SCENARIO 1 (3.6%)

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(Amended June 3, 2005)

PROPOSED AMENDED RULE 306. PLAN FEES

(a) Summary

California Health and Safety Code Section 40522 provides authority for the South Coast Air Quality Management District to adopt a fee schedule for the approval of plans to cover the costs of review, planning, inspection, and monitoring related to activities conducted pursuant to the plans. An annual fee may also be charged to cover the costs of annual review, inspection, and monitoring related thereto. This rule establishes such a fee schedule, and requires that fees be paid for:

(1) Filing of plans;
(2) Evaluation of the above plans;
(3) Inspections to verify compliance with the plans;
(4) Duplicate plans;
(5) Change of condition; and
(6) Annual review/renewal of plans, if applicable.

(b) Definitions

For the purpose of this rule, a plan is any data and/or test report required by federal or state law, or District Rules and Regulations to be submitted to the District. A plan may be a description of a method to control or measure emissions of air contaminants required by the Rules and Regulations. Plans include, but are not limited to, the following: Demonstration Plan; Application Test Plan; Implementation Plan; Compliance Plan; Management Plan; Control Plan; CEQA Mitigation Monitoring Plan; Acid Rain Repowering Extension Plan and Compliance Plan; Acid Rain Continuous Emission Monitoring System Plan; Acid Rain Protocol/Report Evaluation; VOC Excavation Mitigation Plans (Site Specific and Various Locations); Reduction of Refrigerant Emissions from Stationary Refrigeration and Air Conditioning Systems Plan; Title V Exclusion Requests; Rule 109.1. Alternative Recordkeeping System Plan and Solid Waste

Air Quality Assessment Test Reports (Health and Safety Code Section 41805.5); Compliance Assurance Monitoring Plan (40CFR64), Maximum Achievable Control Technology MACT Exemption Requests, MACT Case-by-Case Analysis.

(c) Plan Filing Fee

The filing fee for a plan or change of condition shall be $~~95.05 for FY 04-05 and $95.05 for FY 05-06 and thereafter~~98.47.

(d) Plan Evaluation Fee

The plan evaluation fee shall be an amount equal to the total actual and reasonable time incurred by the District for evaluation of a plan, assessed at the rate of $~~95.05 for FY 04-05 and $95.05 for FY 05-06 and thereafter~~98.47 per person per hour or prorated portion thereof.

(e) Duplicate Plan Fee

A request for a duplicate plan shall be made in writing by the applicant. The applicant shall pay $~~16.37 for FY 04-05 and $16.37 for FY 05-06 and thereafter~~16.96 for each plan requested.

(f) Inspection Fee

The inspection fee for plan verification shall be an amount equal to the total actual and reasonable time incurred by the District for inspection and verification of the plan, assessed at the hourly rate of $~~76.00 for FY 04-05 and $76.00 for FY 05-06 and thereafter~~78.74 per inspection staff or prorated portion thereof. For inspections conducted outside of regular District working hours, the fee shall be assessed at the rate of 150% of the above hourly rate.

(g) Change of Condition Fee

Any request for a change of condition on a VOC Excavation Mitigation Plan shall be made in writing by the applicant. A request submitted after thirty (30) days of the issuance of the plan shall be subject to additional fees assessed at the rate of $~~95.05 for FY 04-05 and $95.05 for FY 05-06 and thereafter~~98.47 per hour for time spent in evaluation of the plan. Such fees shall be imposed at the time the review is completed.

(h) Annual Review/Renewal Fee

If the Executive Officer determines that an annual review/renewal is necessary, an annual review/renewal fee shall be charged. The annual review/renewal fee shall

be an amount equal to the total actual and reasonable time incurred by the District for review of the plan, assessed at the rate of $~~95.05 for FY 04-05 and $95.05 for FY 05-06 and thereafter~~98.47 per person per hour or prorated portion thereof, and shall be imposed at the time the review/renewal is completed.

(i) Payment of Fees

(1) In addition to payment of the filing fee, the initial payment for plan evaluation fees $~~316.90 for FY 04-05 and $316.90 for FY 05-06 and thereafter~~328.31 shall be 3.5 times the hourly rate ($~~95.05 for FY 04-05 and $95.05 for FY 05-06 and thereafter~~98.47) paid at the time of filing. This fee shall not apply to plans pursuant to Rule 403 - Fugitive Dust, and Rule 1166 - Various Location Plans issued pursuant to the Decontamination of VOC Soil, for which the initial payment for plan evaluation fees will be $~~95.05 for FY 04-05 and $95.05 for FY 05-06 and thereafter~~98.47. The adjustment to plan evaluation fees will be determined at the time a plan is approved or rejected and notification of the amount due or refund will be made.

