BOARD MEETING DATE: November 7, 2025 AGENDA NO. 30

PROPOSAL: Make CEQA Determinations for Proposed Cooperative Agreement Between South Coast AQMD and Ports of Long Beach and Los Angeles, Execute Cooperative Agreement Between South Coast AQMD and Ports of Long Beach and Los Angeles, and Approve Supporting Budget Actions

SYNOPSIS: South Coast AQMD, together with the Port of Long Beach and the Port of Los Angeles, have jointly developed a proposed agreement that would require the Ports to develop charging and fueling infrastructure plans and subsequently implement these plans. The proposed agreement also includes enforcement provisions, annual reporting requirements, flexibility options to address factors outside of the Ports' control, provisions for South Coast AQMD to recover reasonable costs for staff expenses, and establishes a Clean Air Mitigation Fund if a Port fails to complete actions within their control.

COMMITTEE: Mobile Source, August 15 and September 19, 2025, Reviewed

RECOMMENDED ACTIONS:

1. Adopt the attached Resolution:
   a. Determining that the provisions pertaining to the development and implementation of the charging and fueling infrastructure plans in accordance with the Cooperative Agreement qualify as a later activity within the scope of the programs approved for the 2022 AQMP and the 2016 AQMP as set forth in CEQA, and the Final Program Environmental Impact Report (EIR) for the 2022 AQMP and the Final Program EIR for the 2016 AQMP adequately describe the activity for the purposes of CEQA such that no new environmental document is required;
   b. Determining that the cost recovery provisions in the Cooperative Agreement are exempt from CEQA;
   c. Determining that the creation of the Clean Air Mitigation Fund in the Cooperative Agreement is not a project within the meaning of CEQA;
   d. Authorizing the Executive Officer to execute the Cooperative Agreement between South Coast AQMD and the Ports of Long Beach and Los Angeles;
2. Establish the Ports Clean Air Mitigation Special Revenue Fund (93);

3. Authorize the Executive Officer to recognize, upon receipt, funds paid by either the Port of Long Beach or the Port of Los Angeles in response to an enforcement determination specified in the Cooperative Agreement into the Ports Clean Air Mitigation Special Revenue Fund (93); and
4. Authorize the Executive Officer to recognize, upon receipt, funds paid by the Ports of Long Beach and Los Angeles to reimburse South Coast AQMD administrative costs necessary to oversee implementation of the Cooperative Agreement into the General Fund.

Wayne Nastri
Executive Officer

SLR:IM:IES:CN:RL:JW

Background

The Ports of Long Beach and Los Angeles, collectively known as the San Pedro Bay Ports, are the busiest commercial marine ports in the Western Hemisphere, handling approximately one-third of all United States containerized waterborne cargo imports and exports and contributing significantly to the regional economy. At the same time, port-related mobile sources are collectively the largest source of smog and particulate forming emissions in the South Coast Air Basin and result in disproportionately high air toxic impacts for port-adjacent communities. The South Coast Air Basin is an "extreme" non-attainment area for the National Ambient Air Quality Standards (NAAQS) for ozone and is a "serious" non-attainment area for the NAAQS for PM2.5.

The 2016 and 2022 Air Quality Management Plans (AQMPs), and the 2024 PM Plan included control measure MOB-01: Emission Reductions at Commercial Marine Ports to address emissions associated with port operations. The 2022 AQMP also introduced control measure MOB-15: Zero-Emission Infrastructure for Mobile Sources to facilitate development of zero-emission charging and fueling infrastructure. Additionally, the Assembly Bill (AB) 617 Community Emission Reduction Plan (CERP) for Wilmington, Carson, and West Long Beach included actions to address local impacts from port emissions.

To achieve emission reductions needed to meet federal air quality standards, port-related mobile sources must shift from diesel-fueled technologies to zero-emission technologies, where feasible. Initial rule development efforts for Proposed Rule 2304 – Commercial Marine Ports (PR 2304) were designed to address emissions associated with the ports and the rule concept included broad requirements. As the rulemaking progressed, stakeholders identified the need for charging and fueling infrastructure as a first step to support the transition to zero-emission technologies. For example, in early 2024 staff held a series of roundtable working group meetings near the ports that focused on specific needs for each type of mobile source operating at the ports. A

consistent theme from those meetings was that a lack of infrastructure was preventing deployment of zero-emission technologies. In response, by November 2024 the focus of PR 2304 shifted to focus only on infrastructure planning and implementation at the Ports.

Through the development of PR 2304, staff conducted 13 Working Group Meetings and released two drafts of PR 2304. On July 18, 2025, prior to South Coast AQMD releasing the Preliminary Draft Rule for PR 2304, the Cities and Ports of Long Beach and Los Angeles submitted an initial draft Cooperative Agreement to South Coast AQMD as an alternative proposal to PR 2304. That initial draft consisted of six Clean Air Action Plan Plus (CAAP Plus) measures, including infrastructure planning. Based on Board direction on August 1, 2025, South Coast AQMD began negotiations with the Ports of Long Beach and Los Angeles (Ports) to address concerns with the initial proposal and reach consensus on a potential updated agreement. After 45 days of negotiations, South Coast AQMD and the Ports developed a proposed Cooperative Agreement that focuses on each Port developing and implementing a series of zero-emission infrastructure plans. This proposed Cooperative Agreement was presented to the Mobile Source Committee on September 19, 2025, and the Board on October 3, 2025. Staff was directed to bring the final draft of the proposed Cooperative Agreement to the Board for its consideration in November and continue to negotiate with the Ports on additional measures for potential incorporation into the Cooperative Agreement by Spring 2026.

The Ports of Long Beach and Los Angeles plan to bring the proposed Cooperative Agreement for their respective Board of Harbor Commissioners' approval on November 10, 2025 and November 20, 2025, respectively. Upon approval by the Board of Harbor Commissioners and South Coast AQMD's Board, the executive officers of each agency will be directed to sign and fully execute the proposed Cooperative Agreement.

Proposed Cooperative Agreement

The proposed Cooperative Agreement between South Coast AQMD and the Ports of Long Beach and Los Angeles is an enforceable contractual agreement (Attachment A to this Board Letter). Key elements of the proposal are summarized in Attachment B to this Board Letter. It is consistent with the objective of AQMP control measure MOB-01 and closely mirrors the requirements proposed in PR 2304, including enforcement provisions that are modeled after South Coast AQMD's enforcement model for rules.

The proposed Cooperative Agreement consists of four components: 1) Recitals which contain relevant background information for South Coast AQMD and the Ports of Long Beach and Los Angeles; 2) Agreements; 3) Attachment A – CAAP Plus Measure: Port Zero-Emission Infrastructure Plans; and 4) Attachment B – Definition of Terms. The Agreements component includes the following requirements:

- Roles for the Ports and South Coast AQMD;

- Fixed term of five years for the length of the agreement;
- Specifies number of public meetings, length of public review of Draft Zero-Emission Infrastructure Plans and modifications of those Plans;
- 45-day written notice for party to terminate the agreement for any reason;
- Dispute resolution processes, if parties elect to use this option;
- Cost recovery provisions for South Coast AQMD to oversee agreement implementation;
- Specific enforcement triggers with financial consequences that range from $50,000 to $200,000 for each contract default, that are based on the severity; and
- Creation of a Clean Air Mitigation Fund for payments for contract defaults.

Clean Air Action Plan Plus Measure – Port Zero-Emission Infrastructure Plans:
The proposed Cooperative Agreement requires the Ports to implement the CAAP Plus measure titled, "Port Zero-Emission Infrastructure Plans," which achieves similar outcomes as the PR 2304 proposal. Under the proposal, each Port must develop a Zero-Emission Infrastructure Plan for approval by their Board of Harbor Commissioners based on the following schedule:

- Phase 1: Cargo-handling equipment for container terminals and drayage trucks by December 31, 2027;
- Phase 2: Cargo-handling for non-container terminals, local switcher locomotives, and harbor craft by December 31, 2028; and
- Phase 3: Ocean-going vessels by December 31, 2029.

The proposed Cooperative Agreement also includes limited time extensions for reasons beyond the control of the Port or if additional time is needed to complete required environmental analyses and/or Port Master Plan updates. Key elements of the Zero-Emission Infrastructure Plans include the following information:

- Baseline description of existing charging and fueling infrastructure on Port-managed property;
- Planning targets for each port source category (i.e., the aggregate capacity and anticipated timeline for when the planned infrastructure will become operational), which are set based on each Port's own policies;
- Project-level details including costs and potential funding sources, roles and responsibilities for ports and other project delivery entities, and implementation milestones; and
- Various analyses of the planned infrastructure including on-port energy supply, construction workforce needs, and disposition of conventional fueling infrastructure.

Following South Coast AQMD verification that a plan meets requirements in the Cooperative Agreement, each Port's Board will approve the Zero-Emission

Infrastructure Plan. The Port must then implement the plan and meet milestones within their control as established in the plan. During plan implementation, the Ports are required to submit annual implementation reports to South Coast AQMD starting January 2029 and present to their Boards any plan modifications that change a planning target or address a part of the plan made invalid due to a new state or federal requirement. South Coast AQMD will release the annual reports publicly and annually provide status reports to the Board.

Rulemaking Pause

The draft Board Resolution for the proposed Cooperative Agreement (Attachment C to this Board Letter), will direct staff to pause any new rulemaking to meet the objectives of the AQMP control measure MOB-01 for port sources while the Cooperative Agreement is in effect. The Ports have indicated that their primary consideration with a pause in rulemaking is that they need significant cooperation from industry to prepare and implement the plans, and the timelines allowed by this language will facilitate that cooperation.

By keeping this provision in the Board Resolution and not in the Cooperative Agreement, the authority to direct staff's efforts – on rulemaking or otherwise – rests solely with the Board. The Board has discretion to terminate the Cooperative Agreement for any reason with a 45-day notice and retains the ability to direct staff to initiate rulemaking as part of that consideration or at any time. However, by entering into this agreement, the Board and the Ports have indicated a desire to work together to achieve the outcomes laid out in the agreement.

In addition, staff is directed to return to the Board with updates on implementation of the Cooperative Agreement starting in April 2028 (about 3 months after the first plans have been approved), and annually thereafter. In response to comments received in recent weeks, the Board Resolution also requires staff to conduct an analysis of potential emissions benefits that can be achieved if the infrastructure that is included in the plans is used, and to present those results during the annual updates following each approved plan or plan modification. Finally, staff is directed to report back to the Board on potential next steps before the end of the agreement term.

Public Process

During the negotiation and development of the proposed Cooperative Agreement, staff conducted a parallel public process to allow for the public to ask questions and provide comments on the Cooperative Agreement. This public process included holding two evening public meetings on August 28, 2025 and October 15, 2025, five virtual office hour sessions from October 8, 2025 to November 5, 2025, a presentation and discussion with the Wilmington, Carson, West Long Beach AB 617 Community Steering Committee, and individual meetings with any interested stakeholders.

Prior to initiating work on the proposed Cooperative Agreement, staff had conducted extensive public process in the development of PR 2304. Key concepts developed and found in PR 2304 informed the core components of the Port Zero-Emission Infrastructure Plans measure of the proposed Cooperative Agreement. During the rule development process, 13 Working Group Meetings were held that included port representatives, industry stakeholders and trade associations, environmental and community organizations, electrical utilities, fuel providers, labor groups, public agencies, and other interested parties. For more details on the public process and the number of meetings, please refer to Attachment D to this Board Letter.

Key Issues

Throughout the negotiations and development of the proposed Cooperative Agreement, staff worked with the Ports and stakeholders to resolve issues and update the proposed agreement to address them. The remaining key issues are listed as follows:

- *Pause on rulemaking during the term of the agreement*

Community and environmental groups raised concerns that the draft Resolution that directs staff to not pursue new rulemaking for five years will "contract away" South Coast AQMD's rulemaking authority and negotiating leverage on additional CAAP Plus measures. The draft Resolution is not part of the proposed agreement, and if adopted, will be the Board's direction to staff. If there are issues with implementation of the draft Cooperative Agreement or negotiations are not progressing on the additional CAAP Plus measures, the Board can exit the Cooperative Agreement and can direct staff to pursue rulemaking. The Board always retains its rulemaking authority. The pause on future rulemaking for five years will allow sufficient time for both Ports to develop and begin implementation of the Port Zero-Emission Infrastructure Plans. The draft Resolution also directs staff to provide annual updates on implementation of the draft Cooperative Agreement. If there are issues raised during these annual updates, the Board can decide to exit the draft Cooperative Agreement and to pursue rulemaking.

- *Lack of emission reduction measures*

Community and environmental groups raised concerns over the lack of emission reduction measures in the proposed Cooperative Agreement. The Port Zero-Emission Infrastructure Plans will focus on charging and fueling infrastructure development and are the first step to achieving significant emission reductions. The proposed Cooperative Agreement is similar in scope to PR 2304, which facilitates emission reductions through infrastructure planning for zero-emission technologies. Based upon Board direction at the October Board Meeting, staff will continue negotiating additional CAAP Plus measures that are more directly associated with and/or facilitate emission reductions. These negotiations are expected to focus on near-term actions (e.g., actions in the next five years), how the measure can achieve emission reductions on their own and through facilitating measures, and also lead to more significant longer term emission reductions.

- *Concern about using public funding for automation*

Port workers from the International Longshoreman and Warehouse Union (ILWU) have requested that any public funding be restricted to not support automation at the ports. South Coast AQMD's primary focus is zero-emission technologies and deferred to the Ports on the issue of automation. In the Ports' response to comments, they point out where existing federal and state laws specify use of human-operated equipment for some funding programs.

- *Concern that the public process was conducted in a manner that prevented incorporation of public feedback into the proposed Cooperative Agreement*

Community and environmental groups have expressed concern that the public process for the proposed Cooperative Agreement did not provide meaningful opportunity for input. The proposed Cooperative Agreement is nearly identical to what would have been included in PR 2304. This concept – to focus on charging and fueling infrastructure planning as a first step – was developed through extensive public process over several years (described above). Since July when the initial draft Cooperative Agreement was submitted by the Ports, staff conducted significant outreach to solicit feedback. Many of those suggestions have been incorporated into the current proposed Cooperative Agreement. For more details on key issues that were raised during the public process and how they were addressed and included in the Cooperative Agreement, please refer to Attachment E to this Board Letter. Response to comments to comment letters received is included in Attachment F.

California Environmental Quality Act (CEQA)

The proposed Cooperative Agreement: 1) requires the Ports to develop and implement charging and fueling infrastructure plans; 2) incorporates provisions for South Coast AQMD to recover reasonable costs for staff expenses; and 3) establishes a Clean Air Mitigation Fund, which the Ports agree to pay into in the event of failure to complete specified actions within their control. The complete CEQA analysis is included in Attachment G.

In summary, pursuant to CEQA, South Coast AQMD, as lead agency, reviewed the proposed Cooperative Agreement and determined that: 1) the development and implementation of the charging and fueling infrastructure plans implements two control measures that were previously adopted in the 2022 AQMP, and one control measure that was previously adopted in the 2016 AQMP; 2) the Final Program Environmental Impact Report (EIR) for the 2022 AQMP and the Final Program EIR for the 2016 AQMP evaluated the control measures which are being relied upon for the development and implementation of the charging and fueling infrastructure plans, and analyzed their potential environmental impacts; 3) no subsequent EIR would be required by CEQA Guidelines Section 15168(c)(2) because there are no new or modified physical changes that are expected to result from implementing the proposed Cooperative Agreement

which were not previously analyzed in the Final Program EIR for the 2022 AQMP and the Final Program EIR for the 2016 AQMP; and 4) the Final Program EIR for the 2022 AQMP and the Final Program EIR for the 2016 AQMP can be relied on for CEQA compliance. Thus, the development and implementation of the charging and fueling infrastructure plans in accordance with the proposed Cooperative Agreement qualifies as a later activity within the scope of the programs approved earlier in the 2022 AQMP and the 2016 AQMP per CEQA Guidelines Section 15168(c), and the Final Program EIR for the 2022 AQMP and the Final Program EIR for the 2016 AQMP adequately describe and analyze the activities associated with implementing the development and implementation of the charging and fueling infrastructure plans in accordance with the proposed Cooperative Agreement for the purposes of CEQA such that no new environmental document is required.

Relative to the portion of the proposed Cooperative Agreement which involves cost recovery provisions, these charges qualify for a statutory exemption from CEQA pursuant to CEQA Guidelines Section 15273 because they are necessary in order for South Coast AQMD to meet operating expenses. Therefore, pursuant to CEQA Guidelines Section 15062, a Notice of Exemption has been prepared for the cost recovery portion of the proposed Cooperative Agreement which is included as Attachment H to this Board Letter. If the Cooperative Agreement is approved, the Notice of Exemption will be filed for posting with the county clerks of Los Angeles, Orange, Riverside, and San Bernardino counties, and with the State Clearinghouse of the Governor's Office of Land Use and Climate Innovation.

Lastly, the portion of the proposed Cooperative Agreement which establishes the Clean Air Mitigation Fund does not involve a commitment to any specific future project that could result in a potentially significant physical impact on the environment. Therefore, the Clean Air Mitigation Fund is not considered a project within the meaning of CEQA pursuant to CEQA Guidelines Section 15378(b)(4).

Additional CAAP Plus Measure

For the upcoming public process on additional measures for potential inclusion into the Cooperative Agreement by Spring 2026, staff was directed to provide updates to the Mobile Source Committee and hold community meetings to solicit public input. Staff also anticipates hosting Working Group Meetings, office hours, and will meet with individual stakeholders as necessary. The schedule for this upcoming outreach will be provided in the future and made available via email for those who have signed up for notices,[1] and on the South Coast AQMD website here: www.aqmd.gov/portsagreement.

[1] Email listserv signup available under 'Ports Facility-Based Measures' at: www.aqmd.gov/sign-up

Resource Impact

The proposed Cooperative Agreement implementation, monitoring, and verification activities will include reviewing and verifying draft plans, plan modifications, time extension requests, and annual reports, potentially supporting grant funding efforts, enforcement activities, and information sharing with the public. Staff resources will be required to administer the proposed Cooperative Agreement program once it is executed. The cost of these staffing resources will be offset through payments collected under the cost recovery provisions in the proposed Cooperative Agreement.

Attachments

A. Cooperative Agreement among the South Coast Air Quality Management District, the City of Long Beach Harbor Department and the City of Los Angeles Harbor Department
B. Key Elements of Proposal
C. Resolution
D. Public Process for PR 2304 and the Proposed Cooperative Agreement
E. Key Issues Addressed
F. Responses to Comments
G. CEQA Analysis of the Proposed Cooperative Agreement
H. Notice of Exemption from CEQA for the Cost Recovery Provisions in the Proposed Cooperative Agreement
I. Board Meeting Presentation

ATTACHMENT A

DRAFT PROPOSAL FOR BOARD CONSIDERATION
(VERSION OCTOBER 30, 2025)

COOPERATIVE AGREEMENT AMONG THE SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT THE CITY OF LONG BEACH HARBOR DEPARTMENT AND THE CITY OF LOS ANGELES HARBOR DEPARTMENT

This Cooperative Agreement ("Agreement") is dated for reference purposes as of _____, 20__, between and among SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT ("South Coast AQMD"), the CITY OF LONG BEACH, acting by and through the Long Beach Board of Harbor Commissioners ("Long Beach"), and the CITY OF LOS ANGELES, acting by and through the Los Angeles Board of Harbor Commissioners ("Los Angeles") (South Coast AQMD, Los Angeles, and Long Beach are each called a "Party" and collectively called "the Parties").

I. RECITALS

A. RECITALS BY SOUTH COAST AQMD.

1. South Coast AQMD. The South Coast AQMD is the regional air pollution control agency primarily responsible for reducing air pollution and attaining federal and state air quality standards for the South Coast Air Basin (Basin) and the Coachella Valley. The South Coast AQMD develops Air Quality Management Plans (AQMPs) that provide the blueprint for how the region will attain state and federal air quality standards and implements control measures included in AQMPs adopted by its Governing Board.

2. Jurisdiction. South Coast AQMD's jurisdiction consists of the County of Orange, and the non-desert portions of the Counties of Los Angeles, Riverside, and San Bernardino. The San Pedro Bay Ports, the nation's two largest commercial marine ports, are located within the Los Angeles County portion of the Basin. South Coast AQMD has primary authority over stationary sources and indirect sources, the latter of which include facilities that attract mobile sources of air pollution. The United States Environmental Protection Agency (USEPA) and the California Air Resources Board (CARB) have authority in setting emissions standards and fleet standards for mobile sources. Commercial marine ports are natural harbors where maritime commerce is conducted, which involves operation of various mobile sources, including drayage trucks, cargo-handling

equipment, locomotives, harbor craft, and ocean-going vessels (collectively referred to hereinafter as “Port Sources”), by their operators.

3. Attainment of Federal and State Air Quality Standards. Air pollution remains a significant public health concern in many parts of California, and specifically in the South Coast Air Basin. The Basin is classified as an “extreme" non-attainment area for the 2008 and 2015 8-hour ozone National Ambient Air Quality Standards (NAAQS) with statutory deadlines to reach attainment by year 2031 and year 2037, respectively. Despite significant air quality improvements achieved over the last several decades, emissions of oxides of nitrogen (NOx) have to be reduced regionally by 55% in 2031 from the 2031 baseline of 214 tons per day as outlined in the 2016 AQMP, and by 67% in 2037 from the 2037 baseline of 184 tons per day, as outlined in the 2022 AQMP. By 2037, NOx must be reduced by about 83% below 2018 levels. The Basin is also classified as a “serious” nonattainment area for the 2012 NAAQS for fine particulate matter (PM2.5). NOx reductions for ozone attainment are necessary to assist with PM2.5 attainment because NOx is a primary precursor pollutant for both ozone and PM2.5. Implementation of control measures and pursuing all feasible measures for the attainment of NAAQS will be key to attaining California Ambient Air Quality Standards (CAAQS). Health & Safety Code Sections 40913, 40914, 40920.5.

    a. The 2016 and 2022 AQMPs and the 2024 South Coast Air Basin Attainment Plan for the 2012 Annual PM2.5 Standard (2024 PM2.5 Plan) include Control Measure MOB-01 (Emission Reductions at Commercial Marine Ports) with the goal of achieving emission reductions from marine ports through implementation of a Port Indirect Source Rule (Port ISR) and/or incentive funding or other voluntary measures that can achieve and/or facilitate emission reductions.

    b. The 2022 AQMP further includes Control Measure MOB-15 (Zero Emission Infrastructure for Mobile Sources) with the goal of a work plan to support and accelerate the deployment of zero emission infrastructure needed for the widespread use of zero emission on-road and off-road vehicles and equipment.

4. Public Health. The mission of the South Coast AQMD is to clean the air and protect the health of all residents in the South Coast Air District through practical and innovative strategies. Exposure to elevated levels of ozone and PM2.5 can harm respiratory and cardiovascular health, and cause or contribute to increased incidents of heart attacks, asthma, and other adverse health

outcomes. Elevated ozone and PM2.5 pollution from port-related mobile sources carry significant impacts to nearby port communities and travel across the Basin impacting communities located far beyond the marine ports. If the 2022 AQMP Control Measures are implemented, the following estimated health outcomes in the Basin can be avoided each year:

a. 1,500 premature deaths
b. 1,500 emergency department visits
c. 8,700 hospital admissions
d. 96,000 days that children miss school
e. 66,000 days that adults miss work
f. $19.4 billion in total monetized public health costs

5. SIP Emissions Inventory. The South Coast AQMD is obligated to use the emissions inventory developed by CARB for State Implementation Plan (SIP) purposes, in demonstrating attainment of the NAAQS and CAAQS with the AQMPs. Differences exist between the SIP Emissions Inventory and the Ports Emissions Inventory, most significantly for OGVs, due to various technical factors. Despite the differences, the South Coast AQMD acknowledges the importance and value of the annual publication of the Ports Emissions Inventory reports.

B. RECITALS BY THE PORTS.

1. Ports. Long Beach and Los Angeles independently and respectively manage the Port of Long Beach ("POLB") and the Port of Los Angeles ("POLA") (collectively "the Ports") as separate and distinct legal and commercial entities under Tidelands Trust grants from the California state legislature. The Cities, through their Harbor Departments, manage the Ports for the benefit of the State under legal mandates of the Tidelands Trust and their respective City Charters, which require Port assets and funds be used primarily for promoting maritime commerce, navigation, fishery, and water-dependent recreation.

2. Authority. Each of Long Beach and Los Angeles, acting by and through their respective Board of Harbor Commissioners, has the authority to enter into this Agreement pursuant to their respective City Charters and consistent with City Charters and Tidelands Trust doctrine. This Agreement does not bind any other respective City department, including but not limited to the Los Angeles Department of Water and Power.

3. San Pedro Bay Ports Clean Air Action Plan.

   a. In 2006, the Ports approved the San Pedro Bay Ports Clean Air Action Plan (CAAP), a voluntary comprehensive strategy for dramatically reducing air pollution emissions from cargo movement by drayage trucks, cargo handling equipment, ocean-going vessels, harbor craft, and rail locomotives operating in and around the Ports. The Ports updated the CAAP in 2010 and 2017 with new strategies and emission-reduction targets including health risk reduction and greenhouse gas reduction.

   b. The Ports Emissions Inventory has documented that the combined emissions associated with these sources at the Ports achieved a 91% reduction in diesel particulate matter (DPM), 72% reduction in nitrogen oxides (NOx) and 98% reduction in sulfur oxides (SOx) between 2005 and 2023.[1]

   c. The hallmark of the CAAP is its collaboration with stakeholders including air agencies, industry, environmental groups and community members alike, as well as use of expert studies (on technical and commercial readiness, feasibility, and cost) to ground-truth all clean air strategies to facilitate operational success.

4. Port Tenants and Operators. The Ports are landlord ports that lease Port-managed property to tenants ("Tenants") that operate terminal facilities and provide cargo handling services, which may include intermodal transfers between Port Sources, such as ocean-going vessels, drayage trucks, and trains. Terminal Tenants operate and supply all equipment and labor necessary to conduct terminal operations and are responsible to run their businesses in order to meet the economic obligations of their lease documents. Terminal infrastructure projects are typically negotiated into the leases between Ports and terminals ("Terminal Leases"), which may include project cost allocations between the parties and which confer to the terminals the right to undertake terminal operational uses. The Ports do not themselves undertake terminal operation or cargo handling activities.

[1] POLA: https://kentico.portoflosangeles.org/getmedia/3fad9979-f2cb-4b3d-bf82-687434cbd628/2023-Air-Emissions-Inventory
POLB: https://polb.com/environment/air#emissions-inventory

5. Ports' Emissions Inventory. The Ports have, since inception of the CAAP, published annual activity-based emissions inventories, which serve as the primary tool to track the Ports' efforts to reduce air emissions from Port Sources through implementation of CAAP measures and regulations promulgated at the state and federal levels. Development of the annual air emissions inventory is coordinated with a technical working group (TWG) comprised of representatives from the Ports, and air regulatory agencies USEPA Region 9, CARB, and South Coast AQMD. Emissions estimation methodology used in these reports are generally consistent with CARB and USEPA published methodologies. The Ports are committed to continuing to publish these reports annually through the term of this Agreement.

6. Project Labor Agreement. The Ports are parties to separate Project Labor Agreements (PLA) with LA and Orange County Building and Construction Trades Council. The Port of Los Angeles entered its current 10-year PLA in 2017 and the Port of Long Beach entered into its current 10-year PLA in 2023. The PLAs cover construction projects undertaken directly by the Ports. The PLAs ensure that infrastructure projects at the Ports will be built with a skilled construction workforce without any stoppages.

C. JOINT RECITALS.

1. It is the intent of the Parties that this Agreement generally meets the objective of the rulemaking elements under AQMP Control Measure MOB-01, including Proposed Rule 2304, for sources at the Ports of Long Beach and Los Angeles. Absent further agreement of the Parties or further direction by the Governing Board of South Coast AQMD, this Agreement is intended to serve as an alternative to any new South Coast AQMD-developed indirect source rule within each respective Port's Harbor District.

2. The purpose of this Agreement is to set forth how the Ports intend to implement new CAAP Measures set forth in Section II.D. and Attachment A (hereinafter, the "CAAP Plus Measures") that are intended to directly reduce emissions and/or facilitate future quantifiable emission reductions from port-related operations.

3. This Agreement is not intended to limit the Ports' cargo volume, or to adversely impact Port operations or the Ports' Tenants' operations pursuant to their leases.

4. The Parties acknowledge the adverse health effects of emissions from Port Sources and enter into this Agreement with a common goal to achieve cleaner

air for community and public health protection. However, the Parties specifically disavow any desire or intention to create any third-party beneficiary under this Agreement, and specifically declare that no person or entity shall have any remedy or right of enforcement other than the Parties to this Agreement.

5. The Ports and South Coast AQMD have a long history of successfully working together on air quality emission reduction projects, such as technology demonstration projects; and the Parties desire to continue this successful collaboration through this Agreement.

6. This Agreement is not intended to and shall not waive, modify or alter any terms or conditions of each Port's leases and/or operating agreements, which can only be amended in accordance with the applicable law, including the Cities' respective Charters. However, the Ports may seek to negotiate amendments to such leases and/or operating agreements if such amendment(s) are deemed necessary by each Port as to its own Tenants.

7. State and Federal Actions on Port Sources. Over the past two decades, CARB has adopted regulations mandating the use of trucks, cargo-handling equipment, and harbor craft that meet progressively more stringent federal emissions standards, and the use of low-sulfur distillate fuel and shore power by ocean-going vessels. Absent further federal actions including federal waivers and authorizations for applicable CARB regulations, state and local actions are limited in achieving substantial yet necessary emission reductions from port-related mobile sources. In the 2022 AQMP, South Coast AQMD stated: "Given the bulk of the Basin's NOx emissions in 2037 will be coming from federally regulated sources, the South Coast AQMD and the California Air Resources Board (CARB) cannot sufficiently reduce emissions to meet the standard without federal action. It is therefore imperative that the federal government act decisively to reduce emissions from federally regulated sources of air pollution, including interstate heavy-duty trucks, ships, locomotives, aircraft, and certain categories of off-road equipment. Emissions from federal and international sources are estimated to be 85 tons per day in 2037 (see Figure ES-4). Even if all sources regulated by CARB and South Coast AQMD were zero emissions, federal sources alone would emit substantially more than the 60 tons per day NOx limit, thwarting any other actions to meet the standard."[2]

[2] 2022 AQMP, Executive Summary, p. ES-6.

8. Agreement Applicability. The Agreement addresses only the CAAP Plus Measures identified in Section II.D. and Attachment A.

II. AGREEMENTS

NOW THEREFORE, in consideration of the mutual interests and benefits of all Parties to be derived from the implementation of the CAAP Plus Measure and in connection with the Recitals above, which are incorporated herein and made enforceable thereby, the Parties agree as follows:

A. LIMITATIONS

1. The Parties agree the Agreement does not:

   a. establish an emissions cap or any other Port facility-wide limit for NOx, or any other pollutant; or

   b. impose any new regulatory requirements on port operations; or

   c. obligate any Party to take further action not described hereunder; or

   d. limit the Ports' ability to seek incentive or grant funding through federal, State and local programs, except as provided in program statutes or guidelines that are beyond the control of the South Coast AQMD; or

   e. preclude South Coast AQMD from being able to seek SIP credit for any quantified emission reductions under USEPA's guidance for such credits for voluntary mobile source measures. South Coast AQMD would undertake any such initiative, if at all, through a separate SIP submittal.

B. THE PORTS' RESPONSIBILITIES.

The Ports agree to take the following actions:

1. Implementation of CAAP Plus Measure. The Ports shall implement the CAAP Plus Measure as listed in Section II.D. and specified in Attachment A.

2. Funding. The Ports shall evaluate and may seek out grant funding to help support implementation of this Agreement and, in the Ports' discretion, to implement additional emission reduction or zero emission technology development, demonstration, and deployment projects, as authorized by the grant agreement(s).

3. CAAP and Agreement Public Process. The Ports shall implement the CAAP Plus Measure using the following public processes, unless otherwise specified in the CAAP Plus Measures in Attachment A.

    a. CAAP Stakeholder Public Process. The Ports shall conduct a transparent public process for all CAAP stakeholders to review and comment on the CAAP Plus Measure through CAAP Stakeholder Meetings.

    b. Port Board of Harbor Commissioners and City Council Public Process. City Charters and the Brown Act require the Boards of Harbor Commissioners and the City Councils to conduct noticed public meetings and opportunity for public comment, which shall apply to the CAAP Plus Measures as they are presented to the Port Boards. As was the case with CAAP Measures, Port Drayage Trucking Agreements, and the Clean Truck Fund Rate, the Ports may hold multiple Board Meetings, jointly or separately, for discussion of items proposed for adoption.

    c. Monitoring and Reporting. The Ports shall monitor the implementation of the CAAP Plus Measure and provide data reports to South Coast AQMD as specified in each of the CAAP Plus Measures in Attachment A and the annual emissions inventory described in Section I.B.5.

C. SOUTH COAST AQMD'S RESPONSIBILITIES.

South Coast AQMD agrees to take the following actions:

1. Funding. South Coast AQMD shall evaluate and may support grant funding efforts with potential funding sources that may provide funding for the CAAP Plus Measure.

2. Monitoring and Verification. South Coast AQMD shall monitor, assess, and verify the implementation of the CAAP Plus Measures based on information provided by the Ports as outlined in each of the CAAP Plus Measures in Attachment A.

3. Information Sharing. South Coast AQMD shall provide the means for ensuring that any pertinent data and information related to the implementation of the CAAP Plus Measures, as provided by the Ports or derived from data, reports, or other materials provided by the Ports, are accessible to the public, except for confidential information marked as such and consistent with South Coast AQMD’s Guidelines for Implementing the California Public Records Act.

D. CAAP PLUS MEASURES

1. CAAP Plus Measure – Port Zero-Emission Infrastructure Plans. The CAAP Plus Measure for Port Zero-Emission Infrastructure Plans is included in Attachment A, and a list of definitions specific to this Agreement are included in Attachment B. Attachments A and B are incorporated herein as part of this Agreement.

2. Additional CAAP Plus Measures. The Parties agree that strategies related to the following source categories are subject to future negotiation and may subsequently be added by mutually agreed upon amendments and/or other agreements:

   a. Ocean Going Vessels

   b. Drayage Trucks

   c. Cargo Handling Equipment

   d. Harbor Craft

   e. On-Port Locomotives

   f. Workforce Development

E. TERM OF AGREEMENT. The term of this Agreement shall be effective as of the date of the last Party's signature ("Effective Date") through December 31, 2030, unless terminated earlier pursuant to Section II.F., below. Prior to expiration of this Agreement, all Parties agree to meet to evaluate extending the termination date. If all Parties agree that continuing participation is desirable, they shall negotiate, for their respective Boards' approval, a written extension of the term of this Agreement, and any applicable additional CAAP Plus Measures.

F. WITHDRAWAL AND EARLY TERMINATION. Any Party may terminate this Agreement for any reason by providing at least forty-five (45) days' written notice to the other Parties. The Parties commit to working together to resolve any issues in advance of the noticed date of termination of the Agreement. If the Parties are unable to reach agreement, the Agreement shall terminate on the date specified in the notification, unless the Party initiating the termination withdraws the written notice.

G. IMPLEMENTATION. The Parties agree to implement the provisions under their respective commitments specified in the Agreement. The Ports and the South Coast AQMD agree that the Ports' implementation of the CAAP Plus Measures is not to be construed as a regulation, rule, or regulatory requirement of the South

Coast AQMD. In the event that any Party fails to meet its commitment(s) or anticipates an inability to meet its commitment(s), the Party shall provide notice to the other Parties within sixty (60) days of such determination and seek to negotiate a mutually agreeable solution within ninety (90) days of the date of the Notice. The Parties shall continue to comply with all other commitments under this Agreement during the negotiations. Nothing contained in this paragraph is intended to limit any rights or remedies that the Parties may have under law. The Parties shall attempt to resolve any controversy that may arise out of or relating to this Agreement. If a controversy or claim should arise that cannot be resolved informally by the respective staffs, executive level representatives of the Parties shall meet at least once in person and, in addition, at least once in person or by telephone to attempt to resolve the matter. The Representatives shall make every effort to meet as soon as reasonably possible at a mutually agreed time and place.

H. DISPUTE RESOLUTION. The Parties shall attempt in good faith to resolve any dispute arising out of or relating to this Agreement promptly by negotiation among the Ports' Executive Director and Chief Executive and South Coast AQMD's Executive Officer. Any dispute not resolved in the normal course of business may be submitted for mediation by the Parties providing to JAMS (previously known as "Judicial Arbitration and Mediation Services, Inc.") a written request for mediation, setting forth (a) the subject of the dispute with reasonable particularity, (b) a statement of each Party's position and a summary of arguments supporting that position, and (c) the name and title of the executive who will represent that Party and of any other person who will accompany the executive.

I. REMEDIES. In the event of a breach or threatened breach by any Party to this Agreement, if a dispute remains unresolved following the dispute resolution process of Section II.H. above, the Parties agree that the aggrieved Party(ies) shall be entitled to seek relief against such breach or threatened breach from a state or federal court of competent jurisdiction.

J. FORCE MAJEURE. Whenever a date is established in this Agreement on which, or a period of time, including a reasonable period of time, is designated within which, either Party is required to do or complete any act, matter or thing, the time for the doing or completion thereof shall be extended by a period of time equal to the number of days on or during which such Party is prevented from, or is unreasonably interfered with, the doing or completion of such act, matter or thing because of acts of God, the public enemy or public riots; failures due to nonperformance or delay of performance by suppliers or contractors; any order, directive or other interference by municipal, state, federal or other governmental official or agency (other than a Party's failure or refusal to issue permits for the construction, use or occupancy of Party's project); any catastrophe resulting from

the elements, flood, fire, explosion; or any other cause reasonably beyond the control of a Party, but excluding strikes or other labor disputes, lockouts or work stoppages ("Force Majeure"). In the event of the happening of any of such contingency events, the Party delayed by Force Majeure shall immediately give the other Party written notice of such contingency, specifying the cause for delay or failure, and such notice from the Party delayed shall be prima facie evidence that the delay resulting from the causes specified in the notice is excusable. The Party delayed by Force Majeure shall use reasonable diligence to remove the cause of delay, and if and when the event which delayed or prevented the performance of a Party shall cease or be removed, the Party delayed shall notify the other Party immediately, and the delayed Party shall recommence its performance of the terms, covenants and conditions of this Agreement.

K. FINANCIAL INFEASIBILITY DUE TO WITHDRAWN GRANT FUNDING. For any CAAP Plus Measure project or component that becomes financially infeasible for the Port to complete by reason of grant funding being withdrawn or terminated by the grant funding source, or as a result of any new and/or unforeseen grant terms or conditions added after the grant award commitment has been made that the Port finds unacceptable because it conflicts with applicable laws and/or Port policies, then such Port shall be relieved from the obligation to complete such project or component. If termination of the project or component affects the ability of the Port to complete a CAAP Plus Measure included in Attachment A, the Port shall adhere to the process identified in the relevant CAAP Plus Measure.

L. ENFORCEMENT PROVISIONS.

1. The Ports agree to pay into a mitigation fund in the amount(s) specified in Section II.L.3.b. below that is managed by the South Coast AQMD (“Clean Air Mitigation Fund”), if a Port fails to complete an action within their control that is subject to enforcement, as defined in the CAAP Plus Measures (“Default”).

2. Notification

    a. If a Port has failed to complete an action within its control that is subject to enforcement as defined within the applicable CAAP Plus Measure, South Coast AQMD will provide written notice to the Port that identifies the enforcement determination with regard to that CAAP Plus Measure.

    b. The Port may request a meeting within 14 days from receipt of the written notification to provide additional information to the South Coast AQMD that is relevant to the determination. After review of the additional information,

South Coast AQMD can either modify or maintain its enforcement determination.

3. Payment

   a. If a Port has received an enforcement determination notice from South Coast AQMD with regard to a CAAP Plus Measure, the Port shall provide payment to the South Coast AQMD in the amount specified in the notice pursuant to Section II.L.3.b. The Parties agree that payments will be paid within 60 days of receiving a written notice that such payment is due. Where the Party receiving the notice does not timely respond with payment, the Parties agree that South Coast AQMD may, without prejudice to additional relief that may be obtained, file suit in a court of competent jurisdiction for the amount owed, plus simple interest. The Ports agree that any payment(s) will not detract from any existing community benefit funding or funding levels. The Parties agree this paragraph provides all applicable claim procedures for the ports as public entities under Gov. Code Section 930.4. Unsatisfied obligations for payment will survive the termination of this Agreement.

   b. The amounts payable to the Clean Air Mitigation Fund shall be determined by the following table and the corresponding tier of severity for each Type of Default as specified in each CAAP Plus Measure.

Tier	**Dollar Amount**
Tier I	$50,000 per Default
Tier II	$100,000 per Default
Tier III	$200,000 per Default

4. Clean Air Mitigation Fund

   a. Payments by the Ports must be expended in compliance with the Tidelands Trust doctrine. Those conditions are that a study has verified that (1) Port operations are responsible for the impacts being mitigated, (2) there is a nexus between the impacts and the proposed mitigation, and (3) the proposed mitigation is proportional to the impacts (“Tidelands Trust Nexus”).

   b. Pre-Approved Tidelands-Compliant Projects. To facilitate selection of Tidelands-compliant projects for spending of collected amount in the Clean Air Mitigation Fund, each Port’s Board of Harbor Commissioners shall approve a list of Tidelands-compliant project types, after this Agreement is effective but prior to the first enforceable action.

c. Prior to spending any of these mitigation funds, the South Coast AQMD will conduct a public meeting and allow for written public comments to get input on how monies should be spent. Public notice for such solicitation of spending recommendations must include the requirement that all proposals shall state a nexus to Port-related operations or other Tidelands Trust Nexus, and offer each respective Port's Board-approved Tidelands-compliant project types as potential options.

d. South Coast AQMD staff shall develop recommendations for disbursement of Clean Air Mitigation Fund from the public process for its Governing Board's consideration.

e. If the recommended proposals are not on the pre-approved list of Tidelands-compliant project types, then South Coast AQMD shall present recommendations to the Ports for comment and concurrence on the Tidelands Trust Nexus.

f. No later than 120 days after the public meeting, South Coast AQMD staff will present to the South Coast AQMD's Governing Board recommendations on how monies in the Clean Air Mitigation Fund should be spent taking into consideration:

    i. Public input; and

    ii. The proposals that are on the pre-approved list of Tidelands-compliant project types; and

    iii. For proposals not on the pre-approved list of Tidelands-compliant project types, the Ports' comments and concurrence, or lack thereof, on the project's Tidelands Nexus; and

    iv. If Ports do not concur on a recommendation based on a Tidelands Trust Nexus comment, then South Coast AQMD staff shall send written Response to Ports' Tidelands Trust Nexus comment, to be included in the Staff report (on which Ports may consult with California State Lands Commission staff for guidance prior to South Coast AQMD's Governing Board decision); and

    v. Benefits to communities most impacted by goods movement activities from Port-related operations; and

    vi. Legal concerns.

M. NOTICES. All notices that are required under this Agreement shall be provided in the manner set forth herein, unless specified otherwise. Notice to a Party shall be delivered to the attention of the person listed below, or to such other person or persons as may hereafter be designated by that Party in writing. Notice shall be in writing sent by U.S. Certified Mail, Return Receipt Requested, or a nationally recognized overnight courier service. Notice shall be deemed to be received when delivered (written receipt of delivery).

To South Coast AQMD:
South Coast Air Quality Management District
21865 Copley Drive
Diamond Bar, CA 91765-4178
Attn: Deputy Executive Officer, Planning, Rule Development and Implementation Division

All notices shall be also Electronically submitted to: Ports@aqmd.gov.

To City of Long Beach Harbor Department:
Port of Long Beach
415 W. Ocean Blvd.
Long Beach, CA 90802
Attn: Director of Environmental Planning

To City of Los Angeles Harbor Department:
Port of Los Angeles
425 S. Palos Verdes St.
San Pedro, CA 90731
Attn: Director of Environmental Management

N. COSTS.

1. Each Port shall pay to South Coast AQMD for the latter Party to recover its reasonable costs of staff expenses according to schedules included in each CAAP Plus Measure. Each Port shall pay an invoice within 60 days of receipt from South Coast AQMD.

2. Unless as specified in Section II.N.1. and the CAAP Plus Measure, each Party shall be responsible for its respective costs associated with this Agreement. No Party will submit a claim for compensation to any other Party, or otherwise seek reimbursement of costs from any other Party, for activities carried out pursuant to this Agreement unless as specified in Section II.N.1.

O. FUTURE AGREEMENTS. This Agreement does not restrict or require any future agreements between the Parties with respect to the subject matter stated herein or any other subject matter.

P. JOINT WORK PRODUCT. This Agreement shall not be construed against the Party preparing the same, shall be construed without regard to the identity of the person who drafted such and shall be construed as if all Parties had jointly prepared this Agreement and it shall be deemed their joint work product.

Q. ENTIRE UNDERSTANDING. This Agreement, including all attachments, constitutes the entire understanding between the Parties and supersedes all other agreements, oral or written, with respect to the subject matter herein.

R. VENUE. Venue for resolution of any disputes under this Agreement shall be Los Angeles County, California, USA.

S. ATTORNEYS' FEES. In the event any action is filed in connection with the enforcement or interpretation of this Agreement, each Party shall bear its own attorneys' fees and costs.

T. AUTHORITY. Nothing in this Agreement shall be construed as a waiver of any Party's discretionary authority or deemed to restrict authority granted to any Party under law in any way with respect to future legislative, administrative, or other actions.

U. COUNTERPARTS. This Agreement may be executed in one or more counterparts, each of which shall be deemed to be an original.

V. MODIFICATIONS. This Agreement may be modified at any time only in writing and signed by authorized representatives of both Parties.

W. NO WAIVER. No waiver of any provision of this Agreement shall be valid unless in writing and signed by the person against whom such waiver is sought to be enforced, nor shall failure to enforce any right hereunder constitute a continuing waiver of the same or a waiver of any other right hereunder. Furthermore, discussions concerning and leading up to any execution of this Agreement shall not be construed to waive and, in fact, shall not waive any rights the Cities possess at law, equity and otherwise to challenge Proposed Rule 2304 or any revision of that preliminary rule and/or subsequent or other initiative of South Coast AQMD whether arising from or related to the subject matter of this agreement or not.

X. AUTHORIZED SIGNATURES. Each signatory of this Agreement represents that s/he is authorized to execute on behalf of the Party for which s/he signs. Each Party

represents that it has legal authority to enter into this Agreement and to perform all obligations under this Agreement.

Y. NO ENFORCEMENT AGAINST THIRD PARTIES. The South Coast AQMD shall not seek to enforce the CAAP Plus Measures or any of the measures or initiatives in the CAAP Plus Measure or any of its terms against the Ports' Tenants, concessionaries, third party licensees, vendors, or other relevant operators doing business at the Ports facilities.

Z. COMPLIANCE WITH LAWS. The Parties shall comply with all laws applicable to their respective agencies.

SIGNATURE PAGES FOLLOW

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the day and year indicated next to their signatures.

SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT

By _____
Name: Wayne Nastri
Title: Executive Officer
Date: _____, 20___

Attest _____
Name: _____
Title: _____

APPROVED AS TO FORM:

Date: _____, 20___
BAYRON T. GILCHRIST,
General Counsel

By _____
Name: _____
Title: _____

CITY OF LONG BEACH, CALIFORNIA,
a municipal corporation,
acting by and through its Board of Harbor Commissioners

By _____
Name: MARIO CORDERO
Title: Chief Executive Officer, Harbor Department
Date: _____, 20___

Attest _____
Name: _____
Title: _____

APPROVED AS TO FORM:

Date: _____, 20__

DAWN MCINTOSH
Long Beach City Attorney

By _____
Sudhir N. Lay,
Deputy City Attorney

CITY OF LOS ANGELES, CALIFORNIA,
a municipal corporation,
acting by and through its Board of Harbor Commissioners

By _____
Name: GENE SEROKA
Title: Executive Director, Harbor Department
Date: _____, 20___

Attest _____
Name: Amber Klesges
Title: Board Secretary

APPROVED AS TO FORM:

Date: _____, 20___

HYDEE FELDSTEIN SOTO
Los Angeles City Attorney
Steven Y. Otera, General Counsel

By _____
Joy M. Crose,
Assistant General Counsel

ATTACHMENT A

CAAP PLUS MEASURE PORT ZERO-EMISSION INFRASTRUCTURE PLANS

PORT ZERO-EMISSION INFRASTRUCTURE PLANS

Each City agrees to develop and implement for its respective Port the following:

A. Port Zero-Emission (ZE) Infrastructure Plans (ZE Plans)

1. Each Port shall prepare the following ZE Plans that identifies the charging and fueling infrastructure on Port-managed properties for the following source categories:

    a. Phase 1 ZE Plan shall include:

        i. Cargo-Handling Equipment for marine terminals that primarily handle containers; and

        ii. Drayage Trucks

    b. Phase 2 ZE Plan shall include:

        i. Cargo Handling Equipment for non-container marine terminals with at least 10 pieces of off-road cargo-handling equipment on site; and

        ii. Local Switcher Locomotives; and

        iii. Harbor Craft

    c. Phase 3 ZE Plan shall include:

        i. Ocean-Going Vessels (OGVs)

2. ZE Plan Content

    a. Background Information

        i. Source Category Description: Each ZE Plan shall provide a description of each of the targeted source categories, including at minimum, the approximate number of equipment or vehicles in that source category serving the Port. This section shall also provide relevant strategic context, including other CAAP Plus Measures that support infrastructure development for this source category.

        ii. Baseline Infrastructure Description: Each ZE Plan shall provide a description of the existing, operational charging and fueling infrastructure on Port-managed property, including estimated design capacity to the

extent known, for each zero-emission energy type, or clean marine fuel type for the Phase 3 ZE Plan, as it exists at the time of ZE Plan approval.

b. Planning Targets for Port Zero-Emission (ZE) Infrastructure

   i. Each ZE Plan shall specify a Planning Target for each source category. The Planning Targets shall be approved at the sole discretion of each Port's respective Board of Harbor Commissioners.

   ii. Each Planning Target shall consist of an aggregate capacity of infrastructure on Port-managed property and, to the extent known at the time the ZE Plan is developed, the anticipated timeline by when all associated infrastructure projects will become operational. The aggregate capacity shall use a common energy-related metric for each Port Source category, as deemed appropriate by the Port.

   iii. Each Port shall provide a justification for how each Planning Target was determined. The justification will describe the Port policies and goals and other considerations and factors that were taken into account, which may include findings from feasibility assessments, regional infrastructure plans, and operational considerations.

c. Analysis of On-Port Infrastructure Capacity

   i. Each Port shall provide an analysis of how the aggregate capacity of the charging and fueling infrastructure located on Port-managed property for the Planning Target was determined.

d. Infrastructure Projects

   i. Each ZE Plan shall list anticipated site-specific charging and fueling infrastructure projects, to the extent known at the time of ZE Plan approval, on Port-managed properties that support achievement of the Planning Target.

e. Project Roles and Responsibilities

   i. Each Plan shall describe the Port's role in each project included in the Plan using the list below. For each of the listed items below, the Plan shall generally describe the Port's role, including if it has a primary role, a supporting role, or no role.

      I. Project delivery (e.g., design, construction, etc.)

II. Administering awarded grants

III. Permitting and entitlements

IV. Updating Capital Improvement Programs and Port budgets

V. Real Estate Agreements

VI. Preparation of studies or assessments

ii. For any of the listed items in A.2.e.i. above for which the Port has a supporting or primary role, an anticipated timeline shall be provided for when the Port is expected to complete its role in that task.

iii. Project Delivery Entity(ies). Each Port shall identify the key non-Port entity or entities responsible for delivering each project(s), in whole or in part, in each of the planning, design, and construction phases, to the extent known at the time of ZE Plan approval.

iv. Contractual Relationships. Each Port shall identify contractual relationships or agreements, if any, between the Port(s) and the Project Delivery Entity that are in place at the time of Plan approval.

f. Project Details

i. For each Project named in Section A.2.d., the Port shall provide the elements listed below, to the extent known at the time of ZE Plan approval. Each Port shall provide the level of detail sufficient for determining progress toward meeting the Planning Target.

I. Project Description

II. Project location, as shown on a map

III. Technology option(s) to be deployed at the time of ZE Plan submission, such as electric or fuel-cell

IV. Total energy estimated to be supplied by the Project

V. Energy Delivery Entity. Each Port shall identify the anticipated entity(ies) responsible for delivering energy identified in A.2.f.i.IV to the site for the project.

VI. Proposed project schedule, including an anticipated timeline to complete

milestones, pursuant to A.2.e. that identify increments of progress, proposed project phasing to minimize operational impacts, and anticipated date of operation

VII. Cost estimates

VIII. Projected funding sources

IX. Permits. Each Port shall note any anticipated permits and entitlements (e.g., Coastal Development Permits, and CEQA and/or NEPA documents) required by the Port to approve and implement the Project within its control and the anticipated timeline for securing all needed entitlements. In accordance with their roles as CEQA lead agencies, the Ports will determine the level of CEQA analyses required and identify the NEPA lead agency involved if applicable.

X. Disposition of Existing Conventional Fuel Infrastructure. Each Port will describe the disposition of existing conventional fuel infrastructure on Port-managed property expected after installation and successful operation of new ZE charging and fueling infrastructure, including decommissioning.

g. On-Port Energy Supply Capacity Analysis

i. Each Port shall quantify, to the extent possible, the maximum aggregated on-port energy that can be supplied by the Projects in furtherance of meeting the Planning Target.

h. Construction Workforce

i. Each Port will identify the construction workforce needs and impacts associated with building and constructing the Infrastructure Projects identified in the ZE Plan, to the extent known at the time of ZE Plan approval.

3. ZE Plan Considerations

Implementation of ZE infrastructure on Port-managed property requires careful planning and staging of construction while minimizing any potential disruption to On-Port operation. Therefore, Ports must work with Tenants and Port Source operators during the ZE Plan development to address issues including but not limited to:

a. Infrastructure construction phasing and completion schedules as determined by Tenants and/or Port Source operators working with the Port, including consideration of maintaining On-Port cargo operations while minimizing disruption; and

b. Major changes to the physical design and layout of Port-managed property; and

c. Large economic investment to fund major changes to Port-managed property (the responsibility for which must be negotiated between Ports and Tenants); and

d. Ports and Tenants obligations for grant funded infrastructure and technology deployment projects; and

e. Decommissioning of an existing suite of conventional infrastructure and equipment, and procurement and implementation of new ZE infrastructure with resultant significant economic and operational impacts; and

f. Change in operational workflows at the berths and backlands, which may include, for electricity-powered equipment, the need for charging time, backup equipment and power generators; and

g. Any environmental or permit application reviews including, without limitation, CEQA/NEPA assessments, Coastal Development Permits, Fire Department permits, and/or Coast Guard approvals required by such project facility changes and construction; and

h. Impacts on workforce needs; and

i. Fundamental changes to the premises, use and rent obligations that may require negotiations and amendments to existing provisions of the lease documents to address these issues; and

j. Feasibility. While outside of the scope of the ZE Plan, understanding the potential future deployment of equipment, vehicles, and vessels, and the technical specifications for that equipment, is an important factor for infrastructure development consideration. The states of the ZE equipment and infrastructure markets and technology, and the current physical and operational features/limitations of both Ports, must be accounted for in development of the ZE Plans.

B. ZE Plan Consultation, Review, and Approvals

1. Consultation

   a. At least 30 days prior to releasing a Draft ZE Plan under Section B.2, the Ports shall have at least one consultation meeting with the South Coast AQMD.

   b. Ports shall provide an initial draft of the ZE Plan that includes as much detail that is available.

2. Draft ZE Plan

   a. Ports shall release a Draft ZE Plan, that includes the elements described in Section A.2. with as much detail that is available at the time of release, to the public and South Coast AQMD on or before:

      i. May 30, 2027 for Phase 1 source categories; and

      ii. May 30, 2028 for Phase 2 source categories; and

      iii. May 30, 2029 for Phase 3 source category.

   b. Ports shall allow the public to review the Draft ZE Plan for at least 30 days.

   c. Following the 30 day public review period, Ports shall provide all comments received from the public to South Coast AQMD to review along with the Draft ZE Plan for an additional 30 days.

   d. At least 14 days prior to the close of the public review period, Ports shall conduct one public meeting to highlight key elements of the Draft ZE Plan.

   e. If the Draft ZE Plan is incomplete, the Port shall provide justification for why the information is unavailable, and when it is expected to become available.

3. Revised Draft ZE Plan

   a. Ports shall provide a Revised Draft ZE Plan to South Coast AQMD, that includes the elements described in Section A.2 for South Coast AQMD verification on or before:

      i. September 30, 2027 for Phase 1 source categories; and

      ii. September 30, 2028 for Phase 2 source categories; and

      iii. September 30, 2029 for Phase 3 source category.

b. The Revised Draft ZE Plan shall include written responses to comments made by the public and South Coast AQMD on the Draft ZE Plan.

c. Within 30 days of receipt of the Revised Draft ZE Plan, South Coast AQMD will verify completeness of the Revised Draft ZE Plan, and provide written confirmation to the Port, as follows:

   i. Includes all elements described in Section A.2.; and

   ii. Followed criteria or methods described in Section A.2.; and

   iii. Includes any citations to reports or studies used to develop the ZE Plan; and

   iv. Includes response to comments received on the Draft ZE Plan; and

   v. include a copy of the written confirmation of any time extension, if a time extension was requested under C.

d. If written confirmation required under Section B.3.c. extends beyond the 30-day review period, the applicable dates in Section B.5.a shall be extended by the same number of days beyond the 30-day review period that it took for South Coast AQMD to provide written confirmation.

e. The presentation to the Board of Harbor Commissioners for approval of the Proposed Final ZE Plan shall include the status of South Coast AQMD's verification in B.3.c., including whether the plan was verified, South Coast AQMD did not specify, or not verified (including the stated reason by South Coast AQMD).

f. South Coast AQMD may provide written comments to each Port on their Draft Revised ZE Plan.

4. Proposed Final ZE Plan

   a. Ports shall respond to comments received in the Proposed Final ZE Plan, as follows:

      i. Revisions to the Draft ZE Plan, as appropriate; and

      ii. Written responses to comments from the public on the Draft ZE Plan and South Coast AQMD on the Draft and Revised Draft ZE Plan.

   b. Ports shall allow the public and the South Coast AQMD to review the Proposed

Final ZE Plan for at least 20 days prior to consideration by each Port's Board of Harbor Commissioners.

c. The Proposed Final ZE Plan shall include a copy of the written confirmation of any time extension, if a time extension was requested under C.

5. Approval of Proposed Final ZE Plan

a. Each City's Board of Harbor Commissioners shall approve the final Plans pursuant to such City's Charter and other City requirements and City Council and/or Mayor approval of ZE Plans shall also be secured, if required by a City's Charter and other City requirements on or before:

i. December 31, 2027 for Phase 1 ZE Plan; and

ii. December 31, 2028 for Phase 2 ZE Plan; and

iii. December 31, 2029 for Phase 3 ZE Plan.

C. Time Extensions for ZE Plan Development

1. A time extension for a Draft ZE Plan, Revised Draft ZE Plan, or Proposed Final ZE Plan after the date specified in B. shall be granted provided:

a. The request for additional time is needed for reasons beyond the control of the Port.

b. The requested time extension must be submitted to the South Coast AQMD:

i. No later than 14 days before the deadline, for a time extension 14 days or less; or

ii. No later than 30 days before the deadline for a time extension more than 14 days and 30 days or less; or

iii. No later than 60 days of the deadline for a time extension more than 30 days.

c. The length of a requested time extension shall be determined according to any one of the following criteria:

i. No time extension shall be more than 90 days per request; or

ii. Multiple time extension requests that were each less than 90 days shall not

cumulatively exceed a total of 90 days; or

iii. For instances when a time extension beyond 90 days is needed due to required analysis and certification of CEQA and/or NEPA documentation and/or due to required amendment(s) to the Port Master Plan pursuant to the California Coastal Act, the Port shall complete the following process:

I. Submit a description of the CEQA and/or NEPA Document(s) being prepared and/or anticipated to be prepared for the Plan, and/or a description of the necessary amendment(s) to the Port Master Plan; and

II. Submit a description of the status of the CEQA and/or NEPA document(s) being prepared, and/or a description of the status of the necessary amendment(s) to the Port Master Plan being proposed; and

III. Submit the length of time extension requested, with a timeline showing the anticipated critical remaining steps needed to finalize the necessary CEQA and/or NEPA Document(s), and/or a timeline showing the anticipated critical remaining steps needed to finalize the necessary amendment(s) to the Port Master Plan, for consideration by the Port's Board of Harbor Commissioners.

d. The Ports provide the following information to the South Coast AQMD:

i. Length of time for the extension; and

ii. Reason for the extension; and

iii. Identification of any parts of the ZE Plan that can be provided earlier.

e. The Port submitted the portions of the Draft ZE Plan, Revised Draft ZE Plan or Proposed Final ZE Plan that did not need a time extension consistent with the schedule in B.

f. The Port received in writing that the South Coast AQMD verified that the Port met all the provisions under C.1.

2. If the delay to present the Final Draft ZE Plan to the Port's Board of Harbor Commissioners is greater than 30 days, the Port shall provide notification to public stakeholders before the original deadline that the Plan would have been presented to the Commissioners that includes:

a. A general description of the item; and

b. The original deadline; and

c. The revised deadline; and

d. Reason for the delay.

3. Upon written confirmation from the South Coast AQMD to the Port that the time extension is consistent with the criteria in C.1., the extension date is the new enforceable deadline.

4. Approval of a time extension for any particular deadline may automatically extend the date of later subsequent deadlines with the exception of the dates for approval of the Proposed Final ZE Plan.

D. Final ZE Plan Implementation

1. After the ZE Plans are approved by Boards of Harbor Commissioners (and City Council if necessary), the Ports shall work with their Tenants, Port Source operators, and/or other Project Delivery Entities to implement the ZE Plans through the term of this agreement, including seeking all project-specific approvals and local development permits, consistent with CEQA and other applicable laws and regulations, and pursuant to standard infrastructure development protocols, with consideration of the below issues.

2. Ports shall comply with any state and federal requirements and their respective Port and City protocols for infrastructure development.

   a. At POLA, this includes but is not limited to:

      i. All infrastructure plans included in the Capital Improvement Plan (CIP) budget process; and

      ii. Project Development Committee (PDC) approval of all Port infrastructure projects; and

      iii. Environmental review and compliance with California Environmental Quality Act (CEQA), including but not limited to CEQA Guidelines section 15004; and

      iv. Environmental review and compliance with National Environmental Protection Act (NEPA), when applicable; and

      v. Port-Tenant negotiations of lease terms regarding infrastructure project scope, cost, and each party's responsibilities for same; and

vi. Harbor Engineer's Permit reviewing, approving, and inspecting infrastructure improvements by tenants or other entities outside the Harbor Department, initiated by the Applicants' submission of an Application for Port Project (APP).

b. At POLB, this includes but is not limited to:

i. Environmental review and compliance with California Environmental Quality Act (CEQA), including but not limited to CEQA Guidelines section 15004; and

ii. Environmental review and compliance with National Environmental Protection Act (NEPA), when applicable; and

iii. Port-Tenant negotiations of lease terms regarding infrastructure project scope, cost, and each party's responsibilities for same; and

iv. A Harbor Development Permit approving all infrastructure plans.

3. As appropriate for each project, Ports will work with their Tenants, Port Source operators, energy providers, and/or other relevant entities to manage project delivery of all ZE infrastructure projects and make necessary adjustment to budgets and schedules as warranted, and approved by their Boards, and consistent with the procedures described in this Agreement for Plan Modifications and Project Roles and Responsibilities under A.2.e, for which the Port has identified a primary or supporting role.

E. Final ZE Plan Modifications.

1. A ZE Plan Modification shall be prepared, and presented to each Port's Board of Harbor Commissioners, for any of the following conditions:

a. New state or federal requirements make part of the Plan invalid; or

b. A Planning Target is changed.

2. If a ZE Plan Modification is required, the Ports shall:

a. Prepare an assessment demonstrating why the original ZE Plan is not feasible, why the new proposed ZE Plan Modification is more appropriate; and

b. Notify the South Coast AQMD of the proposed change and release the ZE Plan Modification and assessment to the public for review at least 60 days prior to consideration by the Port's Board of Harbor Commissioners; and

c. At least 30 days prior to consideration of the ZE Plan Modification by the Port's Board of Harbor Commissioners, the Port shall conduct one public meeting to highlight key elements of the modified ZE Plan; and

d. Within 40 days of receipt of the ZE Plan Modification, South Coast AQMD will verify completeness, and provide written confirmation to the Port, as follows:

   i. Includes all elements described in Section A.2.;
   ii. Followed criteria or methods described in Section A.2.; and
   iii. Includes any citations to reports or studies used to develop the ZE Plan Modification; and

e. The presentation to the Board of Harbor Commissioners for approval of the Proposed Final ZE Plan Modification shall include the status of South Coast AQMD's verification in E.2.d., including whether the plan was verified, South Coast AQMD did not specify, or not verified (including the stated reason by South Coast AQMD); and

f. At least 14 days prior to consideration of the ZE Plan Modification by the Port's Board of Harbor Commissioners, all public comments received to that date, written responses to comments, and the Proposed Final ZE Plan Modification shall be provided to the public.

3. If a change in the Port's role is identified, but which does not require a ZE Plan Modification pursuant to E.1., the Port shall notify South Coast AQMD of the change at least 45 days prior to the milestone date that is being affected, and report the change in the next Annual Report required under F.

4. If a change in the timeline for a project milestone is identified, but which does not require a ZE Plan Modification pursuant to E.1., the Port will notify South Coast AQMD of the change at least 45 days prior to the milestone date, and report the change in the next Annual Report required under F.

5. If a Port's Board of Harbor Commissioners adjusts a plan element during their consideration of a Proposed Final ZE Plan or ZE Plan Modification, South Coast AQMD will be notified of the change within 30 days after the Board's action.

