7. PLAN REVIEW AND ADOPTION

In order to meet Mayor Hahn’s and Councilwoman Hahn’s stated goal of NNI, specific and action-oriented goals, objectives and programs are established for each control measure. The Port will achieve cleaner air for all who live and work in the area through the implementation of Plan measures, including voluntary and mandatory compliance programs. The Port is committed to minimizing the emissions of criteria and hazardous air pollutants from existing and future operations, including the development of infrastructure or sea-based facilities/services. Air emissions inventories and emissions impact analyses have been developed, and will be maintained, to characterize air pollution emissions and impacts of Port sources.

The NNI Task Force evaluated the measures listed in the Compendium of Control Measures (Appendix B) and discussed in Section 3.2 of this document. These measures are expected to achieve significant reductions in current and future air emissions at the Port. Regulatory agencies or the Board of Harbor Commissioners have already adopted some measures, while others are recommended for further evaluation and implementation.

The Task Force considered the uncertainties and challenges that are expected in achieving NNI during the evaluation of these control measures. For example, information regarding duty cycles, emission factors, and the effectiveness of controls on marine engines is less definitive than for land-based mobile sources that have been subject to air quality regulations for many years. Furthermore, many of the proposed measures will require the cooperation and collaboration of multiple agencies on the local, state, national and international level; examples may include the formation of an international coalition of environmental agencies, shipping companies, and engine manufacturers.

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**Stakeholder Comments Received:**

**Pacific Merchant Shipping Association**

7. Plan Review and Adoption - We received this draft Section on close of business June 13, 2005. We will submit our comments by the deadline given June 16, 2005 (three working days.) Since major portions of the document have not been completed or submitted for review, including significant sections of this chapter. We recommend the entire document must be completed and submitted for review by the taskforce. Following review by the taskforce, the entire document must be submitted to a full CEQA evaluation, including alternatives.

**South Coast Air Quality Management District**

Section 7 - Plan Review and Adoption - The last sentence of third paragraph should be revised as follows since only some (not many) measures may (not will) require the cooperation and collaboration of multiple agencies:

Furthermore, some of the proposed measures may require the cooperation and collaboration of multiple agencies on the local, state, national and international level; examples may include the formation of an international coalition of environmental agencies, shipping companies, or engine manufacturers.
Rail Industry
Chapter 7 – Plan Review and Adoption - The Mayor requested “an innovative and realistic strategy” to achieve no net increase goals. As explained in our comments on Section 10, Summary and Key Recommendations, we recommend a fundamental reassessment of the assumptions which are the basis for the no net increase initiative, based upon the Task Force work to date. We request the Mayor consider, in light of the significant state and federal actions identified by the Task Force, whether local regulatory action is either advisable or necessary. We believe alternative strategies, other than a new layer of new regulations, will achieve the goal of reduced air emissions from the Port.

State and federal agencies and international bodies, with formalized administrative processes, have adopted a significant body of regulations directed at the contaminants associated with goods movement and are in the ongoing process of developing and workshopping additional air quality regulations. In fact, at least 29 of the 68 proposed measures, which form a significant basis for the achievement of emission reductions even as the volume of TEU’s passing through the Ports increases, fall into this category. Duplication or minimization of this effort should be avoided.

7.1. Plan Review and Subsequent Action
The Task Force has reviewed and approved this Plan. The Plan will be presented to Mayor James K. Hahn and his staff on June 24, 2005. As a report to the Mayor from a blue-ribbon Task Force, Plan review and subsequent action is largely at the discretion of the Mayor. It is not clear at this time what direction the Mayor will take with the Plan.

As discussed in previous sections, the Plan contains several kinds of measures: regulatory, non-regulatory industry-funded, and non-regulatory incentive-funded. The measures identified as regulatory will likely be implemented with or without further action on the Plan. Likewise those measures identified as non-regulatory industry funded (existing) are implemented through separate agreements and will likely continue with or without action on the Plan. However, in order for all or parts of the measures identified as non-regulatory incentive-funded (proposed) to be implemented, it will be necessary for the City of Los Angeles, probably through the Board of Harbor Commissioners, but perhaps also the City Council, to take action on the Plan.

