

**RULE 302 HEARING BOARD FEES**  
**Adopted 9-29-71**  
**(Amended 6-2-75, 6-1-76, 10-14-86, 5-1-97 2-5/98)**

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**100 GENERAL**

101 **PURPOSE:** To establish fees to be charged for Hearing Board filings.

**102 EXEMPTIONS**

102.1 The Air Pollution Control Officer shall not be required to pay the fees specified in Section 301 of this rule.

102.2 In cases of financial hardship resulting from paying fees specified in Section 301, the Petitioner may request a conference before the Air Pollution Control Officer to present adequate evidence of said financial hardship and discuss a waiver of fee payment under these circumstances.

**200 DEFINITIONS**

201 **EXCESS DURATION VARIANCE:** Any variance granted for a period longer than 90 days.

202 **SMALL BUSINESS:** A business activity, unless excluded in Section 202.7, that is all of the following:

202.1 Independently owned and operated.

202.2 Not dominant in its field of operation as interpreted by the federal Small Business Administration.

202.3 Not exceeding the following annual gross receipts in the categories of:

a. Agriculture, one million dollars (\$1,000,000)

b. General construction, nine million five hundred thousand dollars (\$9,500,000).

c. Special trade construction five million dollars (\$5,000,000).

d. Retail trade, two million dollars (\$2,000,000).

e. Wholesale trade, nine million five hundred thousand dollars (\$9,500,000).

f. Services, two million dollars (\$2,000,000).

g. Transportation and warehousing, one million five hundred thousand dollars (\$1,500,000).

202.4 A manufacturing enterprise not exceeding 250 employees.

202.5 A health care facility not exceeding 150 beds or one million five hundred thousand dollars (\$1,500,000) in annual gross receipts.

202.6 Generating and transmitting electric power not exceeding 4.5 million kilowatt hours annually.

202.7 The following professional and business activities shall not be considered a small business for purposes of this rule regardless of any other circumstances:

a. Financial institutions including banks, trusts, savings and loan associations, thrift institutions, consumer and industrial finance companies, credit unions, mortgage and investment bankers, and stock and bond brokers.

b. Insurance companies, both stock and mutual.

c. Mineral, oil and gas brokers: subdividers and developers.

d. Landscape architects, architects and building designers.

e. Entities organized as nonprofit institutions.

f. Entertainment activities and productions including motion pictures, stage performances, television and radio stations, and production companies.

g. All utilities, water companies, and power transmission companies, except electrical power generating transmission companies providing less than 4.5 million kilowatt hours annually.

h. All petroleum and natural gas producers, refiners and pipelines.

**300 STANDARDS**

301 **HEARING BOARD FEES:** Every petitioner to the Hearing Board, including any public agency except the District, shall pay fees according to the following schedule:

301.1 Fees for small business as defined in Section 202 unless applying for Section 301.3, Breakdown Conditions, shall be:

|  | 1997       | 1998      | 1999      |
|--|------------|-----------|-----------|
| Initial Fees                             | \$495.00   | \$765.00  | \$1035.00 |
| Newspaper Publication Fees (if required) | \$60.00    | \$60.00   | \$60.00   |
| Staff time above 7.5 hours               | \$91.00/hr | \$91./hr. | \$91/hr   |

Initial fees are due with the submission of the petition. Additional fees are billed to the petitioner and are payable prior to issuance of the final Findings & Orders.

301.2 Fees for businesses which do not qualify as small businesses under the Section 202, unless applying for Section 301.3, Breakdown Conditions, shall be:

|  | 1997       | 1998      | 1999      |
|--|------------|-----------|-----------|
| Initial Fees                             | \$627      | \$1024.00 | \$1035.00 |
| Newspaper Publication Fees (if required) | \$60.00    | \$60.00   | \$60.00   |
| Staff time above 7.5 hours               | \$91.00/hr | \$91./hr. | \$91/hr   |

Initial fees are due with the submission of the petition. Additional fees are billed to the petitioner and are payable prior to issuance of the final Findings and Orders.

301.3 Fees for breakdown conditions: emergency variance shall be:

|                         |            |
|-------------------------|------------|
| Initial Fees            | \$495.00   |
| Staff time over 3 hours | \$91.00/hr |

Initial fees are due with the submission of the petition. Additional fees are billed to the petitioner and are payable prior to issuance of the final Findings and Orders.

301.4 Excess Duration fees shall be charged for every variance approved for more than 90 days on which excess emissions have been calculated in the staff report. Excess Duration fees shall be billed to the petitioner and collected prior to issuance of final Findings & Orders. Excess Duration fees shall be charged at the rate of \$275/month in excess of three (3) months duration of the variance. Excess Duration Fees for businesses defined as small businesses in Section 202 above, the Excess Duration fee shall be \$165 per month in excess of three (3) months duration of the variance.

301.5 Fees will remain at 1997 levels unless the District Board of Directors authorizes increases to 1998 and 1999 levels shown in Section 301.1 and 301.2.

301.6 If, prior to approval of the Variance petition, the Petitioner may withdraw the petition and the District will refund any unexpended fees.

302 **DUPLICATION FEES:** Board hearings are tape recorded by the Hearing Board Clerk for the record. A copy of the tape of a hearing may be obtained for the costs of duplication.