October 28, 2024

Sharon Lim
Tesoro Refining & Marketing Company LLC
150 Solano Way
Martinez, California 94553
SYLim@Marathonpetroleum.com

Dear Sharon Lim:

On November 30, 2021, Tesoro Refining & Marketing Company LLC (TRMC) submitted an application (Application) for Innovative Concepts as potential compliance pathways for meeting the requirements of the 2020 Control Measure for Ocean-Going Vessels At Berth (2020 Regulation or Control Measure) pursuant to California Code of Regulations, title 17, section 93130.17. The Application specified in this letter pertains to terminals at Northern California Ports operated by Tesoro including the Amorco and Avon terminals.

On July 14, 2022, California Air Resources Board (CARB) staff notified TRMC by letter that the Application was not complete as it did not contain the minimum information required for Innovative Concept applications as described in section 93130.17(b)(1). CARB's letter requested TRMC to resubmit a revised, completed Application addressing the missing information by August 19, 2022. CARB received and is now responding to TRMC's revised application (Revised Application) that responded to CARB's letter on August 19, 2022.

The Revised Application includes the following 10 sub-concepts as potential compliance pathways:

#	Sub-Concept
1	Pre-compliance emissions for tankers at the Amorco and Avon terminals
2*	Emissions reductions utilizing shore-side infrastructure to reduce tanker vessel discharge emissions
3	Pre-compliance emissions for tankers at all Northern California Ports other than Amorco or Avon
4	Pre-compliance emissions for ro-ro vessels at Northern California Ports
5	Capture and control systems for bulk liquid barges
6	Capture and control systems for bulk and general cargo vessels
7	Capture and control systems for container ships at-anchor
8	Minimizing emissions control connect and disconnect times
9	Vessel speed reduction
10	Use capture and control systems to exceed the requirements of the rule

*Based on the information to be provided from TRMC, sub-concept 2 may require California Environmental Quality Act (CEQA) approval.

Based on CARB staff's evaluation of TRMC's Revised Application, the Application is incomplete for sub-concepts 1, 3 through 7, and 9 and ineligible for consideration for sub-concepts 2, 8, and 10.

Innovative Concept Proposals for Sub-concepts 2, 8, and 10:

Sub-concept 2 (identified as 3.2 in the original Application) outlines a plan to utilize and install new infrastructure at TRMC terminals to reduce emissions from tanker vessels which visit them. The sub-concept specifically refers to the installation of shoreside pumps for transferring product. Sub--concept 2 does not meet the requirements as described in section 93130.17 (a)(6) because shoreside pumps may be considered "business as usual". The use of shoreside pumps is considered a standard business practice that is commonly used for the unloading of cargo from tanker vessels. CARB cannot approve TRMC's application for sub-concept 2 for emissions reductions using shoreside infrastructure to reduce tanker vessel discharge emissions.

Concepts 8 and 10 (identified as 3.8 and 3.10, respectively, in the original Application) do not meet the requirements as described in section 93130.17 (a)(6) and are considered "business as usual." The emission reductions outlined in concepts 8 and 10 result in a compliant vessel visit using a CARB Approved Emission Control Strategy (CAECS). There are time requirements and emission requirements associated with the minimum qualifications with using a CAECS for compliance. Exceeding the minimum qualifications ensures the visit is compliant, and these reductions cannot be applied to an Innovative Concept. Therefore, CARB cannot approve TRMC's application for sub-concepts 8 and 10 for minimizing emissions control connect and disconnect times and using capture and control systems to exceed the requirements as Innovative Concepts.

Innovative Concept Proposals Sub-concepts 1, 3 through 7, and 9:

The remaining proposals of TRMC's Revised Application use a combination of wind power, solar power, and other energy saving methods to further reduce the in-port power loads, thus lowering the fuel consumption of the auxiliary engines and boilers and their associated emissions. CARB acknowledges TRMC's response to the public comments regarding this Innovative Concept. The response provided additional information and clarification that was missing in the original Application as identified in our July 14, 2022, letter and has been helpful in our evaluation of this concept. However, even with the additional information from your response for CARB, there is still missing information that is required to be able to complete the evaluation.

