee calculated as follows:
  - (a) For Renovation projects involving the removal or stripping of more than 260 linear feet of pipe but less than 1,600 linear feet of pipe; or more than 160 square feet of material but less than 1,000 square feet of material, a fee of \$289.00, except as noted in subsection (E)(3).
  - (b) For Renovation projects involving the removal or stripping of 1,600 linear feet or more of pipe but less than 8,000 linear feet of pipe; or 1,000 square feet or more of material but less than 5,000 square feet of material, a fee of \$499.00, except as noted in subsection (E)(3).
  - (c) For Renovation projects involving the removal or stripping of 8,000 linear feet or more of pipe or 5,000 square feet or more of material, a fee of \$499.00 plus \$210.00 for each 8,000 linear feet of pipe or fraction thereof over 8,000 linear feet of pipe and for each 5,000 square feet of material or fraction thereof over 5,000 square feet of material, except as noted in subsection (E)(3).
- (3) Calculation of Linear Footage
  - (a) Where the outside diameter of piping insulation (wrapping) is greater than 2.35 inches, the calculation of linear footage of pipe shall be converted to square footage, the square footage of material involved to be calculated using the following equation:

$$A = \frac{3.14159 \times L \times D}{12}$$

Where:

- A = Area in square feet
- L = Linear length of piping in feet
- D = Outside diameter of pipe insulation (wrap) in inches

Such projects shall thereafter be evaluated in terms of square footage and the appropriate fee determined on the basis of total amount of material in square feet.

(4) Permit Requirements

- (a) Each High-Efficiency Particulate Arrestance (HEPA) filter or other control device used to ventilate a work area must obtain a Permit to Operate and pay the applicable fees pursuant to District Rule 301 subsections (C)(1) and (E)(7)(h) for an air pollution control device. This permit is good for one (1) year from the date issued and may be used on any project within the District as long as the project notification contains a copy of the Permit to Operate.

(5) Subsequent Charges

- (a) If in the course of a Renovation Project pursuant to 40 CFR 61, Subpart M, it is determined that the project involves the removal or stripping of material such that the project requires a greater fee than was initially proposed, the owner or operator shall pay the balance of the fee.
- (b) If an owner/operator fails to report a change in any date as required by Rule 40 CFR 61, Subpart M, and the APCO determines that such failure necessitated expenditure of additional time by the District, over and above that upon which the fee is based, then the owner or operator shall pay an additional fee at the hourly labor rate specified in District Rule 301 subsection (C)(2)(c)(i), billable in quarter hour increments.

(F) Asbestos Waste Disposal Site Fees

- (1) The owner/operator of an asbestos waste disposal site subject to the provisions of the NESHAP for Asbestos as set forth in 40 CFR 61, Subpart M (and as adopted by reference in District Rule 1000 subsection (C)(2)(m)) including but not limited to; active and inactive landfills; incinerators; and convection or destruction processes, shall be assessed a fee to cover the cost of the review and evaluation of plans required by law or by District rules or regulations and any inspection and monitoring requirements related thereto.
  - (a) For each facility performing disposal of asbestos-containing material for manufacturing, fabricating, demolition, renovation and/or spraying operations, the owner or operator shall pay, in addition to the fees of District Rule 301, a fee of \$1,051.00 per year.

- (b) For each waste disposal site actively receiving asbestos-containing material for disposal which is not covered by subsection (F)(1)(a) above, the owner/operator shall pay, in addition to the applicable fees pursuant to District Rule 301 and any applicable fees pursuant to subsection (J)(4), a fee of \$1,051.00 per year.
- (c) For each waste disposal site not actively receiving asbestos containing material for disposal but where asbestos-containing waste material was deposited, the owner/operator shall pay in addition to the applicable fees pursuant to District Rule 301 and any applicable fees pursuant to subsection (J)(4), a fee of \$210.00 per year.

(G) Certificate of Occupancy Fee

- (1) Any person required to obtain a final Certificate of Occupancy from a city or county within the District shall pay a fee of \$105.00 to the District for review of the project to ensure that the applicable portions of Regulation II – *Permits* and Regulation XIII – *New Source Review* have been met.
  - (a) This fee shall not apply to a Certificate of Occupancy required for residential structures or for any review taking less than one (1) hour of staff time to perform.

(H) Emissions Reduction Credit (ERC) Fee

- (1) Any person applying for the issuance, transfer encumbrance and/or reclassification of Emissions Reduction Credits (ERC) pursuant to the provisions of District Rule 1402 shall pay a fee as follows:
  - (a) Any person submitting an application for ERCs pursuant to District Rule 1402 subsection (B)(1) shall pay an initial fee of \$368.00 for each application submitted, and shall pay an analysis fee based upon the actual and reasonable labor time in excess of ten (10) hours of labor, billed at the hourly labor rate specified in District Rule 301 subsection (C)(2)(c)(i).
  - (b) Any person submitting a document effecting an encumbrance of or transfer of ERCs pursuant to District Rule 1402 subsection (D)(2) - (4) shall pay a fee of \$79.00 for each document submitted.
  - (c) Any person who has received notification that the APCO has approved the reclassification of Class “B” ERCs to Class “A” ERCs shall pay a processing fee of \$53.00 at the time the affected Class “B” ERC certificates are submitted for conversion to Class “A” ERC certificates.
- (2) The District will not accept, process or issue an ERC certificate, record an encumbrance or process a transfer unless and until all applicable fees are paid in full.



