

Eastern Kern Air Pollution Control District

Rule 301.1 **BANKING CERTIFICATE FEES**

Rule 303 **MISCELLANEOUS FEES**

STAFF REPORT
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Table of Contents

I. INTRODUCTION 1

II. BACKGROUND 1

III. DESCRIPTION OF RULES 1

IV. RULE AMENDMENTS 2

V. ENVIRONMENTAL IMPACTS 2

VI. SOCIOECONOMIC IMPACTS..... 3

VII. RULE APPROVAL PROCESS 3

APPENDIX A AMENDED RULE 301.1, BANKING CERTIFICATE FEES
STRIKEOUT UNDERLINE

APPENDIX B AMENDED RULE 303, MISCELLANEOUS FEES
STRIKEOUT UNDERLINE

I. INTRODUCTION

Eastern Kern Air Pollution Control District (District) is proposing amendments to Rule 301.1, Banking Certificate Fees and Rule 303, Miscellaneous Fees. Rule 301.1 was originally adopted April 25, 1983, and last amended March 13, 2008. The primary reason for amending Rule 301.1 is to update the filing fee to the current \$130 requirement.

Rule 303 was originally adopted April 18, 1972, and last amended January 13, 2022. The primary reason for amending Rule 303 is to update the priority processing fee language to the correct engineer title and salary step.

Appendix A: Proposed Revision of Rule 301.1, Banking Certificate Fees, Strikeout Underline

Appendix B: Proposed Revision of Rule 303, Miscellaneous Fees, Strikeout Underline.

II. BACKGROUND

On January 13, 2022, the District adopted amendments to Rules: 301, Permit Fees and 303 Miscellaneous Fees. The amendments included a filing fee increase that is applicable to all applications, reports, dust plans, technical documents and any other submittal that requires District official review or response. Rule 301.1 lists an outdated filing fee that needs to be revised to the current filing fee to align with other District fee rules and to avoid confusion.

Rule 303 has a provision that allows applicants to request their project be prioritized over other projects by paying an increased engineering analysis fee. The current language used to calculate the per hour priority processing fee references a job classification and salary that no longer exist in the District. The language used to calculate the priority processing fee needs to be revised to current terminology to avoid confusion.

III. DESCRIPTION OF RULES

Rule 301.1

Requires every applicant that applies for a Banking Certificate or transfer of ownership of a Banking Certificate to pay a filing fee. The rule also requires that every applicant for issuance or renewal of a Banking Certificate pay a fee in the amount prescribed by Schedule 9 of Rule 302, Permit Fee Schedules.

Rule 303

Requires an application processing fee for engineering analysis based on the number of hours spent completing each project. Emissions testing, CEQA document preparation, portable equipment inspections and preliminary consultation may require additional fees, which will be determined by the Control Officer. Priority processing is also available at the applicant's request and has a separate overtime hourly processing rate.

IV. RULE AMENDMENTS

Rule 301.1

The rule currently requires a \$120 filing fee for Banking Certificate or transfer of ownership. Recent amendments to Rules 301, Permit Fees and 303, Miscellaneous Fees increased the filing fee from \$120 to \$130. Rule 301.1 is being revised to reflect the correct filing fee sum of \$130.

Section I, Filing Fees, will now read: *Every applicant that applies for a Banking Certificate or transfer of ownership of a Banking Certificate shall pay a filing fee of \$130.* No other amendments were made to the rule. Please see Appendix A.

Rule 303

Section VI, Priority Processing, allows an applicant to request priority processing for an Authority to Construct application or other permit modification activities. The applicant is required to pay a per hour priority processing fee, in addition to the normal application and processing fees for each hour the application is processed on a paid overtime basis. Rule 303 currently states the Priority Processing Fee shall be 1.5 times an Air Quality Engineer II, step 5 hourly salary, multiplied by the total actual overtime hours worked.

The District no longer has a job classification of Air Quality Engineer II. The term *Air Quality Engineer II* will be revised to *Senior Air Quality Engineer*. Additionally, the 5-step salary range has been eliminated and replaced by a 10-step salary range. This change is reflected in the proposed amendment. There are also minor language changes to aid in clarity of this section. No other amendments were made to the rule. Please see Appendix B.

V. ENVIRONMENTAL IMPACTS

Both the California Environmental Quality Act (CEQA) and CARB policy require an evaluation of the potential adverse environmental impacts of proposed projects. The District has determined that no significant adverse environmental impacts should occur as a result of adopting amendments to Rules 301.1 and 303

Pursuant to Section 15061, Subsections (2) & (3) of the CEQA Guidelines, staff will prepare and file a Notice of Exemption for this project upon adoption.

VI. SOCIOECONOMIC IMPACTS

California Health and Safety Code Section 40728.5 exempts districts with a population of less than 500,000 persons from the requirement to assess the socioeconomic impacts of proposed rules. Eastern Kern County population is below 500,000 persons and therefore exempt.

VII. RULE APPROVAL PROCESS

The District will be accepting written comments and concerns from persons interested in proposed Amended Rules 301.1 and 303 for a period of 30 days following the workshop. The District anticipates that Amended Rules 301.1 and 303 will be considered for adoption by the Governing Board at the July 24, 2025, Board Hearing.