The reporting and recordkeeping are critical elements of the application where CARB requires additional information. For sub-concepts 1, 3-7, and 9, TRMC provided examples of the calculations for emissions reductions; however, CARB additionally requests the annual reporting methodology for all sub-concepts, preferably on a spreadsheet, including the information that will be tracked and reported for compliance with the annual reporting required in Section 93130.17 (d)(2) for the listing of emissions reductions that were achieved with the Innovative Concept. Specifically, provide a clear listing of inputs for what

information TRMC will be keeping as records and how those records will be used **Provide a clear methodology for tracking of emission credit generation and usage, including tracking of when credits were generated, used, or expired, as described in section 93130.17 (a)(10), and whether they were achieved through an early reduction as described in section 93130.17 (a)(11).** The methodology described in the application must be clear and demonstrate what annual reporting per section 93130.17 (d)(2) will entail and what information will be provided, with functionality, so CARB can track reductions for compliance. For further explanation about the missing or incomplete information CARB is specifically requesting, please see Attachment A.

Section 93130.17 (b)(5) of the 2020 Regulation allows TRMC to respond within 30 days of this letter and provide the information that CARB staff outlined in Attachment A, Tesoro Martinez, Innovative Concept Evaluation. Once we receive your response, we can proceed with the evaluation of your Application according to section 93130.17 (b)(3). We look forward to your response by November 27, 2024. Section 93130.17(b)(5) of the Regulation provides the Application will be denied if CARB does not receive an updated application that includes the specified information within 30 days.

If you have any additional questions or would like to further discuss the content of this letter and Attachment A, please contact Samuel Bailey, Air Pollution Specialist, Marine Strategies Section, at *samuel.bailey@arb.ca.gov* or Angela Csondes, Manager, Marine Strategies Section, at *angela.csondes@arb.ca.gov*. If you would like to discuss CARB staff's feedback via conference call or a virtual meeting, we would be happy to accommodate that.

Sincerely,

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

Attachment: "Attachment A–Tesoro-Martinez Innovative Concept Evaluation"

cc: Angela Csondes, Manager, Marine Strategies Section

Samuel Bailey, Air Pollution Specialist, Marine Strategies Section

Attachment A

Tesoro – Martinez, Innovative Concept Evaluation

The California Air Resources Board's (CARB) Control Measure for Ocean-Going Vessels At Berth (2020 Regulation or Control Measure) section 93130.17 provides that applications for Innovative Concepts must contain, at a minimum, the specific information detailed under section 93130.17. Your revised application submitted on August 19, 2022 (Application), did not contain the minimum information identified by the 2020 Regulation. In Table 2 below, CARB Staff has outlined the specific areas required by the 2020 Regulation which are missing or incomplete in the Application for the sub-concepts listed in Table 1.

In general, applications for Innovative Concepts must contain any information necessary to demonstrate that the proposed Innovative Concept will "reduce NOx[1], PM 2.5[2], and ROG[3] emissions equivalent to or greater than the level that would have been achieved by the Control Measure, while not increasing GHG[4]," (See section 93130.17 (a)(2)). To establish equivalency, the Application should provide three main components for each of the outlined sub-concepts:

1. Baseline Emissions Estimates per section 93130.17 (b)(1)(C): "Estimate of the vessel emissions planned to be covered under the Innovative Concept for each pollutant NOx, PM 2.5, and ROG by multiplying the emission factor for a pollutant found in section 93130.5(d) of this Control Measure by the expected number of vessel visits, average visit duration, and expected power used during an average visit."

2. An estimate of reductions that would be achieved under direct compliance with the regulation, in absence of any Innovative Concept (generally referred to as Direct Compliance Estimates).

3. An estimate of reductions achieved by the proposed Innovative Concept (generally referred to as Innovative Concept Estimates).

See Items 2, 13, and 19 in Table 2 below for more details. These estimates must identify any assumptions such as activity, emission factors, energy consumed by the Innovative Concept, and provide estimates for NOx, PM 2.5, and ROG reductions. Please provide an Excel spreadsheet that provides these estimates for each sub-concept.

