Overview of Potential Modifications to the Proposed At Berth Regulation

Webinar
January 30, 2020
Overview

• Today we will discuss:
  o Overview of rulemaking process
  o Current status
  o CARB Board direction
  o 15-day changes under evaluation
  o Next steps
Overview of Rulemaking Process

• CARB staff are developing a new At Berth Regulation
  o Expand the scope of the Regulation
  o Achieve further emissions reductions
• Proposed Regulation was available for public comment Oct. 15 - Dec. 9, 2019
• CARB Board heard staff’s proposal on Dec. 5, 2019 in West Oakland
Where Are We Right Now?

- Staff have evaluated Board’s direction and public comments
  - Including public testimonies heard at the Dec. 5, 2019 Board Hearing
- CARB staff are evaluating changes to the Proposed At Berth Regulation
CARB Board Direction

• Board members directed staff to re-evaluate:
  o Implementation dates - earlier dates for accelerated health benefits
  o Innovative concepts - flexibility and compliance certainty
  o Interim Evaluation - strengthen and expand scope
Potential 15-Day Changes

- Innovative concepts provision
- Implementation date adjustments
- Port and terminal plan due date adjustments
- Interim evaluation changes
- Regulation language clarifications and clean ups
Innovative Concepts Provision

• Use innovative technologies to achieve equivalent or greater emissions reductions at lower cost
• Concepts have to meet high standards:
  o Provide emissions reductions to same impacted communities
  o Must be enforceable and certain
  o In excess of other requirements
  o Reductions cannot be claimed by incentives
Innovative Concepts Provision (cont.)

- Opportunity for public input before CARB approval
- Innovative concepts plan due dates:
  - Container/Reefer/Cruise – Jul. 1, 2021
  - All other vessel types – Dec. 1, 2021
  - Align with initial port and terminal plan due dates
Potential Implementation Date Adjustments

- Staff evaluating earlier implementation dates for new vessel types
  - Provide accelerated health benefits to impacted communities
- Updated port and terminal plan due dates would shift accordingly
  - 2021 initial plan due dates unchanged
Potential Interim Evaluation Changes

- Earlier evaluation and report to the Board
- Require staff analysis of independent studies
- Assess feasibility of:
  - Control requirements for bulk and general cargo vessels, and vessels at anchor
  - Progress on meeting implementation dates
Regulation Clarifications and Updates Under Evaluation

• Vessel/Terminal Incident Events (VIEs/TIEs):
  o New fleets or terminals, or those with expected large increases in activity
    ▪ Adding process to petition for more VIEs/TIEs
• Extending time to connect to emission control strategy from 1 hour to 2 hours from Ready to Work
• Simplified definition of shore power compatibility
  o Based on vessel commissioning
Regulation Clarifications and Updates Under Evaluation (cont.)

- Remediation fund
  - Adding maintenance and commissioning events as qualifying circumstances
  - Extending to ports and CAECS* operators
  - Including air districts outside a port or terminal’s jurisdiction and CAPCOA** as potential fund administrators

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*CARB approved emissions control strategy

**California Air Pollution Control Officers Association
Regulation Clarifications and Updates Under Evaluation (cont.)

• Strengthened port responsibilities
• Adjusting reporting deadlines from 7 days to 30 days
• Definition of research project broadened
• Added/modified several definitions for clarity
Next Steps

• 15-day changes potentially released ~ late February or early March
• Second Board Hearing ~ April 2020 in Sacramento
• Final Environmental Analysis (EA) and CARB staff response to EA comments will be posted to Rulemaking webpage ~2 weeks before second Board Hearing
Next Steps (cont.)

- Final Statement of Reasons (FSOR) package released after the Board Hearing (~ late Summer 2020)
- Submittal to Office of Administrative Law (OAL) for approval around late Summer 2020
- Upon approval, Regulation effective date would be Jan. 1, 2021
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• CARB At Berth Website:
  https://www.arb.ca.gov/ports/shorepower/shorepower.htm