

South Coast Air Quality Management District

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June 18, 2010

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The Honorable Mary D. Nichols, Chair
Members, California Air Resources Board
California Air Resources Board
1001 I Street
P.O. Box 2815
Sacramento, CA 95814

Re: South Coast AQMD Comments Regarding Proposed Actions
to Further Reduce Diesel Particulate Matter at High Priority
California Railyards (CARB Hearing Date: June 24)

Dear Chair Nichols and Members:

I am writing to express the views of the South Coast Air Quality Management District regarding the California Air Resources Board staff's draft commitments for four railyards creating the highest health risks in the state. These railyards — BNSF San Bernardino, BNSF Hobart, UP Commerce, and UP ICTF/Dolores — are all located in the SCAQMD. As described below, the draft commitments are not sufficient to achieve healthful air quality, and therefore must be strengthened.

Remaining risks with the commitments are too high. The draft commitments require that emission reductions resulting from current rules and programs (which, depending on railyard, will be between 68% and 78% by 2020) must be increased to 85%. A serious problem exists, however, since the 85% is measured from 2005 emission levels which created extraordinarily high health risks: up to 2,500 in a million at San Bernardino. Under the draft commitments, risks at BNSF San Bernardino would still likely be over 1,000 in a million four years from now. And risks remaining a decade from now in 2020 would still be an excessive 75 in a million at Commerce and Hobart, 120 in million at the ICTF, and a very disturbing 400 in a million at BNSF San Bernardino.

These remaining risks are far too high, and are in excess of risks limits adopted at all levels of government. For example, while there are no regulatory risk limits for railyards, the remaining risks under the draft commitments are far higher than SCAQMD rules allow for refineries, power plants and other stationary sources — which generally are restricted to between 10 and 25 in a million. Indeed, CARB staff has conceded that the remaining risks in 2020 with implementation of the draft commitments are too high, at least at BNSF San Bernardino.

Thus, the question before the CARB Board is whether the agency should propose to the railroads a set of actions that will allow unacceptable health risks a decade into the future, and probably beyond. The draft commitments do not even set an aspirational goal of achieving acceptable risk. This misses an opportunity to create continuing pressure to achieve acceptable risks by, for example, requiring the railroads to demonstrate that they are implementing all possible measures to attain it.

It is worth noting that fully five years have elapsed since the railroads and CARB entered into the 2005 MOU requiring the railroads to develop plans to reduce railyard risks. That MOU did not set a goal of acceptable risk, and — predictably — did not result in plans sufficient to achieve it. In fact, despite widespread concern about railyard risks, the railroads' plans submitted in response to the 2005 MOU generally did not propose significantly more than actions already required by previously-adopted rules and MOUs. Then, in September 2009, your Board initiated the current effort to seek further risk reductions. Nine months later, staff is back with a proposed agreement for incremental reductions beyond adopted rules, but still no goal or commitment, or even just a program creating continuing pressure to attain, acceptable health risks.

We understand CARB's concerns about limited regulatory authority, and its resulting effort to achieve risk reductions through voluntary agreements. We strongly believe, however, that **the actions the railroads will agree to take will be affected by the position taken by CARB regarding what is needed to protect public health.**

We thus urge you to insist on actions that achieve an acceptable level of health risk as soon as possible. More specifically, we urge you to strengthen the draft commitments to do the following, which are feasible over the life of the agreement:

1. set targets and deadlines for sufficient risk reduction, with public input
2. require a convincing demonstration, subject to public input, that *all feasible risk reduction measures* will be implemented as soon as possible, including but not limited to best available control technologies such as —

- electric yard trucks *now being used by the Port of Los Angeles* (see photo in attachment),
 - electric cranes *now being used and proposed by the railroads at other yards* (see photos in attachment),
 - accelerated deployment of Tier 4 locomotives in the 2015 – 2020 timeframe, *as CARB staff recommended for UP and BNSF railyards near the San Pedro Bay ports, and as the railroads have done with Tier 2 locomotives,*
 - “hood technology” to capture emissions from idling locomotives, *as demonstrated at the UP Roseville railyard and Europe* (see photos in attachment),
 - electric refrigeration units, and
 - electric or hybrid-electric trucks to be deployed as soon as feasible,
3. include commitments for feasible *exposure* reduction measures (e.g. moving operations such as maintenance and load testing away from residents; funding filters in schools), not just the proposed commitments to *possibly* make recommendations (“if any”) regarding some of these matters, and allowing up to two and a half years to do so,
 4. establish a process, overseen by CARB and with public input, for the railroads to timely achieve any additional emissions and/or exposure reductions needed to attain acceptable risk, and
 5. utilize all tools at your disposal, including coordinated actions with federal and local governments, to achieve these ends should sufficient commitments not be forthcoming from the railroads.

