PROPOSED RULE 2304 COMMERCIAL MARINE PORTS

(a) Purpose

This rule requires the Ports of Long Beach and Los Angeles each develop a comprehensive plan for charging and fueling infrastructure for equipment, vehicles, and vessels used in port operations and whose source of propulsion energy and/or other use of energy is not, or is not primarily, derived from combustion of conventional fuels. This action is necessary to facilitate emission reductions from these mobile sources to meet state and federal air quality standards.

(b) Applicability

This rule applies to the Port of Long Beach and the Port of Los Angeles as defined in (c)(46) and (c)(47), respectively.

(c) Definitions

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

(1) ACTION LEVEL means, for the purpose of Charging and Fueling Infrastructure planning, a future target level of a Port Source population whose source of propulsion energy and/or other use of energy will not be primarily derived from combustion of Conventional Fuels.

(2) ALTERNATIVE MARINE FUELS means marine fuels that are not residual oil, gas oil, nor distillate, and have a maximum of 0.10 percent sulfur by weight (i.e., mass by mass).

(3) AUTHORIZING AGENCY means any public agency, authority, or legislative body that is responsible for granting permission or approval of a Charging or Fueling Infrastructure Project or Project component in accordance with its statutory duties and obligations.

(4) CALENDAR YEAR means the time period beginning on January 1 through December 31 of a single year.

(5) CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) DOCUMENT means any document prepared by the applicable Lead Agency in accordance with the CEQA Statute and Guidelines as set forth in the Public Resources Code, Division 13 Section 21000 et seq. and in the California Code of Regulations, Title 14 Section 15000 et seq.

(6) CAPACITY means the maximum amount of a specific Energy Type that can be dispensed over a set period of time.

(7) CARGO HANDLING EQUIPMENT (CHE) means any self-propelled vehicle or equipment primarily used at a Port Facility, to lift or move containerized or non-containerized cargo, which may include empty containers and chassis. Containerized

or non-containerized cargo referenced in this definition is carried to or from the Port Facility by other Mobile Sources.

(8) CHARGING INFRASTRUCTURE means a connected system of local supply facilities (e.g., substations, microgrids), hardware (e.g., transformers, switches, electrical distribution or voltage panels, service conductors, conduits), and electric vehicle supply equipment that distributes and dispenses electricity to Port Sources and other Mobile Sources used in operations of the Ports, as well as other electricity generation or storage systems (e.g., batteries) for Energy Supply Redundancy and Energy Supply Reliability purposes.

(9) CITY means either the City of Long Beach or the City of Los Angeles.

(10) CONSTRUCTION means the phase in any Charging and Fueling Infrastructure Project when site preparation, including demolition of existing structures, removal of existing infrastructure components, hazardous material abatement, excavation, dredging, trenching, grading, land clearing, earth cutting and filling, and debris cleanup, and building of the necessary facilities, equipment, and/or systems identified in the Design phase take place.

(11) CONTRACTUAL AGREEMENT means a legally enforceable agreement entered into by two or more parties to do, or refrain from doing, one or more things specified in a written contract, memorandum of understanding, or other binding agreement.

(12) CONVENTIONAL FUELS means Energy Types used by Port Sources that are neither electricity, hydrogen, nor Alternative Marine Fuels.

(13) DESIGN means the initial phase in a Charging and Fueling Infrastructure Project when creation of plan(s), drawing(s), and mapping(s) for the configuration and spatial positioning of the infrastructure and its components at the designated site takes place.

(14) DEVELOPMENT means the phase in a Charging and Fueling Infrastructure Project when obtaining the required permitting, approvals, and/or certifications and site assessment to determine procedures necessary to prepare the site for Construction take place.

(15) DIESEL GALLON EQUIVALENT (DGE) means a standardized unit of measurement for the energy content of various Energy Types, which is used to compare to the energy content in a gallon of diesel fuel.

(16) DRAYAGE TRUCK means any in-use on-road vehicle with a gross vehicle weight rating greater than 26,000 lbs. that is registered in the Ports' Drayage Truck Registry.

(17) ENERGY DEMAND means the total amount of a specific Energy Type that is required to support operation of Port Source(s) during a set period of time.

(18) ENERGY SUPPLIER means an entity that provides an Energy Type, usually for a profit, by sourcing, distributing, and dispensing by way of Charging or Fueling Infrastructure. An Energy Supplier may, but does not necessarily, produce or generate the provided Energy Type. An Energy Supplier may, but does not necessarily, own or operate the Charging or Fueling Infrastructure or component(s) thereof.

(19) ENERGY SUPPLY means the total amount of a specific Energy Type that can be provided by an Energy Supplier to support operation of Port Source(s) during a set period of time.

(20) ENERGY SUPPLY REDUNDANCY means there is backup energy and Charging and Fueling Infrastructure to dispense backup energy to support operations in cases where Energy Supply Reliability is compromised.

(21) ENERGY SUPPLY RELIABILITY means the ability of Charging and Fueling Infrastructure to consistently deliver energy to support operations at all times.

(22) ENERGY THROUGHPUT means the actual amount of a specific Energy Type that is dispensed over a set period of time.

