

Notice of Decision

- Project Title:** Control Measure for Ocean-Going Vessels At Berth (**SCH# 2018082063**)
- Project Location:** Statewide
- Public Meeting Date:** August 27, 2020; Agenda Item #20-8-1
- Project Description:** The Control Measure for Ocean-Going Vessels At Berth (project) is an updated version of the California Air Resources Board's (CARB or Board) At-Berth Regulation that will supersede the existing At-Berth Regulation, as specified, and is designed to achieve further emissions reductions from vessels at berth to improve air quality in communities surrounding ports and terminals throughout California. Emission reductions will be achieved through the inclusion of new vessel categories (such as vehicle carriers and tanker vessels), new ports, and independent marine terminals, and through updated control requirements, among other provisions.

This notice is to advise that CARB, as the lead agency, approved the project, identified above, on August 27, 2020 and has made the following determinations.

CARB prepared and certified an environmental analysis (EA) for the project in accordance with the requirements of CEQA and its certified regulatory program. (Cal. Code Regs., tit. 14, §15251, subd, (d); Cal. Code Regs., tit. 17, §60004.2(c).) The EA, included as an appendix to the Staff Report prepared for the project, concluded the project may result in significant adverse environmental impacts. Suggested mitigation measures were considered and proposed as part of the EA. A mitigation reporting or monitoring plan was not adopted for this project because CARB lacks the jurisdiction to implement the suggested mitigation measures and made findings in the EA to that effect, consistent with CEQA Guidelines section 15091(a)(2). The Board made CEQA findings pursuant to section 15091 of the CEQA Guidelines and adopted a statement of overriding considerations for this project pursuant to Cal. Code Regs., tit. 17, §60004.2(c).

CARB staff prepared written responses to comments received during noticed public comment periods as well as raised during Board Hearings that raised significant environmental impacts pertaining to this project. The written responses to these comments are included in the *Response to Comments on the Draft Environmental Analysis for the Control Measure for Ocean-going Vessels At Berth* and the *Supplemental Response to Comments on the Draft Environmental Analysis for the Control Measure for Ocean-going Vessels At Berth*. Before taking final action on the project, the Board considered written responses to these comments as required by CARB's certified regulations. (Cal. Code Regs., tit. 17 § 60004.2(c)(2).)

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This is to certify that the Final EA with comments and responses and record of project approval is available to the general public at the following locations:
<https://ww2.arb.ca.gov/rulemaking/2019/ogvatberth2019>

California Air Resources Board
Attn: Board Administration and Regulatory Coordination Unit
1001 I Street
Sacramento, CA 95814

Certified: *Nicole Haven*
CARB CEQA Unit

Date: 08/28/2020