



BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT

BOARD OF DIRECTORS
AD HOC COMMITTEE ON PORT EMISSIONS

COMMITTEE MEMBERS

NATE MILEY – CHAIRPERSON
TOM BATES
LIZ KNISS
TIM SMITH
GAYLE B. UILKEMA

JOHN GIOIA – VICE CHAIRPERSON
SCOTT HAGGERTY
MARK ROSS
PAMELA TORLIATT

THURSDAY
DECEMBER 6, 2007
9:30 A.M.

4th FLOOR CONFERENCE ROOM
DISTRICT OFFICES

AGENDA

1. **CALL TO ORDER – ROLL CALL**
2. **PUBLIC COMMENT PERIOD** (*Public Comment on Non-Agenda Items Pursuant to Government Code § 54954.3*) Members of the public are afforded the opportunity to speak on any agenda item. All agendas for regular meetings are posted at District headquarters, 939 Ellis Street, San Francisco, CA, at least 72 hours in advance of a regular meeting. At the beginning of the regular meeting agenda, an opportunity is also provided for the public to speak on any subject within the Committee's subject matter jurisdiction. Speakers will be limited to three (3) minutes each.
3. **APPROVAL OF MINUTES OF MAY 17, 2007 AND JULY 26, 2007**
4. **UPDATE ON ACTIVITIES AT THE PORT OF OAKLAND**

H. Hilken/4642
hhilken@baaqmd.gov

The Committee will receive an update on the West Oakland health risk assessment being prepared by the Air Resources Board and on the Port of Oakland Maritime Air Quality Improvement Plan.
5. **DISCUSSION OF PRELIMINARY DRAFT RULE REGARDING PORT EMISSION INVENTORIES AND PLANS**

B. Bunger/4797
bbunger@baaqmd.gov

The Committee will review a preliminary draft rule that requires emissions inventories and plans to reduce emissions from Bay Area ports. The preliminary draft rule will be the subject of a workshop to be held on December 11, 2007
6. **COMMITTEE MEMBER COMMENTS/OTHER BUSINESS**

Any member of the Committee, or its staff, on his or her own initiative or in response to questions posed by the public, may ask a question for clarification, make a brief announcement or report on his or her own activities, provide a reference to staff regarding factual information, request staff to report back at a subsequent meeting concerning any matter or take action to direct staff to place a matter of business on a future agenda. (Gov't Code § 54954.2).

7. **TIME AND PLACE OF NEXT MEETING - AT THE CALL OF THE CHAIR**

8. **ADJOURNMENT**

**CONTACT CLERK OF THE BOARDS - 939 ELLIS STREET
SAN FRANCISCO, CA 94109**

**(415) 749-4965
FAX: (415) 928-8560
BAAQMD homepage:
www.baaqmd.gov**

- To submit written comments on an agenda item in advance of the meeting.
- To request, in advance of the meeting, to be placed on the list to testify on an agenda item.
- To request special accommodations for those persons with disabilities notification to the Clerk's Office should be given at least three working days prior to the date of the meeting so that arrangements can be made accordingly.

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson Miley and Members
of the Ad Hoc Committee on Port Emissions

From: Jack P. Broadbent
Executive Officer/APCO

Date: November 30, 2007

Re: Ad Hoc Committee on Port Emissions Draft Minutes

RECOMMENDED ACTION:

Approve attached draft minutes of the Ad Hoc Committee on Port Emissions meeting of May 17, 2007.

DISCUSSION

Attached for your review and approval are the draft minutes of the May 17, 2007 Ad Hoc Committee on Port Emissions meeting.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

**Bay Area Air Quality Management District
939 Ellis Street
San Francisco, California 94109
(415) 749-5000**

DRAFT MINUTES

Summary of Board of Directors
Meeting of the Ad Hoc Committee on Port Emissions
9:30 a.m., Thursday, May 17, 2007

1. **Call to Order – Roll Call:** Chairperson Nate Miley called the meeting to order at 9:33 a.m.

Present: Nate Miley, Chairperson, John Gioia (9:35 a.m.), Scott Haggerty, Liz Kniss (9:52 a.m.), Mark Ross (9:36 a.m.), Pamela Torliatt, Gayle B. Uilkema.