6. All other ZE Plan Modifications are not subject to South Coast AQMD review or notification and shall be reported to South Coast AQMD in the next Annual Report required under F.

F. Annual Report

1. Before February 1, 2029, and every year thereafter for the term of this Agreement,

the Ports shall prepare a single Annual Report covering all source categories with an approved Plan that includes all of the following:

a. The initiation and/or completion of each applicable Project's milestones identified in the Final ZE Plan approved by the Port's Board of Harbor Commissioners over the previous calendar year.

    i. For any Project milestone that was not completed on time, the Port shall provide a discussion of what they believe is the root cause of the delay, the project delivery and energy delivery entities involved in this milestone, and steps that have been taken to avoid this type of delay in the future.

b. A discussion of the progress made during the previous calendar year for any anticipated timelines that were the responsibility of the Port in whole or in part as identified in the Final ZE Plan. This discussion shall include clear indication whether the Port's role in this milestone was completed before the anticipated timeline specified in the Final ZE Plan.

    i. Information provided about Port actions shall be substantiated with publicly available documentation.

c. A list of any ZE Plan Modifications that were submitted to South Coast AQMD, including changes that were approved by the Board of Harbor Commissioners during this previous reporting period.

d. Maps, photographs, and other graphical or other data, as appropriate, to show how the ZE Plan progressed in the previous calendar year.

2. Report Formats. The Draft, Revised Draft, and Final ZE Plans, ZE Plan Modifications, and Annual Reports shall be submitted to the South Coast AQMD in two formats, if they include confidential information. One version shall be unredacted and marked confidential, and another version that has redacted all information that the Port believes should be kept confidential consistent with South Coast AQMD's Guidelines for Implementing the California Public Records Act. A supplementary report must be provided that provides justification for each redaction. Any due dates in this rule apply to both the redacted and unredacted versions of all Draft ZE Plans and Annual Reports.

G. Enforcement Provisions.

The Ports agree to pay into the Clean Air Mitigation Fund as specified in Agreement Section II.L. for the Types of Defaults in the following table:

Tier	Type of Defaults
Tier I	Port Milestones: Deadline under A.2.e.ii. (Port milestones, which can only be enforced as Tier 1 Defaults).
	Infrastructure Plan Development: Deadline under B.2.a. (Draft ZE Plan submittal), B.3.a. (Revised Draft ZE Plan submittal), or B.5.a. (Final ZE Plan approval) missed by less than 45 days, unless a Port has received written confirmation from South Coast AQMD of a different date per B.3.d. or C.
	Public Process and Notifications: Not followed as described in B.2, B.4.b., C.2., or E.
	ZE Plan Modification: Not completed as required under E.
Tier II	Infrastructure Plan Development: Deadline under B.2.a., B.3.a., or B.5.a. missed by 45 to 90 days, unless a Port has received written confirmation from South Coast AQMD of a different date per B.3.d. or C.
	Public Process and Notifications: Not followed as described in B.2, B.4.b., C.2., or E and the Port received one Tier I Default of the same Type, regardless of the Phase.
	ZE Plan Modification: Not completed as required under E a second time.
Tier III	Infrastructure Plan Development: Deadline under B.2.a., B.3.a., or B.5.a. missed by more than 90 days, unless a Port has received written confirmation from South Coast AQMD of a different date per B.3.d. or C.
	Public Process and Notifications: Not followed as described in B.2, B.4.b., C.2., or E and the Port received one Tier II Default of the same Type, regardless of the Phase.
	ZE Plan Modification: Not completed as required under E three or more times.

H. Costs

The Ports agree to pay South Coast AQMD for its activities associated with this Measure as described in the following table. The hourly rate shown in the following table shall be adjusted annually by the change in the California Consumer Price Index, for the preceding calendar year, from January 1 of the prior year to January 1 of the current year, as determined by the California Department of Industrial Relations.

South Coast AQMD Activity	Amount
Review of Revised Draft ZE Plan	$136.25 per hour of staff review, not to exceed $100,000 per review/verification
Review and verification of a Draft Modified ZE Plan	$136.25 per hour of staff review, not to exceed $100,000 per review/verification
Review and verification of Time Extension Request greater than 30 days	$136.25 per hour of staff review, not to exceed $100,000 per review/verification
Review and verification of Annual Report	$136.25 per hour of staff review, not to exceed $100,000 per review/verification

Attachment B
DEFINITION OF TERMS

Charging Infrastructure means a system with means of distributing and locally dispensing electricity to Port Sources used in port-related operations. This infrastructure includes local distribution facilities (e.g., substations, local distribution lines), hardware (e.g., transformers, switches, electrical distribution or voltage panels, service conductors, conduits), and electric vehicle supply equipment.

Clean Marine Fuel Type means a type of marine fuel used by ocean-going vessels and that are not residual oil, gas oil, or distillate.

Contractual Agreement or Contractual Relationship means a legally enforceable agreement entered into by two or more parties to do, or refrain from doing, one or more things specified in a written contract, memorandum of understanding, or other binding agreement.

Conventional Infrastructure and Equipment means infrastructure that dispenses fuels or Port Source equipment that uses fuels that are neither a Zero-Emission Energy Type or a Clean Marine Fuel Type.

Design Capacity means the maximum amount of a specific Zero-Emission Energy Type or Clean Marine Fuel Type that can be dispensed over a set period of time from the Charging or Fueling Infrastructure under ideal conditions.

Fueling Infrastructure means a system with means of transporting and locally dispensing a Zero-Emission Energy Type or a Clean Marine Fuel Type other than electricity to Port Sources attracted by or used in port-related operations. This infrastructure includes the related equipment and components (e.g., pipelines, tanks) that transport, store, and dispense the fuel.

Harbor District means either the Long Beach Harbor District as created and defined by and pursuant to provisions of the Charter of the City of Long Beach, or the Los Angeles Harbor District as created and defined by and pursuant to the Charter of the City of Los Angeles.

Port-Managed Property means either (1) Port of Long Beach: the state tidelands and submerged lands as granted to the City of Long Beach by the State Legislature (Chapter 102, California Statutes of 1925) that are under the supervision, management, and control of the Port of Long Beach Board of Harbor Commissioners as well as after-acquired property managed by the Port of Long Beach that is not part of the state tidelands and submerged lands grant, or (2) Port of Los Angeles: the state tidelands and submerged lands as granted to the City of Los Angeles by the State Legislature (Chapter 651, California Statutes of 1929) that are under the supervision, management, and control of the Port of Los Angeles Board of Harbor Commissioners as well as after-acquired property managed by the Port of Los Angeles that is not part of the state tidelands and submerged lands grant.

Port Source means any equipment, vehicle, or vessel in the following categories of mobile sources: cargo handling equipment, drayage trucks, local switcher locomotives, ocean-going vessels, or harbor craft, which operates at, and/or travels to or from, a Port-Managed Property, for purposes of maritime commerce including passenger transportation.

Port Source Operator means the entity who is in direct control of the Port Source, including any third-party(ies) hired to carry cargo or passengers for the entity under an agreement to operate the Port Source.

On-Port means being located on Port-managed property.

Operational means the condition of fully installed Charging Infrastructure being connected to an electric grid, electricity generation or storage system, or other independent electricity source and all components in working order per manufacturer's instructions in order to dispense electricity to a Port Source, or fully installed Fueling Infrastructure being connected to a fuel distribution or storage system and all components in working order per manufacturer's instructions in order to dispense fuel to a Port Source.

Tenant means the entity who enters into a contractual agreement with the Port to lease and/or operate a Port-Managed Property and typically referred to as a "tenant" or "assignee" in such an agreement, and any third-party entity who is subcontracted by the tenant or assignee to conduct part or all of the day-to-day operations at a marine terminal.

Zero-Emission means not ever emitting any criteria pollutant, toxic pollutant, or greenhouse gas from any onboard source of power at any setting.

Zero-Emission Energy Type means an energy carrier that is electricity, hydrogen, or fuel that contains hydrogen atoms, such as natural gas, methanol, ammonia, and ethanol, where the hydrogen extracted from the fuel is used in fuel cells or fuel cell systems integral or fitted onto vessels, vehicles, or equipment for the purpose of generating electrical power.

ATTACHMENT B

KEY ELEMENTS OF PROPOSAL

The proposed Cooperative Agreement consists of four components: 1) Recitals which contain relevant background information for South Coast AQMD and the Ports of Long Beach and Los Angeles; 2) Agreements; 3) Attachment A – CAAP Plus Measure: Port Zero-Emission Infrastructure Plans; and 4) Attachment B – Definition of Terms. The Agreements component includes the following requirements:

- Roles for the Ports and South Coast AQMD;
- Fixed term of five years for the length of the agreement;
- Option for early termination process that allows any party to terminate the agreement for any reason by providing a 45-day written notice to the other party;
- Dispute resolution processes;
- Cost recovery provisions for South Coast AQMD to oversee agreement implementation; and
- Enforcement provisions including payments into a Clean Air Mitigation Fund if a Port fails to complete actions within their control to meet specific requirements in the proposed agreement.

Development of Zero-Emission Infrastructure Plan

The proposed Cooperative Agreement requires the Ports to implement the CAAP Plus measure of Port Zero-Emission Infrastructure Plans, which achieves similar outcomes as the PR 2304 proposal. Each Port must develop plans that cover on-port charging and fueling infrastructure for ocean-going vessels, drayage trucks, cargo handling equipment, harbor craft, and local switcher locomotives. The Zero-Emission Infrastructure Plans must include the following information:

- Baseline description of existing charging and fueling infrastructure on Port-managed property;
- Planning targets for each port source category (i.e., the aggregate capacity and anticipated timeline for when the planned infrastructure will become operational), which are set based on each Port's own policies;
- Project-level details including costs and potential funding sources, roles and responsibilities for ports and other project delivery entities, and implementation milestones; and
- Various analyses of the planned infrastructure including on-port energy supply, construction workforce needs, and disposition of conventional fueling infrastructure.

Approval of Port Zero-Emission Infrastructure Plans
The Zero-Emission Infrastructure Plans will be finalized for approval by the Ports' respective Boards of Harbor Commissioners in three phases:

- Phase 1: Cargo handling for container terminals and drayage trucks by December 31, 2027;
- Phase 2: Cargo handling for non-container terminals, local switcher locomotives, and harbor craft by December 31, 2028; and
- Phase 3: Ocean-going vessels by December 31, 2029.

Prior to bringing the final Zero-Emission Infrastructure Plans to their Boards, the Ports are required to release draft and revised draft versions of the plans for South Coast AQMD verification that Cooperative Agreement requirements are met. In addition, the Ports must conduct a public review process and provide opportunities for public comment for each plan phase. For draft Zero-Emission Infrastructure Plan submission or final plan approval dates, the Ports can request limited time extensions for reasons beyond the control of the Port or if additional time is needed to complete required environmental analyses and/or Port Master Plan updates.

Once the Port's Board approves a plan, the Port must then implement the plan and meet milestones within their control as established in the plan. During plan implementation, the Ports are required to submit annual implementation reports to South Coast AQMD starting January 2029 and present to their Boards any plan modifications that change a planning target or address a part of the plan made invalid due to a new state or federal requirement. South Coast AQMD will release the annual reports publicly and annually provide status reports to the Board.

Enforcement Provisions and Clean Air Mitigation Fund
Enforcement provisions of the Cooperative Agreement include financial consequences for contract defaults, as specified in the Port Zero-Emission Infrastructure Plans measure, where dollar amounts to be paid correspond to the severity of the default. The defaults, or enforcement triggers, include:

- Failure to meet plan submission or approval dates;
- Failure to conduct the specified public process during plan development;
- Modifying plans without following the specified process in the agreement; and
- Failure to complete milestones within the Port's control during plan implementation.

Payments for defaults will go into the South Coast AQMD-managed Clean Air Mitigation Fund. Staff recommendations must take into account public input for how to spend the funds, Tidelands Trust compliance, benefits to communities most impacted by port-related operations, and any legal concerns. Under the Cooperative Agreement, the ports will provide a list of projects that are Tidelands Trust-compliant, however other

projects could be pursued by South Coast AQMD, so long as they have a nexus to the Tidelands Trust. Example projects that the ports have funded in the past include zero-emission fleet vehicles and chargers, air filters, and health programs (e.g., for respiratory impacts). Based on community feedback, financial consequences for a default have been increased to between $50,000 and $200,000 for each default. The funds will be held in a special revenue fund and segregated by port.

Cost Recovery

The Ports will provide payment to South Coast AQMD with a specified hourly rate consistent with South Coast AQMD rules, to recover expenses for the cost of reviewing and verifying draft and revised draft plans, modified plans, time extension requests, and annual reports. These administrative fees will be capped at $100,000 per review. These funds will be paid into the South Coast AQMD general fund.

ATTACHMENT C

RESOLUTION NO. 25-_____

A Resolution of the South Coast Air Quality Management District (South Coast AQMD) Governing Board determining that the development and implementation of the charging and fueling infrastructure plans in accordance with the proposed Cooperative Agreement between South Coast AQMD and the Ports of Long Beach and Los Angeles (Cooperative Agreement) qualify as later activity within the scope of the programs approved earlier for the 2022 and 2016 Air Quality Management Plans (AQMPs) per California Environmental Quality Act (CEQA) Guidelines Section 15168(c), and the Final Program Environmental Impact Report (EIR) for the 2022 AQMP and the Final Program EIR for the 2016 AQMP adequately describe the activity for the purposes of CEQA such that no new environmental document is required.

A Resolution of the South Coast AQMD Governing Board determining that the cost recovery provisions in the Cooperative Agreement are exempt from the requirements of CEQA.

A Resolution of the South Coast AQMD Governing Board determining that the creation of the Clean Air Mitigation Fund in the Cooperative Agreement is not a project as defined by CEQA.

A Resolution of the South Coast AQMD Governing Board authorizing the Executive Officer to execute the Cooperative Agreement.

WHEREAS, on July 31, 2025 the Mayors of the City of Los Angeles and the City of Long Beach addressed a letter to the South Coast AQMD Governing Board requesting negotiation of a proposed "cooperative enforceable agreement" to address sources of air pollution associated with port operations, expressing support for development of zero-emissions infrastructure plans and envisioning that an ultimate agreement would contain "Clean Air Action Plan Plus (CAAP Plus) Measures," and this letter helped spur negotiations to develop the Cooperative Agreement before the Governing Board in this Resolution;

WHEREAS, the South Coast AQMD Governing Board finds and determines that the development and implementation of charging and fueling infrastructure plans, and cost recovery provisions in the Cooperative Agreement are considered a "project" as defined by CEQA; and

WHEREAS, the South Coast AQMD Governing Board finds and determines that establishing the Clean Air Mitigation Fund, which is a government funding mechanism without involving a commitment to any specific project that could result in a potentially significant physical impact on the environment, is not considered a "project" within the meaning of CEQA pursuant to CEQA Guidelines Section 15378(b)(4).

WHEREAS, the South Coast AQMD Governing Board finds and determines that: 1) the development and implementation of charging and fueling infrastructure plans implement a portion of Control Measure MOB-01 – Emission Reductions at Commercial Marine Ports, which was previously adopted in the 2016 and 2022 AQMPs, and Control Measure MOB-15 – Zero-Emission Infrastructure for Mobile Sources, which was previously adopted in the 2022 AQMP; 2) no subsequent EIR would be required pursuant to CEQA Guidelines Section 15168(c)(2) because there are no new or modified physical changes that are expected to result from the development and implementation of charging and fueling infrastructure plans which were not previously analyzed for Control Measures MOB-01 and MOB-15 either in the Final Program EIR for the 2022 AQMP and/or the Final Program EIR for the 2016 AQMP, as applicable; and 3) the Final Program EIR for the 2022 AQMP and the Final Program EIR for the 2016 AQMP can be relied on for CEQA compliance; and

WHEREAS, the South Coast AQMD Governing Board finds and determines that the development and implementation of the charging and fueling infrastructure plans is a later activity within the scope of the programs approved earlier in the 2022 AQMP and the 2016 AQMP as set forth in CEQA Guidelines Section 15168(c)(2), and the Final Program EIR for the 2022 AQMP and the Final Program EIR for the 2016 AQMP adequately describe and analyze the activities associated with development and implementation of charging and fueling infrastructure plans for the purposes of CEQA such that no new environmental document is required; and

WHEREAS, the South Coast AQMD Governing Board finds and determines that, based on substantial evidence in the record and in accordance with the noticing requirements in CEQA Guidelines Section 15168(e), the development and implementation of the charging and fueling infrastructure plans qualify as a later activity within the scope of the programs approved earlier for the 2022 AQMP and 2016 AQMP, and the Final Program EIR for the 2022 AQMP and the Final Program EIR for the 2016 AQMP adequately describe the activity for the purposes of CEQA; and

WHEREAS, the South Coast AQMD Governing Board finds and determines that, after conducting a review of the cost recovery provisions in the Cooperative Agreement in accordance with CEQA Guidelines Section 15002(k) – General Concepts, the three-step process for deciding which document to prepare for a project subject to CEQA, and CEQA Guidelines Section 15061 – Review for Exemption, that the cost recovery provisions in the Cooperative Agreement are statutorily exempt from CEQA pursuant to CEQA Guidelines Section 15273 because they establish fees for the purpose of meeting operating expenses; and

WHEREAS, the South Coast AQMD staff has prepared a Notice of Exemption for the cost recovery provisions in the Cooperative Agreement, that is completed in compliance with CEQA Guidelines Section 15062 – Notice of Exemption; and

WHEREAS, the Cooperative Agreement requires the Ports of Long Beach and Los Angeles to plan for, and implement projects to develop charging and fueling

infrastructure under specific schedules, and that those plan development schedules may be delayed if additional CEQA and/or National Environmental Policy Act (NEPA) documentation is needed at that time; and

WHEREAS, the South Coast AQMD Governing Board has determined that no socioeconomic impact assessment is required by Health and Safety Code Section 40440.8(a) since approving the Cooperative Agreement is not adopting or amending a rule or regulation; and

WHEREAS, the South Coast AQMD Governing Board obtains its authority to enter into the Cooperative Agreement from Health and Safety Code Sections 40701(f) and 40702 ; and

WHEREAS, the South Coast AQMD Governing Board has determined that the Cooperative Agreement is consistent with the objective of AQMP Control Measure MOB-01, including Proposed Rule 2304 – Commercial Marine Ports, for sources at the Ports of Long Beach and Los Angeles that are covered under the Cooperative Agreement; and

WHEREAS, Health and Safety Code Sections 40913, 40914, and 40920.5 require pursuit of all feasible measures, including regulatory and/or non-regulatory measures, to achieve and maintain state air quality standards, and this Cooperative Agreement is a non-regulatory measure to facilitate emission reductions from port-related mobile sources; and

WHEREAS, staff from the Ports of Long Beach and Los Angeles have committed to continuing to negotiate with the South Coast AQMD in good faith for additional CAAP Plus measures that have not yet been incorporated as part of the Cooperative Agreement, with a goal of concluding those negotiations with a proposed update to the Cooperative Agreement by Spring 2026; and

WHEREAS, upon direction of the South Coast AQMD Governing Board's Mobile Source Committee on September 19, 2025, South Coast AQMD committed to bring the Cooperative Agreement to the South Coast AQMD Governing Board in November 2025, hold a public update meeting, and not release the Proposed Rule 2304 – Commercial Marine Ports (PR 2304) 75-day rule package; and

WHEREAS, upon direction of the South Coast AQMD Governing Board on October 3, 2025, South Coast AQMD has committed to continuing to negotiate with the staff from the Ports of Long Beach and Los Angeles in good faith for additional CAAP Plus measures that have not yet been incorporated as part of the Cooperative Agreement, continuing to solicit public input to inform the development of these measures including through additional public meetings, providing periodic updates to the South Coast AQMD Governing Board's Mobile Source Committee, with a goal of concluding those negotiations with a proposed update to the Cooperative Agreement by Spring 2026; and

WHEREAS, the South Coast AQMD staff has conducted public outreach for the Cooperative Agreement, including two public meetings, weekly virtual office hours, a public comment period to receive written comments, as well as more than 25 public

meetings between February 2022 to June 2025 during the development of Proposed Rule 2304, all of which informed the Cooperative Agreement; and

WHEREAS, the Ports of Long Beach and Los Angeles have scheduled the Cooperative Agreement to be approved by their respective Board of Harbor Commissioners on November 10, 2025 and November 20, 2025, respectively; and

WHEREAS, the South Coast AQMD Governing Board has an interest in creating conditions for sustained and effective collaboration with the Ports of Long Beach and Los Angeles, and seeks to allow the Cooperative Agreement and upcoming negotiations over additional CAAP Plus measures to succeed, and

WHEREAS, the South Coast AQMD Governing Board has exclusive authority to direct staff to pursue rulemaking or other measures as it deems necessary and appropriate to address air pollution as allowed under state law; and

WHEREAS, the Cooperative Agreement includes an exit clause such that the South Coast AQMD Governing Board has discretion to terminate the Cooperative Agreement for any reason with a 45-day notice, but which the South Coast AQMD Governing Board does not have an interest to invoke unless the implementation of the Cooperative Agreement is unsuccessful, and

WHEREAS, the South Coast AQMD Governing Board specifies the Planning and Rules Manager overseeing the negotiations for the Cooperative Agreement as the custodian of the documents or other materials which constitute the record of proceedings upon which the adoption of this Cooperative Agreement is based, which are located at the South Coast Air Quality Management District, 21865 Copley Drive, Diamond Bar, California; and

NOW, THEREFORE BE IT FURTHER RESOLVED, that the South Coast AQMD Governing Board does hereby determine, pursuant to the authority granted by law, that: the development and implementation of charging and fueling infrastructure plans in accordance with the Cooperative Agreement qualify as a later activity within the scope of the programs approved earlier for the 2022 AQMP and 2016 AQMP per CEQA Guidelines 15168(c), and the Final Program EIR for the 2022 AQMP and the Final Program EIR for the 2016 AQMP adequately describe the activity for the purposes of CEQA such that no new environmental document is required; the cost recovery provisions in the Cooperative Agreement are statutorily exempt from CEQA pursuant to CEQA Guidelines Section 15273; and the Clean Air Mitigation Fund, which is a government funding mechanism without involving a commitment to any specific project that could result in a potentially significant physical impact on the environment, is not considered a "project" within the meaning of CEQA pursuant to CEQA Guidelines Section 15378(b)(4). This information was presented to the South Coast AQMD Governing Board, whose members exercised their independent judgement and reviewed, considered, and approved the information therein prior to executing the Cooperative Agreement; and

BE IT FURTHER RESOLVED the South Coast AQMD Governing Board directs staff, during the five-year term of the Cooperative Agreement, to not pursue any

new rulemaking that meets the objective of AQMP Control Measure MOB-01, including PR 2304, for sources at the Ports of Long Beach and Los Angeles that are covered under the Cooperative Agreement, unless the Cooperative Agreement is terminated before five years; and

BE IT FURTHER RESOLVED, the South Coast AQMD Governing Board directs staff to report to the South Coast AQMD Governing Board at one of its meetings before April 2028, also three months after the first Annual Report provided by the Ports of Long Beach and Los Angeles, and also every 12 months thereafter, on the status of implementation of the Cooperative Agreement; and

BE IT FURTHER RESOLVED, the South Coast AQMD Governing Board directs staff to conduct an analysis of potential emissions benefits if charging and fueling infrastructure included in port plans is used for zero-emissions and other alternatively-fueled mobile sources, and to present that analysis publicly to the Mobile Source Committee after each approved plan or plan modification is received from the Ports; and

BE IT FURTHER RESOLVED, that the South Coast AQMD Governing Board does hereby authorize the Executive Officer to execute the Cooperative Agreement between South Coast AQMD and the Ports of Long Beach and Los Angeles as set forth in the attached, and incorporated herein by reference; and

BE IT FURTHER RESOLVED, the South Coast AQMD Governing Board directs staff to recommend to the South Coast AQMD Governing Board, before the end of the term of the Cooperative Agreement, to either extend, amend, or create a new Cooperative Agreement, or to pursue rulemaking.

DATE:_____ _____

CLERK OF THE BOARDS

ATTACHMENT D

PUBLIC PROCESS
FOR PR 2304 AND THE PROPOSED COOPERATIVE AGREEMENT

During the negotiation and development of the proposed Cooperative Agreement, staff conducted a parallel public process to allow for the public to ask questions and provide comments on the agreement. This public process included holding two evening public meetings on August 28, 2025 and October 15, 2025, five virtual office hour sessions from October 8, 2025 to November 5, 2025, a presentation and discussion with the Wilmington, Carson, West Long Beach AB 617 Community Steering Committee, and individual meetings with any interested stakeholders. The input received was brought for discussion between the Ports and South Coast AQMD and agreed upon changes were reflected in the iterations of the proposed agreement drafts that were released for public review and comment.

Prior to initiating work on the proposed Cooperative Agreement, staff had conducted extensive public process in the development of PR 2304. Key concepts developed and found in PR 2304 informed the core components of the Port Zero-Emission Infrastructure Plans in the proposed Cooperative Agreement. A summary of the public processes conducted are shown in Table 1 below.

Table 1. Public Processes for PR 2304 and the Proposed Cooperative Agreement

Date	Type of Public Process
Public Process for PR 2304	
February 2022 – October 2024	• 2 Board Meetings • 3 Mobile Source Committee Meetings • 9 Working Group Meetings • 3 Community Meetings • 3 AB 617 Community Steering Committee (CSC) Meetings – Wilmington/Carson/West Long Beach • 17 Site Visits
Based on stakeholder feedback, pivot to focus on an infrastructure approach	
November 2024 – July 2025	• 2 Board Meetings • 2 Mobile Source Committee Meetings • 4 Working Group Meetings • 1 AB 617 CSC Meeting – Wilmington/Carson/West Long Beach • Released Initial and Revised Initial Versions of Preliminary Draft Rule Language for PR 2304 • Released Initial Preliminary Draft Rule Language for PR 316.1

Date	Type of Public Process
Per Board direction on August 1, 2025, formal pause of PR 2304 and PR 316.1 development and transition to negotiations with Ports and Cities on potential Cooperative Agreement	
Public Process for Proposed Cooperative Agreement	
August 2025 – November 2025	• 2 Board Meetings • 2 Mobile Source Committee Meetings • 2 Community Meetings • 5 Virtual Office Hour Sessions • 1 AB 617 CSC Meeting – Wilmington/Carson/West Long Beach • Released three (3) Updated Draft Cooperative Agreement versions • Released initial Draft Board Resolution *Throughout the public process, held monthly meetings with community and environmental stakeholders, additional small-group stakeholder meetings, and weekly office hours from October 8, 2025 to November 5, 2025.*

ATTACHMENT E

KEY ISSUES ADDRESSED

Throughout the negotiations and development of the proposed Cooperative Agreement, staff worked with the Ports and stakeholders to resolve issues and update the proposed agreement to address them. A summary of the key issues addressed can be found in Table 2 below.

Table 2. Key Issues Identified During Public Process and How They Were Addressed

Concern Identified During Public Process	How Concern Addressed in Proposed Cooperative Agreement
Cooperative Agreement must be enforceable and ports must be accountable for their plans	The proposed Cooperative Agreement was revised to include enforceable triggers with specific financial consequences. In addition, new public disclosure provisions ensure that information about plan development and implementation is transparent and made available to the public.
10-year prohibition on rulemaking inappropriately contracts away South Coast AQMD authority	Three key changes were made. First, the authority to direct staff on what they should work on is pulled out of the contract (the Cooperative Agreement) and instead contained only within the Board Resolution. This constitutes direction from the South Coast AQMD Governing Board that can be changed at the Board's discretion. Second, the pause on rulemaking was cut in half to five years. Third, the ability for South Coast AQMD to exit the contract was cut in half from 90 days to 45 days. Taken together, these provisions signal South Coast AQMD's intent to make this agreement work, while retaining the Board's discretion to change direction through future Board action.
'CAAP Plus' Measures are inadequate	In order to allow time for more negotiation and public input, potential additional measures beyond infrastructure were separated from the current Cooperative Agreement and will be pursued immediately if it is approved.
South Coast AQMD must have a role and not just be an observer	The Cooperative Agreement and Board Resolution were revised to now clearly include three primary roles. • Oversight of agreement implementation with enforcement authority • Information sharing to the public

	• Evaluation of potential emission benefits from infrastructure use
More opportunities for public input into Cooperative Agreement should be provided	In response to these comments, staff held two evening public meetings (one online, one hybrid format in the community), and held weekly office hours, including shifting some sessions to evening.
Information should be shared about what kind of emission reductions can be achieved with infrastructure included in plans	The Board Resolution was revised to direct staff to calculate potential emissions benefits of using the infrastructure included in plans.
Existing conventionally-fueled infrastructure should be decommissioned once zero-emissions infrastructure is in place	A new provision was added requiring port plans to describe the ultimate disposition of existing conventional fuel infrastructure, including decommissioning.
Community needs a role in infrastructure plan development	New public processes that provide opportunity for public comment in writing and at meetings were included in the Cooperative Agreement. Responses to comments are also required to provide transparency into the decision-making for the Ports' proposed plans.
Payments for defaulting on contract provisions should be higher	The payments for contract defaults were doubled from the September 16 draft, now ranging from $50,000 to $200,000 per default.

ATTACHMENT F

RESPONSES TO COMMENTS

This attachment includes responses to comments received since August 1, 2025, when the South Coast AQMD Governing Board directed staff to pause PR 2304 rulemaking and shift to negotiations with the Ports of Long Beach and Los Angeles (hereinafter "Ports") on a potential Cooperative Agreement. The comments were either submitted in writing or expressed verbally during the Public Meetings held on August 28, 2025 and October 15, 2025, and at the first four weekly virtual office hour sessions held between October 8, 2025 and October 29, 2025. The majority of responses below are provided by South Coast AQMD staff; however, for questions and comments addressed to the Ports, the responses are provided by Ports staff and noted as such.

MAIN RESPONSES

1. **Comment: The pause on rulemaking to focus on negotiations over a potential Cooperative Agreement occurred too quickly to provide adequate opportunity for public input.**

Main Response 1: Since adoption of the 2016 AQMP, the South Coast AQMD Governing Board has directed staff to explore and pursue various options consistent with the control measure related to commercial marine ports included in that plan (MOB-01). Potential approaches that have been explored include initial discussions on a potential MOU focused on the Ports' Clean Truck Program (May 2018 – February 2022), a potential indirect source rule that would have included emission reduction requirements (February 2022 – October 2024), a potential indirect source rule (Proposed Rule (PR) 2304) focused only on zero-emission charging and fueling infrastructure planning and implementation (November 2024 – July 2025), and most recently a cooperative agreement with the same scope as PR 2304 (August 2025 to present).

The initial work on various concepts for a potential rule on emission reduction requirements was explored through an extensive public process including:

- 2 Governing Board Meetings
- 3 Mobile Source Committee Meetings
- 9 Working Group Meetings
- 3 Community Meetings
- 3 AB 617 Community Steering Committee Meetings (CSC) for Wilmington / Carson / West Long Beach

During that public process staff received extensive feedback. This feedback clearly indicated the need to focus on zero-emission charging and fueling infrastructure as a critical first step to support the transition to the next generation of cleaner port technologies. This resulted in development of the rule concept for PR 2304 through its own public process, including:

- 2 Governing Board Meetings
- 2 Mobile Source Committee Meetings

- 4 Working Group Meetings
- 1 AB 617 CSC Meeting for Wilmington / Carson / West Long Beach
- Release of two drafts of rule language for PR 2304 and one draft of a companion fee rule (PR 316.1)

On July 18, 2025, staff received a proposed draft Cooperative Agreement from the Ports as a potential substitute for PR 2304. As a result, South Coast AQMD staff sought direction at the next South Coast AQMD Governing Board meeting on August 1, 2025. The South Coast AQMD Governing Board directed staff to pause the rulemaking process until September 18, 2025, to focus on negotiating with the Ports to see if a mutually agreed upon Cooperative Agreement could be developed, and to conduct additional public process. Following that initial negotiation period, staff released an updated draft of the Cooperative Agreement on September 16. A second draft was released on October 10, and a third draft was released on October 29. All three of these drafts that were jointly agreed to by the negotiating teams from the Ports, their respective cities, and South Coast AQMD included significant changes from the Ports' July 18 proposal – based largely on public feedback received since July (see Main Response 3 for details). The public outreach process since August 2025 included:

- 2 Governing Board Meetings
- 2 Mobile Source Committee Meetings
- 2 Community Meetings (evening)
- 5 Virtual Office Hour Sessions (evening and daytime)
- 1 AB 617 CSC Meeting for Wilmington / Carson / West Long Beach

The development of the proposed Cooperative Agreement has reflected a continual evolution of this control measure over many years. This development has included substantial public process including 41 public meetings hosted by South Coast AQMD since February 2022. The date, time, and format/venue for each meeting were announced with a minimum two-week notice. Further, materials were typically made available to the public for all of these meetings at least three days in advance of a meeting in order to provide the public an opportunity to prepare beforehand. Staff has also made themselves available for hundreds of individual stakeholder meetings and discussions outside of these public meetings.

2. Comment: South Coast AQMD is forgoing enforceability, and cannot hold the Ports accountable with the proposed Cooperative Agreement in comparison to Proposed Rule 2304.

Main Response 2: The proposed Cooperative Agreement includes stringent enforceability provisions and clear accountability. It is based on key concepts from PR 2304, mirroring its scope and requirements for the Ports to develop charging and fueling infrastructure plans and subsequently implement these plans. The enforcement provisions within the proposed agreement follow a similar model as PR 2304, focusing on holding the Ports accountable for actions within their control, including: plan development and approval processes, meaningful public outreach during plan development, and completion of milestones on time during plan implementation.

South Coast AQMD has a specific role in the Cooperative Agreement to verify that the Ports are meeting their obligations under the contract. To facilitate this oversight, the Ports are required to

submit draft Plans for South Coast AQMD to verify that they meet the terms of the agreement. The Ports must also submit Annual Reports documenting their implementation of the approved plans. These reports will be made available publicly and the South Coast AQMD Governing Board will be provided annual updates on progress made with this Cooperative Agreement. If South Coast AQMD identifies that any of the Ports triggers a contract default (i.e., an enforcement trigger) specified in the agreement, the Port is subject to pre-determined financial consequences. Financial consequences vary from $50,000 to $200,000 per default, with higher payments associated with repeated or more severe contract defaults. These payments are paid into a South Coast AQMD-managed Clean Air Mitigation Fund. South Coast AQMD will seek public input before allocating any of these funds to specific projects.

In addition, the Cooperative Agreement includes a 45-day walk-away provision that allows the South Coast AQMD to exit the agreement for any reason. By entering into this Cooperative Agreement, South Coast AQMD is indicating its commitment to ensure that it is successful. However, if at a future time the South Coast AQMD Governing Board determines that the Cooperative Agreement is not successful, they may vote to exit the agreement. In addition, at that time the South Coast AQMD Governing Board could provide updated guidance to staff to pursue rulemaking.

3. Comment: The public process has not provided a way to meaningfully solicit public input that can inform the proposed Cooperative Agreement.

Main Response 3: The Cooperative Agreement is substantially similar to PR 2304, which was developed over the last three years with input from stakeholders and the community (see Main Response 1). Public input has also played a significant role in shaping the proposed Cooperative Agreement. The table below shows specific examples of public feedback received since July 2025, and how it was incorporated into the proposed Cooperative Agreement.

Concern Identified During Public Process	How Concern Addressed in Proposed Cooperative Agreement
Cooperative Agreement must be enforceable and ports must be accountable for their plans	The proposed Cooperative Agreement was revised to include enforceable triggers with specific financial consequences. In addition, new public disclosure provisions ensure that information about plan development and implementation is transparent and made available to the public. (See Main Response 2.)
10-year prohibition on rulemaking inappropriately contracts away South Coast AQMD authority	Three key changes were made. First, the authority to direct staff on what they should work on is pulled out of the contract (the Cooperative Agreement) and instead contained only within the draft Board Resolution. This constitutes direction from the South Coast AQMD Governing Board that can be changed at the South Coast AQMD Governing Board's discretion. Second, the pause on rulemaking was cut in half to five years. Third, the ability for South Coast AQMD to exit the contract

	was cut in half from 90 days to 45 days. Taken together, these provisions signal South Coast AQMD's intent to make this agreement work, while retaining the Board's discretion to change direction through future South Coast AQMD Governing Board action. (See Main Response 6.)
'CAAP Plus' Measures are inadequate	In order to allow time for more negotiation and public input, potential additional measures beyond infrastructure were separated from the current Cooperative Agreement and will be pursued immediately if it is approved. (See Main Response 5)
South Coast AQMD must have a role and not just be an observer	The Cooperative Agreement and draft Board Resolution were revised to now clearly include three primary roles. • Oversight of agreement implementation with enforcement authority, • Information sharing to the public • Evaluation of potential emission benefits from infrastructure use
More opportunities for public input into Cooperative Agreement should be provided	In response to these comments, staff held two evening public meetings (one online, one hybrid format in the community), and held weekly office hours (See Main Response 1)
Information should be shared about what kind of emission reductions can be achieved with infrastructure included in plans	The draft Board Resolution was revised to direct staff to calculate potential emissions benefits of using the infrastructure included in plans.
Existing conventionally-fueled infrastructure should be decommissioned once zero-emissions infrastructure is in place	A new provision was added requiring port plans to describe the ultimate disposition of existing conventional fuel infrastructure, including decommissioning.
Community needs a role in infrastructure plan development	New public processes that provide opportunity for public comment in writing and at meetings were included in the Cooperative Agreement. Responses to comments are also required to provide transparency into the decision-making for the Ports' proposed plans.
Payments for defaulting on contract provisions should be higher	The payments for contract defaults were doubled from the September 16 draft, now ranging from $50,000 to $200,000 per default.

4. Comment: The proposed Cooperative Agreement does not require the Ports to act beyond existing, voluntary commitments.

Main Response 4: The Ports' July 18 proposal included 6 different measures, labelled Clean Air Action Plan (CAAP) Plus measures. Many of the measures included in that proposal are based on existing programs and grants that the Ports are already implementing. The proposed Cooperative Agreement that the South Coast AQMD Governing Board is considering on November 7 has narrowed the focus to charging and fueling infrastructure needed for the next generation zero-emissions vehicles and cleaner ships, consistent with the requirements of PR 2304. The Ports have already begun infrastructure planning efforts in a piecemeal fashion through port source category specific assessments and studies, applying for grant and incentive programs for on-port infrastructure projects, and other self-initiated projects and programs. However, comprehensive plans that evaluate and specify the zero-emission charging and fueling infrastructure to be built have not been developed, nor are they required by any existing rule, regulation, or statute. The CAAP Plus Measure of Port Zero-Emission Infrastructure Plans covering on-port charging and fueling infrastructure for all port source categories is a significant new commitment.

As for the other five CAAP Plus Measures included in the initial July version of the draft agreement provided by the Ports, staff will continue negotiating additional measures to address specific port source categories for potential incorporation into the Cooperative Agreement as an amendment by Spring 2026. The focus for these measures will be to identify actions that go beyond existing regulatory or voluntary commitments – with a focus on near-term intermediate steps on emission reduction measures and facilitating actions that can lead to longer-term, more significant emission reductions.

5. Comment: The proposed Cooperative Agreement should include specific emission reduction measures and targets.

Main Response 5: A key conclusion from the extensive public process associated with PR 2304 (see Main Response 1) is that installing port zero-emission infrastructure is the critical first step to facilitate the long-term emission reductions needed from widespread cleaner technology deployment at the ports. Zero-emission equipment cannot be successfully deployed if the needed fuels are not available. This is the reason that the concept for PR 2304 evolved to an incremental approach, only covering charging and fueling infrastructure planning and implementation, without any specific emission reduction requirements. Similarly, the proposed Cooperative Agreement is also taking an incremental approach, focusing on the necessary first step of infrastructure. Given the scale of infrastructure needed, this planning and implementation effort is expected to take a number of years to complete. The exact timing of its installation will have a substantial influence on when zero-emission vehicles and equipment can be deployed.

Staff is appreciative of the comments received on potential specific additional measures that focus more on emission reductions. These comments will be considered, and more input solicited, during a subsequent public process after the South Coast AQMD Governing Board consideration of the current proposed Cooperative Agreement in November. See Main Response 4 pertaining to the planned focus of negotiations over additional measures.

6. Comment: Signing on to the proposed Cooperative Agreement, South Coast AQMD will "contract away" its rulemaking authority.

Main Response 6: The initial draft Cooperative Agreement submitted by the Ports to South Coast AQMD included a provision for a 10-year rulemaking prohibition. However, that language has since been removed from the agreement. Instead, the issue of the direction of future staff work is now addressed by the draft Board Resolution accompanying the Cooperative Agreement. The draft Board Resolution will direct staff to take the following actions:

- Pause rulemaking for five years, which is the length of the term of the agreement;
- Report to the South Coast AQMD Governing Board on the agreement's implementation progress; and
- Before the end of the Agreement's term, decide whether to create a new, extended, or amended Agreement, or to pursue rulemaking.

By keeping this provision in the Board Resolution and not in the Cooperative Agreement, the authority to direct staff's efforts – on rulemaking or otherwise – rests solely with the South Coast AQMD Governing Board. Furthermore, the Ports have indicated that their primary consideration with a pause in rulemaking is that they need significant cooperation from industry to prepare and implement the plans, and the timelines allowed by this language will facilitate that cooperation. As long as the Ports fulfill their obligations under the Cooperative Agreement, staff will continue to work together with the Ports to achieve the outcomes laid out in the agreement. Additionally, the South Coast AQMD Governing Board retains the discretion to terminate the Cooperative Agreement for any reason with 45-day notice and can direct staff to initiate rulemaking as part of that consideration or at any time. Given these provisions, the proposed Cooperative Agreement that the South Coast AQMD Governing Board will consider on November 7 does not contract away its rulemaking authority.

7. Comment: The Board Resolution on the pause on rulemaking will not allow South Coast AQMD to pursue any rulemaking for the MOB-01 control measure for five years.

Main Response 7: The past extensive process of pursuing options to implement MOB-01, guided by significant public input, has informed staff that multiple incremental steps would need to be considered to build toward long-term port emission reductions.

The current Cooperative Agreement is a critical first step that South Coast AQMD and the Ports can implement to facilitate needed emission reductions in the future. In addition, staff will continue negotiating additional measures for potential incorporation into the Cooperative Agreement as an amendment by Spring 2026. The focus for these measures will be to identify actions that focus on near-term intermediate steps on emission reduction measures and facilitating actions that can lead to longer-term, more significant emission reductions. These additional measures will be designed to further the objectives of control measure MOB-01.

Further, as discussed in Main Response 6, the Board Resolution and 45-day walkaway provision in the Cooperative Agreement allow for the South Coast AQMD Governing Board to evaluate

progress at any time in the next five years, and provide updated direction to staff on rulemaking – for example if sufficient progress isn't being made at the Ports.

Finally, the totality of emission reductions needed to ultimately achieve state and federal air quality standards must include substantial federal and state actions. This is due to the limitations on regulatory authority that South Coast AQMD has for these sources.

8. Comment: If the scope of the proposed Cooperative Agreement is the same as PR 2304, why change the mechanism from a rule to an agreement.

Main Response 8: As a matter of policy, South Coast AQMD is amenable to nonregulatory approaches if such approaches attain substantially the same goals as a regulation. During the PR 2304 development process the Ports indicated that successful development and implementation of infrastructure plans would require significant cooperation from industry. The Ports have further indicated that a contractual approach would likely better facilitate that cooperation over regulation. South Coast AQMD staff recognize the importance of cooperation by terminal operators and other industry stakeholders in developing infrastructure plans. Therefore, given that the Cooperative Agreement largely accomplishes the infrastructure planning requirements of PR 2304, staff is recommending that the Cooperative Agreement be adopted in lieu of PR 2304.

Written Comments

Proposed Cooperative Agreement Written Comment Index

Written Comment Number	Organization(s) / Individual(s)	Date Sent	Page
9	Earthjustice, Center for Biological Diversity, Center for Community Action and Environmental Justice, Coalition for Clean Air, East Yard Communities for Environmental Justice, Long Beach Alliance for Children with Asthma, Natural Resources Defense Council, Pacific Environment, San Pedro & Peninsula Homeowners Coalition, Sierra Club, West Long Beach Association	October 1, 2025	38
10	Harbor Association of Industry & Commerce	October 13, 2025	44
11	South Bay Association of Chamber of Commerce	October 13, 2025	46
12	Cristhian Tapia, Pacific Environment	October 15, 2025	49
13	Syreeta Clark, Long Beach Alliance for Children with Asthma	October 15, 2025	50
14	Chris Chavez, Coalition for Clean Air	October 15, 2025	51
15	Theral Golden, West Long Beach Association	October 15, 2025	52
16	International Longshore and Warehouse Union Locals 13, 63 and 94	October 21, 2025	53
17	Wilmington Chamber of Commerce	October 21, 2025	55
18	Coalition for Clean Air	October 21, 2025	57
19	Earthjustice, Natural Resources Defense Council, Pacific Environment, Center for Community Action and Environmental Justice, West Long Beach Association, East Yard Communities for Environmental Justice, San Pedro & Peninsula Homeowners Coalition, Sierra Club	October 22, 2025	63
20	Pacific Merchant Shipping Association	October 22, 2025	77
21	California Environmental Voters, Riverside Neighbors Opposing Warehouses, Center for Community Action and Environmental Justice, Health Assessment and Research for Communities, Sierra Club San Gorgonio	October 22, 2025	83
22	Harvey Eder, Public Solar Power Coalition	October 23, 2025	87
23	SoCalGas	October 23, 2025	90
24	Coalition for Clean Air, West Long Beach Association, Communities for a Better Environment, EMeRGE, The Mother Earth Co-Op at ChICCCAA, Center for	October 24, 2025	94

Written Comment Number	Organization(s) / Individual(s)	Date Sent	Page
	Community Action and Environmental Justice, San Pedro Peninsula Homeowners Coalition, California Communities Against Toxics, Natural Resources Defense Council, Pacific Environment, California Environmental Voters, MoveLA *(Note: Some also signed as member of the Wilmington, Carson and West Long Beach AB 617 Community Steering Committee or the San Bernardino/Muscoy AB 617 Community Steering Committee)*		
25-551	Multiple Individuals	October 21, 2025 – October 27, 2025	101

Written Comment #1 from Earthjustice et al.

VIA ELECTRONIC MAIL

August 13, 2025

Chair Vanessa Delgado and Members of the Mobile Source Committee
South Coast Air Quality Management District
21865 Copley Drive
Diamond Bar, CA 91765
Email: vdelgado@aqmd.gov
Clerk of the Board, cob@aqmd.gov

Re: Agenda Item #1- Need to Address Port Pollution through Rules, Not Cooperative Agreements with No Emission Reduction Commitments

Dear Chair Delgado and Members of the Mobile Source Committee:

We have known for decades that port pollution is shortening life expectancy in the South Coast Air Basin and beyond. The particulate matter and ozone from port pollution leads to more emergency room visits and hospitalizations due to heart attacks, aggravated asthma, decreased lung function, restricted airways, and even premature death. Yet, last month, the SCAQMD Governing Board voted once again to delay progress to rulemaking aimed at addressing port pollution by pausing PR 2304 for 45 days.

This move threatens to replace rulemaking on a life-saving public health rule that was slated for final Governing Board review in October 2025 in favor of dealmaking on a "cooperative agreement" that has no enforceable emission reduction commitments and no record of outperforming sound regulation.

We are discouraged by the short notice given for this consequential vote, the last-minute cancellation of public meetings, and the sudden substantive shift in SCAQMD policy direction. The Ports' latest proposed MOU was developed behind closed doors and released with zero public input or community engagement. To make matters worse, the vague language used in the (August 1, 2025) Agenda Item #24 such as "seek input" and "choose an option" did not clearly indicate that (1) SCAQMD would be voting to pause rulemaking on PR 2304 and (2) opening a

separate negotiation process with Los Angeles and Long Beach. This decision risks elevating port profits over public health.

Nothing erodes fragile public trust in this agency more than engaging impacted communities in lengthy rulemaking, only to pull the process away at the eleventh hour. As one resident and member of East Yard Communities for Environmental Justice put it:

> *This sudden shift to an 'agreement' shows the Ports' true priorities. If a cooperative approach is truly what they're seeking, they would have no issue with a rule, a process that community groups and environmental advocates have consistently been showing up for. The MOU process has already failed twice and has only served to waste time and resources. Moving forward would signal to communities that SCAQMD is willing to risk our health in a process that erases transparency and accountability to the Air District.*
>
> *- Paola Vargas, Resident of Carson*

In the absence of federal leadership during a period of unprecedented cargo volume and worsening air quality here in Southern California, a greater responsibility rests on local leaders and agencies to protect human health and the environment. Halting public health rulemaking to pursue a voluntary MOU developed and designed by the ports and industry only makes it harder for SCAQMD to do its job to clean the air and protect public health.[1]

Children, families, and port workers will not benefit from watered-down public health protections that reduce polluter accountability. We will only see clean air through enforceable, measurable regulations.

We have wasted years relying on promises and voluntary agreements that air quality will be addressed and the climate crisis will be solved. It is increasingly evident that enforceable public health rules are needed now more than ever. It only adds insult to injury that the Ports are seeking a ten-year prohibition on SCAQMD rules that clean the air, without a commitment to enforceable emission reduction targets. An attack on SCAQMD's ISR authority is an attack on all of us.

South Coast residents are counting on SCAQMD to not take the easier path, but the right one. If, as the Ports claim, their proposed measures will accelerate a transition to zero-emissions and offer emission reduction benefits, then they should be used to set quantifiable, enforceable emission reduction targets under a rule—the original plan for PR2304. We need SCAQMD to

[1] Under state law, SCAQMD must provide indirect source controls in areas where there are high-level, localized pollutants or for new sources per Cal. Health & Saf. Code section 40440(b)(3).

commit to creating regulations that protect current and future generations. Only regulations will hold industry accountable.

Sincerely,

Alison Hahm
Staff Attorney
Natural Resources Defense Council

Fernando Gaytan
Senior Attorney
Earthjustice

David Pettit
Senior Attorney
Center for Biological Diversity

Taylor Thomas
Research & Policy Analyst/Co-Executive Director
East Yard Communities for Environmental Justice

Gracyna Mohabir
Clean Air & Energy Regulatory Advocate
EnviroVoters

Sylvia Betancourt
Program Manager
Long Beach Alliance for Children with Asthma

Peter M. Warren
Member
San Pedro & Peninsula Homeowners Coalition

Theral Golden
President
West Long Beach Association

CC: Wayne Nastri, Executive Officer
Email: wnastri@aqmd.gov

Ian MacMillan, Assistant Deputy Executive Officer
Email: imacmillan@aqmd.gov

Dr. Sarah Rees, Deputy Executive Officer
Email: SRees@aqmd.gov

Dr. Elaine Shen, Manager, ISR Rules & Socioeconomic Analysis
Email: eshen@aqmd.gov

Staff Response to Written Comment #1:

Please see Main Response 1 regarding the pause on rulemaking to focus on the Cooperative Agreement negotiations. Please see Main Response 2 regarding enforceability of the proposed Cooperative Agreement. Please see Main Response 5 regarding emission reductions. Please see Main Response 6 regarding the 10-year rulemaking prohibition. Please see Main Response 8 regarding the use of regulatory *versus* non-regulatory mechanism.

Written Comment #2 from METRANS Transportation Consortium

METRANS
Transportation Consortium
USC | CSULB

August 20, 2025

Mario Cordero
Chief Executive Officer
Port of Long Beach

Wayne Nastri
Executive Officer
South Coast Air Quality Management District

Gene Seroka
Executive Director
Port of Los Angeles

Dear Messrs. Cordero, Nastri, and Seroka:

I write regarding the negotiations between the Port of Long Beach, the Port of Los Angeles, and the South Coast Air Quality Management District on a cooperative agreement for continued clean port leadership. The two San Pedro Bay ports and the South Coast AQMD have been leaders in environmental stewardship for decades, and I am pleased but not at all surprised to see that your commitment to environmental leadership continues.

As you pursue a discussion about a Clean Air Action Plan Plus (CAAP Plus) cooperative agreement, let me suggest the benefit from third-party convening, evaluation, and monitoring. As you know, the METRANS Transportation Consortium conducted some of the earliest academic studies of the first Clean Air Action Plan (CAAP).[1] Looking forward to a CAAP Plus, the region would benefit from a third-party research program that includes the following:

- Structured stakeholder engagement to identify how to best track progress toward goals: What do the different stakeholders desire from a CAAP Plus, and how can progress toward those goals be measured?
- Rigorous cost-effectiveness analyses of different pathways: As one example, there are many combustion technologies (e.g., low-emission liquid fuels, battery electric, hydrogen fuel cell.) This research would include careful cost-effectiveness analyses of these different technologies, identifying which approaches will give the largest benefit for expenditure, identifying infrastructure needs, and modeling the uncertainties inherent in both the technology and policy environment. This cannot be a one-dimensional analysis, because there are multiple pollutants and impacts. Hence a step like this would follow a careful canvassing of stakeholder goals.

[1] See, e.g., Giuliano, G. and A. Linder (2014) Impacts of the Clean Air Action Plan on the port trade industry. International Journal of Shipping and Transport Logistics, 6(2), 172 – 188; Genevieve Giuliano and Alison Linder (2013), Motivations for self-regulation: The clean air action plan. Energy Policy, 59, 513-522.

University of Southern California
650 Childs Way, RGL 301-C
Los Angeles, CA 90089-0626

- Evaluation and monitoring toward progress: This could include developing and updating dashboard tools that provide transparency. Such a dashboard or similar tools would communicate key performance indicators, metrics, and results in ways that allow stakeholders to track progress and clarify tradeoffs.

I know that your discussions are still in early stages, and questions of monitoring, evaluation, and policy analysis may not yet be the top priority. As your discussions continue, please reach out if METRANS or our university teams can be helpful.

Sincerely,

Marlon G. Boarnet
Professor and Director, METRANS Transportation Consortium
Sol Price School of Public Policy, University of Southern California

University of Southern California
650 Childs Way, RGL 301-C
Los Angeles, CA 90089-0626

Staff Response to Written Comment #2:

Staff will take the suggestions into consideration as we continue with negotiations on potential additional measures beyond infrastructure for incorporation into the agreement in Spring 2026, as well as implementation of the current proposed Cooperative Agreement should it go into effect.

Written Comment #3 from Earthjustice et al.

VIA ELECTRONIC MAIL

August 27, 2025

Chair Delgado and Members of the Governing Board
South Coast Air Quality Management District
2865 Copley Drive
Diamond Bar, CA
Email: COB@aqmd.gov

Re: Comments on Inadequate Proposal from San Pedro Bay Ports

Dear Chair Delgado and Members of the Governing Board:

We write regarding the private negotiations the South Coast Air Quality Management District (Air District) is currently having with the Ports of Los Angeles and Long Beach (Ports). The undersigned community, environmental, and health organizations remain alarmed about the deeply flawed "cooperative" agreement that the agencies are using to strike a deal. It is our understanding that the agencies are working from the proposal that the Ports submitted to the Air District in July. While the July proposal from the Ports includes many words, the document largely repackages existing plans and obligations that the Ports already plan to do. Simply stated, even if the agreement is never signed, the Ports plan to do the vast majority of the agreement's terms. In exchange for this document committing to very few new or specific commitments, it asks that the Air District grant amnesty to the Ports from regulation for a decade. While our organizations have been crystal clear that the better policy is to adopt a regulation with enforceable commitments, we feel compelled to comment on this deeply problematic proposal put forward by the Ports.

Comment 3-1

Including Amnesty from Regulation for a Decade Is Bad Policy

The most egregious provision of this draft agreement is a poison pill that would prevent the Air District from regulating for a decade. Beyond the public health consequences of providing a free

pass to the largest fixed sources of pollution in the region, this creates a slippery slope where other large polluters will seek this same deal. This approach also makes no sense. Even if the Air District decides an agreement is the path forward like they have done for airports, these other MOUs have not included this provision for the Air District to sign away its police powers. Any agreement that limits the Air District's regulatory authority to regulate should be rejected.

Comment 3-1, Cont'd

The Proposal Lets Down some of the Most Overburdened Communities in the State, Including AB 617 Communities

Communities most burdened by the region's worst air pollution continue to be let down as the years pass and the Air District continually gives in to port and industry stall tactics, delaying tangible action to regulate pollution. While we have seen a sharp decline in port emissions when compared to a twenty-year baseline, the Ports remain the largest fixed source of nitrogen oxides (NOx) in the region—a primary precursor to smog and a driver of respiratory illnesses and premature deaths. Progress on emission reductions has largely leveled out due to the reliance on voluntary measures. These facts make clear that incremental progress through voluntary measures is no substitute for the urgent need for enforceable commitments to further reduce emissions and protect public health today.

Comment 3-2

The Proposed Cooperative Agreement is Inadequate

The draft "Cooperative Agreement" the Ports have proposed is structurally incapable of delivering the reductions our region needs. It largely repackages measures that are already underway or previously committed to, without adding new, enforceable emissions caps that would accelerate progress on further reducing emissions on a specific timetable. Even when there is a commitment strategy, it is so vague as to be absurd.[1] While this letter will not go through every bald commitment of strategy, we will provide examples.

For example, the agreement commits to "Update per call incentive amount to encourage calls by vessels that meet highest ESI score, vessels with Tier III engines, and/or use cleaner marine fuels."[2] However, the agreement provides no further details on the proposed increase in incentives or any type of assurances that updates to this program will result in cleaner ships calling at the Ports. This vague language provides the Ports leeway to add a nominal amount, or even worse, reduce the incentive amounts. Allowing unfettered discretion to the Ports is problematic precisely because of the admissions they make in the document. The Port of Los

Comment 3-3

[1] As illustrated on the table in Appendix A, the current draft agreement derives from the existing Clean Air Action Plan 2017 Update and other ongoing requirements the ports have committed to.
[2] *Draft Cooperative Agreement between SCAQMD and the Ports of Los Angeles and Long Beach* (July 18, 2025), p. 18.

Angeles notes it has spent $6 million over eight years for this program. That is a paltry amount given the immense harm ships impose on public health.

The Clean Truck proposal also includes nothing more than what the Ports have already committed to. CAAP Plus Measure No. 2 would not even require the Ports to develop a plan to show how it will meet the self-imposed 2035 goal for 100% zero-emission trucks. For years, the undersigned organizations have asked that the Ports develop interim targets to demonstrate progress towards this 2035 goal and to increase the Clean Truck Fund Rate. The current draft agreement contains no commitment to explore any of these recommendations and is devoid of any explanation of how the low $10/TEU fee will raise sufficient funds to support the 2035 100% ZE Truck goals.

On emission reductions, the draft "Cooperative Agreement" drags the Air District back to 2021, when negotiations with the Ports collapsed. It expressly disclaims any obligation to adopt backstops, stating the Ports "shall have no obligation(s)...to implement any substitute measures" to cover shortfalls if CAAP-Plus underperforms.[3] In other words, the Ports refuse enforceable emission-reduction targets or automatic contingency measures if projections are missed. This is indefensible given the Ports' regular practice of quantifying emission reductions for infrastructure projects and incentive applications. The same rigor can and should be applied to CAAP-Plus, with binding targets and automatic backstop measures to ensure that impacted communities get needed relief.

Comment 3-3, Cont'd

At first glance, the CAAP-Plus infrastructure plans might seem laudable to some, but in context, state law already requires this kind of coordination and project-level planning to address air pollution. As the Harbors & Navigation Code makes clear, "The port...shall consult with the South Coast Air Quality Management District on projects that reduce pollution associated with the movement of cargo"[4] —and in doing so, identify project lists (e.g., CAAP measures), funding sources, and timelines for implementation. Simply put, what the Ports offer is not new.

By comparison, CAAP Plus Measure 6 primarily schedules zero-emission infrastructure plans rather than adding enforceable duties, and the draft Cooperative Agreement further states that the Ports will not commit to implementing any substitute measures if reductions fall short. In essence, the Ports are committing to several components that are arguably already required when developing projects addressing air pollution. To ensure infrastructure planning is meaningful, it should be pegged to clear, projected emission-reduction targets that maximize reductions to meet the region's needs.

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[3] *Draft Cooperative Agreement between SCAQMD and the Ports of Los Angeles and Long Beach* (July 18, 2025), p. 7.

[4] Cal. Harb. & Nav. Code §§ 1750(c), 1769(c) (requiring consultation with South Coast AQMD and identification of projects, funding sources, and timelines).

Because the draft Cooperative Agreement offers very little that is new, does not go far enough, and largely repackages duties the Ports already owe, the "cooperative" approach being pushed by some will only serve to set us back without delivering meaningful gains. Impacted communities deserve better.

Comment 3-3, Cont'd

Setbacks in rulemaking have serious consequences

These setbacks will have dire consequences for the region and the state. Without a binding and enforceable indirect source rule, there will be no framework to set clear, enforceable targets and metrics for reducing port-related emissions, no infrastructure mandates to support the transition to zero-emission operations, and no accountability to ensure timely progress—even as the Olympic Games and other major events approach. We urge you to return to the original Port ISR concept and work with the Air District staff and other stakeholders to complete a comprehensive rule. This rule should incorporate the measures the Ports have already acknowledged are feasible and use projected reductions from such measures to set enforceable targets, as a start. The rule must hold all parties accountable through transparent public reporting, enforceable deadlines, and consequences for non-compliance.

Comment 3-4

Frontline communities must be at the center of any solution to port-derived air pollution, as co-designers of this framework. Success should be measured not by commercial throughput protected but by the number of lives saved, public health resources preserved, and lifespans extended as pollution levels decline.

Conclusion

This is a pivotal moment in our politics, as environmental justice and environmental protections are largely being abandoned at the national level. The people of this region cannot wait another decade for clean air while political expediency shields the largest polluters from accountability for their deadly emissions. The Ports of Los Angeles and Long Beach, this Air District, and our city leaders must act now to adopt an enforceable Port ISR that delivers measurable public health gains—not empty promises on paper. We need you to act with the urgency this moment demands.

Sincerely,

Fernando Gaytan
Senior Attorney
Earthjustice

[Additional Signatories on Next Page]

Marven E. Norman
Environmental Policy Analyst
Center for Community Action and Environmental Justice

Taylor Thomas
Research & Policy Analyst/Co-Executive Director
East Yard Communities for Environmental Justice

Alison Hahm
Staff Attorney
Natural Resources Defense Council

Cristhian Tapia-Delgado
Climate Campaigner, Southern California
Pacific Environment

Peter M. Warren
Member
San Pedro & Peninsula Homeowners Coalition

Jennifer Maria Cardenas
Campaign Organizer
Sierra Club

Theral Golden
President
West Long Beach Association

Cc: Mayor of Los Angeles - email: mayor.karenbass@lacity.org

Mayor of Long Beach - email: mayor@longbeach.gov

Harbor Commission President POLA - email: commissioners@portla.org

Harbor Commission President POLB - email: bhc@polb.com

Wayne Nastri, Executive Officer - email: wnastri@aqmd.gov

Ian MacMillan, Assistant Deputy Executive Officer - email: imacmillan@aqmd.gov

Dr. Sarah Rees, Deputy Executive Officer - email: SRees@aqmd.gov

Dr. Elaine Shen, Manager, ISR Rules & Socioeconomic Analysis - email: eshen@aqmd.gov

Appendix A

CAAP Plus Measure	Prior Port Commitment
Measure No. 1 Clean Ship Program Enhancements (Clean Ship incentives, Additional shore power, enhanced vessel speed reduction, green shipping corridor)	POLA ESI Incentive program (since 2012); POLB Green Ship Incentive Program; CARB At-Berth Rule Compliance (since 2023); Green Shipping Corridor (Since 2023); CAAP Vessel Speed Reduction Program (Since 2001)
Measure No. 2 ZE Drayage Equipment and Infrastructure Funding (Clean Truck Fund Spending Plan; Incentives; grant "stacking")	San Pedro Bay Ports Clean Truck Fund (since 2022);
Measure No. 3 ZE Equipment and Infrastructure funding (Zero-Emissions Equipment and Infrastructure Funding)	2017 CAAP Update- transition terminal equipment to 100% Zero Emissions by 2030 through reporting on procurement schedules, grant funding, and feasibility assessments; CAAP Technology Advancement Program.
Measure No. 4 ZE Locomotive Demonstration Program (to facilitate operators in seeking grant funding for zero emissions locomotives for operation at ports)	2017 CAAP- set goal of accommodating 35% cargo by rail with commitment to work with operators to demonstrate zero-emissions technology.
Measure No. 5 ZE Equipment and Infrastructure Workforce Development	Existing Joint Port of Los Angeles and Port of Long Beach Goods Movement Training Facility Project with $110 million in state funding. Completion by 2030; POLB Education & Workforce Programs-Green Port Policy (since 2005).

Staff Responses to Written Comment #3:

Response to Comment 3-1
Please see Main Response 4 regarding whether the proposed Cooperative Agreement goes beyond the Ports' existing, voluntary commitments. Please see Main Response 6 regarding the now-removed 10-year rulemaking prohibition that was included in the July 18 Ports' proposal.

Response to Comment 3-2
Please see Main Response 1 regarding the shift from the proposed rule to an agreement. Please see Main Response 2 regarding enforceability of the proposed Cooperative Agreement. Please see Main Response 5 regarding emission reductions.

Response to Comment 3-3
Please see Main Response 4 regarding the agreement not going beyond Ports' existing commitments, Main Response 5 regarding emission reductions, and Main Response 2 regarding enforceability of the proposed Cooperative Agreement. The comment regarding the Ports having "no obligation(s)… to implement any substitute measures" in case of any State Implementation Plan (SIP) commitment shortfall is no longer relevant because the proposed Cooperative Agreement will not be submitted for SIP inclusion by South Coast AQMD and all provisions related to SIP creditable emission reductions in the Ports' July 18 proposal have since been removed. Nevertheless, for informational purposes, the draft Board Resolution will now direct staff to calculate potential emissions benefits of using the infrastructure included in the ZE infrastructure plans.

