

**San Joaquin Valley  
Unified Air Pollution Control District**

**District Fees for Projects Requiring Public Notification  
Pursuant to California Health & Safety Code  
Section 42301.6**

Approved By: _____	Signed _____	Date: <u>10/17/10</u>
David Warner Director of Permit Services		

**I. Purpose:**

To establish consistency in District charges for projects requiring public notification per California Health & Safety Code Section 42301.6.

**II. Applicability:**

This policy applies to all Authority to Construct (ATC) applications for new or modified sources which result in an increase in hazardous air emissions and are located within 1,000 feet of a school.

**III. Background:**

The California Health & Safety Code Section 42301.6(a) requires public notification prior to approving an application for permit to construct or modify a source that emits hazardous air emissions if the source is located within 1,000 feet of the outer boundary of a schoolsite. A school is defined in Health & Safety Code Section 42301.9 as,

*“any public or private school used for purposes of the education of more than 12 children in kindergarten or any of grades 1 to 12, inclusive, but does not include any private school in which education is primarily conducted in private homes.”*

Due to a number of projects received which require public notification by the Health & Safety Code Section 42301.6, a clarification of the scope of fees that can be charged by the District for incurred costs associated with the notification is necessary for consistency.

District Rule 3010 Section 3.1 does not address fees which may be charged for projects triggering public notice per Health & Safety Code Section 42301.6. However, the Health & Safety Code Section 42301.6(b) states,

*“The air pollution control officer shall, at the permit applicant’s expense, distribute or mail the public notice to the parents or guardians of children enrolled in any school that is located within one-quarter mile of the source and to each address within a radius of 1,000 feet of the proposed new or modified source...”*

Past billing practices have varied somewhat; some billings have included all engineering time spent on the project, some have excluded clerical time, etc. The following guidance is consistent with District Rule 3010 and the language of state law, and will assure consistency within the District.

#### **IV. Charging of fees:**

The District will charge an evaluation fee for staff time spent.

In addition to these charges, the Health & Safety Code Section 42301.6 specifically allows the District to recover any incurred costs associated with the *distribution or mailing* of the notices. This shall include:

##### **A. Time charges, to be charged at the District’s average weighted labor rate:**

1. District staff engineering time expended collecting addresses within 1000’ radius of the source of emissions.
2. District Office Assistant staff time expended making copies, printing mailing labels, stuffing envelopes, etc.

##### **B. Other charges:**

1. Charges billed to the district by a public entity (such as a County Assessors office) involving the collection of the addresses within 1,000’ radius of the source of emissions.
2. Copying of the notices done by the District. The charge shall be at the going rate per copy.
3. The District’s cost for consumables such as envelopes and mailing labels.
4. Postage associated with mailing the notices.