

Sustainable Supply Chain Advisory Committee
Recommendation for Zero Emission Fueling Infrastructure Permit Readiness
May 2022

The San Pedro Bay Ports Sustainable Supply Chain Advisory Committee (SSCAC, or Committee) submits the following recommendation to assist in the development of policies to reduce air pollution and greenhouse gas emissions at the San Pedro Bay Ports to the Mayor of Long Beach, Robert Garcia; the Mayor of Los Angeles, Eric Garcetti; the Executive Director for the Port of Long Beach, Mario Cordero; and the Executive Director for the Port of Los Angeles, Gene Seroka.

This recommendation is made in alignment with previous SSCAC recommendations made in support of the joint ports' Clean Air Action Plan (CAAP) for achieving emissions reductions across the San Pedro Bay Port (SPBP) complex.

Committee Research and Findings

The emission reduction goals outlined under the CAAP will require the installation and expansion of fueling infrastructure that is relatively new to the ports and the city authorities responsible for their permitting and use. The designs and construction plans for installing and operating such infrastructure are site-specific, and regulated by processes established by various local, state, and national codes, standards, and ordinances. Existing protocols require plans be submitted to local permitting agencies for approval. In the cities of Los Angeles and Long Beach, plans are submitted to each city's respective Department of Building and Safety. Copies of the plans are then routed to the Public Works Department, Department of Utility Services, and Fire Department in Long Beach, and to the Bureau of Engineering, Department of Water and Power, and Fire Department in Los Angeles. Within each of these respective departments that are responsible for reviewing and approving the plans, the individual responsible for enforcing the requirements of the applicable codes and standards is the Authority Having Jurisdiction (AHJ). After giving initial approval, the AHJ remains involved in the project to make inspections during construction and to issue the final permits.

During the design and permit submittal process, applicants frequently encounter delays during the plan check review as well as during the final approval stages. Few jurisdictions have extensive, if any, experience with the applicable codes, standards, and regulations related to the development and implementation of hydrogen fueling, battery electric charging infrastructure, and/or other zero emission fueling technology that may come in the future. Given the lack of experience with such projects, many AHJs - including local fire, building, and safety departments - may take additional time in their review and approval process as they seek to learn about the subject technologies and applicable codes and safety standards.

Marine terminal operators (MTOs) at the Ports of Los Angeles and Long Beach that have or are pursuing projects in support of the CAAP goals have consistently encountered delays during the infrastructure design, permitting and commissioning, and approval stages. This adds to project

implementation timelines and project costs, both of which will prevent accelerated adoption of the CAAP and recognition of the important emission reductions that come with such action.

Some local governments and utilities in the U.S. have taken steps to proactively address the challenges described above. For example, in 2020, New York State released a Battery Energy Storage System Guidebook that included a Uniform Fire Prevention and Building Code along with a submission requirements checklist. In 2015, California's Assembly Bill (AB) 1236 mandated that all cities and counties hasten the approval process for electric vehicle charging stations (EVCS). The rule was subsequently reinforced by AB 970, which established review timelines by project size and limited the focus of a review to a project's health and safety requirements. Complying with these rules, which take effect in 2022 (for populations >200,00 residents) and 2023 (for populations <200,000 residents), requires focused and specific support from local government entities.

Committee Recommendation for Port Action

To facilitate the necessary permit approvals required for the fueling infrastructure required to support the implementation of the CAAP goals, and to ensure compliance with AB 1236 and AB 970, the Committee recommends that the Mayor of Los Angeles and the Mayor of Long Beach direct the applicable AHJs within their city departments to develop a set of procedures and guidance documents to assist in the efficient and proficient permit review of such infrastructure. Furthermore, the SSCAC recommends that the City of Los Angeles and the City of Long Beach form a multidisciplinary task force composed of city engineers, fire safety officials, providers and workforces familiar with clean fuels and technologies to guide the AHJs on the following tasks:

- (1) Develop a checklist of all codes, standards, and ordinances relevant to approval of hydrogen fueling and battery electric charging infrastructure projects.
- (2) Create an easily accessible guidance document which describes the permit submittal, review, and approval processes to help engage project owners/applicants in a clear, efficient, and transparent working relationship to ensure all appropriate and necessary steps are taken.
- (3) Evaluate and update existing performance standards within their departments and implement procedural changes recommended by the task force to ensure a consistent level of service from all AHJs and their staff. This includes but is not limited to ensuring that project application review teams are sufficiently staffed, and that all staff are appropriately trained.
- (4) Identify funding opportunities for the above-described measures, including developing training materials and recruiting new staff.

To limit unnecessary delays to the review and approval of the activities needed to implement the aggressive CAAP goals and ensure timely compliance with AB 1236 and AB 970, it is important that these steps be implemented as soon as possible. The development of the

recommended checklists and guidance documents, and training of AHJs and supporting personnel, will take time. Cities and their respective AHJs need to be prepared in advance of the increased number of project applications that will be prepared and submitted in the near term. Implementation of this recommendation should therefore begin in the third quarter of 2022.

For avoidance of doubt, this recommendation does not propose, suggest, or imply that steps in the permitting process be skipped, nor that any of the applicable jurisdictions or reviewing agencies be eliminated or bypassed. In fact, the opposite is true. The purpose of this recommendation is to support the development of a clear and specific series of actions that will guarantee that all applicable codes, safety standards, and ordinances are fully applied to the review of every project in a uniform manner and that no steps are skipped, bypassed, or hastily reviewed, thereby ensuring the safety of project operations to the greatest extent possible. The recommendation seeks to ensure that reviewing agencies are appropriately staffed, trained, and knowledgeable on the codes, standards and ordinances that must be applied so that their reviews are full, correct, and efficient.