(23) ENERGY TYPE means an energy carrier such as electricity, hydrogen, natural gas, propane, methanol, ammonia, diesel, ethanol, and gasoline, in all their forms and sources of feed stock, as applicable.

(24) FUELING INFRASTRUCTURE means a connected system of means of transportation, local facilities, and dispensers and their equipment and related components (e.g., pipelines, tanks) that transport, store, and dispense an Energy Type other than electricity to Port Sources and other Mobile Sources used in operations of the Ports, as well as other fuel generation or storage facilities for Energy Supply Redundancy and Energy Supply Reliability purposes.

(25) HARBOR CRAFT means marine vessels that are not OGVs and are used in support of transporting waterborne freight but do not necessarily carry freight themselves, or are used to transport passengers in commercial operations, to and/or from a Port Facility.

(26) HARBOR DISTRICT means either the Long Beach Harbor District or the Los Angeles Harbor District.

(27) INFRASTRUCTURE PROJECT means a planned series of activities conducted in a systematic order over a set period of time to build Operational Charging and Fueling Infrastructure that dispenses an Energy Type at a designated site.

(28) INITIAL DATE OF OPERATION means the date of which a given Charging or Fueling Infrastructure Project is, for the first time, Operational as intended.

(29) INSTALLATION means the phase in a Charging and Fueling Infrastructure Project when placing and connecting the infrastructure to its necessary components at the designated site as identified in the Design phase takes place, but before the infrastructure is fully installed.

(30) INTERNATIONAL MARITIME ORGANIZATION (IMO) means the specialized agency of the United Nations which is responsible for measures to improve the safety and security of international shipping and to prevent pollution from ships.

(31) LEAD AGENCY means a public agency that has the principal responsibility for carrying out or approving an Infrastructure Project.

(32) LOCOMOTIVE means a self-propelled piece of on-track equipment, which itself is not designed or intended to carry cargo, but is primarily used to move or propel Railcars that are designed to carry containerized or non-containerized cargo, which may include empty containers and chassis.

(33) MARINE TERMINAL OPERATOR means an entity that enters into a Contractual Agreement with a Port to lease and/or operate a waterfront Port Facility and is typically referred to as a "tenant" or "assignee" in such an agreement, and any third-party entity who is subcontracted by the tenant or assignee to conduct part or all of the day-to-day operations at the waterfront Port Facility.

(34) METRIC TONS OIL EQUIVALENT (Mtoe) means a standardized unit of measurement for the energy content of various Alternative Marine Fuels, which is used to compare to the energy content in a metric ton of crude oil.

(35) MILESTONE means an action or event to be completed by a set date that marks a critical step toward meeting the Planning Targets set forth in the Port Wide Charging and Fueling Infrastructure Plan.

(36) MOBILE SOURCE means any on-road vehicles (e.g., cars, Drayage Trucks) or nonroad equipment, vehicles, and vessels (e.g., transportation refrigeration units, CHE, Harbor Craft, Locomotives, OGV) that operate at, and/or to or from, Port Facilities.

(37) NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) DOCUMENT means any document prepared by the applicable Lead Agency pursuant to the NEPA Implementing Regulations as set forth in 40 CFR Chapter V, Part 1500 et seq.

(38) OCEAN GOING VESSEL (OGV) means any marine vessel that is subject to IMO regulations enacted under the International Convention for the Prevention of Pollution from Ships (MARPOL) Annex VI.

(39) OFF-PORT means wholly outside of a Harbor District.

(40) ON-PORT means wholly or partially located within a Harbor District.

(41) ON-PORT SWITCHER means any Locomotive, or any other Railcar-moving equipment or vehicle, that is owned or operated by the Port or by any third party under Contractual Agreement with the Port, and used for the sole purposes of moving Railcars within a Port Facility or moving Railcars to and/or from Port Facilities.

(42) OPERATIONAL means the condition of fully installed Charging Infrastructure being connected to an electric grid, electricity generation or storage system, or other independent electricity source and all components in working order per manufacturer's instructions in order to dispense electricity to a Port Source, or fully installed Fueling Infrastructure being connected to a fuel distribution or storage system and all components in working order per manufacturer's instructions in order to dispense fuel to a Port Source.

(43) PLANNING TARGET means the total amount of On-Port Energy Supply across all Energy Types to fully support an Action Level by a Target Year.

(44) PORT means either the Port of Long Beach or the Port of Los Angeles.

(45) PORT FACILITY means an On-Port property that is managed, owned, and/or operated by the Port and used primarily for loading and unloading of cargo, passengers, or material to and/or from Mobile Sources, or for the temporary storage of cargo or material on-site. Port Facility does not include the Intermodal Container Transfer Facility (ICTF) which is governed by the ICTF Joint Powers Authority.

(46) PORT OF LONG BEACH means the Harbor Department of the City of Long Beach, governed by the Long Beach Board of Harbor Commissioners, that manages the State-granted tidelands and submerged lands and all facilities and operations within the Long Beach Harbor District as created and defined by and pursuant to provisions of the Charter of the City of Long Beach.

