

## Rule 312

### Supplemental Annual Fees for Federal Operating Permits

#### (A) General

- (1) Purpose.
  - (a) This rule sets forth the fees required for Federal Operating Permits (FOP) pursuant to Regulation XXX.
- (2) Applicability.
  - (a) Each owner/operator of a Facility, as defined in District Rule 3001(M), which is subject to the provisions of Regulation XXX or will be subject to the provisions of Regulation XXX on the effective date of that regulation, as defined in District Rule 3000(D), shall pay the fees as indicated in this rule.
  - (b) Federal, State or Local governmental agencies or public districts shall pay these fees to the extent allowed under Chapter 2, Division 7, Title 1 of the Government Code (commencing with Section 6130) and under Part 4 and Part 6, Division 26 of the Health & Safety Code (commencing with Sections 41500 and 44300 respectively).
- (3) Effective Date
  - (a) The amendments to this rule adopted on 07/21/2015 shall be effective on 01/01/2017.

#### (B) Requirements and Procedures

- (1) Fees shall be paid when due as specified in this Rule. Failure to pay such fees shall be grounds for denial or revocation of any FOP, or for the termination of any application for a FOP. If such fees are not paid when due:
  - (a) The person subject to the fee shall be notified, by first class mail (postage prepaid) that the fee is currently delinquent and must be paid within thirty (30) days of the notice.
  - (b) If the fee is not paid after the period specified in subsection (a), the person subject to the fee shall be notified by first class mail (postage prepaid) that:

- (i) The FOP, if any, has been suspended for non-payment of fees and is no longer valid; and
  - (ii) That continuing to operate with a suspended FOP is a violation of District Rules & Regulations.
- (c) If the FOP is suspended for more than thirty (30) days, the APCO shall terminate the permit for non-payment of fees and notify the permit holder, in writing, of such termination.
- (2) Reinstatement of Suspended or Terminated Permits.
  - (a) A suspended FOP may be reinstated by payment in full of all fees and penalties.
  - (b) A terminated FOP may only be reinstated by the submittal of a new application, accompanied by payment of all previously accrued fees, penalties and any new fees which would apply to such new application.
- (3) No claim for a refund of any fee shall be honored unless such claim is submitted within ninety (90) days after the fee was paid.

#### (C) Supplemental Annual Fee

- (1) The supplemental annual fee shall be assessed annually in conjunction with any annual fees required pursuant to District Rule 301. The supplemental annual fee shall be assessed in addition to any other fees required by Regulation III.
  - (a) The supplemental annual fee shall not apply to the filing fee, a fee assessed solely due to an application for change of ownership, or a fee assessed solely as a result of a failure to obtain a permit to construct pursuant to District Rule 301 when a person is submitting an application solely for the purposes of obtaining a FOP pursuant to Regulation XXX and such person presently holds valid permits under District Regulation II.
- (2) The supplemental annual fee shall be \$1288.00 per FOP applied for or issued pursuant to the provisions of Regulation XXX.
- (3) The supplemental annual fee shall be due and owing within thirty (30) days of the District sending an invoice first class mail, postage prepaid, to the applicant or holder of the FOP.

#### (D) Limitations

- (1) Payment of fees set forth under this rule shall not result in the renewal of a FOP unless the procedures for renewal of the FOP as set forth in Regulation XXX have been completed.

[SIP: See AV Full SIP Table at <https://avaqmd.ca.gov/rules-plans>]

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