Response to Comment 3-4
Please see Main Response 2 regarding enforceability and accountability through the agreement, Main Response 5 regarding emission reductions, and Main Response 8 for the mechanism to require zero-emission port infrastructure planning and implementation. Even though the proposed Cooperative Agreement represents a non-regulatory mechanism, it includes public processes during plan development and implementation that provide opportunity for public comment in writing and at meetings, with responses to comments being required to provide transparency into the decision-making for the Ports' proposed plans. The proposed agreement additionally requires annual reporting, has enforceable deadlines for plan development and implementation milestones, as well as financial consequences for contract defaults (i.e., non-compliance), all of which mirror closely PR 2304 rule concept and enforcement model.

Written Comment #4 from Coalition for Clean Air

COALITION FOR CLEAN AIR

September 16th, 2025

Chair Delgado and Members of the Governing Board
South Coast Air Quality Management District (South Coast AQMD)
21865 Copley Drive
Diamond Bar, CA 91765

Subject: Comments Relating To Pivot to MOU

Dear South Coast Air Quality Management (South Coast AQMD) Staff and Governing Board,

In a period of just two weeks, the San Pedro Bay ports derailed a multi-year public rulemaking process by submitting a self-serving proposal packed with pre-existing contract obligations disguised as new commitments. In their proposal, they promise to do what they are already committed to do and demand that you get in line and cheer them on. This maneuver abruptly shifted the process from a transparent public engagement to an opaque, closed-door negotiation. As a result, we now risk losing the first-ever enforceable regulation holding the ports accountable under the district's authority to control indirect sources of air pollution. This reversal undermines the integrity of the district's decision-making. It sets a bad precedent, both in terms of substance as well as process.

It is important to note that community members, public health experts and environmental and environmental justice advocates have participated in both the indirect source review (ISR) rule and, to the greatest extent possible, closed-door memorandum of understanding (MOU) processes. Over the years, our organizations have provided suggestions and constructive feedback to South Coast AQMD through extensive written and verbal testimony. We have participated in nearly every public hearing, working group meeting and community outreach session related to the ports. This is despite many of these meetings taking place during working hours and many of our allied organizations representing low-income and monolingual residents.

Comment 4-1

We have been consistent and clear in our desire for enforceable emission reductions and accountability to portside communities. History has shown that a significant portion of the emission reductions the ports take credit for can be attributed to statewide CARB rules and enforcement rather than voluntary efforts. Yet, we have also been willing to accept compromise and incrementalism, such as South Coast AQMD's "infrastructure first" ISR proposal. This stands in sharp contrast to rule opponents, who have moved goal posts, sprung last minute demands and counter proposals and sought statewide legislation to undermine South Coast AQMD's ability to reduce air pollution.

That the ports recently threatened to leave negotiations with the district if it does not completely capitulate and drop any regulatory framework should be alarming to the AQMD board. The district should not acquiesce to the ports' ultimatum by abandoning the Indirect Source Rule. The ports and

AQMD have gone through two previous unsuccessful MOU processes; with the most recent having failed in part due to the ports' insistence on punitive language aimed at the district and restrictions on AQMD's ability to ensure emission reductions beyond partial implementation of the San Pedro Bay Ports 2017 Clean Air Action Plan.

Comment 4-1, Cont'd

The ports' July 18th 2025 MOU proposal (the most recent publicly available proposal) presents major substantive problems. First and foremost is that the "cooperative agreement" would strip South Coast AQMD of its rulemaking authority for 10 years. Instead, the ports would follow a plan of their own design and have complete control over how, when or even *if* it is implemented. In other words, all "commitments" in the proposed MOU are voluntary, which is completely unacceptable considering that the ports are the region's largest emitter of NOx in the smoggiest air basin in the country. While the ports tout their significant emission reductions since 2005, the vast majority of those reductions took place over a decade ago.

Comment 4-2

Further, the proposed MOU explicitly shields the ports from any accountability to communities, as well as provides no details on how South Coast AQMD would be able to enforce it. Under this proposal, South Coast AQMD would merely be an observer and the people who must contend with the impacts of air pollution would have no ability to compel compliance with the agreement. Lastly, the MOU proposal also does not address how either it or its port projects will comply with the California Environmental Quality Act (CEQA) and the district's obligation to implement "all feasible measures" as required by state law.

Comment 4-3

Additionally, the proposed MOU's process is fundamentally flawed. It cannot be forgotten that the current MOU proposal essentially hijacked the ISR rulemaking process. How can impacted communities and the broader public participate when negotiations between the district and the ports are behind closed-doors? That a polluter can upend a multi-year public rulemaking process with a last-minute MOU offer is worrying both in terms of protecting public health as well as basic good governance.

Comment 4-4

While the proposed Indirect Source Review Rule is focused on infrastructure, it would at least ensure some level of accountability. Moreover, should the ISR become a State Implementation Plan (SIP) requirement in the future, it will also become publicly enforceable. Including emissions reduction measures as a part of this plan would make it even more robust. The proposed rule takes an incremental approach and would only require an infrastructure plan, which both ports already have underway as demonstrated by the EPRI 2023 Technical Assessment for Zero-Emission Planning and Grid Assessment for the Port of Los Angeles, the ENGIE Impact Assessing Reliability and Resilience of Power Systems Study at the Port of Long Beach and a ZE Infrastructure Master Plan for Terminal Equipment mentioned in the March 2024 CAAP update for both ports. Rule opponents have failed to demonstrate how putting together a plan would cause economic and job losses.

Let us not scuttle the Indirect Source Review Rule in favor of closed door deals. Whatever the district decides on will establish a precedent - will AQMD craft a modest, incremental rule or will you go with the self-policing scheme the ports sprung at the last moment? SCAQMD must fulfill its responsibility to provide public accountability, transparency, and most importantly, to reduce air pollution.

Comment 4-5

Sincerely,

Dori Chandler
Policy Advocate, Coalition for Clean Air

Chris Chavez
Deputy Policy Director, Coalition for Clean Air

Cc:
Members of the South Coast AQMD Governing Board
Wayne Nastri, Executive Officer, South Coast Air Quality Management District
Sarah Rees, Deputy Executive Officer
Ian MacMilan, Assistant Deputy Executive Officer

Staff Responses to Written Comment #4:

Response to Comment 4-1
Staff appreciates participation by community and environmental groups in the public process and for numerous meetings with staff. Please see Main Responses 1 and 2 regarding the shift from rulemaking to focus on developing an agreement with the Ports and a comparison between the two with respect to accountability. Please also see Main Response 5 regarding emission reductions.

Response to Comment 4-2
Please see Main Response 6 regarding the 10-year rulemaking prohibition. Please see Main Response 2 regarding the enforceability of the proposed agreement, and Main Response 4 regarding the agreement not going beyond Ports' existing, voluntary commitments.

Response to Comment 4-3
Please see Main Response 2 regarding enforceability and accountability including South Coast AQMD role for these in the agreement.

For the CEQA analysis for the Cooperative Agreement, please see the Board Letter and Attachments G and H to the Board Letter. Regarding the CEQA analysis of the scope of the infrastructure plans required by the Cooperative Agreement, the Ports of Long Beach and Los Angeles will be required to plan for, and implement projects to develop charging and fueling infrastructure under specific schedules and the plans will need to take into account both current and future projects, as well as projects in the pipeline under various stages. The evaluation of environmental impacts in accordance with CEQA and/or National Environmental Policy Act (NEPA) requirements, if applicable, of these current and future projects are and will be handled on a project-level basis. For future projects, each plan will need to identify the lead agency as defined by CEQA and describe the level of environmental analysis that will be required. For example, for current or ongoing projects, the plan will need to identify the environmental documents that have been or are anticipated to be prepared. The development timeline for the Ports' plans incorporates any necessary requests for time extensions to ensure compliance with CEQA and/or NEPA requirements. In addition, when the ports propose specific charging and fueling infrastructure projects with future defined actions (e.g., locations, equipment details, and timelines, etc.), the Ports will need to evaluate the potential environmental impacts of these future defined actions and determine whether a new or modified CEQA and/or NEPA document is needed. The Ports may conduct new environmental analyses or elect to rely on the environmental analyses previously evaluated by South Coast AQMD in the Final Program EIRs for the 2022 AQMP and 2016 AQMP. It is important to note that if the plans indicate that additional CEQA and/or NEPA documentation is needed, the plan development schedules may be delayed at that time.

The development of the proposed Cooperative Agreement has reflected a continual evolution of control measure MOB-01 over many years. While staff initially explored potential emission reduction requirements during the PR 2304 development, extensive public feedback clearly indicated the need to focus on zero-emission charging and fueling infrastructure as a critical first step to support the transition to the next generation of cleaner port technologies. As a result, PR 2304 narrowed its scope to infrastructure plans. The proposed Cooperative Agreement is

substantially similar to PR 2304 in its scope and objectives, albeit using a non-regulatory mechanism. Therefore, South Coast AQMD is fulfilling its obligation to implement "all feasible measures" as required by the Health and Safety Code. In addition, staff will continue negotiating additional measures for potential incorporation into the Cooperative Agreement as an amendment by Spring 2026. These additional measures will be designed to further the objectives of control measure MOB-01.

Response to Comment 4-4
Please see Main Responses 1 and 3 on the public process including incorporation of public input during the agreement development process.

Response to Comment 4-5
Please see Main Response 2 regarding enforceability and accountability through the agreement, Main Response 5 regarding emission reductions, Main Response 4 to address the infrastructure approach being an effort by the Ports already underway, Main Responses 1 and 3 regarding public process and how public input has informed the proposed agreement, and Main Response 8 regarding regulatory *versus* non-regulatory mechanism.

Written Comment #5 from Clean Energy

From: Todd R. Campbell <[redacted]>
Sent: Wednesday, September 17, 2025 8:34 AM
To: Ian MacMillan <[redacted]>; Sarah Rees <[redacted]>; Aaron Katzenstein <[redacted]>
Cc: Greg Roche <[redacted]>
Subject: [EXTERNAL] FW: **Document Available** Updated Ports Draft Cooperative Agreement

Good morning, Ian, Sarah, and Aaron:

I hope this e-mail finds you well. I took a quick read through the draft cooperative agreement and was actually surprised not to see any requirements for Omnibus-compliant trucks or even a plan to eliminate gate fees for said trucks. As you know, the federal actions not only have temporarily (and possibly permanently) removed both the Omnibus and CARB's 2010 standards for combustion engines. Remember, the 2010 standards were rescinded by CARB when the Omnibus was adopted. I am sure you share my concern that if the federal actions on the waivers hold, we will continue to see dirty engine purchases through 2026 and potentially through 2031 if EPA decides to roll back the 2027 standards for five additional years. If there are no financial or non-financial incentives to encourage fleets to purchase the cleanest ICEs, why would fleets purchase them and why would manufacturers make them?

Would you be open to meet with us before the workshop to discuss a possible plan to encourage clean combustion at the Ports. Specifically, would you be willing to explore a plan that encourages the ports to provide incentives for drayage fleets who buy engines that meet or exceed the Omnibus standard? I don't see how we ever reach attainment if we cannot encourage fleets that operate in the basin to make the right purchase decisions. I am including a list of actions that I provided to Lauren Sanchez and Steve Cliff earlier this month with the intent of finding ways to create more certainty for clean engine purchases. I think it would be really helpful to hold similar conversations with you to make sure we are getting every reduction possible from mobile source pollution.

Can we set up a time to discuss?

Thank you,

Todd

PS: I'm sure you have seen the attached UC Riverside/CE-Cert study, presentations, and further analysis by Energy Vision (https://energyvision.substack.com/p/uc-riverside-study-forecasts-most), but I am attaching them just in case.

Staff Response to Written Comment #5:

Staff will take into consideration the comment when we begin negotiations on potential additional measures beyond infrastructure for incorporation into the agreement in Spring 2026.

Written Comment #6 from Los Angeles/Orange Counties Building and Construction Trades Council

Los Angeles/Orange Counties Building and Construction Trades Council

Affiliated with the Building & Construction Trades Dept., AFL-CIO

September 18, 2025

To the esteemed Governing Board of the South Coast Air Quality Management District:

As Executive Secretary for the Los Angeles & Orange Counties Building & Construction Trades Council I write to respectfully request that South Coast Air Quality Management District (AQMD) not release the 75-day package for Proposed Rule 2304 Commercial Marine Ports in order to allow the Ports of Los Angeles and Long Beach and South Coast AQMD to finalize a cooperative agreement.

The cities, ports, and South Coast AQMD have reached mutual consensus on all of the agreement terms related to zero emission infrastructure planning, providing an alternative to Proposed Rule 2304. This agreement includes meaningful provisions on enforcement, transparency, and strategies to reduce emissions. The Ports are committed to bringing the agreement to our respective governing bodies as soon as practicable. This meets the standard in the motion approved at the August 1, 2025, meeting, and should serve as the basis to not release the rule package.

Over almost 45 days, representatives from the cities and ports convened more than 15 meetings with South Coast AQMD staff, totalling over 40 hours of joint discussion, and spent significant hours between meetings reviewing and responding to comments and preparing documents, demonstrating their shared commitment to reaching a meaningful and enforceable outcome.

We firmly believe that a Cooperative Agreement presents the most effective and collaborative path to achieving our shared clean air goals. The Ports are public agencies, which serve to support millions of jobs across the nation, and in our communities, and have led the way toward achieving historic emissions reductions. They will continue to do in collaboration with South Coast AQMD through a transparent public process, if given the chance to finalize this agreement.

Thank you for your consideration. We again, respectfully urge you to direct AQMD staff to not release the 75-day package for Proposed Rule 2304 Commercial Marine Ports and focus their work on the Cooperative Agreement as negotiated by the parties.

Fraternally,

Ernesto Medrano
Executive Secretary

EM: ag/OPEIU#537/afl-cio

Staff Response to Written Comment #6:

As directed by the South Coast AQMD Governing Board, staff did not release the 75-day package for PR 2304 and has developed a proposed Cooperative Agreement with the Ports for South Coast AQMD Governing Board approval.

Written Comment #7 from African American Farmers of California et al.

September 18, 2025

Vanessa Delgado
Governing Board Members
South Coast Air Quality Management District
21865 Copley Drive
Diamond Bar, California 91765

RE: California Business Community Supports Cooperative Ports Plan for Jobs and Growth

Dear Chair Delgado and Governing Board Members:

Southern California's economy is anchored by a trade and logistics network that supports nearly two million jobs and generates hundreds of billions in economic output. **To protect this vital system while advancing clean air goals, representatives of businesses large and small across the region voice their support of a cooperative agreement with the Cities and Ports of Los Angeles and Long Beach, on a plan to achieve clean-air goals.** A strategy built on collaboration will help protect Californians from higher prices, preserve thousands of well-paying jobs, and sustain the economic health of communities that depend on trade and logistics.

This effort comes at a time of significant supply chain challenges, including tariffs, infrastructure fee increases, and ongoing cost-of-living pressures for consumers. A rigid new mandate was unnecessary given the progress already being made under the Ports' Clean Air Action Plan. By choosing a cooperative approach, the Board is helping ensure that clean-air progress continues without destabilizing a supply chain that is critical to the region.

Southern California relies on strong ports and resilient supply chains to drive growth and opportunity. The ports are the backbone of a logistics network that supports nearly two million jobs across the region, including over 900,000 directly employed workers. This sector generates nearly half a trillion dollars in economic output annually and contributes over $93 billion in tax revenues that fund essential local services, from public safety to schools and infrastructure. These figures represent livelihoods, small business stability, and the fiscal foundation of our communities.

These jobs are also high-quality jobs. The average annual wage in the trade and logistics sector is over $90,000, more than 26 percent higher than the regional average across all industries. For many Southern California residents, especially in historically disadvantaged communities, these careers offer a pathway to the middle class.

The proposed ISR, if implemented, would have added new fees and regulatory mandates at a time when Southern California's trade and logistics businesses already face heightened competition from Gulf and East Coast ports, rising and uncertain tariffs on goods, infrastructure strain, and persistent workforce shortages. These businesses have invested heavily to comply with ambitious state and regional clean-air goals. The ports' cooperative plan avoids these risks while still moving forward with measures to improve air quality.

We urge the Board to move quickly to finalize and adopt this cooperative plan, ensuring that Southern California's economy remains strong while achieving continued improvements in air quality.

Thank you for your time and consideration.

Sincerely,

African American Farmers of California
Almond Alliance
The American Waterways Operators
APM Terminals
Building Owners and Managers Association of California
California Automotive Wholesalers' Association
California Building Industry Association
California Business Properties Association
California Business Roundtable
California Chamber of Commerce
California Cotton Ginners and Growers Association
California Manufacturers & Technology Association
California Retailers Association
Californians for Affordable and Reliable Energy
Central Valley Business Federation
Dairy Institute of California
El Dorado Almonds
Enzo Olive Oil Company, Inc.
Everport Terminal Services
Garden Grove Chamber of Commerce
Gemini Shippers Association
Greater Coachella Valley Chamber of Commerce

Staff Response to Written Comment #7:

Please see Staff Response to Written Comment #6.

Written Comment #8 from NAIOP SoCal

NAIOP
COMMERCIAL REAL ESTATE DEVELOPMENT ASSOCIATION
SoCAL CHAPTER

September 18, 2025

The Honorable Vanessa Delgado
Chair, South Coast AQMD Governing Board
21865 Copley Drive
Diamond Bar, CA 91765
Email: vdelgado@aqmd.gov

Re: Request that South Coast AQMD not release the 75-day package for Proposed Rule 2304 - Commercial Marine Ports

Dear Chair Delgado and South Coast AQMD Mobile Source Committee Members,

On behalf of NAIOP SoCal and our over 1,200 Members deeply involved in Southern California's commercial real estate industry and goods movement sector, I write to respectfully request that the South Coast Air Quality Management District (AQMD) refrain from releasing the 75-day package for Proposed Rule 2304 - Commercial Marine Ports, in order to allow the Ports of Los Angeles and Long Beach and South Coast AQMD to finalize a cooperative agreement.

The cities, Ports and South Coast AQMD have reached mutual consensus on all of the agreement terms related to zero-emission infrastructure planning, providing an alternative to Proposed Rule 2304. This agreement includes meaningful provisions on enforcement, transparency and strategies to reduce emissions. The Ports are committed to bringing the agreement to each respective governing body as soon as practicable. This meets the standard in the motion approved at the August 1, 2025 South Coast AQMD Governing Board meeting, and should serve as the basis to not release the rule package.

Spanning nearly 45 days, representatives from the cities and Ports convened over 15 meetings with South Coast AQMD staff, totaling more than 40 hours of joint discussion. The parties spent significant hours between meetings reviewing and responding to comments and preparing documents, demonstrating their shared commitment to reaching a meaningful and enforceable outcome.

NAIOP SoCal firmly believes that a Cooperative Agreement presents the most effective and collaborative path to reach our shared clean air goals. The Ports are public agencies, which serve to support millions of jobs across the nation – and especially in our Southern California communities – and have led the way towards achieving historic emissions reductions. They will continue to do so in collaboration with South Coast AQMD through a transparent public process, if given the chance to finalize this agreement.

Chapter Office: 918 E. Santa Ana Blvd., Santa Ana, CA 92701 Tel: (714) 550-0309

Thank you for your serious consideration of this request. Again, NAIOP SoCal respectfully urges you to direct South Coast AQMD staff to refrain from releasing the 75-day package for Proposed Rule 2304 - Commercial Marine Ports, and focus their work on the Cooperative Agreement as negotiated by the parties.

Sincerely,

Mihran Toumajan

Mihran Toumajan
Manager of Government Relations
NAIOP SoCal

CC: Hon. Holly J. Mitchell, South Coast AQMD Mobile Source Committee Vice Chair
Hon. Larry McCallon, South Coast AQMD Mobile Source Committee Member
Hon. V. Manuel Perez, South Coast AQMD Mobile Source Committee Member
Hon. Nithya Raman, South Coast AQMD Mobile Source Committee Member
Hon. Carlos Rodriguez, South Coast AQMD Mobile Source Committee Member
Faye Thomas, South Coast AQMD Clerk of the Boards
Wayne Nastri, South Coast AQMD Executive Officer
Sarah Rees, Ph.D., South Coast AQMD Deputy Executive Officer
Ian MacMillan, South Coast AQMD Assistant Deputy Executive Officer
Elaine Shen, South Coast AQMD Planning and Rules Manager
Charlene Nguyen, South Coast AQMD Program Supervisor
David Libatique, Deputy Executive Director, Port of Los Angeles
Dr. Noel Hacegaba, Chief Operating Officer, Port of Long Beach

Staff Response to Written Comment #8:

Please see Staff Response to Written Comment #6.

Written Comment #9 from Earthjustice et al.

VIA ELECTRONIC MAIL

October 1, 2025

Chair Vanessa Delgado and Members of the Governing Board
South Coast Air Quality Management District
21865 Copley Drive
Diamond Bar, CA 91765
Email: vdelgado@aqmd.gov
Clerk of the Board, cob@aqmd.gov

Re: Agenda Item No. 30- Concerns with Draft Cooperative Agreement Between AQMD and Ports of Los Angeles and Long Beach

Dear Chair Delgado and Members of the Governing Board:

The undersigned environmental justice, environmental, public health, and community organizations write to express deep alarm at the South Coast Air Quality Management District's (Air District) current course, which appears poised to abandon meaningful emission-reduction commitments for the next five years. Currently, the proposal is to sign an agreement for infrastructure planning, which includes a commitment from the Air District to not pursue regulations to clean the air for five years. This is the wrong place to start, especially since the only substantive item covered in the draft is exclusively on infrastructure and nothing else.

Comment 9-1

By giving away the thing the ports want – amnesty from regulation for five years on the front end – the Air District will be forsaking its commitment to the communities currently suffering from toxic port pollution, functionally asking them to hold their breath for five years. This deal is not fully baked, and the Governing Board should instruct staff to fully negotiate, conclude negotiations, and finalize the draft terms before presenting them to the Board for its consideration. It's worth noting that the Air District holds an important legal obligation to adopt and implement all feasible measures to come into compliance with state ambient air quality

standards.[1] The Air District should not rule out the prospect of the original ISR concept for PR 2304. The Board should be allowed to make the appropriate comparison to determine which path offers a better outcome for the air basin.

While we will have comments on the broader agreement during and before the community meeting on October 15, 2025, we ask the Air District Governing Board not to relinquish its commitment to the community. There are things the ports can and should do in the next five years to clean up deadly port pollution. Even though this agency has decided to pursue a voluntary approach for these entities, this does not mean the Governing Board should accept any agreement that comes to the agency.

Importantly, the ports themselves inserted the concept of including CAAP Plus measures in their July draft agreement. While these measures were woefully insufficient, the ports appeared poised to provide more commitments than just infrastructure planning. We do not understand why this agency is unwilling to negotiate for measures to clean up pollution in the next five years when it has a duty to protect communities like the Wilmington/Carson/Long Beach AB 617 community.

Comment 9-1, Cont'd

We recognize the ports and potentially South Coast AQMD staff may argue that they will negotiate these measures down the road, so it is fine to preemptively surrender your regulatory rights. But, this is irresponsible and may be an improper bargaining away of SCAQMD's police powers.

In addition, the Ports will have zero incentive to actually commit to more serious ways of reducing pollution and providing relief in the near term. The contractual mechanisms in the current agreement provide insufficient leverage to get the ports to make actual, meaningful commitments on the CAAP Plus Measures.

I. An Incomplete Agreement is Bad for the Public.

We want to be clear: staff is presenting an agreement that is only partially complete, surrenders rulemaking authority, drafted to focus narrowly on infrastructure planning, and the District is rushing this flawed agreement forward without sufficient community input. While a single community meeting is being scheduled and written comments are technically being accepted through the end of the month. These gestures cannot credibly be designed to actually ensure the private agreement is improved.

Comment 9-2

[1] 17 CCR § 70600(b)(5)(A).

II. The Agreement Should Not Create Amnesty from Implementing MOB-01.

The 2022 AQMP could not have been clearer: meeting federal ozone standards requires deep, basin-wide NOx reductions through a comprehensive control strategy.[2] MOB-01 was designed to achieve this by addressing the full range of port-related sources—ocean-going vessels, locomotives, harbor craft, cargo handling equipment, and off-road heavy-duty vehicles—through an enforceable indirect source rule supported by incentives.[3] The current version of the agreement would have the Air District not pursue any part of the broadly worded MOB-01 for a period of five years.

Comment 9-3

Ignoring emission reductions for five years is a gamble the region cannot afford to take. By last count, the region still needs to reduce NOx emissions—the key pollutant in ozone—by 67 percent over baseline levels by 2037, and about 83 percent below current levels just to meet the decade-old 2015 federal standard.[3] In addition, the five-year period will coincide with the attainment date for the 2008 8-hour ozone standard. The District cannot tie its hands if it expects to meet its obligations.

III. This Agreement Prematurely Surrenders Rulemaking Authority and Abandons Impacted Communities.

The Revised Draft Cooperative Agreement leaves crucial elements undefined—including what constitutes "charging infrastructure," "port sources," and even "zero emissions." It also defers the core actions needed to address port-related emissions to some unspecified future negotiation. An agreement with this many empty placeholders cannot credibly be described as meeting the objectives of MOB-01.

Worse still, the accompanying resolution directs staff not to pursue any rulemaking to fulfill AQMP Control Measure MOB-01 for five years. By relinquishing its rulemaking authority before terms are even defined, the District strips itself of all leverage to secure enforceable measures from the Ports before the infrastructure planning is fully complete. This approach not only undermines the AQMP's commitments but also jeopardizes the attainment of federal standards and the health of the communities that continue to bear the heaviest pollution burdens.

Comment 9-4

IV. Demand a Complete Strategy for the Reduction of Emissions at the Ports before you are asked to vote.

We urge you not to accept an agreement that forecloses the prospect of reducing emissions for another five years. The cost of such a decision is clear—the loss of enforceable measures that

Comment 9-5

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[2] South Coast Air Quality Management District, *South Coast AQMD Finalizes Most Ambitious Strategy to Cut Pollution: Comprehensive Zero-Emission Plan to Reduce Emissions Almost 70% by 2037."* Press Release, December 2, 2022; https://www.aqmd.gov/docs/default-source/news-archive/2022/aqmp-adopted-dec2-2022.pdf
[3] SCAQMD, 2022 AQMP, p. 4-25.

could catalyze a transition to zero-emissions technologies, set measurable reduction targets, and establish milestones with accountability and course-correction if measures fall short.

Comment 9-5, Cont'd

We urge you to reject this draft agreement and to keep rulemaking on the table as the central mechanism for achieving the AQMP's objectives.

Sincerely,

Fernando Gaytan
Senior Attorney
Earthjustice

David Pettit
Senior Attorney
Center for Biological Diversity

Lindsey Escamilla
Policy Organizer
Center for Community Action and Environmental Justice

Dori Chandler, MUP
Policy Advocate
Coalition for Clean Air (CCA)

Taylor Thomas
Research & Policy Analyst/Co-Executive Director
East Yard Communities for Environmental Justice

Sylvia Betancourt
Program Manager
Long Beach Alliance for Children with Asthma

Alison Hahm
Staff Attorney
Natural Resources Defense Council

Cristhian Tapia-Delgado
Climate Campaigner, Southern California
Pacific Environment

[Additional Signatories on Next Page]

Peter M. Warren
Member
San Pedro & Peninsula Homeowners Coalition

Jennifer M Cardenas
Campaign Organizer
Sierra Club

Theral Golden
President
West Long Beach Association

CC: Wayne Nastri, Executive Officer
Email: wnastri@aqmd.gov

Ian MacMillan, Assistant Deputy Executive Officer
Email: imacmillan@aqmd.gov

Dr. Sarah Rees, Deputy Executive Officer
Email: SRees@aqmd.gov

Dr. Elaine Shen, Manager, ISR Rules & Socioeconomic Analysis
Email: eshen@aqmd.gov

Sincerely,

Dori Chandler
Policy Advocate, Coalition for Clean Air

Chris Chavez
Deputy Policy Director, Coalition for Clean Air

Cc:
Members of the South Coast AQMD Governing Board
Wayne Nastri, Executive Officer, South Coast Air Quality Management District
Sarah Rees, Deputy Executive Officer
Ian MacMilan, Assistant Deputy Executive Officer

Staff Responses to Written Comment #9:

Response to Comment 9-1
Please see Main Responses 6 and 7 regarding South Coast AQMD regulatory authority and the 5-year pause on rulemaking, Main Response 8 regarding regulatory *versus* non-regulatory mechanism, and Main Response 4 regarding additional CAAP Plus measures.

Response to Comment 9-2
Please see Main Response 3 on the public process including incorporation of public input during the agreement development process. Please see Main Responses 6 and 7 regarding South Coast AQMD regulatory authority and the 5-year pause on rulemaking.

Response to Comment 9-3
Please see Main Response 7 regarding the 5-year pause on rulemaking for MOB-01.

Response to Comment 9-4
Definition of terms used in the agreement, including "charging infrastructure," "port sources," and "zero-emission," can be found in Attachment B of the proposed Cooperative Agreement.

Please see Main Response 7 regarding the 5-year pause on rulemaking for MOB-01.

Response to Comment 9-5
Please see Main Response 5 regarding emission reductions.

Written Comment #10 from Harbor Association of Industry & Commerce

HARBOR ASSOCIATION
OF INDUSTRY & COMMERCE

October 13, 2025

South Coast Air Quality Management District
21865 Copley Drive
Diamond Bar, CA 91765-4178

RE: Support for Cooperative Agreement with Ports of Long Beach and Los Angeles

Dear South Coast AQMD Governing Board Members:

The Harbor Association of Industry & Commerce (HAIC) supports the draft Cooperative Agreement between South Coast AQMD and the Ports of Long Beach and Los Angeles. We urge the District to complete this agreement and pause work on Proposed Rule 2304.

The cooperative agreement provides a better path forward than direct regulation. The ports have demonstrated results through voluntary clean air programs. Since 2005, port operations reduced diesel particulate matter by 91%, nitrogen oxides by 72%, and sulfur oxides by 98%. This track record shows the ports deliver emission reductions without regulatory mandates.

The agreement addresses legitimate air quality concerns while recognizing operational realities. Zero-emission infrastructure requires massive investment in electrical systems, charging stations, and fueling facilities. This work must proceed carefully to avoid disrupting cargo operations that support regional jobs and economic activity.

The updated draft agreement released September 16, 2025 includes meaningful enforcement provisions and transparency requirements. The ports commit to detailed infrastructure plans across three phases through 2029. Annual reports will track progress. Financial penalties apply if ports miss deadlines. These provisions ensure accountability.

A cooperative approach allows flexibility that rigid rules cannot provide. Technology markets for zero-emission port equipment remain immature. Equipment costs remain high. Infrastructure requirements vary across different terminal operations. The agreement framework can adapt as technology advances and operational experience grows.

Direct regulation would impose one-size-fits-all requirements on diverse operations. Container terminals differ fundamentally from bulk cargo facilities. Drayage truck operations differ from cargo-handling equipment needs. The cooperative agreement allows tailored solutions for different operations while maintaining clear emission reduction goals.

Harbor Association of Industry and Commerce
6475 E. Pacific Coast Hwy. #400 Long Beach, CA 90803
www.harborassn.com

Harbor businesses support clean air objectives. Our member companies employ thousands of workers who live in communities surrounding the ports. We share the goal of reducing emissions that affect public health. The question is how best to achieve those reductions.

The cooperative agreement creates a framework for ports, tenants, and equipment operators to work together on infrastructure development. This collaborative approach will produce better results than adversarial compliance with prescriptive rules.

We request that South Coast AQMD:

Complete negotiations on the cooperative agreement Adopt the agreement at the earliest opportunity

Pause work on Proposed Rule 2304 for the five-year agreement term Report annually to the Governing Board on agreement implementation

The August 1, 2025 Board motion established a standard for pausing rule development. The updated draft agreement meets that standard. Meaningful progress on enforcement and transparency provisions removes barriers to finalizing the agreement.

We appreciate the extensive work by District staff and port leadership to develop this framework. The cooperative agreement represents the best path forward for air quality improvement and economic vitality in the San Pedro Bay.

The HAIC will participate in the October 15, 2025 public meeting and welcomes continued dialogue on implementation. We stand ready to support our port partners and District staff in making this agreement successful.

Respectfully submitted,

Henry Rogers

Executive Director
Harbor Association of Industry & Commerce

cc: Port of Long Beach, Board of Harbor Commissioners
Port of Los Angeles, Board of Harbor Commissioners
HAIC Board of Directors

Staff Response to Written Comment #10:

As directed by the South Coast AQMD Governing Board, staff has developed a proposed Cooperative Agreement with the Ports. If approved by the South Coast AQMD Governing Board, the draft Board Resolution will direct staff to pause new rulemaking on port sources for the five-year term of the agreement, unless a future South Coast AQMD Governing Board determines and directs staff to pursue another direction. The draft Board Resolution will also direct staff to report annually to the South Coast AQMD Governing Board on the agreement implementation status.

Written Comment #11 from South Bay Association of Chambers of Commerce

SOUTH BAY ASSOCIATION OF
CHAMBERS of COMMERCE

October 13, 2025

South Coast Air Quality Management District
21865 Copley Drive
Diamond Bar, CA 91765-4178

RE: Support for Cooperative Agreement with Ports of Long Beach and Los Angeles

Dear South Coast AQMD Governing Board Members:

The South Bay Association of Chambers of Commerce (SBACC) supports the draft Cooperative Agreement between South Coast AQMD and the Ports of Long Beach and Los Angeles. We urge the District to complete this agreement and pause work on Proposed Rule 2304.

SBACC represents the 15 chambers of commerce across the South Bay region whose member businesses depend on efficient port operations for their economic vitality. Our chambers serve diverse business sectors—from manufacturing and logistics to retail, hospitality, and professional services. The ports are not just harbor facilities. They are economic engines that support regional supply chains, employment networks, and business growth across our entire community.

Proven Track Record of Results
The cooperative agreement provides a better path forward than direct regulation. The ports have demonstrated extraordinary results through voluntary clean air programs. Since 2005, port operations reduced diesel particulate matter by 91%, nitrogen oxides by 72%, and sulfur oxides by 98%. This track record shows the ports deliver meaningful emission reductions without regulatory mandates.

Our member businesses recognize and appreciate this progress. Many of our members operate in communities near the ports. They understand firsthand how air quality improvements benefit workers, residents, and families throughout the South Bay. The voluntary programs have worked. The cooperative agreement builds on that success.

Balancing Environmental Goals with Economic Realities
The agreement addresses legitimate air quality concerns while recognizing operational realities that affect the broader regional economy. Zero-emission infrastructure requires massive investment in electrical systems, charging stations, and fueling facilities. This transition must

South Bay Association of Chambers of Commerce
390 W 7th St, San Pedro, CA 90731
www.sbacc.com

proceed carefully to avoid disrupting cargo operations that support thousands of regional jobs and billions of dollars in economic activity.

South Bay businesses depend on reliable port operations. Importers need predictable cargo flow. Exporters need efficient shipping access. Logistics companies need functional infrastructure. Retailers need steady inventory movement. Service providers need stable commercial activity. The cooperative agreement protects these interests while advancing environmental goals.

Accountability Without Rigidity

The updated draft agreement released September 16, 2025 includes meaningful enforcement provisions and transparency requirements. The ports commit to detailed infrastructure plans across three phases through 2029. Annual reports will track progress. Financial penalties apply if ports miss deadlines. These provisions ensure accountability without the inflexibility of prescriptive regulation.

A cooperative approach allows adaptation that rigid rules cannot provide. Technology markets for zero-emission port equipment remain immature. Equipment costs remain high. Infrastructure requirements vary across different terminal operations. The agreement framework can adapt as technology advances and operational experience grows. This flexibility protects both environmental progress and economic stability.

Direct regulation would impose one-size-fits-all requirements on diverse operations. Container terminals differ fundamentally from bulk cargo facilities. Drayage truck operations differ from cargo-handling equipment needs. The cooperative agreement allows tailored solutions for different operations while maintaining clear emission reduction goals.

Regional Economic Impact

The South Bay's economic vitality depends on port efficiency. Our region hosts businesses across every sector of the supply chain. Manufacturers source materials through the ports. Distributors move goods through port-adjacent warehouses. Transportation companies serve port-related logistics. Professional service firms support port commerce. Small businesses throughout the region benefit from the economic activity ports generate.

Disruption to port operations creates ripple effects throughout our regional economy. Delayed cargo affects inventory management. Infrastructure problems affect delivery schedules. Regulatory uncertainty affects business planning. The cooperative agreement provides the stability and predictability our diverse business community needs while ensuring continued progress on air quality.

Our member chambers represent employers who provide thousands of jobs to South Bay residents. Many of these jobs connect directly or indirectly to port operations. The cooperative agreement protects this employment base while advancing environmental objectives that benefit the same workers and their families.

Collaborative Problem-Solving
The cooperative agreement creates a framework for ports, tenants, equipment operators, and regulators to work together on infrastructure development. This collaborative approach will produce better results than adversarial compliance with prescriptive rules. Our business community values this partnership model.

South Bay businesses support clean air objectives. We recognize the importance of environmental stewardship to public health and quality of life in our communities. The question is not whether to reduce emissions, but how best to achieve those reductions. The cooperative agreement answers that question with a practical, accountable, and flexible approach.

Our Request

We request that South Coast AQMD:

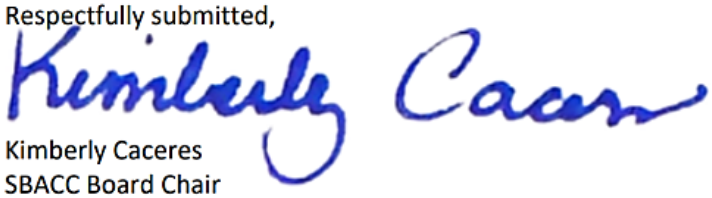
- Complete negotiations on the cooperative agreement
- Adopt the agreement at the earliest opportunity
- Pause work on Proposed Rule 2304 for the five-year agreement term
- Report annually to the Governing Board on agreement implementation

The August 1, 2025 Board motion established a standard for pausing rule development. The updated draft agreement meets that standard. Meaningful progress on enforcement and transparency provisions removes barriers to finalizing the agreement.

Moving Forward Together
We appreciate the extensive work by District staff and port leadership to develop this framework. The cooperative agreement represents the best path forward for air quality improvement and economic vitality in the South Bay region.

SBACC will participate in the October 15, 2025 public meeting and welcomes continued dialogue on implementation. We stand ready to support our port partners and District staff in making this agreement successful. Our member chambers are committed to clean air, economic prosperity, and collaborative solutions that serve the entire South Bay community.

Respectfully submitted,

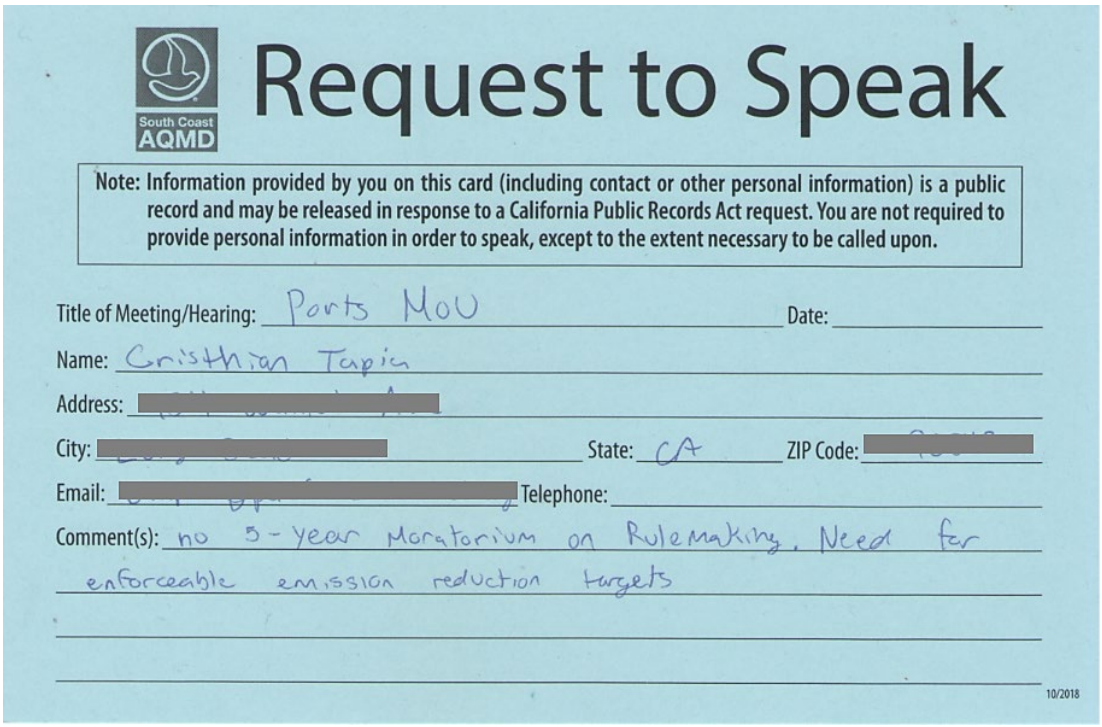


Kimberly Caceres
SBACC Board Chair

Staff Response to Written Comment #11:

Please see Staff Response to Written Comment #10.

Written Comment #12 from Cristhian Tapia, Pacific Environment



South Coast AQMD

Request to Speak

Note: Information provided by you on this card (including contact or other personal information) is a public record and may be released in response to a California Public Records Act request. You are not required to provide personal information in order to speak, except to the extent necessary to be called upon.

Title of Meeting/Hearing: Ports MoU Date:

Name: Cristhian Tapia

Address: [redacted]

City: [redacted] State: CA ZIP Code: [redacted]

Email: [redacted] Telephone:

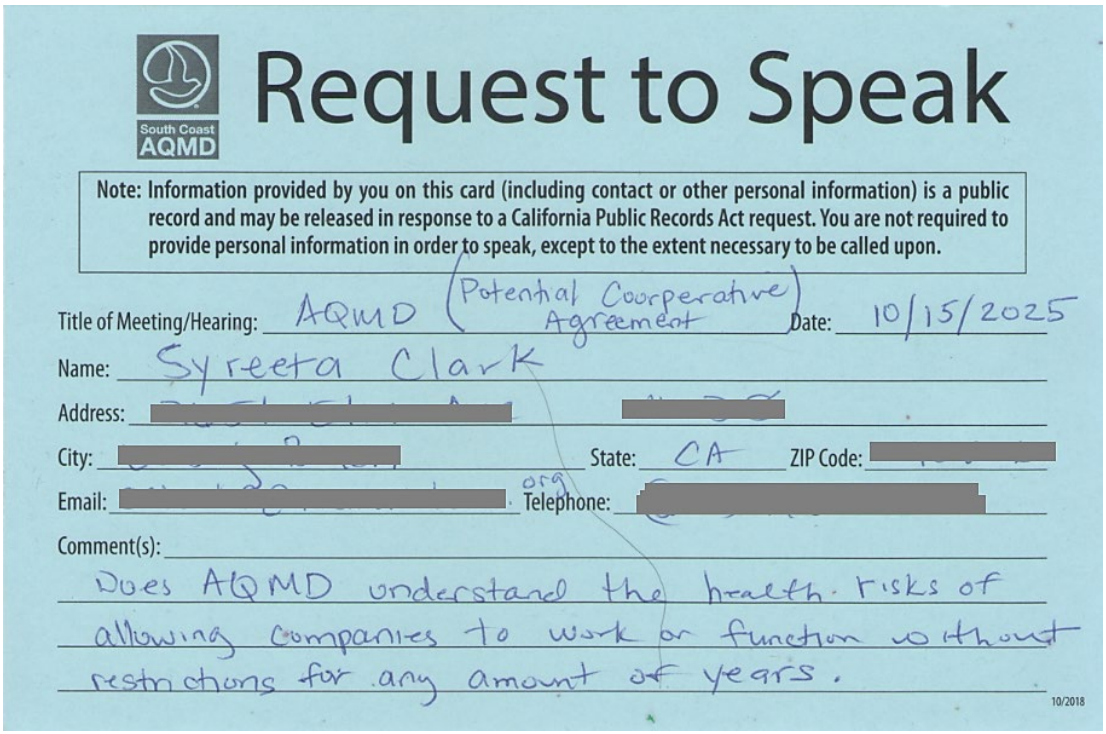
Comment(s): no 5-year Moratorium on Rulemaking. Need for enforceable emission reduction targets

10/2018

Staff Response to Written Comment #12:

Please see Main Response 5 regarding emission reduction targets. Please see Main Responses 6 and 7 related to the 5-year pause on rulemaking.

Written Comment #13 from Syreeta Clark, Long Beach Alliance for Children with Asthma



South Coast AQMD

Request to Speak

Note: Information provided by you on this card (including contact or other personal information) is a public record and may be released in response to a California Public Records Act request. You are not required to provide personal information in order to speak, except to the extent necessary to be called upon.

Title of Meeting/Hearing: AQMD (Potential Coorperative Agreement) Date: 10/15/2025

Name: Syreeta Clark

Address: [redacted]

City: [redacted] State: CA ZIP Code: [redacted]

Email: [redacted] Telephone: [redacted]

Comment(s):

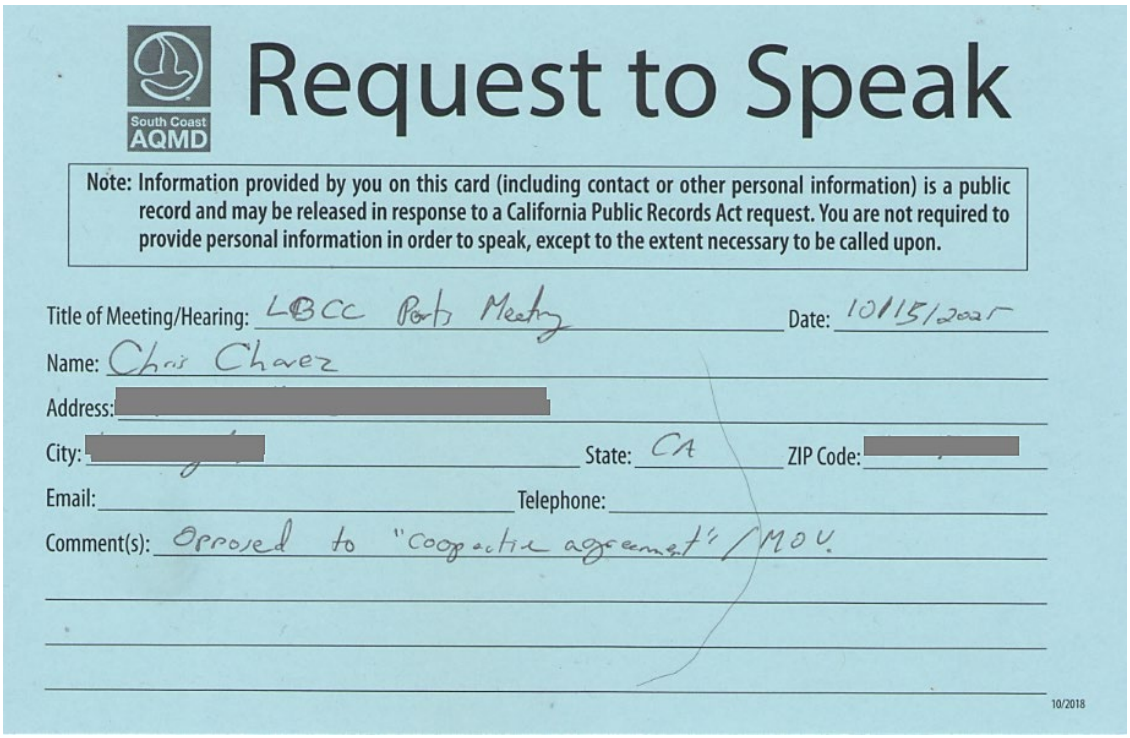
Does AQMD understand the health risks of allowing companies to work or function without restrictions for any amount of years.

10/2018

Staff Response to Written Comment #13:

Please see Main Response 1 for the process of staff pausing rulemaking to focus on a potential cooperative agreement. Staff understands that port emissions impact air quality and public health. The proposed action is a critical first step to put infrastructure in place in order to facilitate the use of zero-emissions and other cleaner technologies to reduce emissions and improve public health.

Written Comment #14 from Chris Chavez, Coalition for Clean Air



South Coast AQMD

Request to Speak

Note: Information provided by you on this card (including contact or other personal information) is a public record and may be released in response to a California Public Records Act request. You are not required to provide personal information in order to speak, except to the extent necessary to be called upon.

Title of Meeting/Hearing: LBCC Ports Meeting Date: 10/15/2025

Name: Chris Chavez

Address: [redacted]

City: [redacted] State: CA ZIP Code: [redacted]

Email: Telephone:

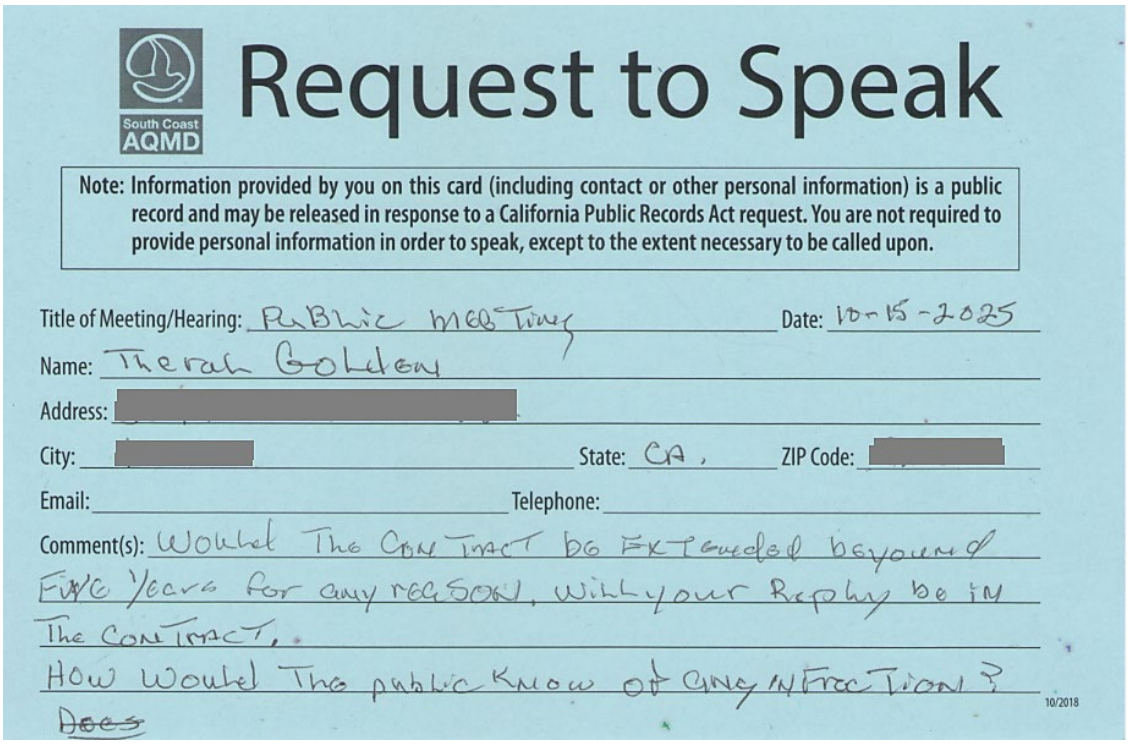
Comment(s): Opposed to "cooperative agreement"/MOU.

10/2018

Staff Response to Written Comment #14:

Please see the Main Responses which address key concerns identified with the proposed Cooperative Agreement.

Written Comment #15 from Theral Golden, West Long Beach Association



South Coast AQMD

Request to Speak

Note: Information provided by you on this card (including contact or other personal information) is a public record and may be released in response to a California Public Records Act request. You are not required to provide personal information in order to speak, except to the extent necessary to be called upon.

Title of Meeting/Hearing: PUBLIC MEETING Date: 10-15-2025

Name: Theral Golden

Address: [redacted]

City: [redacted] State: CA, ZIP Code: [redacted]

Email: Telephone:

Comment(s): Would The CONTRACT be Extended beyond of FIVE Years for any REASON, will your Reply be IN The CONTRACT,

HOW Would The public KNOW of ANY INFRACTION?

~~Does~~

10/2018

Staff Response to Written Comment #15:

Any extension of the Cooperative Agreement is under the decision-making authority of the South Coast AQMD Governing Board. The draft Board Resolution directs staff to return to the South Coast AQMD Governing Board prior to the end of the Cooperative Agreement and recommend whether to either extend, amend, or create a new Cooperative Agreement, or to pursue rulemaking

As part of the Board Resolution directing staff to report to the South Coast AQMD Governing Board on the implementation status of the agreement, staff will include any contract defaults as well as the resulting financial consequences rendered and any other outcomes that occurred in their report.

Written Comment #16 from International Longshore and Warehouse Union Locals 13, 63 and 94

630 S. Centre Street
San Pedro, CA 90731
(310) 830-1130 • Fax (310) 830-3489
www.ilwu13.com

350 W. 5th Street, Suite 200
San Pedro, CA 90731
(310) 521-6363 • Fax (310) 521-6343
www.ilwu63.net

180 E. Ocean Blvd, Suite 1020
Long Beach, CA 90802
(310) 832-1109 • Fax (310) 832-2142
www.ilwulocal94.org

October 21, 2025

Sent via Email to ports_comments@aqmd.gov

South Coast Air Quality Management District
21865 Copley Drive
Diamond Bar, CA 91765

Re: ILWU Locals 13, 63, and 94 Feedback- Draft Cooperative Agreement Between the South Coast Air Quality Management District, the City of Long Beach Harbor Department, and the City of Los Angeles Harbor Department

Dear South Coast Air Quality Management District,

International Longshore and Warehouse Union ("ILWU"), Locals 13, 63, and 94 write to provide feedback on the recent Draft Cooperative Agreement between the South Coast Air Quality Management District, the City of Long Beach Harbor Department, and the City of Los Angeles Harbor Department ("Draft Cooperative Agreement").

As you know, ILWU Locals 13, 63, and 94 represents over 15,000 longshore workers, marine clerks, and foremen at the Ports of Los Angeles and Long Beach ("Ports") as well as the foremen at the Ports of San Diego and Hueneme. No other group stands to gain more from cleaner port operations than our members, as we are the workforce with "boots on the ground" at the Ports and are intertwined with the Ports' surrounding communities with 53% of our members residing within 5 miles of the Ports, and 74% of our members residing within 10 miles of the Ports.

The tremendous economic impact of the Ports within the South Coast Air Basin and beyond cannot be overstated. Our members have middle-class sustaining jobs with healthcare and retirement benefits that allow them to support their approximately 60,000 family members, as well as the local communities within the South Coast Air Basin and beyond. In addition, the Ports are responsible for over one million jobs in the counties of Los Angeles, Orange, Riverside, San Bernardino, and Ventura, and nearly three million jobs nationwide. The Ports' economic activity generated $2.78 billion in state and local taxes, plus an additional $4.73 billion in federal taxes, in 2022.

Based on this immense economic impact, the most glaring omission in the Draft Cooperative Agreement is its silence on the use of public funds to automate workers out of a job. For nearly a decade, legislation has prohibited the use of public funds or grants to require, incentivize, encourage, or otherwise promote the use of automated, remotely controlled, or remotely operated cargo handling equipment, or infrastructure to support such equipment.

This prohibition on misuse of public funds is not anti-innovation, rather, it is basic fiscal responsibility. As the ILWU has consistently argued: taxpayer money should not be used to put taxpayers out of work for the benefit of foreign-owned ocean carriers and their subsidiaries. If terminal operators seek to invest in expensive automation that eliminates California jobs, sound governance and responsible economic policy mandate that they do so with private capital, not public subsidies.

As such, we respectfully request that language be inserted into Section II(A)(1) of the Draft Cooperative Agreement reflecting the parties commitment to not "use public funds or grants, whether municipal, county, state, or federal funds or grants, to require, incentivize, encourage, or otherwise promote the use of automated, remotely controlled, or remotely operated equipment, or infrastructure to support automated, remotely controlled, or remotely operated equipment."

Such a provision is a rational, balanced policy that protects middle-class union jobs, prevents taxpayer dollars from being used to automate those jobs away, and ensures continued environmental progress without destabilizing California's economic foundation.

Sincerely,

Gary Herrera
President
ILWU Local 13

Danny Vilicich
President
ILWU Local 63

Daniel G. Miranda
President
ILWU Local 94

Ports Response to Written Comment #16:

The Ports acknowledge that Federal and State law restricts use of certain sources of funding to projects using human-operated equipment. Funds awarded under 42 US Code 7433 for the purchase or installation of zero-emission port equipment or technology are for "human-operated equipment or human-maintained technology". Funds awarded under California Streets and Highway Code Section 2192(c)(3) "shall not be allocated to a project that includes the purchase of fully automated cargo handling equipment", which means "…equipment that is remotely operated or remotely monitored, with or without the exercise of human intervention or control." Funds can be used for "…the purchase of human-operated zero-emission equipment, human-operated near-zero-emission equipment, and infrastructure supporting that human-operated equipment…" and/or "…the purchase of devices that support that human-operated equipment, including equipment to evaluate the utilization and environmental benefits of that human-operated equipment."

Written Comment #17 from Wilmington Chamber of Commerce

October 21, 2025

Wayne Nastri
Executive Officer
South Coast Air Quality Management District
21865 Copley Drive
Diamond Bar, CA 91765

Re: Support for the Proposed Cooperative Agreement between South Coast AQMD, the Port of Los Angeles, and the Port of Long Beach

Dear Mr. Nastri:

On behalf of the Wilmington Chamber of Commerce, representing hundreds of businesses across the Los Angeles Harbor area, I write to express our support for the Proposed Cooperative Agreement between the South Coast Air Quality Management District (AQMD) and the Ports of Los Angeles and Long Beach.

The Chamber recognizes the significance of this agreement as a practical, collaborative alternative to direct rulemaking under Proposed Rule 2304. Our members, many of whom operate within the Port complex or depend on port-related commerce, view this cooperative approach as a positive step toward achieving shared air quality and sustainability goals without compromising the region's economic vitality.

The 2025 Wilmington Chamber Policy Platform emphasizes three key priorities directly advanced by this agreement:

1. **Accountable Enforcement:**
   The cooperative framework promotes consistency and transparency by defining clear milestones, monitoring procedures, and financial accountability for noncompliance. This aligns with the Chamber's call for balanced, predictable enforcement that provides businesses with clarity and fairness in how environmental standards are applied.

2. **Infrastructure Investment and Innovation:**
   The Agreement's focus on Zero-Emission Infrastructure Plans (ZE Plans) reflects the Chamber's long-standing advocacy for strategic infrastructure upgrades that support both environmental progress and local economic opportunity. The transition to zero-emission cargo-handling and trucking infrastructure, when implemented collaboratively, creates new pathways for local contractors, workforce training, and green job development.
3. **Collaborative Governance:**
   The Chamber supports the continued partnership between the Ports, AQMD, and local stakeholders. Establishing clear public engagement mechanisms—such as open virtual office hours and annual reporting—advances our Platform's commitment to inclusive, data-driven decision-making that reflects community and business perspectives.

We encourage AQMD and the Ports to maintain flexibility as implementation proceeds. Ongoing engagement with local business stakeholders will be essential to ensure that regulatory objectives are met in a way that sustains competitiveness, promotes job stability, and accelerates investment in zero-emission infrastructure.

The Wilmington Chamber of Commerce appreciates the opportunity to participate in this process and supports the Cooperative Agreement as an effective, results-oriented model for addressing air quality challenges through partnership rather than prescriptive regulation.

Sincerely,

Monica Garcia-Diaz
Chief Executive Officer
Wilmington Chamber of Commerce

Staff Response to Written Comment #17:

South Coast AQMD's mission is to clean the air and protect the health of all residents in the South Coast Air District through practical and innovative strategies. The strategies and control measures may be implemented in both regulatory and non-regulatory mechanisms. As demonstrated in the 2022 AQMP Figure 1-4, the region continues to experience economic and jobs growth despite the implementation of clean air control measures and strategies over the past decades.

Written Comment #18 from Coalition for Clean Air

COALITION FOR CLEAN AIR

October 21st, 2025

Chair Delgado and Members of the Governing Board
South Coast Air Quality Management District (South Coast AQMD)
21865 Copley Drive
Diamond Bar, CA 91765

Email: vdelgado@aqmd.gov
Clerk of the Board: cob@aqmd.gov

SUBJECT: Port and AQMD Negotiation Concerns and Feedback

Dear South Coast Air Quality Management District Governing Board and Staff,

We are writing to follow up regarding the ongoing negotiations between the Port and AQMD, on a contract between the two entities. A regulatory framework, such as an Indirect Source Review Rule, is the most proven, effective, and straightforward way to achieve AQMD's stated goals of reducing air emissions in the region. Strong rules send a signal to both those that are regulated and to the broader marketplace to help accelerate changes in behavior. The warehouse indirect source rule, CARB At-Berth regulations, Commercial Harbor Craft rule, and Ocean-Going Vessel Fuel Regulation, for example, have delivered significant public health benefits, reduction in emissions, and needed modifications to behavior. Conversely, the withdrawal of the Advanced Clean Fleet regulations have slowed down ZEV adoption, as some fleet owners no longer have motivation to invest in clean equipment.

Given the South Coast AQMD's lack of will to pass a rule, however, we believe that the proposed voluntary agreement with the ports can be made better in several ways. Since actions speak louder than words, we would like to see these incorporated into the agreement:

1. The end goal of either a rule or voluntary measures must be the reduction in emissions from the ports. These reductions must be permanent, enforceable, quantifiable, and surplus. Voluntary measures on their own have rarely achieved the emission reductions necessary to clean our air. For example, it is not clear that the airport memoranda of understanding (MOU) has achieved significant emission reductions from the five major airports. The ports' recent emission inventories, which showed that port emissions increased over the past year, underscore the limits of voluntary measures like the CAAP.
    a. *Please incorporate into the agreement estimated emissions reductions from each infrastructure project planned. This can be from the estimated number of pieces of equipment decommissioned or another measure.*

Comment 18-1

b. *Please describe if there are increases of emissions forecasted due to more TEUs, how will the ports and terminal operators prevent emissions increases from these?*
c. *Please include target setting measures on the percent utilization of infrastructure projects developed as part of this agreement in the implementation section (uptime of infrastructure used). This should include how the ports will achieve this through mechanisms such as green laning, green appointment times, percent TEU moves by ZEVs, etc.*

Comment 18-1, Cont'd

2. The ports have listed the following as potential for delays and offramps:
   a. If grants are not allocated as planned:
      i. *If the grants are for planning, the ports should provide us with the data on how much the ports think this infrastructure planning will cost. Can the ports provide sufficient funds to have the plan expenses covered without relying on grants?*
      ii. *If these grants are for implementation and they are repealed due to unforeseen circumstances (ex federal government) then the ports must provide data on who is responsible for the grant commitments being nullified and any actions they are taking to remedy these.*

Comment 18-2

   b. If there are delays with the infrastructure that utility providers can provide. Utility providers already have infrastructure plans in place and say they can provide the ports with adequate supply (they articulated as such at the Mobile Source Committee Meeting 10-17-25).
      i. *We would like to know what the timeline is for construction, who the entity is that is responsible for permitting and licensing, and what is being done to expedite these processes and for this data to be made available to the public.*

Comment 18-3

3. How is SCAQMD going to get the commitments of SCE and LADWP in this process?
   i. *What is the role of CEC and CPUC in this process?*
   ii. *What measures are being put into place to expedite permitting and licensing?*
   iii. *What can local governments and agencies do to expedite timelines on their end.*
   iv. *This plan should also determine how terminal operators will plan to have redundancy and back-up built into their power systems that are not heavily polluting (ex, installation of renewable energy or micro-grids).*

Comment 18-4

4. Public Process and Public Input. Similar to how the Offshore wind roundtables have worked at POLB there should be periodic (bimonthly or quarterly) meetings with stakeholders to update community members on what progress is being made on the plans and to have accountability integrated in. These roundtable discussions should be a safe space to provide community input, troubleshoot issues, and provide updates. These can be mirrored on how the AQMD process worked for PR 2304 with different groups invited to attend depending on the area of focus (fleet operators, harbor craft, pilots, etc). The following stakeholders should be invited to be at the table and this process should be paid for by the ports and facilitated by AQMD:
   i. *Community Organizations - public health and environmental, etc.*
   ii. *Community representatives under AB617, including Community Steering Committees as well as the South Coast AQMD's EJ Advisory Group*
   iii. *OEMs that are providing equipment*
   iv. *Terminal operators*
   v. *AQMD staff (including AB 617 staff as well as team that worked on this agreement)*
   vi. *POLB and POLA Staff*
   vii. *Utility Providers*
   viii. *Labor Groups*

Comment 18-5

ix. *Consultants: those conducting the emissions inventory and those writing the Infrastructure plans*

Comment 18-5, Cont'd

5. It is unclear where current revenue from violations will be spent. It seems that the tidelands trust gets a primary decision-making directive (and the port commissioners will approve where it can go). Only after $100,000 does public notice get triggered. This is antithetical to a violation amount where the violator gets to designate where the monies are spent.
    a. *The monies need to be spent on reducing port emissions and the public should have a say in this.*
    b. *Violation amounts should be higher starting at $50,000 for Tier I, $100,000 Tier 2, and $150,000 for Tier 3.*

Comment 18-6

6. Public health support and data.
    a. *There needs to be a parallel Public Health Study funded such as the CASPER study and survey, that looks to monitor and assess the health impact of communities on a continuous basis. This should cover impacts to Wilmington, San Pedro, West Long Beach, and can strengthen ongoing efforts at air quality health impact monitoring.*

Comment 18-7

7. Efficiency Measures Inclusion
    a. *Efficiency measures such as Universal Appointment Terminal System systems with green appointment systems need to be made a part of the infrastructure planning process. There needs to be an expedited effort to complete these software modifications in line with Phase 1 ZE plan for drayage.*

Comment 18-8

8. A backstop measure to all of this must be the implementation of immediate rule-making without delay. The Governing Board relinquishing regulatory authority is antithetical to this effort.
    a. *The resolution should be modified to remove a regulatory pause on ALL-rulemaking for five years and instead focus on an infrastructure ONLY-regulatory pause.*
    b. *The other five CAAP+ measures should not be beholden to a pause since they are not yet negotiated.*

Comment 18-9

While we acknowledge that no process is perfect, the current proposal and process can be made much better in order to ensure success, reduce pollution, and encourage public participation. These five years cannot be yet another delay in needed emission reductions. This is part of AQMD's mandate and the responsibility of all appointed and elected officials in our region. This frankly, is your most fundamental responsibility. With no major emissions reductions made during the last year and up to 10 tons/day of reduced emissions off the table from the failure of Rules 1111 and 1121 to pass, it is time to do something meaningful and impactful.

