

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 below.
 - (ii) Any governmental entity subject to a fee listed below.
 - 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) “Emissions Unit” – Any article, machine, equipment, other contrivance or combination thereof which emits or has the potential to emit air contaminants.
- (3) “Facility” – Any building, structure, emissions unit, combination of emissions units, which emits or may cause the issuance of air contaminants and which is:
 - (a) Located within the District on one (1) or more contiguous or adjacent properties; and
 - (b) Under the control of the same person (or by persons under common control); and

- (c) Belong to the same industrial grouping as determined by being within the same two digit standard Industrial Classification Code (SIC) or equivalent classification system.
 - (d) For the purpose of this definition a grouping meeting the requirements above but connected only by land carrying a pipeline shall not be considered a single Facility.
- (4) “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).
 - (5) “Plan” – 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.
 - (6) “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.
 - (7) “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.
 - (8) “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 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.
 - (9) “Renovation Project” – Altering a Structure subject to 40 CFR 61, Subpart M or one or more Structure 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; or
 - b. By the District within thirty (30) days of receipt of an invoice by the District for testing and/or analysis services.
 - 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, postage prepaid, 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 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, postage prepaid 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 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 10 days of the completion of the analysis as follows:
 - a. The invoice shall be sent via First Class mail, postage pre-paid 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 Fees
 - (i) Plan filing and evaluation fees shall be paid at the time of submission of the plan.
 - (ii) If a Plan analysis exceeds ten (10) hours of District staff time then the District shall invoice the Plan Analysis Fee within ten (10) days of completion of the analysis but prior to the issuance of the approval of the plan.
 - a. The invoice shall be sent via First Class mail, postage prepaid to the contact person indicated in the plan.
 - b. Payment of Plan 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.
 - (ii) If a Plan requires an annual renewal the District shall invoice the plan renewal fee at least thirty (30) days prior to the expiration date of the Plan.
 - a. The invoice shall be sent via First Class mail, postage prepaid to the contact person indicated in the plan.
 - b. Payment of annual review 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 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 upon filing a notification and subsequently the Demolition Project or Renovation Project is 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 rate of \$89.61 per hour or the fee paid minus \$89.61 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 a labor rate of \$89.61 per hour 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(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 \$125.00.
 - (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(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 lineal feet of pipe but less than 1600 lineal feet of pipe; or more than 160 square feet of material but less than 1000 square feet of material, a fee of \$275.00, except as noted in subsection (3).

- (b) For Renovation projects involving the removal or stripping of 1600 lineal feet or more of pipe but less than 8000 lineal feet of pipe; or 1000 square feet or more of material but less than 5000 square feet of material, a fee of \$475.00, except as noted in subsection (3).
- (c) For Renovation projects involving the removal or stripping of 8000 lineal feet or more of pipe or 5000 square feet or more of material, a fee of \$475.00 plus \$200.00 for each 8000 lineal feet of pipe or fraction thereof over 8000 lineal feet of pipe and for each 5000 square feet of material or fraction thereof over 5000 square feet of material, except as noted in subsection (3).

(3) Calculation of Lineal Footage

- (a) Where the outside diameter of piping insulation (wrapping) is greater than 2.35 inches, the calculation of lineal 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 Rule 301(C)(1) and (E)(7)(h) for an air pollution control device. This permit is good for one 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 or 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 of \$89.61 per hour of additional time, 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(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 Rule 301, a fee of \$1,000.00 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 or operator shall pay, in addition to the applicable fees pursuant to Rule 301 and any applicable fees pursuant to section (J)(4), a fee of \$1,000.00 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 or operator shall pay in addition to the applicable fees pursuant to Rule 301 and any applicable fees pursuant to section (J)(4), a fee of \$200.00 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 \$100.00 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 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.
 - (a) Any person submitting an application for ERCs pursuant to District Rule 1402(B)(1) shall pay an initial fee of \$350.00 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 rate of \$89.61 per hour.
 - (b) Any person submitting a document effecting an encumbrance of or transfer of ERCs pursuant to District Rule 1402(D)(2) - (4) shall pay a fee of \$75.00 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 \$50.00 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 a labor rate of \$89.61 per hour plus actual expenses.

(J) Plan Fees

(1) Air Toxics Plan Fees

- (a) Any person required to submit a Health Risk Assessment Plan, Health Risk Assessment or who voluntarily submits a Contemporaneous Risk Reduction Plan pursuant to the provisions of District Rule 1320 or 1520 shall be assessed a 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 a labor rate of \$89.61 per hour plus actual expenses.

(2) Dust Control Plan 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 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 a labor rate of \$89.61 per hour 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 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 a labor rate of \$89.61 per hour 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 \$100.00.
- (b) Any owner/operator required to submit a SWAT Report following the completion of testing shall pay a filing fee of \$100.00.

- (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 a labor rate of \$89.61 per hour 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 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 Section 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 section 90800 shall pay an annual fee as authorized by the provisions of the regulation. The fee schedule is set by the 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 Engine and Equipment Registration Program 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.