

# PROPOSED

March 17, 2015

RULE 3010 PERMIT FEE (Adopted May 21, 1992; Amended December 17, 1992; Amended July 20, 1995; Amended May 21, 1998; Amended June 21, 2001; Amended July 17, 2003; Amended January 17, 2008, ~~effective July 1, 2009; Amended [date of adoption], effective July 1, 2015~~)

Note: This rule is effective on ~~and after~~ July 1, ~~2009~~2015, through June 30, 2016.

## 1.0 Filing Fee

1.1 Every applicant for an Authority to Construct or a Permit to Operate any source operation for which an Authority to Construct or a Permit to Operate is required by California State Law or the District Rules and Regulations shall pay a nonrefundable filing fee of ~~\$7475~~ per permit unit, except as provided in Section 1.2 below. All filing fees paid shall be credited toward the evaluation fee if it applies.

## 1.2 Part 70 permits as required by District Rule 2520

Every applicant for an initial or new federally mandated operating permit, or renewal of or modification to an existing permit, shall pay a nonrefundable filing fee of ~~\$1920~~ per emissions unit up to a maximum of ~~\$1,400~~1,468 per stationary source facility. All filing fees paid shall be credited toward the evaluation fee if it applies.

## 2.0 Permit Fee

2.1 Every applicant for a Permit to Operate, who files an application with the District, shall in addition to the filing fee and evaluation fee prescribed herein, pay the fee for the issuance of a Permit to Operate in the amount prescribed in Rule 3020 (Permit Fee Schedules).

## 2.2 Part 70 General Permits

Every applicant for a general permit shall pay a nonrefundable fee of ~~\$3032~~ per emissions unit upon receipt of the Part 70 general permit.

## 3.0 Evaluation/Air Quality Impact Analysis Fee

3.1 Every applicant who files an application for an Authority to Construct or a Permit to Operate with the District shall pay an engineering evaluation fee for the processing of the application. ~~issuance of an Authority to Construct or Permit to Operate.~~ The fee shall be calculated using the staff hours expended and the prevailing weighted labor rate. All filing fees paid shall be credited towards the evaluation fee.

## 3.1.1 Evaluation Fee Cap

The District shall advise the applicant of the estimated evaluation fees in writing in conjunction with notification that the application is deemed complete. The fee estimate shall include a breakdown by major application processing steps. The advance fee estimate shall serve as cap on the Permit Evaluation Fee unless the District increases the estimated cost for processing an application and issues a revised written advance fee estimate prior to expending 50% of a previous advance fee estimate. After the expenditure of 50% of the advance fee estimate, the District shall make no further upward revisions to the advance fee estimate.

## 3.1.2 Recordkeeping

All time spent by the permit processing staff on the project, beginning with pre-application meeting through issuance of the final decision, must be logged into the District's "Labor Information System" database. Upon formal request by an applicant, the District shall provide a current status of actual time expenditure versus the advance fee estimate, broken down by major application processing steps.

## 3.1.3 Activities Excluded from Hourly Billings

3.1.3.1 No applicant shall be billed for staff hours associated with staff training or correction of staff errors.

3.1.3.2 No applicant shall be billed for the time spent by the permit services division director, manager, compliance staff, or clerical support. The time spent by the above mentioned personnel is accounted for in the average weighted labor rate for permit processing staff.

## 3.2 Part 70 permits as required by District Rule 2520

Every applicant for a federally mandated operating permit, a modification or amendment to a federally mandated operating permit, or a certificate of conformity, shall also pay an evaluation fee for the processing of the application. ~~issuance of the federally mandated operating permit or certificate of conformity.~~ The fee shall be calculated using the staff hours expended and an average weighted labor rate. All filing fees paid shall be credited towards the evaluation fee. The hourly fees charged to the applicant shall not exceed by more than 10% the amount of the advance fee estimate, or a revision thereto provided by the District.

## 3.2.1 Advance Fee Estimate

The District shall advise the applicant of the estimated evaluation fees in writing in conjunction with notification that the application is deemed complete. The fee estimate shall include a breakdown by major application processing steps. The District may only increase the estimated cost for processing an application and issue a revised advance fee estimate prior to expending 50% or a previous advance fee estimate. After the expenditure of 50% of the advance fee estimate, the District shall make no further upward revisions to the advance fee estimate.

## 3.2.2 Part 70 Permit Applicability Determination

Every applicant who requests that the District prepare a determination as to the applicability of the requirement for a facility to obtain a federally mandated operating permit shall also pay an analysis fee. The fee shall be calculated using the staff hours expended on preparing the determination and an average weighted labor rate.

