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(PAR 306 – November 21, 2018)

Effective July 1, 2018

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 (including equipment certification source tests) required by federal or state law, or ~~District~~SCAQMD Rules and Regulations to be submitted to the ~~District~~SCAQMD. 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; Smoke Management Plans; Burn Management Plans; Emergency Burn Plans; Post Burn Evaluation Reports; Rule 109 Alternative Recordkeeping System Plan; Solid Waste Air Quality Assessment Test Reports (Health and Safety Code Section 41805.5); Compliance Assurance Monitoring Plan (40 CFR 64); Maximum Achievable Control Technology MACT Exemption Requests; Equipment Certification Source Test Reports; and MACT Case-by-Case Analysis.

(c) Plan Filing Fee

The filing fee for a plan or change of condition shall be as follows:

| Facility Type | Non-Title V | Title V |
|---------------------------|-------------|----------|
| FY 2018-19 | \$155.80 | \$176.42 |
| FY 2019-20 and thereafter | \$155.80 | \$195.23 |

(d) Plan Evaluation Fee

The plan evaluation fee shall be an amount equal to the total actual and reasonable time incurred by ~~District~~ SCAQMD staff for evaluation of a plan, assessed at the hourly rate or prorated portion thereof as follows:

| Facility Type | Non-Title V | Title V |
|---------------------------|-------------|----------|
| FY 2018-19 | \$155.80 | \$176.42 |
| FY 2019-20 and thereafter | \$155.80 | \$195.23 |

(e) Duplicate Plan Fee

A request for a duplicate plan shall be made in writing by the applicant. The applicant shall pay the fee as shown in the table below in this subdivision for each plan requested:

| Facility Type | Non-Title V | Title V |
|---------------------------|-------------|---------|
| FY 2018-19 | \$25.29 | \$28.63 |
| FY 2019-20 and thereafter | \$25.29 | \$31.68 |

(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~~SCAQMD for inspection and verification of the plan, assessed at the hourly rate per inspection staff or prorated portion thereof as shown in the table below in this subdivision. For inspections conducted outside of regular ~~District~~SCAQMD 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 Rule 306(h).

| Facility Type | Non-Title V | Title V |
|---------------------------|-------------|----------|
| FY 2018-19 | \$124.58 | \$141.07 |
| FY 2019-20 and thereafter | \$124.58 | \$156.10 |

(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 hourly rate shown in the table below in this subdivision for time spent evaluating the plan. Such fees shall be imposed at the time the review is completed.

| Facility Type | Non-Title V | Title V |
|---------------------------|-------------|----------|
| FY 2018-19 | \$155.80 | \$176.42 |
| FY 2019-20 and thereafter | \$155.80 | \$195.23 |

(h) Annual Review/Renewal Fee

An annual review/renewal fee shall be charged for plans listed in the following table in this subdivision. 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.

Annual Review/Renewal Plan Fee by Rule Number

| Rule/Reference | Plan Type |
|----------------|---|
| 410 | Odor Monitoring |
| 431.1 | Sulfur Content of Gaseous Fuels |
| 462 | Organic Liquid Loading Continuous Monitoring System (CMS) Plan |
| 463(e)(1)(A) | Organic Liquid Storage - Self-Inspection of Floating Roof Tanks |
| 1105.1 | Reduction of PM10 and Ammonia Emissions from Fluid Catalytic Cracking Units |
| 1118 | <ul style="list-style-type: none"> • Control of Emissions from Refinery Flares - Flare Minimization Plan • Control of Emissions from Refinery Flares – Flare Monitoring and Recording Plan |
| 1123 | Refinery Process Turnarounds |
| 1132 | Further Control of VOC Emissions from High-Emitting Spray Booth Facilities |
| 1150 | Excavation Management |
| 1150.1. | Active Landfill Control of Gaseous Emissions |
| 1158 | Storage, Handling, and Transport of Coke, Coal and Sulfur - Open Pile Control Plan |
| 1166 | <ul style="list-style-type: none"> • Volatile Organic Compound Emissions from Decontamination of Soil – Fixed Site • Volatile Organic Compound Emissions from Decontamination of Soil - Various locations |
| 1173 | Control of Volatile Organic Compound Leaks and Releases from Components at Petroleum Facilities and Chemical Plants (h)(2) |
| 1176 | VOC Emissions Waste Water System |
| 1407 | Non Ferrous Metal Melting |
| 1420 | Emissions of Lead |

| Rule/Reference | Plan Type |
|----------------|--|
| 1420.1 | <ul style="list-style-type: none"> • Rule– Compliance Plan • Continuous Furnace Pressure Monitoring Plan • Compliance Plan for Closure Activities |
| 1469 | Chrome Plating Operations |
| 1469.1 | Spray Coating Chromium |
| 1470 | Requirements for Stationary Diesel-Fueled Internal Combustion and Other Compression Ignition Engines |
| 40 CFR 64.7 | Compliance Assurance Monitoring Plan |

