

PROPOSED RULE 316.1

FEES FOR RULE 2304

(a) Purpose

California Health and Safety Code Section 40522.5 provides authority for the South Coast AQMD 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. Rule 2304 requires the Ports of Long Beach and Los Angeles to each develop a comprehensive plan for charging and fueling infrastructure equipment for vehicles and vessels attracted by or used in commercial marine port operations and whose source propulsion energy and/or other use of energy is not, or is not primarily, derived from combustion of conventional fuels. The purpose of this Rule 316.1 is to recover the South Coast AQMD's reasonable regulatory costs of implementing Rule 2304.

(b) Applicability

This rule applies to the Port of Long Beach and the Port of Los Angeles (hereafter "Port" individually or "Ports" jointly) as defined in Rule 2304 (c)(46) and (c)(47), respectively.

(c) Definitions

- (1) INTERIM REPORT is the annual report submitted by each Port to the Executive Officer pursuant to Rule 2304 (d)(3).
- (2) PLAN IMPLEMENTATION PROGRESS REPORT is the annual report submitted by each Port to the Executive Officer pursuant to Rule 2304 (d)(4).
- (3) PORT WIDE CHARGING AND FUELING INFRASTRUCTURE PLAN is the plan submitted by each Port to the Executive Officer pursuant to Rule 2304 (d)(1).
- (4) PROPOSED MODIFIED PLAN is the plan submitted by a Port to the Executive Officer pursuant to Rule 2304 (d)(2)(B).
- (5) TIME EXTENSION APPLICATION is the application submitted by a Port to the Executive Officer pursuant to Rule 2304 (d)(2)(A).

(d) Plan Fees

When submitting the Port Wide Charging and Fueling Infrastructure Plan, or subsequently a Proposed Modified Plan, the Port shall pay the following fees:

- (1) An initial plan filing fee of \$810.55 for an initial review for plan completeness pursuant to Rule 2304; and
- (2) A plan evaluation fee, which shall be an amount equal to the total actual and reasonable time incurred by South Coast AQMD staff, excluding the initial plan review time, for detailed evaluation of the applicable plan pursuant to Rule 2304 to verify compliance with Rule 2304 (d) and (e), assessed at the hourly rate or prorated portion of \$136.25 per hour.

(e) Report Fees

When submitting an Interim Report, or subsequently a Plan Implementation Progress Report, the Port shall pay the following fees:

- (1) An initial report filing fee of \$810.55 for an initial review for report completeness; and
- (2) A report inspection fee, which shall be an amount equal to the total actual and reasonable time incurred by South Coast AQMD staff, excluding the initial report review time, for inspection and/or audit of the applicable report pursuant to Rule 2304 to verify compliance with Rule 2304 (d)(2), assessed at the hourly rate or prorated portion of \$125.84 per hour.

(f) Time Extension Application Fee

When submitting a Time Extension Application, the Port shall pay the following fees:

- (1) An initial application filing fee of \$409.40 for an initial review for application completeness; and
- (2) An application evaluation fee, which shall be an amount equal to the total actual and reasonable time incurred by South Coast AQMD staff, excluding the initial application review time, for detailed evaluation of the Time Extension Application to determine whether the approval criteria for an extension pursuant to Rule 2304 have been met, assessed at the hourly staff rate or prorated portion of \$136.25 per hour.

(g) Independent Consultant Fees

Where the Executive Officer requires one or more qualified independent consultant(s) to provide necessary subject matter expertise to aid the South Coast AQMD in evaluating the Port Wide Charging and Fueling Infrastructure Plan, or a Proposed Modified Plan, the Port that submitted the plan shall pay an Independent Consultant Fee in the amount of the fees charged to the South Coast AQMD by such consultant(s).

(h) Payment Due Dates

- (1) Payment of all applicable fees pursuant to (d)(1), (e)(1), and (f)(1) shall be due at the time that the Port Wide Charging and Fueling Infrastructure Plan, an Interim Report, or a Plan Implementation Progress Report, must be submitted pursuant to Rule 2304, or when a Proposed Modified Plan or a Time Extension Application is submitted to the Executive Officer.
- (2) Payment of all applicable fees pursuant to (d)(2), (e)(2), (f)(2) and (g) shall be due in sixty (60) days from the date of South Coast AQMD 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 shall 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 next 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.

(i) Service Charge for Returned Check

If either Port submits a check to the South Coast AQMD on insufficient funds or on instructions to stop payment on the check, absent an overcharge or other legal entitlement to withhold payment, then it shall be subject to a \$25 service charge.