(Adopted June 10, 1994)(Amended May 10, 1996)(Amended May 9,1997)
(Amended May 8, 1998)(Amended May 14, 1999)(Amended May 19, 2000)
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(Amended July 9, 2004)(Amended June 3, 2005)(Amended June 2, 2006)

**PROPOSED AMENDED RULE 309. FEES FOR REGULATION XVI**

(a) Applicability

Provisions of this rule shall apply to fees assessed for plans required by Regulation XVI, and for the transfer and acquisition of Mobile Source Emission Reduction Credits (MSERCs) generated pursuant to Regulation XVI rules. Fees shall be paid for:

(1) Rule 1610 Scrapping Plans

(2) Regulation XVI Mobile Source Emission Reduction Credit (MSERC) Applications and Compliance Plans

(3) MSERC Transaction Registration

(b) Definitions

For the purpose of this rule the following definitions shall apply:

(1) MSERC TRANSACTION is the trade or transfer of MSERC ownership between entities, or between MSERC accounts of the same entity. MSERCs shall be denominated in terms of one pound of MSERC pollutant.

(2) 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. Plans include, but are not limited to, the following: Rule 1610 Scrapping Plans, Regulation XVI MSERC Applications, and Regulation XVI Compliance Plans.

(3) SMALL BUSINESS is as defined in Rule 102.

(c) Fee Assessments

(1) Rule 1610 Scrapping Plans shall be assessed a filing and evaluation fee of ~~$1,328.49~~1,376.98. The fee shall be paid at the time of plan submittal.

(2) Regulation XVI Plans as defined in paragraph (b)(2), except Scrapping Plans, shall be assessed a filing fee of ~~$100.75~~104.43 and an evaluation fee of ~~$335.91~~348.17 at the time of submittal.

(3) Additional evaluation fees for plans shall be assessed at the rate of ~~$98.28~~101.87 per person per hour if necessary. Evaluation fees shall also be assessed at this rate for any amendments to Plans and Applications.

(4) For small businesses filing scrapping plans, MSERC applications, and compliance plans, the fees assessed shall be fifty percent (50%) of the amounts specified in paragraphs (c)(1), (c)(2), and (c)(3).

(5) MSERC transactions shall be jointly registered with the District by the MSERC transferor and transferee. The transferee shall be assessed a Transaction Registration Fee of ~~$65.67~~68.07 and thereafter, per transaction at the time the transaction is registered with the District.

(d) Inspection Fee

The inspection fee for Rule 1610 Scrapping 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 $83.50 per inspection staff or prorated portion thereof. For inspections conducted outside of regular District working hours, the fee shall be assessed at a rate of 150% of the above hourly rate.

(e) Payment of Fees

(1) 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.

(2) 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.

(~~d~~f) Refunds

(1) If a plan or an application as defined in paragraph (b)(2) is canceled, plan filing and evaluation fees, less the plan cancellation fee, will be refunded:

(A) If it is determined that the plan was not required pursuant to District rules; or

(B) The plan evaluation procedure has not been initiated by District staff.

(2) The plan cancellation fee will be $~~134.31~~139.21.

(3) Claims for refund of any fee required by this rule shall be submitted in writing within one (1) year after the fee was paid.

(4) The cancellation fee shall not apply when the plan was filed based on an erroneous District request.

(~~e~~g) Government Agencies

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

~~(f) 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 a $31.97 service charge.~~