

July 22, 2019

Christopher Koontz, AICP
Planning Bureau Manager
Development Services Department
City of Long Beach
333 West Ocean Boulevard, Fifth Floor
Long Beach, California 90802

Dear Christopher Koontz:

Thank you for providing California Air Resources Board (CARB) staff the opportunity to comment on the Long Beach Cruise Terminal Improvement Project (Project) Initial Study/Mitigated Negative Declaration (IS/MND), State Clearinghouse No. 2019069085. The Project proposes to make improvements to the existing facilities at the Long Beach Cruise Terminal (Terminal) to accommodate a new and larger Carnival cruise vessel designated as the *Panorama*, which will replace the *Splendor*. The Project is located in the City of Long Beach (City), which is the lead agency for California Environmental Quality Act (CEQA) purposes.

Based on several deficiencies, CARB staff does not believe there is sufficient data available in the published materials to support the less than significant impact conclusion for air quality in the IS/MND. We sought an extension of the comment deadline to discuss these issues with the City before submitting a formal comment letter, but that request was summarily denied.

The use of existing emissions from the *Splendor* while at berth as a CEQA baseline is misleading to decision makers and the public because it fails to provide an accurate picture of the proposed project's likely air quality impacts.¹ This conclusion is based on an incorrect assumption that the new *Panorama* (which will be ready to connect to shore-based electrical power and turn off its auxiliary engines at berth) would achieve significant emission reductions at berth relative to the vessel it is replacing, the smaller *Splendor* (which is not currently equipped to plug in). This is a false comparison because Carnival Cruise Lines (Carnival) would have to either retrofit the *Splendor* to plug in to shore power or remove it from California service by the end of 2019 to comply with CARB's existing Vessels At Berth Regulation, regardless of the Project. This statewide Regulation defines the baseline for covered vessels at berth, including the Carnival fleet.

¹ *Neighbors for Smart Rail v. Exposition Metro Line Construction Authority* (2013) 57 Cal.4th 439, 454.

On January 1, 2020, the Carnival fleet must connect at least 80 percent of its vessel visits to shore power and reduce the auxiliary engine power at berth by at least 80 percent, on an annual basis. Compliance with this stepped-up requirement (from 70 percent in 2019 to 80 percent in 2020) will further reduce emissions of all criteria, toxic, and climate pollutants, regardless of which vessels are calling at the Terminal.

We recognize that the in-transit and maneuvering emissions of one pollutant, oxides of nitrogen (NO_x), may be lower for the *Panorama* than the *Splendor* because the new *Panorama* uses main engines certified to the relatively cleaner Tier 2 emission standards. However, the IS/MND indicates that the engines on the *Panorama* must be more efficient than the *Splendor*, without providing fact-based documentation to support that assertion, which affects the relative air pollutant emissions of the vessels. As a result, without citation to substantial evidence to support this conclusory finding, there is currently no legal basis to support the City's assertion that the energy output (161,652 daily kilowatt hours (kWh)) of the larger 133,300 gross ton *Panorama* is less than the energy output (332,161 daily kWh) of the smaller 113,300 gross ton *Splendor* and, thus, wouldn't result in a significant adverse environmental impact.²

The IS/MND also assumes that the *Panorama* would travel at speeds ranging from 4.1 to 16.5 knots within 40 nautical miles from the Terminal. The City should require Carnival to participate in the Port of Long Beach's Green Flag Program that reduces vessel speeds to 12 knots or less within 40 nautical miles of the terminal to reduce air pollution. If Carnival has air pollutant emissions testing data that shows the *Panorama* can achieve similar emission reduction benefits at speeds higher than 12 knots, Carnival should make that data available to the public for review.

With the inaccurate assumptions about the use of shore power at berth, and incomplete material on vessel engine efficiency and the effects of the *Panorama*'s speed on emissions, the IS/MND and Appendix on air quality do not provide the necessary substantial evidence to determine whether the Project would result in a net increase or a net decrease in emissions of each air pollutant, or the magnitude of the change.

CARB staff urges the City to revise the air quality analysis and release a revised IS/MND for public review and comment. Should the recirculated IS/MND find, after adequately addressing the deficiencies noted in this letter, that the Project may have a

² "In reviewing an agency's compliance with CEQA...the courts' [evaluate whether the lead agency prejudicially abused its discretion where].... [s]uch an abuse is established 'if the agency has not proceeded in a manner required by law or if the determination or decision is not supported by substantial evidence.' [Citation omitted]" (*Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 426.) Therefore, a lead agency must support its MND and required findings that there is no possibility that the project may have an adverse impact on the environment with substantial evidence.

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significant and unavoidable impact on the environment, the City must prepare and circulate a draft Environmental Impact Report for public review, as required by CEQA.

If you have questions, please contact Stanley Armstrong, Air Pollution Specialist, at (916) 440-8242 or via email at stanley.armstrong@arb.ca.gov.

Sincerely,

A handwritten signature in blue ink that reads "Richard Boyd". The signature is written in a cursive, flowing style.

Richard Boyd, Chief
Risk Reduction Branch
Transportation and Toxics Division

cc: See next page.

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cc: State Clearinghouse
P.O. Box 3044
Sacramento, California 95812

Matt Arms
Acting Director, Planning & Environmental Affairs Bureau
Port of Long Beach
4801 Airport Plaza Drive
Long Beach, California 90815

Morgan Capilla
NEPA Reviewer, Air Division, Region 9
U.S. Environmental Protection Agency
75 Hawthorne Street
San Francisco, California 94105

Amy Harbin, Planner
City of Long Beach
Development Services Department
333 West Ocean Boulevard, Fifth Floor
Long Beach, California 90802

Andrea Hricko, MPH
Keck School of Medicine (ret.)
University of Southern California
ahricko@hsc.usc.edu

Lijin Sun
Program Supervisor - CEQA
South Coast Air Quality Management District
21865 Copley Drive
Diamond Bar, California 91765

Taylor Thomas
East Yard Communities for Environmental Justice
2317 South Atlantic Boulevard
Commerce, California 90040

Stanley Armstrong
Air Pollution Specialist
Transportation and Toxics Division