Regarding the last point, we have urged CARB staff to work with local governments, the ports and air districts to adopt coordinated positions defining all needed emissions and risk reductions. We have also urged CARB staff to seek regulatory and legislative assistance from the arms of government that have clearest authority over railroads — USEPA and Congress. We strongly believe that such a coordinated strategy, along with a clearly stated goal of acceptable risk, has the greatest chance of spurring agreement by the railroads for sufficient actions. Instead, the proposed commitments will likely undermine, not bolster, efforts to achieve further needed risk reductions since, for the next decade, the railroads will be able to argue that they are operating under a program approved by CARB. And it appears that CARB will not consider seeking help from the federal government unless there is a violation of the commitments — even though they will not achieve acceptable air quality.

For all of these reasons, we urge you to strengthen your Board’s approach, as described above. Most importantly, we urge you to insist on acceptable health risk as soon as possible, and to utilize all tools at your disposal to achieve this end if sufficient commitments by the railroads are not expeditiously forthcoming. These

tools include coordinated positions and actions by state, local and federal governments, and rulemaking.

Thank you for considering our views. We look forward to working with you to eliminate this serious public health problem.

Sincerely,

A handwritten signature in black ink, appearing to read "Wm A Burke". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

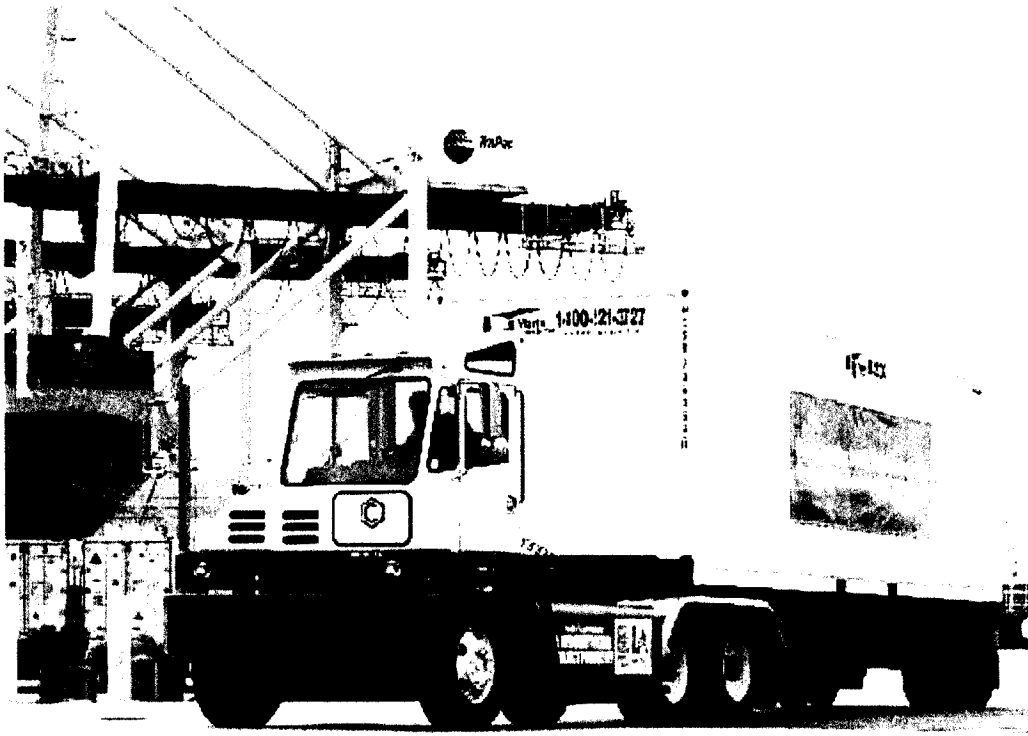
Dr. William A. Burke
Chairman

PG:HH

cc: CARB Board