Absent: Tim Smith.
2. **Public Comment Period:** There were none.
3. **Approval of Minutes of April 5, 2007:** Director Haggerty moved approval of the minutes, seconded by Director Torliatt; carried unanimously without objection.
4. **Report on the San Pedro Bay Plan and Follow Up on Other Information Requests from the April 5, 2007 Meeting of the Committee:** *Staff presented a summary of the joint Clean Air Action Plan adopted by the Ports of Los Angeles and Long Beach in November 2006 and responded to questions from the prior meeting of the Committee.*

Henry Hilken, Division Director, Planning, Rules & Research noted that at a previous meeting, the Committee requested information on maritime activities in the San Francisco Bay. In particular, the Committee requested information on the Ports of Los Angeles and Long Beach. Michael Murphy, Advanced Projects Advisor, presented the item to the Committee.

Director John Gioia arrived at 9:35 a.m.
Director Mark Ross arrived at 9:36 a.m.

Mr. Murphy provided the Committee with information on the ports, which included:

- Ports of Los Angeles and Long Beach are the 1st and 2nd largest ports in the United States;
- Both governed by separate Port Commissions;
- Combined – both are the 5th busiest maritime complexes in the world;
- Provide \$300 billion in economic value; 40% of all US containerized trade; and
- Port of Oakland, the 4th largest U.S. Port.

In addition to the large amounts of containers they handle, they are also the major points for the infiltration of oils, fuels, and other types of bulk products that are used in construction trades or in other parts of the economy.

The Port of Oakland's current plan for growth is forecasted to triple by 2020, which would bring them up to where Long Beach is currently.

The estimated amount of emissions from both ports Los Angeles and Long Beach in 2001 and 2002 in the South Coast Air Basin represented 12% of the diesel PM emissions in that region; 9% of the nitrogen and about 45% of SOx. These numbers were published in the Clean Air Plan and will be adjusted to reflect the year 2005. The numbers represent the emissions that take place off their properties (trucks and trains after having left the port property).

In response to calls to reduce emissions from these activities, there is also a need for the ports to keep their overall emissions down in the South Coast Air Basin. The San Pedro Bay Ports worked together and adopted the joint Clean Air Action Plan (CAAP) in November of 2006.

The primary goals of CAAP in the San Pedro area are:

- Reduce public health risk from exposure toxic air contaminants;
- Reduce diesel PM and criteria pollutants by 45% to 50% within 5 years; and
- New development projects, or renewed/changed leases, will only be approved if estimated excess residential cancer risk is below 10 in 1 million.

It would bring down emissions in a short period of time, and the benefits include:

- Replacement or retrofit of approximately 16,000 heavy-duty trucks;
- Conditions placed on truck access to the marine terminals, to change how trucks are used and are given access to their terminals;
- Electrical shore power at all marine terminals;
- Use of low-sulfur marine fuels by large vessels; and
- A technology advancement program, in partnership with the South Coast AQMD that are undertaking a technology advancement program that will focus on hybrid technologies, alternative fuels, as well as operational research to see if they can speed up the flow and bring the emissions down even further after the first 5 year period.

Estimated costs and funding sources:

- \$2.1 billion in public funds; and
- 87.5% or \$1.8 billion will be spent on reducing heavy-duty truck emissions, reflective of new trucks as opposed to retrofitting.

It is forecasted that the funds for these activities will come from the San Pedro Ports through container fees, as South Coast AQMD is earmarked \$47 million. It is proposed to have a new truck impact fee at \$34 per visit by trucks, not to be paid by the truck owner or operator, but rather by whoever is commissioned to have the container picked up or delivered and they hope to gain a share of the state bond revenue from November 2006.

Many of the adopted CAAP strategies can be implemented at the ports in the Bay Area, due to the fact that the Bay Area has a lower volume of shipping and trade. Chances are that the costs and implementation details can be scaled down and applied to the Bay Area ports.

Director Liz Kniss arrived at 9:52 a.m.

In response to a question from Director Uilkema, Mr. Murphy stated that there are plans for the Port of Oakland and the Bay Area to become more efficient and quick to transport in and out of the ports. The Port is proposing to reconfigure some of the circulative roads and terminals, so that there is less bottlenecks. They currently have a checkpoint at 7th Street, near the major intersection and are making other improvements, provided they are able to obtain some of the infrastructure monies made available.

Mr. Murphy stated that it would take approximately 5 years time to bring the old trucks to the emissions level of that of a brand new 2007 truck. Something to consider in the Bay Area is to adopt an appropriate strategy for the Air District that can be replicated.

After lengthy discussion amongst the Committee, Mr. Murphy provided information on the average times at berth or anchors for ocean-going vessels located in the San Francisco Bay Area.

