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RULE 301
Permit Fees

(A) General

(1) Purpose

(a) This rule sets forth the fees required for various permit activities required pursuant to the provisions of Regulation II - *Permits* and Regulation XIII - *New Source Review*.

(2) Applicability

(a) Any person subject to the provisions of Regulation II - *Permits* or Regulation XIII - *New Source Review* shall pay the fees set forth in this rule.

(b) Federal, state or local governmental agencies or public districts shall pay the fees to the extent allowed pursuant to the provisions of Chapter 2, Division 7, Title 1 of the Government Code (commencing with §6103); Part 4, Division 26 and Part 6, Division 26 of the Health and Safety Code (commencing with §44300).

(3) Limitations

(a) Revenue derived from permit fees shall be limited as required by Chapter 4 of Part 4, Division 26 of the Health and Safety Code.

(4) Effective Date

(a) The amendments to this rule adopted on 08/24/20 shall be effective on 01/01/2021.

(B) Requirements and Procedures

(1) Fees, as specified herein, are required for the following activities relating to permits:

(a) The filing of a permit application.

(b) The evaluation of new or modified sources.

(c) The issuance of authority to construct(s).

(d) The issuance of permit(s) to operate.

(e) The issuance of duplicate or modified permits required by any of the following circumstances:

(i) Loss or destruction of a permit.
(ii) Change of equipment location to a site other than that described in the permit.
(iii) Transfer of ownership of the permit.
(iv) Alterations or additions to equipment as listed on the permit.

(f) Annual permit renewal.

(2) Fees shall be paid when due as specified herein:

(a) Fees shall be invoiced at least thirty (30) days before the expiration date as shown on the permit. The owner/operator will be notified by First Class mail of the amount to be paid and the due date of the invoice.

(b) If the fee is not paid on or before the due date of the invoice the permit shall become delinquent on the due date or expire on its expiration date, whichever is sooner, and will thereafter no longer be valid.

(c) Within thirty (30) days after the due date of the invoice or expiration date of the permit, whichever is sooner, if the applicable fees remain unpaid the holder of the permit shall be notified in writing by First Class mail:

(i) That the permit has become delinquent for non-payment of fees and is no longer valid; and
(ii) Of the consequences of continuing to operate with an invalid permit.

(d) If the permit is delinquent for more than six (6) months the permit shall be terminated and become inactive in District records.

(3) Reinstatement of Permits

(a) A permit which is delinquent but has not become inactive may be reinstated by payment in full of all outstanding fees, fines and penalties, including but not limited to other fees imposed pursuant to Regulation III – *Fees* and fines or penalties imposed pursuant to the provisions of Article 3, Chapter 4, Part 4 of Division 26 of the Health and Safety Code (commencing with §42400).

(b) A permit which has become inactive may be reinstated by either of the following:

(i) The submittal of a new application, accompanied by payment of all previously accrued fees, fines and penalties, including but not limited to other fees imposed pursuant to Regulation III – *Fees* and fines or penalties imposed pursuant to the provisions of Article 3, Chapter 4, Part 4 of Division 26 of the Health and Safety Code (commencing with §42400) and the payment of any new fees which would apply to a similar new application; or

(ii) By submitting a written request to the APCO to reinstate the permit stating good cause for such reinstatement. The APCO or his or her designee shall review the request and may direct in writing that the permit be reinstated by payment in full of all outstanding fees, fines and penalties, including but not limited to other fees imposed pursuant to District Regulation III and fines or penalties imposed pursuant to the provisions of Article 3, Chapter 4, Part 4 of Division 26 of the Health and Safety Code (commencing with §42400).

(4) Refunds

(a) No claim for refund for any fee required by this rule shall be honored unless:

(i) For initial permit fees, such claim is submitted within ninety (90) days after the permit was issued.

(ii) For renewal permit fees, such claim is submitted within ninety (90) days after the prior permit expiration date.

(b) Refunds shall be pro-rated for the period between the date the request is received or prior permit expiration date, whichever is applicable, and the current permit expiration date.

(c) Fees established as surcharges are not refundable and are assessed in addition to the schedules established for permit fees. Surcharges are assessed and applicable as specified herein.