(47) PORT OF LOS ANGELES means the Harbor Department of the City of Los Angeles, governed by the Los Angeles Board of Harbor Commissioners, that manages the State-granted tidelands and submerged lands and all facilities and operations within the Los Angeles Harbor District as created and defined by and pursuant to provisions of the City of Los Angeles Charter.

(48) PORT SOURCE means any CHE, Drayage Trucks, On-Port Switchers, OGVs, and Harbor Craft operating at, and/or traveling to or from, Port Facilities.

(49) PRIMARY PAYER means an entity who, as agreed upon by a Contractual Agreement, assumes the responsibility of ensuring the payment is made to and received by a service or goods provider.

(50) PROCUREMENT means the phase in a Charging and Fueling Infrastructure Project when acquisition of the necessary materials, equipment, and services to complete the Construction and Installation phases take place.

(51) RAILCAR means a rail-mounted equipment also known as a "car" designed to carry cargo.

(52) RESPONSIBLE OFFICIAL means an official appointed by the City's Board of Harbor Commissioners, or the person's delegate, who is responsible for acting on behalf of the Port to ensure compliance with this rule.

(53) TARGET YEAR means the specific Calendar Year when an Action Level would be achieved.

(d) Requirements

(1) No later than August 1, 2027, each Port shall prepare and submit to the Executive Officer a Port Wide Charging and Fueling Infrastructure Plan (hereafter "Plan") pursuant to (e).

(A) The Port shall consult with South Coast AQMD at least bi-annually prior to submittal of the Plan. Within 30 calendar days of receipt of the Plan, the Executive Officer will confirm receipt in writing and complete an initial review of the Plan for completeness.

(i) The Executive Officer will notify the Port if the Plan does not include all elements as required in (e), and is thus deemed incomplete. Within 30 calendar days of the notification, the Port shall resubmit the Plan with the addition of the missing elements as identified in the notification.

(B) The Executive Officer will fully approve, partially approve, or disapprove the Plan and notify the Port. Full approval, partial approval, or disapproval shall consider:

[Tentative approval criteria below – seeking stakeholder feedback]

(i) Whether the Plan satisfies all requirements as specified in (e);

(ii) The ability of the Plan to meet the Planning Targets specified therein;

(iii) Whether the appropriate environmental analysis as required in (e)(2)(D) has been conducted pursuant to NEPA and/or CEQA for the Plan.

(C) If the Plan is partially approved or disapproved, the Port shall prepare and submit a revised Plan within 90 calendar days after notification of partial approval or disapproval of the Plan. The revised Plan shall include any information necessary to fully address deficiencies identified in the partial approval or disapproval notification.

(2) Upon receiving full or partial approval of the Plan, the Port shall take necessary actions under its roles and responsibilities to complete the Milestones and meet the Planning Targets specified in the fully approved Plan or the approved sections of a partially approved Plan.

(A) A Port may apply for a time extension pursuant to (h).

(3) The Port may propose to modify the fully approved Plan if either of the two types of events occurs as specified in (d)(3)(A) and (d)(3)(B):

(A) Either one or more of the Planning Targets or one or more of the Milestones, as specified in the Plan, become infeasible to implement due to factors beyond the control of the Port, provided that the following is met:

(i) The Port has not already applied for a time extension for this occurrence pursuant to (d)(2)(A);

(ii) Upon discovery of infeasibility to implement but no later than 90 calendar days prior to either January 1 of the earliest Target Year of the infeasible Planning Target(s) or the earliest completion date of the infeasible Milestone(s), whichever is earlier, the Port submits to the Executive Officer an Intent to Propose Plan Modification Notification; and

(iii) The Port prepares and submits to the Executive Officer for approval the proposed modified Plan pursuant to the requirements specified in (d)(1)(A) through (d)(1)(C).

(B) The Port identifies and intends to pursue an alternative set of Milestone(s) to meet or exceed one or more of the Planning Targets as specified in the Plan, provided that the following is met:

(i) Upon identification of the alternative set of Milestone(s) but no later than 90 calendar days prior to the earliest completion date of the Milestone(s) included in the fully approved Plan that may become no longer applicable, the Port submits to the Executive Officer an Intent to Propose Plan Modification Notification;

(ii) The Port prepares and submits to the Executive Officer for approval the proposed modified Plan pursuant to the requirements specified in (d)(1)(A) through (d)(1)(C);

(iii) The proposed modified Plan maintains the same Planning Target(s) as in the fully approve Plan, modifies the Planning Target(s) with earlier Target Year(s) and/or higher Action Level(s), and/or adds additional Planning Target(s); and

(iv) The proposed modified Plan includes necessary modifications and updates to all the elements required in (e).

(4) Each Port shall prepare and submit to the Executive Officer an Interim Report pursuant to (f)(1) no later than August 1, 2026 and every August 1 thereafter until the Calendar Year when the Plan is fully approved.

(5) Each Port shall prepare and submit to the Executive Officer a Plan Implementation Progress Report pursuant to (f)(2), no later than August 1 of the subsequent Calendar Year following notification of full approval of the Plan and every August 1 thereafter until all Charging and Fueling Infrastructure specified in the fully approved Plan is Operational.

