

# PROPOSED

March 17, 2015

RULE 3030 HEARING BOARD FEES (Adopted May 21, 1992; Amended December 17, 1992; Amended August 21, 1997; 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 Definitions

1.1 Small Business: A business which is independently owned and operated and meets the following criteria, or if affiliated with another concern the combined activities of both concerns shall meet these criteria:

1.1.1 The number of employees is 10 or less; and

1.1.2 The gross annual income is \$750,000 or less.

## 1.02.0 Filing Fee

~~1.12.1~~ 1.2.1 Every applicant or petitioner for a regular variance, interim variance, short term variance, emergency variance, extension of a variance, revocation of a variance, modification of a variance, modification of a variance schedule of progress, appeal hearing, rehearing, special hearing, product variance, or any other action requiring the assembly of the Hearing Board shall pay the Clerk of the Hearing Board, on filing, a non-returnable fee prescribed herein.

Type of Hearing	Fee
Regular Variance .....	\$ <u>875917</u>
Interim Variance .....	<u>350367</u>
Short-term (Less than or equal to 90 days) Variance .....	<u>759796</u>
Emergency Variance.....	<u>263276</u>
Extension of a Variance .....	<u>350367</u>
Revocation of a Variance .....	<u>350367</u>
Modification of a Variance .....	<u>350367</u>
Modification of a Variance Schedule of Progress .....	<u>350367</u>
Appeal Hearing .....	<u>875917</u>
Rehearing.....	<u>875917</u>
Special Hearing.....	<u>875917</u>
Product Variance .....	<u>1,1671,224</u>

~~1.12.2~~ 1.2.2 This ~~Filing Fee~~ Section shall not apply to petitions filed by the APCO.

~~1.3 Any person requesting a transcript of the Hearing shall pay the cost of such transcript.~~

## 3.0 Excess Emission Fee

3.1 Every applicant or petitioner for a variance from these Rules and Regulations shall pay to the Clerk of the Hearing Board, in addition to the filing fees required in Section 2.0, an emission fee of \$2.50 per pound of emissions based on the total emissions discharged during the variance period in excess of that allowed by these rules, regulations, or permit conditions.

3.2 In the event that more than one rule, regulation, or permit condition limiting the discharge of the same pollutant is violated, the excess emissions fee shall be based on the excess emissions resulting from the violation of the most stringent rule, regulation or permit condition.

### 3.3 Maximum Excess Emission Fee

3.3.1 For a small business, the maximum excess fee remitted shall be no more than \$3,000.00 for the excess emissions which occur at each facility during the variance period.

3.3.2 For all other petitioners, the maximum excess fee remitted shall be no more than \$7,500.00 for the excess emissions which occur at each facility during the variance period.

## 4.0 Group Variance Fees

4.1 Petitioners filing as a group or class for a variance shall jointly pay the total filing fee specified in Section 2.0. Each petitioner shall individually pay excess emission fees for their facility or product(s), as specified in Section 3.0.

## 5.0 Adjustment of Fees

5.1 If, after the term of the variance for which excess emission fees have been paid, the petitioner can establish to the satisfaction of the APCO, that emissions were less than those upon which the fee was based, or excess emission fee calculations are otherwise incorrect, a pro rata refund shall be made.

## 6.0 Fee Payment/Variance Revocation

6.1 Excess emission fees required by Section 3.0 shall be due and payable to the Clerk of the Hearing Board within fifteen (15) days of notification in writing that the fees are due, unless otherwise ordered by the Hearing Board.

6.2 Failure to pay any assessed fees within fifteen (15) days of written notification that fees are due may be cause for the Hearing Board to issue further orders as may be

appropriate, including but not limited to revocation of a variance. Such notification may be given by personal service or by deposit, postpaid, in the United States mail, and shall be due fifteen (15) days from the date of personal service or mailing. For the purpose of this rule, the fee payment shall be considered to be received by the District if it is postmarked on or before the expiration date stated on the fee billing notice. If the expiration date falls on a Saturday, Sunday, or a state holiday, the fee payment may be postmarked on the next business day with the same effect as if it had been postmarked on the expiration date.

## 7.0 Request for Time Extension of Payment Due

7.1 Whenever this rule requires fees to be paid by a certain date, the petitioner may, for good cause, request the APCO to grant an extension of time, not to exceed ninety (90) days, within which fees shall be paid. Any request for extension of time shall be presented in writing, and accompanied by a statement of reasons demonstrating good cause as to why the extension should be granted.

## 8.0 Transcript Fees

8.1 Any person requesting a transcript of the hearing shall pay the cost of such transcript.

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