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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.