The times are as follows:

- Anchorages 8 & 9 (areas between San Francisco and Alameda) – 31 hours;
- Port of Oakland – 21 hours;
- Bulk ports – 20 hours;
- Refineries – 20 hours; and
- Cruise Terminal, SF – 10 hours

Speakers: The following individuals spoke on this agenda item:

Delphine Prevost
Port of Oakland
530 Water St.
Oakland, CA 94607

Jay Ach
Port of San Francisco
Pier 1
San Francisco, CA 94111

Ellen Johnck
Bay Planning Coalition

Director Haggerty requested that Ms. Prevost, from the Port of Oakland be invited back to a future meeting and provide the Committee with a status update of their plans.

Committee Action: None. This report provided for information only.

5. **Report on the Creation of a Workgroup to Assist the District in Developing Regulatory Concepts:** *The Committee was presented with a brief report on the potential members for a workgroup that would assist the Air District in developing regulatory concepts for the San Francisco Bay Area Green Ports Initiative..*

Brian Bunger, Counsel, presented the report and noted two documents provided to the Committee and provided updates on the rule development of this category.

Mr. Bunger noted that staff will convene with interested parties as an advisory panel, to help the Air District work through the issues. Staff has identified individuals and organizations that will meet. Some of those included are:

- Bay Planning Coalition;
- Air Resources Board;
- Metropolitan Transportation Commission;
- SF Bar Pilots; and
- Teri Shore, Friends of the Earth

Continuing, Mr. Bunger asked the Committee to provide staff with providing the names of additional organizations or individuals. The group will consist of approximately 25-30 individuals representing the various organizations. It is anticipated that the first meeting will take place in late June.

Director Uilkema recommended that the refineries be added to the list. Also included will be State Representatives and CalTrans.

Speaker: The following individual spoke on this agenda item:

Jay Ach
Port of San Francisco
Pier 1
San Francisco, CA 94111

Committee Action: None. This report provided for information only.

6. **Committee Member Comments/Other Business:** There were none.
7. **Time and Place of Next Meeting:** At the Call of the Chair.
8. **Adjournment:** The meeting adjourned at 11:04 a.m.

Vanessa Johnson
Acting Clerk of the Boards

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson Miley and Members
of the Ad Hoc Committee on Port Emissions

From: Jack P. Broadbent
Executive Officer/APCO

Date: November 30, 2007

Re: Ad Hoc Committee on Port Emissions Draft Minutes

RECOMMENDED ACTION:

Approve attached draft minutes of the Ad Hoc Committee on Port Emissions meeting of July 26, 2007.

DISCUSSION

Attached for your review and approval are the draft minutes of the July 26, 2007 Ad Hoc Committee on Port Emissions meeting.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

**Bay Area Air Quality Management District
939 Ellis Street
San Francisco, California 94109
(415) 749-5000**

DRAFT MINUTES

Summary of Board of Directors
Meeting of the Ad Hoc Committee on Port Emissions
9:00 a.m., Thursday, July 26, 2007

1. **Call to Order – Roll Call:** Vice Chair John Gioia called the meeting to order at 9:26 a.m.
Present: John Gioia, Vice Chair, Tom Bates, Mark Ross, Pamela Torliatt, Gayle B. Uilkema.
Absent: Scott Haggerty, Liz Kniss, Nate Miley, Tim Smith.
2. **Public Comment Period:** There were none.
3. **San Francisco Bar Pilots Tour of the San Francisco Bay:** *The Committee received a tour by the San Francisco Bar Pilots to view maritime activities on the bay.*

The Committee members departed the District offices at 9:37 a.m. for the tour of San Francisco Bay by the San Francisco Bar Pilots.
4. **Committee Member Comments/Other Business:** There were none.
5. **Time and Place of Next Meeting:** At the Call of the Chair.
6. **Adjournment:** The meeting adjourned at 11:30 a.m.

Vanessa Johnson
Acting Clerk of the Boards

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson Miley and Members
of the Ad Hoc Committee on Port Emissions

From: Jack P. Broadbent
Executive Officer/APCO

Date: November 30, 2007

Re: Update on Activities at the Port of Oakland

RECOMMENDED ACTION:

None. The Committee will receive and discuss an update on the status of the West Oakland health risk assessment and the Port of Oakland's Maritime Air Quality Improvement Plan (MAQIP).

BACKGROUND

Beginning in late 2005, the California Air Resources Board (CARB) began a cooperative effort with the Air District and the Port of Oakland to better understand the health risks associated with diesel particulate matter pollution in the western part of the City of Oakland. In 2006, the Air District and Port of Oakland staffs began development of a comprehensive air quality improvement plan for the Port's maritime facilities. The release by CARB of a formal Health Risk Assessment (HRA) and the adoption by the Port of Oakland of its Maritime Air Quality Improvement Plan (MAQIP) are both scheduled for the 1st quarter of 2008.

