

VENTURA COUNTY AIR POLLUTION CONTROL DISTRICT

RULE 41 - HEARING BOARD FEES

(Adopted 8/12/69, Renumbered 5/23/72, Revised 4/17/73, 2/26/74, 3/9/76, 7/18/78, 11/21/78, 6/23/81, 9/21/82, 3/8/83, 7/1/83, 6/27/89)

A. Hearing Fees

1. Upon filing a petition for a hearing before the Hearing Board, a person, except a person petitioning for an emergency variance, shall pay to the Ventura County Air Pollution Control District a fee in the amount of \$150.00. The filing fee for an emergency variance petition shall be \$100.00
2. Every petitioner shall pay to the Ventura County Air Pollution Control District a fee based on the cost of holding all hearings pursuant to the petition. Should more than one applicant be heard on a given date, the cost of the hearing shall be equally shared. The cost of a hearing shall be established by the Air Pollution Control Board and shall include all costs for Hearing Board members, the Hearing Board clerk and District staff. The filing fee in Section A.1. shall be applied toward the cost of the hearing. The fee shall be paid within 30 days after the petitioner is notified by certified mail of the amount of fee due.

B. Hearing Fee Refunds

In the event the Hearing Board reverses the decision of the Air Pollution Control Officer in an appeal from a denial or a conditional approval of an Authority to Construct, from a denial, a suspension, or conditional approval of a Permit to Operate, or any other matter, including but not limited to fees, trip reduction plans, emission banking, and stack monitoring, the Hearing Board may waive all or part of the fees specified in A. above.

C. Judicial Review

In the event judicial review is initiated pursuant to Section 40864 of the Health and Safety Code, the Hearing Board shall prepare the record of the proceedings upon the advance payment of the fee specified in Section 69950 of the Government Code. In all other cases, any person desiring a record of the proceedings shall make arrangements for a shorthand reporter and shall pay the reporter and any other costs to prepare such record.

D. Excess Emission Fee

In the event that a variance is granted by the Hearing Board, except a variance from Rule 50, the applicant shall pay an excess emission fee based on the prorated tons per year, and on the maximum pounds per hour of air contaminant emissions discharged during the variance period which are in excess of these Rules. The fee shall be assessed at two times the applicable permit renewal fee in Rule 42. The fee shall be paid within 60 days after the petitioner is notified of the amount due.

E. Visible Emission Fee

In the event a variance from the requirements of Rule 50 is granted by the Hearing Board, the applicant shall pay an emission fee based on the difference between the percent opacity of the emissions allowed by Rule 50 and the percent opacity of the emissions allowed by the variance. The fee shall be paid within 60 days after the petitioner is notified of the amount due. The fee shall be based on the following formula:

$$\text{Fee} = (\text{Percent Opacity}^* - 20\%) \times \text{number of days allowed in variance} \times \$1.00.$$

*Where "percent opacity" equals the maximum opacity of emissions, in percent, or equivalent opacity (in percent) in terms of Ringelmann numbers, allowed by variance. Note: Opacity is expressed as a whole number (0 to 100) for the purpose of this calculation.

F. This rule shall not apply to petitions filed by the Air Pollution Control Officer.

G. Sections D. and E. of this rule shall not apply to emergency variances.

H. Permit Issued with a Variance

In the event that a variance is granted by the Hearing Board, the applicant shall pay permit fees specified in Rule 42 at the time of issuance of the variance; provided that the applicant has not paid a permit fee at a prior time for the article, machine, equipment, or other contrivance which was the subject of the variance.