

San Diego Unified Port District

CEQA and COASTAL DETERMINATIONS

Project: Installation and Implementation of an Advanced Marine Emission Control System (AMECS) at the Tenth Avenue Marine Terminal
Location(s): Tenth Avenue Marine Terminal, 850 Water Street, San Diego, CA 92101
Parcel No.(s): 020-171, 020-172, 020-173, 020-174, 020-175, 020-176, 020-177, 020-178, and 020-179
Project No.: 2018-134
Applicant: Joel Valenzuela, Port of San Diego Maritime Department, 3165 Pacific Highway, San Diego, CA 92101
Date: July 9, 2018

Project Description

The proposed project involves installation and implementation of Mitigation Measure Air Quality No. 9, identified in the December 2016 Final EIR for the Tenth Avenue Marine Terminal (TAMT) Redevelopment Plan and Demolition and Initial Rail Component Project (TAMT Final EIR), which identifies using an at-berth emission capture and/or control system (AMECS or bonnet system) to reduce vessel hoteling emissions for non-shore power equipped vessels. The bonnet system achieves emission reductions from vessels while they are at berth by attaching a funnel over the exhaust stack of the ship and then vacuuming ship-generated emissions through a duct to an Emission Treatment System (ETS), where 95% to 99% of the pollutants are removed. The bonnet system is composed of an active diesel particulate filter (DPF), selective catalytic reduction technology, and a SO₂ scrubber. The bonnet system would be located on a barge that would be capable of moving to different berths at TAMT and would not occupy any single space for more than 30-days at a time. The ETS would also capture the barge's auxiliary engines that power the emission reduction system. No vessel modification is required and the system does not affect loading / unloading operations on the terminal because the barge-based bonnet system is waterborne. The bonnet would remain next to the vessel while at berth, which would typically range between two to five days. When not in use, the bonnet system could be located at any one of the eight berths at TAMT, but would most likely be stored near Berth 10-8. No eelgrass resources are known to occur within the project area.

The bonnet system would serve non-container and other non-shore power equipped vessels calling at TAMT. Dry bulk and break bulk vessels calling at TAMT would be the primary users of this system, which tend to use berths 10-7/10-8 and 10-5/10-6. These vessel types typically operate on an inducement basis (not on a regular schedule or with predictable ports of call). They are not likely to be shore power capable and are currently not required to achieve any emission reductions under the California Air Resources Board's At-Berth Regulation. While the equipment is intended to be mobile, the barge would be primarily (although not exclusively) employed at TAMT. As such, because of the barge-based bonnet systems additional benefit of mobility, it may serve other vessels at other berths at TAMT and/or at the District's other maritime terminals.

The primary goal of the bonnet is to reduce vessel hoteling emissions, particularly in the nearby community of Barrio Logan. Based on the methods provided in the National Port Strategy Assessment published by the EPA in September 2016, the TAMT Final EIR found that when an AMECS bonnet system is applied to dry bulk and multi-purpose general cargo vessels at TAMT, it would reduce vessel hoteling emissions by 77% for NO_x, 80% for DPM, and 64%-71% for ROG. Furthermore, the TAMT Final EIR estimated that the bonnet system could help reduce

cancer risk to nearby sensitive receptors by 5 people per million in residential areas, and one person per million in nearby parks and schools, assuming that 4.6 million metric tons of cargo is handled at TAMT at plan build-out, as contemplated in the Sustainable Terminal Capacity (STC) scenario.

The following categorical determinations are based on the project submittal and all project information known to the District as of the date of this determination.

CEQA DETERMINATION

In accordance with the California Environmental Quality Act (CEQA) Statutes and Guidelines, a Final Environmental Impact Report for the Tenth Avenue Marine Terminal Redevelopment Plan (TAMT Final EIR) was certified by the Board of Port Commissioners (Board) on December 13, 2016 pursuant to Resolution No. 2016-199 (SCH #2015-031046, Clerk Document No. 65901). The TAMT Final EIR addressed the long-term redevelopment potential associated with the TAMT Redevelopment Plan, as well as the project-level improvements associated with the Demolition and Initial Rail Component. As required by CEQA, the impacts associated with mitigation measures, including Mitigation Measure Air Quality No. 9, are addressed in the TAMT Final EIR.