The efforts underway to estimate both cancer and non-cancer health risks from diesel particulate matter (PM) emissions impacting the West Oakland community combines three tasks: 1) development of a comprehensive emissions inventory from all sources located within or traveling through West Oakland; 2) modeling of these emissions to derive diesel PM concentrations within West Oakland; and a final step, 3) the completion of a health risk assessment to estimate the adverse health impacts resulting from exposure to toxic emissions and concentrations quantified in the first two tasks.

The draft emissions inventory was presented at a public workshop in August 2007 and the final inventory report will be completed in December 2007. The modeling of concentrations for each emission source category has been completed and is currently being reviewed by Air District staff. A draft HRA for cancer was recently completed by CARB and is currently under review. The non-cancer health risk assessment along with assessments of cancer and non-cancer risk for future years, accounting for growth and controls are scheduled to be completed in mid-January, 2008, with a final report likely by early spring 2008.

The development of the MAQIP for the Port of Oakland had been proceeding on a parallel path to the health risk assessment. To assist in the development to the MAQIP, the Port of Oakland created a task force comprised of a broad array of interest groups, including representatives from community groups, labor unions, shipping lines, terminal operators,

truckers, and public agencies. The task force has four co-chairs, one of which is the Air District. The Port of Oakland has retained a facilitator to manage the task force meetings and to support an open, public process.

The task force has met four times and is scheduled to hold its 5th meeting on December 14, 2007. To date, the task force has adopted goals and guiding principles for the MAQIP. It will be considering at its next meeting a list of primary measures to control emissions from the trucks, ships, trains and other equipment in operation at the Port. The emissions inventory and health risk assessment will be used to inform the timing and scope of the primary control measures to be implemented. The Port of Oakland's Board of Commissioners is currently scheduled to consider the MAQIP in February 2008.

BUDGET CONSIDERATION / FINANCIAL IMPACT:

None.

Respectfully submitted,

Jack P. Broadbent
Executive Director/APCO

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson Miley and Members
of the Ad Hoc Committee on Port Emissions

From: Jack P. Broadbent
Executive Officer/APCO

Date: November 29, 2007

Re: Discussion of Preliminary Draft Rule Requiring Port Inventories and Plans

RECOMMENDED ACTION:

None.

BACKGROUND

Air District staff have developed a preliminary draft of a rule that would apply to the five Bay Area seaports (Benicia, Oakland, Redwood City, Richmond, and San Francisco) and would impose inventory and planning requirements. Staff will discuss the draft at a meeting of the Green Ports Workgroup, which is scheduled for December 11, 2007 at the District office. Copies of the meeting notice and the preliminary draft rule are attached.

Staff intend the rule to serve as a regulatory “backstop” to a variety of activities that are underway at the ports. These activities include the Port of Oakland’s 2005 Seaport Air Emissions Inventory and its Maritime Air Quality Improvement Plan (MAQIP). In addition, Air District staff are working to develop a memorandum of agreement (MOA) among the Air District and the other ports regarding an inventory for those ports. The preliminary draft of the rule would impose inventory requirements that are in line with methodologies used for the Port of Oakland inventory and proposed in the draft MOA for the other ports. These completed or expected inventory activities would therefore “count” toward compliance with rule inventory requirements.

The preliminary draft would impose emission reduction plan requirements for the Port of Oakland and would reserve until later any plan requirements for the other ports. Whether plans would ultimately be required for the other ports through rule amendment would depend upon the results of the inventories. The draft rule’s plan requirements, which would initially only apply to the Port of Oakland, include requirements for descriptive and location information, for information on terminal leases, and for information on baseline emissions. The plan would also be required to include a listing of all federal and California laws and regulations expected to affect port emissions and an estimate of expected emission reductions for each law or regulation.

The central feature of a plan would be a demonstration by the port showing how it will achieve emission reduction goals for particulate matter, nitrogen oxides, and sulfur dioxide. The preliminary draft does not include specific numerical goals for these pollutants. Staff expect to develop the goals through meetings of the Green Ports Workgroup. Under the preliminary draft, if a port fails to achieve emission reduction goals, it would be required to revise its plan.

BUDGET CONSIDERATION / FINANCIAL IMPACT:

None.