We hope you will address each of our suggestions and incorporate them into your final agreement and future CAAP+ measures negotiations.

Sincerely,

Dori Chandler

Dori Chandler

Policy Advocate, Coalition for Clean Air

Cc:
South Coast Governing Board Members
Wayne Nastri, Executive Officer, SCAQMD
Ian MacMillian, Assistant Deputy Executive Officer, SCAQMD
Sarah Rees, Deputy Executive Officer, SCAQMD
Susan Nakamura, Chief Operating Officer, SCAQMD

Responses to Written Comment #18:

Staff Response to Comment 18-1
Please see Main Response 5 for a discussion on the scope of the Cooperative Agreement in relation to emission reductions. Information regarding the annual progress reports on the implementation of the Airport MOUs, including emissions, can be found here: https://www.aqmd.gov/home/air-quality/air-quality-management-plans/air-quality-mgt-plan/facility-based-mobile-source-measures/commercial-airports-mous/mou-progress-reports.

Further, the draft Board Resolution has been updated to now include direction to staff to analyze potential emissions benefits of using the infrastructure included in the port zero-emission infrastructure plans.

As for ports and terminal operators addressing emission increases due to increases in cargo throughput, this suggestion is outside of the scope of the current proposed agreement.

Regarding any target setting measures related to infrastructure and cleaner technology usage, staff will take your suggestions into consideration when we begin negotiations on potential additional measures beyond infrastructure for incorporation into the agreement in Spring 2026.

Ports Response to Comment 18-2
The Ports will evaluate and pursue funding for eligible plans and projects as they deem appropriate. Further, project cost estimates and funding sources for implementation are among the data provided in the Plans.

Staff Response to Comment 18-3
Utilities may be a Project or Energy Delivery Entity specified in the Ports' infrastructure plans and may be consulted with by the Ports for development of the plans. If a utility is specified as either entity for project(s) identified in a plan, the plan must have information on project scheduling for construction of the utility work, entity(s) that are responsible for related permitting and licensing, and any considerations for utility work processes that minimize disruption to port operations while maintaining timely progress toward project completion. Staff will share with the public the infrastructure plans and the subsequent annual reports containing implementation progress of the plans, which are required to give information on whether project milestones were met and the reason(s), entity(s) involved, and mitigative steps taken if there is any delay in meeting a milestone.

Staff Response to Comment 18-4 (questions i. through iii.)
SCE and LADWP do not have roles in this agreement; however, they may be a Project / Energy Delivery Entity specified in the ZE Plans, and may be consulted by the Ports to prepare the On-Port Energy Supply Capacity Analysis in the Plans. CEC and CPUC also do not have roles in this agreement and are not anticipated to be a project delivery entity identified in the infrastructure plans. CEC is the agency overseeing energy policy and planning for the state, while CPUC is the regulating agency for privately owned utilities, such as SCE. The work to develop and implement the ZE plans can inform what CEC and CPUC could potentially do toward energy planning for the state. Staff is engaged with these entities and is kept apprised of their latest efforts toward zero-emissions charging and fueling infrastructure for the state and this region. Utility providers and other related planning agencies discussed their recent efforts at the South

Coast AQMD Governing Board's Mobile Source Committee meeting on October 17, 2025: https://www.aqmd.gov/home/news-events/webcast/live-webcast?ms=DWz32JPEd9k.

Permitting and licensing requirements as well as timelines will be detailed in the ZE Plans for each project included. By developing the ZE infrastructure plans required through this agreement, this provides a way for all the necessary information and steps by required entities, including the Ports, to deliver the infrastructure projects (e.g. energy delivery to project site by utilities, licensing to operate charging and/or fueling stations from local governments, issuing of required permits from agencies including to begin construction, etc.). Coordinating this effort into comprehensive plans will help to ensure projects proceed as expeditiously as possible.

Ports Response to Comment 18-4 (question iv.)
Redundancy and back-up power systems are not specifically required as Plan elements, but may be addressed either within and/or outside of the Plans, as appropriate.

Ports Response to Comment 18-5
The Cooperative Agreement contains a robust public process to ensure significant public input from all stakeholders is received as plans are developed. The specific approach that each port will take for updating all stakeholders will be determined as work under the Cooperative Agreement advances. It is anticipated that updates on progress will be shared in Annual Reports prepared pursuant to the Cooperative Agreement, at CAAP Stakeholder Advisory Group meetings, and in various public forums established by each port to guide its plan development and implementation.

Staff Response to Comment 18-5
South Coast AQMD staff will also continue to provide regular updates to the existing AB 617 Community Steering Committees on the agreement implementation status including information received on the Ports' infrastructure plans and their annual reports.

Ports Response to Comment 18-6
Port funds are subject to Tidelands Trust provisions, even if transferred to a third party. As stated in section L. 1., the Clean Air Fund is managed by South Coast AQMD, and the procedures in section L.4 are structured to comply with Tidelands Trust requirements. To streamline the Tidelands Trust compliance process, the Ports will seek approval by Boards of Harbor Commissioners of a pre-approved list of potential mitigation project types, which South Coast AQMD shall publish with their request for projects. If new projects are selected outside the scope of the pre-approved list, the Ports may consult with California State Lands Commission (CSLC) staff and seek Port Board approval if CSLC staff opines it is dissimilar to the Port Board-approved list or may be inconsistent with the Tidelands Trust requirements.

For further clarification on the scope and variety of potential projects that may be considered eligible, the following project types have been deemed Tidelands-compliant by CSLC under the Port of Long Beach Community Grants Program:

- Doors and/or windows replacement
- Air filters and HVAC
- Buffer parks and open space

- Trees and landscaping
- Health programs (related to respiratory/ cardiopulmonary conditions)
- Energy efficiency upgrades (such as LED lighting)
- Renewable energy projects (solar)
- Zero-emission fleet vehicles and chargers
- Bicycling infrastructure
- Pedestrian infrastructure
- Traffic-calming measures
- Sound insulation
- Noise barriers – soundwalls, noise berms
- Multi-benefit regional projects
- Stormwater infiltration or retention
- Stormwater capture or reuse
- Stormwater treatment

Staff Response to Comment 18-6
Staff's intent for spending the funds from the Clean Air Mitigation Fund is to benefit communities most impacted by port pollution, including potential port emission reduction projects, which is consistent with the Tideland Trust requirements. The proposed Cooperative Agreement was updated to now indicate that prior to spending any of the mitigation funds, the South Coast AQMD will conduct a public meeting and allow for written public comments to get public input on how monies should be spent.

Regarding financial consequences due to defaults, the payment amounts were revised to $50,000 for Tier I, $100,000 for Tier II, and $200,000 for Tier III.

Staff Response to Comment 18-7
The suggested study is outside the scope of this current version of the Cooperative Agreement. However, Ports and South Coast AQMD staff will take this suggestion into consideration when we begin negotiations on potential additional measures beyond infrastructure for incorporation into the agreement in Spring 2026.

Staff Response to Comment 18-8
Thank you for the suggestions. South Coast AQMD staff will take these into consideration when we begin negotiations on potential additional measures beyond infrastructure for incorporation into the agreement in Spring 2026.

Staff Response to Comment 18-9
See Main Responses 6 and 7.

Written Comment #19 from Earthjustice et al.

VIA ELECTRONIC MAIL

October 22, 2025

Ian MacMillan
Deputy Executive Officer
South Coast Air Quality Management District
Email: imacmillan@aqmd.gov; ports_comments@aqmd.gov

Re: Comments on Proposed Draft Cooperative Agreement with Ports of Long Beach and Los Angeles Released October 10, 2025

Dear Mr. MacMillan:

We submit these comments on the Draft Cooperative Agreement with Ports of Long Beach and Los Angeles released October 10, 2025 (Draft Agreement). Our position has always been clear: rulemaking remains the strongest approach for reducing emissions and protecting public health. It offers transparency, enforceability, and accountability—values that are still lacking from the proposal. The process that produced this Draft Agreement has underscored exactly why. Closed-door discussions have yielded a document still missing critical elements, yet it is being rushed for a vote alongside a resolution asking the Board to effectively bar rulemaking for five years. We urge you to choose a different path.

This proposal focuses solely on infrastructure planning. If this limited-scope agreement is being proposed, the accompanying resolution should be similarly limited in scope. A resolution that severely halts **any** rulemaking on additional port-specific measures, contravenes the 2022 Air Quality Management Plan (AQMP) and the District's duty to protect the public. If there is any hope of gaining public trust in this agency, this reckless waiver of the agency's authority should be reconsidered.

This letter also addresses concerns regarding the structure of the agreement, identifies missing essential elements, and offers suggestions for enhancing transparency and community engagement. Since this Draft Agreement focuses solely on one aspect—zero-emission infrastructure planning—we reserve our comments on the additional, yet undeveloped measures for future discussions.

Comment 19-1

I. The Five-Year Embargo On Rulemaking is Ill-Advised, Premature, and Undermines the District's Mandate to Improve Air Quality and Protect Public Health

The Draft Agreement includes an unprecedented provision that would prohibit South Coast AQMD from pursuing **any** rulemaking related to port sources for a period of five years. This limitation is both premature and unsound, particularly given that the agreement itself remains incomplete and lacks many of the substantive elements necessary to achieve its stated objectives.

In the Recitals, the Parties state that "it is the intent of the Parties that this Agreement generally meets the objective of the rulemaking elements under AQMP MOB-01, for sources at Ports of Long Beach and Los Angeles." It further specifies that "[a]bsent further agreement...or further direction by the Governing Board of South Coast AQMD, this agreement is intended to serve as an alternative to any South Coast AQMD-developed **indirect source rule** ..."[1] Yet Section II.D of the Draft Agreement explicitly leaves placeholders for several source categories including ocean going vessels, drayage trucks, cargo-handling equipment, harbor craft, and on-port locomotives— each of which is essential to any comprehensive indirect source rule. These categories remain entirely undefined, with no framework, commitment, or schedules for emission reduction.

Comment 19-2

Adopting a five-year moratorium on rulemaking under these circumstances would effectively lock in an incomplete agreement that lacks the necessary terms to fulfill its own stated intent. The District would be forgoing its primary regulatory authority without any assurance that the agreement covers the full range of emission sources contemplated by AQMP MOB-01.

Despite statements from some Board members, staff, and agency leadership in recent presentations asserting that the District will retain its rulemaking authority, it is undeniable that such an unequivocal instruction to staff will, in practice, thwart opportunities to go beyond measures the Ports have already conceived. Pre-signing away regulatory power in this way undermines the AQMP, the District's negotiating leverage, and the agency's core public health obligations.

The much-discussed "90-day walk-away" clause is inadequate as a safeguard. The issue is not whether the Parties can exit a defective agreement, but whether the District can retain enforceable checkpoints, measurable milestones, and clear backstops that rules can provide if expectations are not met. The clause is far from a "clean exit." It requires an extensive meet-and-confer process and the prospect of private mediation which can further mire progress through expensive procedural delay for months, if not years. Rather than serving as an "escape valve," it

[1] Proposed South Coast AQMD-POLB-POLA Cooperative Agreement, released October 10, 2025, p.5, § C.1.

risks perpetuating the status quo while constraining the District's ability to pivot to stronger measures.

To more accurately describe the scope of what is currently before the Board, the Recital should be revised to: "*the purpose of this Agreement is to meet objectives of AQMP MOB-15, relating specifically to zero-emission infrastructure planning at the Ports.*" This would align the document with its true, limited focus. A resolution by the Board, if this Draft Agreement is adopted, should similarly be limited in scope. A five-year embargo on rulemaking across all port sources—particularly when critical components remain undeveloped—is ill-advised, inconsistent with AQMP mandates for enforceable emission reductions, and contrary to the public health mission of the District.

Comment 19-2, Cont'd

II. Infrastructure Planning Must Be Anchored to Emission-Reduction Targets

Port leadership has publicly stated that their proposed measures will deliver "quantifiable emission benefits."[2] For those assurances to have any meaning, measures on infrastructure planning must explicitly link infrastructure planning to measurable air pollution reduction outcomes.

As the District considers which path to take for zero-emission infrastructure planning alone, it is essential that these measures be structured around clear, measurable emission-reduction targets. Infrastructure investment is not an end in itself; it is a means of achieving quantifiable emissions reduction benefits.

Comment 19-3

Zero-emission infrastructure planning measures that the District adopts, and the substantial investments it makes, cannot be treated merely as construction projects or equipment pilot programs—they must be explicitly tied to the air quality and public health outcomes the air basin must achieve, as identified in the 2022 AQMP. The Ports have already demonstrated an ability to produce emission-reduction projections and set targets. For example, their earlier clean-air initiatives in the Clean Air Action Plan 2017 Update established reduction benchmarks for NO_x, SO_x, and diesel particulate matter relative to 2005 levels.[3] Those experiences show that the Ports are capable of quantifying predictable emission reductions and tracking performance when required to do so.

Accordingly, any measure the District adopts on zero-emissions infrastructure planning should require that each plan submitted by the Ports:

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[2] Gene Seroka & Mario Cordero, *A Path Forward to Cleaner Air at the Ports*, ORANGE COUNTY REGISTER (July 31, 2025), https://www.ocregister.com/2025/07/31/gene-seroka-and-mario-cordero-a-path-forward-to-cleaner-air-at-the-ports/

[3] Letter from Wayne Nastri, Exec. Officer S. Coast Air Quality Management Dist., to Gene Seroka, Exec. Dir., Port of L.A., & Mario Cordero, Exec. Dir., Port of Long Beach (September 18, 2017).

- **Quantify planned emission reductions** (criteria pollutants and GHGs) enabled by the proposed infrastructure; identifying the relevant equipment categories, deployment volumes supported, and timelines;
- Include a **scoring or evaluation mechanism** assessing projects for their projected emission-reduction potential and deployment feasibility;
- Establish **interim milestones and target years** consistent with the AQMP and regional attainment deadlines;
- **Prioritize investments** that yield the most significant near-term reductions and accelerate zero-emission technology deployment; and
- Establish **clear guidelines and criteria** for establishing targets and reporting outcomes.

By tying infrastructure planning to specific emission-reduction targets, the District can ensure that investments and plan development remain purpose-driven, transparent, and accountable. Anything less risks transforming infrastructure measures into process steps divorced from performance outcomes that matter to the air basin. Any infrastructure planning measure the District adopts must make clear that success will be judged by actual emission reductions and community health improvements, not by the number of chargers or projects planned.

Comment 19-3, Cont'd

To ensure these infrastructure measures deliver on their promise, they must also include robust monitoring, evaluation, and course-correction mechanisms. Establishing targets is only meaningful if the District retains the authority and data to determine whether the most relevant outcome, improved air quality, is being achieved. The measures adopted should therefore require regular progress reports, independent verification, and defined checkpoints at which the District can reassess performance and, if necessary, pursue further rulemaking or other enforceable actions. Infrastructure planning must remain a dynamic, adaptive process that responds to real-world results and keeps the Basin on track towards clean air.

III. Reporting, Public Health Baselines, and Community Participation Should Be Integrated into Infrastructure Planning Measures.

To ensure accountability, transparency, and measurable health benefits, any measure the District adopts must include strong provisions for reporting, community participation, and public health evaluation. These components are crucial for tracking real progress toward the emission-reduction and health-equity goals that the Parties acknowledge are essential. These goals are not just relevant to the harbor area, but also impact residents living throughout the South Coast Air Basin. For this reason, the District must insist on more robust reporting and data sharing where available—especially with respect to reported outcomes.

Comment 19-4

A. Public Health Baseline and Measurement of Progress.

A credible reporting and evaluation process begins with a baseline assessment of community health conditions. The measure that the District adopts should require that a health-impact

baseline be established at the outset of implementation, beginning with the submission of the first infrastructure-planning materials. This baseline must capture respiratory and cardiovascular indicators, cancer-risk levels, and exposure data for residents living near ports, associated rail facilities, and freight corridors.

There is strong precedent for this approach. Under the California Air Resources Board's 2005 Statewide Railyard Agreement with railroad companies, the parties agreed to prepare railyard emissions inventories in addition to health risk assessments for 17 major railyards statewide, which CARB reviewed and used to produce health risk assessments between 2007-2009. That agreement explicitly contemplated uniform criteria to assess toxic air contaminants at railyards, serving as an initial health baseline to track progress and guide mitigation.[4]

Comment 19-4, Cont'd

Ports and industry stakeholders who stand to gain from the deployment of zero-emission infrastructure should help fund and participate in this process, regardless of which path the District adopts. Establishing a baseline ensures progress can be measured over time, that emission-reduction claims are grounded in real-world outcomes, and that the District can verify whether adopted measures will deliver on its obligation to protect public health.

B. Reporting and Transparency

Any adopted measure must require regular and transparent reporting that allows the public and policymakers to track performance over time. Reporting should:

- Be targeted with completion of phased infrastructure planning, with interim updates during early implementation phases;
- Quantify emission reductions relative to established baselines;
- Include metrics on technology deployment, infrastructure utilization, public health impacts, and associated pollution reductions; and
- Be published online in a publicly accessible format with archived data for independent review.

Comment 19-5

Importantly, the current proposal delays the first annual report until **2029** —a year before the Ports' own 2030 deadlines for achieving 100% zero-emissions in certain categories. That timing is far too late to provide meaningful accountability or allow the District to course correct. Instead, annual reporting should begin with the first phase for infrastructure planning, following a staggered schedule aligned with each planning phase. A Phase I Annual Report should be submitted the year following the initial plan approval to assess the pace of implementation and verify early results.

[4] California Air Resource Board, *Railyard Health Risk Assessments and Mitigation Measures,* Available at: https://ww2.arb.ca.gov/resources/documents/railyard-health-risk-assessments-and-mitigation-measures, last visited October 21, 2025.

As part of that first phase, commercial harbor craft should be explicitly included in planning requirements. During the 2024 working group process, several harbor craft operators indicated they were ready to transition to zero-emission technology but required terminal cooperation to ensure adequate charging capacity. Elevating this category into Phase I would align with both readiness and opportunity for early emission reductions.

Comment 19-5, Cont'd

C. Community Access and Participation

Accountability also depends on direct involvement from impacted communities in evaluating outcomes. Any measure the District adopts should establish a Community and Public Health Advisory Panel, composed of representatives from AB 617 communities from throughout the basin, local public health advocates, and residents most affected by freight and port pollution. This panel should:

- Play a role in evaluating initial plans submitted and revisions as well as review periodic progress reports and provide recommendations directly to AQMD staff and the Governing Board;
- Participate in public evaluation sessions where updated data and milestones are presented; and
- Help prioritize mitigation and infrastructure investments that facilitate more equitable distribution of benefits and considerations.

Comment 19-6

To ensure meaningful public participation, the process for developing and reviewing draft plans must be substantially strengthened. The current proposal for brief review windows is insufficient and should be bolstered. AQMD and the Ports must engage community stakeholders early and often, before plans are finalized, and allow time for substantive input during development. Once draft plans are released, the public review period should extend well beyond 14 days prior to a vote. At a minimum, a 90-day public comment period should be provided for any proposed revision or plan update. More robust engagement with communities ensures transparency, informed participation, and builds trust in the process.

Such a framework also ensures that evaluation of progress is informed by both scientific expertise and lived experience, and reinforces the principle that environmental justice communities must not only be consulted but have continuing and meaningful roles in oversight, decision-making, and co-design of measures to improve conditions for their communities.

D. Checkpoints and Course Correction

Any measure ultimately adopted should include clear checkpoints and triggers to evaluate whether emission-reduction and public health milestones are being met. Where progress lags, the District must retain full authority to pivot to stronger actions, including new rules and

Comment 19-7

enforcement measures. This ensures flexibility, accountability, and alignment with the AQMP's objectives.

Regular, phase-based reporting—beginning early in implementation—will also allow the District to identify and address hurdles, recalibrate priorities, and accelerate policy requirements and investments in underperforming areas. This structure provides both the transparency and responsiveness necessary to ensure that adopted measures deliver real, timely, and measurable pollution reduction benefits to the basin's most impacted communities.

Comment 19-7, Cont'd

IV. Definitions, Need for Clarification, and Drafting Concerns

In addition to the previously identified concerns regarding the drafting of the recitals and objectives of the proposed agreement, particularly the need to align them more closely with the limited, infrastructure-only provisions currently before the Board, there remain significant clarity and drafting issues that must be addressed. These issues relate to both the key definitions and to provisions that would improperly constrain the District's authority.

A. Mitigation Funding and Ill-Defined Tidelands Trust Nexus Requirement

The Draft Agreement's proposed mitigation fund structure raises substantial legal and practical concerns. As drafted, it would arbitrarily subject the South Coast AQMD to the Tidelands Trust Doctrine, despite the District not being a trust grantee and having no specific jurisdictional nexus. Subjecting a regional air quality agency to a legal framework intended to advance commerce, navigation, and other waterway preservation issues, rather than public health and air pollution control, is both inappropriate and illogical.

The proposed structure would limit the District's discretion to direct mitigation funding toward needed projects flowing from air quality and community health priorities identified in this process and instead tether those decisions to the largely economic and recreational purposes of the Tidelands Trust. The effect would be to shift control over mitigation resources away from the regulatory agency charged with protecting the basin's air and back toward the very agencies whose actions necessitated the mitigation in the first place.

Comment 19-8

Compounding this problem, the projects that will be subject to the Tidelands Trust Doctrine have yet to be specifically identified. The Board is effectively being asked to approve an incomplete framework and only later learn from the Harbor Commissions which projects, funds, or facilities will be covered by these restrictions. This is yet another instance demonstrating how the agreement expected to go to a vote remains unfinished and undefined. The District should not forego its authority to administer mitigation funds—presumably derived from defaults or violations of the agreement, only to have their use dictated by the same Parties responsible for those breaches.

It would be absurd for the District, whose jurisdiction encompasses 17 million residents across four counties, to voluntarily subject itself to a tidelands doctrine designed primarily to protect commerce, navigation, and land use rather than public health. To enter a binding agreement now, without even knowing which projects are subject to the Tidelands Doctrine or what limitations that will entail, and do so while simultaneously waiving the District's future regulatory authority, is indefensible.

The District should instead retain full administrative control over any mitigation funds it collects and establish a Community Health Impact Advisory Council, inclusive of impacted-community representatives, to guide and prioritize the use of those resources in alignment with the District's own statutory mission. If the District needs to understand which port-managed properties are subject to the doctrine for other reasons, then said properties should be explicitly identified in the Agreement and explained avoid any jurisdictional confusion.

Comment 19-8, Cont'd

B. Definition of Key Terms

The Draft Agreement also lacks clarity in its operative definitions, further demonstrating how the document is incomplete and in need of revision before Board consideration.

- **Definition of "Zero Emissions"**: The reference to "zero-emission fuel type" should be deleted. The definition of "Zero Emissions" sufficiently focuses on the outcome: the absence of criteria pollutants and greenhouse-gas emissions at the point of operation. The definition for "Fuel Type" proposed in PR 2304 more appropriately keeps these two concepts separate. The version in the Draft Agreement confusingly conflates the two.
- **Definition of "Milestone"**: The Draft Agreement should clearly define milestones as **specific, measurable progress markers** tied to emission-reduction outcomes, reporting obligations, and evaluation checkpoints. This will ensure accountability and enable course correction by the District when goals are not being met.
- **Definition of "Financial Infeasibility":** The term must be narrowly and objectively defined. The inability to secure a grant, the loss of a single funding opportunity, or aversion to a grant requirement cannot, alone, constitute financial infeasibility. Before invoking infeasibility, the Ports must demonstrate that all other funding avenues, including the prospect of using their own reserves and reinvestment opportunities, have been exhausted. Otherwise, this term becomes a loophole allowing the Parties to avoid commitments whenever external funding proves inconvenient.

Comment 19-9

Finally, it is unclear why other functional definitions from the last draft of PR 2304 were not included. These basic terms, including what is meant by *construction*, *design*, and *energy demand*, in addition to *harbor craft*, *drayage truck*, *cargo handling equipment*, *ocean-going vessel*, *locomotive*, and *switcher*, all seem fundamental to a clear understanding of what the Draft Agreement is proposing and what commitments will be made.

V. Conclusion

To close, we urge the District to take the time needed to get this right. We strongly favor rulemaking. The measures ultimately adopted must be enforceable, transparent, and centered on public health with clear targets, early reporting, community oversight, and full accountability for results. We stand ready to continue working with staff to develop strong, durable measures that deliver real emission reductions in the end and ensure that community voices are heard throughout the process. This work must begin by preserving the District's ability to use all tools at its disposal, including rulemaking, as measures to implement the AQMP are being created.

Comment 19-9, Cont'd

Thank you for considering our comments.

Sincerely,

Fernando Gaytan
Senior Attorney
Earthjustice

Jennifer M. Cardenas
Campaign Organizer
Sierra Club

Alison Hahm
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Natural Resources Defense Counsel

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CC: Elaine Shen, Planning & Rules Manager
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Responses to Written Comment #19:

Staff Response to Comment 19-1
Please see Main Responses 1 and 3 regarding the shift from rulemaking to development of a Cooperative Agreement and the public process during this development. Please see Main Response 5 regarding emission reductions. Please see Main Response 6 regarding the pause on rulemaking.

Staff Response to Comment 19-2
Please see Main Responses 6 and 7 regarding the pause on rulemaking and addressing MOB-01.

The objective of the Cooperative Agreement is to implement the new CAAP measures in Section II.D. and Attachment A to directly reduce emissions and/or facilitate future quantifiable emission reductions from port-related operations. Installing port ZE infrastructure is the critical first step to facilitate the long-term emission reductions from the ports, which is the intent of Attachment A. The additional CAAP Plus measures in Section II.D. are subject to future negotiations, to be pursued immediately if the current agreement is approved, with the opportunity for public input to define the framework, commitments, and schedules of the port-source categories. Negotiation on the additional measures requires additional time and this segmented approach allows an expeditious pathway to address the critical first step of infrastructure development. Regarding the 90-day exit clause, based on stakeholder feedback, the ability for South Coast AQMD to exit the contract was reduced from 90 days to 45 days in order to maintain the ability to quickly pivot through future South Coast AQMD Governing Board action if conditions change. Regarding private mediation, this is an option and not a mandatory step per language in the proposed Cooperative Agreement ("Any dispute not resolved in the normal course of business may be submitted for mediation by the Parties […]").

Staff Response to Comment 19-3
Please see Main Response 5 on emission reduction targets. In addition, the draft Board Resolution was revised to direct staff to calculate potential emissions benefits of using the infrastructure included in plans.

For interim milestones and target years, the Ports are required to set planning targets for port zero-emission infrastructure as specified in Section A.2.b. of Attachment A of the Cooperative Agreement as well as Port milestones and their anticipated timelines for each identified infrastructure project as specified in Sections A.2.e.i. and A.2.e.ii. of Attachment A. Ports can establish as many planning targets and milestones as the plans and identified projects call for based on their own policies and goals as well as other considerations. When the Ports' draft/revised draft plans are received by South Coast AQMD or their draft plans released to the public for review, both South Coast AQMD and the public can weigh in on the milestones and infrastructure planning targets set in the plans as it relates to air quality policies and attainment goals.

The proposed agreement requires regular progress reporting of plan implementation following approval on an annual basis, verification of the infrastructure plans by South Coast AQMD, and regular reports to the South Coast AQMD Governing Board on the implementation status of the agreement.

Ports Response to Comment 19-3
Each project will be developed in conjunction with the individual operators and applicable users. Considerations include emission-reduction potential, deployment feasibility, operational impacts, and cost feasibility. Although there will not be a quantitative scoring or evaluation mechanism, the Ports and operators strive to plan for cost-effective projects.

Staff Response to Comment 19-4
A health impact assessment and/or health risk assessment are outside of the scope of this proposed agreement, which solely focuses on infrastructure planning and implementation. However, staff appreciates the suggestion and will take this into consideration when we begin negotiations on potential additional measures beyond infrastructure for incorporation into the agreement in Spring 2026.

Staff Response to Comment 19-5
Annual reporting, milestones updates, and making plans publicly accessible are required in the proposed agreement. The draft Board Resolution will direct staff to calculate potential emissions benefits of using the infrastructure included in the plans, which would require use of baselines. Metrics on technology deployment, infrastructure utilization, public health impacts, and associated pollution reductions are the next phase following infrastructure development, which is the focus of the current proposed agreement. However, staff will consider this suggestion when we begin negotiations on potential additional measures beyond infrastructure for incorporation into the agreement in Spring 2026. As for the first annual report required from the Ports to be due in 2029, this is approximately 13 months (about one year, as suggested in the comment) following the approval of the first Phase 1 Plan, which is no later than December 31, 2027. Staff agrees that the annual reporting should align with timeline as each plan is developed; thus, a one-year timeframe to report on the plan implementation is appropriate to allow for significant progress to be demonstrated on the delivery of the infrastructure projects, and the first annual report is due approximately one year following the Phase 1 Plan approval.

Ports Response to Comment 19-5 (regarding harbor craft)
The Ports are currently working on a number of initiatives related to harbor craft infrastructure planning. The Ports are funding several new Technology Advancement Program projects for zero-emission harbor craft, and the Port of Long Beach is overseeing an incentive program to accelerate the deployment of zero-emission harbor craft. These early deployments will provide critical information for a comprehensive harbor craft infrastructure plan, but the Ports need time for these projects to proceed to learn from them. The Ports will continue to work on harbor craft infrastructure efforts – including installation of necessary charging infrastructure – even as they develop the infrastructure plan pursuant to this Cooperative Agreement.

Staff Response to Comment 19-6
Please see Ports Response to Comment 18-5.

Figure 1 below shows the plan development process and multiple periods for public participation. The public process is designed to balance the need for public input as well as the time needed to prepare plans and expeditiously move to implementation.

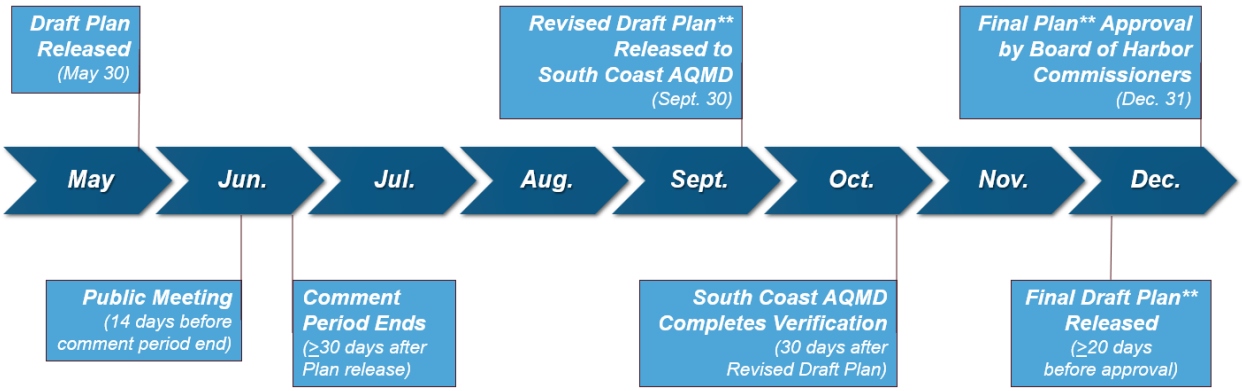


Figure 1. Development Process and Key Due Dates for Each Phase Plan

Staff Response to Comment 19-7
The proposed Cooperative Agreement and Board Resolution include the checkpoints, flexibility, and accountability described in the comment. Staff will regularly report to the South Coast AQMD Governing Board and the public on the progress being made for each phase of plan implementation. The ports will also be conducting their own public processes in parallel as they develop their infrastructure plans.

Staff Response to Comment 19-8
Please see Response to Comment 18-6.

Staff Response to Comment 19-9
For the purposes of this proposed agreement, it is appropriate to have definitions for "Zero-Emission" and "Zero-Emission Energy Type" as the first describes the type of technology to be charged or fueled by the planned infrastructure, and the second describes the type of energy to be supplied by the planned infrastructure. This distinction is needed as they each refer to different concepts.

Sections A.2.e.i. and A.2.e.ii. of Attachment A designate milestones as role(s), whether primary or secondary, that the Port has in an infrastructure project and the anticipated timeline that the Port is expected to complete this role. Staff believes that milestones are clearly defined in these sections and appropriately demonstrate specific, measurable progress toward completion of a project toward a planning target as specified in the plan.

Construction and design are expected to be phases in the proposed project schedules to be provided in the plans. However, definitions of specific phases are project-dependent, and thus, it is more appropriate that they be described in the infrastructure plans rather than as a definition in the agreement. Energy demand is not a term included in the proposed agreement, so it was not included in Attachment B.

As for the definitions for each port emission source category to be included in the ZE Plans (i.e., cargo-handling equipment, drayage trucks, local switcher locomotives, harbor craft, and ocean-going vessels), the types of equipment, vehicles, or vessels in each category will be consistent with how the Ports have classified them in their annual emissions inventory reports since 2005. For local switcher locomotives, they refer to the locomotives used for on-port switching

operations in the emissions inventory reports. For drayage trucks, they are referred to in the emissions inventory reports as heavy duty vehicles servicing the Ports' terminals, most of which are also registered in the Ports' Drayage Truck Registry. For more details, please see: https://www.portoflosangeles.org/environment/air-quality/air-emissions-inventory (for the Port of Los Angeles) and https://polb.com/environment/air/#emissions-inventory (for the Port of Long Beach).

Ports Response to Comment 19-9

The Ports' Boards of Harbor Commissioners are required to prioritize their budgeting and expenditures to operate, and make capital improvements to operate, their respective Ports, as required by their City Charters and Tidelands Trust requirements. As the Ports' budgets have limitations and are affected by changes in available grant opportunities and business circumstances beyond their control, such as international trade and tariff policies and resultant fluctuating cargo volumes, it is possible for necessary operational priorities to reduce the available budget for zero-emissions expenditures. If adjustments due to financial infeasibility affect timelines for meeting interim milestones, South Coast AQMD will be notified and updates will be identified in Annual Reports. If any adjustment due to financial infeasibility will result in modifications to achieving Planning Targets, those modifications will be considered through a public process including requiring action by the Ports' Board of Harbor Commissioners.

Written Comment #20 from Pacific Merchant Shipping Association

PMSA
PACIFIC MERCHANT SHIPPING ASSOCIATION

Ian MacMillian
South Coast Air Quality Management District
21865 Copley Drive
Diamond Bar, California 91765

Heather Tomley
Port of Long Beach
415 West Ocean Boulevard
Long Beach, California 90802

David Libatique
Port of Los Angeles
425 South Palos Verdes
San Pedro, California 90731

Delivered via e-mail: ports_comments@aqmd.gov

Subject: **Comments on Proposed Cooperative Agreement between South Coast Air Quality Management District and the Ports of Long Beach and Los Angeles**

Dear Mr. MacMillian:

Thank you for the opportunity to provide comments on the proposed Cooperative Agreement between the South Coast Air Quality Management District (SCAQMD) and the Ports of Long Beach and Los Angeles. On behalf of its members serving the Ports of Long Beach and Los Angeles, the Pacific Merchant Shipping Association (PMSA) wishes to express its support for the Cooperative Agreement.

The proposed Cooperative Agreement exemplifies the collaborative approach that has successfully reduced diesel emissions in and beyond the San Pedro Bay port complex by 90%. The Cooperative Agreement will plan and implement a zero-emissions infrastructure plan faster and with less uncertainty than what would have been possible through a regulatory approach. In addition, given the recent changes in regulation and policy at a national level and the subsequent follow-on effects in California, a collaborative approach is more sustainable, will engender high levels of participation, and is more likely to succeed at reducing more emissions faster and with less potential disruption.

Comment 20-1

While PMSA supports the Cooperative Agreement, there are a number of technical issues that should be addressed within the agreement.

Protect Business Confidential Information

Marine Terminal Operators and Ocean Carriers compete on a number of bases; this includes environmental performance. PMSA's members have been working on reducing emissions, improving efficiency, managing costs, and facilitating economically feasible decarbonization for over 20 years. To that end, every decarbonization strategy that has been implemented in San Pedro Bay has been unique. This reflects the innovation and competitiveness that the maritime industry brings to finding solutions for complex operational problems. And, decarbonization continues to be among the most challenging and most capital-intensive problems facing the industry today.

As a result of these concerns, and especially because there exists the potential for business winners and losers with respect to the nature, location, timing, and scale of the implementation of port-related infrastructure, the processes embodied by the Cooperative Agreement must protect the confidential business information that is part and parcel of developing a decarbonization strategy.

PMSA strongly recommends that the Cooperative Agreement explicitly protect Business Confidential information. Moreover, whenever any specific private terminal or carrier information is utilized, we request that the Cooperative Agreement direct that a method similar to data collection for the ports' annual emissions inventory be used: engage a third party that to collect data, protect that data through non-disclosure agreements, and submit aggregated, anonymized data through tenant's respective ports. This will ensure that confidential data is protected and provide terminal operators and ocean carriers with the confidence to participate in data collection efforts.

Comment 20-2

Schedules Must Accommodate Any Need to Modify Leases

One outcome of infrastructure planning and development for zero-emissions infrastructure will likely be the need to modify existing leases within the harbor complex, as zero-emissions infrastructure will ultimately require significant investments on the part of both the ports and their tenants. These financial commitments will require a long-term horizon in order to make such investments viable.

The Cooperative Agreement contains an accelerated schedule to develop and begin implementing an infrastructure plan. However, it is unclear how the development of that plan will interact with any future lease modifications that may be required or if the plans themselves would incorporate the impact of future lease negotiations on schedule. Alternatively, it is unclear if the plans intend to avoid addressing lease negotiation timeline considerations by limiting plan scope to areas outside leased premises. Either way, PMSA urges SCAQMD and the ports to address the interplay of the Cooperative Agreement and leases upfront in their infrastructure plans by allowing for schedules to accommodate any needed lease modifications.

Comment 20-3

Addressing Uncertain Technology Pathways and Planning for Demonstration Setbacks

The ultimate zero-emission technologies that will be used throughout San Pedro Bay remain uncertain. One of the outcomes of this technology uncertainty is encountering inevitable technology dead ends.

Comment 20-4

Whether it is operational constraints, range limitations, financial constraints, or other equipment parameters, some of the demonstrations will not be successful. This will result in new deployments starting anew with an upgraded technology platform. While some will view this as a failure, it is, in fact, a feature of technology development. This process is already ongoing in San Pedro Bay and needs to be reflected in any infrastructure planning. For example, several significant zero-emission deployments have already been rendered obsolete and will need to be wholly replaced. However, it is unclear how the Cooperative Agreement or subsequent infrastructure plans will accommodate this process. PMSA encourages SCAQMD and the ports to be explicit in how this normal, natural, and good faith technology development process will be accommodated throughout the term of the agreement.

The recent changes in the regulatory framework nationally and, as a result, in California serve only to increase this uncertainty and, possibly, delay equipment deployments. For example, with respect to cargo-handling equipment, both electrification and hydrogen remain contenders, including a possible mix of technologies. Until terminal operators understand which technologies will meet their operational needs, and which decarbonization pathways may be favorably or unfavorably viewed by regulators and utilities, the infrastructure plans envisioned under the Cooperative Agreement need to be sufficiently adaptable to allow both technologies to be supported.

Similarly, from a vessel perspective, alternative maritime fuels are the most likely candidate to further decarbonization. Approximately 80% of new, large containership orders are natural gas- or methanol-capable. However, their use in San Pedro Bay will be contingent on the availability of alternative fuels in San Pedro Bay. Yet, natural gas or methanol may not be the vessel fuel endpoint, with possibilities such as hydrogen and ammonia among future possible contenders. Again, infrastructure plans must be sufficiently adaptable to allow for this shifting landscape. PMSA requests that the Cooperative Agreement reflect this uncertainty and encourage future infrastructure planning to support the current dual fuel fleets and remain fuel agnostic.

Comment 20-4, Cont'd

Maintain Flexibility for Changing Circumstances

Over the past five years, the port complex has seen a pandemic, a significant cargo decline, a significant cargo surge, and multiple rounds of tariffs, among the backdrop of all the other issues facing the maritime industry and Southern California. The Cooperative Agreement is a more flexible vehicle to deal with changing economic conditions than a regulatory approach could ever be. That flexibility should be emphasized. Ultimately, an economically successful port is necessary for an environmentally successful port. The transition to zero-emissions will be long and expensive. The only way to ensure the resources are available to fund this transition is by ensuring that this port complex can attract the cargo that will generate the necessary revenue. If the plan is not flexible it will risk cargo diversion. With cargo diversion, Southern California will lose twice. First, the ports and their tenants will lose the resources necessary to fund the transition. Second, it will divert cargo to less environmentally sustainable ports that will further slow decarbonization.

Comment 20-5

Conclusion

PMSA supports the Cooperative Agreement. The transition to zero emissions in San Pedro Bay will be difficult and expensive. This agreement represents the best chance to complete that transition successfully. PMSA encourages SCAQMD and the Ports of Long Beach and Los Angeles to consider the comments presented here that will strengthen the agreement, create agreement resiliency, feasibility, and flexibility, and ensure that the Ports and their customers will be capable of meeting the challenges of future circumstances without damaging our economic competitiveness.

Comment 20-6

PMSA looks forward to working with the staff of SCAQMD, Port of Long Beach, and Port of Los Angeles through the implementation of the Cooperative Agreement.

Sincerely,

Thomas Jelenić
Vice President

Responses to Written Comment #20:

Staff Response to Comment 20-1
Staff acknowledges the significant emission reductions from port sources compared to the 2005 levels. State, federal, and international regulations are important driving forces behind these reductions, which are also facilitated by numerous local efforts including grants and incentives, port and industry initiatives, and community advocacy for actions.

Staff Response to Comment 20-2
In order to fulfill its role of reviewing and verifying plans as specified in the agreement, South Coast AQMD will need terminal level information as it pertains to the content required for the ZE infrastructure plans. South Coast AQMD routinely handles and protects business confidential information for many of the 28,000+ facilities that we regulate, including withholding trade secret information from the public and other facilities, consistent with South Coast AQMD's Guidelines for Implementing the California Public Records Act. (available at: https://www.aqmd.gov/docs/default-source/default-document-library/Guidelines/pra-guidelines.pdf).

Ports Response to Comments 20-2
If the Ports believe confidential information is included within a plan, annual report, or draft plan modification, the Ports will submit these in two formats. One version shall be unredacted and marked confidential (i.e., trade secret or confidential business information), and another version that has redacted all information that the Port believes should be kept confidential consistent with South Coast AQMD's Guidelines for Implementing the California Public Records Act.

Staff Response to Comment 20-3
The proposed agreement anticipates that in developing their infrastructure plans the Ports may need to work with their tenants to seek negotiations on potential amendments to leases and/or operating agreement if such amendment(s) are deemed necessary by the Port as to its own tenants (see Section I.C.6. of the proposed Cooperative Agreement and Section D.2.a.v. in Attachment A of the agreement). The infrastructure plan development takes into consideration port and tenant operations including any lease negotiations necessary to proceed with zero-emission infrastructure projects on tenant premises (see Section A.3. ZE Plan Considerations in Attachment A). If additional time is needed beyond the draft, revised draft, or proposed final ZE plans to allow the Ports and their tenants to work out any details going into the plan related to any necessary potential lease negotiations, the Ports can request for time extensions to these plan deadlines. If lease negotiation timeline(s) impact the anticipated project delivery timeline(s) and potentially a planning target set in a final approved plan must change, the Ports can prepare a plan modification to accommodate this change.

Staff Response to Comment 20-4
In developing the infrastructure plans, the Ports will need to consider the state of the technology and industry market as well as feasibility for each source category, as provided in Section B.3.j. in Attachment A, and the agreement anticipates that there may be changes in technology pathways as more information becomes known, technologies are tested and/or advanced, and investment decisions change. The agreement has built in processes to accommodate this concern by allowing for plan modifications.

Staff Response to Comment 20-5
Staff recognizes the changing circumstances at the ports as it relates to cargo and the expressed need for flexibility. As stated in Section I.C.3 of the proposed agreement, the proposed agreement is not intended to limit cargo volume. There are processes built into the agreement to allow for flexibility, which include:

- Ability to modify a plan if the original plan is not feasible and the modification(s) is more appropriate;
- A force majeure clause (Section II.J.);
- A walk-away provision stating that at any point during the term of the proposed agreement any party may choose to withdraw from the agreement, provided a 45-day notice; and
- Board Resolution language where the South Coast AQMD Governing Board will direct staff to recommend to the South Coast AQMD Governing Board, before the end of the term of the agreement, to amend or create a new agreement.

Staff Response to Comment 20-6
Please see responses above.

Written Comment #21 from California Environmental Voters et al.

October 22nd, 2025
South Coast Air Quality Management District
21865 Copley Drive
Diamond Bar, CA 91765

Delivered electronically: ports_comments@aqmd.gov

RE: Comments on Potential Cooperative Agreement with the Ports of Long Beach and Los Angeles; Protecting the Health of Inland Empire Communities

Dear SCAQMD staff,

We, the undersigned organizations serving and representing Inland Empire communities, stand in firm opposition to the proposed Cooperative Agreement in its current form. While collaboration toward clean air goals is essential, this agreement, as written, fails to protect the health of millions of Southern California residents and undermines urgently needed accountability measures. We urge the South Coast Air Quality Management District (SCAQMD) staff to adopt changes that address concerns about the deliverability and lack of accountability that this measure presents.

For decades, communities across the Inland Empire have lived with the consequences of unchecked port pollution. Nearly 40% of the nation's imported goods move through the Ports of Los Angeles and Long Beach[1], traveling east along the I-10, 60, and 215 corridors into our neighborhoods. The result of this high volume goods movement is some of the worst air quality in the country, with children in Riverside and San Bernardino counties suffering some of the highest asthma rates in California[2], and frontline communities experiencing increasing risk of heart and lung disease, cancer, and premature death.

Our region bears the brunt of the state's goods movement economy, yet we are often left out of decisions made at the ports that shape our air, our health, and our climate future.

Comment 21-1

[1] https://www.portoflosangeles.org/references/news_091721_speedcargo
[2] https://www.lung.org/research/sota/city-rankings/states/california

The proposed Cooperative Agreement and Board resolution would halt new clean air rulemaking for five years without any binding guarantees that meaningful progress will occur during that time. This pause would come at the expense of the most overburdened communities in Southern California, including those of us in the Inland Empire who live with daily freight traffic and diesel exhaust from the port's supply chain.

Comment 21-1, Cont'd

We cannot afford five more years of delay.

We urge the Ports and SCAQMD to adopt the following amendments before approving this MOU:

1. Include a failsafe accountability clause: If either the agreement is nullified before its intended termination date or the Ports consistently fail to meet agreed-upon actions, SCAQMD should automatically restart the PR 2304 rulemaking paused by the Resolution to ensure emission reductions are achieved.
2. Establish mandatory milestones and progress reporting: The agreement should require transparent, public benchmarks for achieving the Clean Air Action Plan (CAAP) 1-5 goals, including regular quantification of emission reductions, technology adoption rates, and community engagement updates. This measure is necessary for SCAQMD, stakeholders, and community to gauge if and how progress is being made compared to agreed-upon actions from the Ports.
3. Set clear emissions targets and independent monitoring: Define measurable air quality outcomes with independent verification to ensure the Ports are truly reducing pollution and not simply shifting emissions elsewhere. Emissions data is also integral to gauging potential health benefits to residents of the air basin.

Comment 21-2

Comment 21-3

Without these amendments, this Cooperative Agreement risks becoming a shield for inaction, allowing continued harm to the Inland Empire and the broader Southern California region.

Our communities deserve a living agreement, one that drives measurable progress, centers environmental justice, and prioritizes health over convenience. We urge the Ports and the SCAQMD Board to strengthen this MOU before adoption and ensure it reflects real accountability to the residents most affected by port pollution.

Comment 21-4

As SCAQMD considers this and future agreements, a fair, transparent, and inclusive public process must be foundational to ensure that communities most impacted by port-related pollution have a meaningful voice in shaping the decisions and implementation plans that affect their health and quality of life.

Clean air cannot wait another five years.

Sincerely,

Ashley Jackson

Inland Empire Regional Organizer
California Environmental Voters

Jen Larratt-Smith
Chair
Riverside Neighbors Opposing Warehouses (R-NOW)

Ana Gonzalez
Executive Director
Center for Community Action and Environmental Justice (CCAEJ)

Jenna LeComte-Hinely
Chief Executive Officer
HARC, Inc. (Health Assessment and Research for Communities)

Jocelyn Joz Sida
Chapter Director
Sierra Club San Gorgonio

Staff Responses to Written Comment #21:

Response to Comment 21-1
Please see Main Response 2 regarding enforceability and accountability in the agreement. Please see Main Response 3 regarding the public process conducted in developing this agreement. Please see Main Responses 6 and 7 regarding the five-year pause on rulemaking.

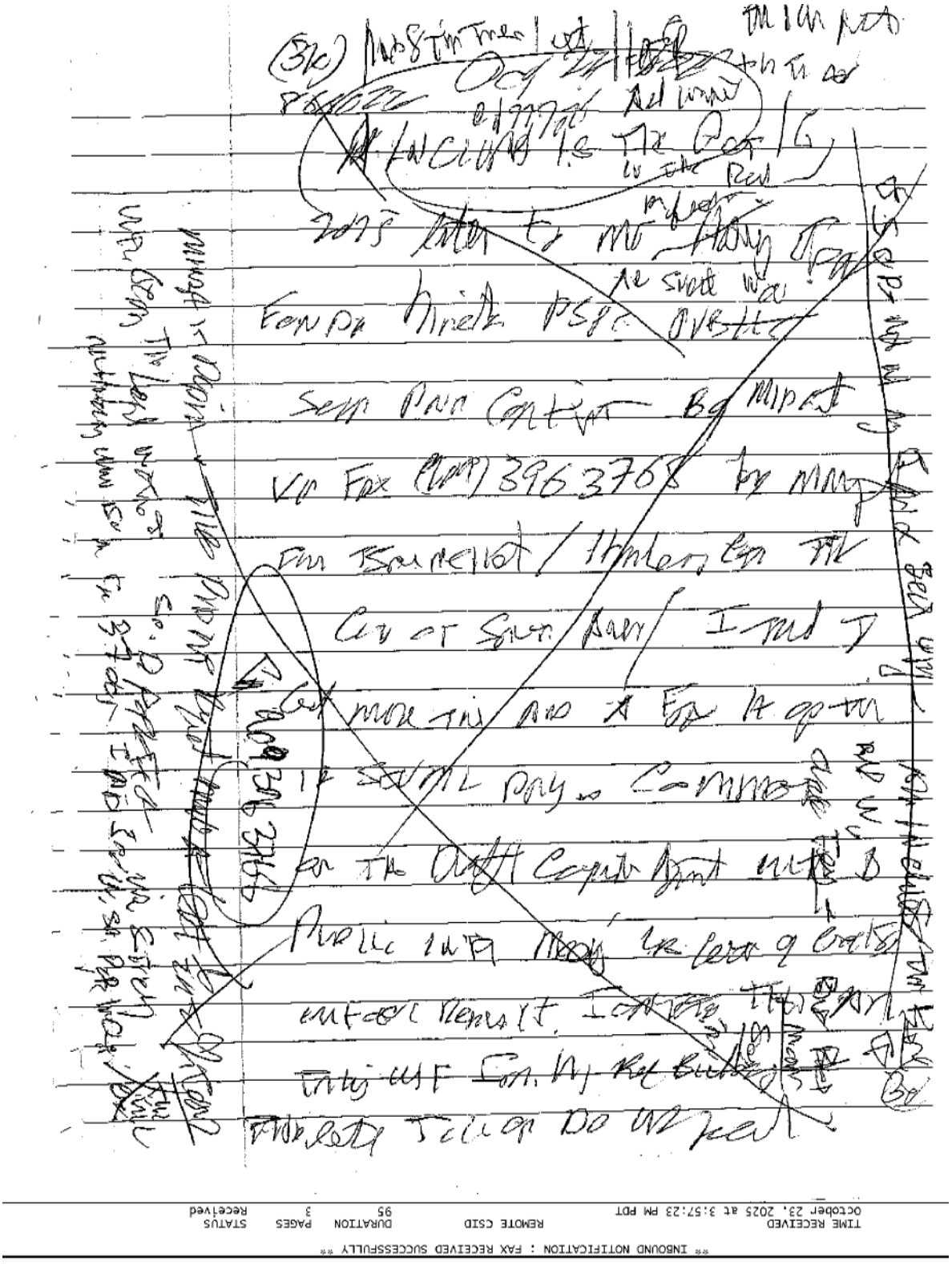
Response to Comment 21-2
The South Coast AQMD Governing Board has sole decision-making authority on directing staff's priorities. Thus, the agreement cannot include terms regarding current or future South Coast AQMD Governing Board decisions. Due to the South Coast AQMD Board having this sole authority, staff will report to the South Coast AQMD Governing Board on the implementation status of the agreement and recommend to the South Coast AQMD Governing Board, before the end of the term of the agreement, to either extend, amend, or create a new agreement, or to pursue rulemaking. If a future South Coast AQMD Governing Board decision finds that another path, like rulemaking, should be pursued, then the South Coast AQMD Governing Board at that time can direct staff to restart rulemaking.

Response to Comment 21-3
The current proposed Cooperative Agreement focuses on infrastructure planning and implementation, and thus, has mandatory milestones and progress reporting with respect to implementation of the infrastructure plans. Staff will take your suggestions into consideration when we begin negotiations on potential additional measures beyond infrastructure for incorporation into the agreement in Spring 2026.

Response to Comment 21-4
See Main Response 5 on emission reductions. Regarding clear emissions targets and independent monitoring related to air quality outcomes, staff will take your suggestions into consideration

when we begin negotiations on potential additional measures beyond infrastructure for incorporation into the agreement in Spring 2026.

Written Comment #22 from Harvey Eder, Public Solar Power Coalition



South Coast
Air Quality Management District
21865 Copley Drive, Diamond Bar, CA 91765-4178
(909) 396-2000 • www.aqmd.gov

Public Records Coordinator
Public Records Unit

October 16, 2025

Mr. Harvey Eder

[redacted]

Re: Inquiry on Obtaining Copies of Past-Provided Records

Dear Mr. Eder:

We understand you recently inquired with a member of South Coast AQMD staff about obtaining new copies of certain past-provided records. Specifically, we understand you inquired about copies of the results of prior public records requests that have been fulfilled to you in the last ten years, plus copies of certain documents that you submitted to South Coast AQMD in 2019.

Your inquiry was forwarded to the Public Records Unit for handling in the event you would confirm that you are making a new request for records under the California Public Records Act. To help fulfill and close this as a public records request, however, we would require your coordination and/or advance payment under one or more of the following options:

1. Provide an email address and we can send you a link to the assembled records in digital form.
2. If you do not have or wish to provide an email address, we can enable an in-person inspection of the assembled records at a dedicated computer terminal at South Coast AQMD at no cost to you.
3. We can provide copies of the records on multiple thumb drives at a cost of $10 per thumb drive. For this option, based on the estimated files sizes, we believe at least eight thumb drives are needed. We would therefore await receipt of a pre-payment of $80 for eight thumb drives, plus your commitment to pay any follow-on invoices if we identify that more thumb drives are needed.
4. We can also provide copies of the records on an external hard drive of at least 1 TB that you would physically provide to our office at your own cost. Copies of the records would be placed on the external hard drive for physical pick-up or paid mailing to your preferred address.
5. Last, although we could provide you with paper copies of the assembled records, this would be costly considering the voluminousness of the records and require an advance payment at the cost of 15 cents per page. Presently, the estimated cost for printing is $3,724.50. For this option, we would need to receive your pre-payment of

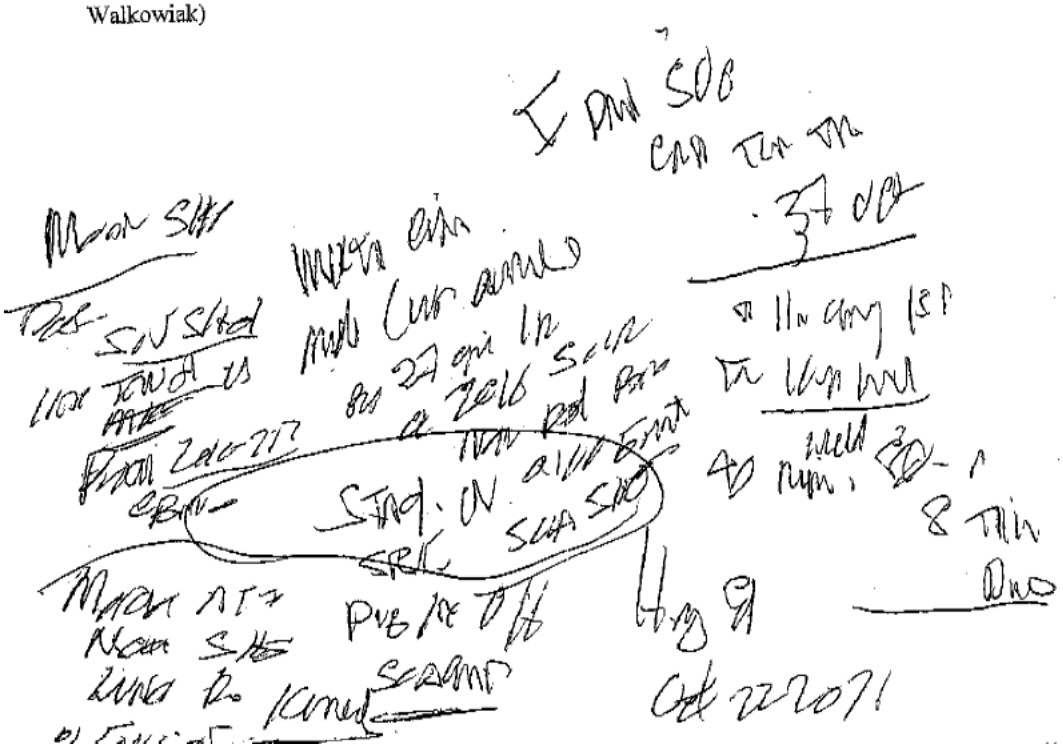
that amount, plus your commitment to pay any supplemental bill to cover the full printing. We estimate the records would fill multiple bankers boxes, so you could arrange for your own pick-up of the records or we would require your payment for shipment.

Absent a response that selects one of the above options by November 7, 2025, we intend to consider your inquiry a closed matter, and it will not be logged or processed as a public records request based on non-response. If you would confirm that you are making a public records request, but under any option that requires pre-payment or the delivery of the external hard drive, we will await action by you for an additional three weeks, or any public records request will also be closed.

To exercise one of the options provided here, please respond and please include mailed payment and/or an external hard drive, as applicable, to:

South Coast AQMD
Public Records Coord./Public Records Unit
21865 Copley Dr.
Diamond Bar, CA 91765

You may also call the Public Records Unit at 909.396.3700 (Attn: Supervisor Stacey Walkowiak)



Staff Response to Written Comment #22:

Due to illegibility of the comment, staff is unable to provide a response.

Written Comment #23 from SoCalGas

Kevin Barker
Senior Manager
Energy and Environmental Policy
555 West 5th Street
Los Angeles, CA 90013
Tel: (916) 492-4252
KBarker@socalgas.com

October 23, 2025

The Honorable Vanessa Delgado, Chair
and Governing Board Members
South Coast Air Quality Management District
21865 Copley Drive
Diamond Bar, CA 91765

Subject: Revised **Support for the Proposed Cooperative Agreement with the Ports of Long Beach and Los Angeles**

Dear Chair and Members of the Governing Board,

Southern California Gas Company (SoCalGas) appreciates the opportunity to express support for the Proposed Cooperative Agreement among the South Coast Air Quality Management District (South Coast AQMD), the City of Los Angeles Harbor Department, and the City of Long Beach Harbor Department. This forward-looking partnership represents a critical step toward achieving the Clean Air Action Plan (CAAP) and the Air Quality Management Plan (AQMP) goals to reduce emissions from the Ports (Ports of Long Beach and Los Angeles), which are two of the busiest ports in the nation.

The Cooperative Agreement provides a practical and collaborative framework to develop Zero-Emission Infrastructure Plans (ZE Plans) that will enable the transition of drayage trucks, cargo-handling equipment, harbor craft, and vessels to cleaner technologies. SoCalGas strongly supports this effort and believes that Angeles Link, currently envisioned as a 450-mile open-access clean renewable hydrogen utility-operated pipeline system, can play a foundational role in realizing the Agreement's vision. By coordinating the development of Angeles Link with the Ports' ZE Plans, South Coast AQMD and the harbor departments can further accelerate the shift to zero-emission operations. This collaboration could help enable the achievement of State Implementation Plan creditable emissions reductions to advance federal air quality attainment milestones.

Angeles Link's Support for Port Operations

Angeles Link is envisioned as a non-discriminatory, open access pipeline system dedicated to public use that could transport clean renewable hydrogen from regional third-party production and

storage sites to end users across Central and Southern California, including in the Los Angeles Basin and the Ports. End-use sectors include hard-to-electrify industries, such as medium- and heavy-duty transportation and industrial operations at the Ports.[1] By transporting a reliable, at-scale clean renewable hydrogen supply, Angeles Link could enable deployment of fuel cell drayage trucks, hydrogen-powered cargo-handling equipment, and hydrogen-derived fuels for maritime and rail applications.

Key benefits Angeles Link could enable include:

- Scalable, zero-emission fueling capacity – Angeles Link could potentially deliver enough clean renewable hydrogen to displace up to 850,000 gallons of diesel per day in the transportation sector, significantly reducing nitrogen oxide (NO_x) and particulate emissions from port operations.[2]
- Support for 24/7 operations – Hydrogen refueling takes minutes, rather than the hours required for electric vehicle charging, making it well suited for high-utilization fleets and around-the-clock port activity.[3]
- Infrastructure efficiency – A dedicated pipeline system minimizes truck transport of hydrogen and supports long-term reliability and cost-effectiveness for ZE infrastructure.
- Regional air quality benefits – Angeles Link could support significant air quality and decarbonization benefits, including the potential reduction of approximately 5,200 tons per year of NOx emissions by 2045, while eliminating diesel particulate matter from heavy-duty port applications, thereby furthering South Coast AQMD's Air Quality Management Plan goals.[4]
- Support for necessary emissions reductions – As highlighted in the cooperative agreement "absent further federal actions including federal waivers and authorizations for applicable CARB regulations, state and local actions are limited in achieving substantial yet necessary emission reductions from port-related mobile sources."[5] In 2045, Angeles Link could

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[1] SoCalGas. *Angeles Link Overview*. https://www.socalgas.com/sustainability/innovation-center/angeles-link.

[2] Southern California Gas Company. (2024, December). *Angeles Link Phase 1 Nitrogen Oxides and Other Air Emissions Assessment Final Report* [PDF]. https://www.socalgas.com/sites/default/files/alproject/Angeles-Link-Phase-1-Final-Nitrogen-Oxides-(NOx)-and-Other-Air-Emissions-Assessment.pdf. Calculations based on Appendix D.2: Mobility. Total hydrogen market potential savings are about 3 million gallons od diesel per day.

[3] Port of Los Angeles. (2023, March 16). California Regional Clean Hydrogen Hubs: Proposed project presentation [PDF]. https://kentico.portoflosangeles.org/getmedia/e80ffc81-44e2-42df-9bec-dffb9c841185/item-h2_hyrdrogen-hub-presentation

[4] Southern California Gas Company. (2024, December). Testimony Chapter 2: Angeles Link and Summary of Phase 1 Studies (p. 12) [PDF]. https://www.socalgas.com/sites/default/files/alproject/phase2/A.24-12-XXX_TestimonyCh.2-AngelesLinkandSummaryofPhase1Studies_N.Navin_PDFA.pdf

[5] South Coast Air Quality Management District. (2025, October 10). Proposed cooperative agreement among the South Coast Air Quality Management District, the City of Long Beach Harbor Department, and the City of Los Angeles Harbor Department (p. 6).

supply about 25% of the hydrogen demand, aiding in the significant reduction of NOx emissions from port-related sources.[6]

Alignment with the Cooperative Agreement's Goals

The Cooperative Agreement calls for a phased, data-driven approach to zero-emission infrastructure planning at the Ports, emphasizing flexibility, accountability, and collaboration among the Ports, South Coast AQMD, and stakeholders. Angeles Link could directly support these objectives by:

- Providing fuel diversity that complements electrification and supports resilience against grid constraints.
- Enabling scalable infrastructure deployment that aligns with ZE Plan milestones in the long term, beyond 2030.
- Supporting a quantifiable emissions reduction pathway through metered hydrogen delivery and transparent reporting.

Conclusion

SoCalGas commends the South Coast AQMD Governing Board for its leadership in advancing this Cooperative Agreement. Angeles Link represents an unprecedented opportunity to deliver clean renewable hydrogen at the scale needed to improve air quality and public health across Southern California, decarbonize the Ports, and strengthen regional energy infrastructure.

We look forward to continued collaboration with South Coast AQMD, the Ports of Los Angeles and Long Beach, and other partners to support the successful implementation of this Agreement and to help achieve the shared vision of a zero-emission future for the Ports.