(6) The Port shall submit the Plan and all reports and notifications required in this rule in the manner specified by the Executive Officer.

(A) The Plan and all reports shall be submitted in two formats, if the Plan or reports include confidential information, including an unredacted version that is marked confidential, and a version that has redacted all information that the Port believes should be kept confidential consistent with South Coast AQMD's Guidelines for Implementing the California Public Records Act. A supplementary report must be provided that provides justification for each redaction. Any due dates in this rule apply to both the redacted and unredacted versions of all reports.

(B) The revised Plan pursuant to (d)(1)(C) and the proposed modified Plan pursuant to (d)(3) shall be submitted in the two formats described in (d)(6)(A); the Port shall also submit a markup version that clearly indicates all revisions to the initially submitted Plan or all proposed modifications to the fully approved Plan in the two formats described in (d)(6)(A).

(C) The Plan, reports, and notifications shall be certified and signed by a Responsible Official, who can or is responsible for attesting to the truthfulness, accuracy, and completeness of each submitted document.

(e) Port Wide Charging and Fueling Infrastructure Plan

Each Port shall include in the Plan, as required in (d)(1), the following elements:

(1) Infrastructure Planning Targets

The Plan shall specify a set of Planning Targets to guide the planning of Charging and Fueling Infrastructure that will be used by Port Sources.

[Tentative language below for Planning Targets – seeking stakeholder feedback]

(A) At least one Planning Target shall be specified for each category of Port Source to guide the planning of corresponding Infrastructure Project(s).

(B) Each Port shall specify the Planning Target(s) for OGVs to be consistent with the latest IMO emission reduction strategies.

(C) Unless an alternative Planning Target for the same Port Source is specified in the Plan pursuant to (e)(1)(D), each Port shall specify the Planning Targets using the following default Action Levels and Target Years:

(i) The 2017 Update to the San Pedro Bay Ports Clean Air Action Plan and the 2017 Joint Declaration of the Mayors of the Cities of Los Angeles and Long Beach established a goal for CHE. The default Action Level for CHE shall be 100 percent zero-emission by the default Target Year 2030.

(ii) The 2017 Update to the San Pedro Bay Ports Clean Air Action Plan and the 2017 Joint Declaration of the Mayors of the Cities of Los Angeles and Long Beach established a goal for Drayage Trucks. The default Action Level for Drayage Trucks shall be 100 percent zero-emission by the default Target Year 2035.

(iii) The default Action Level for On-Port Switchers shall be XX percent zero-emission.

(D) The Port may elect to specify an alternative Planning Target, i.e., an alternative Action Level or an alternative Target Year in lieu of any of the defaults set forth in (e)(1)(C), provided that the Port includes in the Plan justification with a supplemental analysis for the election. ***[seeking feedback on level of analysis and justification needed]***

(E) Each Port shall demonstrate how the Port has identified and evaluated any initiatives, strategies, plans, and projects that have been put forth by public agencies and the private sector, such as any third-party under Contractual Agreement to conduct On-Port operations including but not limited to Marine Terminal Operators, as pertaining to the current or future use of Energy Types other than Conventional Fuels by Port Sources and other Mobile Sources operating at, and/or traveling to or from, Port Facilities. The Port may elect to include additional Planning Targets in consideration of such information.

(F) All Planning Targets specified in the Plan shall be consistent with all applicable federal, state, and local requirements, and the Charging and Fueling Infrastructure Project(s) specified in the most recent Interim Report.

(2) Assessments

Each Port shall include in the Plan four types of assessments as described in (e)(2)(A) through (e)(2)(D), as pertaining to planning, developing, and/or operating Charging and Fueling Infrastructure.

(A) Energy Demand and Supply

Each Port shall include an assessment of the anticipated Energy Demand and Supply based on the Planning Targets required in (e)(1). The assessment shall consist of the following:

(i) Quantitative forecast of On-Port Energy Demand, from Calendar Year 2027 to the last Target Year of all Planning Targets, including the information specified in Table 1 – Information on Energy Demand, for each category of Port Sources and also aggregated over all Port Sources for each of the following Energy Types:

(A) Electricity;

(B) Hydrogen; and

(C) Each type of Alternative Marine Fuels.

(ii) Quantitative forecast of On-Port Energy Supply, from Calendar Year 2027 to the last Target Year of all Planning Targets, including the information specified in Table 2 – Information on Energy Supply for the same Energy Types as specified in (e)(2)(A)(i). The forecast shall be based on the following:

(A) Operational Charging and Fueling Infrastructure Project(s) that are specified in the most recent Interim Report; and

(B) Charging and Fueling Infrastructure Project(s) that are specified in the most recent Interim Report as having been initiated but are not yet Operational; and

(C) Any planned or projected retirement, decommissioning, or demolition of existing Charging and Fueling Infrastructure pursuant to (e)(2)(A)(iv).

