(**Adopted:** 1/6/78; **Amended:** 2/12/93; **Amended:** 07/21/15 effective 01/01/16; **Amended:** 07/18/17 effective 01/01/18; **Amended:** 07/16/19); **Amended** 07/19/22**)**

Rule 302
Other Fees

(A) General

(1) Purpose:

(a) This rule sets forth fees which may be charged for various activities, documents and services, including but not limited: to provision of publications, performing analysis, filing, evaluation and enforcement of Plans, State Mandated fees, and activities regulated pursuant to District Rule 1403 – *Asbestos Emissions from Demolition/Renovation Activities*.

(2) Applicability

(a) This rule applies to

(i) Any person subject to a fee listed below.
(ii) Any governmental entity subject to a fee listed below.
a. Federal, state and local government 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 Section 6103); Part 4, Division 26 of the Health and Safety Code (commencing with Section 41500) and Part 6, Division 26 of the Health and Safety Code (commencing with Section 44300).

(3) Effective Date

(a) The amendments to this rule as adopted on 07/19/2022 shall be effective immediately.

(B) Definitions

The definitions contained in District Rule 102 shall apply unless the term is otherwise defined herein:

(1) "Active Operations" – Any activity capable of generating Fugitive Dust, including, but not limited to, Earth-Moving Activities, Construction/Demolition Activities, or heavy- and light-duty vehicular movement.

(2) "Dust Control Plan" – A document setting forth information and methods to control or measure the emissions of dust required pursuant to District Rule 403.

(3) "Plan" – A document to be submitted to the District by District Rule or Regulation; or State or Federal law or regulation, providing a description or procedures necessary to accomplish the particular objective and containing those items set forth in the underlying requirement.

(4) "Source Test Protocol" – a test work Plan or protocol includes a process description, field sampling methods, analytical test methods, test schedules, equipment calibration and a results presentation format used to determine the type and quantity of pollutants emitted from sources by sampling the effluent stream.

(5) "Source Test Report" – a document that provides the analytical results from an emission source test used to determine the type and quantity of pollutants emitted from sources by sampling the effluent stream. The report should contain an executive summary, field sampling methods, analytical test methods, equipment calibration and a results presentation to determine the type and quantity of pollutants emitted from sources by sampling the effluent stream.

(C) Payments, Adjustments and Refunds

(1) Fees shall be paid when due as specified herein.

(a) Analysis Fees

(i) Analysis fees shall be invoiced as follows:
a. Directly by the entity retained by the District to perform the test and or analysis; or
b. By the District within thirty (30) days of receipt of an invoice by the District for testing and/or analysis services.

(ii) If invoiced by the District, the person ordered to provide the analysis or test by the Air Pollution Control Officer (APCO) will be notified by First Class mail, postage prepaid, of the amount to pay and the due date of the invoice.

(iii) A fee not paid within thirty (30) days of the due date of the invoice shall constitute grounds for the denial, revocation or suspension of all permits to operate at sources subject to permit requirements and shall constitute a violation of this Rule for any source, whether or not subject to permit requirements.

(b) Asbestos Fees

(i) Asbestos fees shall be paid with the written notice of intent to demolish, renovate or abate.

(c) Plan Fees

(i) Plan filing and evaluation fees shall be paid at the time of submission of the Plan.

(ii) If a Plan requires an annual renewal the District shall invoice the Plan renewal fee at least thirty (30) days prior to the expiration date of the Plan.

a. The invoice shall be sent via First Class mail, posted prepaid to the contact person indicated in the Plan.

b. Payment of annual review fee shall be due in thirty (30) days from the date of mailing.

(iii) A fee not paid within thirty (30) days of the due date of the invoice shall constitute grounds for the denial, revocation or suspension of the Plan and shall constitute a violation of this Rule for any source, whether or not subject to permit requirements.

(d) Publication Fees

(i) Publication fees shall be paid prior to the delivery of the publication requested.

(e) State Mandated Fees

(i) State mandated fees shall be due as specified in the regulation which imposes the mandate and allows the District to collect the state imposed fees for such mandate.

(2) Credit Card Payments

(a) Fees may be paid by credit card directly from the District website.

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

(3) Refunds

(a) Asbestos fees are non-refundable.

(b) The Plan filing and evaluation fee set forth in section (B)(1) is non-refundable.

(4) Service Charge for Returned Checks

(a) 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 $25.00 service charge.

(D) Analysis Fees

(1) Any person ordered by the APCO to provide an analysis of materials used by or the determination of emissions from any source of air contaminants shall pay all direct costs associated with such tests as invoiced by the entity which is retained by the District or the owner/operator, to perform the tests.

(2) Data and sample collection methods, analysis methods and the qualifications of testing personnel or firms shall be determined by the APCO.

(E) Asbestos Fees

(1) Any person who is required by District Rule 1403 – *Asbestos Emissions from Demolition/Renovation Activities* to submit a written notice of intention to demolish shall pay, at the time of delivery of notification, a non-refundable fee of $244.00.

(2) Any person who is required by District Rule 1403 – *Asbestos Emissions from Demolition/Renovation Activities* to submit a written notice of intention to renovate or abate shall pay a non-refundable fee based upon the area to be renovated or abated:

Linear Feet	**Square Feet**	**Cubic Feet**	**Fee**
260 – 999	100 – 999	35 – 218	$585.00
1,000 – 4,999	1,000 – 4,999	219- 1094	$1167.00
5,000 – 9,999	5,000 – 9,999	1,095 – 2,188	$1755.00
10,000 or more	10,000 or more	2,189 or more	$2341.00

(3) Expedited Handling Fee

(a) Any person subject to a fee pursuant to subsections (E)(1) or (2) above who submits the written notice of intention to demolish, renovate or abate and such notice is delivered or postmarked less than fourteen (14) calendar days before the project start date listed on the notification shall pay, in addition to the above fees, an expedited handling fee of $75.00

(4) Fee Calculation

(a) Fees are assessed on a per notification basis and multiple fees may apply.