Respectfully,

/s/ Kevin Barker

Kevin Barker
Senior Manager
Energy and Environmental Policy

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https://www.aqmd.gov/docs/default-source/planning/fbmsm-docs/proposed-ca_101025_agreement_clean.pdf?sfvrsn=3ed16c7e_2

[6] Southern California Gas Company. (2024, December). Angeles Link Phase 1 Final Nitrogen Oxides (NOx) and Other Air Emissions Assessment (p. 11.2) [PDF]. https://www.socalgas.com/sites/default/files/alproject/Angeles-Link-Phase-1-Final-Nitrogen-Oxides-(NOx)-and-Other-Air-Emissions-Assessment.pdf

Staff Response to Written Comment #23:

Staff appreciates the information provided on the Angeles Link clean renewable hydrogen pipeline system. If the proposed Cooperative Agreement is approved, the Ports and South Coast AQMD staff will take this information into consideration when implementation of the agreement begins as well as in future discussions when beginning negotiations on the additional measures beyond infrastructure for incorporation into the agreement in Spring 2026.

Written Comments #24 from Coalition for Clean Air et al.

October 24, 2025

Board Member Veronica Padilla-Campos

Chair, Environmental Justice Advisory Group

South Coast Air Quality Management District (South Coast AQMD)

21865 Copley Drive

Diamond Bar, CA 91765

RE: Recent South Coast AQMD actions regarding the San Pedro Bay Ports and Environmental Justice

Dear Board Member Padilla-Campos,

We are writing to express our deep frustration with and strong opposition to the South Coast AQMD's recent actions relating to the San Pedro Bay Ports and the proposed "cooperative agreement" (hereafter referred to as "MOU.") In just a matter of four months, South Coast AQMD has elected to abandon a years-long public rulemaking process in favor of a closed-door deal negotiated with the ports – the largest single source of NOx emissions in the region. The communities impacted by port pollution were not afforded a seat at the table, and there was zero consultation with South Coast AQMD's environmental justice bodies prior to the district making the decision. It is worth

Comment 24-1

noting that the pivot back towards negotiating an MOU with the ports coincides with the recent revelation that port emissions have ***increased*** over the past year.

AB 617 (C. Garcia, 2017) charged the California Air Resources Board and the local air districts with developing an emissions reduction plan for environmentally burdened communities. Port emissions and the associated goods movement operations throughout the region harm every South Coast AB 617 community. The ports were one of the highest priorities in the Wilmington, Carson and West Long Beach (WCWLB) Community Emissions Reduction Plan (CERP). Additionally, many of the community participants across multiple Community Steering Committees (CSCs) voiced strong support for a ports ***rule*** and opposition to merely voluntary measures, as noted in the written and verbal comments provided during the CERP development process.

Despite this community support, however, the district has long been reluctant to regulate the ports. In 2019, South Coast AQMD used the WCWLB CERP to endorse voluntary agreements with the ports over the objections of community stakeholders. Though the COVID Pandemic interrupted the first port MOU negotiations, progress had already stalled by that time. Throughout 2021-2022, South Coast AQMD wasted a year trying to salvage the second MOU effort, despite the ports' unwillingness to compromise with the district. And most recently from 2022-2025, prior to the pivot to the current MOU, South Coast AQMD repeatedly delayed and pared back the scope of Proposed Rule 2304 by sacrificing all emission reduction requirements in a futile attempt to satisfy rule opponents. This was despite the district's commitment to adopting an emissions-focused port regulation by 2023.

Given this history, we do not find it surprising that South Coast AQMD abandoned rulemaking. It is, however, extremely disappointing and more importantly, deeply corrosive of the trust communities put into South Coast AQMD. Community, environmental, environmental justice and public health advocates worked in good faith, accepted compromises and half measures and mobilized repeatedly for the rule over the years. We provided forthright and realistic comments and suggestions and made tremendous efforts to uplift the voices of vulnerable, disenfranchised communities. Yet, despite this, the district instead chose to abandon us in favor of a last-minute offer to cut a deal with the ports and cities.

Compounding our frustration is that the district made its decision without even consulting the AB 617 CSCs and the Environmental Justice Advisory Group (EJAG). South Coast AQMD staff only informed the members of the WCWLB CSC the week ***after*** the district chose to abandon the rule. Outside of WCWLB, no other AB 617 CSC has discussed the district's actions. South Coast AQMD staff have indicated the other CSCs would not discuss the MOU since their CERPs do not include the ports, even though members of multiple CSCs have express interest in port pollution. Further, the

Comment 24-1, Cont'd

MOU was not agendized for either the August or October EJAG meetings, depriving that body of having any meaningful discussion or comment about it. While staff have cited the Brown Act as preventing such discussion, at least one other South Coast AQMD advisory group has within the past year not only agendized discussion on but also voted to oppose proposed rules. At best, this represents an unequal enforcement of the law. Clearly, instead of working with impacted communities, South Coast AQMD has fallen back on the path of "decide, announce and defend."

Unfortunately, this action only underscores South Coast AQMD's increasing lack of commitment to AB 617 and those members of the public who live, work, and play in our most polluted communities. Though AB 617 was influential in multiple rulemaking processes early on, it has since largely devolved into little more than quarterly updates on the district's activities. Also notable is the South Coast AQMD Board's lack of discussion or concern for AB 617 and environmental justice in general. Despite community advocates repeatedly bringing up AB 617 in the ports and other policy-making processes, Board Members rarely, if ever, discuss AB 617. At this point, it appears South Coast AQMD sees AB 617 as a source of state funding rather than an actual commitment to environmental justice communities.

Comment 24-1, Cont'd

Moreover, by abandoning Rule 2304, the South Coast AQMD Governing Board has now voted twice to renege on its 2022 Air Quality Management Plan commitments. By rejecting Rules 1111 and 1121, which would have regulated furnaces and water heaters, the board chose to forgo up to 10 tons per day of NOx emission reductions. Now, the district is abandoning its commitment to implement a ports indirect source rule and is instead relying on a voluntary infrastructure plan and a promise to eventually flesh out the details of the ports' previous commitments. With just these two actions, the district has eliminated any possibility of being able to attain national and state air quality standards. Additionally, the district has also chosen to ignore requirements in state law to adopt and implement "all feasible measures as expeditiously as practicable" to meet state ambient air quality standards. (17 CCR § 70600(b)(5)(A)). These failures will disproportionately affect AB 617 communities, which already suffer from some of the dirtiest air in the nation.

Comment 24-2

We are currently faced with an incredibly challenging moment for environmental justice. Yet, when we needed leadership and resolve from our agencies, South Coast AQMD has instead chosen acquiescence to polluters. While moving forward with the ports' proposed agreement may have been politically expedient, it fails to meet the bare minimum of what should be considered environmental justice or even basic good governance.

The health and lives of more than 17 million depend on the district fulfilling its mission. South Coast AQMD can and must do better.

Sincerely,

Chris Chavez

Coalition for Clean Air

Wilmington, Carson and West Long Beach AB 617 CSC

Theral Golden

West Long Beach Association

Wilmington, Carson and West Long Beach AB 617 CSC

Alicia Rivera

Communities for a Better Environment

Wilmington, Carson and West Long Beach AB 617 CSC

Magali Sanchez-Hall

EMeRGE

Wilmington, Carson and West Long Beach AB 617 CSC

Mary Valdamar

The Mother Earth Co-Op at ChICCCAA

San Bernardino/Muscoy AB 617 CSC

Marven Norman

Center for Community Action and Environmental Justice

Peter Warren

San Pedro Peninsula Homeowners Coalition

Jane Williams

California Communities Against Toxics

Alison Hahn

NRDC

Cristhan Tapia-Delgado

Pacific Environment

Ashley Jackson

California Environmental Voters

Eli Lipman

MoveLA

Cc:

Members of the South Coast AQMD Governing Board

Wayne Nastri, Executive Officer, South Coast AQMD

Susan Nakamura, Chief Operating Officer

Sarah Rees, Ph. D. Deputy Executive Officer, Planning, Rule Development and Implementation, South Coast AQMD

Ian MacMillan, Assistant Deputy Executive Officer, Planning, Rule Development and Implementation, South Coast AQMD

Asnissa Heard-Johnson, Ed. D, Deputy Executive Officer/ Community Engagement and Air Programs, South Coast AQMD

Staff Responses to Written Comments #24:

Response to Comment 24-1

Staff thanks you for your comments and appreciates the signatories and their organizations engagement and dedication over many years on this and other air quality issues. Regarding public process, please refer to Main Responses 1 and 3. The Ports of Long Beach and Los Angeles are within the AB 617 community of Wilmington Carson West Long Beach (WCWLB). Negotiations for the draft Cooperative Agreement were limited to the Ports of Long Beach and

Los Angeles, the Cities of Long Beach and Los Angeles and South Coast AQMD. During the 45-day negotiation process, South Coast AQMD hosted a community meeting to provide an interim update on the status of negotiations. At that time there were many issues not resolved, but this provided an opportunity for the public to provide comments during the negotiation process. After the parties reached consensus, staff conducted smaller meetings with environmental and community groups, office hours, another community meeting, and a presentation to the WCWLB Community Steering Committee. Staff also presented to the WCWLB CSC four other times during rule development for PR 2304, including on the pivot to an infrastructure-focused rule concept, whose scope was the same as the proposed Cooperative Agreement.

Response to Comment 24-2

The development of any requirements for the Ports of Long Beach and Los Angeles has been very challenging. For several decades, South Coast AQMD has tried various approaches starting with a Backstop rule, moving to a Memorandum of Understanding, then back to rulemaking, and now the draft Cooperative Agreement. Through this process, the scope for PR 2304 evolved from a port-wide regulatory approach to infrastructure planning and implementation. This evolution was based on extensive stakeholder feedback during the rule development process of PR 2304 that infrastructure planning and implementation were a fundamental first step in facilitating the transformation to zero-emissions technology and cleaner vehicles, equipment, and vessels.

Local air agencies have limited regulatory authority over mobile sources, which largely belongs to the federal and state government. While the South Coast AQMD has indirect source authority, leveraging that authority in the form of an Indirect Source Rule requires careful consideration, as opponents may still seek to challenge the legality of such rules, as occurred in the warehouse rule (Rule 2305) litigation. Staff understands the urgency to move forward, and after years of work, the draft Cooperative Agreement will be the first step forward to establish requirements for the Ports of Long Beach and Los Angeles. The draft Cooperative Agreement incorporates the key elements in PR 2304 for zero-emission infrastructure planning and implementation. Staff understands based on this comment letter and comments from CSC members during the development of the WCWLB CERP that CSC members and the commentors strongly believe that the Ports should be subject to an Indirect Source Rule instead of a MOU. It should be clear that the draft Cooperative Agreement will require the Ports to submit a Zero-Emission Infrastructure Plan for all port sources and to implement that Plan. The draft Cooperative Agreement is an enforceable agreement that stipulates the enforcement triggers and an escalation of financial consequences up to $200,000 per default for the most severe payment and has provisions where the South Coast AQMD can exit at any time, provided there is a 45-day notice. Staff understands that the commentors strongly prefer a regulatory approach, but regardless of the instrument the draft Cooperative Agreement will achieve the same objectives as PR 2304. South Coast AQMD staff disagrees that there is a lack of commitment to AB 617. It is largely because of AB 617 and the voices of the AB 617 WCWLB community that staff has been persistent in working through the challenges with establishing requirements for marine ports. It is because of the voices of the WCWLB community that staff negotiated to incorporate specific opportunities for the public to participate in the development of infrastructure plans. Recent revisions to the draft Cooperative Agreement are a direct result of comments received from the community including from WCWLB CSC members for items such as decommissioning existing conventional fuel infrastructure, reducing the noticing time from 90 to 45 days to exit the Agreement, and doubling payment amounts for financial consequences. The WCWLB has been

included on the distribution list to receive all invitations for community meetings, office hours, release of proposed rules, and drafts of the Cooperative Agreement. In addition, the WCWLB CSC has been briefed on the draft Cooperative Agreement. In short, the Cooperative Agreement provides the same benefits and results that had been contemplated by PR 2304. While an incremental step, it is a fundamental one that will facilitate the zero-emission transformation required to achieve substantial emission reductions at the ports.

From: [redacted]
Sent: Tuesday, October 21, 2025 9:47 AM
To: Ports Comments <ports_comments@aqmd.gov>
Subject: [EXTERNAL] Clean air in SoCal can't wait five years!

Dear Board South Coast AQMD,

As a Californian and someone who believes that clean air is essential, I urge you to protect the health of millions of Southern California residents by fixing the proposed Cooperative Agreement.

Our communities deserve an agreement that drives measurable progress, centers climate justice, and prioritizes public health. Before adopting this Cooperative Agreement, the SCAQMD Board needs to strengthen it to reflect real accountability and concrete emissions targets.

Clean air across Southern California needs to be a priority to protect our communities that live with some of the worst air in the nation. I urge the SCAQMD to fix this Cooperative Agreement and protect the air we breathe.

Sincerely,
[redacted]

This comment letter, or a variation of this comment letter, was submitted by:

Emily Montero	Joanne Britton	Nancy Glassberg	Janet Heinle
Genevieve K Guzman	Silas Andrews	Marjory Keenan	Tim Enloe
Christophe Xavier ayizoa meke	Joan Hebert	Shereen Hawkins	Samantha Cuff
Dudley and Candace Campbell	Ettie Councilman	Tracy Shortle	Larry Steen
Gale McNeeley	Terri Mann	Ryan Davis	Teresa Murguia
Jeff Greif	Danielle Miele	Marilyn Levine	Rachel Wolf
Joanne Tenney	Gerald Kelly	Penelope Ward	Karen Lull
Nancee Noel	David Moore	Anne Munitz	Martin Horwitz
Lisa Marvin	Justin Chernow	Cassie A. Murphy	Pam Brown
James Ring	Jean Nunamaker	John Harter	Jerid Anderson
John Carroll	Leanne Abbott	Kenneth Nahigian	Ree Whitford
BETH HERNDOBLER	Jessica Dardarian	Rohana McLaughlin	Kenneth Lapointe
Karynn Merkel	Inger Acking	Rebecca Martin	Robert Reed
Florence Silverstein	Bill Wood	Tim Barrington	Dierdre Geraci
Naomi Foss-Alfke	Marianna Mejia	Tia TRIPLETT	Kevin Slauson
Colin Epstein	Rosalba Cofer	Lydia Tinder	Kaylah Sterling
Dave Dimond	Sylvia Vairo	Irene Sriboonwong	JL Angell
John Ferrante	Marcus Maloney	Tracy Gilbert	Adam Bernstein
Kermit Cuff	Aerie Youn	Anthony Totaro	Kenneth Althiser
Jerry Schneider	Deborah Santone	Anthony Gahr	kent morris
Richard Yasuda	Stephen LaDochy	Frank Simmons	Neal Steiner

Susan Lea	Lily Leung	Esther Mooncrest	Andrew Mueckenberger
Carol Patton	Jessica Krakow	Natalie Mar	Michael Brown
Clark Shetter	katharine Kehr	Twyla M Meyer	T. Cassidy
Mark Weinberger	Nathan Vogel	Lauren Beebe	Ana Herold
Carol Kuelper	Nancy Treffry	Dale Riehart	Lynette Coffey
Prudence Moore	David Harris	Nina Berry	Jim Haley
Steven Hoelke	Terri Wright	Linda Weiner	David Prina
James Quinn	gerrit woudstra	BARBARA MESNEY	Dena Schwimmer
Joel Davidson	DG Sifuentes	Barbara Armstrong-Magwood	Bridgett Heinly
Carol Schaffer	James Roe	Carol Kinser	Terri Wiley
Heather Knight	Jason Allison	Michael Fanning	Wayne Steffes
Christine Borje	Rus Postel	Elizabeth Darovic	Marc Silverman
Paul Katz	David Howard	Joe Glaston	James Patton
Tim Guisinger	diana horowitz	Francine Kubrin	Noah Levin
Friend Friend	Judy Kukuruza	Erh-yen To	James Eversole
James Dawson	James Harris	Marsha Jarvis	Rebecca Lee
Soraya Barabi	Laurie Barre	Ron Fransz	Mark Lolli
Valerie Carrick	Darcy Skarada	Nancy Hartman	Mariano Svidler
Louis Priven	Tobey Wiebe	Chuck Rocco	Donna Crane
Brett O'Sullivan	Vic Bostock	Susan P. Walp	Andrew Okun
Camille Gilbert	Stephanie Hagiwara	Deborah Cosentino	Lisa Gherardi
Erich Rex	Sandy Williams	Carmen Klucsor	Caephren McKenna
Du Ng	BARBARA MASON	Maria Nesheim	Edwin Aiken
Connor Chesus	Donald Holcomb	Dana May	Lois Chappell
Greg D	Nicholas Esser	Barbara Harper	Michael Hogan
Sally Allen	Elise Beliak	Alexa Pallas	Robert Blackey
Derek Okada	Christopher Ware	Myra Schegloff	Felena Puentes
Candi Ausman	Michael Denton	William Pevec	Bruce Richman
Natalie Beebe	Michele Sanderson	Greg Thomson	William Kwok
Krister Olsson	Glenda Dugan	Phoenix Giffen	Marilyn Shepherd
Richard Gallo	Eric Thein	Claude Duss	Dale Haas
Natalia Spornik	Charles B.	Jean Crossley	Edward Sullivan
Susan Hathaway	Suzie Saso	Sarah Hawkinson	Jose Rodriguez
Donna Fung	Patricia Kerner	Ken Bruer	Henry Schlinger
Janet Bieber	Jessica Likens	Rick Edmondson	John Everett
Michael McMahan	Jim Lieberman	Trish Webb	Bret Polish
Cody Capella	Harlan Lebo	Dalia Salgado	Pam Montroy
Geneva Foster	Nina Skyeras	Evangeline Obrero	Patricia Blackwell-Marchant
peter reimer	Susan Reid	Hillary Ostrow	Tony Veg
Darrell Clarke	Ruth Sheldon	Warren M. Gold	Scott Jung
janice yudell	Sharon Paltin	Ellen Wade	F. R. Eguren

Richard Kornfeld	Penelope LePome	Karin Schmidt	Brenda Lee
Robin Tung	Jan Jones	Jake Gutman	Lisa Perry
Rolf Johnson	Chris Swenning	Megan Pruiett	Anne Lakota
Mark Gallegos	Darlene Ross	William Crist	Jomay Skeoch
Deimile Mockus	Sherry Vatter	Karla Mortimer	Jay Lefkowitz
Dee Sifuentes	Michele Munde	MaryAnne Glazar	Grace Silva
Alessia Cowee	George Munoz	charles myers	Winston Williams
Beth Stein	Madeleine Wulffson	jason nolasco	Barb Endicott
Todd Struthers	casee maxfield	Marla Flores-Jauregui	Janice Baxter
Barry Lovinger	Jane Spini	Patricia Law	michael gertz
Mark Salamon	Sonia Noemi Cross	Sean Hall	Gail Tinsley
Scott Barlow	Celeste Hong	Andrew Philpot	Theresa Corrigan
Jessica Heiden	Noah Mabon	Carlos Nunez	Ronald Bridge
Caleb Ellis	Ken Coker	Nancy Pichiotino	Alena Jorgensen
Perry Gx	Sara Fogan	Ron Nieberding	Chip Goldstein
Russell Burke	Cristina sheppard	Claudia Previn Stasny	Nicole Fountain
Joe LeBlanc	Jeffrey Jenkins	Gary Goetz	Blake Wu
Lynn Ryan	Susan Allen	Marilyn Eng	Keith Christy
Winke Self	barb linc	Vanessa Quintero	AJ cho
PENNY LUCE	Steven Chasen	Justin Truong	Linc Conard
Jimmie Lunsford	edith wander	Conrad Taylor	lynn hoang
Sue Hall	Luci Ungar	Huguette Moran	Dana Trick
Steven Foss	Max Kaehn	Pamela Saulter	Joanna Tang
Murray Kaufman	Carolina Felix	Christopher Rice	Mark Stannard
Yazmin Gonzalez	Aimee Morein	Carson Saporta	Raquel Narvios
Indee Brooke	Marilyn Price	Jamie Green	Rebecca Dailey
Geoff Regalado	Andrea Frankel	Wendy Pearson	Connie Perez Moreno
Therese DeBing	Michael Curtis	Shelley Aanerud	Todd Snyder
Seth Picker	Lea Park	Sharon Nicodemus	Maryellen Redish
david bezanson	Maryfrances Careccia	Paige Ziehler-Martin	Patricia Goodson
Tem Narvios	Diane Lamont	Joan Murray	Kathleen Powell
Nancy Swearengen	Ann Dorsey	Robert McDonnell	Mark Escajeda
Eric Nichandros	Mary Finch	Lesly Derbyshire	Lynda Marin
Julie Smith	Lauren Mortenson	Sandy Templin	STACIE CHARLEBOIS
Anita Liao	Patrick Reid	Valerie Shideler	Melissa Waters
Jessica Johnson	Russell Weisz	Dan Kletter	Maggie Hughes
Steven Standard	Susan Randerson	Rosemary Graham-Gardner	David Peterson
Alison Denning	Patrice Wallace	Kelly Andrada	Romona Czichos-Slaughter
Charles Tribbey	Marguerite Wilhelm-Safian	Melodi Gulsen	Ked Garden

Irene Julian	Joe Salazar	Martin Marcus	Carlos Arnold
Shawn Jones	Querido Galdo	Tim Humphreys	sharon bambridge
Victoria Wu	Christina Roe	M Dean Griswold Jr	Terri Gedo
F. Carlene Reuscher	Gary Pischke	Allan Campbell	Barbara Ginsberg
Jennifer Febo	Sarada Cleary	Lynnette Simon	Lacey Levitt
Abbie Bernstein	Kevin Hearle	Harold Mann	Soraya Dosaj
Laurel Brewer	Nancy Freedland	Craig Nelson	Richard Bejarano
Catherine Simonton	Jared Leavitt	Shaun Snyder	Nelson Molina
kim Nero	Pamela Hamilton	George Brewer	Susan Abby
J. Barry Gurdin	N Cook	Carolyn Pettis	judy dutil
Barbara Ballenger	melvin taylor	Julie Adelson	Alison Buist
Janice Burstin	John Wrobel	Daniel Heffernan	Ellen Little
Kim Halizak	Karla Devine	Laura Overmann	Susan Alpern
Rev.Robert Bartlett	Marc Azar	Laurek Blossom	Jonathan Chu
Vera Georgieff	Sandra Christopher	Shea santillanes	Janice Goldberg
Gina Ness	Erin Moilanen	Ester Deel	Sue GRAHAM
Hope Nelson	Nancy Arbuckle	Linda Elyad	Julie Kanoff
Vanessa abel	Michael House	Karen Wood	Judith Smith
Licita Fernandez	Mariana Mellor	Lanelle Lovelace	D Brenum
Janet M. Thompson	Evan Jane Kriss	Paul Glassner	Deborah Temple
Zina Josephs	jeanette King	Amanda Hoehler	J. TURRIGIANO
Rachael Denny	Gary and Seraphina Landgrebe	A.J. Averett	Felix Wang
David Dutton	Shellee Davis	Rosalie Preston	Ellen Franzen
Anastasia Nicole	Sam Butler	Betty Kissilove	Linda Kade
Nicole Padron	Margaret Alreck-Anthony	Davin Peterson	Tiana Lee
Kalpana Pot	Anh Nguyen	Tom Nulty Jr	Karen McCaw
Robert Sharp	Rhea Kuhlman	Jonathon Schumacher	Jessica Robbins
Lynn Pique	Cathy Holden	Linda Howie	Patricia Pigman
Emma Wallerstein	Lara Ingraham	Tarun Bishop	Susan King
Julie Osborn	Vicki Bingo	Lisa Paynemiller	Jonathan Sampson
Bruce Burns	Pol Hermes	Sandra Rhoades	

Staff Response to Written Comments #25 through #551

Please see Main Response 2 regarding enforceability of the proposed Cooperative Agreement and Main Response 5 regarding emission reductions.

Unanswered Verbal Questions Raised at Public Meetings and Office Hours That Are Not Addressed in Main Responses or in Responses to Written Comments

Comment P-1 from Cristhian Tapia, Pacific Environment
How will South Coast AQMD ensure all comments are meaningfully heard and integrated into the Cooperative Agreement if the agreement will be brought to the South Coast AQMD Governing Board for approval on November 7, 2025?

Staff Response to Comment P-1
Please see Main Response 3 for a discussion on public participation and community input. Staff has actively listened and noted stakeholder comments and input throughout the process. Many stakeholder suggestions have been incorporated into the current proposed Cooperative Agreement and staff continues to bring input and suggestions from the public to the Ports to negotiate potential inclusion in the agreement.

Comment P-2 from Ranji George, Retired South Coast AQMD Program Supervisor
What is the role of hydrogen in the Plans?

Ports Response to Comment P-2
Hydrogen fueling is one energy source that may be included in the Plans.

Comment P-3 from Alex Moutoux and Alex Spataru, The Adept Group
What is the role of utilities in Plan development, and what about microgrids for resiliency purposes?

Ports Response to Comment P-3
Utilities are not parties to the Cooperative Agreement, but may be a Project / Energy Delivery Entity specified in the Plans, and may be consulted by the Ports to prepare the On-Port Energy Supply Capacity Analysis in the Plans. Resiliency and use of microgrids are not specifically required as Plan elements, but may be addressed either within and/or outside of the Plans, as appropriate.

Comment P-4 from Anonymous
The "Zero-Emissions Infrastructure Plans" for 2030 list Harbor Craft, even though they have the highest Tier engines installed, and even though there is no shore connection or carbon capture technology for Articulated Tug Barges. Can you provide more reasoning/explanation as to why/how this will be achieved, given this limitation?

Staff Response to Comment P-4
In developing the infrastructure plans, the Ports will consider the state of the technology and industry market as well as feasibility for each of the source categories, as provided in Section B.3.j. in Attachment A. Within each source category, including but not limited to harbor craft, technology feasibility and market readiness may vary by duty cycle and market segment. Due to the current understanding of the state of harbor craft technology, the agreement has been revised to designate the infrastructure plans for harbor craft to be included in the Phase 2 Plan, which is to be finalized no later than December 31, 2028. During plan development, the Ports are

expected to work with harbor craft operators, technology providers, energy providers, and other relevant industry partners to determine projects that should go into the infrastructure plan.

Comment P-5 from Cristhian Tapia, Pacific Environment
What do fines look like if emissions increase even if infrastructure plans are on track?

Staff Response to Comment P-5
Please see Main Response 5 for a discussion on emission reduction commitments. Emission reduction requirements are outside of the scope of this current agreement, which solely focuses on infrastructure planning and implementation.

Comment P-6 from Antonio Torres, Student at University of California, Riverside
How can the Cooperative Agreement guarantee accountability if there is a 90-day exit clause?

Staff Response to Comment P-6
The proposed Cooperative Agreement includes enforcement provisions, with financial consequences for contract defaults, and dispute resolution processes such as executive officer involvement, mediation, and court injunction to hold the Ports accountable. Under Section II.L.3 of the proposed Cooperative Agreement, where payment for contract default is specified, the contract provision II.L.3.a. specifically states that "[u]nsatisfied obligations for payment will survive the termination of this Agreement." In other words, the Ports will continue to be held accountable for their contract obligations, including incurring financial consequences for defaulting on contract obligation due before the Agreement is terminated. Moreover, as discussed in Main Response 6, the 45-day early exit clause also maintains the ability for South Coast AQMD through future South Coast AQMD Governing Board action to quickly withdraw from the agreement and pivot to pursue other mechanisms, such as rulemaking.

Comment P-7 from Anonymous
Has there been any discussion of backstop or contingency measures if promises in the agreement do not deliver?

Staff Response to Comment P-7
Enforcement provisions, which include financial consequences for contract defaults and dispute resolution processes, are incorporated into the agreement to ensure Port accountability to the agreement terms and conditions. If the South Coast AQMD Governing Board finds that the Ports are not meeting the terms and conditions of the agreement, even after enforcement provisions are utilized, the agreement provides for the ability for any party to exit early from the agreement. As stated in Main Response 6, the South Coast AQMD Governing Board retains the discretion to direct staff to initiate rulemaking as part of the early-exit consideration or at any time.

Comment P-8 from Chris Chavez, Coalition for Clean Air
Could staff quantify how much of the Ports' emission reductions came from California Air Resources Board (CARB) regulations rather than their own good intentions?

Staff Response to Comment P-8

The Ports' CAAP actions include several facilitating actions for the implementation of CARB regulations. Examples of such actions include early land-side shore power installations ahead of CARB's At-Berth Regulation compliance schedule, and the initial introduction of the Clean Truck Program in 2008 to encourage early action by fleet owner/operator to comply with CARB's Drayage Truck Regulation. Even though early actions do not result in surplus emission reductions in later years when the regulation is fully implemented, they nevertheless complement CARB regulations by accelerating the pace of emission reductions and helping realize emission reduction benefits earlier than intended by the regulations. Other actions such as the Ports' Vessel Speed Reduction (VSR) program has been documented to have a high participation rate, thereby reducing fuel consumption from slow steaming vessels and leading to quantifiable emission reductions for pollutants that are emitted proportionally to fuel consumption.

While CARB's regulations have been the primary action that have mandated emission reductions, there are many other facilitating actions that have occurred to contribute to those same reductions. In the example of diesel particulate matter reductions, this required technology development efforts on diesel particulate traps, updating diesel fuel requirements and supplies to remove sulfur so that diesel particulate traps can function without being damaged by higher sulfur fuels, and significant incentive funding to help retrofit and replace diesel engines. Staff is unaware of a quantification analysis that separates which emission reductions are specifically attributable to each action.

ATTACHMENT G

CEQA ANALYSIS OF THE PROPOSED COOPERATIVE AGREEMENT BETWEEN SOUTH COAST AQMD AND THE PORTS OF LONG BEACH AND LOS ANGELES

INTRODUCTION AND SUMMARY OF THE PROPOSED COOPERATIVE AGREEMENT

South Coast AQMD, in collaboration with the Ports of Long Beach and Los Angeles (Ports), has developed a proposed Cooperative Agreement that: 1) requires the Ports to prepare and implement charging and fueling infrastructure plans; 2) incorporates provisions for South Coast AQMD to recover reasonable costs for staff expenses; and 3) establishes a Clean Air Mitigation Fund for payments if a Port fails to complete actions within their control. This section summarizes these three components of the proposed Cooperative Agreement, and the following sections examine the applicability of California Environmental Quality Act (CEQA), and analyzes the potential environmental impacts, if any.

For reference, CEQA is comprised of Public Resources Code Section 21000 et seq. and the CEQA Guidelines which are codified at Title 14 California Code of Regulations, Section 15000 et seq. CEQA requires the evaluation of all potential adverse environmental impacts of proposed projects, and the identification and implementation of methods to reduce or avoid significant adverse environmental impacts of these projects, if feasible. (Public Resources Code Section 21061.1 and CEQA Guidelines Section 15364 define feasible.) The purpose of the CEQA process is to inform decision makers, public agencies, and interested parties of potential adverse environmental impacts that could result from implementing a proposed project and to identify feasible mitigation measures or alternatives, when an impact is significant.

Development and Implementation of the Charging and Fueling Infrastructure Plans in Accordance with the Proposed Cooperative Agreement

The proposed Cooperative Agreement requires the Ports to implement the Clean Air Action Plan (CAAP) Plus Measure of Port Zero-Emission (ZE) Infrastructure Plans. Each Port must develop plans that cover on-port charging and fueling infrastructure for ocean-going vessels, drayage trucks, cargo handling equipment, harbor craft, and local switcher locomotives. The plans must include the following information: 1) baseline description of existing charging and fueling infrastructure on Port-managed property; 2) planning targets for each port source category (i.e., the aggregate capacity and anticipated timeline for when the planned infrastructure will become operational), which are set based on each Port's own policies; 3) project-level details including costs and potential funding sources, roles and responsibilities for ports and other project delivery entities, and implementation milestones; and 4) various analyses of the planned infrastructure including on-port energy supply, construction workforce needs, and disposition of conventional fueling infrastructure. After a plan is approved by the Port's Board, the Port is required to implement the plan and achieve milestones within its control as outlined in the plan. During plan implementation, the Ports are required to submit annual implementation reports to South Coast AQMD starting January 2029 and present to their Boards any plan modifications that change a planning target or address a part of the plan made invalid due to a new state or federal requirement. South Coast AQMD will release the annual reports publicly and annually provide status reports to the Board.

Cost Recovery Provisions in the Proposed Cooperative Agreement

The cost recovery provisions in the proposed Cooperative Agreement between South Coast AQMD and the Ports of Long Beach and Los Angeles establish the payments which are to be paid

by the Ports in order for South Coast AQMD to recover its reasonable costs associated with review and verification of revised draft Port ZE Infrastructure Plans, draft modified Port ZE Infrastructure Plans, time extension requests, and annual reports. The cost recovery provisions, which apply to the Ports of Long Beach and Los Angeles, specify: 1) hourly rates to recover expenses for the cost of reviewing and verifying each revised draft Port ZE Infrastructure Plan, draft modified Port ZE Infrastructure Plans, time extension requests, and reports; and 2) payment cap of $100,000 per review.

The Clean Air Mitigation Fund of the Proposed Cooperative Agreement

The proposed Cooperative Agreement establishes the creation of a fund, titled the "Clean Air Mitigation Fund," which the Ports agree to pay into in the event of failure to complete specified actions within their control as defined in the proposed Cooperative Agreement. Enforcement provisions consist of financial consequences for contract defaults, as outlined in the Port ZE Infrastructure Plans measure, with payment amounts determined by the severity of each default. The contract defaults, or enforcement triggers, include failure to meet plan submission or approval deadlines, failure to carry out the required public process during plan preparation, modifying plans without adhering to the procedures specified in the agreement, and failure to achieve milestones within the Port's control during implementation. Funds collected from such defaults will be deposited into the South Coast AQMD-managed Clean Air Mitigation Fund. The Clean Air Mitigation Fund is a government funding mechanism without involving a commitment to any specific project that could result in a potentially significant physical impact on the environment.

CEQA ANALYSIS OF THE DEVELOPMENT AND IMPLEMENTATION OF THE CHARGING AND FUELING INFRASTRUCTURE PLANS

The proposed Cooperative Agreement was born from South Coast AQMD needing to seek emission reductions from commercial marine ports. To achieve the emission reductions needed to meet federal air quality standards, port-related mobile sources must shift from current, mainly diesel-fueled technology, to cleaner fuels, including zero emissions where feasible. Development and implementation of charging and fueling infrastructure is a first step to support the transition to the next generation of cleaner port technologies, and will result in direct physical changes in the environment. Initiatives to encourage this transition to cleaner technology were considered under control measures within South Coast AQMD's adopted Air Quality Management Plans (AQMPs) in 2016 and 2022. The environmental impacts associated with implementation of control measures were analyzed in the Final Program Environmental Impact Reports (Program EIRs) for each AQMP. This section compares the potential environmental impacts anticipated from activities associated with developing and implementing charging and fueling infrastructure plans to the potential environmental impacts previously analyzed in the Final Program EIRs for the 2016 AQMP and 2022 AQMP for the port-related control measures.

AQMP Control Measures Seeking Emission Reductions from Port Sources

Development of the 2016 AQMP[1] included potential emission reduction strategies which contained a suite of facility-based mobile source measures. In particular, Control Measure MOB-01 – Emission Reductions at Commercial Marine Ports, of the 2016 AQMP built upon the Ports of Los Angeles and Long Beach's implementation of the Clean Air Action Plan (CAAP) initiated in 2006 and, at the time, was undergoing an update. The Ports of Los Angeles and Long Beach had exceeded CAAP emission reduction goals, and the updated plan was expected to support timely attainment of air quality standards. Although many of the actions implemented under the CAAP are voluntary and not committed to in the State Implementation Plan (SIP), they have, over time, been incorporated into regulatory frameworks by California Air Resources Board (CARB), U.S. Environmental Protection Agency (U.S. EPA), or international entities such as the International Maritime Organization, resulting in early emission reductions.

In December 2022, to address attainment of the 2015 8-hour ozone standard, the South Coast AQMD Governing Board adopted the 2022 AQMP.[2] The development of the 2022 AQMP continued the emphasis on facility-based mobile source measures first introduced in the 2016 AQMP, with Control Measure MOB-01 continuing to address emissions from commercial marine ports. The 2022 AQMP builds upon measures already in place from previous AQMPs. It also includes a variety of additional strategies such as developing a rule or regulation, accelerating the deployment of available cleaner technologies (e.g., zero emissions technologies, when cost-effective and feasible, and low NOx technologies in other applications), implementing best management practices, accounting for co-benefits from existing programs (e.g., climate and energy efficiency), providing incentives, and implementation of other Clean Air Act (CAA) measures to achieve the 2015 8-hour ozone standard. Control Measure MOB-01 in the 2022 AQMP builds

[1] South Coast AQMD, 2016 Air Quality Management Plan, March 2017. https://www.aqmd.gov/home/air-quality/air-quality-management-plans/final-2016-aqmp

[2] South Coast AQMD, 2022 Air Quality Management Plan, December 2022. https://www.aqmd.gov/home/air-quality/air-quality-management-plans/air-quality-mgt-plan

upon its 2016 counterpart by expanding efforts aimed at reducing emissions of nitrogen oxides (NOx), volatile organic compounds (VOC), and particulate matter (PM) associated with port-related operations at the Ports of Los Angeles and Long Beach, emphasizing rulemaking and incentive and/or other voluntary programs designed to facilitate infrastructure development for zero-emission fueling and charging, encourage rapid adoption of the cleanest available technologies, and mitigate emissions from both direct and indirect port sources. The 2022 AQMP also included Control Measure MOB-15 – Zero Emission Infrastructure for Mobile Sources, which proposed the development of a work plan to support and accelerate the deployment of zero-emission infrastructure needed for the widespread adoption of zero-emission vehicles and equipment. Such action involves substantial collaboration with state agencies, local utilities and various other stakeholders involved in the planning, design, permitting, construction, operation, and maintenance of zero emission infrastructure in the South Coast AQMD. The South Coast AQMD would closely coordinate with local utilities on their energy demand analyses and identify prioritized locations for zero emission infrastructure, including the level of upgrades needed. In addition, the South Coast AQMD would coordinate with city/county jurisdictions, as needed, on any potential land use issues.

Analyses of Environmental Impacts Conducted for the 2022 AQMP and 2016 AQMP

At the time the 2022 AQMP and 2016 AQMP were developed, each plan was considered a "project" as defined by CEQA Guidelines Section 15378 and South Coast AQMD was the lead agency under CEQA because it was the "public agency that has the principal responsibility for carrying out or approving a project that may have a significant effect upon the environment." (Public Resources Code Section 21067.) Further, since the South Coast AQMD Governing Board had the primary responsibility for approving the entirety of both projects, South Coast AQMD was the most appropriate public agency to act as lead agency for the projects. (CEQA Guidelines Section 15051(b).)

The 2022 AQMP and 2016 AQMP each: 1) had environmental impacts which were evaluated in a Final Program EIR; and 2) were discretionary actions which were individually considered and approved by the South Coast AQMD Governing Board.

Therefore, the development and implementation of the charging and fueling infrastructure plans in accordance with the proposed Cooperative Agreement are integrally related to the 2022 AQMP and the 2016 AQMP for which two previous environmental analyses have been prepared: 1) the Final Program EIR for the 2022 AQMP which was certified by the South Coast AQMD Governing Board on December 2, 2022[3]; and 2) the Final Program EIR for the 2016 AQMP which was certified by the South Coast AQMD Governing Board on March 3, 2017.[4]

The Final Program EIRs for the 2022 AQMP and 2016 AQMP identified potentially significant impacts, and mitigation measures were adopted for each plan. Further, since mitigation measures were adopted for the 2022 AQMP and 2016 AQMP, Mitigation, Monitoring, and Reporting Plans,

[3] South Coast AQMD, Final Program Environmental Impact Report for the 2022 Air Quality Management Plan, December 2022. https://www.aqmd.gov/docs/default-source/ceqa/documents/aqmd-projects/2022/2022-aqmp-final-peir.pdf

[4] South Coast AQMD, Final Program Environmental Impact Report for the 2016 Air Quality Management Plan, March 2017. https://www.aqmd.gov/docs/default-source/ceqa/documents/aqmd-projects/2016/2016aqmpfpeir.pdf

pursuant to Public Resources Code Section 21081.6 and CEQA Guidelines 15097 were also required and adopted.

Further, because the Final Program EIRs for both AQMPs concluded that implementation of these two projects would have potentially significant and unavoidable adverse impacts on the environment, Findings were made pursuant to CEQA Guidelines Section 15091, and Statements of Overriding Considerations pursuant to CEQA Guidelines Section 15093 were adopted.

The 2022 AQMP, along with the December 2022 Final Program EIR for the 2022 AQMP (State Clearinghouse No. 2022050287) and its corresponding Findings, Statement of Overriding Considerations, and Mitigation, Monitoring, and Reporting Plan, and the 2016 AQMP along with the March 2017 Final Program EIR for the 2016 AQMP (State Clearinghouse No. 2016071006) and its corresponding Findings, Statement of Overriding Considerations, and Mitigation, Monitoring, and Reporting Plan, upon which analysis of the development and implementation of the charging and fueling infrastructure plans in accordance with the proposed Cooperative Agreement relies, are incorporated by reference pursuant to CEQA Guidelines Section 15150 and are available from the South Coast AQMD's website at:

December 2022 Final Program EIR for the 2022 AQMP
Master webpage
https://www.aqmd.gov/home/research/documents-reports/lead-agency-scaqmd-projects/south-coast-aqmd-projects---year-2022

December 2022 Final Program EIR for the 2022 AQMP (including Appendices)
https://www.aqmd.gov/docs/default-source/ceqa/documents/aqmd-projects/2022/2022-aqmp-final-peir.pdf

Findings, Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Plan
https://www.aqmd.gov/docs/default-source/ceqa/documents/aqmd-projects/2022/2022-aqmp-attachment1toresolution.pdf

2022 AQMP
https://www.aqmd.gov/home/air-quality/air-quality-management-plans/air-quality-mgt-plan

March 2017 Final Program EIR for the 2016 AQMP
Master webpage
http://www.aqmd.gov/home/research/documents-reports/lead-agency-scaqmdprojects/scaqmd-projects---year-2017

March 2017 Final Program EIR for the 2016 AQMP (without Appendices)
https://www.aqmd.gov/docs/default-source/ceqa/documents/aqmd-projects/2016/2016aqmpfpeir.pdf

Appendices A through C
https://www.aqmd.gov/docs/default-source/ceqa/documents/aqmd-projects/2016/2016aqmpfpeir_appendicesac.pdf

Appendices D through E
https://www.aqmd.gov/docs/default-source/ceqa/documents/aqmd-projects/2016/2016aqmpfpeir_appendicesde.pdf

Findings, Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Plan
https://www.aqmd.gov/docs/default-source/ceqa/documents/aqmd-projects/2017/att2toresolutionfor-2016aqmp.pdf

2016 AQMP
https://www.aqmd.gov/home/air-quality/air-quality-management-plans/final-2016-aqmp

Copies of these documents may also be obtained from:

Lisa Tanaka, Deputy Executive Officer/Public Advisor
South Coast AQMD 21865 Copley Drive, Diamond Bar, CA 91765
Phone: (909) 396-2432
Email: publicadvisor@aqmd.gov

For both of these projects, a Program EIR was considered to be the appropriate document for each AQMP as set forth in CEQA Guidelines Section 15168 (a)(3) because each AQMP constituted a series of actions that can be characterized as one large project in connection with the issuance of rules, regulations, plans, or other general criteria required to govern the conduct of a continuing program. In addition, the use of a Program EIR had the following advantages by:

- Providing an occasion for a more exhaustive consideration of effects and alternatives than would be practical in an EIR on an individual action;
- Ensuring a consideration of cumulative impacts that might be slighted in a case-by-case analysis;
- Avoiding duplicative reconsideration of basic policy considerations;
- Allowing consideration of broad policy alternatives and program-wide mitigation measures at an early time when the Lead Agency has greater flexibility to deal with basic problems of cumulative impacts; and
- Allowing its use with a later activity if the later activity is within the scope of the project analyzed in the Program EIR without requiring further environmental documents.

Use with Later Activities
Because the portion of the proposed Cooperative Agreement which pertains to the development and implementation of the infrastructure plans implements the previously adopted 2016 AQMP Control Measure MOB-01 and the 2022 AQMP Control Measures MOB-01 and MOB-15, this

Attachment examines whether the development and implementation of infrastructure plans qualify as a later activity within the scope of the previous analyses conducted in the certified Final Program EIRs for the 2022 AQMP and the 2016 AQMP pursuant to CEQA Guidelines 15168 (c) – Use with Later Activities. Specifically, this Attachment: 1) compares the proposed later activity of the development and implementation of infrastructure plans with the previously approved programs, Control Measures MOB-01 and MOB-15 which were adopted in the 2022 AQMP, and Control Measure MOB-01 which was adopted in the 2016; 2) summarizes the environmental impacts analyzed in the Final Program EIRs for the 2022 AQMP and 2016 AQMP for Control Measures MOB-01 and MOB-15; 3) identifies the differences, if any, between the analyses of environmental impacts in the Final Program EIRs for the 2022 AQMP and 2016 AQMP for the applicable control measures and the development and implementation of infrastructure plans and, as needed, identifies any other impact areas which may require further analysis; and 4) considers the evidence and determines whether: a) the development and implementation of infrastructure plans is a later activity within the scope of the programs approved earlier for the 2022 AQMP and 2016 AQMP; and b) the Final Program EIRs for the 2022 AQMP and the 2016 AQMP adequately describe the later activity of the development and implementation of infrastructure plans for the purposes of CEQA such that no new environmental document is required.

SUMMARY OF ENVIRONMENTAL IMPACTS

The CEQA Guidelines require environmental documents to identify significant environmental effects that may result from a proposed project. (CEQA Guidelines Section 15126.2(a).) Direct and indirect significant effects of a project on the environment should be identified and described, with consideration given to both short- and long-term impacts. The discussion of environmental impacts may include, but is not limited to, the resources involved; physical changes; alterations of ecological systems; health and safety impacts caused by physical changes; and other aspects of the resources involved including water, scenic quality, and public services. If significant adverse environmental impacts are identified, the CEQA Guidelines require a discussion of measures that could either avoid or substantially reduce any adverse environmental impacts to the greatest extent feasible. (CEQA Guidelines Section 15126.4.)

The categories of environmental impacts to be studied in a CEQA document are established by CEQA (Public Resources Code Section 21000 et seq.) and the CEQA Guidelines (codified in Title 14 California Code of Regulations Section 15000 et seq.). Under the CEQA Guidelines Appendix G: Environmental Checklist Form, there are 20 environmental topic areas categories in which potential adverse impacts from a project are evaluated. The South Coast AQMD, as lead agency, has taken into consideration the environmental checklist questions in Appendix G, but has reorganized the contents to consolidate the environmental topic areas to avoid repetition. For example, South Coast AQMD's customized the environmental checklist by: 1) combining the topics of "air quality" and "greenhouse gas emissions" (GHG) into one section; 2) combining the topics of "cultural resources" and "tribal cultural resources" into one section; 3) separating the "hazards and hazardous materials" topic into two sections: "hazards and hazardous materials" and "solid and hazardous waste;" and 4) distributing the questions from the topic of "utilities/service systems" into other more specific environmental areas such as "energy," "hydrology and water quality," and "solid and hazardous waste." For each environmental topic area, per CEQA Guidelines Section 15064.7(a), "[a] threshold of significance is an identifiable quantitative, qualitative, or performance level of a particular environmental effect, noncompliance with which means the effect will normally be determined to be significant by the agency and compliance with which means the effect normally will be determined to be less than significant." The South Coast AQMD has developed unique thresholds of significance for the determination of significance in accordance with CEQA Guidelines Section 15064.7(b).

The CEQA Guidelines also include provisions for the preparation of Program EIRs in connection with the issuance of plans, such as the 2022 AQMP and 2016 AQMP, to govern the conduct of a continuing program, including adoptions of broad policy programs as distinguished from those prepared for specific types of projects such as land use projects, for example. (CEQA Guidelines Section 15168.) A Program EIR also allows for the consideration of broad policy alternatives and program-wide mitigation measures at an early time when an agency has greater flexibility to deal with basic problems or cumulative impacts. (CEQA Guidelines Section 15168 (b)(4).) Lastly, a Program EIR also plays an important role in establishing a structure within which a CEQA review of future related actions can be effectively conducted. A Program EIR, by design, provides the basis for future environmental analyses and will allow future project specific CEQA documents, if necessary, to focus solely on the new effects or detailed environmental issues not previously considered. If an agency finds that no new effects could occur, or no new mitigation measures would be required, the agency can approve the activity as being within the scope of the project

covered by the Program EIR and no new environmental document would be required. (CEQA Guidelines Section 15168(c)(2).)

The Final Program EIR for the 2016 AQMP analyzed the impacts of the 2016 AQMP project on 18 environmental topic areas: aesthetics, agriculture and forestry resources, air quality and GHG emissions, biological resources, cultural resources, energy, geology and soils, hazards and hazardous materials, hydrology and water quality, land use and planning, mineral resources, noise, population and housing, public services, recreation, solid and hazardous waste, transportation and traffic, and mandatory findings of significance. In 2019, the CEQA Guidelines were amended to add the environmental topic areas of tribal cultural resources and wildfires, and the transportation analysis was changed from Level of Service (LOS) to Vehicle Miles Traveled (VMT) with a corresponding update to the name of the environmental topic area from "transportation and traffic" to "transportation." Thus, the Final Program EIR for the 2022 AQMP analyzed the impacts of implementing the various control measures in the 2022 AQMP on 19 environmental topic areas: aesthetics, agriculture and forestry resources, air quality and GHG emissions, biological resources, cultural and tribal cultural resources, energy, geology and soils, hazards and hazardous materials, hydrology and water quality, land use and planning, mineral resources, noise, population and housing, public services, recreation, solid and hazardous waste, transportation, wildfire, and mandatory findings of significance.

The Final Program EIR for the 2022 AQMP concluded that the implementation of all of the control measures in the 2022 AQMP would result in potentially significant impacts for the following environmental topic areas: air quality and GHG emissions, energy, hazards and hazardous materials, hydrology and water quality, noise, and solid and hazardous waste. All other environmental topic areas were either concluded to have less than significant impacts or no impact. Mitigation measures to minimize significant impacts from implementation of the 2022 AQMP were adopted in the Mitigation, Monitoring, and Reporting Plan which can be found in Attachment 1 to the Governing Board Resolution for the Final Program EIR for the 2022 AQMP.[5]

The Final Program EIR for the 2016 AQMP concluded that the implementation of all of the control measures in the 2016 AQMP would result in potentially significant impacts for the following environmental topic areas: aesthetics, air quality and GHG emissions, energy, hazards and hazardous materials, hydrology and water quality, noise, solid and hazardous waste, and transportation and traffic. All other environmental topic areas were either concluded to have less than significant impacts or no impact. Mitigation measures to minimize significant impacts from implementation of the 2016 AQMP were adopted in the Mitigation, Monitoring, and Reporting Plan which can be found in Attachment 2 to the Governing Board Resolution for the Final Program EIR for the 2016 AQMP.[6]

Table 1 summarizes Control Measures MOB-01 and MOB-15 of the 2022 AQMP, and Control Measure MOB-01 of the 2016 AQMP, upon which the development and implementation of

[5] South Coast AQMD, Attachment 1 to the Governing Board Resolution for the Final Program Environmental Impact Report for the 2022 Air Quality Management Plan, December 2022. https://www.aqmd.gov/docs/default-source/ceqa/documents/aqmd-projects/2022/2022-aqmp-attachment1toresolution.pdf

[6] South Coast AQMD, Attachment 2 to the Governing Board Resolution for the Final Program Environmental Impact Report for the 2016 Air Quality Management Plan, March 2017. https://www.aqmd.gov/docs/default-source/ceqa/documents/aqmd-projects/2017/att2toresolutionfor-2016aqmp.pdf

infrastructure plans relies, their effect of implementation and nature of potential impact(s), and which of the environmental topic areas are potentially adversely impacted by their implementation. It should be noted that Control Measure MOB-01 was concluded in the Final Program EIR for the 2022 AQMP to have potential adverse impacts related to the environmental topic areas of air quality and GHG, energy, hazards and hazardous materials, noise, and solid and hazardous waste, but no potential adverse impacts to the environmental topic area of hydrology and water quality. However, for other control measures in the 2022 AQMP, the Final Program EIR for the 2022 AQMP concluded that there would be potential adverse impacts to hydrology and water quality. In contrast, Control Measure MOB-15 of the 2022 AQMP was concluded not to have potential adverse impacts on any environmental topic area because it was administrative in nature. Control Measure MOB-01 was concluded in the Final Program EIR for the 2016 AQMP to have potential adverse impacts related to the environmental topic areas of aesthetics, air quality and GHG, energy, hazards and hazardous materials, hydrology and water quality, noise, solid and hazardous waste, and transportation and traffic.

Tables 2 and 3 summarize the analyses in the Final Program EIRs for the 2022 AQMP and 2016 AQMP associated with Control Measure MOB-01: physical changes expected, environmental topic areas affected according to level of significance impact, and the applicable mitigation measures. Because Control Measure MOB-15 of the 2022 AQMP is administrative in nature, no environmental impacts were expected from its implementation.

Table 4 summarizes the physical changes expected, environmental topic areas affected, and the applicable mitigation measures associated with development and implementation of infrastructure plans and compares the similarities to those analyzed for Control Measure MOB-01 in both the Final Program EIRs for the 2022 AQMP and 2016 AQMP. It should be noted that, while Control Measure MOB-01 of the 2016 AQMP contemplated the use of barge-based bonnet technology to reduce emissions from ocean going vessels, the development and implementation of infrastructure plans in accordance with the Proposed Cooperative Agreement, does not consider its use. Therefore, the environmental impacts resulting from use of barge-based bonnet technology (i.e., potentially significant aesthetics impacts) will not occur under the development and implementation of infrastructure plans.

Table 1. Environmental Topic Areas with Potential Adverse Impacts from Port-Related Control Measures

Control Measure Number	Title	Effect of Implementation and Nature of Potential Impact(s)	Potential Adverse Impact(s)							
			Aesthetics	Air Quality/ GHG	Energy	Hazards/ Hazardous Materials	Hydrology/ Water Quality	Noise	Solid/ Hazardous Waste	Transportation/ Traffic
MOB-01 in 2022 AQMP	Emission Reductions at Commercial Marine Ports	Infrastructure development required to achieve emission reductions at commercial marine ports from on-road heavy-duty vehicles, OGVs, cargo handling equipment, locomotives, and harbor craft may cause impacts to: 1) air quality and GHGs from construction activities, 2) energy due to increased demand for electricity, natural gas, and hydrogen, 3) hazards and hazardous materials from storage and handling of alternative fuels, and engine replacements, 4) noise during construction, and 5) solid and hazardous waste associated with engine replacements.	-	X	X	X	-	X	X	-
MOB-15 in 2022 AQMP	Zero Emission Infrastructure for Mobile Sources	Development of a work plan to support and accelerate the deployment of zero emission infrastructure needed for the widespread adoption of zero emission vehicles and equipment is administrative and does not require physical changes or construction activities. Therefore, it will not result in environmental impacts.	-	-	-	-	-	-	-	-
MOB-01 in 2016 AQMP	Emission Reductions at Commercial Marine Ports	Enforceable actions to achieve emission reductions may involve construction of infrastructure to provide support for new cleaner equipment or vehicles; use of bonnet systems on barges; increased use of natural gas, electricity, and alternative fuels; and early retirement of equipment.	X	X	X	X	X	X	X	X

Table 2. Analysis of Control Measure MOB-01 in the Final Program EIR for the 2022 AQMP

	Physical Changes Expected From MOB-01	Environmental Topic Areas with Potentially Significant Impacts	Adopted Mitigation Measures	Environmental Topic Areas with Less than Significant Impacts	Environmental Topic Areas with No Impacts
Construction	Construction and installation of charging and alternative fueling infrastructure for electricity and the storage and dispensing of alternative fuels for use in on-road heavy-duty vehicles, off-road equipment, locomotives, and marine vessels.	• Air Quality • Noise • Solid and Hazardous Waste	• Air Quality: AQ-1 to AQ-26 • Noise: NS-1 to NS-14 • Solid and Hazardous Waste: SHW-1 to SHW-3	• GHG	• Aesthetics • Agriculture and Forestry Resources • Biological Resources • Cultural and Tribal Cultural Resources • Geology and Soils • Hydrology and Water Quality • Land Use and Planning • Mineral Resources • Population and Housing • Public Services • Recreation • Transportation • Wildfire
Operation	Increased demand for electricity and natural gas, and increased production and use of alternative fuels.	• Energy • Hazards and Hazardous Materials	• Energy: E-1 to E-12	• Air Quality and GHG	
	Potential acceleration in the purchase of zero-emission or low-NOx emitting equipment and vehicles that would replace older equipment and vehicles, thereby increasing the scrapping of equipment and vehicles faster than would normally occur could result in physical changes.	• Solid and Hazardous Waste	• Solid and Hazardous Waste: SHW-1 to SHW-3		

Table 3. Analysis of Control Measure MOB-01 in the Final Program EIR for the 2016 AQMP

	Physical Changes Expected From MOB-01	Environmental Topic Areas with Potentially Significant Impacts	Adopted Mitigation Measures	Environmental Topic Areas with Less than Significant Impacts	Environmental Topic Areas with No Impacts
Construction	Construction of infrastructure to provide support for new cleaner equipment or vehicles.	• Air Quality • Noise • Solid and Hazardous Waste • Transportation and Traffic	• Air Quality: AQ-1 to AQ-23 • Noise: NS-1 to NS-17 • Transportation and Traffic: TR-1	• GHG	• Agriculture and Forestry Resources • Biological Resources • Cultural and Tribal Cultural Resources • Geology and Soils • Land Use and Planning • Mineral Resources • Population and Housing • Public Services • Recreation • Wildfire
Operation	Use of barge-based bonnet systems to capture emissions from ocean-going vessels.	• Aesthetics • Transportation and Traffic	• Aesthetics:AE-1 to AE-5	• None	
	Increased demand for electricity and natural gas, and increased production and use of alternative fuels and fuel additives.	• Energy	• Energy: E-1 to E-7	• Air Quality and GHG • Hazards and Hazardous Materials • Hydrology and Water Quality	
	Potential acceleration in the purchase of zero-emission or low-NOx emitting equipment and vehicles that would replace older equipment and vehicles, thereby increasing the scrapping of equipment and vehicles faster than would normally occur could result in physical changes.	• Solid and Hazardous Waste • Transportation and Traffic	None	• Hydrology and Water Quality	

Table 4. Comparison of Environmental Impacts between MOB-01 and the Development and Implementation of Infrastructure Plans

Physical Change Expected from the Infrastructure Plans		Similarity to Environmental Topic Areas with Potentially Significant Impacts	Applicability of Adopted Mitigation Measures	Similarity to Environmental Topic Areas with Less than Significant Impacts	Similarity to Environmental Topic Areas with No Impacts
Construction	Construction and installation of charging and alternative fueling infrastructure for electricity, and the storage and dispensing of alternative fuels for use in on-road heavy-duty vehicles, off-road equipment, locomotives, and marine vessels.	• **Air Quality** • **Noise** • **Solid and Hazardous Waste** • **Transportation and Traffic** *While the exact scope of the future actions that may be identified in the infrastructure plans is speculative at this time, the development and implementation of infrastructure plans as required by the Cooperative Agreement could have the same or fewer potentially significant impacts as anticipated for construction and installation of charging and alternative fueling infrastructure from Control Measure MOB-01 of the 2022 and 2016 AQMPs.*	• **Air Quality and GHG:** AQ-1 to AQ-26 of the Final Program EIR for the 2022 AQMP; and AQ-1 to AQ-23 of the Final Program EIR for the 2016 AQMP • **Noise:** NS-1 to NS-14 of the Final Program EIR for the 2022 AQMP; and NS-1 to NS-17 of the Final Program EIR for the 2016 AQMP • **Solid and Hazardous Waste:** SHW-1 to SHW-3 of the Final Program EIR for the 2022 AQMP • **Transportation:** TR-1 of the Final Program EIR for the 2016 AQMP *The mitigation measures minimizing impacts from Control Measure MOB-01 of the 2022 and 2016 AQMPs are expected to apply to the development and implementation of infrastructure plans.*	• **GHG** *While the exact scope of the future actions that may be identified in the infrastructure plans is speculative at this time, the development and implementation of infrastructure plans as required by the Cooperative Agreement could have the same or fewer less than significant impacts as anticipated for construction and installation of charging and alternative fueling infrastructure from Control Measure MOB-01 of the 2022 and 2016 AQMPs.*	• **Aesthetics** • **Agriculture and Forestry Resources** • **Biological Resources** • **Cultural and Tribal Cultural Resources** • **Energy** • **Geology and Soils** • **Hazards and Hazardous Materials** • **Hydrology and Water Quality** • **Land Use and Planning** • **Mineral Resources** • **Population and Housing** • **Public Services** • **Recreation** • **Wildfire** *Same as for construction and installation of charging and alternative fueling infrastructure from Control Measure MOB-01 of the 2022 and 2016 AQMPs.*

Table 4. Comparison of Environmental Impacts between MOB-01 and the Development and Implementation of Infrastructure Plans (continued)

Physical Change Expected from the Agreement		Similarity to Environmental Topic Areas with Potentially Significant Impacts	Applicability of Adopted Mitigation Measures	Similarity to Environmental Topic Areas with Less than Significant Impacts	Similarity to Environmental Topic Areas with No Impacts
Operation	Increased demand for electricity and natural gas, and increased production and use of alternative fuels.	• **Energy** • **Hazards and Hazardous Materials** *While the exact scope of the future actions that may be identified in the infrastructure plans is speculative at this time, the development and implementation of infrastructure plans as required by the Cooperative Agreement could have the same or fewer potentially significant impacts anticipated for increased demand for electricity, natural gas, and alternative fuels from Control Measure MOB-01 of the 2022 and 2016 AQMPs.*	**Energy:** - E-1 to E-12 of the Final Program EIR for the 2022 AQMP; and - E-1 to E-7 of the Final Program EIR for the 2016 AQMP *The mitigation measures minimizing impacts on increased demand for electricity, natural gas, and alternative fuels from Control Measure MOB-01 of the 2022 and 2016 AQMPs are expected to apply to the development and implementation of infrastructure plans.*	• **Air Quality and GHG** • **Hydrology and Water Quality** *While the exact scope of the future actions that may be identified in the infrastructure plans is speculative at this time, the development and implementation of infrastructure plans as required by the Cooperative Agreement could have the same or fewer less than significant impacts anticipated for increased demand for electricity, natural gas, and alternative fuels from Control Measure MOB-01 of the 2022 and 2016 AQMPs.*	• **Aesthetics** • **Agriculture and Forestry Resources** • **Biological Resources** • **Cultural and Tribal Cultural Resources** • **Geology and Soils** • **Land Use and Planning** • **Mineral Resources** • **Noise** • **Population and Housing** • **Public Services** • **Recreation** • **Solid and Hazardous Waste** • **Transportation** • **Wildfire** *Same as for increased demand for electricity, natural gas, and alternative fuels from Control Measure MOB-01 of the 2022 and 2016 AQMPs.*

Table 4. Comparison of Environmental Impacts between MOB-01 and Development and Implementation of Infrastructure Plans (concluded)

Physical Change Expected from the Agreement		Similarity to Environmental Topic Areas with Potentially Significant Impacts	Applicability of Adopted Mitigation Measures	Similarity to Environmental Topic Areas with Less than Significant Impacts	Similarity to Environmental Topic Areas with No Impacts
Operation	Potential acceleration in the purchase of zero-emission or low-NOx emitting equipment and vehicles that would replace older equipment and vehicles, thereby increasing the scrapping of equipment and vehicles faster than would normally occur could result in physical changes.	• **Solid and Hazardous Waste** • **Transportation and Traffic** *While the exact scope of the future actions that may be identified in the infrastructure plans is speculative at this time, the development and implementation of infrastructure plans as required by the Cooperative Agreement could have the same or fewer potentially significant impacts anticipated for the potential acceleration in scrapping of equipment and vehicles from Control Measure MOB-01 of the 2022 and 2016 AQMPs.*	• **Solid and Hazardous Waste:** SHW-1 to SHW-3 of the Final Program EIR for the 2022 AQMP *The mitigation measures minimizing impacts on the potential acceleration in scrapping of equipment and vehicles from Control Measure MOB-01 of the 2022 and 2016 AQMPs are expected to apply to the development and implementation of infrastructure plans.*	• **Air Quality and GHG** • **Hydrology and Water Quality** *While the exact scope of the future actions that may be identified in the infrastructure plans is speculative at this time, the development and implementation of infrastructure plans as required by the Cooperative Agreement could have the same or fewer less than significant impacts anticipated for the potential acceleration in scrapping of equipment and vehicles from Control Measure MOB-01 of the 2022 and 2016 AQMPs.*	• **Aesthetics** • **Agriculture and Forestry Resources** • **Biological Resources** • **Cultural and Tribal Cultural Resources** • **Energy** • **Geology and Soils** • **Hazards and Hazardous Materials** • **Land Use and Planning** • **Mineral Resources** • **Noise** • **Population and Housing** • **Public Services** • **Recreation** • **Wildfire** *Same as for the potential acceleration in scrapping of equipment and vehicles from Control Measure MOB-01 of the 2022 and 2016 AQMPs.*

The development and implementation of infrastructure plans implement Control Measures MOB-01 and MOB-15 of the 2022 AQMP, and Control Measure MOB-01 of the 2016 AQMP by seeking emission reductions at the Ports, including through deployment of zero emission infrastructure. Implementation of the Infrastructure Plans could generate increased demand for electricity and alternative fuels to support Port operation in the South Coast Air Basin. Consequently, existing utility supply and distribution systems may require capacity upgrades to meet this demand. These enhancements would constitute off-site infrastructure improvements, encompassing electricity generation resources, transmission capacity, and distribution system capacity (such as additional substations and circuits), along with hydrogen fuel production, storage, and distribution systems. The development and implementation of infrastructure plans will also likely accelerate the purchase of zero emission capable or low-NOx emitting equipment and vehicles that would replace older equipment and vehicles and thus, increase the scrapping of equipment and vehicles faster than would normally occur. All of these impacts associated with these infrastructure improvements and acceleration of cleaner technologies were previously analyzed in the Final EIRs for the 2022 AQMP and the 2016 AQMP.

