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(Amended May 2, 2008)

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 ~~\$107.88~~112.30.

(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 ~~\$107.88~~112.30 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 ~~\$18.57~~19.33 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 ~~\$86.26~~89.80 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. This subdivision shall not apply to plans subject to subdivision (h).

(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 ~~\$107.88~~112.30 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

An annual review/renewal fee shall be charged for plans listed in the following table. The annual review/renewal fee shall be an amount equal to the Rule 301(d)(2) Schedule A fee. In addition, annual reviews/renewals shall meet all relevant and applicable requirements of Rule 301(d) and 301(g), and be paid on an annual renewal date set by the Executive Officer.

Plan type
Rule 1166- Volatile Organic Compound Emissions from Decontamination of Soil - Various locations
Rule 1166- Volatile Organic Compound Emissions from Decontamination of Soil – Fixed Site
Rule 1407 – Non Ferrous Metal Melting
Rule 1420 –Emissions of Lead
Rule 1176- VOC Emissions Waste Water System
Rule 1469.1 Spray Coating Chromium
Rule 1169 Chrome Plating Operations
Rule 1470 Compliance Plan
Compliance Assurance Monitoring Plan
Rule 1150 Excavation Management Plan
Rule 1150.1 –Active Landfill Control of Gaseous Emissions
Rule 431.1 - Sulfur Content of Gaseous Fuels
Rule 463 (e)(1)(A) - Organic Liquid Storage - Self-Inspection of Floating Roof Tanks
Rule 462 –Organic Liquid Loading Continuous Monitoring System (CMS) Plan
Rule 1111.8 -Control of Emissions from Refinery Flares - Flare Minimization Plan
Rule 1173- Control of Volatile Organic Compound Leaks and Releases from Components at Petroleum Facilities and Chemical Plants (h)(2)
Rule 1176 VOC Emissions from Wastewater Systems (d)(2)
Rule 1158- Storage, Handling, and Transport of Coke, Coal and Sulfur -Open Pile Control Plan
Rule 1132 - Further Control of VOC Emissions from High-Emitting Spray Booth Facilities

(i) Payment of Fees

(1) Plan Filing or Submittal Fee

In addition to payment of the filing fee, the initial payment for plan evaluation fees shall be ~~\$377.57~~393.05 paid at the time of filing. This fee shall not apply to plans pursuant to Rule 403 - Fugitive Dust, Rule 461(i) 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 ~~\$107.88~~112.30. This fee shall also not apply to Rule 1133 registration and annual updates, for which the plan submittal fee will be charged solely in accordance with subdivision (c) of this rule. 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) Independent Consultant Fees

In the case that the Executive Officer requires a qualified independent consultant, engaged by the District under a contract, to review the plan, the fees charged by the consultant will be in addition to all other fees required.

(3) Payment Due Date

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.

(4) Fee Due Date Exception

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.

(5) Expedited Processing

Fees for expedited processing of plan evaluation will be an additional fifty percent (50%) of the applicable plan evaluation fee, and shall be submitted at the time that the expedited processing is requested.

(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 ~~\$143.80~~149.70 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 ~~\$287.76~~299.56 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 ~~\$107.88~~112.30 per hour.

- (n) **Exemptions**
Mobile Source Emission Reduction Credit (MSERC) Applications, Compliance Plans required under Regulation XVI and Rule 2449 – Control of Oxides of Nitrogen from Off-Road Diesel Vehicles 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.

- (o) **Government Agencies**
Federal, state, or local government agencies or public districts shall pay all fees.

- (p) **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.

- (q) **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 ~~\$107.88~~112.30 plus ~~\$55.96~~58.25 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.