



June 20, 2025

Hon. Vanessa Delgado, Chair  
South Coast Air Quality Management District  
21865 Copley Drive  
Diamond Bar, California 91765-4178  
*Delivered via email*

Re: Satisfaction of CEQA Requirements in Regard to the Proposed Rule 2304

Dear Chair Delgado:

On behalf of the members of the Pacific Merchant Shipping Association (PMSA), representing ocean carriers, marine terminals, and other maritime industry interests operating on the US West Coast, I write to raise our concern with the apparent lack of consideration of the need for compliance with the California Environmental Quality Act (CEQA) in Proposed Rule 2304, the Port Indirect Source Rule (Port ISR). This concern exists with respect to both the District's current process for the adoption of the Port ISR and the District's disregard for the need for CEQA analysis under the requirements of the proposed rule.

Throughout the process of developing PR 2304, PMSA has raised the issue of CEQA compliance on multiple occasions, including in public workshops. PMSA has consistently stated that the Air District has a responsibility under CEQA to evaluate the foreseeable impacts of the proposed rule, including but not limited to construction, traffic, air quality, hazard risk assessment, etc., that today are well understood to be part of any infrastructure development that would be a necessary component of the transition to zero emissions seaport operations.

As a general principle, CEQA requires a public agency to conduct environmental review of a proposed project as early as feasible in the process. The Air District is the lead agency for the adoption of its own rule, and the time for the environmental process under CEQA is at rule adoption.

Unfortunately, District staff has responded that it does not intend to conduct a CEQA analysis that would analyze the foreseeable impacts of implementation of the rule deeming such analysis speculative. Instead, District staff has stated that such substantive analyses would come later and that its rule would somehow transfer the responsibility of CEQA compliance to the Ports of Long Beach and Los Angeles as they implement the plans required by PR 2304. PMSA disagrees with this assessment and believes that the SCAQMD cannot reasonably defer,

dismiss, or transfer by fiat or assignment to another public entity its CEQA obligations as a public agency.

Therefore, we are left with the remarkable situation that there is apparent concurrence that the CEQA analysis must be done, but the agency adopting the Rule will refuse to conduct a meaningful CEQA analysis – and rather require the agencies that are subject to the implementation of the rule to conduct such CEQA analysis on their behalf.

Even if it were lawful for the District to simply assign its CEQA responsibilities to the Ports – and under no circumstances do we concede such a point – it was clear based on the discussion at the workshop on June 17<sup>th</sup> and the text of PR 2304, that the proposed Port ISR rule does not include, consider, or provide for any timelines necessary to comply with CEQA. The PR 2304 envisions the preparation of a transition plan in two years from rule adoption. This plan must cover five source categories (ocean-going vessels, harbor craft, on-road trucks, locomotives, and cargo-handling equipment) and outline construction details down to the level of charging equipment. As an example of the level of detail the proposed plan would require, during the June 17<sup>th</sup> workshop when asked District staff responded that they “...want to see that level of detail, as well, from whatever local substation the lines and circuits that need to be brought in, to the actual charging equipment, which we want to see, as well, specified at the terminal; we want to see that information, as well.”

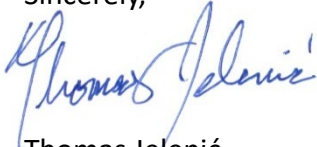
The level of detail that would be required by PR 2304 and described by SCAQMD staff will turn a collection of unconnected, individually evaluated, small projects into a single, comprehensive effort. In PMSA's view, it will be nearly impossible for the ports and their respective Board of Harbor Commissioners to approve such a plan for submission to SCAQMD, including a detailed schedule of construction, within 2 years even without CEQA compliance.

The two boards could either rely on SCAQMD's environmental review at Board adoption of the rule which apparently is not being prepared at a level that would evaluate impacts of implementation (as described by SCAQMD staff), or direct port staff to conduct their own. The ports have a long history of conducting successful, thorough, and appropriate levels of environmental analyses under CEQA. Their larger project reviews often have lengthy timescales over multiple years.

Whether or not two years is sufficient time to prepare a detailed, large-scale development plan, the two years in PR 2304 is not sufficient to complete a plan and then whatever appropriate public environmental review is required under CEQA.

Therefore, it is PMSA's belief that the PR 2304 proposal and timelines are both procedurally and substantively deficient when it comes to CEQA compliance. Procedurally, the District staff is putting itself and the Board into an impossible situation by trying to force an adoption calendar for PR 2304 by October, without preparing substantive CEQA analyses whatsoever. And, substantively, the current proposal puts the Ports in the impossible situation of complying with CEQA or complying with PR 2304, but they cannot reasonably do both.

Sincerely,

A handwritten signature in blue ink, appearing to read "Thomas Jelenić", is written over a faint, light blue printed signature line.

Thomas Jelenić  
Vice President