

February 22, 2023

Martha Guzman
Regional Administrator
U.S. Environmental Protection Agency, Region 9
75 Hawthorne Street
San Francisco, California 94105
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Dear Administrator Guzman:

The California Air Resources Board (CARB) is submitting to the U.S. Environmental Protection Agency (U.S. EPA) the *Control Measure for Ocean-Going Vessels At Berth* (At Berth Regulation) as a revision to the California State Implementation Plan (SIP). CARB amended the At Berth Regulation on August 27, 2020. Further, the At Berth Regulation SIP submittal fulfills CARB's commitment to develop At Berth Regulation Amendments as specified in the *2016 State Strategy for the State Implementation Plan* (2016 State SIP Strategy), and to provide a substitute measure and/or rule that will address the emission reductions shortfall associated with implementation of the *South Coast On-Road Heavy-Duty Vehicle Incentive Measure* (South Coast Incentive Measure).

CARB's 2016 State SIP Strategy contained the State's commitment to pursue measures and to achieve aggregate emissions reduction commitments for the South Coast Air Basin (Basin). CARB is submitting the At Berth Regulation as a revision to the California SIP to fulfill the measure commitment and achieve emission reductions beyond those achieved under the 2007 version of the regulation by including smaller fleets, additional vessel types (such as roll-on/roll-off vehicle carriers and tankers), and additional operations. The amended sections for the At Berth Regulation are codified in title 13, California Code of Regulations (CCR), section 2299.3; and title 17, CCR, section 93118.3 and newly adopted title 17, CCR, sections 93130, 93130.1, 93130.2, 93130.3, 93130.4, 93130.5, 93130.6, 93130.7, 93130.8, 93130.9, 93130.10, 93130.11, 93130.12, 93130.13, 93130.14, 93130.15, 93130.16, 93130.17, 93130.18, 93130.19, 93130.20, 93130.21, and 93130.22.

This submittal is contingent on U.S. EPA granting an authorization of federal preemption under Section 209 of the Clean Air Act for the At Berth Regulation, which CARB requested from U.S. EPA on September 27, 2022.

The SIP submittal consists of the following enclosed materials:

1. CARB Executive Order S-23-003;
2. CARB Resolutions 19-28 and 20-22;
3. Regulatory Sections Submitted for Inclusion in the California SIP;
4. Control Measure for Ocean-Going Vessels At Berth, California Code of Regulations sections 2299.3, 93118.3, 93130, 93130.1, 93130.2, 93130.3, 93130.4, 93130.5, 93130.6, 93130.7, 93130.8, 93130.9, 93130.10, 93130.11, 93130.12, 93130.13,

- 93130.14, 93130.15, 93130.16, 93130.17, 93130.18, 93130.19, 93130.20, 93130.21, and 93130.22, and Final Regulation Orders;
5. CARB Staff Reports: Initial Statement of Reasons and Appendices;
 6. Notice of Public Hearing;
 7. Final Statements of Reasons, including public comments received and responses to comments and Addendum to the Final Statement of Reasons;
 8. California Office of Administrative Law approvals into the California Code of Regulations on October 5, 2022; and
 9. SIP Completeness Checklist.

Further, on March 22, 2018, CARB adopted the South Coast Incentive Measure to fulfill the Incentive Funding to Achieve Further Emission Reductions from On-Road Heavy-Duty Vehicles measure commitment in the 2016 State SIP Strategy, and to demonstrate how 1 ton per day (tpd) of oxides of nitrogen (NOx) emissions reductions from incentive programs will be quantified towards the State's 2023 aggregate commitment in the California SIP.

Consistent with the South Coast Incentive Measure enforceable commitment, CARB has submitted annual reports to U.S. EPA that contain specified information about the projects funded through the previous year. The 2021 Progress Report identified a total of 0.06 tpd of NOx emissions reductions that have been achieved through calendar year 2021 towards the 1 tpd commitment in the South Coast Incentive Measure. As a result, on June 30, 2021, U.S. EPA submitted to CARB an insufficiency finding for the South Coast Incentive Measure. The South Coast Incentive Measure committed CARB to adopt and submit substitute measures if U.S. EPA determined that the identified incentive projects were insufficient to meet the emission reduction commitment.

Although the 2016 State SIP Strategy included the At Berth Regulation as a measure commitment, emission reductions of only 0.3 tpd NOx in the Basin in 2023 were estimated at that time. Due to changes included in the At Berth Regulation as adopted in 2020, emissions reductions are higher than estimated in the 2016 State SIP Strategy. CARB staff has quantified an additional 0.8 tpd NOx emissions reductions from this rulemaking in the Basin in 2023 beyond the 2016 State SIP Strategy estimate. As such, the At Berth Regulation is being submitted as the substitute measure and/or rule that will achieve the emission reductions shortfall from the South Coast Incentive Measure.

If you have any questions, please contact Edie Chang, Deputy Executive Officer, at (916) 445--4383 or Edie.Chang@arb.ca.gov, or have your staff contact Dr. Michael Benjamin, Chief, Air Quality Planning and Science Division at (916) 201-8968 or Michael.Benjamin@arb.ca.gov.

Sincerely,



Steven S. Cliff, Ph.D., Executive Officer

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cc: With Enclosures (3)

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