[1] Nitrogen oxides
[2] Fine particulate matter that are 2.5 microns or less in diameter
[3]Reactive organic gas
[4] Greenhouse gas

ATTACHMENT A

Table 1: Tesoro Martinez Sub-Concepts

#	Concept
1	Pre-Compliance capture and control systems (CCS) for Tankers (Amorco and Avon)
2	Emissions reductions utilizing shore-side infrastructure to reduce tanker vessel discharge emissions
3	Pre-Compliance emissions for tankers at all Northern California Ports other than Amorco or Avon
4	Pre-Compliance emissions for ro-ro vessels at Northern California Ports
5	CCS for bulk liquid barges
6	CCS for bulk and general cargo vessels
7	CCS for container ships at-anchor
8	Minimizing emissions control connect and disconnect times
9	Vessel Speed Reduction
10	Use CCS to exceed the requirements of the rule

Table 2: Outline of Information Missing from Application

Item #	Applicable section of 93130.17	Requirement Summary Please see 2020 Control Measure section 93130.17 for the complete text and requirement. Ensure that all requirements are met in the updated application.	Category	Sub-Concept #	Missing Information	Please provide the following information
	93130.17 (a)	*"General requirements for using an innovative concept compliance option."*	N/A	N/A	N/A	N/A
1	(1)	**Submittal of the application by the December 1, 2021 deadline.**	Timeframe	All	Application meets this requirement.	N/A

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Item #	Applicable section of 93130.17	Requirement Summary Please see 2020 Control Measure section 93130.17 for the complete text and requirement. Ensure that all requirements are met in the updated application.	Category	Sub-Concept #	Missing Information	Please provide the following information
2	(2)	**The application should demonstrate how the Innovative Concept will** *"…reduce NOx, PM 2.5, and ROG emissions equivalent or greater than the level that would have been achieved by the Control Measure, while not increasing GHG…"*	Emissions Reduction Estimates and Calculations	1, 3-7	This requirement is asking for how you will estimate reductions achieved under your innovative concepts and reductions achieved under direct compliance. The Application provides basic information on the concept, but more details are required to show that the concept can be carried out.	Please provide the annual reporting methodology, preferably on a spreadsheet, including the information that will be reported for compliance with the annual reporting in section 93130.17 (d)(2) for the listing of emissions reduction that were achieved with the Innovative Concept. Specifically, provide a clear method for tracking emission reduction credits that aligns with the requirements of section 93130.17 (a)(10) and (a)(11). Please provide examples with functionality so CARB can track reductions and credit usage for compliance.
				2, 8, 10	See Item 6a	N/A
				9	This requirement is asking for how you will estimate reductions achieved under your innovative concept (Innovative Concept Estimates) and reductions achieved under direct compliance	Please show calculations for the vessel classes expected to use this Innovative Concept and details about how vessel speed would be tracked geographically (within 3 nautical miles of the port). The input data for the emissions reductions would have to be

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					(Direct Compliance Estimates). The Application provides basic information on the concept, but more details are required to show that the concept can be carried out.	monitored and tested to demonstrate reductions meet the values put forth by the indicated EPA report (Port Emissions Inventory Guidance: Methodologies for Estimating Port-Related and Goods Movement Mobile Source Emissions (EPA-420-B-20-046, September 2020)). This requirement is closely tied with Items 6b and 20 below. Please provide the annual reporting methodology, preferably on a spreadsheet, including the information that will be reported for compliance with the annual reporting in Section 93130.17 (d)(2) for the listing of emissions reduction that were achieved with the Innovative Concept. Specifically, provide a clear listing of inputs for what information TRMC will be keeping as records and how those records will be used to calculate the reductions achieved by the Innovative Concept. Please provide

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						reductions calculations with functionality so CARB can track reductions for compliance.
3	(3)	**The application must demonstrate how the Innovative Concept emissions reductions will be** *"…early or in excess of any other [government or legal requirement]."*	IC Can't be Business as Usual or Otherwise Required	1, 3-7, 9	Potential existing rules, regulations, or requirements, if any, that TRMC may need to exceed, or comply earlier than any other government of legal requirement, including any emission reduction strategy identified in an AB 617 Community Emissions Reduction Program.	Please show due diligence by indicating which state, federal or international rule, regulation, statute, or any other legal requirement have been considered in this analysis, even if it has been determined that they do not apply.
				2, 8, 10	See Item 6a	N/A
4	(4)	**The application must demonstrate how the Innovative Concept emissions reductions will be** *"…in and around the California port or marine terminal at which the vessel visits take place for which the innovative concept is used. The reductions must be at the same port or marine terminal, within adjacent communities, or overwater within three nautical miles of the port or marine terminal."*	Location of IC	All	Application meets this requirement.	N/A
5	(5)	**The application must demonstrate how the Innovative Concept will** *"not increase*	Description of IC	1, 3-7, 9	Application meets this requirement.	N/A