Respectfully submitted,

Jack P. Broadbent
Executive Director/APCO



BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT

GREEN PORTS WORKGROUP MEETING NOTICE

(REVISED TO REFLECT NEW MEETING TIME)

November 14, 2007

TO: INTERESTED PARTIES
FROM: EXECUTIVE OFFICER / APCO
SUBJECT: **FIRST MEETING OF GREEN PORTS
WORKGROUP - DRAFT REGULATION 12,
RULE 13: PORT INVENTORIES AND
EMISSION REDUCTION PLANS**

The Bay Area Air Quality Management District will conduct a public workgroup meeting to present, discuss and receive input on the preliminary draft of a regulation to require inventories and emission reduction plans for Bay Area seaports. The District will hold the public meeting from **2:00 p.m. to 4:00 p.m. on Tuesday, December 11, 2007** in the 7th Floor Board of Directors meeting room at the District office located at 939 Ellis Street, San Francisco.

The Air District is currently involved in a variety of activities related to air emissions at Bay Area ports. These activities include the District's Community Air Risk Evaluation (CARE) program, which identified the area near the Port of Oakland as having relatively high emissions of diesel particulate matter; District participation in the development of the Port of Oakland and West Oakland air emission inventories; participation in the West Oakland health risk assessment; participation in the Port of Oakland's current efforts to develop a Maritime Air Quality Improvement Plan (MAQIP); and discussions with the other Bay Area ports regarding the development of emission inventories for those ports. The District has also been participating with local ports, shipping lines and other parties in researching and demonstrating new technologies to reduce emissions from pollution sources at maritime facilities.

The District is proposing to develop and adopt a regulation that would serve as a regulatory "backstop" for these activities and would ensure that port inventories are sufficiently detailed and port emission reduction plans achieve significant emission reductions.

PUBLIC TRANSPORTATION

MUNI - #47 AND #49 NORTH AND SOUTH ON VAN NESS AVENUE
#38 EAST AND WEST ON GEARY BOULEVARD/O'FARRELL STREET
BART – CIVIC CENTER STATION, 8th AND MARKET STREETS

Attendees are encouraged to ride public transit, rideshare, bicycle, walk or use other non-motorized modes to and from the District

The preliminary draft of the regulation and other meeting documents will be available on the District's website at: <http://www.baaqmd.gov/pln/ruledev/workshops.htm> no less than a week before the meeting. For questions or comments on the workshop or any documents, please contact Bill Guy, Assistant Counsel, at (415) 749-4773 or by e-mail to wguy@baaqmd.gov.

REGULATION 12
MISCELLANEOUS STANDARDS OF PERFORMANCE
RULE 13
PORT INVENTORIES AND EMISSION REDUCTION PLANS
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REGULATION 12
MISCELLANEOUS STANDARDS OF PERFORMANCE
RULE 13
PORT INVENTORIES AND EMISSION REDUCTION PLANS

(Adopted [date])

12-13-100 GENERAL

12-13-101 Description: The purpose of this rule is to require San Francisco Bay Area ports to prepare emission inventories and to prepare and implement plans to reduce emissions of particulate matter, nitrogen oxides, and sulfur dioxide.

12-13-110 Applicability: This rule applies only to the following San Francisco Bay Area ports: the Port of Benicia, the Port of Oakland, the Port of Redwood City, the Port of Richmond, and the Port of San Francisco.

12-13-200 DEFINITIONS

12-13-201 Baseline Emissions: Emissions of particulate matter, nitrogen oxides, sulfur dioxide, carbon monoxide, total organic gases, and reactive organic gases for the baseline year as determined by the inventory required by Section 12-13-301.

12-13-202 Cargo Handling Equipment: Cargo handling equipment as defined in California Code of Regulations, title 13, section 2479.

12-13-203 Drayage Truck: Any in-use on-road vehicle with a gross vehicle weight rating of 33,000 pounds or greater operating on or traversing port property for the purposes of loading, unloading, or transporting cargo, such as containerized, bulk, or break-bulk goods.

12-13-204 Drayage Truck Trip: [to be developed]

12-13-205 Harbor Craft: Any private, commercial, government, or military marine vessel including, but not limited to, passenger ferries, excursion vessels, tugboats, ocean-going tugboats, towboats, push-boats, crew and supply vessels, work boats, pilot vessels, supply boats, fishing vessels, research vessels, United States Coast Guard vessels, hovercraft, emergency response harbor craft, and barge vessels that do not otherwise meet the definition of ocean-going vessels or recreational vessels.

12-13-206 Intermodal Rail Yard: Any rail facility near a port where cargo is transferred from truck to train or from train to truck, including, but not limited to, Oakland International Gateway/BNSF, Richmond BNSF, and Union Pacific (UP) Oakland.

12-13-207 Locomotive: A self-propelled piece of on-track equipment designed for moving or propelling railroad cars that are designed to carry freight, passengers or other equipment, but which itself is not designed or intended to carry freight, passengers (other than those operating the locomotive) or other equipment.

