

**RULE 304 PLAN FEES**

Adopted 5-31-89

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Consumer Price Index Adjustment: 7-2-07

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100 **GENERAL**

101 **PURPOSE:** To establish fees, pursuant to applicable California Health and Safety Code Sections 41512.5, 41080, and 42311(g), to be charged to emission sources, which are deemed not to be subject to Rules 201 and 301, to cover the estimated reasonable costs of evaluating plans required by law or by District rule or regulation, including, but not limited to, review, program implementation, inspection, and monitoring related thereto.

110 **EXEMPTIONS:**

- 110.1 Asbestos-related renovation or demolition fees will not be charged for the renovation or demolition of residences comprised of four or fewer dwelling units, unless such renovation or demolition is subject to the current National Emission Standards for Hazardous Air Pollutants (NESHAP) established by the federal government.
- 110.2 In cases of financial hardship resulting from paying fees specified in Section 303, a conference before the Air Pollution Control Officer may be requested to present adequate evidence of said financial hardship and discuss a waiver of fee payment under these circumstances.

200 **DEFINITIONS (NOT INCLUDED)**300 **STANDARDS**301 **FEE REFUND:**

- 301.1 If a person cancels a plan, report, or application he/she may request a fee refund, provided:
- The person paid the fee for the plan, report, or application pursuant to this rule, and
  - The request is in writing, and
  - The person requests the refund within 10 days following cancellation.
- 301.2 Within thirty days of receiving the refund request, the Air Pollution Control Officer shall refund the portion of the fee that remained unused at the time of the cancellation.
- 301.3 If the Air Pollution Control Officer determines an alternative fee based on cost analysis pursuant to Section 302.6, the Air Pollution Control Officer may refund any fees paid in excess of the alternative fee.

302 **ASBESTOS RENOVATION OR DEMOLITION FEES:**

- 302.1 Upon submitting a plan for each unit where renovation or demolition occurs to the Air Pollution Control Officer, the owner or operator shall pay a fee for each plan submitted to the District. For each plan subject to the requirements of Rule 902-**ASBESTOS**, the following fee schedule shall apply:

| <b>ASBESTOS PLAN FEE SCHEDULE—RENOVATION AND DEMOLITION PROJECTS</b> |                    |                   |              |
|--|--------------------|-------------------|--------------|
| <b>Units of Asbestos to be Removed/Disturbed</b>                     |                    |                   | <b>Fee**</b> |
| <b>Linear Feet</b>   | <b>Square Feet</b> | <b>Cubic Feet</b> |              |
| 0-259*   | 0-159*             | 0-34*             | \$435*       |
| 260-499  | 160-499            | 35-109            | \$435        |
| 500-999  | 500-999            | 110-218           | \$635        |
| 1,000-2,499  | 1,000-2,499        | 219-547           | \$935        |
| 2,500-4,999  | 2,500-4,999        | 548-1,094         | \$1,335      |
| 5,000-9,999  | 5,000-9,999        | 1,095-2,188       | \$1,835      |
| 10,000 or more   | 10,000 or more     | 2,189 or more     | \$2,335      |

\* This category applies to demolition projects only.

\*\* If materials are in more than one category, the higher fee will apply.

- 302.2 For planned renovation projects as defined in Rule 902- ASBESTOS, involving multiple containments where each containment is less than 160 linear feet/260 square feet/35 cubic feet of asbestos to be removed/disturbed, but cumulatively exceed 160 linear feet/260 square feet/35 cubic feet of asbestos to be removed/disturbed, one fee will be established based on the total amount asbestos to be removed/disturbed.
- 302.3 No plan shall be accepted unless accompanied by the appropriate plan fee, except that no fee shall be required for emergency renovation projects as defined in Rule 902 - ASBESTOS, Section 223, as long as the removal involves less than 260 lineal feet of pipe or 160 square feet of material.
- 302.4 If in the course of a demolition or renovation project pursuant to Rule 902, it is determined that the project belonged in a higher fee category than was initially determined, the owner or operator shall pay the balance of the fee for the higher category.
- 302.5 If an owner or operator fails to report a change in any date as required by Rule 902, and the Air Pollution Control Officer determines that such failure necessitated expenditure of additional time by the District, over and above the time expenditure upon which the plan fee is based, then the owner or operator shall pay an additional fee of \$50 per hour of additional time, billable in quarter hour segments, with a minimum charge of \$25.
- 302.6 **Petition for an Alternative Plan Fee:** An owner or operator of a facility as defined in Rule 902 - ASBESTOS may submit a petition to the Air Pollution Control Officer for an alternative plan fee. The petition shall be submitted one month prior to submittal of the plan fees. This deadline shall not apply to petitions where the alternative fee relates to a plan fee paid on or after August 25, 1998. The petition shall include but is not limited to the following:
- a. A survey pursuant to Rule 902, Section 401.4.
  - b. Number of containments.
- 302.7 **Review and Approval of an Alternative Plan Fee:** The Air Pollution Control Officer may approve a plan fee as an alternative to that required by Section 302.1 subject to the following guidelines. These guidelines are set to discourage petitions except where the circumstances are unique, that is only the largest of projects where unforeseen efficiencies can be adopted to minimize District program costs.
- a. When determining the alternative plan fees, the Air Pollution Control Officer may consider the fees required for 150 containments per a 12-month period as a minimum guideline when deciding whether to set an alternative fee. The alternative fee shall be no less than the plan fees previously paid for comparable size containments (e.g., number of containments and units of asbestos to be removed/disturbed).
  - b. The alternative fee shall be determined based on the estimated costs including but not limited to; plan review time, conducting inspections, monitoring, associated overhead, and any other cost associated with the plan.
  - c. The Air Pollution Control Officer shall have 30 days to review the petition. The Air Pollution Control Officer's decision shall be in writing. The decision of the Air Pollution Control Office shall be final.
- 303 **NATURALLY OCCURRING ASBESTOS FEES:** The following fee schedule shall apply to persons required to comply with Title 17 of the California Code of Regulations, Section 93105, Asbestos Air Toxic Control Measure for Construction, Grading, Quarrying, and Surface Mining Operations or a control measure adopted pursuant to Health and Safety Code Section 39666(d):
- 303.1 Each plan or evaluation submitted shall be accompanied by a fee.
- a. For each asbestos dust mitigation plan submitted to the District, the fee shall be \$365.
  - b. For each geologic evaluation submitted to the District, the fee shall be \$469.