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		emissions at other ports or marine terminals."		2, 8, 10	See Item 6a.	N/A
6a	(6)	**The application must demonstrate that the Innovative Concept is not an activity or technology implementation that is** *"…reasonably expected to occur within the relevant area in the absence of the incentive provided by the innovative concept provisions of this Control Measure…"*	IC Can't be Business as Usual or Otherwise Required	1, 3-7, 9	Application meets this requirement.	N/A
				9	For an emissions reductions activity to be considered innovative, it must be unique to the industry. For example, it must be an activity that was not part of a cost-savings activity or a plan-of-record upgrade. Even if the concept appears to "obviously" meet this requirement, a discussion surrounding the topic should be provided for an application to be considered complete.	For sub-concept 9, please indicate which vessels would be included in this sub-concept and whether these vessels are currently participating in a vessel speed reduction program.

				2, 8, 10	For an emissions reductions activity to be considered innovative, it must be unique to the industry. For example, it must be an activity that was not part of a cost-savings activity or a plan-of-record upgrade. Even if the concept appears to "obviously" meet this requirement, a discussion surrounding the topic should be provided for an application to be considered complete.	These sub-concepts are not approved. Sub-concept 2 (identified as 3.2 in the original Application) is considered "business as usual" under the requirement 93130.17 (a)(6). The use of shore-side pumps is a common industry practice that does not ensure a compliant vessel visit. While the emissions for a visit may be lower when using shore-side infrastructure, there is no guarantee that the visit will meet the required emission rates. Sub-concepts 8 and 10 (identified as 3.8 and 3.10, respectively, in the original Application) are considered "business as usual" under requirement 93130.17 (a)(6). The emission reductions outlined in these concepts result in a compliant vessel visit using a CARB Approved Emission Control Strategy (CAECS). There are time requirements and emission requirements associated with the minimum qualifications with using a CAECS for compliance. Exceeding the minimum qualifications

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Item #	Applicable section of 93130.17	Requirement Summary Please see 2020 Control Measure section 93130.17 for the complete text and requirement. Ensure that all requirements are met in the updated application.	Category	Sub-Concept #	Missing Information	Please provide the following information
						ensures the visit is compliant and these reductions cannot be applied to an Innovative Concept.
6b	(6)	**The application must demonstrate that the Innovative Concept emission reductions** *"are real, quantifiable, verifiable, and enforceable."*	Description of IC	1, 3-7	Application meets requirement.	N/A
				2, 8, 10	See Item 6a.	N/A
				9	Please indicate how emissions reductions data will be tracked and collected such that it can be quantified, reported, and verified.	An adequate response to Items 2 (93130.17 (a)(2)), Item 19 (93130.17 (b)(1)(C)), and Item 20 (93130.17 (b)(1)(D)) satisfies this requirement.
7	(7)	**Please acknowledge an understanding that:** *No innovative concept shall have a compliance period greater than five years…"* **(See full text for applicable details).** **(An adequate response to Item 22 [(b)(1)(F)] satisfies this requirement.)**	Timeframe	1, 3-7, 9	Application meets this requirement.	N/A
				2, 8, 10	See Item 6a.	N/A
8	(8)	**Please acknowledge an agreement that**: **The Innovative Concept cannot be**	Timeframe	1, 3-7, 9	Application meets this requirement.	N/A