(d) The following fees are non-refundable:

(i) The filing fee set forth in section (C)(1).
(ii) Initial permit fees for Negative Air Machines and HEPA vacuums pursuant to section (E)(7)(h).

(5) Pro-rated fees

(a) The APCO may pro-rate any of the following fees excluding any applicable filing fee:

(i) Initial Permit Fee;
(ii) Annual Permit to Operate Renewal Fee;
(iii) Permit to Construct Renewal Fee;
(iv) Alteration, Modification, Addition or Revision Fees.

(b) Pro-rated fees shall be calculated based upon the fees and fee schedule in effect on the date of issuance of the permit to which the fees apply.

(c) Fees shall be pro-rated for the period between the date of the issuance of the affected permit and the expiration of the permit.

(6) Credit Card Payment

(a) If any person wishes to pay using a credit card, that person shall also pay the processing costs imposed by the company processing the transaction.

(C) Fees

(1) Filing Fee

(a) Except as otherwise provided, any person who applies for the issuance of a new or modified permit shall be assessed a fee of $317.00. This filing fee shall be submitted with the application.

(b) The filing fee is non-refundable and shall not be applied to any subsequent application.

(c) Applications shall not be accepted unless they are accompanied by the filing fee.

(d) Applications for asbestos remediation equipment (including negative air machines and HEPA vacuums) shall not be accepted unless they are accompanied by the filing fee and annual permit fee as specified in section (E)(7)(h).

(e) Applications for temporary permits shall not be accepted unless they are accompanied by the filing fee and annual permit fee as specified in section (C)(12)(a).

(2) Project Evaluation Fee for Complex Sources

(a) Any person who submits an application on or after January 1, 1986, which is related to projects to construct or modify any of the following shall be assessed a project evaluation fee for complex sources.

(i) Equipment associated with landfills;
(ii) Equipment associated with resource recovery projects;
(iii) Equipment associated with energy cogeneration projects;
(iv) Equipment associated with electrical power plants;
(v) Equipment associated with hazardous and toxic material and/or waste disposal or treatment facilities;
(vi) Equipment subject to the provisions of District Rule 1303 Section (B);
(vii) Equipment with emissions of a Hazardous Air Pollutant requiring a Health Risk Assessment pursuant to District Rule 1320 subsection (E)(3) or a case-by-case MACT determination pursuant to District Rule 1320 subsection (F)(2);
(viii) Equipment subject to provisions of the Prevention of Significant Deterioration Program as administered by U.S. Environmental Protection Agency or District Rule 1600; and
(ix) Any other permit units where the APCO or his or her designee has determined that an analysis required pursuant to these rules or regulations would require over two (2) hours of staff time to complete.

(b) A deposit of $6,500.00 to be applied toward the project evaluation fee for complex sources shall be paid within thirty (30) days of written notification by the District that the application is subject to this fee.

(c) The project evaluation fee for complex sources shall be based on the District's total actual and reasonable labor time and other reasonable expenses for the evaluation required to develop a permit to construct and/or permit to operate.

(i) This fee shall be calculated at a labor rate of $110.00 per hour plus actual expenses.
(ii) The fee shall accrue and be applied against the deposit.
(iii) Should the District's costs as calculated pursuant to subsection (i) above not exceed the deposit; the remainder of the deposit will be returned to the applicant.
(iv) Should the District's costs as calculated pursuant to subsection (i) above exceed the deposit the excess will be billed to the applicant.

a. The applicant shall be notified, in writing, of the amount of any such excess fee and the due date for payment of the fee.

b. An accounting of costs and written notice to the applicant shall be issued to the applicant at least quarterly.

(d) Actual expenses of the District include consultant services which are engaged by the District for the purpose of project evaluations. When project evaluations are performed for the District under such a contract, the applicant will be assessed fees for the actual total and reasonable costs incurred by the District staff to oversee, review, and approve the evaluation as well as the actual cost to the District of the contractor evaluation.

(e) Actual expenses of the District include project notice fees which are incurred on behalf of public project notices.

(f) The provisions of subsection (B)(2) do not apply to this fee. If the applicant fails to pay the project evaluation fee for complex sources when due the APCO shall, after written notice to the applicant, cancel the application.

