

# FINAL DRAFT

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RULE 3120 REGULATION VIII ALTERNATIVE COMPLIANCE PLAN REVIEW FEE  
(Adopted October 21, 1993; Amended January 17, 2008; Amended April 16, 2015;  
~~effective July 1, 2016; Amended [date of adoption], effective July 1, 2019~~)

## 1.0 Purpose

This Rule is to recover the cost associated with processing Alternative Compliance Plans submitted for approval in accordance with Regulation VIII. Regulation VIII establishes requirements for the control of fugitive dust in order to reduce the amount of fine particulate matter (PM<sub>10</sub>) entrained in the ambient air as a result of emissions generated from anthropogenic (man-made) fugitive dust sources by requiring actions to prevent, reduce, or mitigate PM<sub>10</sub> emissions. When special circumstances prevent compliance with one or more Rules established in Regulation VIII, an Alternative Compliance Plan may be submitted for approval.

## 2.0 Applicability

This Rule applies to Alternative Compliance Plans submitted for approval in accordance with Regulation VIII. Alternative Compliance Plan Applications may address multiple Rules of Regulation VIII, but must be site specific and limited to one contiguous site or area. The fee for processing the application is not increased based on the number of Rules affected within the application, but may increase if extensive time is required to process the application involving one or more Rules.

## 3.0 Administrative Requirements

3.1 Applications to approve an Alternative Compliance Plan will not be processed unless payment is received to cover the processing cost and required information is provided to make processing possible. The Alternative Compliance Plan must include the following:

3.1.1 An explanation of the special circumstances which unreasonably prevent compliance with the applicable prohibitions or requirements of Regulation VIII.

3.1.2 An alternative program of control measures for the affected site, operation, or activity, including plot plans, control implementation plans, and project information necessary to evaluate the alternate program.

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## 4.0 Fees

- 4.1 Where an Alternative Compliance Plan is submitted for approval in lieu of compliance with one or more of the Rules contained in Regulation VIII, the applicant requesting approval of the Alternative Compliance Plan shall pay a plan review fee as follows:
  - 4.1.1 Each application for approval of an Alternative Compliance Plan shall be accompanied by a nonrefundable payment of ~~\$163~~171.
  - 4.1.2 If the application fee will not cover the full cost of processing the application, the District, upon notification to the applicant, may assess reasonable additional fees based on expenses and average weighted labor rate of the Air Pollution Control District as developed by the Finance Department of the District.
    - 4.1.2.1 Upon notification that an additional fee shall be required, the applicant may withdraw the application without incurring such additional fee.
- 4.2 The District fee for processing the Alternative Compliance Plan shall be based upon expenses and average weighted labor rate of the Air Pollution Control District as calculated and issued in writing by the Finance Department of the District.