(iii) Analysis of the additional Capacity of On-Port Energy Supply further needed to meet the annual and peak On-Port Energy Demand forecasted pursuant to (e)(2)(A)(i), which is beyond the Capacity of On-Port Energy Supply forecasted pursuant to (e)(2)(A)(ii). The analysis shall:

(A) Provide all information as specified in Table 5 – Information on Infrastructure Components to Build Out Capacity of On-Port Energy Supply.

(B) Include and specify any infrastructure component(s) designed to address potential Energy Supply Reliability concerns and Energy Supply Redundancy needs.

(iv) Description of any planned or projected retirement, decommissioning, or demolition of existing Charging or Fueling Infrastructure, including infrastructure that dispenses Conventional Fuels.

(A) A supplemental analysis shall be additionally provided if any such retirement, decommissioning, or demolition is deemed necessary to build out the additional Capacity of On-Port Energy Supply analyzed pursuant to (e)(2)(A)(iii).

(B) Cost Estimates and Funding Sources

Each Port shall include an assessment of cost estimates and potential funding sources to build out the additional Capacity of On-Port Energy Supply analyzed pursuant to (e)(2)(A)(iii). The assessment shall consist of the following:

(i) Estimated total costs expected to be incurred by the Port, any third-party under Contractual Agreement to conduct On-Port operations including but not limited to Marine Terminal Operators, and/or any Energy Supplier, as well as a breakdown of the estimated total costs inclusive of costs for charging and fueling equipment, Construction, labor, insurance, taxes, financing, engineering and design, environmental clearance and permitting, land acquisition, administrative costs, and other cost categories as appropriate. The cost estimates shall satisfy all criteria as specified in the following:

(A) Cost estimates shall not include costs of operating and maintaining the Operational Charging or Fueling Infrastructure;

(B) Cost estimation shall describe key methods and sources of information used;

(C) Cost estimation shall identify which costs are anticipated due to compliance with existing federal, state, and local requirements, which costs are anticipated due to existing City or Port policies, and which costs are anticipated only due to other Planning Targets specified in the Plan;

(D) Cost estimation shall include an approximate schedule of when costs are expected to be incurred by year, from the first year of cost incurrence to the last Target Year of all Planning Targets specified in the Plan, and

(E) Cost estimation shall identify which entity is expected to be the Primary Payer of each cost, regardless of funding sources.

(ii) An analysis of how the estimated costs pursuant to (e)(2)(B)(i) are expected to be funded, including the source of funding, the recipient of the funding in the case of any external funding source, the anticipated total funding amount per funding source and funding amounts per year in the case of multi-year funding disbursements or allocations, what the funding

will be used for, any potential risks that may affect the anticipated funding and how that may change the amount or timing of funding, any liquidation deadlines or other timing constraints affecting funding from a specific source, and other funding considerations as appropriate. The funding analysis shall classify all anticipated funding sources under the types of funding source as described in (e)(2)(B)(ii)(A) through (e)(2)(B)(ii)(F):

(A) Grants that have already been awarded;
(B) Grants that have been applied for, but have not yet been awarded;
(C) Upcoming grant opportunities;
(D) Funding made available through existing legislation;
(E) Existing Port and/or City fees or other revenue-generating programs;
(F) Potential new Port and/or City funding mechanisms; or
(G) Others.

(C) Workforce

Each Port shall include a workforce assessment, for which the Port may elect to prepare certain required element(s) jointly with the other Port as appropriate but must include all required elements in its Plan. The assessment shall consist of the following:

(i) An analysis of the workforce needed to build out the additional Capacity of On-Port Energy Supply analyzed pursuant to (e)(2)(A)(iii), including:
  (A) Estimated workforce needs, expressed in total number of full-time equivalent jobs by year and job type, from Calendar Year 2027 to the last Target Year of all Planning Targets specified in the Plan;
  (B) A description of existing workforce training programs the Port is involved in or aware of for the job types identified in (e)(2)(C)(i)(A); and
  (C) An evaluation of expected availability of workers to fill the jobs estimated pursuant to (e)(2)(C)(i)(A), based on the existing workforce and the workforce training programs identified pursuant to (e)(2)(C)(i)(B).

(ii) An analysis of how the Charging and Fueling Infrastructure, once in operation, is expected to affect the On-Port workforce on an ongoing basis, including but not limited to any potential impacts on the currently human-operated port operations, such as any projected changes in occupational safety and operational configurations. The analysis shall additionally evaluate potential strategies to address such impacts.

(D) Environmental

Each Port shall include an assessment of potential environmental impacts from building out the additional Capacity of On-Port Energy Supply analyzed pursuant to (e)(2)(A)(iii). The assessment shall consist of the following:

(i) A completed Initial Study comprised of responses to an environmental checklist which contains an analysis of the potential environmental impacts of the Plan;

(ii) A list of all existing draft and/or final CEQA and/or NEPA Documents for any Infrastructure Projects included or relied upon as part of the Plan. This list shall include the Lead Agency for each CEQA and/or NEPA Document, where to obtain a copy of the document, a digital copy of the document, and the record of project approval;

(iii) A list of all upcoming or anticipated Infrastructure Projects for which CEQA and/or NEPA Documents could be potentially relied upon as part of the Plan. This list shall include the Lead Agency for each upcoming or anticipated CEQA and/or NEPA Document; and

(iv) A description of the portions of the Plan which either have not been analyzed in a previous CEQA and/or NEPA Document described in (e)(2)(D)(ii) or are not identified in an upcoming or anticipated CEQA and/or NEPA Document described in (e)(2)(D)(iii).