(b) The total fee for any project shall be the sum of the applicable fees under subsection (1) and (2) above.

(5) No notification shall be considered received pursuant to Rule 1403, unless it is accompanied by the required payment.

(F) Plan Fees

(1) Air Toxics Plans

(a) Any person filing a Health Risk Assessment or a Risk Reduction Audit Plan pursuant to the Air Toxic "Hot Spots" Information and Assessment Act as amended (California Health & Safety Code§§ 44300 et seq) shall be assessed a fee of $489.00 for the District's evaluation of the Health Risk Assessment and Risk Reduction Audit Plans. *[moved from (F)(2) to create ascending alphabetical order]*

(2) California Business & Professions Code Division 10 Compliance Plan (B&P Div. 10 Compliance Plan)

(a) Any operation regulated under Division 10 of the California Business & Professions Code shall file a B&P Div. 10 Compliance Plan no later than 10 days prior to the commencement of operations, within 10 days of any substantive change in the information provided in the B&P Div. 10 Compliance Plan and annually prior to the expiration date of the B&P Div. 10 Compliance Plan.

(i) Such B&P Div. 10 Compliance Plan shall include information that is reasonably designed to ensure the ability to enforce provisions of Division 26 of the California Health & Safety Code and applicable District Rules and Regulations as specified on the most recent official B&P Div. 10 Compliance Plan form issued by the APCO.

(b) Any person filing a B&P Div. 10 Compliance Plan shall be assessed an annual Plan fee based on facility square footage, (less the square footage designated for common use area and processing area containing permitted equipment). The fee shall be $0.16 cents per square foot.

(i) If any of the square footage submitted on the Plan is constructed in a vertical configuration, the fee shall be determined based on the square footage multiplied by the number of layers/tiers in the configuration.

1. Fees shall be submitted in conjunction with the submission of the Plan.
2. Annual renewal fee shall be invoiced at least 30 days before the expiration date.

(3) Construction Excavation and Dust Control Plan Fees

(a) Any person who is required to submit a Dust Control Plan (DCP) pursuant to the provisions of District Rule 403:

(i) Shall be assessed a Plan filing and evaluation fee of $661.00, and

(ii) Shall be assessed a Construction Excavation fee based on actual acreage (as specified by the land use agency) of the project as follows:

Construction (acres)	
(a) 5 or greater but less than 10	$1,690.00
(b) 10 or greater but less than 20	$3,381.00
(c) 20 or greater but less than 50	$6,762.00
(d) 50 or greater but less than 100	$8,443.00
(e) 100 or greater but less than 200	$10,638.00
(f) 200 or greater but less than 300	$12,833.00
(g) 300 or greater but less than 400	$15,072.00
(h) 400 or greater but less than 500	$17,221.00
(i) 500 or greater but less than 1,000	$19,682.00
(j) 1,000 or greater but less than 2,000	$21,878.00
(k) 2,000 or greater but less than 3,000	$26,565.00
(l) 3,000 or greater but less than 4,000	$33,810.00
(m)4,000 or greater but less than 5,000	$43,470.00
(n) 5,000 or greater	$55,545.00

(iii) The Dust Control Plan filing and evaluation fee of $661.00 shall be submitted in conjunction with the submission of the Dust Control Plan and the Construction Excavation fee.

(iv) Upon termination of construction activities, if a site stability evaluation is performed pursuant to District Rule 403, the person holding the DCP may be assessed an inspection fee of $287.00.

(b) Any Active Operation requiring a DCP shall resubmit the DCP annually pursuant to the provisions of District Rule 403(D)(1)(j) as dust generating activities do not cease upon termination of construction activities. Such resubmission shall be assessed a Plan filing and evaluation fee of $661.00.

(i) If a site inspection is performed for compliance with the provisions of Rule 403 or the applicable DCP, the person holding the DCP may be assessed an inspection fee of $287.00.

(4) Source Test and Protocol and Report Evaluation Fees

(a) Any person filing a Source Test Protocol with the District shall be assessed a fee of $489.00 for the evaluation of the Protocol. There will be no additional fee charged for the evaluation of testing results.

(G) Publication Fees

(1) Any person receiving a publication for which a fee is charged shall be assessed the designated fee.

(a) The Air Pollution Control Officer (APCO) shall designate those publications, including information circulars, reports of technical work, or other reports, prepared by the District for which a fee shall be charged.

(b) Such fee shall be established by the APCO in a sum not to exceed the cost of preparation and distribution of such documents. Such fees shall be deposited in the general funds of the District.

(c) Cities and counties shall be entitled to receive one copy of any District publication without charge.

(2) Nothing in this Rule shall be construed to limit the rights of any person, or of the District, pursuant to the California Public Records Act, Chapter 3.5, Division 7 of Title 1 (commencing with

(H) State Mandated Fees

(1) Air Toxics “Hot Spots” Information and Assessment Fees.

(a) Any person subject to the provisions of the Air Toxics "Hot Spots" Information and Assessment Act as amended (California Health and Safety Code (H&SC) §§44300 et seq. and the regulations promulgated thereunder shall be assessed an annual fee for the various state level components required by the Act. The fee schedule is set by the California Air Resources Board (CARB) and authorizes collection of the fee by the District pursuant to the provisions of the adopting regulation.

(2) Other State Mandated Fees

(a) Any person subject to the provisions of a State adopted regulation or rule that assesses a fee to cover District costs for implementing such regulation and authorizes the collection of the fee by the District shall be assessed such fee pursuant to the provisions of the adopting regulation.

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