

**AIR POLLUTION CONTROL DISTRICT  
COUNTY OF SAN DIEGO**

**DRAFT PROPOSED AMENDMENTS TO:  
RULE 40 – PERMIT & OTHER FEES  
RULE 42 – HEARING BOARD FEES**

**WORKSHOP REPORT**

The San Diego County Air Pollution Control District (District) held a public workshop on March 22, 2018, to discuss and receive input on the draft proposed amendments to Rule 40 – *Permit and Other Fees* and Rule 42 – *Hearing Board Fees*. A meeting notice was mailed to each permit holder and chamber of commerce in the region, distributed to interested parties through the County of San Diego’s electronic mail service, and posted on the District’s website.

The workshop was attended by 12 people, representing businesses and facilities that are subject to permit fees and other fees. A summary of their comments on the proposal, and the District’s responses, follows.

**1. WORKSHOP COMMENT**

What does an Air Pollution Control Civil Actions Investigator do, and why is this position proposed to be added to Rule 40?

**DISTRICT RESPONSE**

This is an existing classification, and its proposed inclusion in Rule 40 is for informational purposes only. The Air Pollution Control Civil Actions Investigator negotiates settlement agreements related to violations of air pollution control requirements, and represents the District in matters before the Hearing Board. In the event a petition before the Hearing Board is withdrawn, the petitioner is entitled to a refund of the filing fee, less the actual costs incurred by the District. Accordingly, the labor rate for the Air Pollution Control Civil Actions Investigator is proposed for inclusion in Rule 40 to facilitate the determination of actual costs incurred and the amount of a filing fee refund, if applicable.

**2. WORKSHOP COMMENT**

What is the anticipated timeline for future fee adjustment proposals?

**DISTRICT RESPONSE**

The District will evaluate the costs of its fee-supported services annually, as part of our regular fiscal-year budget cycle. If proposed fee adjustments are warranted, then we plan to follow the same general timeline as our current proposal, i.e., publish a draft proposal and solicit stakeholder input during the initial months of the calendar year, and present a proposal to the Air Pollution Control Board (Board) in the spring, prior to a proposed effective date of July 1.

**3. WORKSHOP COMMENT**

Are the fees associated with federal Title V Operating Permits proposed to increase?

**DISTRICT RESPONSE**

Yes, the fees associated with federal Title V Operating Permits are proposed to increase to ensure compliance with the Federal Clean Air Act requirements for full cost recovery. These fees are charged on an hourly (Time and Materials) basis, and the District's hourly labor rates are proposed to increase as specified in the proposed amendments to Rule 40.

**4. WORKSHOP COMMENT**

Have the Board members indicated if they are leaning for or against the proposal?

**DISTRICT RESPONSE**

District staff cannot speak for the Board members or presume their position on the proposal. The Board's consideration of the proposal is scheduled for a public hearing on April 25, 2018.

**5. WORKSHOP COMMENT**

Are other County of San Diego departments proposing fee adjustments?

**DISTRICT RESPONSE**

Yes, other departments within the County's Land Use and Environment Group – namely Agriculture, Weights and Measures, Environmental Health, Parks and Recreation, Planning and Development Services, and Public Works – are proposing fee adjustments where necessary for cost recovery, in accordance with Board of Supervisors Policy B-29: Fees, Grants, Revenue Contracts - Department Responsibility for Cost Recovery.

RR:jl  
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