



August 27, 2020

To the California Air Resources Board:

The Port of Oakland offers the following high-level comments for today's third and final hearing of the Proposed Control Measure for Ocean-Going Vessels at Berth.

The Port is highly engaged with our community and stakeholders, including regulatory agencies, on our shared goal of cleaning the air. The Port has its own Seaport Air Quality 2020 and Beyond Plan, which is focused on early action and near-term goals, with an emphasis on feasibility. The Port runs a very successful shore power program, with plug in rates consistently higher than those required by regulation.

The Port has learned firsthand the value of meaningful engagement. The Port hopes future regulatory efforts will be more responsive to stakeholder feedback. The Port submitted seven comment letters with detailed questions and comments but didn't receive any written response until August 18, 2020; and those responses were limited to only a select few issues. The Port would appreciate timely responses to all of its questions and comments, more in line with the type of response CARB is requiring Innovative Concept applicants to provide (i.e. public responses to all comments within 45 days). The Port believes the hard tasks of active engagement and responsiveness are rewarded by better, stronger work products.

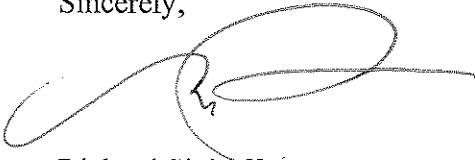
To that end, the Port suggests that CARB improve the Innovative Concept option to explicitly include fleet-wide averaging for containerships. CARB staff have said fleet-wide averaging is allowable, and stated it in presentations and slides, yet it does not appear in the regulation language itself. Fleet-wide averaging for containerships is a known, established, and proven system of compliance. It should be automatically allowed as an Innovative Concept, without the arduous application process or the short 5-year compliance period followed by an uncertain future. The one-time point of entry deadline of December 1, 2021 does not make sense. Future containership fleets should be allowed to use fleet-wide averaging to enter the California market, otherwise they are at a disadvantage to their competition.

The Port suggests the following to amendments to the Innovative Concept provision (Section 93130.17):

1. Explicitly allow fleet-wide averaging for containerships without a complicated application process
2. Provide rolling entry dates so that new fleets or fleets that initially try the TIE/VIE regime have the option of switching to fleet-wide averaging beyond December 1, 2021

The Port looks forward to working with CARB staff over the next two years to improve the regulation for containerships. If you have any questions, please contact Tracy Fidell, Port Associate Environmental Planner/Scientist at 510-627-1134 or tfidell@portoakland.com.

Sincerely,

A handwritten signature in black ink, appearing to read 'Richard Sinkoff', with a large, stylized flourish extending to the left.

Richard Sinkoff
Director of Environmental Programs and Planning

CC:

Kristi McKenney, Chief Operating Officer

Michele Heffes, Port Attorney

Bryan Brandes, Maritime Director

Matthew Davis, Director of Governmental Affairs