## 3.2.3 Recordkeeping

All time spent by the permit processing staff on the project, beginning with pre-application meeting through issuance of the final decision, must be logged on a "Breakdown of Application Processing Time" log. The log shall not include the time spent by the permit services division director, manager, compliance staff, or clerical support. The time spent by the above mentioned personnel is accounted for in the average weighted labor rate for permit processing engineers. Upon formal request by an applicant, the District shall provide a current status of actual time expenditure versus the advance fee estimate, broken down by major application processing steps.

## 3.2.4 Activities Excluded from Hourly Billings

3.2.4.1 No applicant shall be charged for staff hours associated with staff training or correction of staff errors.

3.2.4.2 No evaluation fee shall be charged in conjunction with general permits.

3.2.4.3 The applicant shall not be billed for the time spent by the permit services division director, manager, compliance staff, or clerical support. The time spent by the above mentioned personnel is accounted for in the average weighted labor rate for permit processing engineers.

## 4.0 Cancellation or Denial

If an Authority to Construct or a Permit to Operate or an application for an Authority to Construct or a Permit to Operate expires, is canceled, withdrawn by the applicant, revoked, or denied and such denial becomes final, the filing, permit and evaluation fee required herein shall not be refunded nor applied to any subsequent application or permit.

## 5.0 Transfer of Owner ~~W~~without an Alteration or Addition

Where an application is filed for a Permit to Operate any source operation by reason of transfer from one person to another and where a Permit to Operate has previously been granted under Rule 2010 (Permits Required), and where no alteration or addition has been made or where no transfer of location has been made, the applicant shall pay a nonrefundable fee of \$2426 per permit unit. A \$2426 fee will be charged for the change of name only.

## 6.0 Fee Notification

After an applicant has complied with the provisions for granting permits as set forth in Division 26 of the Health and Safety Code and the District Rules and Regulations, the District shall provide the applicant with an invoice for the filing fee, permit fee, and evaluation fee to be paid for the issuance of the Permit to Operate or the Authority to Construct. If the fees are not received by the District within 60 days of the invoice date, the fees shall be increased in accordance with the schedule provided in Section 11.0 (Late Fees) of this Rule. Nonpayment of the increased fees within 90 days of the original invoice date may result in the cancellation of the application and the Authority to Construct or suspension of the Permit to Operate.

## 7.0 Permit Granted by Hearing Board

In the event that an Authority to Construct or a Permit to Operate is granted by the Hearing Board after denial by the APCO or after the applicant deems his application denied, the applicant shall pay the permit fee prescribed in Section 2.0 and the evaluation fee prescribed in Section 3.0 within 60 days after the date of the decision of the Hearing Board. If the fee is not paid within this period of time, the fee shall be increased in accordance with the schedule provided in Section 11.0 (Late Fees) of this Rule. Nonpayment of the increased fees within 90 days after the initial due date shall result in the automatic cancellation of the Authority to Construct or the Permit to Operate and the application.

## 8.0 Annual Renewal Fee

No earlier than 60 days prior to the anniversary date of the issuance of a Permit to Operate granted under Rule 2010 (Permits Required), the District shall provide the permittee with an invoice for the renewal fee equal to the fee in the current Fee Schedules in Rule 3020 (Permit Fee Schedules). The permittee shall pay the renewal fee within 60 days of the

invoice date. The holder of permits with more than one anniversary date may adjust annual renewal payments to a single anniversary date by prorating renewal fee(s) as necessary. If the renewal fee is not received by the District within 60 days of the invoice date, the fee shall be increased in accordance with the schedule provided in Section 11.0 (Late Fees) of this Rule. Nonpayment of the increased fees within 90 days of the invoice date may result in the suspension of the permit.

## 9.0 Multiple Locations

When permits have been issued to operate movable equipment at two or more locations, only one annual renewal fee will be charged.

## 10.0 Duplicate Authority to Construct or Permit to Operate

A request for a duplicate Authority to Construct or Permit to Operate shall be made in writing to the APCO within 10 days after the destruction, loss or defacement of the Authority to Construct or the Permit to Operate. A fee of \$1920 shall be charged for issuing a duplicate Authority to Construct or a duplicate Permit to Operate.

## 11.0 Late Fees

Fees not paid by the dates set forth in the Rules and Regulations shall be subject to late fees in accordance with the following schedule:

61 to 70 days after invoice or notice date – 10% of the original fee

71 or more days after invoice or notice date – 50% of the original fee

Applicable late fees are added to and become a part of the original fees. Dishonored checks will be considered the same as not receiving payment.

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