(i) Payment of Fees

(1) Plan Filing and Plan Evaluation Fees

In addition to payment of the filing fee pursuant to subdivision (c), the initial payment for plan evaluation fees shall be as shown in the table below in this subparagraph and paid at the time of filing. The adjustment to plan evaluation fees will be determined at the time a plan is approved or rejected and may include additional fees based upon actual review and work time billed at a rate pursuant to subdivision (d). Notification of the amount due or refund will be provided to the applicant, and any additional fees due to the adjustment to plan evaluation fees will be billed following project completion.

| A – Rule 403 and 461 Plans and Rule 1166 Various Location Plans | Non-Title V | Title V |
|---|------------------|------------------|
| FY 2018-19 | \$155.80 | \$176.42 |
| FY 2019-20 and thereafter | \$155.80 | \$195.23 |
| B – Rule 444, 1133 and 1415 Plans | See Rule 306 (c) | See Rule 306 (c) |
| C – All Other Plans, including Rule 1166 Fixed Site Plans | Non-Title V | Title V |
| FY 2018-19 | \$545.27 | \$617.45 |
| FY 2019-20 and thereafter | \$545.27 | \$683.28 |

(2) Independent Consultant Fees

In the case that the Executive Officer requires a qualified independent consultant, engaged by the ~~District~~SCAQMD 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 sixty (60) days from the date of personal service or sending by mail, electronic mail, or other electronic means—~~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~~SCAQMD if it is delivered, electronically paid, or 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 delivered, electronically paid, or postmarked on the business day following the Saturday, Sunday, or the state holiday with the same effect as if it had been delivered, electronically paid, or 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) Optional Expedited Plan Evaluation Processing Fee

Initial fees for requested expedited processing of plan evaluation shall be an additional fifty percent (50%) of the applicable plan filing and initial evaluation fees pursuant to paragraph (i)(1), and shall be submitted at the time that the expedited processing is requested. The adjustment to expedited plan evaluation processing fee will be determined at the time a plan is approved or rejected and may include additional fees based upon actual review and work time billed at a rate for staff overtime which is equal

to one half of staff’s hourly rate as specified in subdivision (d). Notification of the amount due or refund will be provided to the applicant and any additional fees due to the adjustment to expedited plan evaluation processing fees will be billed following project completion. A request for expedited plan evaluation work can only be made upon initial work submittal, and approval of such a request is contingent upon the ability of the ~~District~~SCAQMD to implement the necessary policies and procedures and the availability of qualified staff for overtime work.

(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, 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 as shown in the table below in this subdivision. The cancellation fee shall not apply when the application was filed based on an erroneous ~~District~~SCAQMD request.

| Facility Type | Non-Title V | Title V |
|---------------------------|-------------|----------|
| FY 2018-19 | \$207.68 | \$235.16 |
| FY 2019-20 and thereafter | \$207.68 | \$260.23 |

(m) **Protocol/Report/Catalyst Equivalency Evaluation Fees**
(1) A minimum fee of \$409.45 shall be charged for the evaluation of source test protocols and reports. Additional fees for time spent on the evaluation in excess of 5 hours shall be assessed at the hourly rate specified in subdivision (d) for non-Title V facilities. The established minimum fee and additional fees for time spent on the evaluation in excess of 5 hours shall be billed after project completion. Fees are due at the time specified in the bill, which will allow a reasonable time for payment.

- (2) The fee for catalyst equivalency evaluation requests shall be the actual and reasonable evaluation hours assessed at the hourly rate specified in subdivision (d), and billed after project completion. Fees are due at the time specified in the bill, which will allow a reasonable time for payment.
- (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~~SCAQMD 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~~SCAQMD 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/Catalyst Equivalency Evaluation Processing Fee
- (1) 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 one half of staff’s hourly rate as specified in subdivision (d) for non-Title V facilities. The established “minimum fee” and additional fees for time spent on the evaluation in excess of 5 hours found in Rule 306(m)(1) shall be paid with the additional overtime fee billed following project completion. 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~~SCAQMD to implement the necessary policies and procedures and the availability of qualified staff for overtime work.

- (2) Fees for requested expedited processing of Catalyst Equivalency Evaluations, will be an additional fee based upon actual review and work time billed at a rate for staff overtime which is equal to one half of staff's hourly rate as specified in subdivision (d). The established fee described in Rule 306(m)(2) shall be paid with the additional overtime fee and will be billed following project completion. Fees are due at the time specified in the bill, which will allow a reasonable time for payment.

- (r) Regulation XXVII Fees
 - (1) Fees for Rule 2701 – SoCal Climate Solutions Exchange
 - (A) Entities submitting a plan will be assessed a filing fee of \$135.77.
 - (B) The fee for review and verification of Certified Greenhouse Gas Emission Reductions by SCAQMD staff shall be assessed at \$140.52 per hour or a prorated portion thereof.
 - (2) Fees for Rule 2702 – Greenhouse Gas Reduction Program
 - (A) Upon submitting a completed Greenhouse Gas Reduction Program Request to the Executive Officer for certified emission reductions an entity shall pay a fee of \$135.77.
 - (B) Individuals or households wishing to participate are exempt from the plan fees for reductions used to offset personal, household or event GHG emissions.