

(Board Consideration August 2, 2024)

PROPOSED RULE 316.2 FEES FOR RULE 2306

(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. The purpose of this rule is to recover the South Coast AQMD's cost of implementing Rule 2306.

(b) Applicability

This rule applies to owners and operators of proposed, new, and existing Freight Rail Yards subject to Rule 2306 that submit an Initial Facility Information Report, Initial Zero Emission Infrastructure Report, Milestone Compliance Report, Zero Emission Infrastructure Status Update Report, Change of Freight Rail Yard Operator Notification, Change of Freight Rail Yard Owner Notification, Freight Rail Yard Shutdown Notification, Exceedance of Low Activity Exemption Threshold Notification, or Proposed Freight Rail Yard Construction, Conversion, or Expansion Notification.

(c) Definitions

- (1) EXCEEDANCE OF LOW ACTIVITY EXEMPTION THRESHOLD NOTIFICATION is the notification submitted to the Executive Officer by the Freight Rail Yard Operator pursuant to Rule 2306 paragraph (g)(4).
- (2) FREIGHT RAIL YARD is as defined in Rule 2306 paragraph (c)(9).
- (3) FREIGHT RAIL YARD OPERATOR is as defined in Rule 2306 paragraph (c)(11).
- (4) FREIGHT RAIL YARD OWNER is as defined in Rule 2306 paragraph (c)(12).
- (5) FREIGHT RAIL YARD SHUTDOWN NOTIFICATION is the notification submitted to the Executive Officer by the Freight Rail Yard Owner or Operator pursuant to Rule 2306 paragraph (g)(3).
- (6) INITIAL CHANGE OF FREIGHT RAIL YARD OPERATOR NOTIFICATION is the notification submitted to the Executive Officer by the current Freight Rail Yard Operator pursuant to Rule 2306 subparagraph (g)(1)(A).

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- (7) INITIAL CHANGE OF FREIGHT RAIL YARD OWNER NOTIFICATION is the notification submitted to the Executive Officer by the current Freight Rail Yard Owner pursuant to Rule 2306 subparagraph (g)(2)(A).
 - (8) INITIAL FACILITY INFORMATION REPORT is the report submitted to the Executive Officer by the Freight Rail Yard Operator pursuant to Rule 2306 subparagraph (d)(4)(A) and paragraph (e)(1).
 - (9) INITIAL ZERO EMISSION INFRASTRUCTURE REPORT is the report submitted to the Executive Officer by the Freight Rail Yard Owner and Operator pursuant to Rule 2306 subparagraph (d)(4)(B) and paragraph (e)(2).
 - (10) MILESTONE COMPLIANCE REPORT is the Milestone Year report submitted to the Executive Officer by a Freight Rail Yard Operator demonstrating compliance with the percent emission reduction target pursuant to Rule 2306 subparagraph (d)(4)(C) and paragraph (f)(1).
 - (11) PROPOSED FREIGHT RAIL YARD CONSTRUCTION, CONVERSION, OR EXPANSION NOTIFICATION is the notification submitted to the Executive Officer by the owner of the proposed Freight Rail Yard project pursuant to Rule 2306 paragraph (g)(5).
 - (12) SECONDARY CHANGE OF FREIGHT RAIL YARD OPERATOR NOTIFICATION is the notification submitted to the Executive Officer by the new Freight Rail Yard Operator pursuant to Rule 2306 subparagraph (g)(1)(B).
 - (13) SECONDARY CHANGE OF FREIGHT RAIL YARD OWNER NOTIFICATION is the notification submitted to the Executive Officer by the new Freight Rail Yard Owner pursuant to Rule 2306 subparagraph (g)(2)(B).
 - (14) ZERO EMISSION INFRASTRUCTURE STATUS UPDATE REPORT is the report submitted to Executive Officer by the Freight Rail Yard Owner and Operator pursuant to Rule 2306 subparagraph (d)(4)(D) and paragraph (f)(2).
- (d) Fees for Rule 2306 Reports and Notifications
- (1) Freight Rail Yard Owners and Operators that submit reports or notifications required by Rule 2306 shall pay applicable fees pursuant to Table 1 for each submitted report or notification, except for an Initial Zero Emission Infrastructure Report or a Zero Emission Infrastructure Status Update Report that is jointly submitted for multiple Freight Rail Yards.

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- (2) For a Freight Rail Yard Owner or Operator that submits a single Initial Zero Emission Infrastructure Report jointly for multiple Freight Rail Yards operated by the same Freight Rail Yard Operator pursuant to Rule 2306 clause (d)(4)(B)(ii), or a single Zero Emission Infrastructure Status Update Report jointly for multiple Freight Rail Yards operated by the same Freight Rail Yard Operator pursuant to Rule 2306 clause (d)(4)(D)(ii), the owner or operator shall pay applicable fees pursuant to Table 1 for each individual Freight Rail Yards covered by the joint report.

Table 1 – Fees for Rule 2306 Reports and Notifications

Reports	Fees
Initial Facility Information Report	\$3,397.71
Initial Zero Emission Infrastructure Report	\$1,520.07
Milestone Compliance Report	\$11,728.26
Zero Emission Infrastructure Status Update Report	\$1,520.07
Notifications	Fees
Initial Change of Freight Rail Yard Operator Notification	\$78.32
Secondary Change of Freight Rail Yard Operator Notification	\$52.21
Initial Change of Freight Rail Yard Owner Notification	\$78.32
Secondary Change of Freight Rail Yard Owner Notification	\$52.21
Freight Rail Yard Shutdown Notification	\$130.53
Exceedance of Low Activity Exemption Threshold Notification	\$130.53
Proposed Freight Rail Yard Construction, Conversion, or Expansion Notification	\$130.53

- (e) Payment Due Date

Payment of all applicable fees in subdivision (d) shall be due at the time that the applicable report must be submitted pursuant to Rule 2306 paragraph (d)(4), or at the time that the applicable notification must be submitted pursuant to Rule 2306 subdivision (g). The report or notification fee payment shall be considered to be timely received by the South Coast AQMD if the full fee payment is delivered, postmarked, or electronically paid on or before the payment due date. If the payment due date falls on a Saturday, Sunday, or a

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state holiday, the full 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 payment due date.

(f) Service Charge for Returned Check

Any Freight Rail Yard Owner or Operator who 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, shall be subject to a \$25 service charge.