12-13-208 Marine Terminal: An assigned area that is located at a port, that has facilities for loading and unloading cargo or passengers of various types of marine vessels, and that typically includes areas or structures devoted to receiving, handling, holding, consolidating, and loading or delivery of waterborne shipments or passengers and areas or structures devoted to the maintenance of the terminal or its equipment.

12-13-209 Nitrogen Oxides (NO_x): The sum of nitric oxide (NO) and nitrogen dioxide (NO₂) collectively expressed as nitrogen dioxide.

12-13-210 Ocean-going Vessel: Ocean-going vessel as defined in California Code of Regulations, title 13, section 2299.1.

12-13-211 Particulate Matter (PM): Any airborne finely divided material, except uncombined water, that exists as a liquid or solid at standard conditions (e.g., dust, smoke, mist fumes, or smog).

12-13-212 Port: For the purposes of this rule, port means the Port of Benicia, the Port of Oakland, the Port of Redwood City, the Port of Richmond, or the Port of San Francisco.

- 12-13-213 Port Emissions:** For purposes of this rule, emissions from the following sources shall be considered port emissions:
- 213.1 Drayage truck trips,
 - 213.2 Cargo handling equipment,
 - 213.3 Locomotive operations,
 - 213.4 Ocean-going vessels while at berth,
 - 213.5 Ocean-going vessels while underway between the Golden Gate and a berth at the port or between berths at the port,
 - 213.6 Harbor craft, including, but not limited to, tugboats providing assistance to an ocean-going vessel in arriving at or departing from a berth at the port.
- 12-13-214 Port of Benicia:** [to be developed]
- 12-13-215 Port of Oakland:** [to be developed]
- 12-13-216 Port of Redwood City:** [to be developed]
- 12-13-217 Port of Richmond:** For purposes of this rule, the Port of Richmond includes marine terminals owned by the City of Richmond and the following privately-owned marine terminals: [to be added].
- 12-13-218 Port of San Francisco:** [to be developed]
- 12-13-219 Reactive Organic Gases (ROG):** Total organic gases minus compounds with negligible photochemical reactivity as determined in accordance with California Air Resources Board inventory methodology.
- 12-13-220 Recreational Vessel:** A vessel that is intended by the vessel manufacturer to be operated primarily for pleasure or leased, rented or chartered to another for the latter's pleasure, excluding the following vessels: (1) vessels of less than 100 gross tons that carry more than 6 passengers, (2) vessels of 100 gross tons or more that carry one or more passengers, and (3) vessels used solely for competition.
- 12-13-221 Total Organic Gases (TOG):** Compounds of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate.
- 12-13-222 Tugboat:** Any self-propelled vessel engaged in, or intending to engage in, the service of pulling, pushing, maneuvering, berthing, or hauling along side other vessels, or any combination of pulling, pushing, maneuvering, berthing or hauling along side such vessels in harbors, over the open seas, or through rivers and canals.

12-13-300 STANDARDS

- 12-13-301 Inventory Requirement:** The owner or operator of a port shall prepare an emission inventory source report and a port emission inventory in accordance with the requirements of Sections 12-13-401, 402, and 403.
- 301.1 The *Port of Oakland 2005 Seaport Air Emissions Inventory* shall be ["supplemented by the following additional information but shall otherwise be deemed to comply with the requirements of this section and of Sections 12-13-401, 402, and 403" or "deemed to comply with the requirements of this section and of Sections 12-13-401, 402, and 403."
 - 1.1 [possible additional requirement]
 - 1.2 [possible additional requirement]
 - 301.2 Other ports within the District may jointly prepare an emission inventory that covers all or some of the ports, and the District may enter into an agreement with the ports to participate in the preparation of such an inventory.
- 12-13-302 Emission Reduction Plan Requirement:** The owner or operator of a port shall prepare and submit an emission reduction plan that complies with the requirements of Section 12-13-404.

