# Air Resources Board

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**Matthew Rodriquez**
*Secretary for*
*Environmental Protection*

**Edmund G. Brown Jr.**
*Governor*


October 22, 2015

Mr. Larry Hofreiter
San Diego Unified Port District
3165 Pacific Highway
San Diego, California 92101

Dear Mr. Hofreiter:

Thank you for providing the California Air Resources Board (ARB) the opportunity to comment on the Notice of Preparation (NOP) for the Tenth Avenue Marine Terminal (TAMT) Redevelopment Plan (Plan) draft Environmental Impact Report (EIR). This new proposed Plan provides an opportunity to create a terminal that promotes the use of the cleanest technologies and practices available during both the construction phase and full project build-out.

The proposed Plan includes a number of features that begin to mitigate the air quality impacts of the proposed project. These features include 100-foot electrical cranes, electrical utility improvements, and on-terminal rail facility upgrades. However, the increase in cargo throughput from baseline conditions to 2035 is substantial. The long-term operation of diesel vehicles and equipment will likely have a significant impact in the region, especially given the proximity to residences and sensitive receptors. Should the project have significant impacts, the project features need to maximize the use of existing and emerging zero and near-zero emission technology for the vehicles and equipment that will serve the facility. Additionally, a full health risk assessment should be conducted and the air quality and health risk assessment should use both the existing conditions baseline and a future conditions baseline.

ARB staff concludes that it is extremely likely the proposed Plan will increase the health risk in the immediate area. Should the results of the EIR analysis finds this to be the case, the proposed Plan should utilize all existing and emerging zero-emission technology and implement land use decisions that minimize diesel particulate matter (PM) exposure to the neighboring community. ARB staff believes that technology capable of zero and near-zero emissions is available now and will be available for additional applications in the early years of full project build-out. The final project conditions should provide for the use of those technologies now and in the future. This will serve to better protect the health of nearby residents from the harmful effects of fine

particle pollution, including diesel PM, and help achieve emission reductions required to attain air quality standards for all pollutants and reduce greenhouse gases.

We recognize the critical role the proposed Plan will play in keeping the San Diego Unified Port District (Port) competitive well into the future. The scale of the proposed Plan provides the City of San Diego and the Port an opportunity to set a benchmark for environmental leadership for freight transport in California while expanding economic opportunities.

**Background**

The proposed Plan covers 96 acres along the San Diego Bay (near downtown San Diego and the San Diego community of Barrio Logan). The proposed Plan replaces the existing 2008 Maritime Business Plan to meet current and future market conditions at the terminal. The proposed Plan includes a variety of infrastructure investments and improvements to accommodate a need to increase the terminal's capabilities and capacity within a 2025 and 2035 planning horizon.

Proposed improvements include up to five gantry cranes (some of which are electric), additional and consolidated dry bulk storage capacity, enhancements to the existing conveyor system, additional open storage space, a refrigerator container node, and on-dock intermodal rail facilities. Development Scenario 1 in the Notice of Preparation, states that the proposed Plan can result in a throughput of 5,504,717 Metric Tons of cargo annually, an increase of 4,520,876 Metric Tons from baseline conditions.

Existing land uses surrounding the TAMT include several sensitive receptors: Cesar Chavez Park, Perkins Elementary School, and Mercado Head Start Preschool, as well as the residences, schools, childcare facilities, and healthcare facilities along the truck routes that would be used by the additional trucks entering and leaving the TAMT. Also adjacent is the San Diego community of Barrio Logan, which is already determined by the California Environmental Protection Agency (CalEPA) to be among the worst five percent in the State for cumulative pollution burden.[1]

**Project Design Features for Consideration**

The majority of the probable localized cancer risk for the proposed Plan will likely be attributable to an increase in diesel PM from the construction and long-term operation of the facility. Consequently, ARB staff recommends actions to support the deployment of zero and near-zero emission technology to reduce localized health risk and regional

[1] Office of Environmental Health Hazard Assessment, "CalEnviro Screen Version 2.0," November, 10, 2014, <http://oehha.ca.gov/ej/ces2.html>, accessed April 30, 2015.

emissions. If analysis shows significant health or air quality impacts, consider implementing the following project features:

1) Incorporate zero and near-zero emission technologies that are commercially available over the course of project development and by full build-out in 2035. We believe that use of these technologies is feasible within the build-out years of the Plan[2]. Support the deployment of these technologies including utilizing zero emission (such as battery electric or fuel cell electric) forklifts, electrified rail mounted gantry cranes, and battery electric and hybrid electric medium-duty trucks to the fullest extent feasible. These technologies are commercially available today. Additional advancements, especially for on-road trucks, are expected in the next three to five years; well before project build-out in 2035. ARB's Technology and Fuels Assessments provide information on the current and projected development of mobile source technologies and fuels, including current and anticipated costs at widespread deployment. The assessments can be found at http://www.arb.ca.gov/msprog/tech/tech.htm.

2) Implement, and plan accordingly for, the necessary infrastructure to support the zero emission and near-zero emission technology vehicles and equipment that will be operating at the TAMT at full build-out. This includes physical (e.g. needed footprint), energy, and fueling infrastructure for construction equipment, on-site vehicles and equipment, and medium-heavy and heavy-heavy duty trucks.

