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Jack P. Broadbent
EXECUTIVE OFFICER/APCO

Connect with the
Bay Area Air District:



November 26, 2019

Mary D. Nichols, Chair
California Air Resources Board
1001 I Street
Sacramento, CA 95814

RE: Proposed Control Measure for Ocean-Going Vessels At Berth

Dear Chair Nichols:

Thank you for the opportunity to comment on the proposed *Control Measure for Ocean-Going Vessels At Berth*. The Bay Area Air Quality Management District (Air District) commends the Air Resources Board's staff for their work to improve the effectiveness of the At Berth rule while addressing implementation concerns raised by the maritime industry. This regulation is a key strategy in *Owning Our Air*, the West Oakland Community Action Plan developed by the West Oakland community to fulfill the promise of AB 617. I urge the Board to adopt the regulation proposed by your staff in the Initial Statement of Reasons, with consideration of three key changes that will deliver community benefits sooner to overburdened communities in the San Francisco Bay Area and ensure that any changes in operations at regulated ports do not erode the regulation's benefit to local communities.

The Staff proposal contains modifications to the existing At Berth regulation that will clarify requirements, increase compliance and ensure that Port Authorities, Terminal Operators and Shipping Lines share equally in controlling emissions from vessels while at berth. Importantly, the expansion of the rule to cover all vessel visits at the regulated terminals and to include motor vehicle carriers and tankers are important steps forward in further reducing health impacts on communities adjacent to the ports and refineries in the Bay Area.

The health risk assessment prepared for this regulation clearly demonstrates the benefits that will accrue to local communities from controlling emissions from auxiliary engines and boilers. The Air District, in partnership with the Aclima, is collecting baseline conditions in these communities as part of our AB 617 program. Preliminary results will be available soon. Air District staff believes this monitoring effort will further document the health impacts caused by emissions from at-berth vessels.

To ensure there is no delay in the air quality improvements that Richmond and other overburdened communities near Bay Area's refineries have been promised through AB 617 and the Environmental Justice and Social Equity policies adopted by the California State Lands Commission and the Bay Commission and Development Commission, I encourage the Board to make the compliance deadline for oil tankers January 1, 2025.

ARB staff, in recommending a 2029 compliance date for Bay Area refineries, refer to lengthy regulatory approval processes for construction over or adjacent to bay waters. While approvals from multiple agencies are necessary and can add to design and construction timelines, I believe this concern is overstated. Terminal operators will submit implementation plans by December 2021. An inter-agency group can assist ARB staff in reviewing the plans. This early consultation will help identify any concerns that can be addressed prior to the submittal of permit applications to the regulatory agencies and make compliance by 2025 more feasible. This approach has been used successfully in the Bay Area in coordinating multi-agency review and approval of maintenance dredging in the region. Air District staff is available to assist ARB with this inter-agency review. Additionally, the proposed 2023 interim evaluation of the regulation provides ARB the opportunity to maintain or extend the 2025 compliance deadline.

The staff proposal recommends exempting bulk and general cargo vessels from any at-berth emission control requirements. The proposed exemption is based on the likely high cost of implementing controls on a fleet consisting of vessels of many different designs operating auxiliary engines at relatively low effective power. However, proposals to expand bulk material handling in West Oakland at the Oakland Bulk and Oversized Terminal and at the Port of Oakland may erode the health benefits gained from controlling emissions from the container vessel fleet. I urge that the proposed interim evaluation in 2023 include an assessment of the need to control emissions from bulk vessels at terminals located within or near an AB 617 designated community to ensure the benefits of the regulation are maintained.

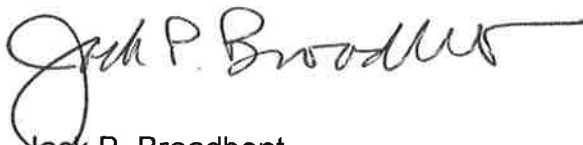
ARB and the Air District provided Proposition 1B funding for shore power infrastructure at the Port of Oakland. Under the terms of the Proposition 1B agreements, by 2020 at least 90% of vessels must control emissions while at berth, an increase over the requirements of the current regulation. ARB staff is proposing compliance flexibility between 2021 and 2024 by exempting up to 15% of vessel visits annually. This proposed compliance flexibility may impede achieving the goals of the West Oakland Community Emission Reduction Plan, as emissions from vessels berthing at the Port of Oakland are a significant contributor to local health impacts in this

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overburdened community. I urge that berths with shore power equipment funded by Proposition 1B be allowed exemptions for no more than 5% of vessel visits.

Thank you again for the opportunity to comment on the proposed improvements to the control of emissions from vessels while at berth. These improvements are a critical part of the Bay Area's efforts to improve and protect community health. Please contact me if I can provide any additional information on our comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Jack P. Broadbent". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Jack P. Broadbent
Executive Officer/APCO

cc: BAAQMD Board of Directors
Mr. Richard Corey, Executive Director, ARB
Ms. Angela Csondes, Manager, Marine Strategies Section, ARB
Ms. Margaret Gordon, West Oakland EIP
Mr. Brian Beveridge, West Oakland EIP
Ms. Linda Whitemore, Santa Fe Neighborhood Council
Dr. Naama Raz-Yaseef, Richmond Heights Neighborhood
Ms. Nain Villanueva de Lopez, West County First Five
Mr. Randy Joseph, RYSE Youth Center
Mr. Willie Robinson, NAACP Richmond Branch