(3) Initial Permit Fee

(a) Except as otherwise provided in this rule, any person who applies for a permit shall, upon notification that the application has been approved, be assessed the initial permit fee for the issuance of a permit to construct or permit to operate in the amount prescribed in schedules set forth herein.

(i) For applications containing mutually exclusive alternative construction scenarios the APCO may, upon written request of the applicant, assess an alternate initial permit fee. Such alternate initial permit fee shall not be less than the highest initial permit fee for any single alternative scenario set forth in the application and shall not be more than the sum of the initial permit fees for all alternative scenarios set forth in the application.

(ii) For applications where multiple schedules may be applicable to a particular piece of equipment the APCO shall determine the appropriate schedule to be applied.

(b) After the provisions for granting permits as set forth in Division 26 of the Health and Safety Code and these Rules and Regulations have been complied with, the applicant shall be notified, in writing, of the amount of the fee to be paid as the initial permit fee.

(i) Notice may be given by personal service, electronically, or by First Class mail.

(4) Annual Permit to Operate Renewal Fee

(a) A Permit to operate shall be annually renewable, upon payment of fees.

(b) The annual permit to operate renewal fee shall be calculated pursuant to the schedules herein.

(c) The annual permit to operate renewal fee shall be invoiced as specified in Section (B) above.

(5) Authority to Construct Renewal Fee

(a) An authority to construct may be renewed, upon payment of fees, pursuant to the provisions of District Rule 201.

(b) The authority to construct renewal fee shall be calculated pursuant to the schedules herein.

(i) For applications containing mutually exclusive alternative construction scenarios the APCO may, upon written request of the applicant, assess an alternate authority to construct renewal fee. Such alternate authority to construct renewal fee shall not be less than the highest authority to construct renewal fee for any single alternative scenario set forth in the application and shall not be more than the sum of the authority to construct renewal fees for all alternative scenarios set forth in the application.

(ii) For applications where multiple schedules may be applicable to a particular piece of equipment the APCO shall determine the appropriate schedule to be applied.

(c) An authority to construct may only be renewed for two (2) years after the initial date of issuance, unless the application is canceled or an extension of time pursuant to the provisions of District Rule 205 has been granted by the APCO.

(d) The authority to construct renewal fee shall be invoiced as specified in Section (B) above.

(e) When construction is completed prior to the expiration of the authority to construct, the authority to construct may thereupon act as a temporary permit to operate pursuant to the provisions of District Rule 202. The residual fee for the authority to construct, calculated as a pro-rated fee for the period between the completion of construction and the expiration date of the permit, shall be applied to a pro-rated initial permit fee for the same period. Any positive difference between the residual fee and the pro-rated initial permit fee shall be invoiced as set forth in Section (B) above.

(6) Change of Location or Ownership Fees

(a) Permits, pursuant to the provisions of District Rule 209, are only valid for the location specified in the permit.

(i) Any person who applies for a permit requesting a change in the location of equipment included on a currently valid permit shall request in writing a change of location for the equipment and may be assessed an initial permit fee if the change in location also creates additional alteration(s), modification(s), addition(s) or revision(s) in either the subject permit or other permits at the same facility.

(ii) The person will be notified by mail, of the amount of the initial permit fee due as a result of the change of location and the due date for payment of the fee.

(iii) The APCO or his or her designee may, upon the applicant's written request, waive the initial permit fee.

(b) Permits, pursuant to the provisions of District Rule 209, are only valid to the person named on the permit.

(i) Any person who applies for a permit requesting a change of ownership of equipment included on a currently valid permit shall be assessed a transfer fee of $181.00 for each permit being transferred from one person to another.

(ii) The filing fee set forth in subsection (C)(1) are waived for applications solely requesting a change of ownership.

(iii) The transfer fee for applications solely requesting a change of ownership is due at the time the application is filed.

(c) Any person submitting an application for a permit requesting a change of location and/or change of ownership which also requests alteration(s), addition(s) or revision(s) to the permit shall be assessed either the fees set forth in this Section or in subsection (C)(7) whichever is greater.

(7) Alteration, Modification, Addition or Revision Fees

(a) Any person who applies for a permit requesting alteration(s), modification(s), addition(s), or revision(s) of the permit resulting from a change to equipment included on a currently valid permit shall be assessed a filing fee pursuant to subsection (C)(1) above and a permit revision fee.

