

## **PROPOSED RULE 316 FEES FOR REGULATION XXIII**

### **(a) Purpose**

California Health and Safety Code Section 40522.5 provides authority for the South Coast Air Quality Management District to adopt a fee schedule for areawide or indirect sources of emissions which are regulated, but for which permits are not issued, to recover the costs of programs related to these sources. The purpose of this rule is to recover the South Coast AQMD's cost of implementing the programs in Regulation XXIII.

### **(b) Applicability**

This rule applies to owners and operators of facilities subject to Rule 2305 that submit an Annual WAIRE Report, a Custom WAIRE Plan application, an Initial Site Information Report, a Warehouse Operations Notification, or that pay a Mitigation Fee.

### **(c) Definitions**

For the purpose of this rule, the following definitions shall apply:

- (1) ANNUAL WAIRE REPORT is the annual report submitted by a warehouse operator or owner demonstrating how they satisfied their Warehouse Points Compliance Obligation pursuant to Rule 2305 (d)(7)(C).
- (2) CUSTOM WAIRE PLAN APPLICATION is the application submitted by a warehouse operator or owner that describes the customized method that they propose to use to satisfy their Warehouse Points Compliance Obligation pursuant to Rule 2305 (d)(4).
- (3) INITIAL SITE INFORMATION REPORT is the report submitted by a warehouse operator pursuant to Rule 2305 (d)(7)(B).
- (4) MITIGATION FEE is the fee paid by a warehouse operator or owner pursuant to Rule 2305 (d)(5).
- (5) WAREHOUSE has the same definition as in Rule 2305 (c)(28).
- (6) WAREHOUSE OPERATIONS NOTIFICATION is the report submitted by a warehouse owner with information about the warehouse building and any business leasing the warehouse pursuant to Rule 2305 (d)(7)(A).
- (7) WAREHOUSE OPERATOR has the same definition as in Rule 2305 (c)(30).
- (8) WAREHOUSE OWNER has the same definition as in Rule 2305 (c)(31).
- (9) WAREHOUSING ACTIVITIES has the same definition as in Rule 2305 (c)(33).

(d) Annual WAIRE Fees

Warehouse operators and owners who submit reports or notifications required by Rule 2305 shall pay fees according to Table 1. These fees are due at the time that the applicable report or notification must be submitted pursuant to Rule 2305.

**Table 1**

<b>Report or Notification</b>	<b>Fee</b>
Annual WAIRE Report	\$XXX.XX
Initial Site Information Report	\$XXX.XX
Warehouse Operations Notification	\$XXX.XX

(e) Custom WAIRE Plan Application Evaluation Fee

- (1) Warehouse owners who submit a Rule 2305 Custom WAIRE Plan Application shall be charged fees on a time and materials basis. The amount charged shall be an amount equal to the total actual and reasonable time incurred by South Coast AQMD staff for evaluation of the application, assessed at the hourly rate or prorated portion of \$XXX.XX. The initial fee shall be \$XXX.XX for each plan, and shall be paid when the Custom WAIRE Plan application is submitted.
- (2) The adjustment to plan application evaluation fees will be determined at the time a plan is approved or rejected and may include additional fees based upon actual review and work time billed. Notification of the amount due or refund will be provided to the applicant, and any additional fees due to the adjustment to plan evaluation fees will be billed following project completion.

(f) Mitigation Program Administrative Fee

Warehouse owners or operators who pay a mitigation fee pursuant to Rule 2305 (d)(5) shall pay an additional fee to cover the reasonable costs incurred by South Coast AQMD staff and/or its consultants to administer the Mitigation Program. This administrative fee shall be equal to five percent of the mitigation fee paid by the warehouse owner or operator, and shall be paid when the mitigation fee is paid.

(g) Payment Due Date

Payment of all applicable fees in subdivisions (d) and (e) shall be due in sixty (60) days from the date of personal service or sending by mail, electronic mail, or other electronic means, of the notification of the amount due. For the purpose of this paragraph, the fee payment will be

considered to be received by the South Coast AQMD if it is delivered, postmarked, or electronically paid on or before the expiration date stated on the billing notice. If the expiration date falls on a Saturday, Sunday, or a state holiday, the fee payment may be delivered, postmarked, or electronically paid on the business day following the Saturday, Sunday, or the state holiday with the same effect as if it had been delivered, postmarked, or electronically paid on the expiration date.

(h) Late Fees

The monetary charge for those warehouse owners or operators who violate the fee due date specified in subdivisions (f) and (g) shall be added to the original amount of the fee due according to the schedule in Table 2.

**Table 2**

Less than 30 days	5% of original fee
30 days to 90 days	15% of original fee
91 days to 1 year	25% of original fee
More than 1 year	50% of original fee

(i) Exemptions

- (1) Any warehouse owner who submits a Warehouse Operations Notification for a warehouse that has less than 100,000 square feet of floor area dedicated to warehousing activities that year is not required to pay fees described in subdivisions (d) through (h).
- (2) Any warehouse operator who operates less than 50,000 square feet of a warehouse for warehousing activities and for which Rule 2305 (e)(2)(A)(ii) applies is not required to pay fees described in subdivision (d).