

Rule 511 Delinquency Penalties/Late Fees  
(Adopted June 24, 1999; Recodified August 22, 2002, Amended June 23, 2005,  
Amended February 26, 2009, Amended August 23, 2012)

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**Rule 511**

- 1 DELINQUENT FEE:** Fees assessed in accordance with Regulation V of these Rules and Regulations, including but not limited to, written authorizations from the Air Pollution Control Officer (APCO) for Authority to Construct permits or Permits to Operate, Certificates of Registration, Permits issued by the Hearing Board, or Burn Permits, shall be submitted within thirty (30) days of the issuance date of the Butte County Air Quality Management District's (DISTRICT) billing statement (invoice date) or the fee shall be considered delinquent and penalties may be assessed in accordance with this Rule.
- 2 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 invoice 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 DELINQUENCY NOTICE:** If a fee payment is delinquent, the DISTRICT shall mail a reminder notice to the responsible party stating that a delinquency penalty will be assessed if payment is not received on or before the 45<sup>th</sup> day from the invoice date.
- 4 DELINQUENCY PENALTY:** If fee payment is not received on or before the 45<sup>th</sup> day from the invoice date, a delinquency penalty of 25% of the amount of the billed fee shall be added to the amount of the fee due. The delinquency penalty of 25% shall not exceed \$500. The DISTRICT shall notify the responsible party by mail of the fees due and penalty fee.
- 5 ADDITIONAL DELINQUENCY PENALTIES:** If any fee payment is delinquent and the fee plus the delinquency penalty is not received within fifteen (15) days of the DISTRICT's delinquency notification issued pursuant to Section 4 above, the delinquency penalty shall be increased to 50% of the original amount due, to a maximum of \$1,000, and the DISTRICT shall send a final notice to the responsible party by mail of the fees due and penalties assessed, and pending Court action if not paid within ten (10) days of the final notice.
- 6 FEE DEFAULT:** If fees assessed in accordance with Regulation V of these Rules and Regulations and delinquency penalties assessed in accordance with this Rule are not received within thirty (30) days of the DISTRICT's final notice, the responsible party shall be considered to be in default of his or her fee obligations and previous authorizations subject to delinquent fees shall be suspended. Operating equipment or pursuing open-burning activities under suspended authorizations shall be a violation of this Rule and the unauthorized operation or activity shall be violations to the appropriate authorization requirements of these DISTRICT Rules and Regulations.
- 7 PERMIT FEE DEFAULT**
  - 7.1** In the event a Permit to Operate is suspended due to fee default, the APCO

shall petition the DISTRICT 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 DISTRICT has initiated a permit revocation action through the filing of an accusation with the DISTRICT 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 DISTRICT 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** **SUSPENDED AND EXPIRED AUTHORIZATIONS:** A suspended or expired authorization does not preclude the responsible party from submitting another application and beginning the authorization process anew, although the delinquent fee and penalty shall become an obligation owing to the DISTRICT, which may be recovered along with any fee from such new application.
- 9** **IMPROPER PAYMENT OF FEES:** A fee payment that is timely paid but is less than the amount due shall not be accepted, and the time for proper payment continues to run.
- 10** **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 for extraordinary circumstances at the discretion of the APCO. The adequacy of cause to extend the period shall be decided on a case-by-case basis by the APCO.
- 11** **NEGOTIATED PAYMENT SCHEDULE:** If a responsible party certifies to the APCO's satisfaction through a written declaration that payment in-full of fees would result in undue financial hardship, the APCO may negotiate an amended fee payment schedule, provided that the amended schedule includes reimbursing the DISTRICT for any increased costs of processing the extra payments. Failure to make any payments by any negotiated due date may result in penalties as otherwise authorized in this Rule and/or suspension of the permit.
- 12** **WAIVER OF PENALTY BY THE APCO:** The penalty for fee delinquency may be waived for extraordinary circumstances at the discretion of the APCO. The adequacy of cause to waive the penalty shall be decided on a case-by-case basis by the APCO.