(b) The permit revision fee shall be calculated as follows:

(i) The initial permit fee for a permit which includes the alteration, addition or revision minus the previous year's annual permit to operate renewal fee, pro-rated, for the period between the date of

issuance for the permit containing the alteration addition or revisions, and the original permit(s) expiration date.

(c) The permit revision fee shall be invoiced as set forth in Section (B) above.

(d) Any person submitting an application for a permit requesting a change of location and/or change of ownership which also requests alteration(s), addition(s) or revision(s) to the permit shall be assessed either the fees set forth in this Section or in subsection (C)(6), whichever is greater.

(8) Fees Applicable when Permit Granted or Denied by Hearing Board

(a) If a permit is granted by the Hearing Board after denial of an application by the APCO or after the application has been deemed denied pursuant to District Rule 215, the applicant shall be assessed the appropriate fees set forth in this rule.

(b) The applicant shall be notified, in writing, of the amount of the fee and the due date for payment of the fee.

(c) Previously paid fees are not refundable if the Hearing Board denies the issuance of a permit which was granted by the APCO.

(9) Signed Duplicate or Corrected Permit Fees

(a) A request for a signed duplicate permit or for administrative corrections to a permit, shall be made in writing by the permit holder.

(b) The permit holder shall be assessed a fee of $82.00 for issuing each signed duplicate or corrected permit.

(c) The fee for a signed duplicate or corrected permit is due at the time the permit is requested.

(10) Previously Unpermitted or Altered Equipment Fee

(a) When equipment is built, erected, installed, altered, or replaced (except for identical replacement) without the owner or operator obtaining a permit to construct in accordance with District Rule 201, the owner or operator shall be assessed a previously unpermitted equipment fee.

(b) The previously unpermitted equipment fee shall be calculated as fifty percent (50%) of all applicable permit fees which would have been required for each year of unpermitted activity, plus the full amount of all applicable permit fees for the year immediately preceding the year when the permit to operate is granted.

(c) The unpermitted equipment fee is due when the permit to operate is granted.

(d) The assessment of an unpermitted equipment fee shall not limit the District's right to pursue any other remedy provided for by law.

(e) The provisions of this subsection shall not apply if a permit is required solely due to a change in District Rule 219.

(f) The APCO may waive the unpermitted equipment fee for good cause upon the written application of the person assessed the fee.

(11) CEQA Review Fees

(a) An application for a permit which is associated with a project subject to review under the California Environmental Quality Act (CEQA; Public Resources Code Section 21000 et seq.) shall pay, in addition to any other fees applicable pursuant to this rule, the District's cost of performing all environmental evaluation required pursuant to CEQA. Such costs shall include, but are not limited to:

(i) Cost of preparing any environmental study or Environmental Impact Report including the costs of any outside consulting assistance which the District may employ in connection with the preparation of such study or report;
(ii) Cost of publication and circulation of any required notice;
(iii) Cost of filing any required documents with another agency; and
(iv) Reasonable internal costs, including overhead, of processing and reviewing the required environmental documentation.

(12) Temporary Permits

(a) An application for a permit which will be valid for thirty (30) days or less shall be assessed an initial permit fee of one-twelfth (1/12) the value calculated per section E below, or $356.12, whichever is greater.

(13) Seasonal Cotton Gin Permits

(a) The annual permit operating fees for permitted equipment at a seasonal cotton ginning operation (NAICS 115111) shall be one third the amount calculated in accordance with Schedule E below.

(14) Retail Gasoline Dispensing Equipment Minimum Fee

(a) The annual permit operating fees for gasoline dispensing equipment shall be the greater of the fees calculated pursuant to Sections (E)(5) or (E)(6) as applicable.

