



**Date:** June 23, 2010  
**To:** Air Quality Department staff  
**From:** Max Porter, Interim Director  
**Subject:** Rule 280 (Fees) Dust Control Permit Fees Grandfather Clause

**12.4.280. Rule 280 Dust Control Permit Fees Grandfather Clause IMPLEMENTATION POLICY**

**CONTENTS:**

- 12.4.280.1 EFFECTIVE DATE
- 12.4.280.2 GENERAL PURPOSE
- 12.4.280.3 DUST CONTROL PERMIT FEES GRANDFATHER CLAUSE
- 12.4.280.4 GUIDANCE TO STAFF
- 12.4.280.5 QUESTIONS

**12.4.280.1 EFFECTIVE DATE:**

This policy is effective beginning May 26, 2010.

**12.4.280.2 GENERAL PURPOSE:**

The purpose of this policy is to establish a grandfather clause for dust control permit fees pursuant to the Board of Supervisors' direction at the time of adoption of Rule 280 (Fees) on May 26, 2010.

**12.4.280.3 DUST CONTROL PERMIT FEES GRANDFATHER CLAUSE:**

At the time that a dust control permit application is submitted for a site that has been previously permitted, the applicant may request that the fee be calculated based on the fee schedule in effect on May 26, 2010 if all of the following apply:

1. A previous dust control permit was valid on May 26, 2010 with a stated Estimated Project Completion Date on the original project application beyond the one year duration of the permit and items 2 through 5 below have continued without interruption until the effective date of the new dust control permit.
2. The Applicant as stated on the new dust control permit is the same as on the previous dust control permit that was valid on May 26, 2010.
3. The Name of Project as stated on the new dust control permit is the same as on the previous dust control permit that was valid on May 26, 2010.
4. The disturbed area of the new dust control permit must be within the boundary of the disturbed area stated on the previous dust control permit that was valid on May 26, 2010. Any expansion of the disturbed area at any time after May 26, 2010 creates a permit outside the scope of this policy and removes the option of requesting that the dust control permit fees be calculated based on the fee schedule in effect on May 26, 2010.
5. The disturbed area of the new dust control permit may be smaller, but not larger, than stated on the previous dust control permit that was valid on May 26, 2010.

Dust control permit applications requesting that fees be calculated based on the fee schedule in effect on May 26, 2010 and meeting the criteria above will be accepted until close of business on June 30, 2011.

## **Rule 280 Dust Control Permit Fees Grandfather Clause IMPLEMENTATION POLICY continued**

### **12.4.280.4 GUIDANCE TO STAFF:**

1. Dust Control permit applications will be accepted at One Stop Shop with the older fees at the request of the applicant if items 2 and 5 above are correct, with the stipulation that all criteria in Section 12.4.280.3 (Dust control permit fees grandfather clause) require verification before the dust control permit is deemed complete and the review process begins.
2. The new application will be compared to the previous application to determine the validity of items 1 through 5 above.
  - a. Should the veracity of the applicant's claims be found false, the applicant will be notified of additional fees. The permit will not be approved until all required fees have been paid.
  - b. A high priority checklist will be filled out for an accepted application for notification of compliance staff.
3. The disturbed area will be field verified against the dust control plan site map during the first inspection after approval of the permit.
  - a. Should the inspector find that the disturbed area does not match the submitted dust control plan site map a violation will be issued per Rule 200§305, Operating without a permit. If the actual disturbed area does not match what was submitted with the application then they have unpermitted areas subject to violation.

### **12.4.280.5 QUESTIONS:**

Questions concerning implementation of the policy are to be directed through division managers to the Office of the Director.