(3) Processes and Timelines

The Port shall specify the key processes and timelines as pertaining to building out the additional Capacity of On-Port Energy Supply analyzed pursuant to (e)(2)(A)(iii), from Calendar Year 2027 to the last Target Year of all Planning Targets specified in the Plan. For each Charging or Fueling Infrastructure Project identified and listed pursuant to (e)(2)(A)(iii), the Port shall include in the Plan the following information: ***[Tentative language below – seeking stakeholder feedback]***

(A) A description of each process required to complete the six phases in an Infrastructure Project as specified in (e)(3)(A)(i) through (e)(3)(A)(vi):

(i) Design;

(ii) Development;

(iii) Procurement;

(iv) Construction;

(v) Installation; and

(vi) Make Operational;

(B) A chart showing the sequencing and estimated time duration for all processes pursuant to (e)(3)(A), as well as any planned or projected retirement, decommissioning, or demolition of existing Charging or Fueling Infrastructure pursuant to (e)(2)(A)(iv);

(C) A description of all entities involved in each process pursuant to (e)(3)(A), and the role(s) and responsibility(s) for each entity;

(D) A description of the Milestones the Port is primarily responsible for and the Milestones other entities are primarily responsible for, based on the processes pursuant to (e)(3)(A) and their timelines pursuant to (e)(3)(B), including but not

limited to completion of each of the six phases identified in (e)(3)(A)(i) through (e)(3)(A)(vi); and

(E) Estimated completion date or date range for each Milestone.

(f) Reports

(1) Interim Report

[Tentative language below for early reporting prior to full approval of the Plan – seeking stakeholder feedback]

Each Port shall provide in the Interim Report information on the Charging and Fueling Infrastructure Projects that are already initiated, by reporting the following:

(A) Information as specified in Table 3 – Information on Operational Infrastructure, for all Infrastructure Projects that are already Operational prior to the adoption of this rule, or have become Operational since rule adoption or the submittal of the most recent Interim Report, whichever is later;

(B) Information as specified in Table 4 – Information on Not-Yet-Operational Infrastructure, for all Infrastructure Projects that have funding allocated, and/or a CEQA or NEPA Document certified if applicable, but have not yet become Operational prior to the adoption of this rule or since the most recent Interim Report, whichever is later, except for the Infrastructure Projects included in the approved sections of any partially approved Plan;

(C) Information as specified in Table 4 – Information on Not-Yet-Operational Infrastructure, for all Infrastructure Projects that are included in the approved sections of any partially approved Plan;

(D) Description of the progress towards completing each Charging or Fueling Infrastructure Project included pursuant to (f)(1)(B), and the progress towards each Milestone for each Charging or Fueling Infrastructure Project pursuant to (f)(1)(C), taking into account any time extension granted pursuant to (h);

(E) Description of any retirement, decommissioning, or demolition of existing Charging or Fueling Infrastructure, including infrastructure that dispenses Conventional Fuels, and any addition of new Fueling Infrastructure for Conventional Fuels; and

(F) List of all new draft and/or final CEQA and/or NEPA Documents for any Infrastructure Projects included pursuant to (f)(1)(B) and (f)(1)(C), including the Lead Agency for each CEQA and/or NEPA Document, where to obtain a copy of the document, and a digital copy of the document.

(2) Plan Implementation Progress Report

Each Port shall provide in the Plan Implementation Progress Report information on the progress in implementing the Plan since its full approval or the submittal of the most recent Plan Implementation Progress Report, whichever is later, by reporting the following:

(A) List of any Charging or Fueling Infrastructure Project specified pursuant to (e)(2)(A)(ii)(B) or (e)(2)(A)(iii) that has become Operational, and each Infrastructure Project's Initial Date of Operation, with a description of these Infrastructure Project(s) by providing the same information as specified in Table 3;

(B) Description of the progress towards each Milestone for each Charging or Fueling Infrastructure Project specified pursuant to (e)(2)(A)(ii)(B) or (e)(2)(A)(iii) that remains not yet Operational, taking into account any time extension granted pursuant to subdivision (h);

(C) A revised chart updating the original chart as required in (e)(3)(B), to visually demonstrate project completion pursuant to (f)(2)(A) and current status of processes pursuant to (f)(2)(B), and any changes to the sequencing and estimated time duration for one or more process(es), taking into account any time extension granted pursuant to subdivision (h) and/or any approved Plan modifications pursuant to (d)(3);

(D) Description of any retirement, decommissioning, or demolition of existing Charging or Fueling Infrastructure, including infrastructure that dispenses Conventional Fuels, and any addition of new Fueling Infrastructure for Conventional Fuels; and

(E) List of all new draft and/or final CEQA and/or NEPA Documents for any Infrastructure Projects that would build out the additional Capacity of On-Port Energy Supply analyzed pursuant to (e)(2)(A)(iii), including the Lead Agency for each CEQA and/or NEPA Document, where to obtain a copy of the document, and a digital copy of the document.