The precise level of zero emission infrastructure through time that would be associated with the development and implementation of infrastructure plans is unknown. The type of zero emissions infrastructure may vary (e.g., fast or slow charging electrification, fast or slow fueling of hydrogen, etc.). Under the proposed Cooperative Agreement, the Ports must quantify the approximate number of equipment or vehicles by source category, describe the existing operational charging and fuel infrastructure, and set planning targets for further zero emission infrastructure, including timeline for when the associated infrastructure will become operational. The Ports, who are subject to the proposed Cooperative Agreement, have not provided any site-specific details regarding any additional potential modifications and associated environmental impacts that could potentially occur. It is speculative to determine what impacts will occur with any more precision than what has been previously forecasted and already analyzed in accordance with CEQA Guidelines Section 15144 in the Final Program EIRs for the 2022 AQMP and 2016 AQMP. Predicting what the Ports would do without firm evidence based on facts to support the analysis would require speculation or conjecture that is inappropriate and prohibited by CEQA (CEQA Guidelines Section 15145.). When project-level details and corresponding environmental information is not available and a particular impact is too speculative for evaluation, as is the case with the Ports, who are subject to the proposed Cooperative Agreement, no additional analysis is required for potential modifications that may occur at individual sites which are speculative (CEQA Guidelines Section 15145.). Thus, the previous analyses of the environmental impacts for Control Measures MOB-01 and MOB-15 of the 2022 AQMP in their Final Program EIR, and Control Measure MOB-01 of the 2016 AQMP in its Final Program EIR cover the breadth of impacts that are expected to result from the development and implementation of infrastructure plans such that no additional environmental impacts need to be evaluated at this time.

The analyses in the Final Program EIR for the 2022 AQMP determined that implementation of Control Measure MOB-01 has the potential to generate significant adverse impacts to air quality from construction, energy, hazards and hazardous waste, noise, and solid and hazardous waste; less than significant impacts to operational air quality and GHG; and no impacts to all other environmental topic areas. The analyses in the Final Program EIR for the 2016 AQMP determined that implementation of Control Measure MOB-01 has the potential to generate significant adverse

impacts to aesthetics, air quality from construction, energy, noise, solid and hazardous waste, and transportation and traffic; less than significant impacts to operational air quality and GHG, hazards and hazardous materials and hydrology and water quality; and no impacts to all other environmental topic areas.

At such time when the Ports propose specific charging and fueling infrastructure projects with future defined actions (e.g., locations, equipment details, and timelines, etc.), the Ports will need to evaluate the potential environmental impacts of these future defined actions and determine whether a new or modified CEQA document is needed. The Ports may elect to rely on the environmental analyses conducted by South Coast AQMD in the Final Program EIRs for the 2022 AQMP and 2016 AQMP, or conduct new CEQA analyses.

ENVIRONMENTAL TOPIC AREAS WITH POTENTIALLY SIGNIFICANT IMPACTS

The Final Program EIR for the 2022 AQMP concluded that the implementation of all of the control measures in the 2022 AQMP would result in potentially significant impacts for the following environmental topic areas: air quality and GHG emissions, energy, hazards and hazardous materials, hydrology and water quality, noise, and solid and hazardous waste. Specific to the implementation of Control Measure MOB-01, the Final Program EIR for the 2022 AQMP analyzed and concluded potentially significant impacts to the environmental topic areas of air quality from construction, energy, hazards and hazardous materials, noise, and solid and hazardous waste.

The Final Program EIR for the 2016 AQMP concluded that the implementation of all of the control measures in the 2016 AQMP would result in potentially significant impacts for the following environmental topic areas: aesthetics, air quality and GHG emissions, energy, hazards and hazardous materials, hydrology and water quality, noise, solid and hazardous waste, and transportation and traffic. Specific to the implementation of Control Measure MOB-01, the Final Program EIR for the 2016 AQMP analyzed and concluded potentially significant impacts to the environmental topic area of aesthetics, air quality from construction, energy, noise, solid and hazardous waste, and transportation and traffic.

It should be noted that, while Control Measure MOB-01 of the 2016 AQMP contemplated the use of barge-based bonnet technology to reduce emissions from ocean going vessels, the development and implementation of infrastructure plans does not consider its use. Therefore, the environmental impacts resulting from use of barge-based bonnet technology (i.e., potentially significant aesthetics impacts) will not occur under the development and implementation of infrastructure plans. As such, the environmental topic area of aesthetics is discussed in the section entitled "Environmental Topic Areas with Less than Significant or No Impacts."

The following section summarizes the analyses of potentially significant impacts from the implementing Control Measure MOB-01 of the 2022 AQMP and 2016 AQMP, upon which the development and implementation of infrastructure plans relies, for the topics of air quality from construction, energy, hazards and hazardous materials, noise, solid and hazardous waste, and transportation and traffic. The significance criteria, potential impacts, applicable mitigation measures, and cumulative impacts will be discussed for each environmental topic area.

Air Quality from Construction

Implementing control measures from both the 2022 AQMP and 2016 AQMP is expected to decrease operational emissions of criteria pollutants over the long-term, resulting in a benefit to air quality. However, in order to realize this benefit, various types of construction activities will be necessary to implement most control measures including Control Measure MOB-01 of the 2022 AQMP and 2016 AQMP. However, construction is generally characterized as a temporary, short-term activity which will contribute to adverse air quality impacts. Potentially significant impacts to air quality from construction will be discussed in this section, while less than significant impacts to air quality from operation and GHG emissions will be discussed in a later section entitled "Environmental Topic Areas with Less than Significant or No Impacts." The Final Program EIR for the 2022 AQMP considered and evaluated the construction and installation of infrastructure to support use of additional electricity and alternative fuels from Control Measure MOB-01. Similarly, the Final Program EIR for the 2016 AQMP evaluated construction impacts from Control Measure MOB-01 along with a suite of other control measures associated with installing infrastructure to provide support for new cleaner equipment or vehicles. The Final Program EIR for 2016 AQMP analyzed the potential air quality impacts from constructing infrastructure to provide support for new cleaner equipment or vehicles by focusing on the following key components: 1) development of baseline and future regional emission inventories for all quantifiable emissions sources in the Basin, as detailed in 2016 AQMP Appendix IV-A[7], which form the basis for understanding the magnitude of emissions associated with various construction phases; 2) assumption that all off-road equipment used in construction activities, including grading, paving, and the installation of air pollution control devices, contribute to construction emissions; 3) quantification of estimated emission from construction activities for each phase, including emissions from on-road vehicles transporting workers, vendors, and materials to and from construction sites; 4) comparison of estimated emissions from construction activities to established thresholds set by the South Coast AQMD to determine whether emissions are considered significant and could potentially lead to adverse localized air quality impacts; and 5) recognition that while emissions from individual construction projects at specific facilities may not exceed significance thresholds, concurrent, overlapping construction activities across multiple sites could exceed the significance thresholds. Based on the analysis, the Final Program EIR for the 2016 AQMP concluded significant construction air quality impacts and as such, identified and adopted mitigation measures to reduce construction emissions. These mitigation measures were designed to minimize the adverse environmental impacts while supporting the AQMP's goal of achieving and maintaining compliance with the national and state ambient air quality standards across the region.

Significance Criteria

A threshold of significance is an identifiable quantitative, qualitative, or performance level of a particular environmental effect. Proposed projects that do not exceed the significance threshold for the effect under evaluation normally will be determined to be less than significant. Exceeding any significance threshold means the effect will normally be determined to be significant by the lead agency. (CEQA Guidelines Sections 15064(a) and (b)(2); Section 15064.7(a).)

[7] South Coast AQMD, Appendix IV-A for the 2016 Air Quality Management Plan; https://www.aqmd.gov/docs/default-source/clean-air-plans/air-quality-management-plans/2016-air-quality-management-plan/final-2016-aqmp/appendix-iv-a.pdf

To determine whether air quality and GHG emissions impacts from the 2022 AQMP and the 2016 AQMP were significant, the Final Program EIRs for the 2022 AQMP and 2016 AQMP estimated the potential emissions of criteria pollutants, toxic air contaminants, and GHGs and compared those estimates to the significance criteria in Table 5.

Table 5. South Coast AQMD Air Quality Significance Thresholds

Mass Daily Thresholds[a]		
Pollutant	**Construction**	**Operation**
NOx	100 lb/day	55 lb/day
VOC	75 lb/day	55 lb/day
PM10	150 lb/day	150 lb/day
PM2.5	55 lb/day	55 lb/day
SOx	150 lb/day	150 lb/day
CO	550 lb/day	550 lb/day
Lead	3 lb/day	3 lb/day
Toxic Air Contaminants, Odor, and GHG Thresholds		
TACs (including carcinogens and non-carcinogens)	Maximum Incremental Cancer Risk ≥ 10 in 1 million Cancer Burden ≥ 0.5 excess cancer cases (in areas ≥ 1 in 1 million) Chronic and Acute Hazard Index ≥ 1.0 (project increment)	
Odor	Project creates an odor nuisance pursuant to South Coast AQMD Rule 402	
GHG	10,000 MT/yr CO_2eq for industrial facilities	
Ambient Air Quality for Criteria Pollutants[b]		
NO2 1-hour average annual arithmetic mean	South Coast AQMD is in attainment; project is significant if it causes or contributes to an exceedance of the following attainment standards: 0.18 ppm (state) 0.03 ppm (state) and 0.0534 ppm (federal)	
PM10 24-hour average annual average	 10.4 µg/m^3 (construction)[c] and 2.5 µg/m^3 (operation) 1.0 µg/m3	
PM2.5 24-hour average	 10.4 µg/m^3 (construction)[c] and 2.5 µg/m^3 (operation)	
SO2 1-hour average 24-hour average	 0.25 ppm (state) and 0.075 ppm (federal – 99th percentile) 0.04 ppm (state)	
Sulfate 24-hour average	 25 µg/m^3 (state)	
CO 1-hour average 8-hour average	South Coast AQMD is in attainment; project is significant if it causes or contributes to an exceedance of the following attainment standards: 20 ppm (state) and 35 ppm (federal) 9.0 ppm (state/federal)	
Lead 30-day average Rolling 3-month average	 1.5 µg/m^3 (state) 0.15 µg/m^3 (federal)	

a) Source: South Coast AQMD CEQA Handbook (South Coast AQMD, 1993)
b) Ambient air quality thresholds for criteria pollutants based on South Coast AQMD Rule 1303, Table A-2 unless otherwise stated.
c) Ambient air quality threshold based on South Coast AQMD Rule 403.
KEY: lb/day = pounds per day ppm = parts per million µg/m3 = microgram per cubic meter ≥ = greater than or equal to
MT/yr CO2eq = metric tons per year of CO2 equivalent > = greater than
Revision: March 2023

Air Quality Impacts from Construction[8]

The Final Program EIR for the 2022 AQMP considered that implementation of Control Measure MOB-01 requires construction of infrastructure for fuel/energy producing facilities to be able to supply electricity, hydrogen, and natural gas for alternative-fueled off- and on-road vehicles and equipment (see Final Program EIR for the 2022 AQMP, Table 4.2-3). While the scope of what it would take to build the additional electricity generating equipment and alternative fuels production equipment at either existing or new facilities is unknown, emissions from major construction activities associated with capital improvement projects are typically greater and for a longer period of time than construction emissions resulting from the installation of air pollution control equipment. To illustrate potential overlapping construction activities on a peak day, the Final Program EIR for the 2022 AQMP presented a compilation of the estimated construction emissions typical of equipment replacement in residential and commercial settings, air pollution control equipment installations, with construction emission estimates for producing renewable or alternative fuels. While individually, most components of the construction activities would not have emissions exceeding the South Coast AQMD's air quality significance thresholds, it is foreseeable and likely that on any given day, construction activities associated with one or more new or existing air pollution control devices overlapping with other types of construction activities associated with producing alternative fuels in order to comply with the 2022 AQMP could occur at more than one facility. Based on the size of any single project, or if more than one facility were concurrently constructed on any given day, the emissions would exceed the South Coast AQMD's air quality significance thresholds. Therefore, construction emissions were considered potentially significant.

Because the construction air quality impacts from implementing the 2022 AQMP were concluded to be significant, feasible mitigation measures AQ-1 to AQ-26 for reducing impacts related to construction were adopted in the Final Program EIR for the 2022 AQMP, and these mitigation measures apply to Control Measure1 MOB-01, upon which the development and implementation of infrastructure relies (see pages 4.2-22 to 4.2-24 of the Final Program EIR for the 2022 AQMP). Even after mitigation measures AQ-1 to AQ-26 were applied, the Final Program EIR for the 2022 AQMP concluded that construction air quality impacts would remain significant.

The Final Program EIR for the 2016 AQMP considered that implementation of Control Measure MOB-01 had the potential to generate construction emission impacts from constructing infrastructure to provide support for new cleaner equipment or vehicles. The Final Program EIR for the 2016 AQMP analyzed a typical construction scenario of an air pollution control device at an existing facility which consisted of the following phases and associated on-road and off-road construction equipment:

- Grading/Site Preparation: Rubber Tired Dozers, Tractors/Loaders/Backhoes, Construction Workers' Vehicles, and Medium Duty Trucks
- Paving: Pavers, Cement/Mortar Mixers, Rollers, Construction Workers' Vehicles, and Medium Duty Trucks

[8] See Section 4.2.5.1 Criteria Pollutants – Construction Activities of the Final Program EIR for the 2022 AQMP and Section 4.1.6.1 Criteria Pollutants – Construction Activities of the Final Program EIR for the 2016 AQMP

- Installing/Constructing Air Pollution Control Device(s): Cranes, Forklifts, Tractors/Loaders/Backhoes, Construction Workers' Vehicles, and Medium Duty Trucks

Construction emissions were estimated for these various construction phases associated with the installation of air pollution control devices. In addition, criteria pollutant emissions were calculated for all on-road vehicles transporting workers, vendors, and material removal and delivery. The analysis assumed that each phase must be entirely completed before the next phase can commence such that there would be no overlap of construction phases for the construction of the new control devices. Table 6, which is Table 4.1-3 Typical Peak Daily Construction Emissions for Control Devices in the Basin (lbs/day) from the Final Program EIR for the 2016 AQMP, summarizes the construction emissions that would be expected to occur as a result of installing one air pollution control device at one facility. Although the construction emissions at each individual facility might not exceed the South Coast AQMD's air quality significance thresholds, it was foreseeable and likely that on any given day, construction of one or more control devices in order to comply with the 2016 AQMP could occur at more than one facility. Based on the results in Table 6, if more than four facilities or more than four control devices were concurrently constructed on any given day, the emissions would exceed the South Coast AQMD air quality significance thresholds. Therefore, construction emissions were considered significant.

Table 6. Typical Peak Daily Construction Emissions for Control Devices in the Basin (lbs/day)

Source Category	VOC	NOx	CO	SOx	PM10	PM2.5
Grading/Site Preparation	2.7	25	11	0.0	3.9	1.6
Paving	0.2	12	8	0.01	0.7	0.7
Device Installation	3.4	30	15	0.0	1.4	1.3
Maximum Emissions (1 Facility)	3.4	30	15	0.01	3.9	1.6
Maximum Emissions (4 Facilities)	13.6	120	60	0.04	15.6	6.4
South Coast AQMD Air Quality Significance Thresholds	75	100	550	150	150	55
Significant? (YES/NO)	NO	YES	NO	NO	NO	NO

Because the analysis Final Program EIR for the 2016 AQMP concluded that the construction air quality were significant, feasible mitigation measures AQ-1 to AQ-23 for reducing impacts related to construction were adopted, and these mitigation measures are applicable to Control Measure MOB-01, upon which the development and implementation of infrastructure plans relies (see pp. 4.1-54 to 4.1-56 of the Final Program EIR for the 2016 AQMP). Even after mitigation measures AQ-1 to AQ-23 were applied, the Final Program EIR for the 2016 AQMP concluded that construction air quality impacts would remain significant.

Mitigation Measures Adopted in the Final Program EIRs for the 2022 AQMP and 2016 AQMP for Construction Air Quality[9]

Mitigation measures AQ-1 to AQ-26 of the Final Program EIR for the 2022 AQMP and mitigation measures AQ-1 to AQ-23 of the Final Program EIR for the 2016 AQMP are presented side-by-side in Table 7. Because the analysis conducted in the Final Program EIR for the 2022 AQMP reflects the most recent best practices, owners and operators of equipment required to mitigate air quality impacts from construction are recommended to utilize the mitigation measures of the Final Program EIR for the 2022 AQMP in the event of a conflict between mitigation measures that would apply in a given situation.

[9] See Section 4.2.5.1 Criteria Pollutants – Construction Activities of the Final Program EIR for the 2022 AQMP and Section 4.7.1 Mitigation Measures of the Final Program EIR for the 2016 AQMP

Table 7. Mitigation Measures Adopted in the Final Program EIRs for the 2022 AQMP and 2016 AQMP for Construction Air Quality

2022 AQMP	2016 AQMP
AQ-1 Develop a Construction Emission Management Plan to minimize emissions from vehicles including, but not limited to: consolidating truck deliveries so as to minimize the number of trucks on a peak day; scheduling deliveries to avoid peak hour traffic conditions; describing truck routing; describing deliveries including logging delivery times; describing entry/exit points; identifying locations of parking; identifying construction schedule; and prohibiting truck idling in excess of five consecutive minutes or another time-frame as allowed by the California Code of Regulations, Title 13 Section 2485 – CARB's Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling. The Construction Emission Management Plan shall be submitted to South Coast AQMD – PRDI/CEQA for approval prior to the start of construction. At a minimum, the Construction Emission Management Plan would include the following types of mitigation measures and Best Management Practices. **AQ-2** Tune and maintain all construction equipment to be in compliance with the manufacturer's recommended maintenance schedule and specifications that optimize emissions without nullifying engine warranties. All maintenance records for each equipment and their construction contractor(s) shall be made available for inspection and remain onsite for a period of at least two years from completion of construction.	**AQ-1** During construction, require the use of 2010 and newer diesel haul trucks (e.g., material delivery trucks and soil import/export). If the Lead Agency determines that 2010 model year or newer diesel trucks cannot be obtained, the Lead Agency shall instead require the use of trucks that meet EPA 2007 model year NOx emissions requirements. **AQ-2** Require all on-site construction equipment to meet the following: - All off-road diesel-powered construction equipment greater than 50 hp shall meet the Tier 4 emission standards, where available. In addition, all construction equipment shall be outfitted with BACT devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations. - A copy of each unit's certified tier specification, BACT documentation, and CARB or SCAQMD operating permit shall be provided at the time of mobilization of each applicable unit of equipment. - Encourage construction contractors to apply for SCAQMD "SOON" funding incentives. The "SOON" program provides funds to accelerate the cleanup of off-road diesel vehicles, such as heavy-duty construction equipment. More information on this program can be found at the following website: http://www.aqmd.gov/tao/Implementation/SOONProgram.htm.

Table 7. Mitigation Measures Adopted in the Final Program EIRs for the 2022 AQMP and 2016 AQMP for Construction Air Quality (continued)

2022 AQMP	2016 AQMP
AQ-3 Survey and document the construction areas and identify all construction areas that are served by electricity. Onsite electricity, rather than temporary power generators, shall be used in all construction areas that are demonstrated to be served by electricity. This documentation shall be provided as part of the Construction Emissions Management Plan. **AQ-4** Require the use of electric or alternative-fueled (i.e., renewable combustion fuels and hydrogen) construction equipment, if available, including but not limited to, concrete/industrial saws, pumps, aerial lifts, material hoist, air compressors, forklifts, excavator, wheel loader, and soil compactors. **AQ-5** Require all off-road diesel-powered construction equipment rated greater than 50 hp to meet Tier-4 off-road emission standards at a minimum. In addition, if not already supplied with a factory-equipped diesel particulate filter, all construction equipment shall be outfitted with Best Available Control Technology (BACT) devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations. Construction equipment shall incorporate, where feasible, emissions-reducing technology such as hybrid drives and specific fuel economy standards. In the event that any equipment required under this mitigation measure is not available, the project proponent shall provide documentation in the Construction Emissions Management Plan or associated subsequent status reports as information becomes available.	**AQ-3** Prohibit vehicles and construction equipment from idling longer than five minutes at the construction site by including these restrictions in the construction company contract(s) and by posting signs on-site, unless the exceptions in the CARB regulations which pertain to idling requirements are applicable. **AQ-4** All on-road heavy-duty diesel trucks or equipment with a gross vehicle weight rating (GVWR) of 19,500 pounds or greater shall comply with EPA 2007 on-road emission standards for PM and NOx (0.01 gram per brake horsepower – hour (g/bhp-hr) and at least 0.2 g/bhp-hr, respectively). **AQ-5** Maintain construction equipment tuned up and with two to four-degree retard diesel engine timing or tuned to manufacturer's recommended specifications that optimize emissions without nullifying engine warranties. **AQ-6** The project proponent shall survey and document the proposed project's construction areas and identify all construction areas that are served by electricity. Onsite electricity, rather than temporary power generators, shall be used in all construction areas that are demonstrated to be served by electricity. **AQ-7** Provide temporary traffic controls such as a flag person, during all phases of significant construction activity to maintain smooth traffic flow. **AQ-8** Provide dedicated turn lanes for the movement of construction trucks and equipment on- and off-site.

Table 7. Mitigation Measures Adopted in the Final Program EIRs for the 2022 AQMP and 2016 AQMP for Construction Air Quality (continued)

2022 AQMP	2016 AQMP
AQ-6 Require the use of zero-emission (ZE) or near-zero emission (NZE) on-road haul trucks such as heavy-duty trucks with natural gas engines that meet CARB'S adopted optional NO_X emissions standard. **AQ-7** Provide electric vehicle (EV) charging stations or at a minimum, provide the electrical infrastructure and electrical panels which shall be appropriately sized. Electrical hookups should be provided for trucks to plug in any onboard auxiliary equipment. **AQ-8** Provide temporary traffic controls such as a flag person, during all phases of significant construction activity to maintain smooth traffic flow, where necessary. **AQ-9** Provide dedicated turn lanes for the movement of construction trucks and equipment on- and off-site, where applicable. **AQ-10** Clearly identify truck routes with trailblazer signs to guide and ensure that the route shall avoid congested streets and sensitive land uses (e.g., residences, schools, day care centers, etc.), where applicable. **AQ-11** Improve traffic flow by signal synchronization, where applicable and ensure that check-in point for trucks is inside the project site. **AQ-12** Ensure that vehicle traffic inside the project site is as far away as feasible from sensitive receptors.	**AQ-9** Re-route construction trucks away from congested streets or sensitive receptor areas. **AQ-10** Improve traffic flow by signal synchronization. **AQ-11** Reduce traffic speeds on all unpaved roads to 15 mph or less. **AQ-12** Prohibit truck idling in excess of five minutes, on- and off-site. **AQ-13** Schedule construction activities that affect traffic flow on the arterial system to off-peak hours to the extent practicable. **AQ-14** Suspend all excavating and grading operations when wind speeds (as instantaneous gusts) exceed 25 mph. **AQ-15** Suspend all construction activities that generate air pollutant emissions during first stage Smog alerts. **AQ-16** Configure construction parking to minimize traffic interference. **AQ-17** Use alternative clean fueled off-road equipment or give extra points in the bidding process for contractors committing to use such equipment. **AQ-18** Require covering of all trucks hauling dirt, sand, soil, or other loose materials.

Table 7. Mitigation Measures Adopted in the Final Program EIRs for the 2022 AQMP and 2016 AQMP for Construction Air Quality (continued)

2022 AQMP	2016 AQMP
AQ-13 Restrict overnight truck parking in sensitive land uses by providing overnight truck parking inside the project site. **AQ-14** Design the project such that truck entrances and exits are not facing sensitive receptors and trucks will not travel past sensitive land uses to enter or leave the project site. **AQ-15** Reduce traffic speeds on all unpaved roads to 15 miles per hour (mph) or less. **AQ-16** Prohibit truck idling in excess of five minutes, on- and off-site. **AQ-17** Schedule construction activities that affect traffic flow on the arterial system to off-peak hours to the extent practicable. **AQ-18** Suspend all excavating and grading operations when wind speeds (as instantaneous gusts) exceed 25 mph. **AQ-19** Suspend use of all construction activities that generate air pollutant emissions during first stage smog alerts. **AQ-20** Configure construction parking to minimize traffic interference. **AQ-21** Require covering of all trucks hauling dirt, sand, soil, or other loose materials.	**AQ-19** Install wheel washers where vehicles enter and exit the construction site onto paved roads or wash off trucks and any equipment leaving the site for each trip. **AQ-20** Apply non-toxic soil stabilizers according to manufacturers' specifications to all inactive construction areas (previously graded areas inactive for ten days or more). **AQ-21** Replace ground cover in disturbed areas as quickly as possible to minimize dust. **AQ-22** Pave road and road shoulders. **AQ-23** Sweep streets at the end of the day with SCAQMD Rule 1186 and 1186.1 compliant sweepers if visible soil is carried

Table 7. Mitigation Measures Adopted in the Final Program EIRs for the 2022 AQMP and 2016 AQMP for Construction Air Quality (concluded)

2022 AQMP	2016 AQMP
AQ-22 Install wheel washers where vehicles enter and exit the construction site onto paved roads or wash off trucks and any equipment leaving the site for each trip. **AQ-23** Apply non-toxic soil stabilizers according to manufacturers' specifications to all inactive construction areas (previously graded areas inactive for ten days or more). **AQ-24** Replace ground cover in disturbed areas as quickly as possible to minimize dust. **AQ-25** Pave road and road shoulders, where applicable. **AQ-26** Sweep streets at the end of the day with sweepers compliant with South Coast AQMD Rules 1186 and 1186.1 if visible soil is carried onto adjacent public paved roads (recommend water sweepers that utilize reclaimed water).	

Cumulative Impacts[10]

The Final Program EIR for the 2022 AQMP concluded that implementation of the 2022 AQMP control measures could result in significant adverse air quality impacts during construction because it is foreseeable and likely that on any given day, construction activities associated with one or more new or existing air pollution control devices overlapping with other types of construction activities associated with producing alternative fuels in order to comply with the 2022 AQMP could occur at more than one facility, and based on the size of any single project, or if more than one facility were concurrently constructed on any given day, the emissions would exceed the South Coast AQMD's air quality significance thresholds. When combined with past, present, and reasonably foreseeable activities, in particular with transportation projects projected in the Southern California Association of Governments (SCAG) Connect SoCal Plan[11] and the CARB 2022 State SIP Strategy[12], the 2022 AQMP would contribute to cumulatively considerable impacts to air quality related to criteria pollutant emissions during construction, a significant, unavoidable cumulative impact. No additional mitigation measures to reduce the significant cumulative impacts to air quality from construction were identified. Cumulative impacts to air quality from construction for past, present, and reasonably foreseeable future projects would remain significant and unavoidable.

The Final Program EIR for 2016 AQMP concluded that implementation of the 2016 AQMP control measures would result in significant adverse air quality impacts during construction because it is foreseeable and likely that on any given day, construction of one or more control devices in order to comply with the 2016 AQMP could occur at more than one facility, and if more than four facilities or more than four control devices were concurrently constructed on any given day, the emissions would exceed the South Coast AQMD's air quality significance thresholds. The 2016 AQMP control measures would result in significant adverse air quality impacts during construction and, when combined with past, present, and reasonably foreseeable activities, and in particular with transportation projects projected in the 2016 Regional Transportation Plan/ Sustainable Communities Strategy (2016 RTP/SCS)[13], would contribute to cumulatively considerable impacts to air quality impacts during construction identified in the 2016 RTP/SCS, therefore resulting in a significant cumulative impact. No additional mitigation measures to reduce the significant cumulative impacts to air quality impacts during construction were identified. Cumulative impacts to air quality impacts during construction from implementation of the 2016 AQMP would remain significant and unavoidable.

Summary of Construction Air Quality Analyses

Table 8 presents a summary of the construction air quality analyses conducted in the Final Program EIRs for the 2022 AQMP and 2016 AQMP.

[10] See Section 4.2.7 Cumulative Air Quality and GHG Emissions Impacts and Mitigation Measures of the Final Program EIR for the 2022 AQMP and Section 5.4.1 Cumulative Impacts of the Final Program EIR for the 2016 AQMP

[11] Southern California Association of Governments, Connect SoCal (2020–2045 Regional Transportation Plan/Sustainable Communities Strategy), May 2020. https://scag.ca.gov/read-plan-adopted-final-connect-socal-2020

[12] California Air Resources Board, 2022 State Strategy for the State Implementation Plan (2022 State SIP Strategy), 6. https://ww2.arb.ca.gov/resources/documents/2022-state-strategy-state-implementation-plan-2022-state-sip-strategy

[13] SCAG, The 2016-2040 Regional Transportation Plan/ Sustainable Communities Strategy, April 2016, https://scag.ca.gov/sites/main/files/file-attachments/f2016rtpscs.pdf.

Table 8. Summary of Air Quality from Construction Analyses in the Final Program EIRs for the 2022 AQMP and 2016 AQMP

Significance Criteria	Potentially Significant Impacts	Adopted Mitigation Measures	Cumulative Impacts
Air Quality impacts are significant if any of the following conditions occur: • A project and/or projects that exceed(s) significance threshold identified by the lead agency. - *Air Quality impacts are considered significant under specific conditions.* - *Significance is determined by exceeding identified quantitative, qualitative, or performance thresholds for environmental effects.* - *Projects that have emissions less than these thresholds are typically deemed less than significant.* - *The evaluation of air quality and GHG emissions impact compares estimated emissions to air quality significance thresholds in Table A-5.*	Implementation of Control Measure MOB-01 of the 2022 AQMP and 2016 AQMP would cause potentially significant air quality impacts from: • Construction of infrastructure for zero-emission technologies and electricity, and support for new cleaner equipment or vehicles, • Increase in electricity demand due to increased usage of zero-emission technologies installed at the commercial marine ports, • Installation of air pollution devices at the commercial marine ports, and • Increase in natural gas demand to produce electricity	• AQ-1 to AQ-26 of the Final Program EIR for the 2022 AQMP; and • AQ-1 to AQ-23 of the Final Program EIR for the 2016 AQMP	Cumulative impacts to air quality for past, present, and reasonably foreseeable future projects would remain significant and unavoidable for criteria pollutant emissions during construction.

Energy

Both the Final Program EIR for the 2022 AQMP and the Final Program EIR for the 2016 AQMP identified the following physical changes associated with implementation of Control Measure MOB-01 of the 2022 AQMP and 2016 AQMP, upon which the development and implementation of infrastructure plans relies, to cause potential adverse energy impacts: 1) increase in electricity demand due to increased usage of zero-emission technologies, 2) increase in natural gas demand to produce electricity, and 3) increased production and use of alternative fuels (e.g. hydrogen).

Significance Criteria

Energy impacts are significant if any of the following conditions occur:

- The project conflicts with adopted energy conservation plans or standards.
- The project results in substantial depletion of existing energy resource supplies.
- An increase in demand for utilities impacts the current capacities of the electric and natural gas utilities.
- The project uses non-renewable energy resources in a wasteful and/or inefficient manner.

Energy Impacts from Electricity Demand[14]

The Final Program EIR for the 2022 AQMP analyzed potential increases in electricity demand according to the types of sources, and Control Measure MOB-01, which seeks to identify actions that will result in additional emission reductions at commercial ports, was grouped with other mobile sources. Table 9 is a subset of Table 4.3-3 Potential Electricity Use for Mobile Sources Relying on Incentive Programs, from the Final Program EIR for the 2022 AQMP, and illustrates that the vehicles affected by Control Measure MOB-01 contribute to an estimated increase of Basin-wide annual electricity use by approximately 160.5 gigawatt-hours (GWh) per year.

[14] See Section 4.3.3.2 Electricity of the Final Program EIR for the 2022 AQMP and Section 4.2.4.1 Electricity of the Final Program EIR for the 2016 AQMP

Table 9. Potential Electricity Use for Mobile Sources Relying on Incentive Programs Related to Control Measure MOB-01

Mobile Source Sector	Project Type	Affected Population	Electricity Rate	Potential Electricity Use (GWh/year)
Heavy-Duty Vehicles	Replacement	8,214	1 kWh/mile at 16,600 miles/year	136.4
Off-Road Construction	Repower	656	1 kWh/mile at 16,600 miles/year	10.9
Off-Road Construction	Replacement	365	1 kWh/mile at 16,600 miles/year	6.1
Other Off-Road and CHE	Replacement	428	1 kWh/mile at 16,600 miles/year	7.1
Total				**160.5**

Key: kWh = kilowatt-hour; GWh = gigawatt-hour

The Final Program EIR for the 2022 AQMP considered Basin-wide electricity use as a basis for analyzing the potential energy impacts due to electricity demand. Statewide electricity consumption was more than 279,000 GWh in 2020, with approximately 118,200 GWh (42 percent) in the South Coast Air Basin. (California Energy Commission (CEC), 2021.) CEC estimated an increase in electricity demand of about 1.6 percent annually through 2035. (CEC, 2021.) By applying that growth rate, the total electricity use in California would be approximately 354,000 GWh by 2035. Approximately 150,000 GWh (42 percent) of that would be within the South Coast Air Basin (assuming the percentage attributed to the South Coast Air Basin remains the same). The 2022 AQMP control measures would then increase the electricity demand by an additional estimated 13,429 GWh (approximately 11 percent over 2020 consumption and nine percent over the CEC projected growth) and this amount does not consider the electricity that may be needed to operate additional air pollution control equipment or to convert combustion equipment to fully electric. Thus, the overall potential increase in electricity demand could be higher.

In order for utilities to be able to provide sufficient electricity to meet future demands, the use of additional energy storage systems (e.g., battery arrays) is also a key component for being able to store electricity at the time when resources are available (e.g., when the sun shines and the wind blows), and to use that stored electricity at a later time. Further, the analysis in the Final Program EIR for the 2022 AQMP conservatively assumed that all sources affected by a control measure with the potential to increase demand for electricity, would use electricity rather than other forms of energy. In addition, any increase in electricity demand would likely result in a concurrent reduction in demand for other types of fuels, particularly petroleum fuels. Because the control measures in the 2022 AQMP were developed with the goal of attaining the federal ozone standard, the successful implementation of some of the control measures relied on the use of electricity in order to reduce NOx emissions, an overall air quality benefit for the region. Therefore, the 2022

AQMP was expected to result in a substantial depletion of existing energy (specifically electricity) resource supplies.

Even with energy conservation programs in effect in California, additional electricity would be needed, and power plants would be required to supply the projected increase in electricity demand and general population growth. While increased demand for electricity would occur due to general population growth, additional increases in electricity demand beyond general population growth would be expected if all of the control measures in the 2022 AQMP were implemented. The implementation of all the control measures was expected to result in an overall increase of greater than the approximately 11 percent of the existing electricity use for residential, commercial, and mobile sources. This increase, along with the increases in electricity associated with other state programs and mandates, was expected to exceed the electrical generating capacity of the system. Thus, the electricity demand impacts from implementing the 2022 AQMP were concluded in the Final Program EIR to be significant.

Because the energy impacts from implementing the 2022 AQMP were expected to be significant for electricity demand, feasible mitigation measures E-1 to E-12 for reducing impacts related to potential electricity demand were adopted the Final Program EIR for the 2022 AQMP (see pp. 4.3-21 to 4.3-22 of the Final Program EIR for the 2022 AQMP). Even after mitigation measures E-1 to E-12 were applied, electricity demand impacts would remain significant.

The Final Program EIR for the 2016 AQMP similarly anticipated that the mobile source control measures in the 2016 AQMP would increase the electricity demand in the Basin, and the analysis relied on Basin-wide electricity use to evaluate the potential energy impacts from electricity demand. The anticipated shift of cars, trucks, off-road vehicles, and marine vessels from gasoline and diesel fuels to electricity was projected to create an additional electrical load demand.

At the time of developing the 2016 AQMP, the estimated baseline electricity use in 2014 (the baseline year relied upon for the analysis) in Los Angeles, Orange, Riverside, and San Bernardino counties was about 120,960 GWh (CEC, 2016, see Table 3.3-1 of the Final Program EIR for the 2016 AQMP.) The Final Program EIR for the 2016 AQMP concluded that the amount of electricity that would be needed to charge vehicles represented a relatively small portion of the overall electricity used (about 1 percent) in the four counties. At the time, the CEC estimated an increase in electricity demand of about 1 to 1.3 percent per year through 2026. (CEC, 2016a.) Based on that growth rate, the total projected electricity use was projected to be approximately 135,475 to 140,000 GWh by 2024 and approximately 141,532 to 147,692 GWh by 2031. As explained earlier in this section, a similar analysis and calculations which relied on more recent baseline data and growth factors were conducted in the Final Program EIR for the 2022 AQMP and those estimates supersede the estimates contained in the Final Program EIR for the 2016 AQMP.

Relative to the existing electricity use and the projected future peak electricity demand, implementation of all the control measures was expected to result in an overall increase of 7.86 percent of the existing electricity use by 2024 and 12.7 percent of the existing electricity use by 2031. While these projected increases were expected to be within the electric generating capacity of the region at the time the analysis of the 2016 AQMP was conducted, an increase in electricity of one percent or greater is considered to exceed the South Coast AQMD's energy significance

threshold. Further, there was potential for electrical requirements for other control measures for which the electrical demand could not be estimated at the time of the 2016 AQMP. Thus, the energy impacts resulting from potential increases in electricity demand as part of implementing the 2016 AQMP were concluded to be significant.

The peak daily demands for increased electricity associated with further electrification of mobile sources and the energy impacts could be minimized by charging electric vehicles or other equipment at night when the electricity demand is low. Further, the analysis assumed that all sources affected by a control measure with the potential to increase the demand for electricity and would use electricity rather than substituting other types of energy. In addition, any increase in electricity demand would likely result in a concurrent reduction in demand for other types of fuels, particularly petroleum-based fuels. The 2016 AQMP was not expected to result in the use of large amounts of fuel or energy resources or result in the use of fuel or energy resources in a wasteful manner. However, the 2016 AQMP included incentives to shift from using diesel and gasoline fuels to increasing the electrification of stationary and mobile sources. Depending on the location and the amount of energy needed, the electricity portions of existing energy conservation plans that have been adopted by facilities would need to be updated. Therefore, the 2016 AQMP was determined to potentially conflict with existing adopted energy conservation plans. Because the 2016 AQMP could result in a substantial increase in electricity demand at a level greater than one percent of the existing electricity use in the Basin, the projected increases to electricity demand were concluded to be potentially significant.

Because the electricity demand impacts from implementing the 2016 AQMP were concluded to be significant, feasible mitigation measures E-1 to E-7 for reducing these impacts were adopted in the Final Program EIR for the 2016 AQMP (see page 4.2-24 of the Final Program EIR for the 2016 AQMP). Even after mitigation measures E-1 to E-7 were applied, the electricity demand impacts would remain significant.

Energy Impacts from Natural Gas Demand[15]

Control measures in the 2022 AQMP were expected to result in an increase in demand for natural gas primarily associated with the production of electricity in the short term. While the electrical grid needs to generate electricity that is comprised of 100 percent renewable energy by 2045 per Senate Bill 100 (SB 100, De León)[16] (and short-term natural gas usage for the production of electricity will cease), additional sources of electricity would be required in order to meet the 2035 goals of the 2022 AQMP.

There are critical interdependencies between electricity and the natural gas system reliability in California. Natural gas-fired electricity generation has been an integral part of the electricity system, providing baseload power. It has also served as the backstop during drought conditions that reduce the availability of hydroelectric power generation. The role of natural gas-fired electricity generation in the electricity system is shifting with the addition of large amounts of renewable generation, primarily solar and wind. The large influx of renewable energy on the grid has reduced natural gas produced electricity from 53 percent of total electric generation in 2010 to

[15] See Section 4.3.3.3 Natural Gas of the Final Program EIR for the 2022 AQMP and Section 4.2.4.2 Natural Gas of the Final Program EIR for the 2016 AQMP

[16] Senate Bill 100, https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180SB100.

48 percent in 2020. Renewables have displaced a portion of daytime generation previously provided by natural gas, but the intermittency of solar and wind resources necessitates flexible resources that can quickly come on-line when the sun sets, or winds stop blowing. (CEC, 2021.) Some of the control measures in the 2022 AQMP may result in an increase in the use of natural gas in medium- and heavy-duty on road vehicles. Expanded use of alternative fuels in medium-duty and heavy-duty trucks using more efficient, advanced natural gas engine technologies would be expected to reduce the use of diesel fuel. Natural gas-fired medium- and heavy-duty vehicles are an attractive option to diesel-fueled vehicles because they emit fewer criteria pollutants and toxic components without emitting diesel PM.

Ultimately, as natural gas is and continues to be generally widely available, natural gas supplies are not expected to be limited as a result of implementing the 2022 AQMP. The combined increase in natural gas demand needed for producing electricity and hydrogen and for fueling vehicles could be somewhat offset over the long-term by a decrease in demand for natural gas appliances in commercial and residential setting. However, over the short-term, the natural gas demand is expected to increase. Based upon these considerations, significant adverse energy impacts relating to natural gas demand were expected from implementing the 2022 AQMP.

Because the natural gas demand impacts from implementing the 2022 AQMP were concluded to be significant, feasible mitigation measures E-8 to E-9 for reducing these impacts were adopted in the Final Program EIR for the 2022 AQMP (see page 4.3-26 of the Final Program EIR for the 2022 AQMP). Even after mitigation measures E-8 and E-9 were applied, natural gas demand impacts would remain significant.

The Final Program EIR for the 2016 AQMP similarly projected that the control measures in the 2016 AQMP would increase the natural gas demand in the Basin. Specifically, the mobile source control measures were seen has having the potential for encouraging the use of natural gas as a fuel to offset the use of petroleum fuels while the projected increased demand for electricity would also require additional natural gas since most of the power plants in California generate electricity from equipment that uses natural gas. However, the Final Program EIR for the 2016 AQMP noted that natural gas supplies were abundant as a result of technological innovations, and the natural gas outlook, which in 2007 predicted that 700 trillion cubic feet of natural gas would be economically recoverable, was increased to nearly 1,400 trillion cubic feet of natural gas, a 100 percent increase. (CEC, 2013.) Therefore, the Final Program EIR for the 2016 AQMP concluded that implementation of the 2016 AQMP would have a less than significant impact to energy from natural gas demand. Because the natural gas demand impacts were concluded to be less than significant, mitigation measures were not required or adopted.

Energy Impacts from Hydrogen Demand[17]

Both the Final Program EIRs for the 2022 AQMP and 2016 AQMP considered a Basin-wide shift from conventional petroleum fuels to alternative fuels: electricity, natural gas, biodiesel and renewable diesel, ethanol and ethanol blends, hydrogen, propane, methanol, and renewable energy. While the proposed Cooperative Agreement does not specify or require particular alternative fuels to be used, electricity and hydrogen are expected to be the primary choices for zero emission

[17] See Section 4.3.3.5.4 Hydrogen of the Final Program EIR for the 2022 AQMP and Section 4.2.4.4.3 Hydrogen of the Final Program EIR for the 2016 AQMP

options. The topic of electricity was previously discussed in this Attachment, so the following section summarizes the analysis conducted in the Final Program EIRs for the 2022 AQMP and 2016 AQMP relative to hydrogen.

There is growing interest and financial support for the use of hydrogen-powered fuel cells to power cars, trucks, homes, and businesses. As opposed to alternative fuel vehicles which burn fuel in a combustion engine to produce usable energy, a hydrogen fuel cell electric vehicle (FCEV) relies on an electrochemical reaction between hydrogen (from the fuel tank) and oxygen to produce useful electrical energy along with water and heat as waste products. Current hydrogen vehicles in California consist of demonstration fuel cell passenger cars, internal combustion engine passenger cars, fuel cell buses, and hybrid fuel cell buses. Despite continuing improvements in performance and fuel cell system durability, challenges remain for broad commercialization of FCEV technology. These include system integration and optimization, and access to and price of hydrogen fuel (a big hurdle to the use of fuel cell vehicle adoption). (CEC, 2021.)

The deployment of both FCEVs and the associated hydrogen fueling infrastructure is mainly for commercial applications in California, with a growing commercial deployment. As such, hydrogen fueling for transportation vehicles is not widely offered for retail sale. Executive Order B-48-18 requires the development of 200 hydrogen stations in California by 2025.[18] At the time the 2022 AQMP was developed, there were 55 public and private hydrogen fueling stations operating in the United States and only 10 of these offered public fueling. There were 23 hydrogen fueling stations operating in California, with nine accessible to the public. However, there are ongoing CEC-funded projects which increased the total number of publicly available hydrogen stations in California to 54 which will help support the deployment of FCEVs in urban retail markets. CEC expects that hydrogen infrastructure will first be deployed in a few select urban markets and then phased into a wider set of strategic urban areas before it is expanded into a nationwide network. (CEC, 2021a.) The California Fuel Cell Partnership provides an on-line hydrogen fuel station map (https://cafcp.org/stationmap) which shows the status of fueling locations as open, off-line, under construction, in-process for permitting, or planned. Data from the CEC's website currently show that 30 publicly available hydrogen fueling stations are open in the South Coast Air Basin with 18 in Los Angeles County, 11 in Orange County, one in Riverside County and none in San Bernardino County.[19] However, data pertaining to the amount of hydrogen available at each location is not available. Hydrogen suppliers are expected to include major oil companies that currently provide gasoline fuel to retail stations, many of which also operate hydrogen plants to produce hydrogen as a transportation fuel. However, existing hydrogen plants currently operate at full capacity, largely to produce petroleum fuels. Therefore, additional hydrogen would need to be produced to support the use of hydrogen as an alternative fuel.

One goal of the 2022 AQMP was to shift from conventional petroleum fuels to low NOx or zero emission technologies, including hydrogen. The 2022 AQMP does not mandate hydrogen fuel use by fleet operators, and further technology demonstration and deployment of hydrogen vehicles larger than passenger cars (i.e., medium- and heavy-duty vehicles) is still needed. The hybrid and

[18] Executive Order B-48-18, https://www.library.ca.gov/wp-content/uploads/GovernmentPublications/executive-order-proclamation/39-B-48-18.pdf

[19] CEC, Hydrogen Refueling Stations in California, https://www.energy.ca.gov/data-reports/energy-almanac/zero-emission-vehicle-and-infrastructure-statistics-collection/hydrogen, data last updated May 23, 2024, website accessed June 27. 2024.

electric vehicle technologies and deployment are much further developed than the hydrogen fuel cell vehicles for industrial and commercial uses (i.e., heavy-duty truck uses). Therefore, early advancement of light-duty FCEVs along with the further development of heavy-duty FCEVs is expected to increase hydrogen demand for mobile sources. Little excess capacity is available to meet the increase in hydrogen demand and additional production facilities will be necessary. Thus, the increased demand for hydrogen fuel was concluded to have significant impacts.

Because the hydrogen demand impacts from implementing the 2022 AQMP were concluded to be significant, the Final Program EIR for the 2022 AQMP adopted feasible mitigation measures E-10 to E-12 for reducing energy impacts related to hydrogen demand (see page 4.3-33 of the Final Program EIR for the 2022 AQMP). Even after mitigation measures E-10 to E-12 are applied, the hydrogen demand impacts would remain significant.

The Final Program EIR for the 2016 AQMP similarly analyzed the growing interest and support for the use of hydrogen-powered fuel cells. However, at the time of adoption of the 2016 AQMP, the development and market deployment of hybrid and electric vehicles was much further along than for hydrogen fuel cell vehicles such that projected hydrogen demand was not expected to require additional hydrogen capacity. Therefore, the Final Program EIR for the 2016 AQMP concluded that implementation of the 2016 AQMP would have less than significant energy impacts relative to hydrogen demand. Since the hydrogen demand impacts were concluded to be less than significant, mitigation measures were not required or adopted.

Mitigation Measures Adopted in the Final Program EIRs for the 2022 AQMP and 2016 AQMP for Energy Impacts[20]

Mitigation measures E-1 to E-12 of the Final Program EIR for the 2022 AQMP and mitigation measures E-1 to E-7 of the Final Program EIR for the 2016 AQMP are presented side-by-side in Table 10. Because the analysis conducted for the Final Program EIR for the 2022 AQMP reflects the most recent best practices, owners and operators of equipment required to mitigate energy impacts are recommended to utilize the mitigation measures of the Final Program EIR for the 2022 AQMP in the event of a conflict between mitigation measures that would apply in a given situation.

[20] See Section 4.3.3 Potential Energy Impacts and Mitigation Measures of the Final Program EIR for the 2022 AQMP and Section 4.2.5 Mitigation Measures of the Final Program EIR for the 2016 AQMP

Table 10. Mitigation Measures Adopted in the Final Program EIRs for the 2022 AQMP and 2016 AQMP for Energy

2022 AQMP	2016 AQMP
E-1 Project sponsors should pursue incentives to encourage the use of energy efficient equipment and vehicles and promote energy conservation during electricity generation.	**E-1** Project sponsors should pursue incentives to encourage the use of energy efficient equipment and vehicles and promote energy conservation.
E-2 Utilities should increase capacity of existing transmission lines to meet forecast demand that supports sustainable growth where feasible and appropriate in coordination with local planning agencies.	**E-2** Utilities should increase the capacity of existing transmission lines to meet forecast demand that supports sustainable growth, where feasible and appropriate, in coordination with local planning agencies.
E-3 Project sponsors should submit projected electricity calculations to the local electricity provider for any project anticipated to require substantial electricity consumption. Any infrastructure improvements necessary should be completed according to the specifications of the electricity provider.	**E-3** Project sponsors should submit projected electricity calculations to the local electricity provider for any project anticipated to require substantial electricity consumption. Any infrastructure improvements necessary should be completed according to the specifications of the electricity provider.
E-4 Project sponsors should include energy analyses in environmental documentation with the goal of conserving energy through the wise and efficient use of energy.	**E-4** Project sponsors should include energy analyses in environmental documentation (e.g., CEQA document) with the goal of conserving energy through the wise and efficient use of energy.
E-5 Project sponsors should evaluate the potential for reducing peak energy demand by encouraging charging of electrical vehicles and other mobile sources during off-peak hours.	**E-5** Project sponsors should evaluate the potential for reducing peak energy demand by encouraging the charging of electrical vehicles and other mobile sources during off-peak hours.
E-6 Project sponsors should evaluate the potential for reducing peak energy demand by encouraging the use of catenary or way-side electrical systems developed for transportation systems to operate during off-peak hours.	**E-6** Project sponsors should evaluate the potential for reducing peak energy demand by encouraging the use of catenary or way-side electrical systems developed for transportation systems to operate during off-peak hours.

Table 10. Mitigation Measures Adopted in the Final Program EIRs for the 2022 AQMP and 2016 AQMP for Energy (concluded)

2022 AQMP	2016 AQMP
E-7 Project sponsors should evaluate the potential for reducing peak energy demand by encouraging the use of electrified stationary sources during off-peak hours. **E-8** Projects that require a substantial increase in natural gas demand should consider the use of renewable gas, where available and feasible, including biofuel landfill gas and gas produced from renewable fuels projects. **E-9** Project sponsors should submit projected natural gas demand use to the local natural gas provider for any project anticipated to require substantial natural gas consumption. Any infrastructure improvements necessary should be completed according to the specifications of the natural gas provider. **E-10** Project sponsors should pursue incentives to encourage the use of energy efficient equipment and vehicles, and promote energy conservation associated with hydrogen production. **E-11** Project sponsors should site new facilities in areas where infrastructure exists to reduce the amount of energy necessary to build new hydrogen production facilities. **E-12** Project sponsors should pursue hydrogen production and delivery through the most energy efficient, least environmentally impactful methods, where feasible.	**E-7** Project sponsors should evaluate the potential for reducing peak energy demand by encouraging the use of electrified stationary sources during off-peak hours (e.g., cargo handling equipment).

Cumulative Impacts[21]

The Final Program EIR for the 2022 AQMP concluded that implementation of the 2022 AQMP could result in significant adverse electricity consumption impacts because the potential electricity usage increase would exceed baseline electricity consumption by an estimated 11 percent. Significant impacts were also concluded for natural gas and hydrogen demand. When combined with the Connect SoCal Plan, the SIP strategies, state policies, and other past, present, and reasonably foreseeable activities, the analysis in the Final Program EIR concluded that implementation of the 2022 AQMP control measures would result in a significant increase in electricity, natural gas, and hydrogen demand which may not currently be available, and would contribute to cumulatively considerable impacts. No additional mitigation measures to reduce the significant cumulative impacts to energy were identified. Cumulative impacts to energy demand for past, present, and reasonably foreseeable future projects would remain significant and unavoidable for electricity, natural gas, and hydrogen demand.

The Final Program EIR for 2016 AQMP concluded that implementation of the 2016 AQMP control measures would result in significant adverse electricity consumption impacts because the potential electricity usage increase would exceed baseline electricity consumption by 7.8 to 12.7 percent. No significant impacts on natural gas supplies and petroleum fuels associated with the 2016 AQMP were identified because of the anticipated reduction in future demand and wide availability of natural gas. No significant impacts on hydrogen were identified because hydrogen demand was not expected to require additional hydrogen capacity. The 2016 AQMP control measures would result in significant adverse energy demand impacts and, when combined with past, present, and reasonably foreseeable activities, and in particular with transportation projects projected in the 2016 RTP/SCS, would contribute to cumulatively considerable impacts to energy identified in the 2016 RTP/SCS, therefore resulting in a significant cumulative impact. No additional mitigation measures to reduce the significant cumulative impacts to energy were identified. Cumulative impacts to energy from implementation of the 2016 AQMP would remain significant and unavoidable.

Summary of Energy Analyses

Table 11 presents a summary of the energy analyses conducted in the 2022 AQMP and 2016 AQMP.

[21] See Section 4.3.5 Cumulative Energy Impacts and Mitigation Measures of the Final Program EIR for the 2022 AQMP and Section 5.7.1 Cumulative Impacts of the Final Program EIR for the 2016 AQMP

Table 11. Summary of Energy Analyses in the Final Program EIRs for the 2022 AQMP and 2016 AQMP

Significance Criteria	Potentially Significant Impacts	Mitigation Measures	Cumulative Impacts
Energy impacts are significant if any of the following conditions occur: • The project conflicts with adopted energy conservation plans or standards. • The project results in substantial depletion of existing energy resource supplies. • An increase in demand for utilities impacts the current capacities of the electric and natural gas utilities. • The project uses non-renewable energy resources in a wasteful and/or inefficient manner.	Implementation of Control Measure MOB-01 from the 2022 AQMP would cause potentially significant energy impacts from: • Increase in electricity demand due to increased usage of zero-emission technologies • Increase in hydrogen demand in mobile sources, and • Increase in natural gas demand to produce electricity Implementation of Control Measure MOB-01 from the 2016 AQMP would cause potentially significant energy impacts from: • Increase in electricity demand due to increased usage of zero-emission technologies • Increase in alternative fuels and fuel additives demand, and • Increase in natural gas demand to produce electricity	• E-1 to E-12 of the Final Program EIR for the 2022 AQMP; and • E-1 to E-7 of the Final Program EIR for the 2016 AQMP	Cumulative impacts to energy demand for past, present, and reasonably foreseeable future projects would remain significant and unavoidable for electricity, hydrogen, and natural gas demand.

Hazards and Hazardous Materials

Both the Final Program EIR for the 2022 AQMP and the Final Program EIR for the 2016 AQMP identified the increased use of alternative fuels to be a potential adverse hazards and hazardous materials impact associated with implementation of Control Measure MOB-01 of the 2022 AQMP and 2016 AQMP, upon which the development and implementation of infrastructure plans relies. The Final Program EIR for the 2022 AQMP also identified and analyzed potential adverse hazards and hazardous materials impacts associated with production of hydrogen. While the proposed Cooperative Agreement does not specify or require particular alternative fuels to be used, batteries (electricity) and hydrogen are expected to be the primary choices for zero emission options. The following discussion will summarize the analysis conducted for the use of batteries in electric vehicles and hydrogen in the Final Program EIRs for the 2022 AQMP and 2016 AQMP.

Significance Criteria

Hazards and hazardous materials impacts are significant if any of the following conditions occur:

- Non-compliance with any applicable design code or regulation.
- Non-conformance to National Fire Protection Association standards.
- Non-conformance to regulations or generally accepted industry practices related to operating policy and procedures concerning the design, construction, security, leak detection, spill containment, or fire protection.
- Exposure to hazardous chemicals in concentrations equal to or greater than the Emergency Response Planning Guideline (ERPG) 2 levels.

Hazards and Hazardous Materials Impacts from Use of Batteries in Electric Vehicles[22]

The control measures in the 2022 AQMP focus on maximizing the implementation of zero emission and low NOx technologies which are expected to include electrification of mobile sources (light-duty vehicles, medium-duty vehicles, and heavy-duty vehicles). Electric and hybrid vehicles (hybrids) both use electricity as part of their fuel system. Electric vehicles rely purely on electric power stored in batteries. Hybrids also use batteries as part of their fuel supply; however, hybrids supplement their electric demand by using gasoline engines to generate either mechanical or electric power on demand. Since gasoline is a conventional fuel, any difference in hazards associated with hybrid and electric vehicles would be from the batteries.

Battery technologies in electric vehicles have primarily included nickel-metal hydride (NiMH) and lithium ion (Li-ion). Electric vehicles require high-energy batteries (i.e., batteries that store significant quantities of energy, retain it efficiently, and discharge it at a high rate). Li-ion batteries are the most commonly used batteries in electric vehicles because of their high energy density which allows them to store large amounts of energy, low self-discharge rate which allows them to retain a charge, and excellent electrochemical potential which allows high-power discharge). (NTSB, 2020.) Li-ion batteries are also lighter in weight than other battery types used in electric vehicles.

[22] See Section 4.4.3.2.1 Electric and Hybrid Vehicles of the Final Program EIR for the 2022 AQMP and Section 4.3.4.2.7 Electric/Hybrid of the Final Program EIR for the 2016 AQMP

NiMH batteries can generate hydrogen gas if overcharged, which can lead to explosions without proper venting. In 1996, the International Center for Technology Assessment (ICTA) conducted a comprehensive review of the safety concerns associated with the use of electric vehicles. The ICTA found that risk of hydrogen emissions during stressful conditions has been virtually eliminated by the use of seals and proper valve regulation. By following the National Electric Codes (NECs) and the Society of Automotive Engineers (SAE) recommended safety practices and guidelines for the operation and maintenance of electric vehicles and hybrids, any hydrogen gas risk during battery recharging would be eliminated. (ICTA, 1996.)

Fires in electric vehicles powered by high-voltage Li-ion pose a risk of electric shock in the event of a damaged Li-ion battery. A further risk is that damaged cells in the battery can experience uncontrolled increases in temperature and pressure (thermal runaway), which can lead to hazards such as battery reignition and fire. The risks of electric shock and battery reignition/fire arise from the stranded energy that remains in a damaged battery and the fires can generate large amounts of acrid smoke. (NTSB, 2020.)

In response to fires in electric vehicles, the National Transportation Safety Board (NTSB) performed an investigation on the fire hazards associated with Li-ion batteries in electric vehicles and concluded the following:

1. Manufacturers' emergency response guides provide sufficient vehicle-specific information for disconnecting an electric vehicle's high-voltage system when the high-voltage disconnects are accessible and undamaged by crash forces.
2. Crash damage and resulting fires may prevent first responders from accessing the high-voltage disconnects in electric vehicles.
3. The instructions in most manufacturers' emergency response guides for fighting high-voltage Li-ion battery fires lack vehicle-specific details on suppressing the fires.
4. Thermal runaway and multiple battery reignitions after initial fire suppression are safety risks in high-voltage Li-ion battery fires.
5. The energy remaining in a damaged high-voltage Li-ion battery (stranded energy) poses a risk of electric shock and creates the potential for thermal runaway that can result in battery reignition and fire.
6. High-voltage Li-ion batteries in electric vehicles, when damaged by crash forces or internal battery failure, present special challenges to first and second responders because of insufficient information from manufacturers on procedures for mitigating the risks of stranded energy.
7. Storing an electric vehicle with a damaged high-voltage Li-ion battery inside the recommended 50-foot radius clear area may be infeasible at tow or storage yards.
8. Electric vehicle manufacturers should use the International Organization for Standardization standard 17840 template to present emergency response information.
9. Action by the National Highway Traffic Safety Administration (NHTSA) to incorporate scoring relative to the availability of a manufacturer's emergency response guide and its adherence to the International Organization for Standardization standard 17840 and SAE

International recommended practice J2990 into the U.S. New Car Assessment Program, would be an incentive for manufacturers of vehicles sold in the United States with high-voltage Li-ion battery systems to comply with those standards.

10. Although exiting standards address damage sustained by high-voltage Li-ion battery systems in survivable crashes, they do not address high-speed, high-severity crashes resulting in damage to high-voltage Li-ion batteries and the associated stranded energy.

Based on their findings, the NTSB made the following recommendations:

1. The NHTSA when determining a vehicle's U.S. New Car Assessment Program score, should factor in the availability of a manufacturer's emergency response guide and its adherence to the International Organization for Standardization standard 17840 and SAE International recommended practice J2990.
2. The NHTSA should convene a coalition of stakeholders to continue research on ways to mitigate or deenergize the stranded energy in high-voltage Li-ion batteries and to reduce the hazards associated with thermal runaway resulting from high-speed, high severity crashes.
3. Electric vehicle manufacturers should model the emergency response guides on International Organization for Standardization standard 17840 (as included in SAE International recommended practice J2990) and incorporate vehicle-specific information on: 1) fighting high-voltage Li-ion battery fires; 2) mitigating thermal runaway and the risk of high-voltage Li-ion battery reignition; 3) mitigating the risks associated with stranded energy in high-voltage Li-ion batteries, both during the initial emergency response and before moving a damaged electric vehicle from the scene; and 4) safely storing an electric vehicle that has a damaged high-voltage Li-ion battery.
4. The National Fire Protection Association (NFPA), the International Association of Fire Chiefs, the International Association of Fire Fighters, the National Alternative Fuels Training Consortium, the National Volunteer Fire Council, and the Towing and Recovery Association of America should inform members about the circumstances of the fire risks described in this report and provide guidance to emergency personnel who respond to high-voltage Li-ion battery fires in electric vehicles.

While electric cars may have fire risks, a recent study shows that they are less likely to cause a vehicle fire than either gas-powered or hybrid vehicles. Data from the NTSB was used to track the number of car fires, and it was compared to sales data from the Bureau of Transportation Statistics. The data showed that for every 100,000 vehicles sold, hybrid-powered vehicles (which use gasoline) were involved in about 3,475 fires and conventional gasoline-powered vehicles were involved in approximately 1,530 fires while electric vehicles were involved in approximately 25 fires. Gasoline-powered vehicles and hybrid vehicles rely on combustion, in whole or in part, respectively, to function, while the electric cars rely on 100 percent electricity. (AutoinsuranceEZ, 2022.) Based on the results from the study, electric vehicles were concluded to not be inherently more dangerous than conventional gasoline-fueled or hybrid vehicles, but electric vehicle fires tend to be more difficult than gasoline fires to extinguish. (AutoinsuranceEZ, 2022.)

The likelihood to overheat or ignite is increased if the batteries are poorly packaged, damaged, or exposed to a fire or a heat source. However, when packaged and handled properly, Li-ion batteries pose a minimal threat to the environment.[23] (DOT, 2014.) As noted in the aforementioned study, internal combustion engines also can result in fires and other hazards; therefore, switching to battery power would not likely result in an increased fire risk. Therefore, the Final Program EIR for the 2022 AQMP concluded that implementation of the 2022 AQMP would have a less than significant impact to hazards and hazardous materials from use of electric vehicles and batteries. Because impacts were concluded to be less than significant, mitigation measures were not required or adopted.

The Final Program EIR for the 2016 AQMP similarly analyzed NiMH and Li-ion as the most common battery technologies used in modern EVs and hybrids. The Final Program EIR noted that there had been in a shift away from nickel metal hydride batteries in EV's to lithium-ion batteries (UN, 2010.) NHTSA performed an investigation on the fire hazards associated with Li-ion batteries in EVs, and concluded that EVs do not pose a greater risk of fire than gasoline-powered vehicles. When Li-ion batteries are being charged, they can generate hydrogen gas that is explosive in certain concentrations, but this hazard exists with lead-acid batteries as well as other types of batteries so the hazards associated with charging Li-ion batteries are expected to be similar to the hazards associated with lead-acid batteries. Overall, the fire hazards associated with an electric vehicle were expected to be less than a conventional vehicle because there would be no leak or spills of petroleum fuel (gas or diesel) that is flammable in the event of an accident. All electrical propulsion vehicles must comply with Federal Motor Vehicle Safety Standard (FMVSS) 305, which specifies performance requirements for limiting electrolyte spillage, retaining propulsion batteries, and electrically isolating the chassis from the high-voltage system during a crash event. FMVSS assures that accidents involving an EV or hybrid would cause no more electrical hazard than a gasoline- or diesel-powered vehicle. Therefore, the Final Program EIR for the 2016 AQMP concluded that implementation of the 2016 AQMP would have a less than significant impact to hazards and hazardous materials from use of electric vehicles and batteries. Because impacts were concluded to be less than significant, mitigation measures were not required or adopted.

Hazards and Hazardous Materials Impacts from Use of Hydrogen[24]

The physical hazards associated with bulk liquid transport and storage are similar to liquified natural gas (LNG), as they are both cryogenic liquids. The physical hazards associated with distributing hydrogen via pipeline and steam reformer hydrogen stations are similar to CNG as they are both compressed gases. In general, the fire hazards associated with hydrogen spills or leaks are higher than conventional fuels due to the wide flammability range and low ignition energy of hydrogen. However, hydrogen tanks are fabricated according to more rigorous standards than conventional fuel tanks, which helps reduce the likelihood of spills or leaks. The main additional hazard associated with the use of hydrogen versus conventional fuels is the difficulty in being able to recognize a hydrogen fire when it is happening. Hydrogen burns with a pale blue flame that is almost invisible during daylight hours making hydrogen fires are almost impossible to see with the naked eye. Hydrogen fires have low radiant heat, so it may be difficult to sense the

[23] Department of Transportation, Pipeline and Hazardous Materials Safety Administration, 2014. 49 CFR Parts 171, 172, 173, et al., Hazardous Materials: Transportation of Lithium Batteries, Federal Register Volume 79, Issue 151 (79 FR pp. 46011-46032).