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Item #	Applicable section of 93130.17	Requirement Summary Please see 2020 Control Measure section 93130.17 for the complete text and requirement. Ensure that all requirements are met in the updated application.	Category	Sub-Concept #	Missing Information	Please provide the following information
		extended for another compliance period if *"…the Executive Officer concludes that any of the circumstances listed in subsection 93130.17(f)(1) of this Control Measure are present; or the applicant elects to cancel an approved innovative concept…"* **(See full Control Measure text for all applicable details).**		2, 8, 10	See Item 6a.	N/A
9	(9)	**Please acknowledge an understanding that:** *"Visits made under an innovative concept are not counted toward a fleet's VIEs or terminal operator's TIEs in section 93130.11 of this Control Measure, and are ineligible for using the remediation fund provisions in section 93130.15 of this Control Measure."*	General provisions	1, 3-7, 9	Application meets this requirement.	N/A
				2, 8, 10	See Item 6a.	N/A
10	(10)	**Please acknowledge an understanding that:** *"Reductions can be used toward compliance as specified in this section only in the calendar year in which they are achieved or the following calendar year."*	Timeframe	1, 3-7, 9	Application meets this requirement.	N/A
				2, 8, 10	See Item 6a.	N/A
11	(11)	**Please acknowledge an understanding that:** *"Early reductions achieved through an innovative concept that occur before a vessel or terminal's first compliance period can be used towards compliance during the first compliance period of up to five years. However, early reductions are only applicable for the initial compliance period, and will expire when the initial compliance period ends. "*	Timeframe	1, 3-7, 9	Application meets this requirement.	N/A
				2, 8, 10	See Item 6a.	N/A
12	(12)	**Show or acknowledge that:** *"…the innovative concept is not to be partially or*	Recordkeeping	1, 3-7, 9	Application meets this requirement.	N/A

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		fully funded with a public incentive program."		2, 8, 10	See Item 6a.	N/A
13a	(13)	**Demonstrate your plan to maintain records that show that:** *"…information on fuel usage, routes, port calls, maintenance procedures, and emissions test results."*	Recordkeeping	1, 3-7, 9	The Application provides basic information on the concept, but more details are required to show that records will be properly maintained and available for reporting if needed.	Please provide more details surrounding your plan to maintain these records.
				2, 8, 10	See Item 6a.	N/A
13b	(13)	**Please acknowledge an understanding that:** *"Such records and reports shall be retained for a period of not less than five years and shall be submitted to the Executive Officer in the manner specified in the approved innovative concept and upon request by the Executive Officer, either within 10 calendar days or by a later date approved by the Executive Officer on a case-by-case basis."*	Recordkeeping	1, 3-7, 9	No information was provided in the Application.	Please provide a statement of acknowledgement of this requirement and an intention to conform to it with the Innovative Concept.
				2, 8, 10	See Item 6a.	N/A
14	(14)	**Please acknowledge an agreement that:** *"No person shall operate under an innovative concept unless the applicant*	General provisions	1, 3-7, 9	Application meets this requirement.	N/A

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		has first been notified in writing by the Executive Officer that the innovative concept application has been approved. Prior to such approval, vessel operators and terminal operators intending to use the innovative concept shall comply with the provisions of this section, including the emission limits in sections 93130.7 and 93130.9 of this Control Measure."		2, 8, 10	See Item 6a.	N/A
15	(15)	**Explain your implementation plan, showing that:** *"The innovative concept will be implemented within the timeframe needed to be used for compliance with this Control Measure, including any time needed for environmental review (if applicable)."* **Also see Item 24 (93130.17 (b)(1)(H)) and section 93130.17 (b)(3)(E).**	• Timeframe • Governmental and Environmental Approvals	1, 3-7, 9	The Application provides basic information on the concept, but more details are required to show that the concept can be carried out.	Please provide more details regarding the timeline of each sub-concept including critical project milestones that will be met to meet the target date(s). For example, what are the timelines associated with choosing a capture and control technology provider, obtaining any permits, developing logistical plans, etc.
				2, 8, 10	See Item 6a.	N/A
16	(16)	**Please acknowledge agreement that:** *"No person shall comply with this section by operating under an innovative concept that has been revoked as provided in section 93130.17(f) of this Control Measure."*	General provisions	All	N/A	N/A
	93130.17 (b)(1)	*"Applications for innovative concepts shall contain, at a minimum, the following information:"*	N/A	N/A	N/A	N/A
17	(A)	*"Company name, address, and contact information."*	Applicant information	1, 3-7, 9	Application meets this requirement.	N/A

