

Environment and Energy

Seaports strive to be good neighbors by helping to protect habitat, reduce air emissions, and guard water quality to ensure the health of coastal communities and ecosystems. Many of these improvements relate to alternative energy use, and ensuring sustainability of new energy technologies and fuels.

Diesel Emissions Reduction Grants

While trade yields tremendous economic benefits for the port community, as well as for local, state and federal governments, it can impact the air quality in and around port communities. Reducing air emissions continues to be a high priority for ports, especially in areas where a port plans to expand, is located in a National Ambient Air Quality Standards non-attainment area, or is close to residential communities.

A critical voluntary grant program to help address these issues is the Environmental Protection Agency's (EPA) Diesel Emissions Reduction Act (DERA) grants. Diesel engines are often in use in port operations in vessels, trucks, yard equipment, cranes and train locomotives that transport our nation's imports and exports.

DERA, authorized by Congress in 2005 as part of the Energy Policy Act, is part of EPA's Clean Diesel Campaign. DERA grants include technologies such as emissions and idle control devices, aerodynamic equipment, engine and vehicle replacements, and alternative fuel options. As stipulated in DERA legislation, 70 percent of DERA funds are to be used for national competitive grants, with the remaining 30 percent allocated to the states.

Ports use these grants through a variety of programs including the Clean Truck programs, retrofitting or replacing yard equipment, installing shore power for vessels at docks, and retrofitting dredges and tugs. Port projects are truly multimodal; making improvements in highway, dock, water and rail emissions.

Funding for this program must continue through a reauthorization of the law in 2017 and annual appropriations of \$100 million per year. AAPA supports enactment of H.R. 3107 and S. 1447.

The current funding level is only \$60 million, 40 percent less than the authorized level. The President's proposal for FY 2019 is only \$10 million, which would result in a significant cut. AAPA strongly supports a funding level of \$100 million for this program. DERA is not only important for air quality, but it creates numerous U.S. jobs, as many of the diesel equipment manufacturers assemble this equipment in the United States. AAPA also calls for EPA to increase the number of verified technologies available for non-road marine and locomotive engines.

The program overall helps to improve air quality at the nation's ports, schools, construction sites, highways, and railyards. EPA estimates that for every \$1 in federal assistance another \$3 in non-federal matching funds are leveraged from private, state and local sectors and generates \$5 to \$21 in health and economic benefits.

Sustainability and Energy Use

Ports have made and will continue to look for ways to improve the sustainability of port operations. In the environmental arena this has often included use of alternative energy. Ports are encouraging use of and developing programs to employ alternative fuels, such as electricity, fuel cells, solar power, wind energy, and more recently, liquid natural gas (LNG). While this can result in significant improvement in air quality and less reliance on traditional energy, there

is concern regarding the infrastructure needed to sustain these alternatives once the technology is employed.

Issues of concern include electric grid sustainability and ability to access energy in times of an emergency (terrorist, man-made or natural disasters). **AAPA encourages greater federal focus on the ability of ports to play a role in the nation's energy efficiency program.**

Ports find value in federal incentives for replacing and improving outdoor lighting, installing energy efficient roofing and HVAC equipment, installing solar and wind energy systems, and installing alternative energy systems (e.g., electric and LNG) for trucks, vessels and trains. Regarding sustainability in times of crisis, AAPA encourages federal programs to allow grants to be used for energy sustainability at ports.

Ballast Water

AAPA supports a strong ballast water management program to reduce the risk of invasive species in our navigable waterways. Currently, both EPA and the U.S. Coast Guard have regulations in place through two different statutes, and they are not fully consistent regarding compliance. AAPA calls for a uniform federal program, including pre-emption of varying state laws. Widely varying state requirements for the operation of vessels involved in international or interstate trade can adversely affect the competitiveness of the U.S. port industry and create compliance challenges for the commercial shipping industry. **AAPA supports passage of the Vessel Incidental Discharge Act (VIDA) in the 115th Congress.**

National Estuary Program

AAPA supports continued funding for the Environmental Protection Agency's National Estuary Program (NEP), which has been slated for elimination by the Trump Administration. NEP is an EPA place-based program to protect and restore the water quality and ecological integrity of estuaries of national significance. Currently, 28 estuaries located along the Atlantic, Gulf, and Pacific coasts and in Puerto

Rico are designated as estuaries of national significance. Each NEP focuses within a study area that includes the estuary and surrounding watershed. NEPs are an essential partner for port authorities in terms of environmental sustainability of the bays and ecosystems that are within or adjacent to ports. NEPs provide education and awareness that is important for non-regulatory and voluntary programs that are supported and implemented locally.

Ocean Health and Planning

Ports rely on the oceans as water transportation routes for vessels transporting goods to and from this nation. Ports share this resource with other stakeholders – fish and ocean creatures, fishermen, wind energy companies, sportsmen and tourists. AAPA will continue to monitor and participate in activities related to the National Ocean Policy, including ensuring the protection of navigation and working waterfronts. AAPA is also supportive of EPA's National Estuary Program (NEP), which is composed of 28 individual programs. NEPs are essential partners for port authorities in terms of environmental sustainability of bays and ecosystems that are within or adjacent to ports. Public ports are encouraged to participate in regional planning bodies to ensure port interests are well represented in regional plans.

Stormwater Runoff

Ports are subject to federal, state and local stormwater requirements to manage the water runoff from their facilities. Under federal law, transportation facilities must either obtain National Pollutant Discharge Elimination System (NPDES) permit coverage (often managed at the state level) or submit a no-exposure certification form for stormwater associated with their operations. If new construction is planned, a separate stormwater permit is needed.

AAPA would like to ensure that all EPA regions are consistent in carrying out federal laws, including interpretation of the law in relation to enforcement actions. AAPA would also like to see more research into the types of contaminants at ports that are of concern and ways to mitigate or treat this pollution.

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