

June 18, 2024

Ian MacMillan, Assistant Deputy Executive Officer
South Coast Air Quality Management District
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Subject: Port of Long Beach Comments on the Proposed Rule 2306 – Freight Rail Yards

Dear Mr. MacMillan:

On June 4, 2024, the South Coast Air Quality Management District (South Coast AQMD) remotely held Proposed Rule 2306 (PR 2306) – Freight Rail Yards Workshop, which provided an update on the draft Indirect Source Rule for Rail Yards. Slide 42 of the workshop presentation, dated May 31, 2024, indicates that the South Coast AQMD intends to exempt on-port switching locomotive activity from PR 2306. The slide notes that this exemption is made in Paragraph (j)(2) and in Paragraph (c)(9) within the definition of a Freight Rail Yard in the May 17, 2024 Preliminary Draft Proposed Rule 2306.

The Port of Long Beach (Port) appreciates that this exemption is intended to clarify the intended locomotive activity regulated by Proposed Rule 2306 – Rail Yards and Proposed Rule 2304 – Commercial Marine Ports. It is our understanding, pursuant to verbal discussions with South Coast AQMD staff, that the South Coast AQMD intends to regulate Port-related locomotive activity under Proposed Rule 2304 and not under Proposed Rule 2306. This important distinction must be adequately reflected in the rule language. Without clear, unambiguous language, regulated entities may be responsible for mitigating the same rail activity under both Proposed Rule 2304 and Proposed Rule 2306.

However, the exemption language as presently written does not exempt all rail activity occurring on property owned by the Ports of Long Beach and Los Angeles, and therefore, would result in rail activity that would be regulated by both PR 2304 and PR 2306. For example, Paragraph (j)(2) does not exempt Freight Rail Yards that are considered Intermodal Rail Yards under the rule. Therefore, on-dock rail activity which takes place on marine terminals is not exempted from this rule, and the marine terminal would be considered a Freight Rail Yard subject to PR 2306. If this language remains in PR 2306, the on-dock rail activity would be controlled by two South Coast AQMD rules, in addition to the California Air Resources Board's In-Use Locomotive Regulation.

To minimize an already complex regulatory landscape, the Port would like to propose modified rule language for Proposed Rule 2306. In Paragraph (j)(2), the Port proposes the following revised language:

“The City of Long Beach, the City of Los Angeles, and/or any third party under contractual operating agreement(s) with the City of Long Beach and/or the City of Los Angeles are not subject to the requirements of this rule for any of its owned or operated-Freight Rail Yards where the primary Freight Rail Yard Operations are to move cargo onto Railcars to and from docks at marine terminal(s), or move Railcars between marine terminals located within the Long Beach Harbor District or the Los Angeles Harbor District (Harbor Districts).”

We believe that by limiting the exemption to the Long Beach and Los Angeles Harbor Districts, this new language achieves the South Coast AQMD’s original goal to exempt locomotive activity at marine terminals. This language would not exempt the Dolores, Watson, or Mead Rail Yards because they are not located within the Long Beach or Los Angeles Harbor Districts. ICTF would be excluded from the proposed revision, because ICTF’s “primary Freight Rail Yard Operations” are not to move cargo onto railcars to and from the docks at marine terminals located in the Harbor Districts, or to move railcars between marine terminals located within the Harbor Districts. ICTF’s primary operations are to move containers trucked from terminals located within the Harbor Districts to ICTF for loading/unloading onto/from trains that depart to/arrive from the Alameda Corridor. Please find a reference map to the Long Beach Harbor District, as requested by the South Coast AQMD staff, attached.

Additionally, not all loading, unloading, transport, or movement of containerized or non-containerized freight at the Ports include empty containers and chassis, so the Port requests that the South Coast AQMD replace “including empty containers and chassis” with “which may include empty containers and chassis” in all locations where this language presently exists, including the “Classification Yard” and “Freight Rail Yard Operations” definitions.

The Port also requests removal of Section (i) in the rule. All local, state, and federal laws established by regulatory agencies already require compliance from regulated parties. There is no legal mandate to require local or state government agencies that contract with a party for rail services to state in the contract that the party must comply with Rule 2306. Section (i) introduces an unnecessary administrative burden to the Ports of Long Beach and Los Angeles.

Thank you for your consideration of these comments. If you have any questions about this letter, please contact Morgan Caswell, Manager of Air Quality Practices, at Morgan.Caswell@polb.com.

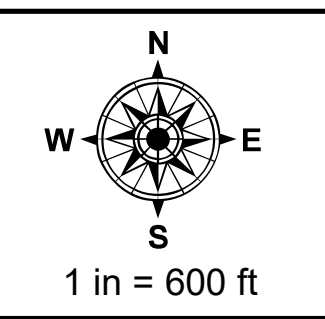
Sincerely,



James Vernon
Acting Director of Environmental Planning



 L.B.H.D. PROPERTY	 PRIVATE PROPERTY	 U.S. GOVERNMENT PROPERTY	 LEASE
 CITY OF LONG BEACH PROPERTY	 L.A.C.F.C.D. PROPERTY	 CALTRANS RIGHT-OF-WAY	 OIL SET ASIDE AREA
 JOINTLY OWNED PROPERTY POLB/POLA	 PORT OF LOS ANGELES PROPERTY		 OIL RESOLUTION AREA
 U.S. GOVERNMENT LEASE TO L.B.H.D.	 SERRF AUTHORITY PROPERTY		



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