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APPENDIX A:

PROPOSED REVISION RULE 301.1

BANKING CERTIFICATE FEES

STRIKEOUT UNDERLINE

301.1 Staff Report – Strikeout

RULE 201.1 Banking Certificate Fees - Adopted 4/25/83; Amended 6/1/93, 3/13/08, 7/24/25

I. Filing Fees

Every applicant that applies for a Banking Certificate or transfer of ownership of a Banking Certificate shall pay a filing fee of \$~~120~~130.

II. Banking Certificate Fees

Every applicant for issuance or renewal of a Banking Certificate, pay a fee in the amount prescribed by Schedule 9 of Rule 302. Filing fees shall be deducted from the issuance fee due. Failure to pay the fee due within 30 days of personal receipt or mailing of the statement shall result in automatic cancellation of the application.

III. Cancellation or Denial

If an application for a Banking Certificate is cancelled by the applicant, or if the Control Officer denies issuance of a certificate and such denial becomes final, the filing fee required herein shall not be refunded nor applied to any subsequent application.

IV. Duplicate Certificate

A fee of \$15 shall be charged for the issuance of a duplicate Banking Certificate.

APPENDIX B:

PROPOSED REVISION RULE 303

MISCELLANEOUS FEES

STRIKEOUT UNDERLINE

RULE 303 Miscellaneous Fees - Adopted 4/18/72; Amended 1/09/79, 6/01/93, 1/08/98, 3/13/08, 3/12/15, 1/13/22, 7/24/25

I. Emissions Testing

If the Air Pollution Control Officer finds an analysis of emissions from any source is necessary to determine the extent and amount of pollutants being discharged into the atmosphere because it cannot be determined by visual observation, he may order collection and analysis of samples by qualified personnel of the Air Pollution Control District. Time required for collecting and analyzing samples, preparing necessary reports, but excluding time required in going to and from the source, may be charged to the owner or operator of said source in a reasonable sum to be determined by the Air Pollution Control Officer. Such sum shall not exceed the actual cost of such work.

II. Application Processing

For issuance of an Authority to Construct or Agriculture Engine Registration required by Rule 201, Title V Permit to Operate pursuant to Rule 201.1, or a Banking Certificate pursuant to Rule 210.3, the applicant shall pay, in addition to any fees required by Rules 301, or 301.1, a per hour Engineering Analysis Fee as specified in following table for the time required to process the application and the cost of all notices required by Rules 210.1, 201.1 and 210.3.

Per Hour Engineering Analysis Fee for applications received as of April 1 st each year	<u>2021</u>	<u>2022</u>	<u>2023</u>
	\$100	\$105	\$110

III. CEQA Documents Preparation

If the Control District prepares environmental impact reports or negative declarations or parts thereof as a lead or responsible agency under the California Environmental Quality Act (CEQA) for which a permit is required by the Rules and Regulations of the Control District, the applicant shall be assessed a fee to offset District costs pursuant to Section 15045 of the California Office of Planning and Research's guidelines for implementation of the 1970 CEQA.

IV. Portable Equipment Inspections

If the Control District finds it necessary to inspect a portable engine (and/or associated equipment) registered with the California Air Resources Board pursuant to Section 41753 of the California Health & Safety Code, it may charge an inspection fee as prescribed in Title 13 of the California Code of Regulations, Section 2461.

V. Preliminary Consultation

For a preliminary consultation regarding an issuance of an Authority to Construct required by Rule 201, Title V Permit to Operate pursuant to Rule 201.1, Request for Exemption pursuant to Rule 202 Section II.N, or a Banking Certificate pursuant to Rule 210.3, the applicant shall pay, in addition to any fees required by Rules 301, or 301.1, a per hour Engineering Analysis Fee as specified in Table I for the time required to perform a preliminary consultation.

VI. Priority Processing

The applicant may request priority processing for an Authority to Construct or other permit activity. The applicant shall pay a per hour Priority Processing Fee to process an application, in addition to the normal application and processing fees required by Rules 301, 301.1 or 303(subsection II) for each hour that the application is processed on a paid overtime basis. The Priority Processing Fee shall be 1.5 times ~~an~~ Senior Air Quality Engineer-II, step ~~5-~~10 hourly salary, multiplied by the total actual overtime hours worked. The hourly rate for priority processing of an application will be posted on the District's website ~~each April 1st and~~ of each year. ~~the~~The applicant must note on their application that they agree to the Priority Processing Fee and ~~for how many~~ list the total number hours of overtime hours processing they agree are willing to pay for, ~~in order to process the application.~~

VII. Plan Review

Reports, fugitive dust plans, technical documents and other plans requiring District official review or response shall be assessed a Plan Review Fee to offset District costs. The Plan Review Fee shall be charged on an hourly basis and will be based the same as the Application Processing Fee in Section II of this rule, but in no case shall the total fee be less than \$130. If the plan requires annual or biennial review, the review fee will be a minimum of one hour of the Application Processing Fee in effect at the time of submittal. CEQA documents requiring an official review or response are not subject to this section.

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