12-13-400 ADMINISTRATIVE REQUIREMENTS

- 12-13-401 Emission Inventory Source Report:** On or before the date set forth in Section 12-13-406, an operator of a port shall submit an Emission Inventory Source Report that

includes, for all sources of port emissions as defined in Section 12-13-212, the following information:

- 401.1 Specific identification, as described in *Current Methodologies and Best Practices in Preparing Port Emission Inventories* (Final Report, prepared for EPA by ICF Consulting, January 5, 2006), or the most recently approved revision to this document, of all dedicated and transient port equipment responsible for port emissions.
- 401.2 Description of the time interval over which emission information covering typical operations and equipment activity for the port, as required under Sections 12-13-402.1 and 12-13-402.2, will be provided and, if data for a period of 12 months or more is not available, description of the time interval over which the required information will be provided, including an explanation of the basis for selecting the time interval that:
 - 2.1 Covers a period of at least three months, or a shorter time interval as approved by the APCO, provided the shorter time interval can accurately characterize typical annual emissions; and
 - 2.2 Shows how a time interval less than 12 months will be extrapolated to develop an annual emission estimate that is representative of typical annual operations and equipment activity for the port;
- 401.3 Description of the source(s) of emission factors for all equipment to be used and emission control efficiencies, if applicable;
- 401.4 Description of the port, including detailed facility map, identifying entrance(s) and exit(s) of the port, location and boundaries of each marine terminal, loading and unloading areas, fueling areas, service and maintenance areas, cargo sorting and classification areas, parking/idling areas for all on-road and non-road mobile sources, and any other areas within the port where emission sources or operations contributing to emissions occur; and
- 401.5 Universal Transverse Mercator (UTM) coordinates for port location and port boundary vertices.

12-13-402 Port Emission Inventory: On or before the date set forth in Section 12-13-406, the operator of a port shall submit to the APCO a port-wide inventory of port emissions of particulate matter, nitrogen oxides, sulfur dioxide, carbon monoxide, total organic gases, and reactive organic gases that includes the following information:

- 402.1 For dedicated port equipment: emissions for the time interval described under subparagraph 401.2. Such emissions shall be based on fuel use or activity data specific to that emission source, or alternative methods proposed by the port and approved by the APCO, and engine information that is specific to that emission source, including: engine type, model classification, model year, horsepower, fuel type, emission factor or factors, load factor, and any emissions control devices on the emission source;
- 402.2 For transient port equipment: emissions for the time interval described under subparagraph 401.2. Such emissions shall be based on an average number of daily trips, the idling time, the duration of time the source is at the port, and emission factors that are representative of the fleet mix for each source category;
- 402.3 Documentation of emission factors used and emission control efficiency claimed, such as manufacturer certification data, source tests, or other data developed for or resulting from regulatory development processes. The APCO may approve the use of an alternative source of data, provided the alternative is demonstrated to the APCO's satisfaction as accurately characterizing the emission rate for the applicable equipment.

12-13-403 Emission Inventory Methodology: In preparing the Emission Inventory Source Report required by Section 12-13-401 and the Port Emissions Inventory required by Section 12-13-402, the owner or operator of a port shall comply with the following methodology requirements:

- 403.1 The inventory of port emissions shall be prepared according to the emissions inventory methodology specified in *Current Methodologies and Best*

Practices in Preparing Port Emission Inventories (Final Report, prepared for EPA by ICF Consulting, January 5, 2006) and in any updates to this document published by EPA.

403.2 The owner or operator of a port may propose alternative emissions inventory methodologies for specific pollutants or source categories, provided the alternative methodology can produce accurate emissions estimates and is approved by the APCO.

12-13-404 Emission Reduction Plan: On or before the date set forth in Section 12-13-406, the owner or operator of a port shall submit an emission reduction plan that meets the following requirements:

404.1 The plan shall include a port description that complies with the requirements of Section 12-13-401.4.

404.2 The plan shall list each business to which the port leases port property and provide the following information on each lease: the name of the business, a brief description of the business activities of the lessee; the term of the lease; whether the lease is tied to a particular version of the port tariff; whether the port or lessee has proposed or plans to propose changes to the lease that would reopen the lease for negotiation and, if so, the likely date of reopening; whether some other event is likely to reopen the lease and, if so, the likely date of reopening; and the port's determination about whether the lease includes provisions that would allow the imposition of emission reduction requirements during the term absent any reopening or other opportunity for renegotiation.

404.3 The plan shall include an overview of baseline port emissions of particulate matter, nitrogen oxides, sulfur dioxide, carbon monoxide, total organic gases, and reactive organic gases as shown in the port emission inventory.

404.4 The plan shall list each order, law, rule or regulation of any local, state or federal authority that will affect or is expected to affect port emissions and shall quantify emission reductions expected under each.

404.5 The plan shall demonstrate how the port will achieve the emission reduction goals set forth in Section 12-13-405 and shall provide descriptions of the mechanisms to achieve the reductions; the means of implementation, tracking and management; and the expected emission reductions.

404.6 The plan shall include a commitment to revise the plan as necessary to achieve the emission reduction goals set forth in Section 12-13-405.

