

May 13, 2024

Giles Pettifor, Environmental Manager
Port of Hueneme
333 Ponomo Street
Hueneme, California 93041
gpettifor@portofh.org

Dear Giles Pettifor:

Thank you for submitting the updated Port and Terminal Plan ("Plan") submitted March 14, 2024 on behalf of Port of Hueneme to the California Air Resources Board (CARB) as required by the Control Measure for Ocean-Going Vessels At Berth ("Regulation"). CARB is aware of the damage to Port of Hueneme's shore power equipment at the South Terminal, and we appreciate the exceptional consideration from the Port to work with CARB on compliance pathways for the At Berth Regulation. CARB is in the process of reviewing Port of Hueneme's documentation package requesting a safety/emergency exception which was submitted on May 3, 2024. Please note that this letter refers only to the Plan which was submitted on March 14, 2024.

CARB Requests a Revised Plan

CARB staff has reviewed your Plan submittal against the requirements set forth in sections 93130.14(a) and 93130.14(b) of the Regulation, and have identified deficiencies in the contents of the plan:

- Please provide a list of each berth with geographic boundary coordinates, as required per section 93130.14(a)(3)(C) of the Regulation.
- The plan includes a thorough outline of potential exemption scenarios in Sections 4.1.7 and 5.1.8 of the Plan. CARB appreciates the consideration to anticipate potential scenarios in which emissions control may not be feasible. However, exemption or exception claims are beyond the scope of the Plan, and therefore should be removed from the Plan. For the use of exemption or exceptions, only CARB can evaluate requests on a case-by-case basis and make compliance determinations consistent with the Regulation. Per section 93130.9(d)(5)(M), exceptions should be claimed as part of the vessel visit information submitted to CARB within 30 calendar days of each vessel's departure, which will be subject to CARB review and approval. Removing the exemption section from the Plan also ensures it is not confused as compliance with the exemption process under the At Berth Regulation. Failure to remove sections 4.1.7 and 5.1.8 from the Plan will be considered a deficiency per section 93130.14(c).

CARB staff requests that a corrected Plan addressing the above deficiencies be re-submitted as an updated Plan to shorepower@arb.ca.gov within 90 days of receipt of this

letter. Once CARB receives the updated Plan, staff will have 90 calendar days to review the corrected Plan and confirm completeness.

Emission Reduction Requirements Begin January 1, 2025, for Ro-Ros and Tankers

There are upcoming compliance obligations that will become effective on January 1, 2025, for all ro-ro vessels visiting California and the ports and terminals at which they visit, and for those tanker vessels that visit the ports of Los Angeles or Long Beach and the ports and terminals at which they visit. We understand that implementing emission control strategies may encounter delays. **However, even when noted in an approved Plan, delays do not waive, exempt, or otherwise excuse compliance obligations;** regardless of delays, terminals must meet the Regulation requirements for reducing emissions at berth or utilize an alternative compliance option consistent with the compliance start dates set forth in the Regulation.

Ports and terminals that plan to use barge-based capture-and-control systems as a compliance strategy have a responsibility to engage with barge providers and ensure that the system(s) will be available to satisfy their compliance obligations and any individual needs. This may include working with barge providers to perform necessary testing as part of the CARB approval process, or otherwise collaborating with barge providers who are working to scale up their operations. As noted above, delays in implementing an emission control strategy (including due to lack of availability of CARB-approved barges) do not waive, exempt, or otherwise excuse compliance obligations. Additionally, barges are not the only CAECS option. Other potential CAECS (subject to CARB review and approval) could include batteries, fuel cells, alternative fuels, etc. Shore power is considered the “gold standard” in reducing emissions from ocean-going vessels in California and does not require any additional CARB approval to use for compliance with the 2020 Regulation.

Physical and/or Operational Constraints Require a Technical Feasibility Study

The Plan identifies “numerous physical or operational constraints for using shore power” in Section 4.1.6 regarding the South Terminal, and a constraint of channel width is identified as impacting barge-based capture-and-control. No physical or operational constraints are identified for shore power in Section 5.1.7 regarding the North Terminal, but the same constraint of channel width is identified for barge-based capture-and-control. Per section 93130.14(a)(3)(H) of the Regulation, terminals claiming that a “physical and/or operational constraint” will delay its ability to implement its preferred CAECS must also include with its terminal plan a technical feasibility study evaluating if there are any other emission control options that could be implemented more quickly at the terminal. If no technical feasibility study has been provided, the terminal will not be eligible for remediation under the qualifying circumstance described in section 93130.15(b)(5), though a different qualifying circumstance could apply (i.e., terminal or port equipment repairs, delays with operation of existing control strategy).

Giles Pettifor
May 13, 2024
Page 3

Additional information on Port and Terminal Plans can be found on CARB's website at:
<https://ww2.arb.ca.gov/our-work/programs/ocean-going-vessels-berth-regulation/terminal-and-port-plan-submissions>.

If you have any questions about the deficiencies identified by CARB, please contact Angela Csondes, Section Manager, Marine Strategies Section, by email at acsondes@arb.ca.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Bonnie Soriano".

Bonnie Soriano, Chief, Freight Activity Branch, Transportation and Toxics Division

cc: Angela Csondes, Section Manager, Marine Strategies Section