

NORTH COAST AIR QUALITY MANAGEMENT DISTRICT

**Rule 411 - Delinquency Penalties & Late Fees**

*(Recodified and Revised May 19, 2005).*

CONTENTS

- 1.0 DELINQUENT FEE
- 2.0 TIMELY PAYMENT OF FEES
- 3.0 DELINQUENCY PENALTY
- 4.0 IMPROPER PAYMENT OF FEES
- 5.0 ADDITIONAL DELINQUENCY PENALTIES
- 6.0 PERMITTEE DEFAULT
- 7.0 DELINQUENT FEES - PERMITS ISSUED BY HEARING BOARD
- 8.0 EXTENSION OF PAYMENT PERIOD BY THE APCO
- 9.0 WAIVER OF PENALTY BY THE APCO

**RULE 411  
DELINQUENCY PENALTIES & LATE FEES**

- 1.0 DELINQUENT FEE:** If any fee payment required pursuant to Rules 400, 401, 402, 403, 404, 405 and 406 of this Regulation is not submitted within 30 days of the issuance date of the North Coast Unified Air Quality Management District's (AQMD) billing statement, it shall be considered delinquent, and penalties for the delinquency shall be imposed as set forth below.
- 2.0 TIMELY PAYMENT OF FEES:** For purposes of this Rule, any fee payment shall be considered to be timely if it is postmarked on or before the 30<sup>th</sup> day following the statement issuance date. If the 30<sup>th</sup> day falls on a Saturday, Sunday, or holiday, the fee payment may be postmarked on the next business day with the same effect as if it had been postmarked on the 30<sup>th</sup> day.
- 3.0 DELINQUENCY PENALTY:** If no fee payment is submitted within the time prescribed in Section 2 above, a delinquency penalty of 25 percent of the amount of the billed fee, to a maximum of \$1,000, shall be added to the amount of fee due, and the permittee shall thereupon be notified by mail of the increased fee.
- 4.0 IMPROPER PAYMENT OF FEES:** If a fee payment is timely paid, but the tendered amount is less than the amount due, the payment shall not be accepted, and the time for proper payment continues to run.

**5.0 ADDITIONAL DELINQUENCY PENALTIES:** If any fee payment is delinquent and the fee plus the delinquency penalty is not received within 30 days of the AQMD's notification pursuant to Section 3 above, the delinquency penalty shall be increased to 50 percent of the original amount due, to a maximum of \$1,000, and the permittee shall thereupon be notified by mail of the increased fee.

**6.0 PERMITTEE DEFAULT:** If, in the case of a failure to pay permit fees required pursuant to Rule 400 and Rule 405, the delinquent fee plus penalties assessed pursuant to Section 5 above are not received within 30 days of the date of the AQMD's notification, the permittee shall be considered to be in default of its permit fee obligation and in violation of this Rule. In such case the AQMD shall immediately notify the applicant that its Permit to Operate or Authority to Construct is denied and that further operation of the subject equipment without a valid permit is prohibited. Such denial shall not preclude the applicant from submitting another permit application and beginning the process anew, although the delinquent fee and penalty shall become an obligation owing to the AQMD, which may be recovered along with any permit fee from such new application.

In the event the person whose permit has expired applies for a new permit, the unpaid annual renewal fee portion of this delinquent fee shall be prorated from the original permit's annual renewal date to the date of billing for the replacement permit and added to the permit fee for the replacement permit.

**7.0 DELINQUENT FEES - PERMITS ISSUED BY HEARING BOARD:** If, in the case of a failure to pay the permit fee for a permit issued by the AQMD Hearing Board, the delinquent fee plus penalty assessed pursuant to Section 3 of this Rule is not received within 30 days of the date of the AQMD's notification, the delinquency penalty shall be increased to 50 percent of the original amount due, to a maximum of 50 percent of the original amount due, to a maximum of \$1,000, and the permittee shall be thereupon be notified by mail of the increased fee.

**7.1** If the delinquent permit fee plus penalties assessed pursuant to Sections 3 and 7 of this Rule are not submitted within 30 days of the AQMD's notification, the permittee shall be in default of its fee obligation and in violation of this Rule. In such case, the Air Pollution Control Officer (APCO) shall petition the AQMD Hearing Board to hold a hearing to determine whether any or all of the facility's permits should be revoked pursuant to California Health and Safety Code Section 42307.

**7.2** After the AQMD has initiated a permit revocation action through the filing of an accusation with the AQMD Hearing Board, but before the revocation hearing is held, the permittee may still cure its default by submitting all outstanding fees, plus delinquency penalties and a \$150 revocation initiation fee.

**7.3** If any Permit to Operate is revoked by the AQMD Hearing Board on account of such default, it may be reinstated or replaced with a new permit, upon written request of the permittee and upon payment of all outstanding fees, penalties, revocation initiation fee, and a reinstatement fee of \$250.

- 8.0 EXTENSION OF PAYMENT PERIOD BY THE APCO:** The 30-day payment period for fee payment required pursuant to Section 2 of this Rule may be extended by the Air Pollution Control Officer for extraordinary circumstances and for good cause shown. The adequacy of cause to extend the period shall be decided on a case-by-case basis by the APCO.
- 9.0 WAIVER OF PENALTY BY THE APCO:** The penalty for fee delinquency may be waived by the APCO for extraordinary circumstances and good cause shown. The adequacy of cause to waive the penalty shall be determined on a case-by-case basis, and may include, but is not necessarily limited to: illness, injury, or accident caused to the responsible party.