James Goldstene, Executive Officer

**ATTACHMENT
EXAMPLES OF EXISTING ZERO-EMISSION TECHNOLOGY**

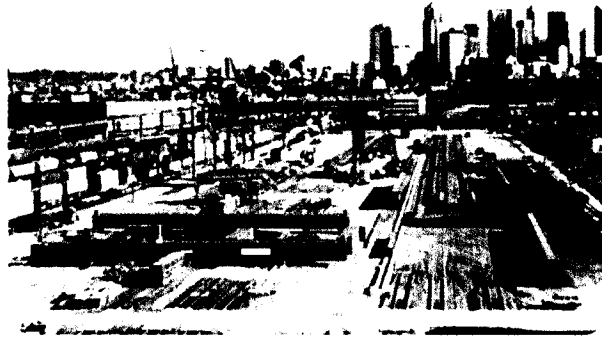
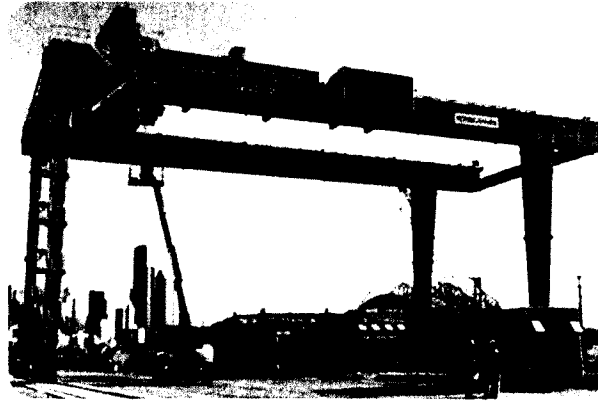
Electric Yard Trucks



The Port of Los Angeles has purchased twenty electric yard tractors. Nautilus Model E-30 is a zero emission all electric yard tractor designed to transport containers in terminal or on-road use applications. The yard tractor operates at maximum speed of 45 Km/hr and can carry 30 Tons of cargo with a range of 60 miles (unloaded) and 30 miles (fully loaded). The port program also includes production of five on-road electric trucks.

Electric Gantry Cranes

Example: BNSF Seattle Railyard



http://www.bnsf.com/employees/communications/bnsf_today/2007/06/2007-06-28-e.html

Example: Union Pacific ICTF Proposal

UP proposes to install 39 electric gantry cranes at an existing, operating, railyard.

Excerpt from UP website:

Greater Capacity. And Greener Operations.
ICTF modernization will greatly increase capacity of the facility while reducing emissions.

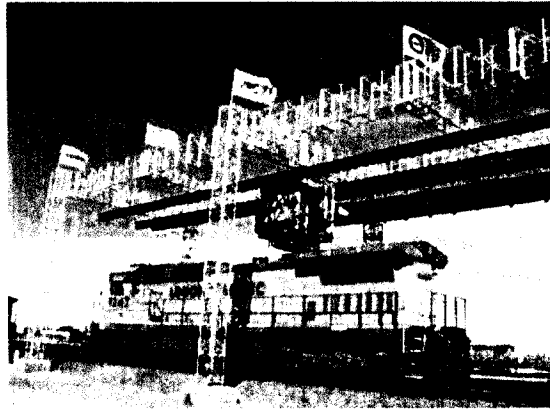
ICTF Site Plans
The ICTF modernization plan will actually reduce the size of the facility from 277 to 233 acres.

www.uprr.com

The image contains two site plan diagrams. The top diagram shows a rectangular facility layout with a north arrow pointing up and an 'ENTRANCE/EXIT' label on the right side. The bottom diagram shows a similar but smaller rectangular facility layout with a north arrow pointing up, an 'ENTRANCE' label on the left side, and an 'EXIT' label on the right side.

<http://www.uprr.com/customers/intermodal/featured/ictf/index.shtml>

Locomotive Emissions Capture System



System demonstrated at UP Roseville railyard

Ateliers SNCF de Pantin - Ourcq, Paris

hug