(g) Notification

(1) Intent to Propose Plan Modification Notification

If there is a potential need for modification to its fully approved Plan due to occurrence of either types of events described in (d)(3)(A) or (d)(3)(B), the Port shall submit a notification to the Executive Officer no later than the timeframe specified in (d)(3)(A)(ii) or (d)(3)(B)(i), respectively, including the following information:

(A) Reason(s) for potential proposed modifications to the Plan;

(B) List of specific section(s) of the fully approved Plan that would need potential modifications and a brief description of potentially proposed modification(s) in each of these section(s); and

(C) The date by when the proposed modified Plan will be submitted pursuant to (d)(3)(A)(iii) or (d)(3)(B)(ii), whichever is applicable.

(h) Time Extension

The Port may submit a request to the Executive Officer for a time extension to meet a Milestone pursuant to (e)(3)(D) due to a delay that is beyond the control of the Port, provided the requested time extension will not adversely affect the Plan's ability to meet the Planning Targets specified therein.

(1) The request for time extension for the affected Milestone shall be submitted to the Executive Officer in writing no later than 90 calendar days before the estimated Milestone completion date or the latest date in the estimated Milestone completion date range, whichever is applicable, as specified in the Plan pursuant to (e)(3)(E);

(2) The request shall include the following information:
  (A) Identification of the affected Milestone for which a time extension is needed;
  (B) Reason(s) a time extension is needed, with supporting materials and records where applicable;
  (C) The length of time extension requested, not to exceed 36 months, with a supplemental analysis demonstrating that the specified length is as short as practicable to ensure the affected Milestone will be completed as expeditiously as possible;
  (D) Progress made towards the affected Milestone since the most recent Plan Implementation Progress Report; and
  (E) Description of any processes and timelines pursuant to (e)(3) that would be potentially impacted by the requested time extension.

(3) The request shall be prepared and submitted in the manner specified by the Executive Officer, and certified and signed by a Responsible Official, who can or is responsible for attesting to the truthfulness, accuracy, and completeness of the request.

(4) The Executive Officer will approve or disapprove the time extension request and notify the Port. Approval or disapproval will be based on the following criteria:
[Tentative approval criteria below – seeking stakeholder feedback]
  (A) The request for time extension includes all required elements as specified in (h)(2);
  (B) The Port provides sufficient details that demonstrate to the Executive Officer that there are extenuating circumstances beyond the control of the Port that necessitate additional time to implement the affected Milestone. Such a demonstration may include materials and records such as engineering analysis, permit applications, evidence of land acquisition challenges, evidence of unavailability of Energy Supply, purchase orders, proof of unavailability of funds, unforeseen increase in project costs, analysis of technical infeasibility; and
  (C) The Port demonstrates continued progress, or continued effort to make progress, towards the affected Milestone for which a time extension is needed. Such

demonstration may include but is not limited to ongoing consultation with other entities with roles and responsibilities in implementing the affected Milestone.

(5) Within 30 calendar days of receipt of the time extension request, the Executive Officer will confirm receipt in writing, and if applicable, request any missing information as required in (h)(2), and/or additional materials and records to further demonstrate the nature of the delay or to further substantiate the need for the requested time extension. The Port shall provide the requested materials and records within XX calendar days of notification.

(6) The Executive Officer will notify the Port if the time extension request is approved or disapproved no later than 30 calendar days before the estimated completion date or the latest date in the estimated completion date range, whichever is applicable, of the affected Milestone.

(i) Recordkeeping

Each Port shall keep the records and documentations that support the accuracy and validity of all information reported and submitted to the Executive Officer pursuant to (d) through (h), as applicable, for a minimum of seven (7) years from the date of submittal and make the records and documents available to the Executive Officer upon a written request.

(j) Severability

(1) If any provision of this rule is held by judicial order to be unlawful or otherwise invalid, such order shall not affect the operation or implementation of the remainder of this rule.

(2) If any provision of this rule is held by judicial order to be inapplicable to any person or circumstance, such order shall not affect the application of such provision to other persons or circumstances.

Table 1 – Information on Energy Demand

Information Description	
(A) Electricity	
(i)	Annual Energy Demand, expressed in megawatt-hours and DGE
(ii)	Peak (maximum) hourly Energy Demand in a given Calendar Year, expressed in megawatts and DGE
(B) Hydrogen by Gaseous or Liquid State	
(i)	Annual Energy Demand, expressed in kilograms and DGE for gaseous hydrogen, or in gallons and DGE for liquid hydrogen
(ii)	Peak (maximum) 30-day rolling average Energy Demand in a given Calendar Year, expressed in kilograms and DGE for gaseous hydrogen, or in gallons and DGE for liquid hydrogen
(C) Alternative Marine Fuels by Specific Fuel	
(i)	Annual Energy Demand, expressed in Mtoe
(ii)	Peak (maximum) 30-day rolling average Energy Demand in a given Calendar Year, expressed in Mtoe