Since adoption and certification of the TAMT Final EIR, grant funding has been identified to help the District purchase an AMECS bonnet system, in accordance with Mitigation Measure Air Quality No. 9. Construction and operation of the bonnet system, as well as its impacts, was adequately covered in the TAMT Final EIR. Therefore, it is not a separate “project” for CEQA purposes but is a subsequent discretionary approval related to a previously approved project. (CEQA Guidelines § 15378(c); *Van de Kamps Coalition v. Board of Trustees of Los Angeles Comm. College Dist.* (2012) 206 Cal.App.4th 1036.) Accordingly, the AMECS Project is merely a step in furtherance of the original project for which environmental review was performed, and no further environmental review is required.

The proposed project complies with Section 87 of the Port Act, which allows for the establishment, improvement, and conduct of a harbor, and for the construction, reconstruction, repair, maintenance, and operation of wharves, docks, piers, slips, quays, and all other works,, buildings, facilities, utilities, structures, appliances incidental, necessary or convenient, for the promotion and accommodation of commerce and navigation. The Port Act was enacted by the California Legislature and is consistent with the Public Trust Doctrine. Consequently, the proposed project is consistent with the Public Trust Doctrine.

CALIFORNIA COASTAL ACT

PORT MASTER PLAN

The project site is located in Planning District 4, Tenth Avenue Marine Terminal, which is delineated on Precise Plan Map Figure 13 of the certified Port Master Plan. The Port Master Plan land use designations within the limits of the proposed project are Marine Related Industrial and Marine Terminal Industrial and the water use designation is Terminal Berthing Industrial. The project conforms to the certified Port Master Plan because the proposed improvements would continue to support maritime operations consistent with the existing certified land and water use designations. The project will not change the use of the site nor will it interrupt the existing conforming use of the site.

CATEGORICAL DETERMINATION

The above project involves installation and implementation of an Advanced Emission Control System (AMECS or bonnet system) in accordance with the Tenth Avenue Marine Terminal Redevelopment Plan's Final EIR Mitigation Measure Air Quality No. 9. The AMECS project includes the installation and operation of a barge-based bonnet system that would help attain vessel emission reductions identified in the TAMT Final EIR and add a health protection device for non-shore power equipped vessels, involving negligible or no expansion of use beyond that existing. The barge-based bonnet system would result in minor and temporary uses of water having negligible or no permanent effects on the environment. This project is consistent with the existing certified land and water use designations and is Categorically Excluded under the California Coastal Act Sections 8.a (4) (6), 8.c (3), and 8.d (5) of the District's *Coastal Development Permit Regulations*, as follows:

- 8.a. Existing Facilities: The operation, repair, maintenance, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that previously existing, including but not limited to:
- (4) Restoration or rehabilitation of deteriorated or damaged structures, facilities or mechanical equipment to meet current standards of health, safety, District policy, or as required by contractual conditions;
 - (6) Addition of safety or health protection devices for use during construction of, or in conjunction with, existing structures, facilities, mechanical equipment, or topographical features, including navigational devices.

AND/OR

- 8.c. New Construction or Conversion of Small Structures: Construction and location of limited numbers of new, small facilities or structures and installation of small, new equipment and facilities, involving negligible or no change of existing use of the property, including but not limited to:
- (3) Accessory structures, including, but not limited to on premise signs, small parking lots, fences, walkways, swimming pools, miscellaneous work buildings, temporary trailers, small accessory piers, minor mooring facilities, buoys, floats, pilings, or similar structures; and seasonal or temporary use items such as lifeguard towers, mobile food units, portable restrooms, or similar structures.

AND/OR

- 8.d. Minor Alterations to Land: Minor public or private alterations in the condition of land, water, and/or vegetation which not involve the removal of mature, scenic trees, including but not limited to:
- (5) Minor temporary uses of land and water having negligible or no permanent effects on the environment, including festivals, boating activities, parades, and running or bicycle events.

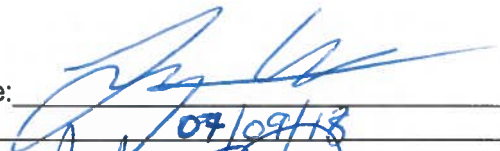
RANDA CONIGLIO
President/CEO

Determination by:
Larry Hofreiter
Program Manager
Planning and Green Port

Deputy General Counsel

Signature: _____

Date: _____


07/09/18

Signature: _____

Date: _____


7/9/18