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EXECUTIVE OFFICER/APCO

Connect with the
Bay Area Air District:



April 23, 2020

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

RE: Proposed 15-Day Changes to the Proposed Control Measure for Ocean-Going Vessels at Berth

Dear Chair Nichols:

The Bay Area Air Quality Management District (BAAQMD) is writing to provide comments in response to the proposed 15-day changes to the proposed *Control Measure for Ocean-Going Vessels at Berth*. The proposed regulation plays an important role in delivering air quality benefits to our region, particularly in overburdened communities in the San Francisco Bay Area, such as West Oakland and Richmond, which are both AB 617 communities.

BAAQMD supports CARB's adoption of the proposed regulation with modifications to ensure that CARB's goals are achieved, and local community health is not compromised. To that end, BAAQMD offers the following comments on the proposed 15-day changes:

Interim Evaluation for New Technologies and Applications:

- Regarding tanker vessels, BAAQMD urges CARB to consider an earlier compliance deadline of January 1, 2025 for our region, rather than the proposed date of January 1, 2027, to ensure that air quality improvements can be expedited in communities such as Richmond that experience high exposure to harmful emissions from tanker traffic. We note that the proposed regulation provides two opportunities to assess the likelihood for achieving the 2025 compliance deadline and for CARB to amend the regulation, if necessary. The first is in the review of the required terminal plans; the second is when CARB staff provides the Board with its interim compliance assessment. BAAQMD looks forward to reviewing both the terminal plans and the interim evaluation. We also urge that the review of the terminal plans involve other permitting State and local agencies.
- BAAQMD supports the assessment of control requirements for bulk vessels and requests that CARB staff include information about the air quality impacts to communities resulting from projected increases in bulk vessel activity in an uncontrolled scenario. Proposals to expand bulk material handling in West Oakland at the Oakland Bulk and Oversized Terminal and at the Port of Oakland will erode the health benefits gained from controlling emissions from

the regulated vessel categories, and because of this, we support bold action from CARB based on the results of the assessment.

Innovative Concept Compliance Option

- BAAQMD appreciates CARB staff recommending that strategies from adopted Community Emission Reduction Plans cannot be used as part of any Innovative Concept Compliance proposals. We, however, have concerns that, despite requirements that innovative concepts must achieve equivalent or greater emissions reductions compared with a CARB approved emissions control strategy (CAECS) overall, the distribution of emissions benefits could change such that surrounding communities would no longer experience the same benefits relative to the CAECS. To ensure that local clean air benefits from this regulation are achieved, we recommend that any innovative compliance option proposal be discussed with the local steering committees of AB 617 communities, and that local Air Districts have a formal role in the approval process.
- Additionally, determining whether an innovative concept achieved the same or greater emissions reductions is done via a retrospective analysis on an annual basis, and any changes to the concept needed to make up for the differences would likely result in further delays to deliver equivalent emissions benefits. These delays will undermine BAAQMD's past and future efforts to meet its clean air commitments to Bay Area communities, including those identified in the West Oakland Community Action Plan.

Remediation Fund

- BAAQMD supports the remediation fund as a limited compliance option under the regulation. We also support the use of remediation fund revenues to achieve surplus emissions reductions from sources in communities located near terminals and ports and exposed to the uncontrolled emissions. Where applicable, the remediation fund revenues should be used to implement strategies included in adopted Community Emission Reduction Plans. BAAQMD encourages CARB to require community input in instances where incentives are used to mitigate impacts to AB 617 communities or other disadvantaged or low-income communities.

Prop 1B Compliance Flexibility: BAAQMD continues to urge CARB to consider that berths with shore power equipment funded by Proposition 1B be allowed exemptions for no more than 5% of vessel visits. As we noted in our letter of November 25, 2019, BAAQMD, in partnership with CARB, provided Proposition 1B funding for shore power infrastructure that was installed at the Port of Oakland between 2011-2014. 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. CARB 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 Action Plan, as emissions from vessels berthing at the Port of Oakland are a significant contributor to local health impacts in this overburdened community.

BAAQMD appreciates the opportunity to provide input on the proposed 15-day changes. If you have any questions regarding this letter please contact Damian Breen, Deputy Air Pollution Control Officer at (415) 749-5041.

Sincerely,



Jack P. Broadbent
Executive Officer/Air Pollution Control Officer

cc: BAAQMD Board of Directors
Mr. Richard Corey, Executive Officer, ARB
Ms. Heather Arias, Division Chief, Transportation and Toxics Division, ARB
Ms. Bonnie Soriano, Branch Chief, Freight Activity Branch, ARB
Ms. Angela Csondes, Manager, Marine Strategies Section, ARB
Mr. Danny Wan, Executive Director, Port of Oakland
Ms. Margaret Gordon, West Oakland EIP
Mr. Brian Beveridge, West Oakland EIP
Ms. Linda Whitmore, Santa Fe Neighborhood Council
Dr. Naama Raz-Yaseef, Richmond Heights Neighborhood
Ms. Nain Vilanueva de Lopez, West County First Five
Mr. Randy Joseph, RYSE Youth Center
Mr. Willie Robinson, NAACP Richmond Branch