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Item #	Applicable section of 93130.17	Requirement Summary Please see 2020 Control Measure section 93130.17 for the complete text and requirement. Ensure that all requirements are met in the updated application.	Category	Sub-Concept #	Missing Information	Please provide the following information
				2, 8, 10	See Item 6a.	N/A
18a	(B)	*"A description of the proposed innovative concept(s) including source and scope of emission reductions."*	Description of IC	1, 3-7, 9	Application meets this requirement.	N/A
				2, 8, 10	See Item 6a.	N/A
18b	(B)	*"A description of proposal including a project site plan and a location map."*	Location of IC	1, 3-7, 9	Application meets this requirement.	N/A
				2, 8, 10	See Item 6a.	N/A
19	(C)	**An estimate of the vessel emissions planned to be covered under the innovative concept for each pollutant NOx, PM 2.5, and ROG. To estimate these reductions,** *"…[multiply] the emission factor for a pollutant found in section 93130.5(d) of this Control Measure by the expected number of vessel visits, average visit duration, and expected power used during an average visit."*	Emissions Reduction Estimates and Calculations	1, 3-7, 9	The Innovative Concept must be able to "reduce emissions from sources in and around the regulated port or marine terminal at a level equivalent or greater to what would be achieved by reducing emissions from vessels under sections 93130.7 and 93130.9 of this Control Measure."	Please provide an estimate of the "equivalent" reductions that would be achieved using the Innovative Concept. Please use the method described in 93130.17 (b)(1)(C). A spreadsheet should be provided that reflects the information that will be tracked, calculated, and reported. For additional detail on what to include in this spreadsheet, see Item 2 (93130.17 (a)(2)), and Item 20 (93130.17 (b)(1)(D)). If you have previously sent this information to CARB, please indicate who the information was sent to
				2, 8, 10	See Item 6a.	N/A

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Item #	Applicable section of 93130.17	Requirement Summary Please see 2020 Control Measure section 93130.17 for the complete text and requirement. Ensure that all requirements are met in the updated application.	Category	Sub-Concept #	Missing Information	Please provide the following information
20	(D)	*"The proposed recordkeeping, reporting, monitoring, and testing procedures that will be used to demonstrate reductions."*	Recordkeeping	1, 3-7	Application meets this requirement.	N/A
				2, 8, 10	See Item 6a.	N/A
				9	See Item 2.	N/A
21	(E)	**Any MOUs or similar agreements between the applicant and any partners. (See full Control Measure text for all applicable details).**	Funding	1, 3-7, 9	The Application states that "MOU's do not currently exist due to the early stage of development".	Please provide a list of any MOUs or similar agreements that are in place or may need to be established to execute the sub-concepts.
				2, 8, 10	See Item 6a.	N/A
22	(F)	*"The proposed length of time during which the innovative concept would be used…as well as the number and duration of any anticipated time extension requests…"*	Timeframe	1, 3-7, 9	Application meets this requirement.	N/A
				2, 8, 10	See Item 6a.	N/A
23	(G)	*"A summary of all governmental approvals necessary to enable development of the innovative concept."*	Governmental and Environmental Approvals	1, 3-7, 9	The Application states that there are "no government approvals are required."	Please provide a list of which government regulations were considered or ruled out when coming to this conclusion.
				2, 8,10	See Item 6a.	N/A
24	(H)	• *"A discussion regarding any environmental review requirements that may apply to the proposed innovative concept…"* • *"Identification of which agency would serve as the lead agency for environmental review purposes…"*	Governmental and Environmental Approvals	1, 3-7, 9	The Application states that there are "no environmental reviews are required."	Please provide a list of any environmental review requirements that were considered or ruled out when coming to this conclusion.
				2, 8, 10	See Item 6a.	N/A
25	(I)			1, 3-7, 9	See Items 1 through 16.	N/A

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Item #	Applicable section of 93130.17	Requirement Summary Please see 2020 Control Measure section 93130.17 for the complete text and requirement. Ensure that all requirements are met in the updated application.	Category	Sub-Concept #	Missing Information	Please provide the following information
		Provide *"Any information necessary to demonstrate that the proposed innovative concept meets all [the following] eligibility and applicability requirements in subsection 93130.17(a)"* **as shown above in Items 1 through 16.**	See Items 1 through 16	2, 8, 10	See Item 6a.	N/A