



Maricopa County

Air Quality Department
Policies & Procedures

Policies & Procedures:
PP-2006-02

Title: Delinquent Fees

Supersedes:
Not apply

Effective: 01-03-2007

Initiator: Jo Crumbaker, JC

Director: Bob Kard, BK

PURPOSE:

- A. The purpose of this policy is to provide a consistent reasonable process for collecting unpaid fees charged to owners, operators, applicants, and/or permittees of sources of air pollution subject to the Maricopa County Air Pollution Control Regulations (Regulations).
- B. This policy is intended solely as guidance for Maricopa County Air Quality Department (MCAQD) personnel. It is not intended and may not be used to create rights enforceable by any party. Content of this policy is not intended to limit the Department's enforcement discretion. Deviation from this policy will not prevent the Department from pursuing an enforcement action that is otherwise appropriate to the violation. This policy may be changed at any time without public notice.

REFERENCE:

- A. Arizona Revised Statutes, Title 41 and Title 49
- B. Maricopa County Air Pollution Control Regulations

BACKGROUND:

Not applicable.

DEFINITIONS:

- A. The Control Officer is defined as the Maricopa County Air Quality Department Director.
- B. A Permit is defined as a Maricopa County Air Quality Permit.
- C. A billable permit action is defined in Rule 280.

APPLICABILITY:

This policy applies to the Control Officer and MCAQD Permit Engineering, Compliance and Enforcement personnel.

POLICIES:

- A. The Finance Division will be responsible for tracking all fee payments.
- B. The Compliance Division will be responsible for initiating enforcement action for permits that are delinquent in fee payments.
- C. Fees For Billable Permit Actions:
 1. The Control Officer will not issue a permit, a permit revision, or a Title V permit renewal until all fees for a billable permit action are paid in full.
 2. The Control Officer may deny a permit, a permit revision, or a Title V permit renewal, if the applicant does not pay fees required by Rule 280-Fees, Section 301.1 and Section 302.1 for billable permit actions.

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3. Any person who receives a final itemized bill for a billable permit action under Rule 280-Fees, Sections 301.1 or Section 302.1 may request an informal review of the permit processing hours billed, but must pay the bill, even if under protest.

PROCEDURES:

A. Annual Fees:

1. If owners, operators, applicants, and/or permittees of sources of air pollution subject to the Maricopa County Air Pollution Control Regulations do not pay their applicable fees by 30-days after the invoice due date, the Permitting Division will notify by mail the owners, operators, applicants, and/or permittees of sources of air pollution subject to the Regulations that they are required to pay their applicable fees and a delinquency fee of \$50.00, in accordance with Rule 280-Fees, Section 313.
2. If owners, operators, applicants, and/or permittees of sources of air pollution subject to the Regulations do not pay their applicable fees (including the delinquency fee) by 60-days after the invoice due date, an additional \$50.00 delinquency fee will be required to be paid.
3. Each month, the Permitting Division will provide the Compliance Division with a list of owners, operators, applicants, and/or permittees of sources of air pollution subject to the Regulations who have failed to pay their applicable fees (including the delinquency fee) by 60-days after the invoice due date.
4. The Compliance Divisions will determine if a permit is still required and will initiate enforcement action, if appropriate. The Compliance Division will follow the procedures for issuing a Notice Of Violation and for preparing and submitting a Department Referral, in accordance with the Maricopa County Air Quality Violation Reporting And Enforcement Policy.
5. The Enforcement Division will review each Department Referral to determine an appropriate course of action. The Enforcement Division will initiate action, in accordance with the Maricopa County Air Quality Violation Reporting and Enforcement Policy, for violations clearly supported by evidence.
 - a. The Enforcement Division will calculate and negotiate an appropriate settlement penalty pursuant to the Maricopa County Air Quality Violation Penalty Policy and will conduct a Settlement Negotiations meeting.
 - b. The Enforcement Division will require that all outstanding applicable fees and delinquency fees be paid in a timely manner.

B. Informal Review of Permit Processing Hours:

1. A request for an informal review of the permit processing hours billed will be made in writing and received by the Control Officer within 30 days of the invoice date. Unless the Control Officer and customer agree otherwise, the informal review will take place within 30 days after the Control Officer's receipt of the request.
2. The Control Officer will arrange the date and location of the informal review with the customer at least 10 business days before the informal review. The Control Officer will review whether the amounts of time billed are correct and reasonable for the tasks involved.
3. The Control Officer will mail his or her decision on the informal review to the person within 10 business days after the informal review date. The Control Officer's decision after the informal review will become final.