Stakeholder Comments Received:

Professor Ed Avol
Section 7.1 (p72) – Based on the discussions at the previous few meetings, it seems unlikely that everybody will “approve” this report. I think the best that can be said is that all members of the Task Force had an opportunity to “review” and comment on this report...

Dave Howeckamp
Section 7.1 second paragraph, add a third sentence
However, these measures will require support and lobbying by the Port, city and community members to insure adoption by the appropriate regulatory agencies.

7.2. Plan Adoption
In order to implement any or all of the proposed non-regulatory incentive-funded measures, the Board of Harbor Commissioners will likely have to take action to fund,
condition project approval, or otherwise require implementation. Whether this comes as a complete Plan or through individual proposals is yet to be decided. The Board has previously taken action on those measures identified as existing non-regulatory incentive-funded measures and has funded at least the first year of implementation. Adoption of the Plan would be subject to the legal considerations discussed in Section 5.

Stakeholder Comments Received:

Dave Howekamp
Section 7.2 - The term “non-regulatory incentive funded” used in this section and elsewhere in the report is a little misleading in that it implies that all of the measures in this category will be incentive funded. Some will likely be accomplished by Port lease requirement or other mechanism which is still be sorted out by the LWG. A more descriptive term would be “non-regulatory port mandated or incentive funded” or something to that effect.

7.3. Plan Recalibration

The Plan will only succeed if it is regularly reviewed and updated as appropriate to reflect current circumstances. Regular monitoring and update cycles will need to be established to ensure that the goals of NNI are met and successful measures are recalibrated as appropriate.

This process would include an evaluation of measure implementation and Plan modification as necessary. This cycle is depicted in Figure 7-1. Additionally, an evaluation after the first full year of program implementation would be needed to ensure that initial program efforts succeed as anticipated. Lastly, it is seen as crucial that backstop measures be evaluated as well to provide interim feedback between the periodic Plan updates.

Figure 7-1. Recommended Cycle to Achieve and Maintain NNI

5 - Step Proposed Approach to NNI

- Current Emissions Inventory
- Increase from Planned Projects & Expected Growth
- Regulatory Measures
- Control Measures
- Compare to Baseline Emissions Inventory
- Recalculate Every 2-3 Years
Stakeholder Comments Received:

Ed Avol
Figure 7.1 – This figure is inaccurate, in that it is not necessarily a given that planned projects or port growth will result in increased emissions (for example, what if a form of project-by-project NNI or new source review is instituted?)...Additionally, forces outside of regulatory or control measures, such as a downturn in the local business climate or a redirection or change in world trade, may exert a change on port emissions.

Dave Howekamp
Section 7.3 - "...backstop measures be evaluated as well to provide interim feedback between the periodic plan updates" is unclear. What is interim feedback in this context?

As recommended by PCAC, the Port has plans to conduct a Port-wide Health Risk Assessment (HRA). This assessment, coupled with results from the newly established Port-wide air monitoring network, can be used in the future to determine the effectiveness of the Plan. Future HRAs will also be performed to provide feedback regarding resulting improvements to air quality impacts on the health of the Port’s workers and the neighboring communities.

The Port will present the findings of the evaluation of the Plan in the Annual Report to the Board of Commissioners, using a report card format indicating areas where the program is having more or less immediate impact and success. An annual stakeholder meeting will also be held to ensure that industry and public feedback remains one of the essential parts of this effort, not only through the PCAC, but also from the public at large.

7.4. Integration of Findings
The success of the Plan depends in large part on ensuring that the control measures both (1) are complied with, and (2) achieve or exceed the stated goals. To that end, the Port is working toward development of a formal mechanism to evaluate periodic success of each of the individual control measures. In April 2005 the Port entered into consulting services contracts to assist in the development of the administrative means of implementing the NNI and other air quality programs of the Port.

Stakeholder Comments Received:

Pacific Merchant Shipping Association
Section 7.6. Public Review - In order to fulfill the promise made in the early stages of the taskforce for public review, we recommend full public review in compliance with CEQA process. It is premature to recommend all the control measures until further legal, financial and implementation analyses are completed.

(June 17, 2005)
First, we have not had adequate time to review these new draft documents and reserve the right to submit additional comments at a later date. My initial comments on Section 7 Plan Review and Adoption: Why was the entire section 7.6 Public Review deleted? This was a commitment made by the Commissioners that this report would go through a public review process. Please see my comments of June 14, 2005.