(D) (Reserved)

(E) Schedules for Initial Permit Fee and Annual Permit Fee

(1) Schedule 1, Motor Horsepower

Any emission generating process using motors as a power source shall be assessed a permit fee based on the cumulative total rated horsepower of all equipment in the process train, with the exception of air pollution control or other equipment that may operate independently of the process, in accordance with the following schedule:

HORSEPOWER RATING (hp)	INITIAL AND ANNUAL PERMIT FEE
(a) Up to and including 40 hp	$399.95
(b) 41 to and including 200 hp	$136.99 plus $6.57 per each hp
(c) 201 to and including 1,000 hp	$827.31 plus $31.24 per each 10 hp
(d) Greater than 1,000 hp	$2,388.76 plus $15.61 per each 10 hp

(2) Schedule 2, Fuel Burning Equipment

Any emission generating process in which fuel is burned, for the production of useful power, except for engine driven generators used for the intermittent production of electrical power not for resale, shall be assessed a permit fee based upon the design fuel consumption of the equipment expressed in British thermal units (Btu) per hour, using gross heating values of the fuel plus 2,550 Btu for each horsepower of associated motor driven equipment, in accordance with the following schedule:

BRITISH THERMAL UNITS (BTU) PER HOUR	INITIAL AND ANNUAL PERMIT FEE
(a) Up to and including 250,000 Btu	$136.99 plus $193.61 per each 100,000 Btu
(b) 250,001 to and including 1,000,000 Btu	$347.01 plus $109.57 per each 100,000 Btu
(c) 1,000,001 to and including 4,000,000 Btu	$1,031.85 plus $41.08 per each 100,000 Btu
(d) 4,000,001 to and including 10,000,000 Btu	$1,360.58 plus $32.90 per each 100,000 Btu
(e) 10,000,001 to and including 100,000,000 Btu	$3,753.00 plus $89.50 per each 1,000,000 Btu
(f) Greater than 100,000,000 Btu	$10,418.90 plus $22.85 per each 1,000,000 Btu

(3) Schedule 3, Electrical Energy

Any emission generating process which uses electrical energy, with the exception of motors covered in Schedule 1, shall be assessed a permit fee based on the total kilovolt-ampere (kVA) ratings, in accordance with the following schedule:

KILOVOLT-AMPERE (kVA)	INITIAL AND ANNUAL PERMIT FEE
(a) Up to and including 45 kVA	$367.06
(b) Greater than 45 kVA	$350.65 plus $0.40 per each kVA

(4) Schedule 4, Incinerator Equipment

Any equipment designed and used primarily to dispose of combustible refuse by wholly consuming the material charged leaving only the ashes or residue shall be assessed an initial and annual permit fee based on the maximum horizontal, inside, cross sectional area, in square feet, of the primary combustion chamber. The fee shall be $367.06 plus $23.76 per square foot.

(5) Schedule 5, Stationary Containers

Any stationary tank, reservoir, or other container with the exception of stationary storage tanks covered in Schedule 6 (subsection (E)(6)) herein, shall be assessed a permit fee on the following schedule of capacities in gallons or cubic equivalent:

GALLONS	INITIAL AND ANNUAL PERMIT FEE
(a) Up to and including 10,000 gallons	$350.65
(b) 10,001 to and including 100,000 gallons	$304.97 plus $4.59 per each 1,000 gallons
(c) 100,001 to and including 2,000,000 gallons	$672.07 plus $8.95 per each 10,000 gallons
(d) Greater than 2,000,001 gallons	$2,008.92 plus $22.64 per each 100,000 gallons

(6) Schedule 6, Retail Gasoline Dispensing Equipment

Any fueling equipment used to dispense gasoline (as defined in District Rule 461 subsection (B)(2)) at a single retail location, including but not limited to, stationary gasoline storage tanks, dispensers, and vapor recovery systems where required, shall be assessed an initial and annual permit fee in accordance with the following schedule:

(a) $57.34 per single product nozzle.

(b) $57.34 per product for each multi-product nozzle.

(7) Schedule 7, Miscellaneous Permit Fees

Permits to operate the following equipment shall be assessed an initial and annual permit fee in accordance with the following schedule:

(a) Each permit of a dry cleaning device: $356.12.

(b) Test Stand, Intermittent: $356.12.

(c) Spray coating equipment operated outside of a control enclosure: $356.12.

(d) Vapor degreasing equipment using non-Volatile Organic Compound (VOC) material only: $356.12.

(e) Portable abrasive blasting equipment: $356.12.

(f) Mobile asphalt or coal tar pitch roofing equipment with a capacity greater than 500 gallons: $356.12.

(g) Internal combustion engines of greater than or equal to fifty (50) brake horsepower driving electrical generators which meet any of the following criteria:

(i) Used at facilities normally serviced with commercial power, where the generators are used exclusively as emergency units during loss of commercial power: $356.12.