(I) Monitoring Device Fees

- (1) Any owner/operator of a Facility with a Continuous Emissions Monitoring System (CEMS), Continuous Opacity Monitoring System (COMS), Continuous Emission Rate Monitoring System (CERMS) or other monitoring system required by state or federal law or District rule shall be assessed a fee to cover the costs of District activities related to insuring that such devices are functioning properly. District activities include but are not limited to the inspection, certification testing, review of certification testing, review of data for quality assurance, and assistance in investigating system malfunctions.
- (2) Any owner/operator of a Facility with a CEMS, COMS, CERMS or other monitoring system required by state or federal law or District rule required to certify that such devices are functioning properly shall pay all direct costs associated with such tests as invoiced by the entity which is retained by the owner/operator to perform the tests.
- (3) Such Monitoring Device Fee shall be calculated based upon the reasonable time required by District staff to perform the activities at the hourly labor rate specified in District Rule 301 subsection (C)(2)(c)(i) plus actual expenses.

(J) Plan and Report Analysis Fees

- (1) Air Toxics Plan and Report Analysis Fees
  - (a) Any person required to submit a Comprehensive Emissions Inventory Report (CEIR), Health Risk Assessment Plan, Health Risk Assessment, Risk Reduction Plan or Risk Reduction and Audit Plan pursuant to the provisions of District Rule 1320 or 1520 shall be assessed a Plan and Report Analysis Fee to cover the reasonable costs and time required for District staff to review and approve of the documentation submitted which exceeds ten (10) hours.
  - (b) Such fee shall be calculated at the hourly labor rate specified in District Rule 301 subsection (C)(2)(c)(i) plus actual expenses.
- (2) Dust Control Plan Analysis Fees
  - (a) Any person required to submit a Dust Control Plan pursuant to the provisions of District Rules 403.1 or 403.2 shall be assessed a Dust Control Plan Analysis Fee to cover the reasonable costs and time required for District staff to review and approve of the documentation submitted which exceeds ten (10) hours.
  - (b) Such fee shall be calculated at the hourly labor rate specified in District Rule 301 subsection (C)(2)(c)(i) plus actual expenses.

- (3) Source Test Protocol and Source Test Report Review Fees
- (a) Any person required to submit a Source Test Protocol or Source Test Report to the District pursuant to the provisions of any by District rule or regulation; or state or federal law or regulation shall be assessed a Source Test Protocol or Source Test Report Review Fee to cover the reasonable costs and time required for District staff to review and approve of the documentation submitted which exceeds ten (10) hours.
  - (b) Such fee shall be calculated at the hourly labor rate specified in District Rule 301 subsection (C)(2)(c)(i) plus actual expenses.
- (4) Solid Waste Disposal Site Fees
- (a) Any owner/operator of a solid waste disposal site subject to H&S Code Section 41805.5 which is required to submit a Solid Waste Assessment Test (SWAT) Plan for District approval prior to conducting tests shall pay a filing fee of \$105.00.
  - (b) Any owner/operator required to submit a SWAT Report following the completion of testing shall pay a filing fee of \$105.00.
  - (c) Any owner/operator required to submit a SWAT Plan or Report shall also be assessed a SWAT Plan/Report Evaluation Fee.
    - (i) Such SWAT Plan/Report Evaluation Fee shall be calculated based upon the reasonable time required by District staff to review the applicable plan or report at the hourly labor rate specified in District Rule 301 subsection (C)(2)(c)(i) plus actual expenses.

**(K) Fees for District Publications**

- (1) Any person receiving a publication for which a fee is charged shall be assessed the designated fee.
  - (a) The APCO shall designate those publications, including information circulars, reports of technical work, or other reports, prepared by the District for which a fee shall be charged.
  - (b) Such fee shall be established by the APCO in a sum not to exceed the cost of preparation and distribution of such documents. Such fees shall be deposited in the general funds of the District.
  - (c) Any person shall be entitled to receive one (1) copy of any District publication without charge.
  - (d) Nothing in this subsection shall be construed to limit the rights of any person or of the District pursuant to the California Public Records Act as set forth in Chapter 3.5, Division 7 of Title 1 (commencing with §6250) of the Government Code.

(L) State Mandated Fees

(1) Air Toxics “Hot Spots” Information and Assessment Fees

- (a) Any person subject to the provisions of the Air Toxics “Hot Spots” Information and Assessment Act as amended (H&S Code §§44300 et seq.) and the regulations promulgated thereunder shall be assessed an annual fee for the various state level components required by the Act. The fee schedule is set by the California Air Resources Board (CARB) and authorizes collection of the fee by the District pursuant to the provisions of the adopting regulation.

(2) Nonvehicular Source Fees

- (a) Any person subject to the provisions of Subchapter 3.8 of Division 3 of Title 17 of the California Code of Regulations, commencing with §90800 shall pay an annual fee as authorized by the provisions of the regulation. The fee schedule is set by CARB and authorizes collection of the fee by the District pursuant to the provisions of the adopting regulation.

(3) Portable Equipment Inspection

- (a) Any person subject to the Statewide Portable Equipment Registration Program (PERP) established by CARB pursuant to the provisions of H&S Code §§ 41750 et seq. and the regulations promulgated there under shall pay an inspection fee in the amount set forth in regulation for each registered portable engine or equipment unit inspected by the District.

(4) Other State Mandated Fees

- (a) Any person subject to the provisions of a state adopted regulation or rule that assesses a fee to cover District costs for implementing such regulation and authorizes the collection of the fee by the District shall be assessed such fee pursuant to the provisions of the adopting regulation.

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