



Overview of Potential Modifications to the Proposed At Berth Regulation

Webinar
January 30, 2020

Overview

- Today we will discuss:
 - Overview of rulemaking process
 - Current status
 - CARB Board direction
 - 15-day changes under evaluation
 - Next steps

Overview of Rulemaking Process

- CARB staff are developing a new At Berth Regulation
 - Expand the scope of the Regulation
 - Achieve further emissions reductions
- Proposed Regulation was available for public comment Oct. 15 - Dec. 9, 2019
- CARB Board heard staff's proposal on Dec. 5, 2019 in West Oakland

Where Are We Right Now?

- Staff have evaluated Board's direction and public comments
 - Including public testimonies heard at the Dec. 5, 2019 Board Hearing
- CARB staff are evaluating changes to the Proposed At Berth Regulation



CARB Board Direction

- Board members directed staff to re-evaluate:
 - Implementation dates - earlier dates for accelerated health benefits
 - Innovative concepts - flexibility and compliance certainty
 - Interim Evaluation - strengthen and expand scope

Potential 15-Day Changes

- Innovative concepts provision
- Implementation date adjustments
- Port and terminal plan due date adjustments
- Interim evaluation changes
- Regulation language clarifications and clean ups

Innovative Concepts Provision



- Use innovative technologies to achieve equivalent or greater emissions reductions at lower cost
- Concepts have to meet high standards:
 - Provide emissions reductions to same impacted communities
 - Must be enforceable and certain
 - In excess of other requirements
 - Reductions cannot be claimed by incentives

Innovative Concepts Provision (cont.)

- Opportunity for public input before CARB approval
- Innovative concepts plan due dates:
 - Container/Reefer/Cruise – Jul. 1, 2021
 - All other vessel types – Dec. 1, 2021
 - Align with initial port and terminal plan due dates

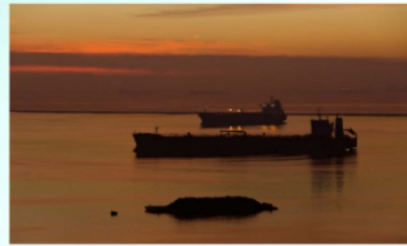
Potential Implementation Date Adjustments

- Staff evaluating earlier implementation dates for new vessel types
 - Provide accelerated health benefits to impacted communities
- Updated port and terminal plan due dates would shift accordingly
 - 2021 initial plan due dates unchanged



Potential Interim Evaluation Changes

- Earlier evaluation and report to the Board
- Require staff analysis of independent studies
- Assess feasibility of:
 - Control requirements for bulk and general cargo vessels, and vessels at anchor
 - Progress on meeting implementation dates



Regulation Clarifications and Updates Under Evaluation

- Vessel/Terminal Incident Events (VIEs/TIEs):
 - New fleets or terminals, or those with expected large increases in activity
 - Adding process to petition for more VIEs/TIEs
- Extending time to connect to emission control strategy from 1 hour to 2 hours from Ready to Work
- Simplified definition of shore power compatibility
 - Based on vessel commissioning

Regulation Clarifications and Updates Under Evaluation (cont.)

- Remediation fund
 - Adding maintenance and commissioning events as qualifying circumstances
 - Extending to ports and CAECS* operators
 - Including air districts outside a port or terminal's jurisdiction and CAPCOA** as potential fund administrators

*CARB approved emissions control strategy

**California Air Pollution Control Officers Association

Regulation Clarifications and Updates Under Evaluation (cont.)

- Strengthened port responsibilities
- Adjusting reporting deadlines from 7 days to 30 days
- Definition of research project broadened
- Added/modified several definitions for clarity

Next Steps

- 15-day changes potentially released
~ late February or early March
- Second Board Hearing ~ April 2020 in Sacramento
- Final Environmental Analysis (EA) and CARB staff response to EA comments will be posted to Rulemaking webpage ~2 weeks before second Board Hearing

Next Steps (cont.)

- Final Statement of Reasons (FSOR) package released after the Board Hearing (~ late Summer 2020)
- Submittal to Office of Administrative Law (OAL) for approval around late Summer 2020
- Upon approval, Regulation effective date would be Jan. 1, 2021

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