3) Ensure that the berths providing shore power can accommodate changes to vessel sizes and various berthing configurations. Additionally, consider installing shore power or equivalent alternate control techniques at all berths at the terminal in order to eliminate emissions to the greatest extent possible. ARB's Sustainable Freight: Pathways to Zero and Near-Zero Emissions Discussion Document has identified the development and proposal of amendments to the At-Berth Regulation as an action that will be pursued over the next few years and implemented before 2035, if approved by the Air Resources Board.

4) Ensure that the terminal will continue to be plug-in equipped for the volumes expected at project build-out. If not already implemented, eliminate the amount of time that a transport refrigeration system powered by a fossil-fueled internal combustion engine can operate utilizing the combustion system while at the TAMT. Use of zero emission all-electric plug-in transport refrigeration systems,

[2] For the purposes of CEQA, "feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors. (California Code of Regulations, title 14, section 15364)

hydrogen fuel cell transport refrigeration, and cryogenic transport refrigeration would be encouraged. We applaud the important work the Port has already done to make the terminal's cold storage and refrigerated container facilities state-of-the-art by including refrigerated container plugs and encourage continuing that practice.

5) Install an electronic gate access system (using Radio Frequency Identification tags for example) at the centralized common gate. This will allow for more efficient movement through the gate and will improve compliance with current regulations and programs for on-road trucks.

6) Ensure the cleanest possible construction practices and equipment are utilized. This should include eliminating idling of diesel powered equipment, requiring the use of zero and near-zero emission equipment and tools to the greatest extent feasible, and providing the necessary infrastructure, like electric hookups, to support that equipment. In addition, require all construction fleets be in compliance with current air quality regulations for off-road equipment. ARB is available to provide assistance in implementing this recommendation.

7) Ensure all tenants be in compliance and monitor compliance with all current air quality regulations for on-road trucks including ARB's Heavy-Duty Greenhouse Gas Regulation and Truck and Bus Regulation. ARB is available to provide assistance in implementing this recommendation.

**Air Quality Analysis and Health Risk Assessment**

*Health Risk Guidance and Tools*

ARB strongly recommends that a full health risk assessment is conducted. The health risk assessment should utilize the most current Office of Environmental Health Hazard Assessment (OEHHA) guidance for that assessment, which is presently the 2015 Air Toxics Hot Spots Program Guidance Manual for Preparation of Heath Risk Assessments found at http://oehha.ca.gov/air/hot_spots/hotspots2015.html.

*Use of Current and Future Baseline in Health Risk and Air Quality Analysis*

ARB also recommends that the health risk and air quality analysis use both the existing conditions baseline (current conditions) and a future conditions baseline (full build out year, without the project.) This analysis will be useful to the public in understanding the full impacts of the project. *Neighbors for Smart Rail v Exposition Metro Line Construction Authority* (2013) 57 C4th 439 confirmed the scope of a lead agency's

discretion on how to best define a baseline under the circumstances of rapidly changing environmental conditions, and confirmed that a project may be reviewed using both an existing conditions and future conditions baseline. In this situation, the project site is located in a non-attainment area for several State and federal criteria pollutants and is adjacent to residential areas, sensitive receptors, and the community of Barrio Logan. Additionally, full build out of the proposed Plan will not occur until 2035, when environmental conditions may be significantly different from current conditions due to full implementation of existing regulation and policy. For those reasons, it is important to ensure that the public has a complete understanding of the environmental impacts of the proposed Plan, as compared to both existing conditions and future conditions.

*Use of Highest Cargo Throughput Scenario in Analysis*

When developing the health risk assessment, use the scenario with the highest cargo throughput for the analysis of project impacts. Table 3.2 in the Notice of Preparation indicates that Development Scenario 1 would generate the highest volume increase in cargo throughput. This scenario should be used unless preliminary analysis indicates that the Development Scenario 2 or 3 would generate more significant impacts.

**Other Recommendations**

*Coordinate and consult with the community on truck traffic circulation*

We recognize the important work the Port has previously done in collaborating with the community to identify truck routes that divert truck traffic away from neighborhood streets. We request that you continue that coordination and consultation with the community, especially Barrio Logan, while considering truck traffic impacts and circulation that will result from this project.

*Develop and consider a project design alternative that is the cleanest feasible*

ARB requests the lead agency to develop and analyze a project design alternative that uses the cleanest feasible technologies, which also poses the lowest possible air quality and health risk impacts. That alternative should include all of the mitigation measures and project design features outlined in this letter.

**Closing**

ARB staff appreciates the opportunity to comment on the Notice of Preparation for the proposed Plan. Given the scale of the terminal and the risk associated with the increase in diesel PM, it is critical that the draft EIR incorporate the use of zero and

near-zero emission technologies as they become commercially available. We are pleased to provide assistance for successful implementation and deployment of a state-of-the-art facility that serves the region's distribution and air quality needs, while protecting public health.

If you would like to understand more about ARB's freight related work, please see our Sustainable Freight: Pathways to Zero and Near-Zero Emissions Discussion Document at http://www.arb.ca.gov/gmp/sfti/sfti.htm. Please include the Air Resources Board to your State Clearinghouse list of selected State agencies that will receive the Draft EIR as part of the comment period. If you have questions, please contact Ms. Kelly Lier, Air Pollution Specialist, Freight Transport Branch, at (916) 322-7194 or Kelly.Lier@arb.ca.gov

Sincerely,

Heather Arias, Chief
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