

RULE 42. HEARING BOARD FEES (~~Effective 1/1/69; Rev. Adopted June 21, 2000; Effective July 1, 2000~~ *Adopted (date of adoption)* & ~~Effective April July 1, 2017~~)

(a) This rule shall not apply to petitions filed by the Air Pollution Control Officer.

(b) Every petitioner in a proceeding before the Hearing Board shall pay to the Clerk of the Hearing Board, on filing, a filing fee for each petition, including each petition for rehearing, in the amount shown below:

- (1) For each petition for Regular Variance.....\$983
- (2) For each petition for an Interim & Regular Variance.....\$1234
- (3) For each petition for 90-Day Variance.....\$951
- (4) For each petition for an Emergency Variance pursuant to the provisions of Rule 97 - Emergency Variance or Rule 98 - Breakdown Conditions - Emergency Variance\$560
- (5) For each petition filed pursuant to Rule 25 – Appeals.....\$1679
- (6) For each petition to modify an existing variance or abatement order.....\$951

(c) In the event that a petition is withdrawn or a hearing is not held for any reason, the petitioner shall be entitled to a refund of the filing fee, less the actual costs incurred.

(d) The Hearing Board may waive all or part of the fees specified in Subsection (b)(5) if it determines that circumstances warrant that waiver. Any request for such a waiver shall be submitted with the petition, which may be submitted without the required fees. If the waiver request is denied by the Hearing Board, the required fees shall be submitted by the end of business day following the hearing on the waiver request.

~~(a) Every applicant or petitioner in a proceeding before the Hearing Board shall pay to the Clerk of the Hearing Board, on filing, a filing fee for each petition and for each petition for rehearing in the amount shown below: (Rev. Effective. 7/1/00)~~

- ~~(1) For each application, including any associated application for an interim variance, for variance exceeding 90 days (in addition to any fee for emergency variance application), or for approval of a Schedule of Increments of Progress in accordance with §41703 of the Health & Safety Code, including applicants on behalf of a class of applicants, which meet the requirements of the Hearing Board Rules for a valid and proper class action for variance, or rehearing thereof~~
- ~~.....\$320~~

~~(2) For each application, including any associated application for an interim variance, for variance not exceeding 90 days (in addition to any fee for emergency variance application), or to modify or extend variance or abatement order..... \$107~~

~~(3) For each application for an emergency variance pursuant to the provisions of Rule 97 or Rule 98 \$53~~

~~(4) For each application request a stay, pursuant to Rule 25(c), or to appeal the denial, suspension or conditional approval of an Authority to Construct, Temporary Authorization or Permit to Operate \$373~~

~~Plus for each 2 hours, or any portion thereof, of hearing in addition to the first hearing day necessary to dispose of said appeal \$184~~

~~In the event that a petition is withdrawn or a hearing is not held for any reason, the petitioner shall be entitled to a refund of 50 percent of the filing fee.~~

~~Any person who requests an emergency variance pursuant to the provisions of Rule 98 shall pay the filing fee to the Clerk of the Hearing Board no later than five working days after the request is considered by the Chairperson or designated members of the Hearing Board. It is hereby determined that the cost of administration of Article 2, Chapter 4, Part 4, Division 25, of the Health and Safety Code, and Rule 25 of these Rules and Regulations, exceeds the fees required by this rule.~~

~~(b) Any person requesting a transcript of the hearing shall pay the cost of such transcript.~~

~~(c) This rule shall not apply to petitions filed by the Air Pollution Control Officer.~~

~~(d) Any person who certifies with factual presentation under penalty of perjury that payment of the foregoing Hearing Board fees will cause an unreasonable hardship, may be excused from payment of these fees by Order of the Hearing Board on that account when such findings are made by the Hearing Board.~~