Table 2 – Information on Energy Supply

Information Description	
(A) Electricity	
(i)	Annual Capacity, expressed in megawatt-hours and DGE
(ii)	Hourly Capacity in a given Calendar Year, expressed in megawatts and DGE
(B) Hydrogen by Gaseous or Liquid State	
(i)	Annual Capacity, expressed in kilograms and DGE for gaseous hydrogen, or in gallons and DGE for liquid hydrogen
(ii)	Monthly Capacity in a given Calendar Year, expressed in kilograms and DGE for gaseous hydrogen, or in gallons and DGE for liquid hydrogen
(C) Alternative Marine Fuels by Specific Fuel	
(i)	Annual Capacity, expressed in Mtoe
(ii)	Monthly Capacity in a given Calendar Year, expressed in Mtoe

Table 3 – Information on Operational Infrastructure

Information Description	
(i)	List of each Operational Charging and Fueling Infrastructure Project for all Energy Types including Conventional Fuels, and for all Port Sources and any other Mobile Sources that are not Port Sources
(ii)	A map showing each listed Infrastructure Project pursuant to (i) in this Table
For each listed Infrastructure Project:	
(iii)	Dispensing Energy Type
(iv)	Date of complete Installation (inclusive of any required inspection) for each project
(v)	Date of beginning operation for each project (if different than the date of completed Installation)
(vi)	Documentation from responsible party or parties certifying completion of Installation and making infrastructure Operational for each project
(vii)	Name(s) of Energy Supplier(s)
(viii)	Name(s) of infrastructure operator(s), if different from Energy Supplier(s)
(ix)	Energy Throughput, expressed in time periods and units specified in Table 1, and a description of the calculation or data collection method
(x)	Capacity, expressed in time periods and units specified in Table 2
(xi)	The number and type(s) of Mobile Sources that can be fueled or charged simultaneously
(xii)	Individual components of the project such as type of energy dispensers (stationary or mobile), type of dispensing connector, fuel compressors, fuel transportation pipelines and related components, electric chargers, conduits, transformers, substations, and any On-Port or Off-Port energy generation and energy storage components

Table 4 – Information on Not-Yet-Operational Infrastructure

Information Description	
(i)	List of each Charging and Fueling Infrastructure Project that is not yet Operational, for all Energy Types including Conventional Fuels, and for all Port Sources and any other Mobile Sources that are not Port Sources
(ii)	A map showing each listed Infrastructure Project pursuant to (i) in this Table
For each listed Infrastructure Project:	
(iii)	Dispensing Energy Type
(iv)	Name(s) of responsible party or parties for the Design, Development, Procurement, Construction, Installation, and making infrastructure Operational in each project
(v)	Anticipated dates of Installation Milestones for each project
(vi)	Documentation from the Port to the local electrical utility for any request to upgrade the electrical service, as well as the response(s) from the utility estimating the amount of time it will take to provide the upgrade, if applicable and has not been previously submitted to the Executive Officer
(vii)	Most updated documentation from responsible party or parties of agreement for each project with an estimated date or date range of complete Installation (inclusive of any required inspection) for Energy Types other than electricity, if applicable and has not been previously submitted to the Executive Officer
(viii)	Projected Energy Throughput, expressed in time periods and units specified in Table 1, and a description of the projection method
(ix)	Design Capacity, expressed in time periods and units specified in Table 2
(x)	The estimated number and type(s) of Mobile Sources that can be fueled or charged simultaneously
(xi)	Individual components of the project such as type of energy dispensers (stationary or mobile), type of dispensing connector, fuel compressors, fuel transportation pipelines and related components, electric chargers, conduits, transformers, substations, and any On-Port or Off-Port power generation and energy storage components

Table 5 – Information on Infrastructure Components to Build Out Capacity of On-Port Energy Supply

	Information Description
(i)	List and description of each Infrastructure Project that builds out Capacity, including specific Port Source(s) each Infrastructure Project will serve as well as the Capacity of each Infrastructure Project
(ii)	List of each Infrastructure Project's components to buildout electrical Capacity, such as electric chargers (stationary or mobile), type of energy dispensing connector (i.e., plug), conduits, transformers, circuits, substations, as well as any On-Port or Off-Port energy generation and energy storage facilities or components
(iii)	List of each Infrastructure Project's components to build out Capacity for Energy Types other than electricity, such as type of energy dispensers (stationary or mobile), type of energy dispensing connector (i.e., nozzle), fuel compressors, fuel transportation pipelines and related components, as well as any On-Port or Off-Port power generation and energy storage facilities or components
(iv)	Map and summary description of each Infrastructure Project showing all specific locations of Charging and Fueling Infrastructure
(v)	Capacity to meet On-Port Energy Demand for electricity, hydrogen, and Alternative Marine Fuels at each location of Charging and Fueling Infrastructure and aggregated over all these locations
(vi)	Demonstrate how the aggregated Capacity of On-Site Energy Supply, after taking into account the Infrastructure Projects described in (i) in this Table, will meet the forecasted On-Port Energy Demand pursuant to (e)(2)(A)(i)