- 303.2 **Inspection Fees:** The following inspection fees shall apply:
- a. For each project greater than one (1.0) acre for which a dust mitigation plan is submitted, the inspection fee shall be \$21 per acre, due at the time the plan is submitted. Once a project has begun, an increase in the acreage may be made and the corresponding per-acre fee paid. If actual inspections require more than 18 hours per 100 acres, an additional fee of \$121 per hour may be assessed.
  - b. For each project for which a dust mitigation plan has not been submitted, the time and materials rate for inspections shall be \$121 per hour. This fee shall not apply to projects of one (1.0) acre or less until April 28, 2006.
  - c. If the inspection fee was not paid when the dust mitigation plan was submitted, then it is due and payable upon inspection.
- 303.3 **Analysis Fee:** Whenever the Air Pollution Control Officer finds that analysis or sample collection is necessary, the cost of making the analysis, collecting samples, and preparing the necessary reports shall be charged against the owner or operator. The Air Pollution Control Officer shall provide an estimate of the actual cost of such work. The owner or operator may request a conference with the Air Pollution Control Officer to review the cost estimate and may provide additional information that would reduce the time spent by the Air Pollution Control Officer in performing an analysis. The Air Pollution Control Officer's cost estimate shall be reduced accordingly.
- 303.4 **Consumer Price Indexing of Fees:** Naturally occurring asbestos fees may be adjusted on an annual basis. If the Air Pollution Control Officer anticipates the need for a change, the adjustment must initially be proposed as part of the annual budget process. The proposed rate change must meet the requirements of the California Health and Safety Code, including sections 41512.5, 42311(e), and 42311(g). The rate change must be noticed as part of the proposed and final budgets. If the Board of Directors approves a fee change with the final budget, the Air Pollution Control Officer may adjust fees by up to the maximum rate approved by the Board.
- 304 **FLEET INVENTORY REPORT FEE:** Each fleet operator subject to the fleet inventory requirements of Rule 1002--FLEET INVENTORY--shall annually pay a fee on the submittal date defined and stipulated pursuant to that rule.
- 304.1 The fee amount per fiscal year shall be \$190.
  - 304.2 If the fleet operator fails to pay the fee by the submittal date, the fee shall increase by one half the amount. The Air Pollution Control Officer shall notify the fleet operator by mail of the fee increase. The fleet operator shall pay the increased fee within 30 days after the notice is mailed.
- 305 **APPLICATION FEE—RULE 1005:** Any application submitted pursuant to Rule 1005—MOBILE SOURCE EMISSION REDUCTION CREDITS/BANKING shall be accompanied by a fee.
- 305.1 The fee shall reflect the actual labor costs incurred by the District in processing the application, based on the District's standard hourly rate schedule. Notwithstanding the provisions of other rules, the District's standard hourly rate shall be the Time and Materials Labor Rate, as set forth in Rule 301—PERMIT FEES - STATIONARY SOURCE.
  - 305.2 The Air Pollution Control Officer shall provide the applicant with an estimate of the time to process the application, and the cost that will be incurred.
  - 305.3 The applicant may request a conference with the Air Pollution Control Officer to review the cost estimate. If the applicant provides additional information that will reduce the amount of time the District staff needs to process the application, the cost estimate for the application fee shall be reduced accordingly.
  - 305.4 The estimated application fee shall be paid in full, to the District, prior to District staff processing the application.

- 305.5 The Air Pollution Control Officer shall bill the applicant for any application processing costs—based on actual District labor costs—that exceed the estimated fee amount. The applicant shall pay the additional fee amount prior to the Air Pollution Control Officer's:
- a. Issuance to the applicant of a certificate of advance placement or a mobile source emission reduction credit, or
  - b. Approval of a contractual agreement with the applicant.
- 305.6 The District will refund any unused portion of the application fee if:
- a. The applicant withdraws the application, or
  - b. Actual labor costs from processing the application are less than estimated.