

2020 Ocean-Going Vessels At Berth Regulation

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2020 Ocean-Going Vessels At Berth Regulation Interim Evaluation

Update on Interim Evaluation Process and Comment Period

This notification provides stakeholders with an update regarding the status of the Interim Evaluation Report currently being drafted for the [At Berth Regulation \(Regulation\)](#) and addresses key frequently asked questions (FAQ) that the California Air Resources Board (CARB) has received regarding the Interim Evaluation, compliance reporting, and the remediation fund option.

The Interim Evaluation, as set forth in section 93130.14(d) of the Regulation, is a summary of the progress being made towards implementation of the At Berth Regulation for all vessel types. The Interim Evaluation Report (Report) includes an assessment of the efforts underway to adapt existing control technologies for use with newly regulated vessel categories (tankers and ro-ro vessels), as well as the status of landside infrastructure improvements that may be needed to support emissions control technologies. The Report will also consider the feasibility of control technologies and potential future emissions reductions for bulk and general cargo vessels and ocean-going vessels at anchor. Staff's evaluation will incorporate the information provided in port and terminal plans submitted to CARB as required by the Regulation, along with comment letters and other public information submitted by stakeholders (including terminal-specific engineering evaluations, logistical considerations, and other independent studies).

CARB staff is in the process of drafting the Report, which is set to be released on CARB's website by December 1, 2022, as required by the Regulation.

Timeline to Submit Comments for the Interim Evaluation

Taking in mind the time needed to review and draft a substantive evaluation by the regulatory deadline, CARB staff requested a timely submittal of no later than June 2022 for information and comments from stakeholders so that staff had ample time to incorporate that information in the Report. CARB received many substantive comments from stakeholders across the regulated community regarding implementation and efforts to meet the Regulation compliance deadlines. As the Report is not a formal rulemaking document or subject to a regulatory deadline for public comments, the public may continue to submit information or comments for CARB's consideration. Staff will endeavor to incorporate stakeholder comments to the extent possible; however, in order for CARB to complete its review and publish the Report by December 1, 2022, material submitted may not be included in the Report, depending on the timing and scope of the additional comments/information received. Please send any additional information to the CARB shore power regulation email address: shorepower@arb.ca.gov.

Frequently Asked Questions

What is the process for the Interim Evaluation after publication? When will CARB staff report the findings from the Report to CARB's Board?

After the publication of the Report on December 1, 2022, CARB staff intends to host a public workshop to discuss the findings of the Report (tentatively January 2023). Staff then anticipates presenting the Report's findings, along with a summary of the relevant public comments received, to CARB's Board at an informational update (tentatively set for April 2023).

Will the Interim Evaluation change any compliance requirements of the At Berth Regulation?

No. The Report is not a new rulemaking, and any findings in the Report are intended to update both stakeholders and CARB's Board as to the progress being made towards implementation of the At Berth Regulation. The Report is an implementation status update, not a technical feasibility assessment, and the findings of the Report will not change or alter the compliance obligations for regulated entities, including those entities with compliance deadlines beginning January 1, 2023. If staff find support for adjusting compliance deadlines for ro-ro's and tankers, the Report may include recommendations for Board consideration about how future amendments could address those findings. Based on the findings

of the Report, CARB's Board may direct staff to develop amendments to the At Berth Regulation through the formal, public rulemaking process or pursue additional measures for reducing emissions from ocean-going vessels.

Will the new At Berth Regulation Compliance take effect on January 1, 2023?

Yes, the compliance deadlines for the Regulation are as follows:

- January 1, 2023: Container, refrigerated cargo, and cruise vessels;
- January 1, 2025: Roll-on roll-off vessels;
- January 1, 2025: Tanker vessels visiting the Ports of Los Angeles or Long Beach; and
- January 1, 2027: All remaining tanker vessels.

Who has reporting requirements for the At Berth Regulation? When do reporting requirements begin?

Reporting for all vessel types will begin on January 1, 2023, regardless of whether emissions control requirements also become effective for a vessel or terminal at that time. Vessel and terminal operators (and third-party CARB-approved emissions control strategy (CAECS) operators, if applicable) are responsible for reporting visit information for each visit made by a regulated vessel to a regulated marine terminal. Visit reports must be submitted to CARB within 30 calendar days of each vessel's departure. Separately, ports and independent marine terminals are responsible for providing Wharfinger data on an annual basis by January 31st of the following calendar year.

Does CARB have a reporting template available for use by regulated entities?

CARB staff is currently developing Excel-based reporting templates that regulated entities may use for submitting compliance information to CARB beginning January 1, 2023. Staff is targeting Fall 2022 for the release of these templates and will notify stakeholders of their release through a notification to CARB's Marine Vessel Activities email distribution list and the templates will be posted on [CARB's website](#). Regulated entities are not required to use these templates, but CARB is making them available for use to assist with compliance submittals.

What is the status of the Remediation Fund Option?

CARB is anticipating applications from Air Districts with jurisdictions over ports and independent marine terminals by September 29, 2022, to establish remediation fund administrators for ports and marine terminals across California. The process of establishing Memorandums of Understanding (MOU) is expected to commence this fall to ensure the remediation fund option will be in place by the start of the compliance requirements.

For a more comprehensive list of FAQs, please see the [At Berth FAQs](#) on our webpage. General information about the At Berth Regulation can also be found on our main [Ocean-Going Vessels At Berth Regulation](#) webpage.

Disclaimer

CARB has developed this document specific to the new At Berth Regulation (“2020 Regulation”), which appears in sections 93130 through 93130.22 of Title 17, California Code of Regulations. Disclaimer: CARB staff has prepared this FAQ document to describe the regulatory requirements in a user-friendly format. Unlike the 2020 Regulation, this guidance document does not have the force of law. It is not intended to and cannot establish new mandatory requirements beyond those that are already in the 2020 Regulation, and it does not supplant, replace, or amend any of the legal requirements of the 2020 Regulation. Conversely, this document’s omission or truncation of regulatory requirements does not relieve any regulated entity (including a “responsible party” as defined in the 2020 Regulation) of their legal obligation to fully comply with all requirements of the 2020 Regulation and is not intended as a substitute for reading the 2020 Regulation.

CARB makes every effort to keep its documents up to date; however, does not guarantee the accuracy of this document and shall not be responsible for any errors or omissions in content. CARB reserves the right to make changes without notice.

You must ensure you have carefully reviewed and understood the 2020 Regulation, as reliance on this FAQ is not a substitute for understanding and complying with the requirements of the 2020 Regulation. Conformance with the 2020 Regulation requirements is the responsibility of each regulated entity, as applicable.

Background

The new At Berth Regulation was adopted in August 2020 to expand upon the health benefits of the original 2007 At-Berth Regulation, which regulates at berth emissions from larger container, refrigerated cargo, and passenger cruise ship fleets at six ports in California (Los Angeles, Long Beach, Oakland, San Diego, San Francisco, and Hueneme). The new At Berth Regulation will achieve additional

emissions reductions through the inclusion of smaller container, refrigerated cargo, and passenger cruise ship fleets, and the addition of new vessel types (roll-on/roll-off vehicle carriers and tankers) and additional ports and marine terminals. The new regulatory efforts will help achieve much needed public health protection for Californians living nearby port communities, reduce exposure to toxic air emissions in disadvantaged communities, and meet state and federal air quality standards.

More Information

Clearing California Skies for Over 50 Years

CARB is the lead agency for California's fight against climate change, and oversees all air pollution control efforts in the state to attain and maintain health-based air quality standards.

[More Information](#)