

RULE 312

Fees for Federal Operating Permits

(A) General.

(1) Purpose

- (a) This rule sets forth the fees required for Federal Operating Permits pursuant to Regulation XII.

(2) Applicability

- (a) Each owner/operator of a Facility, as defined in District Rule 1201(M), which is subject to the provisions of Regulation XII or will be subject to the provisions of Regulation XII on the effective date of that regulation, as defined in District Rule 1200(D), shall pay the fees as indicated in this rule.
- (b) Federal, State, or Local governmental agencies or public districts shall pay these fees to the extent allowed under Chapter 2, Division 7, Title 1 of the Government Code (commencing with Section 6130) and under Part 4 and Part 6, Division 26 of the Health & Safety Code (commencing with Sections 41500 and 44300 respectively).

(B) Requirements and Procedures.

- (1) Fees shall be paid when due as specified in this Rule. Failure to pay such fees shall be grounds for denial or revocation of any Federal Operating Permit, or for the termination of any application for a Federal Operating Permit. If such fees are not paid when due:
- (a) A late fee penalty of fifty percent (50%) of the amount due shall be assessed upon the fee. Such late fee penalty shall be added to the overdue fee.
- (b) The person subject to the fee shall be notified, by first class mail (postage prepaid) that:
- (i) The late fee penalty has been assessed; and
- (ii) That the entire amount (fee + late fee penalty) is due and owing within thirty (30) days of the notice.
- (c) If the fee and late fee penalty are not paid after the period specified in

subsection (b), the person subject to the fee shall be notified by first class mail (postage prepaid) that:

- (i) The permit, if any, has been suspended for non-payment of fees and is no longer valid; and
 - (ii) That continuing to operate with a suspended permit is a violation of District Rules & Regulations.
- (d) If the permit is suspended for more than 30 days, the APCO shall terminate the permit for non-payment of fees and notify the permit holder, in writing, of such termination.
- (2) Reinstatement of Suspended or Terminated Permits.
- (a) A suspended permit may be reinstated by payment in full of all fees and penalties.
 - (b) A terminated permit may only be reinstated by the submittal of a new application, accompanied by payment of all previously accrued fees, penalties and any new fees which would apply to such new application.
- (3) No claim for a refund of any fee shall be honored unless such claim is submitted within 90 days after the fee was paid.

(C) Supplemental Annual Fee

- (1) The supplemental annual fee shall be assessed beginning July 1, 1995 and shall be assessed in addition to any other fees required by Regulation III.
- (a) The supplemental annual fee shall not apply to the filing fee, a fee assessed solely due to an application for change of ownership, or a fee assessed solely as a result of a failure to obtain a permit to construct pursuant to District Rule 301 when a person is submitting an application solely for the purposes of obtaining a Federal Operating Permit pursuant to Regulation XII and such person presently holds valid permits under District Regulation II.
- (2) The supplemental annual fee shall be calculated as a 14.3% surcharge on all affected permit fees assessed pursuant to District Rule 301 upon an affected Facility.
- (3) The supplemental annual fee shall be calculated and assessed at the time any affected fee is assessed and shall be added to that fee. The supplemental annual fee shall be due at the same time and in the same manner as the affected fee to which it is added.

(D) Pass Through Cost Fee

- (1) Pass through costs may be assessed separate and apart from the Supplemental Annual Fee to cover the District's actual expenses incurred to comply with the procedural issuance requirements pursuant to the provision of District Regulation XII and other applicable State or Federal laws.
 - (a) Actual expenses of the District include consultant services which may be engaged by the District for the purpose of procedural issuance requirements, including, but not limited to, CEQA analysis. When necessary analysis is performed for the District under such a contract, the facility will be assessed the actual total and reasonable costs incurred by the District staff to oversee, review, and approve the analysis as well as the actual cost to the District of the contractor analysis.
 - (b) Actual expenses of the District include, but are not limited to, the costs of publishing legal notices which are incurred as part of the issuance process.

(E) Limitations

- (1) Payment of fees set forth under this rule shall not result in the renewal of a Federal Operating Permit unless the procedures for renewal of the Federal Operating Permit as set forth in Regulation XII have been completed.

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