[24] See Section 4.4.3.2.2 Hydrogen of the Final Program EIR for the 2022 AQMP and Section 4.3.4.2.6 Hydrogen of the Final Program EIR for the 2016 AQMP

presence of a flame until you are very close to it. Thus, the potential of a large fire stemming from a release of hydrogen in the case of an accident (e.g., a tanker truck accident) could pose challenges for fire-fighting personnel. Although hydrogen fires do not produce smoke themselves, burning of nearby combustible materials can result in smoke which help visual clues to a fire. Normally hydrogen fires are not extinguished until the supply of hydrogen has been shut off or exhausted since there is a danger of re-ignition and explosion. Firefighting personnel are trained in the characteristics of hydrogen fires and proper procedures for dealing with them. For the same fire hazard reasons, another potentially significant hazard is the release of hydrogen in an enclosed space (e.g., garage or vehicle maintenance facility).

Compared with diesel fuel and gasoline, the following can be stated about hydrogen:

- Diesel fuel and gasoline are toxic to the skin and lungs while hydrogen is non-toxic and non-reactive, so if released, it does not present a health hazard to humans.
- Diesel fuel and gasoline vapors are heavier than air (for specific gravity of air = 1, diesel fuel is >4.0, gasoline is 3.4) while hydrogen is 14 times lighter than air. If released, hydrogen will quickly rise dissipate into the atmosphere greatly reducing the risk of ignition at ground level.
- Hydrogen has an extremely low ignition energy requirement; about 20 microjoules can ignite hydrogen/air, which is about 10 times less than what is required to ignite a gasoline/air mixture. Gasoline can be explosive at oxygen concentrations between one and three percent while hydrogen can be explosive with oxygen concentrations between 18 and 59 percent. This means that gasoline has greater risk for explosion than hydrogen for any given environment with oxygen. (PNL, 2004.)
- Hydrogen has a lower radiant heat when compared to gasoline, meaning the air around the hydrogen flame is not as hot as around a gasoline flame. Therefore, the risk of hydrogen secondary fires is lower.
- Hydrogen is clear, odorless, and tasteless. It burns with an extremely hot, but nonluminous flame which is difficult to see during the day. The flame of burning hydrogen has few warning properties.
- Hydrogen has an unusually large flammability range and can form ignitable mixtures between four and 75 percent by volume in air. Given confinement and good mixing, hydrogen can be detonated over the range of 18 to 59 percent by volume in air.

Based upon the preceding information, hazards associated with hydrogen are approximately equivalent or less when compared to conventional fuels. In addition, fire hazards associated with hydrogen when compared to fires involving conventional fuels are equivalent but will require different firefighting protocols due to the nature of hydrogen. Therefore, both the Final Program EIR for the 2022 AQMP and the Final Program EIR for the 2016 AQMP concluded that no significant increase in hazards would be expected from using hydrogen in mobile sources when compared to conventional fuels. Because impacts were concluded to be less than significant, mitigation measures were not required or adopted.

Use of alternative fuels requires additional knowledge and training of owners/operators of fueling stations regarding maintaining and operating alternative fuel refueling stations and emergency responders. Further, as use of alternative fuels increases within the South Coast AQMD's jurisdiction, use of conventional fuels such as gasoline and diesel will decline. As a result, explosion and flammability hazards associated with conventional fuels will also decline. In addition, hazards and hazardous clean-up associated with accidental releases of conventional fuels, especially diesel, will be reduced as the use of alternative fuels increases. For the storage and dispensing of alternative fuels, compliance with existing regulations and recommended safety procedures will ensure that any potential hazards impacts associated with alternative clean-fuels are expected to be the same or less than those of conventional fuels. Accordingly, the Final Program EIRs for the 2022 AQMP and 2016 AQMP concluded that the hazards impacts from the increased use of alternative fuels would be similar to or less than hazards associated with conventional fuels, and that no significant increase in hazards would be expected from using alternative fuels in mobile sources when compared to conventional fuels. Because impacts were concluded to be less than significant, mitigation measures were not required or adopted.

Hazards and Hazardous Materials Impacts from Production of Hydrogen[25]

The Final Program EIR for the 2022 AQMP analyzed risk associated with hydrogen production. More than 95 percent of U.S.-produced hydrogen is made in central plants via a steam methane reforming process using natural gas, refinery fuel gas, coal, and water electrolysis. In the early stages, expanded hydrogen production will likely rely on natural gas feedstock, as this approach offers a low-cost pathway to producing hydrogen. Over time, hydrogen fuel production could evolve from this natural gas dominance to a more diversified production mix, such as a lower-carbon production mix that includes natural gas reformation with carbon capture and storage, coal with carbon capture and storage (for hydrogen production outside of California), biofuels, waste resources, nuclear (for hydrogen production outside of California), and water electrolysis using renewable electric power. This shift is anticipated because it is expected that there will be a significant push to de-carbonize transportation fuels. Hydrogen may also be produced from renewable energy resources and waste streams using low-carbon-emitting processes (e.g., biomass gasification, water electrolysis using renewable electricity, and reformation of renewable natural gas)[26]. (CEC, 2021.)

A recent hazard analysis was conducted for a proposed new hydrogen plant at a renewable fuels facility in Southern California. The results of the analysis indicated that the worst-case hazard zones associated with an upset of the hydrogen plant and related pipelines were related to a torch fire and would create hazards to surrounding areas within approximately 90 feet of the fire. The rupture of a related natural gas pipeline that would feed the hydrogen plant was also identified as a potential torch fire risk which could create hazards to surrounding areas within approximately 183 feet of a release. Since the construction of any new hydrogen plants would be expected to be constructed within existing industrial facilities that would likely have at least 90 feet to the closest off-site receptor, less than significant impacts would be expected relative to risk associated with hydrogen production. Existing natural gas pipelines provide service to most existing facilities, but

[25] See Section 4.4.3.2.2 Hydrogen of the Final Program EIR for the 2022 AQMP and Section 4.3.4.2.6 Hydrogen of the Final Program EIR for the 2016 AQMP

[26] CEC, 2021. Final 2021 Integrated Energy Policy Report, Volume II, Ensuring Reliability in a Changing Climate. CEC-101-2021-001-V2 February, 2022. https://www.energy.ca.gov/data-reports/reports/integrated-energy-policy-report/2021-integrated-energy-policy-report

the construction of new natural gas pipelines could be significant if located offsite of a facility where a new hydrogen production facility may be located, as the precise location of new natural gas pipelines cannot be forecasted. Natural gas pipelines are located throughout urban areas, including within residential areas and adjacent to sensitive receptors.

New natural gas pipelines are subject to a number of regulatory requirements, including the following:

- Hydrostatic testing to 125 percent of the operating pressure is required by the state Fire Marshal prior to operation of a pipeline. Additional periodic testing is required for pipelines, with the frequency of testing based on pipeline age, use of cathodic protection, and release history;
- New pipelines are required to accommodate instrumented internal inspection devices (commonly referred to as "smart pigs"). "Smart pigs" detect where corrosion or other damage has affected the wall thickness or shape. Additionally, to ensure the pipeline is operating properly and the total volume of material shipped is received, monitoring of operations during transfer of material is required and may include pressure indicators along the pipeline route, as well as flow meters at both the shipping and receiving ends of the pipeline;
- Cathodic protection is required for new pipelines. Cathodic protection is a technique used to control the corrosion of a metal surface by making it the cathode of an electrochemical cell. Avoiding corrosion protects the integrity of the pipeline and minimizes that potential for releases; therefore, installation of cathodic protection helps to prevent pipeline releases;
- Federal regulations require the installation and maintenance of line marker posts so that the pipeline is easily identifiable. In addition, annual inspections are required to look for corrosion and other issues;
- Pipelines are registered with the USA North 811 underground service alert system. Contractors contact this organization prior to beginning excavation activities. The organization notifies the owners of underground facilities in the area of the proposed construction activities. The owners and contractors can then discuss the proposed construction activities. Owners typically mark the exact location of the pipelines and communicate the locations to the contractors. Participation in the USA system minimizes the potential for damage and meets the requirements of the operator's damage prevention program pursuant to 49 CFR Part 192 requirements;
- 49 CFR Part 192, Subpart N, requires minimum training requirements for operators of pipeline facilities. These requirements assure that individuals working on the pipeline would have appropriate training and experience;
- The operation of pipelines is required to have an Emergency Response Plan that identifies specific measures that would be implemented in the event of upset conditions. The Emergency Response Plan identifies responsible parties for the incident command and supporting agencies and organizations; and
- New natural gas pipeline may require the installation of safety blowdown equipment at one location along the designated route. The blowdown equipment will allow for the controlled

release and dispersion of gas in the pipeline in the event of an upset condition. Blowdown equipment is part of the PHMSA requirements.

These extensive state and federal requirements on new (and existing) natural gas pipelines, are expected to be implemented and enforced. Implementation of these extensive requirements is expected to minimize the severity of potential hazard impacts of natural gas pipeline releases should they occur. As such, no mitigation measures were identified or adopted in the Final Program EIR for the 2022 AQMP that would be capable of reducing impacts beyond the existing state and federal requirements in place for this environmental topic area. The operational impacts associated with the new natural gas pipeline would remain significant as a release could potentially impact receptors, including residences, and would be a new or intensified hazard. Therefore, the Final Program EIR for the 2022 AQMP concluded that hazards associated with the potential increase in transmission of natural gas via pipeline to service hydrogen plants would be potentially significant.

At the time of writing the Final Program EIR for the 2016 AQMP, additional hydrogen production was not expected to be required to meet the projected hydrogen demand. Therefore, hazards and hazardous materials impacts from hydrogen production as a result of implementing control measures such as MOB-01 were not identified.

Regarding Mitigation Measures for Hazards and Hazardous Materials Impacts in the Final Program EIR for the 2022 AQMP[27]

The Final Program EIR for the 2022 AQMP concluded that production of hydrogen would result in potentially significant hazards and hazardous materials impacts. More specifically, based on the results of a recent hazards analysis, construction of new natural gas pipelines to service hydrogen production facilities may be a potential torch fire risk which could create hazards to surrounding areas within approximately 183 feet of a release. Because there are extensive state and federal requirements on new and existing natural gas pipelines, and implementation of these requirements are expected to minimize the severity of potential hazard impacts of natural gas pipeline releases should they occur, no mitigation measures were identified or adopted in the Final Program EIR for the 2022 AQMP that would be capable of reducing impacts beyond the existing state and federal requirements in place for this environmental topic area.

Cumulative Impacts[28]

The Final Program EIR for the 2022 AQMP concluded that implementation of Control Measure MOB-01 could result in significant adverse hazards and hazardous materials impacts from the construction of new natural gas pipelines to service hydrogen plants. No mitigation measures were identified for construction of a new natural gas pipeline. When combined with the Connect SoCal Plan, the SIP strategies, state policies, and other past, present, and reasonably foreseeable activities, the 2022 AQMP would result in significant hazards and hazardous materials impacts and would contribute to cumulatively considerable impacts. No additional mitigation measures to reduce the significant cumulative impacts to hazards and hazardous materials were identified. Therefore, the Final Program EIR concluded that cumulative impacts to hazards and hazardous

[27] See Section 4.4.5 Cumulative Hazards and Hazardous Materials Impacts and Mitigation Measures of the Final Program EIR for the 2022 AQMP

[28] See Section 4.4.5.3 Summary of Cumulative Hazards and Hazardous Materials Impacts of the Final Program EIR for the 2022 AQMP and Section 5.9.1 Cumulative Impacts of the Final Program EIR for the 2016 AQMP

materials for past, present, and reasonably foreseeable future projects would remain significant and unavoidable.

The Final Program EIR for 2016 AQMP concluded that implementation of Control Measure MOB-01 would not result in significant adverse hazards and hazardous materials impacts. Other 2016 AQMP control measures, however, would result in significant adverse hazards and hazardous materials impacts and, when combined with past, present, and reasonably foreseeable activities, and in particular with transportation projects projected in the 2016 RTP/SCS, would contribute to cumulatively considerable impacts to hazards and hazardous materials identified in the 2016 RTP/SCS, therefore resulting in a significant cumulative impact. No additional mitigation measures to reduce the significant cumulative impacts to hazards and hazardous materials were identified. Cumulative impacts to hazards and hazardous materials from implementation of the 2016 AQMP would remain significant and unavoidable.

Summary of Hazards and Hazardous Materials Analyses

Table 12 presents a summary of the hazards and hazardous materials analyses conducted in the 2022 AQMP and 2016 AQMP.

Table 12. Summary of Hazards and Hazardous Materials Analyses in the Final Program EIRs for the 2022 AQMP and 2016 AQMP

Significance Criteria	Potentially Significant Impacts	Mitigation Measures	Cumulative Impacts
Hazards and hazardous materials impacts are significant if any of the following conditions occur: • Non-compliance with any applicable design code or regulation. • Non-conformance to National Fire Protection Association standards. • Non-conformance to regulations or generally accepted industry practices related to operating policy and procedures concerning the design, construction, security, leak detection, spill containment, or fire protection. • Exposure to hazardous chemicals in concentrations equal to or greater than the Emergency Response Planning Guideline (ERPG) 2 levels.	Implementation of Control Measure MOB-01 in the 2022 AQMP would cause potentially significant hazards and hazardous materials impacts from: • Increased production and use of alternative fuels (e.g., hydrogen). No potentially significant hazards and hazardous impacts were identified for Control Measure MOB-01 from the 2016 AQMP.	No hazards and hazardous materials mitigation measures were adopted for Control Measure MOB-01 in the Final Program EIR for the 2022 AQMP. No hazards and hazardous materials mitigation measures were adopted for Control Measures MOB-01 in the Final Program EIR for the 2016 AQMP.	Cumulative impacts to hazards and hazardous demand for past, present, and reasonably foreseeable future projects would remain significant and unavoidable for construction of new natural gas pipelines to service hydrogen plants.

Noise

Various types of construction activities will be necessary to implement most control measures including Control Measure MOB-01 of the 2022 AQMP and 2016 AQMP. The Final Program EIR for the 2022 AQMP evaluated the construction and installation of infrastructure to support the use of additional electricity and alternative fuels from Control Measure MOB-01. The Final Program EIR for the 2016 AQMP evaluated construction of infrastructure to provide support for new cleaner equipment or vehicles.

Significance Criteria

Noise impacts are significant if any of the following conditions occur:

- Construction noise levels exceed the local noise ordinances or, if the noise threshold is currently exceeded, project noise sources increase ambient noise levels by more than three decibels (dBA) at the site boundary. Construction noise levels will be considered significant if they exceed federal Occupational Safety and Health Administration (OSHA) noise standards for workers.
- The proposed project operational noise levels exceed any of the local noise ordinances at the site boundary or, if the noise threshold is currently exceeded, project noise sources increase ambient noise levels by more than three dBA at the site boundary.

Noise Impacts from Construction[29]

The Final Program EIR for the 2022 AQMP considered that implementation of Control Measure MOB-01 would require installing charging and alternative fueling infrastructure for the storage and dispensing of alternative fuels for use in on-road heavy-duty vehicles, off-road equipment, and locomotives operating ports; and deploying the cleanest locomotives, switchers, on-road heavy-duty trucks, cargo-handling equipment, transportation refrigeration units available (see Final Program EIR for the 2022 AQMP, Table 4.6-1). Control Measure MOB-01 could also require the installation roadway infrastructure within or adjacent to existing roadways, streets, freeways, and/or transportation corridors. For the purpose of evaluating potential noise impacts for this control measure, the analysis in the Final Program EIR for the 2022 AQMP assumed that no new rail or truck traffic routes would be constructed, but that some of the existing routes/corridors could be modified to include roadway infrastructure.

Similarly, the Final Program EIR for the 2016 AQMP considered potential noise impacts associated with Control Measure MOB-01 could include installation of roadway infrastructure (wayside power or other similar technologies), and installation of battery charging or fueling infrastructure. For purposes of evaluating potential noise impacts, it was assumed that no new industrial facilities or corridors would be constructed, but rather some of the existing facilities and corridors would be modified to include installation of new equipment and roadway infrastructure; and no new rail or truck traffic routes would be constructed, but rather some of these existing routes/corridors would be modified to include catenary overhead electrical lines or magnetic lines.

[29] See Section 4.6.3.1 Noise Associated with Construction Activities of the Final Program EIR for the 2022 AQMP and Section 4.5.4.1 Construction Activities of the Final Program EIR for the 2016 AQMP

The existing rail and truck routes/corridors likely to be modified are located primarily in commercial and industrial zones within the Southern California area. Examples of these areas include, but are not limited to, industrial areas in and around container transfer facilities (rail and truck) near the Terminal Island Freeway.

The potential noise impact of construction activities would vary depending on the existing noise levels in the environment and the location of sensitive receptors (e.g., residences, hotels, hospitals, etc.) with respect to construction activities. Because no specific projects were proposed, the noise impacts were determined to be speculative. Potential modifications were assumed to occur at facilities typically located in appropriately zoned industrial or commercial areas, so construction noise impacts at stationary sources on sensitive receptors were concluded to be less than significant. The construction of roadway infrastructure would result in additional construction noise sources near transportation corridors, and it is not uncommon for residences and other sensitive receptors to be located within several hundred feet of the existing roadways, so noise levels associated with construction activities could increase three dBA or greater and generate potentially significant noise impacts, although temporary. Vibration from construction activities could exceed the 72 vibration decibels (VdB) threshold for structures and sensitive receptors within 200 feet of construction activities if certain types of construction equipment are used and so was considered potentially significant in both the Final Program EIR for the 2022 AQMP and the Final Program EIR for the 2016 AQMP. (See Table 13 which is Table 4.6-5 Representative Construction Equipment Vibration Impacts, from the Final Program EIR for the 2022 AQMP. Table 4.6-5 from the Final Program EIR for the 2022 AQMP presents updated vibration data for the same equipment compared to Table 4.5-4 from the Final Program EIR for the 2016 AQMP.)

Table 13. Representative Construction Equipment Vibration Impacts

Equipment	Peak Particle Velocity (PPV) at 25 ft (inches/sec)[(1)]	Velocity Level (Lv) at 25 ft (VdB) [(1)]	PPV at 200 ft (inches/sec)[(2)]	Lv at 200 ft (VdB) [(3)]
Impact Pile Driver (typical)	0.644	104	0.0285	77
Vibratory Roller	0.210	94	0.0093	67
Large Bulldozers	0.089	87	0.0039	60
Loaded Trucks	0.076	86	0.0034	59
Jackhammer	0.035	79	0.0015	52
Small Bulldozer	0.003	58	0.0001	31

(1) Source: FTA, 2018. Data reflects typical vibration levels
(2) Source: FTA, 2018. Eq. 7-2.
(3) Source: FTA, 2018. Eq. 7-3.

Because the noise impacts from implementing the 2022 AQMP were concluded to be significant for noise and vibration impacts during construction activities, feasible mitigation measures NS-1 to NS-14 for reducing impacts related to noise and vibration were adopted in the Final Program EIR for the 2022 AQMP (see pages 4.6-12 to 4.6-14 of the Final Program EIR for the 2022 AQMP). Even after mitigation measures NS-1 to NS-14 were applied, the Final Program EIR for the 2022 AQMP concluded that the overall noise and vibration impacts during construction activities would remain significant.

Similarly, because the noise impacts from implementing the 2016 AQMP were concluded to be significant for noise and vibration impacts during construction activities, feasible mitigation measures NS-1 to NS-17 for reducing impacts related to noise and vibration were adopted in the Final Program EIR for the 2016 AQMP (see pages 4.5-11 to 4.5-12 of the Final Program EIR for the 2016 AQMP). Even after mitigation measures NS-1 to NS-17 were applied, the Final Program EIR for the 2016 AQMP concluded that the overall noise and vibration impacts during construction activities would remain significant.

Mitigation Measures Adopted in the Final Program EIRs for the 2022 AQMP and 2016 AQMP for Noise and Vibration Impacts During Construction[30]

Mitigation measures NS-1 to NS-14 of the Final Program EIR for the 2022 AQMP and mitigation measures NS-1 to NS-17 of the Final Program EIR for the 2016 AQMP are presented side-by-side in Table 14. Because the analysis conducted in the Final Program EIR for the 2022 AQMP reflects the most recent best practices, owners and operators of equipment required to mitigate noise and vibration impacts from construction are recommended to utilize the mitigation measures of the Final Program EIR for the 2022 AQMP in the event of a conflict between mitigation measures that would apply in a given situation.

[30] See Section 4.6.3.1 Noise Associated with Construction Activities of the Final Program EIR for the 2022 AQMP and Section 4.5.5 Mitigation Measures of the Final Program EIR for the 2016 AQMP

Table 14. Mitigation Measures Adopted in the Final Program EIRs for the 2022 AQMP and 2016 AQMP for Noise

2022 AQMP	2016 AQMP
NS-1 Install temporary noise barriers to protect sensitive receptors from excessive noise levels during construction. **NS-2** Schedule construction activities consistent within the allowable hours pursuant to the applicable general plan noise element or noise ordinance. For construction activities located near sensitive receptors, ensure noise-generating construction activities (including truck deliveries, pile driving, and blasting) are limited to the least noise-sensitive times of day (e.g., weekdays during the daytime hours). Where construction activities are authorized to occur outside of the limits established by the noise element of the general plan or noise ordinance, notify affected sensitive receptors and all parties who will experience noise levels in excess of the allowable limits for the specified land use, of the anticipated level of exceedance and duration of exceedance; and provide a list of protective measures that can be undertaken by the individual, including temporary relocation or use of hearing protective devices. **NS-3** Prohibit idling of construction equipment for extended periods of time in the vicinity of sensitive receptors. **NS-4** Post procedures and phone numbers at the construction site for notifying the Lead Agency staff, local Police Department, and construction contractor (during regular construction hours and off-hours), along with permitted construction days and hours, complaint procedures, and who to notify in the event of a problem.	**NS-1** Install temporary noise barriers during construction. **NS-2** Use noise barriers to protect sensitive receptors from excessive noise levels during construction. **NS-3** Schedule construction activities consistent with the allowable hours pursuant to applicable general plan noise element or noise ordinance. Ensure noise-generating construction activities (including truck deliveries, pile driving, and blasting) are limited to the least noise-sensitive times of day (e.g., weekdays during the daytime hours) for projects near sensitive receptors. Where construction activities are authorized outside the limits established by the noise element of the general plan or noise ordinance, notify affected sensitive noise receptors and all parties who will experience noise levels in access of the allowable limits for the specified land use, of the level of exceedance and duration of exceedance; and provide a list of protective measures that can be undertaken by the individual, including temporary relocation or use of hearing protective devices. **NS-4** Limit speed and/or hours of operation of rail and transit systems during the selected periods of time to reduce duration and frequency of conflict with adopted limits on noise levels. **NS-5** Post procedures and phone numbers at the construction site for notifying the Lead Agency staff, local Police Department, and construction contractor (during regular construction hours and off-hours), along with permitted construction days and hours, complaint procedures, and who to notify in the event of a problem.

Table 14. Mitigation Measures Adopted in the Final Program EIRs for the 2022 AQMP and 2016 AQMP for Noise (continued)

2022 AQMP	2016 AQMP
NS-5 Notify neighbors and occupants within 300 feet of the project construction area at least 30 days in advance of anticipated times when noise levels are expected to exceed limits established in the noise element of the general plan or noise ordinance.	**NS-6** Notify neighbors and occupants within 300 feet of the project construction area at least 30 days in advance of anticipated times when noise levels are expected to exceed limits established in the noise element of the general plan or noise ordinance.
NS-6 Hold a preconstruction meeting with job inspectors and the general contractor/onsite project manager to confirm that noise measures and practices (including construction hours, neighborhood notification, posted signs, etc.) are completed.	**NS-7** Hold a preconstruction meeting with the job inspectors and the general contractor/onsite project manager to confirm that noise measures and practices (including construction hours, neighborhood notification, posted signs, etc.) are completed.
NS-7 Designate an on-site construction complaint and enforcement manager for the project.	**NS-8** Designate an on-site construction complaint and enforcement manager for the project.
NS-8 Ensure that construction equipment is properly maintained per manufacturers' specifications and fitted with the best available noise suppression devices (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures, and acoustically attenuating shields or shrouds silencers, wraps). All intake and exhaust ports on power equipment shall be muffled or shielded.	**NS-9** Ensure that construction equipment are properly maintained per manufacturers' specifications and fitted with the best available noise suppression devices (e.g., mufflers, silencers, wraps). All intake and exhaust ports on power equipment shall be muffled or shielded.

Table 14. Mitigation Measures Adopted in the Final Program EIRs for the 2022 AQMP and 2016 AQMP for Noise (continued)

2022 AQMP	2016 AQMP
NS-9 Use hydraulically or electrically powered tools (e.g., jack hammers, pavement breakers, and rock drills) for project construction to avoid noise associated with compressed air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust should be used; this muffler can lower noise levels from the exhaust by up to about 10 dBA. External jackets on the tools themselves should be used, if such jackets are commercially available, and this could achieve a further reduction of 5 dBA. Quieter procedures should be used, such as drills rather than impact equipment, whenever such procedures are available and consistent with construction procedures. **NS-10** Locate fixed/stationary equipment (such as generators, compressors, rock crushers, and cement mixers) as far as possible from noise-sensitive receptors. **NS-11** Consider using flashing lights instead of audible back-up alarms on mobile equipment. **NS-12** For construction activities that require pile driving or other techniques that result in excessive noise or vibration, such as blasting, develop site-specific noise/vibration attenuation measures under the supervision of a qualified acoustical consultant.	**NS-10** Ensure that impact tools (e.g., jack hammers, pavement breakers, and rock drills) used for project construction are hydraulically or electrically powered to avoid noise associated with compressed air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust can and should be used. External jackets on the tools themselves can and should be used, if such jackets are commercially available and this could achieve a reduction of 5 dBA. Quieter procedures can and should be used, such as drills rather than impact equipment, whenever such procedures are available and consistent with construction procedures. **NS-11** Ensure that construction equipment is not idling for an extended time in the vicinity of noise-sensitive receptors. **NS-12** Locate fixed/stationary equipment (such as generators, compressors, rock crushers, and cement mixers) as far as possible from noise-sensitive receptors. **NS-13** Consider using flashing lights instead of audible back-up alarms on mobile equipment. **NS-14** For projects that require pile driving or other construction techniques that result in excessive vibration, such as blasting, determine the potential vibration impacts to the structural integrity of the adjacent buildings within 50 feet of pile driving locations.

Table 14. Mitigation Measures Adopted in the Final Program EIRs for the 2022 AQMP and 2016 AQMP for Noise (concluded)

2022 AQMP	2016 AQMP
NS-13 For construction activities at locations that require pile driving due to geological conditions, utilize quiet pile driving techniques such as predrilling the piles to the maximum feasible depth, where feasible. Predrilling pile holes will reduce the number of blows required to completely seat the pile and will concentrate the pile driving activity closer to the ground where pile driving noise can be shielded more effectively by a noise barrier/curtain. **NS-14** Monitor the effectiveness of noise reduction measures by taking noise measurements and installing adaptive mitigation measures to achieve the standards for ambient noise levels established by the noise element of the general plan or noise ordinance.	**NS-15** For projects that require pile driving or other construction techniques that result in excessive vibration, such as blasting, determine the threshold levels of vibration and cracking that could damage adjacent historic or other structure, and design means and construction methods to not exceed the thresholds. **NS-16** For projects where pile driving would be necessary for construction due to geological conditions, utilize quiet pile driving techniques such as predrilling the piles to the maximum feasible depth, where feasible. Predrilling pile holes will reduce the number of blows required to completely seat the pile and will concentrate the pile driving activity closer to the ground where pile driving noise can be shielded more effectively by a noise barrier/curtain. **NS-17** For projects where pile driving would be necessary for construction due to geological conditions, utilize quiet pile driving techniques such as the use of more than one pile driver to shorten the total pile driving duration.

Cumulative Impacts[31]

Both the Final Program EIR for the 2022 AQMP and the Final Program EIR for the 2016 AQMP concluded that implementation of their respective AQMP control measures could result in significant adverse noise and vibration impacts during construction because vibration from construction activities could exceed the 72 vibration decibels (VdB) threshold for structures and sensitive receptors within 200 feet of construction activities if certain types of construction equipment were used.

When combined with the Connect SoCal Plan, the SIP strategies, state policies, and other past, present, and reasonably foreseeable activities, the 2022 AQMP would result in a significant increase to noise, and vibration impacts during construction and would contribute to cumulatively considerable impacts. No additional mitigation measures to reduce the significant cumulative impacts to noise and vibration during construction have been identified. Cumulative impacts to noise and vibration during construction for past, present, and reasonably foreseeable future projects would remain significant and unavoidable for noise and vibration.

The 2016 AQMP control measures would result in significant adverse noise and vibration impacts during construction and, when combined with past, present, and reasonably foreseeable activities, and in particular with transportation projects projected in the 2016 RTP/SCS, would contribute to cumulatively considerable impacts to noise impacts identified in the 2016 RTP/SCS, therefore resulting in a significant cumulative impact. No additional mitigation measures to reduce the significant cumulative impacts to noise were identified. Cumulative impacts to noise and vibration from implementation of the 2016 AQMP would remain significant and unavoidable.

Summary of Noise Analyses

Table 15 presents a summary of the noise analyses conducted in the 2022 AQMP and 2016 AQMP.

[31] See Section 4.6.5 Cumulative Noise Impacts and Mitigation Measures of the Final Program EIR for the 2022 AQMP and Section 5.13.1 Cumulative Impacts of the Final Program EIR for the 2016 AQMP

Table 15. Summary of Noise Analyses in the Final Program EIRs for the 2022 AQMP and 2016 AQMP

Significance Criteria	Potentially Significant Impacts	Mitigation Measures	Cumulative Impacts
Noise impacts are significant if any of the following conditions occur: • Construction noise levels exceed the local noise ordinances or, if the noise threshold is currently exceeded, project noise sources increase ambient noise levels by more than three decibels (dBA) at the site boundary. Construction noise levels will be considered significant if they exceed federal Occupational Safety and Health Administration (OSHA) noise standards for workers. • The proposed project operational noise levels exceed any of the local noise ordinances at the site boundary or, if the noise threshold is currently exceeded, project noise sources increase ambient noise levels by more than three dBA at the site boundary.	Implementation of Control Measure MOB-01 of the 2022 AQMP and 2016 AQMP would cause potentially significant noise impacts from: • Construction of roadway infrastructure	• NS-1 to NS-14 of the Final Program EIR for the 2022 AQMP; and • NS-1 to NS-17 of the Final Program EIR for the 2016 AQMP	Cumulative impacts to noise and vibration impacts for past, present, and reasonably foreseeable future projects would remain significant and unavoidable during construction activities.

Solid and Hazardous Waste

The Final Program EIR for the 2022 AQMP identified and analyzed potential adverse solid and hazardous waste impacts associated with disposal of spent diesel particulate filters. Both the Final Program EIR for the 2022 AQMP and the Final Program EIR for the 2016 AQMP identified construction activities for infrastructure development, and replacement and early retirement of vehicles and equipment to be potential adverse solid and hazardous waste impacts associated with implementation of the development and implementation of infrastructure plans.

Significance Criteria

Solid and hazardous waste impacts are significant if the generation and disposal of hazardous and non-hazardous waste exceeds the capacity of designated landfills.

Table 16 summarizes the landfill capacity in South Coast AQMD jurisdiction and is Table 3.7-2 Number of Class III Landfills Located within the South Coast AQMD's Jurisdiction and Related Landfill Capacity, from the Final Program EIR for the 2022 AQMP.

Table 16. Number of Class III Landfills Located within the South Coast AQMD's Jurisdiction and Related Landfill Capacity

County	Number of Landfills	Permitted Capacity (tons per day)
Los Angeles	10	38,249
Orange	3	23,500
Riverside(1)	6	22,314
San Bernardino(1)	9	16,269
Total	**28**	**100,332**

Source: CalRecycle Solid Waste Information System *SWIS) Search. Available at: https://www2.calrecycle.ca.gov/SolidWaste/

(1) Data presented is for the entire county and not limited to the portion of the county within the South Coast AQMD jurisdiction.

Solid and Hazardous Waste Impacts from Disposal of Spent Diesel Particulate Filters[32]

Implementation of Control Measure MOB-01 could result in the use of diesel particulate filters (DPFs) to reduce diesel particulate matter, a toxic, from on-road heavy-duty vehicles, off-road construction equipment, and low-emitting engines on cargo handling equipment and locomotives. A DPF is an exhaust aftertreatment device that traps diesel particulate matter as ash which is a by-product of combustion engines that use diesel fuel. In order to reduce emissions from diesel engines, a DPF captures and stores exhaust soot, which must be periodically burned off to regenerate the filter media. The lifespan of a DPF varies based on the application and type of engine but can last from five to ten years or 10,000 or more hours of operation. During the regenerative process, no solid waste is generated. However, during the periodic cleaning of the DPF, the process involves manually removing the filter element from the housing and placing it

[32] See Section 4.7.3.2.2 Diesel Particulate Filters of the Final Program EIR for the 2022 AQMP and Section 4.6.4.2.2 Particulate Traps, Filters, and Precipitators of the Final Program EIR for the 2016 AQMP

in a cleaning station designed for this purpose. The ash is collected in the cleaning station and sent for disposal as solid waste. DPF ash is not specifically listed in the Federal Code of Regulations as a hazardous material, but there may be metallic oxides in the ash which are hazardous to the environment and public health. Waste generators that operate DPF cleaning stations can either dispose of the DPF ash as hazardous waste or can have the waste tested using the Toxicity Characteristic Leaching Procedure (TCLP) which is a process that replicates the leaching process that would naturally occur when waste is buried in a municipal landfill. If the leachate contains any of the regulated contaminants at concentrations that are equal to or greater than the regulatory levels, then the DPF ash is considered hazardous waste.

Diesel repair shops currently operate cleaning stations so any additional soot and ash removed from additional DPFs deployed as a result of implementing the control measures will be collected and disposed of in accordance with existing practices and applicable regulations for hazardous waste disposal. At the end of its useful life, a DPF has monetary value and is typically sent for recycling to recover the catalyst, and the metal housing is sent to a scrap metal recycler, so solid waste is not expected from the disposal of DPFs. While the quantity of equipment that would utilize DPFs as result of implementing the control measures is unknown, the quantity of collected particulate matter typically recovered from one DPF during its cleaning is expected to be small such that the amount of additional DPF ash that would need to be disposed of in either local landfills or hazardous waste landfills, depending on the chemical characteristics of the DPF ash, would also be relatively small. Nonetheless, an increase in the use of DPFs may result in an incremental increase in solid waste requiring disposal in landfills over what would be produced if the 2022 AQMP were not adopted.

If based on the outcome of the TCLP process that the DPF ash collected during the filter cleaning process is not hazardous, then it could be disposed of as solid waste at a number of landfills located within South Coast AQMD's jurisdiction. The current permitted capacity of the landfills in Los Angeles, Orange, Riverside, and San Bernardino counties is about 100,332 tons per day (see Table A-16) and has sufficient capacity to handle the small increase in soot and ash collected during the DPF cleaning process. There are no hazardous waste landfills within the South Coast AQMD's jurisdiction. If the DPF ash is determined to be hazardous, the waste can be transported to permitted facilities located within and outside of California. There are two hazardous waste landfills in California: Clean Harbors landfill located in Buttonwillow and CWMI Kettleman Hills landfill in Kings County. The permitted capacity of Clean Harbors is in excess of 13 million cubic yards of waste material and the permitted capacity of CWMI Kettleman Hills is over 33 million cubic yards. Therefore, these two hazardous materials landfills would have sufficient capacity to handle the small amounts of waste that could be generated by ash collected from DPFs employed on equipment as part of implementing the control measures. Therefore, the Final Program EIR for the 2022 AQMP concluded that use of DPFs would generate less than significant levels of solid and hazardous waste in the form DPF ash which would need to be disposed of in either a municipal or hazardous waste landfill.

Solid and Hazardous Waste Impacts from Construction for Infrastructure Development[33]

Control Measure MOB-01 was expected to involve construction associated with the electrification of existing sources and the replacement of existing equipment. This construction could generate solid waste due to demolition and site preparation, grading, and excavating. Specifically, demolition activities could generate demolition waste while site preparation, grading, and excavating could uncover contaminated soils since the facilities affected by the control measure are located in existing industrial or commercial areas. Excavated soil, if found to be contaminated, would need to be characterized, treated, and disposed of offsite in accordance with applicable regulations. Where appropriate, the soil can be recycled for reuse if it is considered or classified as non-hazardous waste, or it can be disposed of at a landfill that accepts non-hazardous waste. Otherwise, the material will need to be disposed of at a hazardous waste facility.

Due to the uncertainty of the future capacity of the landfills within South Coast AQMD's jurisdiction and the broad scope of equipment that could undergo modifications or replacement, the Final Program EIR for the 2022 AQMP concluded the solid and hazardous waste impacts from construction to be potentially significant and mitigation measures were required. Since the project-specific mitigation for solid and hazardous waste impacts are the same for waste generated during construction and operation, the mitigation measures follow the discussion of operational impacts. Similarly, implementation of 2016 AQMP control measures such as MOB-01 would result in construction which would generate waste attributable to the removal of soil, construction debris from demolition, etc., and some of this waste could be characterized as hazardous waste. The Final Program EIR for the 2016 AQMP determined that it would be speculative to estimate the amount of construction waste that would be generated if the 2016 AQMP was implemented, since the extent and timing of individual projects was not known. Therefore, the solid and hazardous waste impacts from construction were concluded to be significant.

Solid and Hazardous Waste Impacts from Replacement and Early Retirement of Vehicles and Equipment[34]

Implementation of Control Measure MOB-01 that encourages the early retirement of older vehicles and other mobile sources, and the replacement with newer equipment or newer vehicles (including electric or alternative fuel vehicles) could result in an increase in waste generated from spent batteries and non-salvageable material. AQMP mobile source pollution control measures would incentivize penetration of fuel cell and electric vehicles into the market. The potential quantities of retired vehicles are summarized by category in Tables 17 and 18 which compile information from Table 4.7-2 Potential Vehicle Retirements by Mobile Source Sector, from the Final Program EIR for the 2022 AQMP, and Table 4.6-2 Control Measures and Potential Vehicle Retirement Quantities, from the Final Program EIR for the 2016 AQMP, respectively.

[33] See Section 4.7.3.1 Solid and Hazardous Waste Associated with Construction Activities of the Final Program EIR for the 2022 AQMP and Section 4.6.4.4 Construction Waste of the Final Program EIR for the 2016 AQMP

[34] See Section 4.7.3.1.2 Solid Waste Impacts During Construction Due to Early Retirement of Equipment of the Final Program EIR for the 2022 AQMP and Section 4.6.4.3 Retirement of Equipment of the Final Program EIR for the 2016 AQMP

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Table 17. Potential Vehicle Retirements by Mobile Source Sector

Mobile Source Sector	Number of Potential Vehicle Retirements
Heavy-Duty Vehicles	8,214
Off-Road Construction	1,021
Other Off-Road and CHE	428
TRU	224
Locomotives	125
Total:	10,012

Source: 2022 AQMP Table 4-23. Based on active projects with emission reductions in 2037 using the maximum project life allowed per 2017 Carl Moyer Guidelines.

Table 18. Control Measures and Potential Vehicle Retirement Quantities

CONTROL MEASURE NO.	CONTROL MEASURE DESCRIPTION	ESTIMATED NUMBER OF VEHICLES	
		2023	2031
MOB-01, MOB-02, MOB-03, MOB-04, OFFS-01, OFFS-04, OFFS-06	Accelerate the Penetration of Zero Emission TRUs, Forklifts, and Ground Support Equipment	50,000	100,00

The most common battery currently used in gasoline- and diesel-powered vehicles is the lead-acid battery found in conventional automobiles and trucks. These batteries are disposed of through the established lead recycling industry. However, zero emission vehicles operate with battery types that are different than the lead-acid battery; the most common type of battery used in electric vehicles is comprised of lithium-ion technology (Li-ion). The increased operation of electric vehicles associated with the implementation of the AQMP mobile source measures may actually result in a reduction of the amount of solid and hazardous waste generated in the South Coast AQMD’s jurisdiction, as Li-ion batteries have a much longer life span than conventional lead-acid batteries. The recycling of batteries is also required under law. Further, some manufacturers pay for used electric vehicle batteries. The value, size, and length of life of Li-ion batteries are such that recycling is expected to be more predominant than with lead acid batteries. Therefore, the use of electric vehicles is not expected to result in an increase in the illegal or improper disposal of electric batteries. Further, batteries associated with electric cars are required to be diverted from landfills. Therefore, no significant increase in the disposal of solid or hazardous waste is expected due to increased use of electric vehicles.

The primary solid waste impact from retiring more vehicles as part of implementing the control measure is the accelerated replacement and disposal of equipment and parts earlier than the end of their useful life. It is important to note that control measures do not mandate that older vehicle, engines, or other equipment be scrapped. The control measures allow for a number of different

control methods to achieve the desired emission reductions, and the most cost-effective methods would be expected to be implemented. Control measures such as MOB-01 that would foster a transition to putting new equipment into service will also generally result in the concurrent retirement of the older equipment. Alternatively, some measures may encourage the advanced deployment of cleaner technologies without waiting for an equipment's end of useful life which will result in an air quality benefit. Scrap metal from vehicle replacements is expected to be recycled; however, some amount of waste-scrapped vehicles and parts may be sent to landfills for disposal. Although recycling and diversion activities will reduce the amount of waste entering landfills, it is difficult to quantify the waste that will be generated from the early retirement of equipment or the salvageable amount that would be recycled.

The Final Program EIR for the 2022 AQMP concluded early retirement of equipment to have significant solid and hazardous waste impacts since available landfill space is limited to approximately 100,000 tons per day and only four of the solid waste landfills within the South Coast AQMD's jurisdiction have capacity past 2039.

The Final Program EIR for the 2016 AQMP similarly concluded early retirement of equipment to have significant solid and hazardous waste impacts because, although equipment that may be retired before the end of its useful life may be reused in areas outside the Basin and equipment with no remaining useful life is expected to be recycled for metal content, there would be a high volume of vehicle and equipment to retire in a short timeframe and uncertainty of their outcome.

Construction waste from infrastructure development and operational waste from the early retirement of equipment were identified as generating potentially significant solid and hazardous waste impacts. Feasible mitigation measures SHW-1 to SHW-3 for reducing impacts related to solid and hazardous waste were adopted in the Final Program EIR for the 2022 AQMP. Even after mitigation measures SHW-1 to SHW-3 were applied, the Final Program EIR for the 2022 AQMP concluded that the solid and hazardous waste impacts would remain significant (see pages 4.7-24 to 4.7-25 of the Final Program EIR for the 2022 AQMP). The Final Program EIR for the 2016 AQMP, however, did not identify mitigation measures feasible for reducing solid and hazardous waste impacts.

Mitigation Measures Adopted in the Final Program EIR for the 2022 AQMP for Solid and Hazardous Waste[35]

SHW-1 During the planning, design, and project-level CEQA review process for individual development projects, lead agencies shall coordinate with waste management agencies and the appropriate local and regional jurisdictions to facilitate the development of measures and to encourage diversion of solid waste such as recycling and composting programs, as needed. This includes discouraging siting of new landfills unless all other waste reduction and prevention actions have been fully explored to minimize impacts to neighborhoods.

[35] See Section 4.7.3.2.5 Wood and Greenwaste of the Final Program EIR for the 2022 AQMP

SHW-2 The lead agency should coordinate with waste management agencies, and the appropriate local and regional jurisdictions, to develop measures to facilitate and encourage diversion of solid waste such as recycling and composting programs.

SHW-3 In accordance with CEQA Guidelines Sections 15091(a)(2) and 15126.4(a)(1)(B), a Lead Agency for a project should consider mitigation measures to reduce the generation of solid waste, as applicable and feasible. These may include the integration of green building measures consistent with CALGreen (California Building Code Title 24) into project design including, but not limited to the following:

1) Reuse and minimization of construction and demolition (C&D) debris and diversion of C&D waste from landfills to recycling facilities.
2) Include a waste management plan that promotes maximum C&D diversion.
3) Pursue source reduction through: a) the use of materials that are more durable and easier to repair and maintain; b) design to generate less scrap material through dimensional planning; c) increased recycled content; d) the use of reclaimed materials; and e) the use of structural materials in a dual role as finish material (e.g., stained concrete flooring, unfinished ceilings, etc.).
4) Reuse existing structure and shell in renovation projects.
5) Develop indoor recycling program and space.
6) Discourage the siting of new landfills unless all other waste reduction and prevention actions have been fully explored. If landfill siting or expansion is necessary, site landfills with an adequate landfill-owned, undeveloped land buffer to minimize the potential adverse impacts of the landfill in neighboring communities.
7) Discourage exporting locally generated waste outside of the southern California region during the construction and implementation of a project. Encourage disposal within the county where the waste originates as much as possible. Promote green technologies for long-distance transport of waste (e.g., clean engines and clean locomotives or electric rail for waste-by-rail disposal systems) and consistency with South Coast AQMD and Connect SoCal policies can and should be required.
8) Encourage waste reduction goals and practices and look for opportunities for voluntary actions to exceed the 80 percent waste diversion target.
9) Encourage the development of local markets for waste prevention, reduction, and recycling practices by supporting recycled content and green procurement policies, as well as other waste prevention, reduction and recycling practices.
10) Develop ordinances that promote waste prevention and recycling activities such as requiring waste prevention and recycling efforts at all large events and venues, implementing recycled content procurement programs, and developing opportunities to divert food waste away from landfills and toward food banks and composting facilities.
11) Develop and site composting, recycling, and conversion technology facilities that have minimum environmental and health impacts.

12) Integrate reuse and recycling into residential industrial, institutional and commercial projects.

13) Provide education and publicity about reducing waste and available recycling services.

14) Implement or expand city or county-wide recycling and composting programs for residents and businesses. This could include extending the types of recycling services offered (e.g., to include food and green waste recycling) and providing public education and publicity about recycling services.

Cumulative Impacts[36]

The Final Program EIR for the 2022 AQMP concluded that implementation of the 2022 AQMP could result in significant adverse solid and hazardous waste impacts due to the uncertainty of the future capacity of the landfills within South Coast AQMD's jurisdiction to address waste from construction of infrastructure and early retirement of vehicles and equipment. When combined with the Connect SoCal Plan, the SIP strategies, state policies, and other past, present, and reasonably foreseeable activities, the 2022 AQMP would result in a significant increase in solid and hazardous waste and would contribute to cumulatively considerable impacts. No additional mitigation measures to reduce the significant cumulative impacts to solid and hazardous waste have been identified. Cumulative impacts to solid and hazardous waste for past, present, and reasonably foreseeable future projects would remain significant and unavoidable for solid and hazardous waste.

The Final Program EIR for 2016 AQMP concluded that implementation of Control Measure MOB-01 would result in significant adverse solid and hazardous waste impacts due to a high volume of vehicle and equipment being retired in a short timeframe and uncertainty of their outcome. Other 2016 AQMP control measures would also result in significant adverse solid and hazardous waste impacts due to construction. The 2016 AQMP control measures would result in significant adverse solid and hazardous waste impacts and, when combined with past, present, and reasonably foreseeable activities, and in particular with transportation projects projected in the 2016 RTP/SCS, would contribute to cumulatively considerable impacts to solid and hazardous waste identified in the 2016 RTP/SCS, therefore resulting in a significant cumulative impact. No additional mitigation measures to reduce the significant cumulative impacts to solid and hazardous waste were identified. Cumulative impacts to solid and hazardous waste from implementation of the 2016 AQMP would remain significant and unavoidable.

Summary of Solid and Hazardous Waste Analyses

Table 19 presents a summary of the solid and hazardous waste analyses conducted in the 2022 AQMP and 2016 AQMP.

[36] See Section 4.7.5 Cumulative Solid and Hazardous Waste Impacts and Mitigation Measures of the Final Program EIR for the 2022 AQMP and Section 5.17.1 Cumulative Impacts of the Final Program EIR for the 2016 AQMP

Table 19. Summary of Solid and Hazardous Waste Analysis in the Final Program EIRs for the 2022 AQMP and 2016 AQMP

Significance Criteria	Potentially Significant Impacts	Mitigation Measures	Cumulative Impacts
Solid and hazardous waste impacts are significant if any of the following conditions occur: • If the generation and disposal of hazardous and non-hazardous waste exceeds the capacity of designated landfills.	Implementation of Control Measure MOB-01 of the 2022 AQMP and 2016 AQMP would cause potentially significant solid and hazardous waste impacts from: • Construction waste for infrastructure development, and • Operational waste from the early retirement of equipment	• SHW-1 to SHW-3 of the Final Program EIR for the 2022 AQMP No mitigation measures related to solid and hazardous waste impacts were identified and adopted in the Final Program EIR for the 2016 AQMP.	Cumulative impacts to solid and hazardous waste impacts for past, present, and reasonably foreseeable future projects would remain significant and unavoidable because of potential increases in waste produced during construction and operation activities.

Transportation and Traffic

The 2022 AQMP aimed to accelerate the transition to low-NOx and zero-emission mobile sources, strengthen controls on industrial stationary and indirect emission sources, and promote incentive-based programs to replace high-emitting equipment, alongside educational and outreach initiatives. The plan builds on SCAG's Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) and the 2022 AQMP control measures would not conflict with a program plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities. It also updates motor vehicle emission budgets using the latest data to ensure compliance with U.S. EPA's Transportation Conformity Rule, thereby maintaining eligibility for federal transportation funding and supporting improvements in traffic flow. The Final Program EIR for 2022 AQMP concluded that, while implementation of control measures may temporarily increase construction-related traffic from installing air pollution control systems and infrastructure, such impacts would be short-term and localized. The control measures do not require construction of new roadways or introduction of incompatible uses, although some control measures could involve adding overhead electrical or magnetic systems for low-emission transport technologies along existing routes. Overall, the 2022 AQMP would enhance air quality goals without creating new traffic hazards or permanent transportation disruptions.

The Final Program EIR for the 2016 AQMP identified the temporary changes in traffic pattern/volume due to construction activities, and operational impacts due to deliveries of alternative fuels/additives and increased waste disposal, to be potential adverse transportation and traffic impacts associated with implementation of Control Measure MOB-01 from the 2016 AQMP, upon which the development and implementation of infrastructure plans relies.

Significance Criteria

Transportation and traffic impacts are significant if any of the following conditions occur:

- Peak period levels on major arterials are disrupted to a point where level of service (LOS) is reduced to D, E, or F for more than one month.
- An intersection's volume to capacity ratio increases by 0.02 (two percent) or more when the LOS is already D, E or F.
- A major roadway is closed to all through traffic, and no alternate route is available.
- There is an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system.
- The demand for parking facilities is substantially increased.
- Water borne, rail car, or air traffic is substantially altered.
- The need for more than 350 employees
- An increase in heavy-duty transport truck traffic to and/or from the facility by more than 350 truck round trips per day
- Increase customer traffic by more than 700 visits per day.

Transportation and Traffic Impacts from Construction Activities[37]

The existing rail and truck routes/corridors that could be modified to construct electric and/or magnetic power infrastructure are located primarily in commercial and industrial zones within the southern California area. Examples of these areas include, but are not limited to, the Port of Los Angeles, Port of Long Beach, and industrial areas in and around container transfer facilities (rail and truck) near the Terminal Island Freeway, along the Alameda Corridor, as well as inland facilities. Since only existing transportation routes will be modified and no new transportation routes are anticipated as part of implementing Control Measure MOB-01, project impacts will be temporary in nature and limited to construction activities.

Construction activities would generate traffic associated with construction worker vehicles and trucks delivering equipment, and materials and supplies to the project site during the duration of the construction activities. Additional traffic will be generated by the 2016 AQMP due to the need to transport increased waste for disposal (e.g., construction debris). Heavy construction equipment such as backhoes, cranes, cherry pickers, front end loaders, and other types of equipment would be used to carry out the aforementioned construction activities. Construction activities would be expected to occur within or adjacent to existing roadways which could require lane closures to protect construction workers and avoid traffic conflicts. These construction activities are expected to occur along heavily travelled roadways (e.g., roads near the ports, such as Sepulveda Boulevard, Terminal Island Freeway, on Navy Way at the Port of Los Angeles, and Alameda Street). Construction traffic could potentially result in increased traffic volumes on heavily traveled streets and require temporary lane closures. Construction activities may result in the following impacts:

- Temporary reduction in the level of service on major arterials;
- Temporary closure of a roadway or major arterial;
- Temporary closure of a railroad line;
- Temporary impact on businesses or residents within the construction area;
- Removal of on-street parking; and
- Conflict with public transportation system (e.g., temporary removal of bus stops)

Construction activities necessary to modify existing rail and truck routes/corridors would vary depending on the location and the specific traffic impacts are unknown. However, the above listed traffic impacts, although temporary in nature, could be significant and result in a reduction of LOS at local intersections, result in partial or temporary road or lane closures, result in additional traffic congestion, and potentially impact roadways within the County's congestion management plan.

Because the transportation and traffic impacts from implementing the 2016 AQMP were concluded to be significant during construction activities, feasible mitigation measure TR-1 was adopted in the Final Program EIR for the 2016 AQMP (see pages 4.7-9 to 4.7-11 of the Final Program EIR for the 2016 AQMP). Even after mitigation measure TR-1 was applied, the Final Program EIR for the 2016 AQMP concluded that the overall transportation and traffic impacts during construction activities would remain significant.

[37] See Section 4.7.4.1 Construction Impacts of the Final Program EIR for the 2016 AQMP

Transportation and Traffic Impacts from Operational Activities[38]

Additional traffic will be generated by control measures in the 2016 AQMP such as Control Measure MOB-01 due to the need to transport increased waste for disposal (e.g., waste from scrapping of old equipment/vehicles), increased waste material for recycling, and increased use of products (e.g., alternative fuels/additives). It is not known what control strategies may be applied, which facilities may require additional trips, or how often these trips may be necessary. Therefore, no traffic estimates were prepared. The impacts of the 2016 AQMP on transportation and traffic were expected to be significant prior to mitigation. While mitigation measures could help minimize some of the impacts, the South Coast AQMD cannot predict how a future lead agency might choose to mitigate a particular significant traffic and transportation impact. Thus, the future traffic and transportation impacts were considered to be significant due to implementation of the 2016 AQMP control measures.

Mitigation Measures Adopted in the Final Program EIR for the 2016 AQMP for Transportation and Traffic[39]

TR-1 Develop a construction management plan that includes at least the following items and requirements, if determined to be feasible by the Lead Agency:

- A set of comprehensive traffic control measures, including scheduling of major truck trips and deliveries to avoid peak traffic hours, detour signs if required, lane closure procedures, signs, cones for drivers, and designated construction access routes;
- Notification procedures for adjacent property owners and public safety personnel regarding when major deliveries, detours, and lane closures will occur;
- Location of construction staging areas for materials, equipment, and vehicles at an approved location;
- A process for responding to and tracking complaints pertaining to construction activity, including identification of an onsite complaint manager. The manager shall determine the cause of the complaints and shall take prompt action to correct the problem. The Lead Agency shall be informed who the Manager is prior to the issuance of the first permit;
- Provision for accommodation of pedestrian flow;
- As necessary, provision for parking management and spaces for all construction workers to ensure that construction workers do not park in street spaces;
- Any damage to the street caused by heavy equipment, or as a result of this construction, shall be repaired, at the project sponsor's expense, within one week of the occurrence of the damage (or excessive wear), unless further damage/excessive wear may continue; in such case, repair shall occur prior to issuance of a final inspection of the building permit. All damage that is a threat to public health or safety shall be repaired immediately. The street shall be restored to its condition prior to the new construction as established by the

[38] See Section 4.7.4.2 Operational Activities of the Final Program EIR for the 2016 AQMP
[39] See Section 4.7.5 Mitigation Measures of the Final Program EIR for the 2022 AQMP

Lead Agency (or other appropriate government agency) and/or photo documentation, at the sponsor's expense, before the issuance of a Certificate of Occupancy;

- Any heavy equipment brought to the construction site shall be transported by truck, where feasible;
- No materials or equipment shall be stored on the traveled roadway at any time;
- Prior to construction, a portable toilet facility and a debris box shall be installed on the site, and properly maintained through project completion;
- All equipment shall be equipped with mufflers;
- Prior to the end of each work-day during construction, the contractor or contractors shall pick up and properly dispose of all litter resulting from or related to the project, whether located on the property, within the public rights-of-way, or properties of adjacent or nearby neighbors; and
- Promote "least polluting" ways to connect people and goods to their destinations.

Cumulative Impacts[40]

The Final Program EIR for the 2016 AQMP concluded that implementation of Control Measure MOB-01 could result in significant adverse transportation and traffic impacts from construction and operation. Construction activities would generate traffic associated with construction worker vehicles and trucks delivering equipment, materials and supplies to the project site during the duration of the construction activities. Construction activities, including potential lane closures, were considered to be significant. The 2016 AQMP control measures would result in significant adverse transportation and traffic impacts and, when combined with past, present, and reasonably foreseeable activities, and in particular with transportation projects projected in the 2016 RTP/SCS, would contribute to cumulatively considerable impacts to transportation and traffic identified in the 2016 RTP/SCS, therefore resulting in a significant cumulative impact. No additional mitigation measures to reduce the significant cumulative impacts to transportation and traffic were identified. Cumulative impacts to transportation and traffic from implementation of the 2016 AQMP would remain significant and unavoidable.

Summary of Transportation and Traffic Analyses

Table 20 presents a summary of the transportation and traffic analyses conducted in the 2016 AQMP.

[40] See Section 5.18.1 Cumulative Impacts of Transportation and Traffic of the Final Program EIR for the 2016 AQMP

Table 20. Summary of Transportation and Traffic in the Final Program EIR for the 2016 AQMP

Significance Criteria	Potentially Significant Impacts	Mitigation Measures	Cumulative Impacts
Based on 2016 AQMP the transportation and traffic impacts are significant if any of the following conditions occur: • Peak period levels on major arterials are disrupted to a point where level of service (LOS) is reduced to D, E, or F for more than one month. • An intersection's volume to capacity ratio increase by 0.02 (two percent) or more when the LOS is already D, E or F. • • A major roadway is closed to all through traffic, and no alternate route is available. • There is an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system. • The demand for parking facilities is substantially increased. • Water borne, rail car, or air traffic is substantially altered. • The need for more than 350 employees • An increase in heavy-duty transport truck traffic to and/or from the facility by more than 350 truck round trips per day • Increase customer traffic by more than 700 visits per day.	Implementation of Control Measure MOB-01 from the 2016 AQMP would cause potentially significant transportation and traffic impacts from: • Construction activities which, although temporary in nature, could result in: a reduction of LOS at local intersections, partial or temporary road or lane closures, and additional traffic congestion; and • Operational activities which might create congestion and causing an increase in traffic	• TR-1 of the Final Program EIR for the 2016 AQMP	Cumulative impacts to transportation and traffic impacts for past, present, and reasonably foreseeable future projects would remain significant and unavoidable because of potential additional increases in traffic hazards and congestion during construction and operation activities.

ENVIRONMENTAL TOPIC AREAS WITH LESS THAN SIGNIFICANT OR NO IMPACTS

Since the development and implementation of infrastructure plans implements Control Measure MOB-01 of the 2022 AQMP and 2016 AQMP without adding new impacts or modifying the previously analyzed impacts for each environmental topic area, the overall conclusions of less than significant or no impacts in the Final Program EIR for the 2022 AQMP and Final Program EIR for the 2016 AQMP will remain unchanged if the proposed Cooperative Agreement is adopted.

Because the environmental topic areas of air quality and GHG emissions from operation and hydrology and water quality were identified as having potential adverse impacts, the following discussion first summarizes the analysis of less than significant impacts for the environmental topic areas of air quality and GHG emissions from operation, and hydrology and water quality before summarizing the analysis of other environmental topic areas having no significant adverse impacts.

Air Quality and Greenhouse Gas Emissions

The Final Program EIR for the 2022 AQMP and Final Program EIR for the 2016 AQMP concluded that implementation of control measures, such as MOB-01, would generate potentially significant air quality impacts during construction, less than significant operational air quality impacts, and potentially significant short-term increases in GHG emissions that would be offset and eventually result in a long-term net reduction in GHG emissions.

Air Quality Impacts from Operation[41]

The Final Program EIR for the 2022 AQMP contemplated that implementation of Control Measure MOB-01 of 2022 AQMP has the potential to promote the transition to zero emission technologies, and this transition is expected to require additional electricity; increase the demand for alternative fuels production (e.g., hydrogen or renewable fuels), and the potential air quality impacts from production facilities; and accelerate the purchase of zero emission or low NOx emitting equipment and vehicles that would replace older equipment and vehicles, thereby increasing the scrapping of equipment and vehicles faster than would normally occur.

Implementing Control Measure MOB-01 was expected to result in electricity demand increase by developing infrastructure to provide electricity at commercial marine ports for electrified vehicles and equipment; deploying cleaner technologies including the electrification of equipment currently powered by diesel fuel; and incentivizing the retirement and replacement of older vehicles and equipment with electric vehicles and equipment. While the Final Program EIR for 2022 AQMP identified the potential electricity usage associated with approximately half the mobile source control measures, specific data pertaining to the number of units that may be deployed was not available. Thus, a net increase in electricity usage as well as the air quality impacts associated with the potential increase in electrified mobile sources was not quantified. Nonetheless, gasoline and diesel fuel use and their corresponding combustion emissions were expected to decrease as the demand for electricity increases, displaced by combustion emissions from natural gas, which is the primary fuel used for generating electricity within South Coast AQMD's jurisdiction. SB 100 requires that the electrical infrastructure needed to support the increased deployment of electric vehicles and other electrified equipment would need to have 100 percent renewable electricity

[41] See Section 4.2.5.2 Criteria Pollutants – Operational Activities of the Final Program EIR for the 2022 AQMP and Section 4.1.6.2 Criteria Pollutants – Operational Activities of the Final Program EIR for the 2016 AQMP

generation by 2045. As mobile sources transition from combustion to electrified technology, the amount of emissions from combusting diesel and gasoline is expected to decline over time. However, the combustion emissions from natural gas utilized in electricity-producing equipment will increase over the short-term until the SB 100 goals of producing electricity from 100 percent renewables are achieved.

Implementing Control Measure MOB-01 was expected to increase the demand for alternative fuels including renewable transportation fuels (e.g., renewable diesel) and hydrogen. The Final Program EIR for the 2022 AQMP referenced several renewable fuels projects that were recently approved in California, and implementation of the control measures were anticipated to cause an increase in the demand for renewable fuels such that additional renewable fuels projects (e.g., hydrogen production facilities) may be needed. Due to the difficulty and length of time involved with siting and permitting new industrial facilities in general, the development of new facilities dedicated to producing alternative fuels is less likely to occur. Instead, existing industrial facilities are more likely to propose modifications in order to produce renewable fuels. Renewable fuels production requires energy input to reconfigure the molecules of the renewable feedstocks into transportation fuels, and the energy input is currently provided by large combustion sources (i.e., heaters or furnaces). In addition, renewable fuels production requires hydrogen as part of the reaction. Based on the CEQA analyses conducted for such projects, conversion of petroleum refinery equipment to be able to produce renewable fuels has the potential to decrease emissions facility-wide provided that hydrogen production facilities are already in place. However, when existing hydrogen production facilities are not available or cannot produce sufficient supplies of hydrogen needed to produce renewable fuel, a new hydrogen plant may be required which may cause significant adverse air quality impacts.

Implementing Control Measure MOB-01 was expected to accelerate the purchase of zero emission or low NOx emitting equipment and vehicles that would replace older equipment and vehicles, thereby increasing the scrapping of equipment and vehicles faster than would normally occur. The actual quantity of equipment and vehicles that may be scrapped as a result of implementing these control measures rather than being moved for use elsewhere outside of South Coast AQMD's jurisdiction was not known. In addition, the available capacity of scrapping facilities to be able to handle and process the increased amount of equipment and vehicles to be scrapped was unknown. During the development of Rule 1610 – Old-Vehicle Scrapping, emissions associated with vehicle scrapping were estimated to be 0.088 pound of PM10 emissions per vehicle scrapped. (South Coast AQMD, 1992.) According to an internet search conducted on August 15, 2022, there were eight auto recycling facilities operating within South Coast AQMD's jurisdiction.[42] Assuming that six vehicles can be crushed per hour (Martin, 2013) and each facility operates 10 hours per day, a total 480 vehicles can be crushed per day (8 facilities x 6 cars/hour x 10 hours/day = 480 cars/day). Therefore, vehicle scrapping has the potential to generate 42 pounds of PM10 per day, which is less than the South Coast AQMD's operational significance threshold of 150 pounds per day. Applying the CARB's CEIDARS profile 900 ratio for unspecified sources of 0.6 pound of PM2.5

[42] State of California Auto Dismantlers Association, 2025, Members Direct Search, https://scada1.com/chapters.htm

per pound of PM10[43,44], a corresponding 25 pounds per day of PM2.5 emissions can be expected, and this is less than the PM2.5 significance threshold of 55 pounds per day.

Thus, operational activities resulting from implementation of control measures such as MOB-01 in the 2022 AQMP were expected to generate less than significant criteria pollutant air quality impacts. Since no significant air quality impacts relating to operational activities were identified, no mitigation measures were necessary or required.

The Final Program EIR for the 2016 AQMP contemplated that implementing Control Measure MOB-01 has the potential to increase the use of alternative fuels such as biodiesel, LNG, CNG, ethanol, and hydrogen. The availability of the producers of alternative fuels to meet the increase in demand has the potential for an increase in emissions associated with the increased production. Production of the alternative fuels such as LNG and CNG require little processing with less emissions than the production of refined petroleum products such as gasoline, diesel, and jet fuel. While biodiesel and ethanol production do require more processing than LNG and CNG, the production processes are less complicated than petroleum refining. Biodiesel is made from a catalytic chemical process similar to one or two processes in a typical refinery, which will have many units available to produce refined products from crude oil. Ethanol is produced by fermentation. Biodiesel and ethanol can be made from renewable sources such as vegetable oils, sugar cane, corn, and animal fats. Therefore, the production of alternative fuels, especially biofuels, typically generates less air emissions than a petroleum refinery would when producing similar gasoline or gasoline equivalent amounts. Any increase in emissions attributable to an increased production of alternative fuels would be offset by reduced levels of petroleum fuel production and transportation of crude oil primarily from overseas and possibly by rail, as diesel and gasoline demand decreases.