12-13-405 Emission Reduction Goals: The plan required by Section 12-13-404 shall include measures sufficient to achieve the following emission reduction goals:

405.1 Goals for the Port of Oakland: The goals for the Port of Oakland shall be:

1.1 By December 31, 2012, port emission of PM shall be reduced by [to be determined]% from baseline PM emissions.

1.2 By December 31, 2020, port emissions of PM shall be reduced by [to be determined]% from baseline emissions.

1.3 By December 31, 2012, port emissions of NO_x shall be reduced by [to be determined]% from baseline NO_x emissions.

1.4 By December 31, 2020, port emission of NO_x shall be reduced by [to be determined]% from baseline NO_x emissions.

1.5 By December 31, 2012, port emissions of SO₂ shall be reduced by [to be determined]% from baseline SO₂ emissions.

1.6 By December 31, 2020, port emissions of SO₂ shall be reduced by [to be determined]% from baseline SO₂ emissions.

405.2 Goals for Other Ports: [reserved]

12-13-406 Document Submission Schedule: Any emission inventory source report, port emission inventory, or emission reduction plan required by this rule shall be submitted to the APCO in accordance with the following schedules:

406.1 The schedule for the Port of Oakland shall be:

1.1 No emissions inventory source report shall be required.

- 1.2 No later than [date], the Port of Oakland shall submit its final emission inventory report to the APCO.
- 1.3 No later than [date], the Port of Oakland shall submit its emission reduction plan to the APCO.
- 406.2 The schedule for the other San Francisco Bay Area ports shall be:
 - 2.1 No later than [date], the other San Francisco Bay Area ports shall submit an emissions inventory source report or reports.
 - 2.2 No later than [date], the other San Francisco Bay Area ports shall submit a port emissions inventory or inventories.
 - 2.3 [Reserved]

12-13-407 Review and Approval of Emission Reduction Plans: The procedure for determining whether the emission reduction plan meets the applicable requirements of this regulation is as follows:

- 407.1 **Completeness Determination:** Within 45 days of receipt of the emission reduction plan, the APCO will deem the plan complete if the APCO determines that it includes the information required by Section 12-13-404. If the APCO determines that the proposed emission reduction plan is not complete, the APCO will notify the owner or operator in writing. The notification will specify the basis for this determination and the required corrective action.
- 407.2 **Corrective Action:** Upon receipt of such notification, the owner or operator shall correct the identified deficiencies and resubmit the proposed emission reduction plan within 45 days. If the APCO determines that the owner or operator failed to correct any deficiency identified in the notification, the APCO will disapprove the emission reduction plan.
- 407.3 **Public Comment:** The complete emission reduction plan (with exception of confidential information) will be made available to the public for 30 days. The APCO will consider any written comments received during this period prior to approving or disapproving the emission reduction plan.
- 407.4 **Final Action:** Within 45 days of the close of the public comment period, the APCO will approve the emission reduction plan if the APCO determines that the plan meets the requirements of Section 12-13-404, and shall provide written notification to the owner or operator. If the APCO determines that the emission reduction plan does not meet the requirements of Section 12-13-404, the APCO will notify the owner or operator in writing. The notification will specify the basis for this determination. Upon receipt of such notification, the owner or operator shall correct the identified deficiencies and resubmit the emission reduction plan within 45 days. If the APCO determines that the owner or operator failed to correct any deficiency identified in the notification, the APCO will disapprove the emission reduction plan. If the owner or operator submitted a complete emission reduction plan in accordance with Section 12-13-404, and the APCO has not disapproved the plan under this section, the plan shall be considered an approved plan for the purposes of Section 12-13-302 until the APCO takes final action under Section 12-13-408.4

12-13-408 Plan Updates: A port shall update its approved emission reduction plan whenever the APCO notifies the port in writing that the APCO has determined, based on the annual report required by Section 12-13-501 and such other relevant information as is set forth in the notification, that the port is not making reasonable progress toward achieving the emission reduction goals in Section 12-13-405. Where progress depends upon adoption and enforcement of an order, law, rule or regulation of any local, state or federal authority, the APCO shall take into account whether such requirements have been adopted and enforced in determining whether reasonable progress has been made. In the absence of any such required update, a port shall update its approved emission reduction plan no less frequently than every 5 years.

12-13-500 RECORDKEEPING AND REPORTING

12-13-501 Annual Reports: Effective [date], the owner or operator of a port with an approved emission reduction plan shall provide an annual report to the APCO no later than December 31st of each year that describes progress toward the emission reduction goals set forth in the plan, and explains whether the port expects to meet the emission reduction goals in Section 12-13-405.