


## San Joaquin Valley Air Pollution Control District

### District Policy ADM 1445 Application Fee Refunds and Evaluation Fees for Permit Applicability Determinations and Other Analyses

Approved By:   
Brian Clements  
Director of Permit Services

Approval Date: October 27, 2009  
Revision Date: January 2, 2025

#### I. Purpose

The purpose of this guidance is to establish 1) when permit application filing fees can be refunded, 2) when evaluation fees are required for permit applicability determinations, 3) when evaluation fees are required for District Rule 2021 (Experimental Research) determinations, and 4) when evaluation fees are required for other technical analyses, e.g. Emission Reduction Credit surplus analyses. Application filing and evaluation fees are intended to allow the District to recover costs incurred in evaluating requests for permit applicability determinations and for experimental research operations.

#### II. Background

District Rule 3010 (Permit Fee), Section 4.0 states that if an application is "... canceled or withdrawn by the applicant ..." the filing fee and evaluation fee shall not be refunded. The intent of the section is to not provide a refund of a required fee if the District has incurred cost in evaluating the application.

District Rule 3070 (Other Charges) states that the District may charge for "... reports of technical work, and other reports prepared by the District". When the evaluation of requests for exemption, such as those pursuant to Rule 2020 (Exemptions) or Rule 2021 (Experimental Research), require a technical analysis to determine if the operation meets the criteria for exemption, fees will be charged by the District to recover the costs in evaluating such requests.

#### III. Policy

Consistent with District rules, the District shall refund application filing fees in cases where the **District has not incurred costs**, such as:

1. When an applicant pays more filing or evaluation fees than is required, and/or
2. When the equipment is obviously exempt from permit (no technical evaluation necessary)

**Therefore, the District shall charge application and/or evaluation fees when the District incurs cost to make the permit applicability determination or perform another requested analysis.**

#### **IV. Guidance and Examples**

1. If it is obvious that the equipment is exempt from permit, i.e., no calculations are required to establish the exemption, the application filing fee shall be refunded.

An example would be an application for a 49 bhp IC engine. No calculations are required, as there is a specific exemption in Rule 2020 for IC engines with a rating less than 50 bhp.

2. When evaluating an application for an ATC/PTO and an analysis (emission calculations, risk management review, etc.) is required to determine if the equipment is exempt from permit, the application filing fee shall not be refunded and application processing fees are required.

An example would be an application for a piece of equipment that qualified for the low emitting unit permit exemption. In this case calculations would be required to determine if the uncontrolled emissions are less than the 2 lb/day or 75 lb/year exemption threshold. In addition, consistent with District Rule 2020 Section 6.19.2, a risk management review (RMR) would be required to determine if toxic emissions may cause a significant health risk to the public. Processing time for both of these activities is billable.

3. When evaluating an application for an ATC/PTO and the applicant revises the application such that the equipment is exempt from permit, the application filing fee shall not be refunded. Evaluation fees are required for the time expended prior to the application being revised such that the equipment is exempt from permit requirements.

An example would be an application for a 70 bhp IC engine that the applicant subsequently revises to be a 49 bhp IC engine. In such case, as staff time was expended evaluating the original application (that was subject to permit), filing fees and evaluation fees are required.

4. Upon receipt of a request for an experimental research operation permit exemption under Rule 2021, staff shall evaluate such a request, and track hours expended in performing the evaluation. Upon completion of the evaluation, staff shall provide written notification to the applicant if the request was approved or denied. Such a notification shall also include an invoice for costs incurred (calculated using the staff hours expended and the prevailing weighted labor rate).
5. Upon receipt of a request for a permit applicability determination or permit exemption, under Rule 2020, staff shall evaluate such a request, and track hours expended in performing the evaluation. Upon receipt and logging in of the request, staff shall inform the requestor of the process and explain the applicable evaluation fees. After completion of the evaluation, staff shall provide written notification of the results to the requestor that shall also include an invoice for costs incurred (calculated using the staff hours expended and the prevailing weighted labor rate).
6. Upon receipt of a request for other technical analyses, such as an Emission Reduction Credit surplus analysis, staff shall evaluate such a request, and track hours expended in performing the evaluation. Upon receipt and logging in of the request, staff shall inform the requestor of the process and explain the applicable evaluation fees. After completion of the evaluation, staff shall provide final documentation to the requestor that shall also include an invoice for

costs incurred (calculated using the staff hours expended and the prevailing weighted labor rate).

#### **IV. Revisions to this Policy**

##### 1/2/25 Revisions:

- Updated to account for departmental structure changes related to the Indirect Source Review (ISR) program.
- Added clarifying guidance and examples to ensure District billing for technical evaluation time spent to assist with recovering operating costs.