West Oakland
Environmental Indicators Project
providing environmental information for positive neighborhood change

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Mike Waugh, Manager
California Air Resources board
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Re: Comments on Proposed At-Berth (Shore power) Ocean-Going Vessel Regulation

Dear Mr. Waugh,

Thank you for considering our comments on the draft language of the shorepower rule. We appreciate the long deliberations and detailed considerations that are incorporated into the draft language, and we anticipate that this rule will eventually contribute substantively toward improving the environmental quality and public health in port communities, including ours' here in West Oakland.

Overall, the rule is written clearly, addresses many important details, and appears to accommodate alternative technologies that have the potential to be nearly as clean as grid-based power. As a general principal, we would not embrace any mitigation approach that places new sources of emissions in our already overburdened community. We recognize that some of the alternative technology proposals, notably mobile LNG cold-ironing demonstrated recently at the APL China terminal in August 2007[1] will be a source of natural gas combustion just across the highway from our residential community. In spite of this inherent shortcoming, we believe that portable, LNG-fueled shore side generation offers important opportunities for significant and immediate reductions in ship emissions during "hotelling" operations. "Hotelling" represents 30% - 40% of our local, ground-level diesel emission load, and it is our fervent hope that CARB will modify the shore side power rule to encourage any and all existing technologies that might offer near-term health impact reductions.

We are concerned that the rule, as written, provides little incentive to eliminate "hotelling" emissions in the near term because it provides insufficient incentive for entrepreneurs to act early and does not incentivize shippers to opt to invest in cleaner power service. The timeline as drafted requires no dockside emissions reductions until 2014, in spit of the fact that technologies for immediate reduction are available and financially feasible. We have three specific concerns about the proposed timeline:

1. **Timeline slow and slack.** The 61 tons per year[2] of diesel PM (DPM) from hotelling vessels will continue unabated through 2014, and be cut by only half by 2020. This timeline is too slow and too lax for a community with childhood asthma hospitalization that are seven times the state average and where residents can expect to die ten years earlier than their neighbors in the

[1] See PG&E Press Release: http://www.pge.com/news/news_releases/q3_2007/070822.html
[2] See Portof Oakland. 2005 Seaport Air Emissions Inventory – Review Copy. Prepared by Environ Corp. Table 2-12, page 2-15. Totals for main and auxiliary engines of ocean-going vessels calling at the Port of Oakland.

Oakland Hills.[3] Cargo container movement is forecasted to double by 2020, so a 50% compliance requirement means that hotelling **emissions in 2020 will equal emissions today**. This is a not a schedule to achieve environmental justice. The West Oakland community can expect to be burdened by at least 500[4] tons of DPM emissions over the next seven years if the draft timeline is not accelerated and made more stringent (i.e., raise the 50% compliance requirement for 2020 to 90%).

2. **Unfair requirements for Alternative technologies**. The rule penalizes alternative compliance technologies by requiring adherence to a more stringent implementation schedule compared with grid-based power. We believe the playing field should be level or, if not level, requirements should favoring near-term, low-cost solutions that provide immediate emissions reductions with bridge technologies until the grid or zero-emissions distributed generation technologies are available at cost-effective prices.

3. **No incentives for early action.** Whatever the ultimate regulatory compliance deadline, there ought to be incentives for early action for proven technologies that can reduce hotelling emissions by 90% or more. The cold ironing demonstration at APL China terminal showed the following reductions can be achieved tomorrow.

   - NOx - 98%
   - CO – 57%
   - PM10 – 100%
   - SOx – 100%
   - CO2 – 42%

We ask that you modify the rule to "level the playing field" in terms of compliance timelines for grid-based and alternative shorepower technologies, and that early action incentives be provided for all compliance options. Early action incentives have been used to good success in many other ARB rulemakings and were suggested in earlier versions of this rule. We see no reason to omit such language from the shorepower rule.

It is particularly disappointing that no early action incentives are included considering that development of a compliance strategies for AB32 (The Global Warming Solutions Act) has embraced shoreside power as an early action measure. One viable option is to commit allocation of carbon credits (perhaps, for example, at a fixed price discount relative to auction prices). To the extent that public monies fund early actions, then these actors should not get a double benefit of early action credits plus public funds, but one or the other ought to be available to inspire early action.

We have two additional concerns about the draft language:

- Allowing for three hours before switching to shore power seems unreasonable and unjustified. Instead, ships should be required to plug in to shorepower as quickly as practicable.
- The rule addresses tanker ships docking at refineries or car caring ships. We believe the rule should include these significant sources.
- The de minimus visits (such as 25 visits per year) give us pause. We understand that it may be unreasonable to expect small or rarely-berthing vessels to comply with shorepower requirements.

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[3] See report by Dr. Tony Iton, Director of Alameda County Health Services Dept., EBASE, or his presentation to the Port of Oakland Task Force for the Maritime Air Quality Improvement Plan.

[4] 500 tons per year from hotelling ships from 2008 thru 2014 is based on 60 tons per year multiplied by eight years.

However, the requirement of 25 visits per year needs to be detailed. Is this visits to any California port, or 25 visits per port? And 25 visits is too many as it suggests, depending on interpretation, that a ship may visit the Port of Oakland nearly **every other week** without being required to adopt shore power. These "de minimus" levels are loopholes that should be eliminated from the rule.

In summary, it is clear that the draft rule allows for alternative technologies to be used to provide shore power. Unfortunately, the current language provides no incentive for early action and has requirements that disadvantage non-grid power sources that may provide for immediate low cost reductions. We want all of the terminals at the Port of Oakland to provide grid-based or distributed zero-emissions power as soon as practicable, but we also want emissions reductions sooner than some point beyond 2014 and we embrace imperfect bridge technologies to achieve needed reductions.

In Oakland, there are no identified funding sources to extend grid power to the Port of Oakland berths at an estimated to cost over $100 million. We would like to see immediate reductions in pollutant emissions, however, and feel it is important to support the implementation of cold ironing technology in the short run, without compromising our ability to shift away from local generators in the long run. So we are inclined to support cold ironing technology that can be implemented tomorrow. We urge ARB to rewrite the rule to inspire early and substantive action.

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