

**RULE 305 ENVIRONMENTAL DOCUMENT PREPARATION AND PROCESSING FEES**

Adopted 5-18-93

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**100 GENERAL**

- 101 **PURPOSE:** This rule establishes fees pursuant to Public Resources Code Section 21089 allowing lead agencies reimbursement for the cost of preparing and processing environmental documents, and Fish and Game Code Section 711.4 requiring lead agencies to collect certain fees for the review of environmental documents by the Department of Fish and Game. This rule establishes fees to cover the costs of implementing the District's Environmental Review Guidelines and obligations under the California Environmental Quality Act (CEQA). The authority to adopt this rule is provided by Section 40702 of the Health and Safety Code.
- 102 **APPLICABILITY:** This rule only applies to activities undertaken as a lead agency. Fees for review of projects as a reviewing or concerned agency are reimbursed by separate agreement with local agencies. No CEQA fees are assessed for CEQA work performed as a responsible agency.

**200 DEFINITIONS**

- 201 **APPLICANT:** Any person, as defined in Rule 101, applying for a permit regulated by the District.
- 202 **CERTIFICATE OF ENVIRONMENTAL DETERMINATION:** A certificate issued by the Environmental Coordinator upon request after final action has been taken on a project to certify that environmental review has occurred and what, if any, environmental document was prepared.
- 203 **CEQA:** CEQA refers to the California Environmental Quality Act, as amended, beginning at section 21000 et seq. of the Public Resources Code, and the state CEQA Guidelines, beginning at section 15000 et seq. of Title 14 of the California Code of Regulations.
- 204 **ENVIRONMENTAL COORDINATOR:** The individual designated by the Air Pollution Control Officer responsible for the processing of environmental documents.
- 205 **PREPARATION AND PROCESSING:** Includes, but is not limited to, the development of documents, legal advertisements, notices and all other work necessary to comply with CEQA and the District Environmental Review Guidelines, including review and consultation necessary to determine the adequacy and completeness of documents, reports and studies prepared by consultants.
- 206 **PRIOR ENVIRONMENTAL DOCUMENT:** Prior environmental documents include Supplemental Environmental Impacts Reports, Subsequent Environmental Impact Reports and use of an environmental document from an earlier project.
- 207 **PROJECT:** A project is an activity as defined by CEQA (Pub. Resources Code Section 21065; state CEQA Guidelines Section 15378) and includes the issuance of a permit by the District.

**300 STANDARDS**

- 301 **HOURLY FEE RATE:** The Hourly Fee Rate established by this rule is \$63.00. All District staff work related to the preparation and processing of environmental documents and District staff work necessary to comply with CEQA, the District Environmental Review Guidelines, and the California Fish and Game Code shall be charged an hourly rate per hour of actual staff work unless otherwise provided in this rule. Hourly Fee Rate calculations will be based on the most recent Projected Standard Hourly Costs Report prepared by the District's fiscal officer. Projected Hourly Costs are based on a method of calculation equal to 1350 chargeable hours per person-year.

The Hourly Fee Rate is the staff position Hourly Factor, for those staff positions listed below, multiplied by the Projected Hourly Costs published by the District fiscal officer; the sum of the Hourly Position Rate for each position, rounded to the nearest whole dollar, will be the Hourly Fee Rate:

$$\begin{aligned} \text{Hourly Factor} \times \text{Projected Hourly Costs} &= \text{Hourly Position Rate} \\ \text{Total Sum of All Hourly Position Rates} &= \text{Hourly Fee Rate} \end{aligned}$$

HOURLY FEE RATE CALCULATION  
FY 1992-1993

| Staff Position            | Hourly<br>Factor | Projected<br>Hourly Costs    | Hourly<br>Position Rate |
|---------------------------|------------------|------------------------------|-------------------------|
| AQMD Division Chief       | .01              | 80.67                        | \$ 0.81                 |
| Planning Manager          | .03              | 79.51                        | 2.39                    |
| Associate Planner         | .65              | 63.92                        | 41.55                   |
| Assistant Planner         | .25              | 57.26                        | 14.32                   |
| APC Engineering Asst. III | .02              | 72.07                        | 1.44                    |
| APC Engineering Asst. II  | .03              | 62.80                        | 1.88                    |
| APC Engineering Asst. I   | .01              | 58.54                        | 0.59                    |
|                           | -----            |                              | -----                   |
|                           | 1.00             |                              |                         |
|                           |                  | Sum of Hourly Position Rates | \$62.98                 |
|                           |                  | Hourly Fee Rate              | \$63.00                 |

- 302 **FEE DEPOSIT:** Fees for services performed pursuant to this rule shall be estimated during review of an application for completeness. The estimate will be based on the complexity of the proposed project and the time it will take to analyze potential environmental impacts, alternatives and mitigation, and may include estimated consultant fees, materials and other expenses. An application will not be deemed complete until the estimated fees have been paid in full. Any amount expended above the estimated fee shall be billed to the project applicant and must be paid prior to the release, approval or certification of the subject environmental document(s). The amount billed for expenditures above the estimated fee will be based on the Hourly Fee Rate in effect at the time of billing.