(ii) Used at facilities normally serviced with an alternative energy supply including, but not limited to, photovoltaic power, where the generators are used exclusively as emergency units during loss of such alternative energy source but no more than 200 hours total per year: $356.12.

(iii) Used to drive a fire pump or deluge pump that is used exclusively during fire emergency or testing: $356.12.

(h) Air Pollution Control Devices: $319.59

(i) Air Pollution Control Devices for the purpose of this subsection are those devices which are not a part of the basic process train. For the purposes of this subsection such devices do not include product separators.

(ii) Collection systems and conveyors associated with Air Pollution Control Devices as defined in this subsection shall not be considered as part of the air pollution control device.

(i) Any piece of equipment which has the potential to emit pollutants, but not included elsewhere in these schedules: $356.12.

(j) Each enclosure in which aerospace coating or stripping is performed which vents to atmosphere through more than one exhaust filtration system: $1,759.62.

(8) Schedule 8, Direct-Fired Production Equipment

Any emission generating process in which fuel is burned in combination with other materials for the purpose of producing a salable product, shall be assessed a permit fee based on the total equivalent fuel consumption of the equipment expressed in British thermal units (Btu) per hour, using gross heating values of the fuel plus 2,550 Btu for each horsepower of associated motor driven equipment, in accordance with the following schedule:

BRITISH THERMAL UNITS (BTU) PER HOUR	INITIAL AND ANNUAL PERMIT FEE
(a) Up to and including 250,000 Btu	$136.99 plus $193.61 per each 100,000 Btu
(b) 250,001 to and including 1,000,000 Btu	$347.01 plus $109.57 per each 100,000 Btu
(c) 1,000,001 to and including 4,000,000 Btu	$1,031.85 plus $41.08 per each 100,000 Btu
(d) 4,000,001 to and including 10,000,000 Btu	$1,360.58 plus $32.90 per each 100,000 Btu
(e) 10,000,001 to and including 100,000,000 Btu	$3,753.00 plus 85.24 per each 1,000,000 Btu
(f) Greater than 100,000,000 Btu	$10,418.90 plus $22.85 per each 1,000,000 Btu

(9) Schedule 9, Engine Driven Electric Generators

Generators used for the intermittent generation of electricity, other than for resale, where such generators provide power at the facility to assure continued operational capability should there be a loss of commercial power and/or to obtain a favorable commercial rate schedule shall be assessed a permit fee based upon the design fuel consumption of the equipment expressed in British thermal units (Btu) per hour, using gross heating values of the fuel, in accordance with the following schedule:

BRITISH THERMAL UNITS (BTU) PER HOUR	INITIAL AND ANNUAL PERMIT FEE
(a) Up to and including 250,000 Btu	$136.99 plus $193.61 per each 100,000 Btu
(b) 250,001 to and including 1,000,000 Btu	$347.01 plus $109.57 per each 100,000 Btu
(c) 1,000,001 to and including 4,000,000 Btu	$1,031.85 plus $41.08 per each 100,000 Btu
(d) 4,000,001 to and including 10,000,000 Btu	$1,360.58 plus $32.90 per each 100,000 Btu
(e) 10,000,001 to and including 100,000,000 Btu	$3,753.00 plus $89.50 per each 1,000,000 Btu
(f) Greater than 100,000,000 Btu	$10,418.90 plus $22.85 per each 1,000,000 Btu

(10) Schedule 10, Stand-By Equipment

Equipment used exclusively to provide continued operation of a process during maintenance or repair of an existing piece of regularly permitted equipment, shall be assessed an initial and annual permit fee of fifty percent (50%) of the appropriate fee schedule for that type of equipment or $319.59, whichever is the greater.

(11) Schedule 11, Landfills

Any landfill required to install a gas collection system pursuant to the provisions of 40 CFR 60 Subpart Cc (commencing with 40 CFR 60.30c) or 40 CFR 60 Subpart WWW (commencing with 40 CFR 60.750) or 40 CFR Subpart XXX (commencing with 40 CFR 60.760), shall be assessed an initial and annual permit fee of $1,759.62 per gas collection facility.

[SIP: Not in SIP.]

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