(2) Payment of all applicable fees, including annual review/renewal fee, shall be due in thirty (30) days from the date of personal service or mailing of the notification of the amount due. Non-payment of the fee within this time period will result in expiration of the plan. For the purpose of this paragraph, the fee payment will be considered to be received by the District if it is postmarked by the United States Postal Service on or before the expiration date stated on the billing notice. If the expiration date falls on a Saturday, Sunday, or a state holiday, the fee payment may be postmarked on the business day following the Saturday, Sunday, or the state holiday with the same effect as if it had been postmarked on the expiration date. No further plan applications will be accepted until such time as all overdue fees have been fully paid.

Whenever the Executive Officer has reasonable cause to believe that the plan evaluation fee will be less than the fee for one hour's work, the fee need not be paid at the time of filing and notification of amount due, if any, shall be sent at the time the plan is approved or rejected.

(j) Small Business Discount

For small businesses filing plans, the fees assessed shall be fifty percent (50%) of the amounts specified in subdivisions (c), (d), (f), and (g).

(k) Alternative Recordkeeping System Plan Discount

For alternative recordkeeping system plan filed pursuant to Rule 109.1, the fee assessed shall be fifty percent (50%) of the amount specified in subdivisions (d), (f), and (g).

(l) Plan Application Cancellation Fee

The plan application cancellation fee shall be $~~126.71 for FY 04-05 and $126.71 for FY 05-06 and thereafter~~131.27 or the plan fee set forth in the Summary Permit Fee Rates table, whichever is less. The cancellation fee shall not apply when the application was filed based on an erroneous District request.

(m) Protocol/Report Evaluation Fees

A minimum fee of $~~253.55 for FY 04-05 and $253.55 for FY 05-06 and thereafter~~262.68 will be charged for the evaluation of source test protocols and reports. Additional fees for time spent in the evaluation in excess of 5 hours will be assessed at the hourly rate of $~~95.05 for FY 04-05 and $95.05 for FY 05-06 and thereafter~~98.47 per hour.

(n) Request for Time Extension of Payment Due

Whenever this rule requires fees to be paid by a certain date to avoid expiration, cancellation, or the imposition of an increased fee for late payment, the Executive Officer may, for good cause, grant an extension of time, not to exceed one hundred eighty (180) days, within which the fee payment shall be made. Any request for an extension of time hereunder shall be made in writing and accompanied by a statement of reasons explaining why the extension should be granted. This section does not apply to Rule 1166 excavation and VOC mitigation plans.

(o) Adjustment of Fees

The Executive Officer may, upon finding an administrative error by District staff regarding the calculation, imposition, noticing, invoicing, and/or collection of any fee set forth within this rule, rescind, reduce, increase, or modify such fee. Any request for such relief from an administrative error shall be received by the District in writing prior to the expiration date of notification of the amount due, accompanied by a statement of why such relief should be granted. Claims for refund of any fee required by this rule shall be submitted in writing within one (1) year after the fee was paid.

(p) Exemptions

Mobile Source Emission Reduction Credit (MSERC) Applications, ~~and~~ Compliance Plans required under Regulation XVI and Technical Infeasibility Certification Requests as cited in District Fleet Rules under Regulation XI shall be exempt from the provisions of this rule. Fees for Regulation XVI MSERC Applications and Compliance Plans shall be assessed in accordance with District Rule 309.

(q) Government Agencies

Federal, state, or local government agencies or public districts shall pay all fees.

(r) Air Quality Investment Program (AQIP)

Effective July 1, 1996, all Air Quality Investment Program (AQIP) fees shall be subject to Rule 311 and all other Rule 2202 registration fees shall be subject to Rule 308.

(s) Optional Expedited Protocol/Report Evaluation Processing Fee

Fees for requested expedited processing of Protocol/Report Evaluations, will be an additional fee based upon actual review and work time billed at a rate for staff overtime which is equal to the staff's hourly rate of $~~95.05 for FY 04-05 and $95.05 for FY 05-06 and thereafter~~98.47 plus $~~49.30 for FY 04-05 and $49.30 for FY 05-06 and thereafter~~51.07 per hour (one half of hourly rate). The established "minimum fee" found in Rule 306(m) shall be paid at the time of filing with the additional overtime fee billed following project completion (adjustments to the final bill will be made accordingly for the processing time which is included in the minimum fee). Fees are due at the time specified in the bill which will allow a reasonable time for payment. Request for expedited Protocol/Report Evaluation work can only be made upon initial work submittal, and approval of such a request is contingent upon the ability of the District to implement the necessary policies and procedures and the availability of qualified staff for overtime work

(t) Service charge for returned check

Any person who submits a check to the District on insufficient funds or on instructions to stop payment on the check, absent an overcharge or other legal entitlement to withhold payment, shall be subject to $~~30.16 for FY 04-05 and $30.16 for FY 05-06 and thereafter~~31.25 service charge.