

Regulation IV

Rule 409 – Additional Services & Fees

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RULE 409 ADDITIONAL SERVICES & FEES

- A. PURPOSE:** The purpose of this rule is to allow the District to recover its reasonable costs incurred for direct and in-direct costs associated with its activities, including but not limited to the issuance of permits, enforcement and investigation, including research and administration. The authority to establish this Rule is provided for in H&SC §41512.5.
- B. RESEARCH FEES:** Information, circulars, reports of technical work, and other reports prepared and maintained by the District when supplied to other governmental agencies or individuals or groups requesting copies of the same may be charged by the District at a minimum rate of one “X” per hour, for the cost of preparation and distribution of such information and documents.
- C. SOURCE TESTING & ANALYSIS FEES:** In order to determine compliance with permit conditions, federal, State or local law, order, rule or regulation relating to air pollution, the District may assess fees in order to recover reasonable costs incurred when the APCO undertakes, or orders the collection, testing or analysis of emissions. The permittee, owner, or operator of the subject equipment shall pay fees to the District as listed in Table 1 and in a manner consistent with Regulation IV.

Table 1 – Source Testing and Analysis Fees

Type of Testing	Fee
Stack Testing	One “X” per hour of staff time plus actual costs
CEM Audits	One “X” per hour of staff time plus actual costs
VEE	One “X” per hour of staff time

- 1. AUTHORITY TO OBTAIN INFORMATION:** When the APCO finds that any inspection, test, or analysis, including any source testing of emissions is necessary to determine the nature, extent, or amount of pollutants being discharged into the atmosphere, or to determine compliance with permit conditions or with any State or local law, order, rule or regulation relating to air pollution, including potential emissions which may endanger the health, comfort or repose of the public or which may have a tendency to cause injury or damage to business or property, the APCO may order the inspection of a source or its records, collection of emission samples, or the analysis or evaluation of such samples by qualified personnel of the District, or by an independent contractor selected by the APCO if qualified District personnel are not available. No person shall fail or refuse to comply fully with the terms of any order issued by the APCO.
- 2. SERVICES:**
 - a. The APCO may undertake or order the collection, testing or analysis of emissions pursuant to this rule, to determine compliance with permit conditions, State or local law, order, rule or regulation relating to air pollution.
 - b. The APCO may undertake or order the auditing of continuous emission monitoring equipment to determine the accuracy and precision of the instrument(s) used to measure emissions from a source on a continuous basis.
 - c. The APCO may undertake special studies, i.e., ambient monitoring, collection of meteorological data, to assess a source's emissions impact on air quality.

- d. Nothing in this rule shall be construed to prevent the APCO from assessing fees for multiple testing, or for multiple samples and analyses, where the same is necessary to determine compliance with any federal, State or local law, order, rule or regulation relating to air pollution including potential emissions which may endanger the health, comfort or repose of the public.
- e. If any of the analyses or tests conducted pursuant herewith indicate that the subject source is not in compliance or raise reasonable doubt of the source complying with all federal, State and local regulations, the APCO may require additional analyses and/or testing as he determines necessary and may also include use of an independent tester for such additional tests. In such event, the owner or operator shall pay for each additional test accordingly.

3. FEES: The owner or operator of the subject premises shall pay the full costs of such services for which the said sum is not to exceed the actual cost for preparation, sample collection, sample analysis, materials and report preparation.

For the purposes of this rule the associated cost of analysis, emissions testing, CEM audits and special studies performed by the District shall be recovered and calculated at the rate of \$75.00 per hour, plus materials, laboratory analysis and the cost of any needed testing equipment. The staff activities and time involved include, planning and preparation for testing, equipment calibration, testing/sample collection time, sample analysis and preparation of a written report. Payment for such services shall be made in full by the owner or operator of the premises within 30 days of notification thereof by either the District or the independent contractor conducting the activities.

4. APPEAL RIGHTS: Any owner or operator of a source subject to the provisions of this rule, and who is dissatisfied with any requirements of, or determination or finding made by the APCO concerning the implementation of any part of this rule, may within 30 days of notification of the respective requirement, determination or finding thereof, petition the District Hearing Board to review the issue at question seeking relief from or modification of the subject requirement, determination or finding made by the APCO. In such event the provisions of Chapter VI - Procedure before the Hearing Board shall apply.

D. TECHNICAL EVALUATION FEES: Every person requesting technical evaluations, source testing, or emission reduction credits shall pay a fee of one "X" per hour of staff time expended. In addition, the District shall be reimbursed in an amount equal to the actual costs for all direct and indirect costs incurred in the performance of the service. The minimum fee charged shall be equal to one "X".

E. EMISSION REDUCTION CREDIT (ERC) FEES: Every person requesting evaluation or review for the purpose of emission reduction credits shall pay a fee of one "X" per hour of staff time expended. In addition, the District shall be reimbursed in an amount equal to the actual costs for all direct and indirect costs incurred in the performance of the service. The minimum fee charged shall be equal to one "X".

Table 2 – Technical Evaluation and ERC Fees

Service	X-Factor Multiplier Special Services Fee
Technical Evaluations and Emission Reduction Credits	1 per hour of staff time plus actual costs