The applicant may request a conference with the Air Pollution Control Officer to review the cost estimate. The applicant may propose to provide additional information with the application that would reduce the time spent by District staff. The cost estimate shall be reduced accordingly.

- 303 **CONTINGENCY FEE:** Estimated fees for Environmental Impacts Reports, Negative Declarations and prior environmental documents shall be increased by ten percent to cover contingencies.
- 304 **REFUND OF FEES:** If, after an accounting of expenditures, the actual cost of environmental document preparation and processing is less than the fee charged, the applicant will be refunded the difference.

- 305 **WITHDRAWAL OF APPLICATION:** When an application for a permit has been withdrawn for any reason, the applicant will be charged only for environmental document preparation and processing performed prior to the date of withdrawal. After an accounting of expenditures, the applicant will be refunded any remaining environmental document and processing fees collected by the District for that application.
- 306 **PERMIT APPLICATION DENIED:** If an application for a permit is denied for any reason, the applicant will be charged only for environmental document preparation and processing performed prior to the date of application denial. After an accounting of expenditures, the applicant will be refunded any remaining environmental document and processing fees collected by the District for that application.
- 307 **PROJECTS FOUND EXEMPT FROM CEQA:** Projects found by the Environmental Coordinator to be exempt from CEQA will not be charged an environmental document preparation and processing fee. The Environmental Coordinator will issue a Certificate of Environmental Determination upon request after final action has been taken on the project.
- 308 **NEGATIVE DECLARATION AND PRIOR ENVIRONMENTAL DOCUMENT:** Projects requiring a Negative Declaration or that use a prior environmental document will be charged the actual number of staff hours spent in the preparation of the Initial Study multiplied by the Hourly Fee Rate plus actual costs for consultant fees, if any, legal advertisements, notices, printing, reproduction and postage.
- 309 **ENVIRONMENTAL IMPACT REPORT:** Projects requiring an Environmental Impact Report will be charged the actual number of staff hours spent in preparation and processing multiplied by the Hourly Fee Rate plus actual costs for consultant fees, if any, legal advertisements, notices, printing, reproduction and postage.
- 310 **MITIGATION MONITORING AND REPORTING PROGRAM:** Projects requiring a Mitigation Monitoring and Reporting Program will be charged the actual number of staff hours spent in preparation, processing and monitoring multiplied by the Hourly Fee Rate plus actual costs for consultant fees, if any, legal advertisements, notices, printing, reproduction and postage.
- Fees for mitigation monitoring and reporting programs will be calculated and payable upon adoption of the mitigation monitoring program by the final approving authority. Mitigation monitoring and reporting program fees must be paid prior to the issuance of any permit for the project for which the mitigation monitoring and reporting program was prepared.
- 311 **CALIFORNIA DEPARTMENT OF FISH AND GAME FEES:** Environmental documents requiring review by the California Department of Fish and Game under section 711.4 of the California Fish and Game Code will be charged as follows:

|                             |             |
|-----------------------------|-------------|
| Environmental Impact Report | \$ 850.00   |
| Negative Declaration        | \$ 1,250.00 |

All environmental documents charged for the above fees will be assessed a fee of \$25.00 by the county clerk pursuant to Sacramento County Resolution 91-0074 for the cost of collecting and transmitting Department of Fish and Game fees. The collection/transmittal and review fees are collected by the District with the Fee Deposit described in Section 302 of this rule.

- 312     **COPIES OF ENVIRONMENTAL DOCUMENTS:** A fee may be charged for reproducing a copy of an environmental document to persons who desire a copy. The fee charged will be equal to the actual number of staff hours spent in processing the reproduction request multiplied by the Hourly Fee Rate, however, in no case shall the fee be less than \$1.00. This fee may be waived for public agencies having jurisdiction by law with respect to the project or to individuals or organizations possessing special expertise and from whom the Environmental Coordinator desires input into an environmental document.