Implementing Control Measure MOB-01 would reduce mobile source emissions, in particular, emissions of diesel particulate matter (DPM) from engine exhaust, which is a known carcinogen, as well as toxic components of gasoline such as benzene and 1,3-butadiene. This mobile source control measure would result in replacing existing vehicles or equipment with more efficient vehicles or equipment, zero emission electric vehicles or equipment, or alternative fueled vehicles or equipment. Combustion emissions of alternative fuels have trace amounts of methanol and aldehyde, but, generally, are considered to be cleaner and less toxic than diesel or gasoline fueled vehicles. Emissions from power generating equipment may include trace amounts of benzene, aldehydes, metals, and polynuclear aromatic hydrocarbons. However, if the process being electrified was previously powered by direct combustion of fossil fuels, then electrification was expected to result in an overall decrease in toxic emissions.

Thus, operational activities resulting from implementation of control measures, such as MOB-01 in the 2016 AQMP were expected to generate less than significant criteria pollutant air quality

[43] CARB's California Emissions Inventory Data Analysis and Reporting System (CEIDARS) is a database management system developed to track statewide criteria pollutant and air toxic emissions; https://ww2.arb.ca.gov/capp/cst/emission-inventories

[44] South Coast AQMD, 2006. Final Methodology to Calculate Particulate Matter (PM) 2.5 and PM 2.5 Significance Thresholds, Table A. http://www.aqmd.gov/docs/default-source/ceqa/handbook/localized-significance-thresholds/particulate-matter-(pm)-2.5-significance-thresholds-and-calculation-methodology/final_pm2_5methodology.pdf.

impacts. Since no significant air quality impacts relating to operational activities were identified, no mitigation measures were necessary or required.

Greenhouse Gas Emissions Impacts[45]

The Final Program EIR for the 2022 AQMP contemplated that implementation of Control Measure MOB-01 would cause an increase in GHGs due to construction activities. Both the Final Program EIR for the 2022 AQMP and Final Program EIR for the 2016 AQMP contemplated that the control measure would cause an increase in GHGs due to increased electricity usage, but also a decrease in GHGs due to the conversion from conventional fuels to alternative fuels.

Implementing Control Measure MOB-01 may involve construction activities which may emit GHGs. South Coast AQMD policy regarding GHG emissions from construction is to amortize construction emissions over a 30-year timeframe and add the result to operational emissions. The magnitude of construction GHG emissions will vary greatly depending on the project. Installation of electrical infrastructure projects (e.g., charging stations) typically does not require large amounts of construction equipment as they are installed in parking lots of existing facilities. Minimal trenching and foundation work is necessary, and these actions typically require the most construction equipment. On the other hand, alternative fuels production facilities would be much larger projects involving more, and larger capacity construction equipment which may rely on diesel or gasoline to operate. The combined GHG construction emissions from all projects requiring construction as a result of implementing the control measures in the 2022 AQMP, would represent a relatively small portion of the total GHG emission impacts, especially considering that the operational GHG emissions will be substantially reduced relative to the existing setting and will likely offset any increases in construction GHGs.

Of the total fuel consumed in Los Angeles, Orange, Riverside and San Bernardino counties, transportation sources account for over 50 percent of fuel use, and these sources are also the main contributors to NOx emissions. Within the transportation sector, diesel-powered sources emit the majority of NOx. With regards to mobile source control measures, accelerating the replacement of conventional vehicles with electric vehicles or alternative fueled vehicles into fleets regulated by the South Coast AQMD may produce emissions from increased electricity generation meanwhile the zero emission vehicles will not emit anything, and the alternative fueled vehicles will emit fewer criteria pollutants, fewer toxics, and fewer GHGs. As such, the net effect of replacing gasoline and diesel mobile sources is expected to have greater overall GHG emission reduction benefits because the GHG emissions produced from generating the electricity needed to power one electric vehicle are fewer than the GHG emissions from one gasoline or diesel vehicle.

As mentioned in the Energy section, the Final Program EIR for the 2022 AQMP estimated that, compared to the 2018 baseline for electricity demand, implementation of the 2022 AQMP control measures is expected to increase electricity use by 13,429 GWh, approximately an 11 percent increase, by 2037 which will produce approximately 2.76 million metric tons (MMT) of GHG emissions.[46] The Final Program EIR for the 2016 AQMP estimated that, compared to the 2014 baseline, energy demand from 2016 AQMP control measures was expected to increase by 10,227

[45] See Section 4.2.5.5 Greenhouse Gas Emissions of the Final Program EIR for the 2022 AQMP and Section 4.1.6.4 Greenhouse Gas Emissions of the Final Program EIR for the 2016 AQMP

[46] 2020 eGRID data of 453 lb/MWh for SCE, U.S. EPA, 2022, https://epa.gov/egrid/download-data.

GWh, a 7.8 percent increase, by the year 2023 and produce 3.4907 million metric tons (MMT) of GHG emissions. Similarly, compared to the 2014 baseline, energy demand from 2016 AQMP control measures is expected to increase by 18,029 GWh, a 12.7 percent increase, by the year 2031 and produce 6.1496 MMT of GHG emissions.

The Final Program EIR for the 2022 AQMP estimated that implementing 2022 AQMP mobile source control measures has the potential to reduce total annual petroleum-based fuel use by approximately 1.5 billion gallons in milestone year 2030 and by approximately 1.8 billion gallons in milestone year 2037. Using a CO2 emission factor of 8.10 kilograms per gallon (kg/gal) for gasoline and a CO2 emission factor of 10.19 kg/gal for diesel, GHG emission reductions can be calculated for both gasoline and diesel in each milestone year. Similarly, at the time of developing the 2016 AQMP, the Final Program EIR for the 2016 AQMP estimated that implementing 2016 AQMP mobile source control measures has the potential to reduce total annual petroleum fuel use by approximately 530 million gallons in milestone year 2023. By milestone year 2031, total annual petroleum fuel use was expected to reduce by approximately 870 million gallons. Tables 21 and 22, which are Table 4.2-16 Estimated GHG Emissions Impacts from 2022 AQMP Control Measures, from the Final Program EIR for the 2022 AQMP and Table 4.1-6 Estimated GHG Emission Impacts from 2016 AQMP Control Measures, from the Final Program EIR for the 2016 AQMP, show that the net effect of implementing the AQMP control measures while concurrently reducing petroleum-based fuel use in mobile sources is expected to result in an overall reduction of GHG emissions.

Table 21. Estimated GHG Emissions Impacts from 2022 AQMP Control Measures

Description	2037 CO2eq Emissions (MMT)
Increased Electricity Use	**2.18**
Change in Gasoline Use	**-2.23**
Change in Diesel Use	**-15.57**
Net Change in Emissions	**-15.62**

Table 22. Estimated GHG Emission Impacts from 2016 AQMP Control Measures

Description	2023 CO_{2eq} Emissions[(a)] (million metric tons)	2031 CO_{2eq} Emissions[(a)] (million metric tons)
Increased Electricity[(b)]	3.4907	6.1496
Change in Gasoline Use	-2.9766	-3.1238
Change in Diesel Use	-4.2970	-3.4305
Net Change in Emissions	-3.7829	-0.4047

(a) Source: Emission factors are from CARB, et al., 2010.
(b) Electricity generation is weighted by population in the LADWP and SCE service areas.
Negative numbers represent emission reductions.

Converting gasoline- and diesel-fired sources to electrified equipment reliant on electricity that is primarily generated by natural gas and renewable sources is expected to result in an overall decrease of GHG emissions. The electricity needed to power zero-emission equipment is expected to be provided by public utility companies. Most existing power generating facilities are subject to Assembly Bill 32 and will be required to reduce their GHG emissions. Moreover, any future

power generating stations that may be built in response to meeting the future electricity demand would be subject to stringent emission control requirements, including those for GHG emissions. Therefore, after taking into consideration the short-term increases in GHG emissions which will be offset by substantial reductions of GHG emissions from the decreased use of gasoline and diesel fuels combined with the overarching goal of transitioning to electricity sourced with 100 percent renewables by 2045 as required by Senate Bill 100 (SB 100, De León) the additional electricity that may be needed to implement the 2022 AQMP control measures has been determined to generate less than significant GHG emission impacts.

Implementing 2022 AQMP control measures also have the potential to increase the use of alternative fuels. Alternative fuels generally generate fewer or equivalent GHG emissions compared to gasoline and diesel when combusted. When comparing the overall benefit between various types of alternative fuels, the production methods used to generate the fuels must be considered (sometimes referred to as well-to-wheel energy and emission impacts). A comparison of various production methods showed that using hydrogen as a fuel reduces more GHG emissions when compared to reformulated gasoline, except when the hydrogen is produced by electrolysis using grid-supplied electricity, in which case the comparison is dependent on the renewable to non-renewable mix of the electricity generation.[47] While alternative fuel and hydrogen production facilities may increase GHG emissions, the overall GHG reductions associated with the use of the transportation fuels produced were expected to be greater than the GHG emissions from producing the fuels.

Implementing control measures such as MOB-01 is expected to have GHG emissions associated with construction over the short-term; however, construction GHG emissions are amortized over 30 years and are much less than the overall potential operational emissions reductions of GHGs over the long-term. GHG emissions from the generation and use of additional electricity and alternative fuels, were not expected to be significant because there would be concurrent decreases in the use of diesel- and gasoline-fueled equipment over time as more electric and alternative fuel vehicles are deployed. Finally, electricity generation is required to transition to 100 percent renewables by 2045 as required by SB 100. Thus, implementation of Control Measure MOB-01 was expected to result in potentially significant GHG operational emissions over the short-term and less than significant GHG emission impacts over the long-term. Since less than significant GHG impacts overall were identified, no mitigation measures were necessary or required.

Relative to cumulative impacts, the Final Program EIR for the 2022 AQMP and Final Program EIR for the 2016 AQMP concluded that implementation of the 2022 AQMP, when combined with past, present, and reasonably foreseeable activities, would contribute to impacts to air quality during construction, but would not contribute to cumulatively considerable impacts to air quality during operation or GHG emissions. There are no new impacts which would change the previous conclusions of the Final Program EIR for the 2022 AQMP and Final Program EIR for the 2016 AQMP regarding cumulatively considerable impacts to air quality. Further, no new mitigation measures would be required. Therefore, the cumulative impacts to air quality would remain significant and unavoidable.

[47] Alternative Fuels Data Center, 2022. Fuel Cell Electric Vehicle Emissions, https://afdc.energy.gov/vehicles/emissions_hydrogen.html, accessed August 17, 2022.

Hydrology and Water Quality

The Notice of Preparation/Initial Study for the 2022 AQMP concluded that implementation of Control Measure MOB-01 would have no potential adverse impacts related to hydrology and water quality; therefore, it was not further analyzed in the Final Program EIR for the 2022 AQMP. However, the Final Program EIR for the 2016 AQMP concluded that implementation of Control Measure MOB-01 would cause less than significant impacts to surface and ground water quality from accidental spills of alternative fuels or additives, and potential illegal disposal of batteries from electric vehicles and hybrids. Thus, the following summary will focus only on the hydrology and water quality impacts identified in the Final Program EIR for the 2016 AQMP for Control Measure MOB-01.

Significance Criteria

Hydrology and water quality impacts are significant if any of the following conditions occur:

Water Demand

- The existing water supply does not have the capacity to meet the increased demands of the project, or the project would use more than 262,820 gallons per day of potable water.
- The project increases demand for total water by more than five million gallons per day.

Water Quality

- The project will cause degradation or depletion of ground water resources substantially affecting current or future uses.
- The project will cause the degradation of surface water substantially affecting current or future uses.
- The project will result in a violation of National Pollutant Discharge Elimination System (NPDES) permit requirements.
- The capacities of existing or proposed wastewater treatment facilities and the sanitary sewer system are not sufficient to meet the needs of the project.
- The project results in substantial increases in the area of impervious surfaces, such that interference with groundwater recharge efforts occurs.
- The project results in alterations to the course or flow of floodwaters.

Hydrology and Water Quality Impacts from Accidental Spills of Alternative Fuels or Additives[48]

The Final Program EIR for the 2016 AQMP identified that implementation of Control Measure MOB-01 could result in the increased penetration of electric vehicle vehicles but may also result in the increased use of alternative fuels (e.g., biodiesel fuels, compressed natural gas, liquefied natural gas, and hydrogen). In general, alternative fuels are expected to be less toxic than conventional fuels and follow a similar path as the low sulfur diesel. Biodiesel is a fuel derived from biological sources such as vegetable oils or animal fats. Biodiesel can be used pure or blended

[48] See Section 4.5.3.2 Water Quality Impacts of the Final Program EIR for the 2022 AQMP and Section 4.4.4.2.2 Accidental Spills of the Final Program EIR for the 2016 AQMP

with conventional diesel. Because the biodiesel typically comes from vegetable oils or animal fats, it is generally less toxic and more biodegradable than conventional diesel, so the water quality impacts from a spill of biodiesel would be less than a spill of conventional diesel. The most common blended biodiesel is B20, which is 20 percent biodiesel and 80 percent conventional diesel. Therefore, the potential water quality impacts from the transport and storage of biodiesel and biodiesel blends were not expected to be substantially different than the transport and storage of conventional diesel.

The other types of alternative fuels that may be used as part of implementing Control Measure MOB-01 in the 2016 AQMP include compressed natural gas, liquefied natural gas, and hydrogen. Because all of these fuels exist as a gas at standard temperatures and pressures, a leak of any of these fuels would result in an airborne release, and not a release that could adversely affect water quality. There are a number of rules and regulations currently in place that are designed to minimize the potential impacts from underground leaking storage tanks and spills from fueling activities, including requirements for the construction of the storage tanks, requirements for double containment, and installation of leak detection systems. These regulations would also apply to any leaks of alternative fuels from storage tanks. Thus, the use of alternative fuels was not expected to result in any greater adverse water quality impacts than the current use of conventional fuels like diesel or gasoline.

Moreover, the Final Program EIR for 2016 AQMP identified the possibility of accidental spills from implementation of Control Measure MOB-01. A spill at any of the affected facilities could occur under upset conditions such as an earthquake. Spills could also occur from corrosion of containers, piping and process equipment, and leaks from seals or gaskets at pumps and flanges. A major earthquake would be a potential cause of a large spill. Other causes could include human or mechanical error. Construction of the vessels, and foundations in accordance with the California Building Code requirements helps structures to resist major earthquakes without collapse but may result in some structural and non-structural damage following a major earthquake. As required by U.S. EPA's spill prevention control and countermeasure regulations, all of the affected facilities are required to have emergency spill containment equipment and would implement spill control measures in the event of an earthquake. Storage tanks typically have secondary containment such as a berm, which would be capable of containing 110 percent of the contents of the storage tanks onsite. Therefore, should a rupture occur, the contents of the tank would be collected within the containment system and pumped to an appropriate storage tank. Spills at affected industrial or commercial facilities would be collected within containment structures. Large spills outside of containment areas at affected facilities that could occur when transferring the material from a transport truck to a storage tank are expected to be captured by the process water system where they could be collected and controlled. Spilled material would be collected and pumped to an appropriate tank or sent off-site if the materials cannot be used on-site. The existing rules and requirements that limit the extent or prevent spills are expected to minimize impacts on water quality to less than significant levels. For this reason, accidental spills were not expected to create significant water quality impacts.

Hydrology and Water Quality Impacts from Illegal Disposal of Batteries[49]

Implementation of Control Measure MOB-01 of the 2016 AQMP could contribute to an increased use of electric vehicles and other mobile sources. Since some batteries contain toxic materials, water quality impacts are possible if the batteries are disposed of in an unsafe manner, such as by illegal dumping or by disposal in a landfill. As interest in the use of electric vehicles has increased over the years, battery technologies have been developing and improving. Most battery technologies employ materials that are recyclable, since regulatory requirements and market forces encourage recycling. California laws create incentives and requirements for disposal of recycling of batteries as follows.

- Under CARB regulations, to certify either a new ZEV or retrofit an existing ZEV, automakers must complete CARB's certification application, which must include a battery disposal plan. Thus, current regulations require ZEV manufacturers to take account for the full life-cycle of car batteries and to plan for safe disposal or recycling of battery materials. For example, Toyota has offered $200 per battery to minimize illegal disposal of batteries.
- California and federal law require the recycling of lead-acid batteries (Health and Safety Code Section 25215). Spent lead-acid batteries being reclaimed are regulated under 22 CCR Section 66266.80 and 66266.81, and 40 CFR Part 266, Subpart G.
- California law requires state agencies to purchase car batteries made from recycled material (Public Resources Code Section 42440).
- California passed the Household Universal Waste Rule in February 2006, which prohibits the landfill disposal household wastes such as batteries, electronic devices, and fluorescent light bulbs by anyone.

Existing battery recovery and recycling programs have limited the disposal of batteries in landfills. For example, the recycling of lead-acid and nickel-cadmium batteries is already a well-established activity. One secondary lead smelter (facilities that recycle lead-bearing materials) is currently located within the Basin. The secondary lead smelter receives spent lead-acid batteries and other lead bearing material and processes them to recover lead and polypropylene (from the battery casings). Acid is collected and recycled as a neutralizing agent in the wastewater treatment system. Other facilities available for battery recycling are located outside of the Basin. Further penetration of partial-zero and zero emission mobile sources in the Basin is expected to result in a reduction in the use of lead-acid batteries and a subsequent reduction in the lead-acid batteries that need to be recycled, after the vehicle/equipment is scrapped or has left the Basin.

Li-ion batteries are more common in electric vehicles and becoming more popular in hybrids. Because Li-ion batteries have a potential for after-automotive use, destructive recycling can be postponed for years even after an EV or hybrid battery can no longer hold and discharge sufficient electricity to power a car's motor. The battery pack can still carry a tremendous amount of energy. Battery manufacturers project that the battery packs will still be able to operate at about 80 percent of capacity the time they must be retired from automotive use (Edmunds, 2014.) Auto companies are partnering with battery, recycling, and electronics firms to figure out and develop post-automotive markets and applications for Li-ion battery packs (Green Car Reports, 2014.) With the

[49] See Section 4.4.4.2.4 Electric Vehicles of the Final Program EIR for the 2016 AQMP.

opportunity for other uses, Li-ion battery recycling may not be as necessary as recycling of lead-acid batteries.

The illegal disposal of batteries from EVs and hybrids has the potential to result in significant water quality impacts by allowing toxic or hazardous metals or acids to leach into surface or ground waters. However, because battery recycling is required by law and because they have value, the illegal or improper disposal of batteries is expected to be uncommon. For example, because some manufacturers pay for used EV/hybrid batteries, the value, size, and length of life of NiMH and Li-ion batteries are such that recycling is expected to be more predominate than with lead acid batteries. Therefore, the use of EVs and hybrids are not expected to result in an increase in the illegal or improper disposal of batteries because these types of batteries are required to be recycled and thus, reducing the potential water quality impacts cause by illegal disposal. Based on the foregoing analysis, less than significant adverse water quality impacts are expected from the increased use of EV and hybrid vehicles and no new mitigation measures would be required.

Relative to cumulative impacts, the Final Program EIR for the 2016 AQMP concluded that implementation of the 2016 AQMP would not contribute to cumulatively considerable impacts to water quality but would contribute to cumulatively considerable impacts to water demand. However, since implementation of Control Measure MOB-01 and therefore the development and implementation of infrastructure plans is not expected to have impact to water demand, there are no new impacts which would change the previous conclusions of the Final Program EIR for the 2016 AQMP regarding cumulatively considerable impacts to hydrology and water quality. Further, no new mitigation measures would be required. Therefore, the cumulative impacts to hydrology and water quality would remain significant and unavoidable.

Other Environmental Topic Areas

The 2022 AQMP and 2016 AQMP were designed to reduce emissions from existing emission sources and promote the use of the cleanest technology available. The 2022 AQMP and 2016 AQMP would accelerate the replacement of high-emitting mobile sources with low NOx and zero-emission mobile sources; encourage the use of lower-emitting alternative fuels; affect stationary sources at existing commercial/industrial facilities and residential developments; develop incentives to remove/replace higher emitting equipment; establish greater control of industrial stationary sources; control indirect sources of emissions; improve energy efficiency; improve emission leak detection and maintenance procedures; and establish educational and outreach programs. The analysis provided in the Final Program EIR for 2022 AQMP concluded that the following environmental topic areas would have no potential adverse impacts due to implementation of Control Measure MOB-01: aesthetics, agriculture and forestry resources, biological resources, cultural and tribal cultural resources, geology and soils, hydrology and water quality, land use and planning, mineral resources, population and housing, public services, recreation, transportation, and wildfire. Since no impacts were identified, no mitigation measures were necessary or required for these environmental topic areas.

Similarly, the analysis provided in the Final Program EIR for 2016 AQMP concluded that the following environmental topic areas would have no potential impacts due to implementation of Control Measure MOB-01: agriculture and forestry resources, biological resources, cultural and tribal cultural resources, geology and soils, land use and planning, mineral resources, noise,

population and housing, public services, recreation, and wildfire. Since no impacts were identified, no mitigation measures were necessary or required for these environmental topic areas. Since the development and implementation of infrastructure plans implements Control Measure MOB-01 without adding new or modifying the previously analyzed impacts for each environmental topic area, the overall conclusions of no impacts for these environmental topic areas in the Final Program EIRs for the 2022 AQMP and 2016 AQMP will remain unchanged if the development and implementation of infrastructure plans is implemented.

It should be noted that, while Control Measure MOB-01 of the 2016 AQMP contemplated the use of barge-based bonnet technology to reduce emissions from ocean going vessels, the development and implementation of infrastructure plans does not consider its use. Therefore, the environmental impacts resulting from use of barge-based bonnet technology (i.e., potentially significant aesthetics impacts) will not occur under the development and implementation of infrastructure plans. As such, the environmental topic area of aesthetics is discussed below alongside other environmental topic areas with less than significant or no impacts.

The following summaries provide the background regarding the no potential adverse impacts conclusions of each aforementioned environmental topic area.

Aesthetics[50]: For both the 2022 AQMP and 2016 AQMP, the majority of control measures implemented within South Coast AQMD's jurisdiction would typically affect industrial, institutional, or commercial facilities located in appropriately zoned areas (e.g., industrial and commercial areas) that are not usually associated with scenic resources. Further, modifications would typically occur within the confines of the affected facilities, or because of the nature of the business (e.g., commercial or industrial), can easily blend in with the facilities with little or no noticeable effect on adjacent areas. Also improved air quality would provide benefits to scenic vistas and resources throughout South Coast AQMD's jurisdiction. Mobile source control measures were designed to accelerate the replacement of high emitting on-road and off-road mobile sources with lower-emitting mobile sources. Accelerating the penetration of lower-emitting mobile sources into market would not be expected to adversely affect scenic resources because these strategies do not require construction or disturbance to such resources.

The Final Program EIR for the 2022 AQMP concluded that implementation of control measures, such as MOB-01, was not expected to create additional demand for new lighting or exposed combustion sources (e.g., flares) that could create glare, adversely affecting day or nighttime views in any areas. Facilities affected by the control measures typically make modifications to light sources within property borders, so any new light sources would typically be inside a building or not noticeable because of the presence of existing outdoor light sources. Based on these considerations, less than significant aesthetic impacts were expected due to the implementation of the 2022 AQMP.

The Final Program EIR for the 2016 AQMP contemplated that implementation of Control Measure MOB-01 may involve use of barge-based bonnet technology to reduce emissions from ocean going vessels. While the use of bonnet technology could degrade the existing visual character or quality

[50] See Section 4.8.1 Aesthetics of the Final Program EIR for the 2022 AQMP and Section 4.8 Aesthetics of the Final Program EIR for the 2016 AQMP

of the immediate surrounding area, it is unlikely that use of bonnet technology would be visible from sensitive public vantage points due to the presence of intervening structures at the ports. Nonetheless, the Final Program EIR for the 2016 AQMP concluded that implementation of control measures, such as MOB-01, may substantially degrade the existing visual character or quality of a site and its surroundings from use of bonnet technology. Because the aesthetics impacts from implementing the 2016 AQMP were concluded to be significant, feasible mitigation measures AE-1 to AE-5 were adopted in the Final Program EIR for the 2016 AQMP. Even after mitigation measures were applied, the Final Program EIR for the 2016 AQMP concluded that the overall aesthetics impacts would remain significant. The 2016 AQMP control measures would result in significant adverse aesthetics impacts and, when combined with past, present, and reasonably foreseeable activities, and in particular with transportation projects projected in the 2016 RTP/SCS, would contribute to cumulatively considerable impacts to aesthetics identified in the 2016 RTP/SCS, therefore resulting in a significant cumulative impact. No additional mitigation measures to reduce the significant cumulative impacts to aesthetics were identified. Cumulative impacts to aesthetics from implementation of the 2016 AQMP would remain significant and unavoidable.

Agriculture and Forestry Resources[51]: The Final Program EIRs for the 2022 AQMP and 2016 AQMP concluded that implementation of Control Measure MOB-01, was not expected to generate any new construction of buildings or other structures that would require conversion of farmland to non-agricultural use, conflict with zoning for agricultural uses, or a Williamson Act contract. Further, the analysis concluded that implementing the 2022 AQMP and 2016 AQMP would typically affect existing facilities that are located in appropriately zoned areas. Should any new facilities be constructed and operated, their planning would occur for reasons other than implementation of the 2022 AQMP and the 2016 AQMP. New facilities and improvements to existing facilities would continue to be subject to project-level review, including review of agricultural impacts under CEQA by the applicable local land use authority. Therefore, implementation of the 2022 AQMP and 2016 AQMP would not affect Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, or conflict with a Williamson Act contract, if implemented. Physical changes associated with the 2022 AQMP and 2016 AQMP were expected to occur at previously developed sites and would not require construction to occur in undeveloped areas where agricultural and forest resources are more likely to exist. The 2022 AQMP and 2016 AQMP, including control measures related to mobile sources, would have no direct or indirect effects on agricultural or forest land resources because their focus is on achieving emission reductions by increasing the penetration of zero- and low-NOx technologies into market. The 2022 AQMP and 2016 AQMP could provide benefits to agricultural and forest land resources by improving air quality in the region, thus reducing the adverse oxidation impacts of ozone on plants and animals. Based on these considerations, no agriculture and forestry resources impacts were expected due to the implementation of the of the 2022 AQMP and 2016 AQMP.

Biological Resources: Implementation of the 2022 AQMP and 2016 AQMP control measures, including MOB-01, was not expected to result in habitat modification, adversely affect any riparian habitat, or interfere with the movement of any native resident or migratory fish or wildlife species. Facilities affected by the 2022 AQMP and 2016 AQMP control measures have already been

[51] See Section 4.8.2 Agriculture and Forestry Resources of the Final Program EIR for the 2022 AQMP and Section 4.9.1 Agriculture and Forestry Resources of the Final Program EIR for the 2016 AQMP

disturbed and typically do not contain open space, water features, or natural vegetation. Sites might contain landscaping that consists of ornamental trees, vegetation, and turf. The sites of the affected facilities that would be subject to the control measures were not expected to support riparian habitat, federally protected wetlands, or migratory corridors because they are existing, developed, and established industrial and commercial facilities. Additionally, special status plants, animals, or natural communities identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service were not expected to be found on or in close proximity to the affected facilities. Construction projects that impact affected species were not reasonably foreseeable as part of implementation of the 2022 AQMP and 2016 AQMP. Any new development potentially affecting biological resources would not be as a result of the 2022 AQMP and 2016 AQMP control measures and approval of those projects, including evaluation of their environmental impacts, would occur regardless of the 2022 AQMP and 2016 AQMP and would be subject to project-level CEQA review. Based upon these considerations, no biological resources impacts are expected from implementing the 2022 AQMP and 2016 AQMP.

Cultural and Tribal Cultural Resources[52]: Commercial and industrial areas are generally not located in historic districts. For this reason, the Final Program EIRs for the 2022 AQMP and 2016 AQMP concluded that the implementation of Control Measure MOB-01 would not be expected to cause a substantial adverse change in the significance of a historical resource. The South Coast AQMD also provided a formal notice of the Notice of Preparation/Initial Study (NOP/IS) prepared for the 2022 AQMP and 2016 AQMP to all California Native American Tribes (Tribes) that requested to be on the Native American Heritage Commission's (NAHC) notification list per Public Resources Code Section 21080.3.1(b)(1). The NAHC notification list provides a 30-day period during which a Tribe may respond to the formal notice, in writing, requesting consultation on a proposed project. No Tribes requested consultation during the 30-day comment period of each NOP/IS. The provisions of CEQA, Public Resources Code Section 21080.3.1 et seq. (also known as AB 52), require meaningful consultation with California Native American Tribes on potential impacts to tribal cultural resources, as defined in Public Resources Code Section 21074. Tribal cultural resources are sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either eligible or listed in the California Register of Historical Resources or local register of historical resources. As part of the AB 52 process, Native American tribes must submit a written request to the relevant lead agency if it wishes to be notified of projects that require CEQA public noticing and are within its traditionally and culturally affiliated geographical area. Construction resulting from implementation of the control measures would need to obtain city or county planning department approvals prior to commencement of any construction activities, and would be subject to project-level review, including separate tribal consultation pursuant to AB 52, as applicable, to address site-specific requests identified by the tribes. Therefore, impacts to tribal cultural resources were considered to be less than significant, and the 2022 AQMP and 2016 AQMP were not expected to cause any impacts to significant historic cultural resources.

[52] See Section 4.8.4 Cultural and Tribal Cultural Resources of the Final Program EIR for the 2022 AQMP and Section 4.9.3 Cultural Resources of the Final Program EIR for the 2016 AQMP

Geology and Soils[53]: The 2022 AQMP and 2016 AQMP, including Control Measure MOB-01, would not directly or indirectly expose people or structures to earthquake faults, seismic shaking, seismic-related ground failure including liquefaction, lateral spreading, landslides, mudslides, or substantial soil erosion. Affected facilities or modifications to affected facilities, including the construction of new electricity or hydrogen infrastructure, would be required to comply with relevant California Building Code requirements in effect at the time of initial construction or modification of a structure. Projects that occur as a result of the 2022 AQMP and 2016 AQMP are largely expected to occur at commercial and industrial areas and have a small construction footprint. Construction activities would be subject to local, regional, and state codes and requirements for erosion control and grading during construction. Projects would be subject to the National Pollution Discharge Elimination System (NPDES) permitting regulations, including the development and implementation of a Stormwater Pollution Prevention Plan (SWPPP) as applicable. Construction contractors would be required to prepare and implement a SWPPP and associated Best Management Practices (BMPs) in compliance with the Construction General Permit (CGP) during grading and construction of any site that disturbs more than one acre of land. Adherence to the BMPs in the SWPPP and adherence with local, regional, and state codes and requirements for erosion control and grading during construction would reduce, prevent, or minimize soil erosion from grading and construction activities. Therefore, soil erosion impacts were concluded to be less than significant.

Paleontological resources, commonly known as fossils, are the recognizable physical remains, or evidence of past life forms found on earth in past geological periods — and can include bones, shells, leaves, tracks, burrows, and impressions. Ground-disturbing activities such as grading or excavation have the potential to unearth paleontological resources. Most facilities affected by 2022 AQMP and 2016 AQMP control measures would be located on previously disturbed industrial and commercial sites where there is little likelihood of identifiable artifacts. It is possible, however, that cultural or archaeological resources or human remains may nevertheless be discovered. New installations of air pollution control equipment or infrastructure for zero-emission and low-NOx equipment are unlikely to require substantial soil excavation and would be located on already disturbed and developed industrial land uses. Further, projects implemented as a result of the 2022 AQMP and 2016 AQMP would be subject to project-level review, including review of both geological and paleontological impacts under CEQA, as applicable. Therefore, the Final Program EIRs for the 2022 AQMP and 2016 AQMP concluded that implementation of all of the control measures, including Control Measure MOB-01, would not be expected to destroy a unique paleontological resource or site or unique geological feature, or result directly or indirectly in other significant adverse geology or soils impacts. Therefore, geology and soils impacts were concluded to be less than significant.

Land Use and Planning[54]: Since the 2022 AQMP and 2016 AQMP do not require construction of major new land use developments in any areas within South Coast AQMD's jurisdiction, none of the control measures, including Control Measure MOB-01, were expected to physically divide any established communities within South Coast AQMD's jurisdiction. Potential land use impacts

[53] See Section 4.8.5 Geology and Soils of the Final Program EIR for the 2022 AQMP and Section 4.9.4 Geology and Soils of the Final Program EIR for the 2016 AQMP

[54] See Section 4.8.6 Land Use Planning of the Final Program EIR for the 2022 AQMP and Section 4.9.5 Land Use Planning of the Final Program EIR for the 2016 AQMP

associated with the 2022 AQMP and 2016 AQMP could come from the construction of support systems (e.g., catenary overhead electrical lines or magnetic infrastructure related to operation of zero- and low-NOx transport systems). For purposes of evaluating potential land use impacts, the analysis assumed that no new rail or truck traffic routes would be constructed, but rather that existing truck and rail routes and corridors would be modified. The truck and rail corridors likely to be involved are primarily associated with commercial marine ports in industrial zones within the Southern California area. Since only existing transportation routes would likely be modified (e.g., electric lines installed) and no new transportation routes were anticipated, no land use conflicts, or inconsistencies with any general plan, specific plan, local coastal program, or zoning ordinance were expected. Activities that result from implementing the various 2022 AQMP and 2016 AQMP control measures would be subject to project-level review that would assess consistency with adopted land use regulations, including review of impacts to land use and planning under CEQA, as applicable. Any proposed modification to an existing rail or truck traffic route/corridor would require a separate CEQA evaluation. No land use impacts were identified because any activities undertaken to implement the 2022 AQMP and 2016 AQMP control measures would be expected to comply with, and not interfere with, applicable land use plans, policies, or regulations of an agency with jurisdiction over the project, including, but not limited to the general plans, specific plans, local coastal programs or zoning ordinances.

Mineral Resources[55]: There were no provisions in the 2022 AQMP and 2016 AQMP that would result in the loss of availability of a known mineral resource of value to the region and the residents of the state, or of a locally-important mineral resource recovery site delineated in a local general plan, specific plan, or other land use plan. The 2022 AQMP and 2016 AQMP provide incentives for the penetration of low-NOx and zero-emission technologies into market which are not expected to result in an increase in the use of mineral resources. The Final Program EIRs for the 2022 AQMP and 2016 AQMP concluded that there would be no impacts on the use of important minerals. Therefore, no new demand for mineral resources was expected to occur and no mineral resources impacts from implementing the 2022 AQMP and 2016 AQMP were anticipated.

Population and Housing[56]: The Final Program EIRs for the 2022 AQMP and 2016 AQMP concluded that implementing the control measures would not generate any significant effects, either direct or indirect, on the population or population distribution of people living in the South Coast AQMD's jurisdiction as no additional workers were anticipated to be required in order to implement the 2022 AQMP and 2016 AQMP. Consistent with past experience, it was expected that the existing labor pool within the southern California area would accommodate the labor requirements for any modifications requiring construction at affected facilities. Additionally, the 2022 AQMP and 2016 AQMP, including Control Measure MOB-01, contain no provisions that would cause displacement of substantial numbers of people or housing necessitating construction of replacement housing elsewhere. Accordingly, no population and housing impacts were expected from implementing Control Measure MOB-01.

[55] See Section 4.8.7 Mineral Resources of the Final Program EIR for the 2022 AQMP and Section 4.9.6 Mineral Resources of the Final Program EIR for the 2016 AQMP

[56] See Section 4.8.8 Population and Housing of the Final Program EIR for the 2022 AQMP and Section 4.9.7 Population and Housing of the Final Program EIR for the 2016 AQMP

Public Services[57]***:*** Fire protection and emergency medical services would be provided to affected facilities and residential developments by local county and city fire departments. Although the implementation of the Control Measure MOB-01 from the 2016 and 2022 AQMPs would require the use of alternative fuels (e.g., hydrogen), the alternative fuels would displace gasoline and diesel fuels and if a fire occurs, the same fire protection and emergency medical services would be needed. As first responders to emergency situations, fire departments are trained to respond to a variety of situations related to hazardous materials. Large industrial facilities (e.g., electric generating plants and refineries) have on-site fire response personnel and the local fire departments provide assistance to the on-site personnel. Therefore, no increase in calls for fire protection, and emergency medical service would be expected from implementation of the control measures. All activities undertaken as a result of implementing the 2022 AQMP and 2016 AQMP, including Control Measure MOB-01, would be required to comply with fire-related safety features in accordance with the applicable provisions of the adopted California Fire Code, any county or city ordinances, and standards regarding fire prevention and suppression measures related to water improvement plans, fire hydrants, fire access, and water availability. Based on the preceding discussion, implementation of the 2022 AQMP and 2016 AQMP would not adversely affect the ability of local fire protection to provide adequate service. As such, these impacts were concluded to be less than significant. Implementation of the 2022 AQMP and 2016 AQMP would also not result in an increase in calls for police protection. Implementation of the 2022 AQMP and 2016 AQMP are expected to occur at existing facilities or promote transition to cleaner emitting equipment at new developments but would not facilitate the construction of new development. At existing industrial facilities, on-site security is typical and would be expected to continue with the same demand for police department support as is currently needed. Furthermore, implementation of the 2022 AQMP and 2016 AQMP would not induce population growth either directly or indirectly. Therefore, with no increase in local population, there would be no additional demand for new or expanded schools, parks, and libraries and no other adverse population or housing impacts were expected. Implementation of the 2022 AQMP and 2016 AQMP would generate less than significant impacts to public services.

Recreation[58]: Demand for parks and recreational facilities in an area is usually determined by the area's population. As explained earlier in the Population and Housing section of this Appendix, implementation of the 2022 AQMP and 2016 AQMP does not require or include the development of new homes, which would lead to an increase in population and thereby, the need for additional park and recreation facilities. Therefore, the implementation of the 2022 AQMP and 2016 AQMP, including Control Measure MOB-01, would not increase the use of existing neighborhood and regional parks or other recreational facilities, nor would it require construction of new or expanded parks or recreational facilities. No impacts to park and recreational facilities would occur.

Wildfire[59]***:*** The analysis in the Final Program EIR for the 2022 AQMP determined that activities that result from implementing the 2022 AQMP, including Control Measure MOB-01, would not block or otherwise interfere with the use of evacuation routes; nor would they interfere with operations of emergency response agencies or with coordination and cooperation between such

[57] See Section 4.8.9 Public Services of the Final Program EIR for the 2022 AQMP and Section 4.9.8 Public Services of the Final Program EIR for the 2016 AQMP

[58] See Section 4.8.10 Recreation of the Final Program EIR for the 2022 AQMP and Section 4.9.9 Recreation of the Final Program EIR for the 2016 AQMP

[59] See Section 4.8.12 Wildfire of the Final Program EIR for the 2022 AQMP

agencies. Therefore, the analysis concluded that there would be no impacts on emergency activities. Implementation of these control measures were found to: affect existing commercial/industrial facilities; accelerate the replacement of high-emitting mobile sources with low-NOx and zero-emission mobile sources; control indirect sources of emissions; and develop incentives to remove/replace higher emitting equipment. However, since commercial and industrial areas, such as commercial marine ports, are not typically located near wildland or forested areas, the analysis concluded that implementation of these control measures would not be expected to increase the risk of wildland fires. For this reason, the analysis in the Final Program EIR for the 2022 AQMP concluded that implementation of Control Measure MOB-01 would have no impact to wildfires.

Relative to the analysis of the topic of wildfire in the Final Program EIR for the 2016 AQMP, it is important to note that the environmental topic area of wildfire was added to the Environmental Checklist in the CEQA Guidelines in 2019. Previous to this change in the CEQA Guidelines, the topic of the topic of fire hazards, including fires on wildlands, was analyzed in the biological resources and hazards and hazardous materials sections, as was the case for the Final Program EIR for the 2016 AQMP. Specifically, the Notice of Preparation/Initial Study for the 2016 AQMP, which is an appendix within the Final Program EIR for the 2016 AQMP, concluded that there would be no impact to the wildfire-related environmental checklist questions under the topics of biological resources and the hazards and hazardous materials.

Conclusion: In summary, relative to cumulative impacts, the Final Program EIRs for the 2022 AQMP and 2016 AQMP concluded that implementation of Control Measure MOB-01, when combined with past, present, and reasonably foreseeable activities, would not contribute to cumulative considerable impacts to the following environmental topic areas: agriculture and forestry resources, biological resources, cultural and tribal cultural resources, geology and soils, land use and planning, mineral resources, population and housing, public services, recreation, and wildfire.

Since implementation of Control Measure MOB-01 of the 2022 AQMP and 2016 AQMP, upon which the development and implementation of infrastructure plans relies, is not expected to have potential adverse impacts on any of the aforementioned environmental topic areas, there are no new impacts which would change the previous conclusions of the Final Program EIRs for the 2022 AQMP and 2016 AQMP regarding cumulatively considerable impacts. Further, no new mitigation measures would be required. Therefore, there are no cumulative impacts to the environmental topic areas of agriculture and forestry resources, biological resources, cultural and tribal cultural resources, geology and soils, land use and planning, mineral resources, population and housing, public services, recreation, and wildfire.

CONCLUSION OF THE CEQA ANALYSIS OF THE DEVELOPMENT AND IMPLEMENTATION OF THE CHARGING AND FUELING INFRASTRUCTURE PLANS

The development and implementation of infrastructure plans rely on Control Measures MOB-01 and MOB-15 of the 2022 AQMP, and Control Measure MOB-01 of the 2016 AQMP. Control Measures MOB-01 and MOB-15 of the 2022 AQMP, and Control Measure MOB-01 of the 2016 AQMP were previously analyzed in the Final Program EIRs for the 2022 AQMP and 2016 AQMP, and implementation of the development and implementation of infrastructure plans is not expected to result in new or modified physical changes or impacts that were not previously analyzed in the Final Program EIRs for the 2022 AQMP and 2016 AQMP specific to Control Measures MOB-01 and MOB-15.

The Final Program EIR for the 2022 AQMP concluded that implementation of the 2022 AQMP would result in potentially significant impacts to the environmental topic areas of air quality and GHG emissions, energy, hazards and hazardous materials, hydrology and water quality, noise, and solid and hazardous waste. Implementation of Control Measure MOB-15 of the 2022 AQMP was concluded not to have potential adverse impacts on any environmental topic area because it was administrative in nature. However, implementation of Control Measure MOB-01 would have potentially significant impacts to: 1) air quality from construction because emissions on a peak day could exceed South Coast AQMD's significance thresholds; 2) energy because Basin-wide electricity usage would exceed baseline electricity consumption by more than one percent, natural gas demand is expected to increase in the short-term, and little excess hydrogen capacity is available to meet the increased demand such that additional hydrogen production facilities will be required; 3) hazards and hazardous materials because construction of new natural gas pipelines to service hydrogen production facilities may be a potential torch fire risk to receptors; 4) noise because vibration from construction activities could exceed the 72 vibration decibels (VdB) threshold for structures and sensitive receptors within 200 feet of construction activities if certain types of construction equipment were used; and 5) solid and hazardous waste due to the uncertainty of the future capacity of the landfills within South Coast AQMD's jurisdiction to address waste from construction of infrastructure and early retirement of vehicles and equipment. Implementation of Control Measure MOB-01 would have less than significant impacts to air quality from operation and GHG emissions, and no impact to hydrology and water quality.

For environmental topic areas which were concluded in the Final EIR for the 2022 AQMP to have potentially significant impacts, mitigation measures were adopted. Nonetheless, no environmental topic area identified as having a potentially significant impact in the Final Program EIR for the 2022 AQMP was concluded to be capable of being mitigated to less than significant levels. When combined with the Connect SoCal Plan, the SIP strategies, state policies, and other past, present, and reasonably foreseeable activities, implementation of the 2022 AQMP would result in significant environmental impacts. No additional feasible mitigation measures to reduce the significant cumulative impacts were identified, and cumulative impacts to the environmental topic areas of air quality and GHG emissions, energy, hazards and hazardous materials, hydrology and water quality, noise, and solid and hazardous waste remained significant and unavoidable.

The Final Program EIR for the 2016 AQMP concluded that implementation of the 2016 AQMP would result in potentially significant impacts to the environmental topic areas of aesthetics, air quality and GHG emissions, energy, hazards and hazardous materials, hydrology and water

quality, noise, solid and hazardous waste, and transportation and traffic. Implementation of Control Measure MOB-01 would have potentially significant impacts to: 1) aesthetics due to use of barge-based bonnet technology; 2) air quality from construction due to emissions associated with the development of infrastructure to support alternative-fueled marine port equipment and vehicles; 3) energy because Basin-wide electricity usage would exceed baseline electricity consumption by more than one percent; 4) hazards and hazardous materials due to production of hydrogen; 5) noise and vibration from construction of fueling and electrical infrastructure at or near marine terminals; 6) solid and hazardous waste due to waste generation associated with infrastructure construction activities and generation of waste from battery disposal and turnover of older equipment; and 7) transportation and traffic impacts associated with construction activities due to potential temporary changes in traffic patterns and volumes, as well as deliveries of alternative fuels during operation. Implementation of Control Measure MOB-01 would result in less than significant impacts to the environmental topic areas of air quality from operation and GHG emissions, and hydrology and water quality.

As explained in the "Summary of Environmental Impact Analysis from the Final Program EIRs for the 2022 AQMP and the 2016 AQMP," mitigation measures were adopted for certain environmental topic areas which had conclusions of potentially significant impacts. Nonetheless, no environmental topic area identified as having a potentially significant impact was capable of being mitigated to less than significant levels. When combined with the other past, present, and reasonably foreseeable activities, in particular the transportation projects projected in the 2016 RTP/SCS, implementation of the 2016 AQMP would result in significant environmental impacts. No additional mitigation measures to reduce the significant cumulative impacts were identified, and cumulative impacts to the environmental topic areas of aesthetics, air quality and GHG emissions, energy, hazards and hazardous materials, hydrology and water quality, noise, solid and hazardous waste, and transportation and traffic remained significant and unavoidable.

The aforementioned impacts analyzed in the Final Program EIR for the 2022 AQMP and the Final Program EIR for the 2016 AQMP are the same or greater than the impacts that would occur if the development and implementation of infrastructure plans are implemented.

Therefore, the environmental impacts associated with implementing the proposed Cooperative Agreement are within the scope of what was previously analyzed in the Final Program EIR for the 2022 AQMP for Control Measures MOB-01 and MOB-15, and Final Program EIR for the 2016 AQMP for Control Measure MOB-01. Thus, no new Initial Study would need to be prepared leading to either an EIR or a Negative Declaration pursuant to CEQA Guidelines Section 15168(c)(2). The proposed Cooperative Agreement does not introduce new information which will cause new significant effects or substantially worsen or make more severe significant effects that were previously analyzed in the Final Program EIRs for the 2022 AQMP and 2016 AQMP. There is no change to the mitigation measures or alternatives previously considered in the Final Program EIRs for the 2022 AQMP and 2016 AQMP. Thus, in accordance with CEQA Guidelines Section 15168(c)(2), a subsequent EIR would not be required pursuant to Public Resources Code Section 21166 and CEQA Guidelines Section 15162.

Based on the preceding analysis, pursuant to CEQA Guidelines Section 15168(c)(2), the development and implementation of the charging and fueling infrastructure plans qualify as a later

activity within the scope of the 2022 AQMP and 2016 AQMP which were analyzed in the Final Program EIRs for the 2022 AQMP and 2016 AQMP. The mitigation measures developed in the Final Program EIRs for the 2022 AQMP and 2016 AQMP for the previously adopted Control Measures MOB-01 in the 2022 AQMP and 2016 AQMP may be applicable in the event that the Ports: 1) elect to rely on the environmental analyses conducted by South Coast AQMD in the Final Program EIRs for the 2022 AQMP and 2016 AQMP when proposing specific charging and fueling infrastructure projects with future defined actions (e.g., locations, equipment details, and timelines, etc.); and 2) find that the environmental analysis of the future defined actions identifies significant adverse air quality impacts. (CEQA Guidelines Section 15168(c)(3).)

Therefore, the proposed Cooperative Agreement is considered a later activity within the scope of the Final Program EIRs for the 2022 AQMP and 2016 AQMP and the Final Program EIRs for the 2022 AQMP and 2016 AQMP adequately describe the later activity for the purposes of CEQA such that no new environmental document will be required.

CEQA ANALYSIS OF THE COST RECOVERY PROVISIONS

The proposed Cooperative Agreement establishes fees to be paid by the Ports for South Coast AQMD to recover its reasonable costs associated with review and verification of Port ZE Infrastructure Plans, time extension requests, and annual reports. Pursuant to the CEQA Guidelines Sections 15002(k) and 15061, the cost recovery provisions of the proposed Cooperative Agreement are exempt from CEQA. Cost recovery provisions of the proposed Cooperative Agreement are statutorily exempt from CEQA requirements pursuant to CEQA Guidelines Section 15273, because they involve charges established by the South Coast AQMD, a public agency, for the purpose of meeting operating expenses and financial reserve needs and requirements associated with implementing the proposed Cooperative Agreement. A Notice of Exemption has been prepared pursuant to CEQA Guidelines Section 15062. If the proposed Cooperative Agreement is approved, the Notice of Exemption will be filed with the county clerks of Los Angeles, Orange, Riverside, and San Bernardino counties, and with the State Clearinghouse of the Governor's Office of Land Use and Climate Innovation.

CEQA ANALYSIS OF THE CLEAN AIR MITIGATION FUND

The proposed Cooperative Agreement establishes the creation the Clean Air Mitigation Fund, which the Ports agree to pay into in the event of failure to complete specified actions within their control as defined in the proposed Cooperative Agreement. Enforcement provisions consist of financial consequences for contract defaults, as outlined in the Port ZE Infrastructure Plans measure, with payment amounts determined by the severity of each default. The enforcement triggers, or defaults, include failure to meet plan submission or approval deadlines, failure to carry out the required public process during plan preparation, modifying plans without adhering to the procedures specified in the agreement, and failure to achieve milestones within the Port's control during implementation. Funds collected from such defaults will be deposited into the South Coast AQMD-managed Clean Air Mitigation Fund.

The Clean Air Mitigation Fund is a government funding mechanism without involving a commitment to any specific project that could result in a potentially significant physical impact on the environment. Therefore, the Clean Air Mitigation Fund is not considered a "project" within the meaning of CEQA pursuant to CEQA Guidelines Section 15378(b)(4).

REFERENCES

The 2022 AQMP, along with the December 2022 Final Program EIR for the 2022 AQMP (State Clearinghouse No. 2022050287) and its corresponding Findings, Statement of Overriding Considerations, and Mitigation, Monitoring, and Reporting Plan, and the 2016 AQMP along with the March 2017 Final Program EIR for the 2016 AQMP (State Clearinghouse No. 2016071006) and its corresponding with Findings, Statement of Overriding Considerations, and Mitigation, Monitoring, and Reporting Plan, upon which this analysis of the Agreement relies, are incorporated by reference pursuant to CEQA Guidelines Section 15150 and are available from the South Coast AQMD's website at:

December 2022 Final Program EIR for the 2022 AQMP
Master webpage
https://www.aqmd.gov/home/research/documents-reports/lead-agency-scaqmd-projects/south-coast-aqmd-projects---year-2022

December 2022 Final Program EIR for the 2022 AQMP (including Appendices)
https://www.aqmd.gov/docs/default-source/ceqa/documents/aqmd-projects/2022/2022-aqmp-final-peir.pdf

Findings, Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Plan
https://www.aqmd.gov/docs/default-source/ceqa/documents/aqmd-projects/2022/2022-aqmp-attachment1toresolution.pdf

2022 AQMP
https://www.aqmd.gov/home/air-quality/air-quality-management-plans/air-quality-mgt-plan

March 2017 Final Program EIR for the 2016 AQMP
Master webpage
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March 2017 Final Program EIR for the 2016 AQMP (without Appendices)
https://www.aqmd.gov/docs/default-source/ceqa/documents/aqmd-projects/2016/2016aqmpfpeir.pdf

Appendices A through C
https://www.aqmd.gov/docs/default-source/ceqa/documents/aqmd-projects/2016/2016aqmpfpeir_appendicesac.pdf

Appendices D through E
https://www.aqmd.gov/docs/default-source/ceqa/documents/aqmd-projects/2016/2016aqmpfpeir_appendicesde.pdf

Findings, Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Plan
https://www.aqmd.gov/docs/default-source/ceqa/documents/aqmd-projects/2017/att2toresolutionfor-2016aqmp.pdf

2016 AQMP
https://www.aqmd.gov/home/air-quality/air-quality-management-plans/final-2016-aqmp

Introduction

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3. South Coast AQMD, Final Program Environmental Impact Report for the 2022 Air Quality Management Plan, December 2022. https://www.aqmd.gov/docs/default-source/ceqa/documents/aqmd-projects/2022/2022-aqmp-final-peir.pdf

4. South Coast AQMD, Final Program Environmental Impact Report for the 2016 Air Quality Management Plan, March 2017. https://www.aqmd.gov/docs/default-source/ceqa/documents/aqmd-projects/2016/2016aqmpfpeir.pdf

Summary of Environmental Impacts

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6. South Coast AQMD, Attachment 2 to the Governing Board Resolution for the Final Program Environmental Impact Report for the 2016 Air Quality Management Plan, March 2017. https://www.aqmd.gov/docs/default-source/ceqa/documents/aqmd-projects/2017/att2toresolutionfor-2016aqmp.pdf

Environmental Topic Areas with Potentially Significant Impacts

7. South Coast AQMD, Appendix IV-A for the 2016 Air Quality Management Plan: https://www.aqmd.gov/docs/default-source/clean-air-plans/air-quality-management-plans/2016-air-quality-management-plan/final-2016-aqmp/appendix-iv-a.pdf

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Environmental Topic Areas with Less Than Significant or No Impacts

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ATTACHMENT H

South Coast
Air Quality Management District
21865 Copley Drive, Diamond Bar, CA 91765-4178
(909) 396-2000 • www.aqmd.gov

SUBJECT: **NOTICE OF EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**

PROJECT TITLE: **COST RECOVERY PROVISIONS IN THE PROPOSED COOPERATIVE AGREEMENT BETWEEN THE SOUTH COAST AQMD AND THE PORTS OF LONG BEACH AND LOS ANGELES**

Pursuant to the California Environmental Quality Act (CEQA) Guidelines, the South Coast Air Quality Management District (South Coast AQMD), as Lead Agency, has prepared a Notice of Exemption pursuant to CEQA Guidelines Section 15062 – Notice of Exemption for the project identified above.

If the proposed project is approved, the Notice of Exemption will be filed for posting with the county clerks of Los Angeles, Orange, Riverside, and San Bernardino Counties. The Notice of Exemption will also be electronically filed with the State Clearinghouse of the Governor's Office of Land Use and Climate Innovation for posting on their CEQAnet Web Portal which may be accessed via the following weblink: https://ceqanet.opr.ca.gov/search/recent. In addition, the Notice of Exemption will be electronically posted on the South Coast AQMD's webpage which can be accessed via the following weblink: http://www.aqmd.gov/nav/about/public-notices/ceqa-notices/notices-of-exemption/noe---year-2025.

NOTICE OF EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

To: County Clerks for the Counties of Los Angeles, Orange, Riverside, and San Bernardino; and Governor's Office of Land Use and Climate Innovation – State Clearinghouse	**From:** South Coast Air Quality Management District (South Coast AQMD) 21865 Copley Drive Diamond Bar, CA 91765

Project Title: Cost Recovery Provisions in the Proposed Cooperative Agreement Between the South Coast AQMD and the Ports of Long Beach and Los Angeles

Project Location: The entities subject to the cost recovery provisions in the Proposed Cooperative Agreement are the Ports of Long Beach and Los Angeles which are both located within Los Angeles County within the South Coast AQMD's jurisdiction, which includes the four-county South Coast Air Basin (all of Orange County and the non-desert portions of Los Angeles, Riverside, and San Bernardino counties), and the Riverside County portion of the Salton Sea Air Basin and the non-Palo Verde, Riverside County portion of the Mojave Desert Air Basin.

Description of Nature, Purpose, and Beneficiaries of Project: The cost recovery provisions in the proposed Cooperative Agreement between South Coast AQMD and the Ports of Long Beach and Los Angeles establish the payments which are to be paid by the Ports in order for South Coast AQMD to recover its reasonable costs associated with review and verification of revised draft Port Zero-Emissions Infrastructure Plans (Plans), draft modified Plans, time extension requests, and annual reports. The cost recovery provisions, which apply to the Ports of Long Beach and Los Angeles, specify: 1) hourly rates to recover expenses for the cost of reviewing and verifying each revised draft Plan, draft modified Plan, time extension request, and report; and 2) payment cap of $100,000 per review. The cost recovery provisions in the proposed Cooperative Agreement enable South Coast AQMD to meet operating expenses while executing the requirements and terms of the proposed Cooperative Agreement.

Public Agency Approving Project: South Coast Air Quality Management District	**Agency Carrying Out Project:** South Coast Air Quality Management District

Exempt Status: CEQA Guidelines Section 15273 – Rates, Tolls, Fares, and Charges

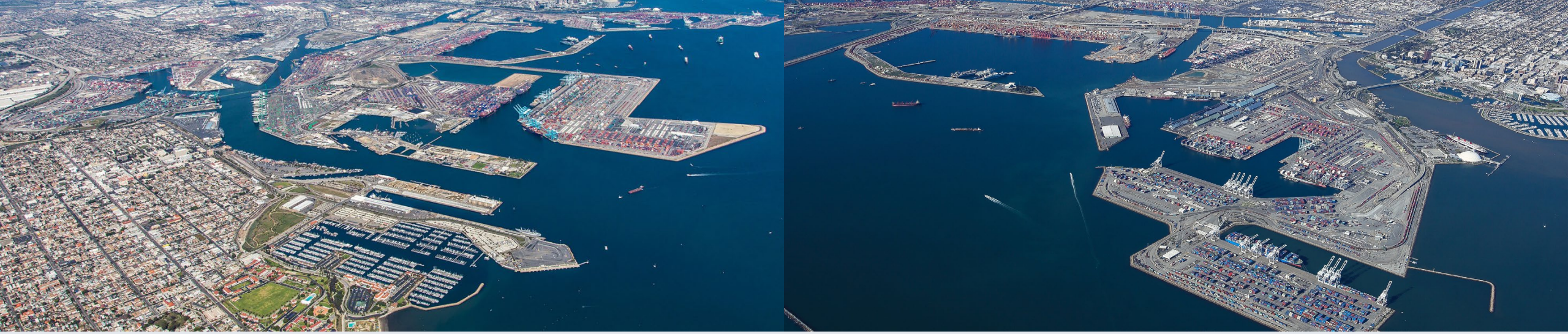
Reasons why project is exempt: South Coast AQMD, as Lead Agency, has reviewed the proposed project pursuant to: 1) CEQA Guidelines Section 15002(k) – General Concepts, the three-step process for deciding which document to prepare for a project subject to CEQA; and 2) CEQA Guidelines Section 15061 – Review for Exemption, procedures for determining if a project is exempt from CEQA. The cost recovery provisions in the proposed Cooperative Agreement between South Coast AQMD and the Ports of Long Beach and Los Angeles are statutorily exempt from CEQA requirements pursuant to CEQA Guidelines Section 15273 – Rates, Tolls, Fares, and Charges, because they involve charges established by the South Coast AQMD, a public agency, for the purpose of meeting operating expenses and financial reserve needs and requirements associated with executing the requirements and terms of the proposed Cooperative the Agreement.

Date When Project Will Be Considered for Approval (subject to change):
South Coast AQMD Governing Board Public Hearing: November 7, 2025

CEQA Contact Person: Farzaneh Khalaj, Ph.D.	**Phone Number:** (909) 396-2192	**Email:** fkhalaj@aqmd.gov
Cooperative Agreement Contact Person: Charlene Nguyen	**Phone Number:** (909) 396-2648	**Email:** cnguyen@aqmd.gov

Date Received for Filing: _____ **Signature:** *(Signed and Dated Upon Board Approval)*

Kevin Ni
Program Supervisor, CEQA
Planning, Rule Development, and Implementation



Attachment I

Proposed Cooperative Agreement with the Ports of Long Beach and Los Angeles

BOARD MEETING

November 7, 2025

Background

- Working on Port measure since 2017
  - Two MOU attempts
  - In 2022, initiated Proposed Rule 2304
- In 2024, Proposed Rule 2304 focused on comprehensive zero emission infrastructure at Ports of Long Beach and Los Angeles (Ports)
- Infrastructure planning is first critical step to zero emissions

Ports recently proposed a Cooperative Agreement in lieu of a rule

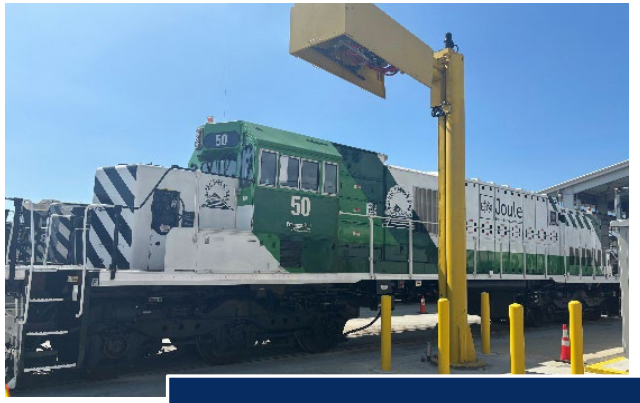
Initial Draft Cooperative Agreement Submitted by Ports

	Recitals	Agreements					'CAAP Plus' Measures
Staff focus during recent negotiation	South Coast AQMD and Ports	Rulemaking Authority in Contract	Enforcement	South Coast AQMD Role	Contract Duration (Term)	ZE Infrastructure *(focus of PR 2304)*	Other Measures

Zero-Emission (ZE) Infrastructure Plans Cover All Port Sources

Ocean Going Vessels

Trucks



Local Switchers

Cargo Handling Equipment

Harbor Craft

Details of ZE Infrastructure Plans

- Ports must complete development of ZE Infrastructure Plans in three phases (2027 – 2029)
- Plans include:
  - Planning targets
  - Key milestones within the Port's control
- Public review and comment built into the Agreement for ZE Plan development, modification and approval

Agreement Term and Exit Clause

5-year term

- Allows time for development and implementation of ZE Infrastructure Plans

45-day exit clause

- Any party can exit Agreement early for any reason
- 45-day notice to parties (Reduced from 90-day notice)

Board Resolution

- Pause Ports rulemaking for five years unless Agreement terminated early
- Report to Board and public on implementation progress
  - Extend, amend, or create a new Agreement, or
  - Pursue rulemaking

Enforcement Provisions

- Financial consequences for contract defaults
  - Plan submission / approval / modification process
  - Public process
  - Plan implementation milestones within Port control
- Payments go to South Coast AQMD Board-managed Clean Air Mitigation Fund
  - Public process before funds spent
  - Must benefit near-port community

Penalty Structure for Contract Defaults

Tier	$ per Default
Tier I	$50,000
Tier II	$100,000
Tier III	$200,000

Dispute Resolution Processes also included

~30 Public Meetings Since 2022

Also presented at 6 Board Meetings and 7 Mobile Source Committee Meetings

Community Concerns Have Shaped Proposed Cooperative Agreement

- Added specific enforcement triggers and doubled penalties
- Cooperative Agreement does not contract away rulemaking authority
- South Coast AQMD has distinct roles for verification of Plans
- Includes public process for development and modification of ZE Infrastructure Plans
- South Coast AQMD will quantify potential for emission reductions in annual report
- Ports must describe how old equipment will be decommissioned

Key Issues

5-year pause in rulemaking	○ Board retains its rulemaking authority ○ Board directs staff priorities ○ Pause allows time to plan for infrastructure, and begin installation ○ Regular updates will be provided to public and Board, and Board can quickly pivot to rulemaking if it desires
Lack of emission reductions	○ Infrastructure is critical first step to emission reductions ○ More time needed to develop emission reduction measures - both for public input and negotiation

Key Issues

Concern about using public funding for automation

- South Coast AQMD primary focus is zero emission technologies and deferred to the Ports on the issue of automation
  - Ports response to comment: Acknowledges where existing federal and state laws specify use of some funding programs for human-operated equipment only

Public process prevented meaningful public engagement

- Infrastructure planning concept was developed through extensive public process over several years
- Staff conducted significant outreach to solicit feedback
- Many stakeholder suggestions in past three months have been incorporated into proposed agreement

Why Proceed With Cooperative Agreement?

- Multiple attempts to establish requirements for Ports
- Proposal covers same scope as PR 2304
- Fosters continued collaboration with faster outcomes
- Ability to exit quickly and pivot if it doesn't work

Next Steps for Additional Measures

- Staff will continue to negotiate with Ports on additional measures to add to Cooperative Agreement
  - Goal of returning to Board in Spring 2026

Focus of negotiations:

- *Near-term actions (e.g., next 5 years)*
- *Emission reductions*
- *Facilitating actions for longer-term, more significant emission reductions*

Public process will include:

- *Working group meetings*
- *Community meetings*
- *Office hours*
- *AB 617 CSC Meetings*
- *Release of draft documents for comment*
- *Mobile Source Committee updates*

Staff Recommendation

Adopt the Resolution:

- CEQA determinations: Cooperative Agreement qualifies as a later activity within the scope of 2022 AQMP EIR, cost recovery provisions are exempt from CEQA, and creation of Clean Air Mitigation Fund is not a project under CEQA
- **Authorize Executive Officer to sign and execute the Cooperative Agreement**

Budget actions:

- Establish Port Clean Air Mitigation Fund
- Authorize Executive Officer to recognize receipt of funds due to contract enforcement in Port Clean Air Mitigation Fund
- Authorize Executive Officer to recognize receipt of funds paid to cover necessary South Coast AQMD administrative costs to oversee Cooperative Agreement into general fund