



August 31, 2023

San Diego Unified Port District  
Scott Vurbeff  
Development Services Department  
3165 Pacific Highway, San Diego, CA 92101

Dear Mr. Vurbeff,

The San Diego County Air Pollution Control District (SDAPCD) appreciates the information provided by the San Diego Unified Port District (District) in response to its comments<sup>1</sup> on the Environmental Impact Report (EIR)<sup>2</sup> prepared for the Floating Dry Dock Replacement and Waterfront Improvement Project (project) at the General Dynamics-NASSCO shipyard.

The construction equipment and operations discussed in the EIR include diesel generators, which will be subject to SDAPCD permitting requirements and Rule 1200 *Toxic Air Contaminants - New Source Review*<sup>3</sup>. Section 3.1.4.2 of the EIR, *Thresholds of Significance*, reports the use of the maximum incremental cancer risk (MICR) threshold of 10 in one million. This threshold, which is modeled after SDAPCD's Rule 1200, requires a project to be equipped with Toxic Best Available Control Technology (T-BACT) if it poses a cancer risk of 10 in one million or above. The EIR justifies the use of the 10 in one million threshold by stating: "Because various Toxics BACTs are in place at the Port—including CARB rules on vessels, shore power, and drayage trucks—the MICR of 10 in 1 million is utilized herein." Table 3.1-11 of the EIR (also included below) thus reports that the residential cancer risk of 7.98 in one million does not exceed the threshold.

**Table 3.1-11 Estimate of Health Risk During Construction**

Receptor Type	Cancer	Chronic Hazard	Acute Hazard
Residential	7.98	<0.1	<0.1
Park	0.08	<0.1	<0.1
School	1.76	<0.1	<0.1
Threshold Level	10	1.0	1.0
Exceed Threshold?	No	No	No

Source: Modeling by Ascent Environmental 2023

Notes: Emissions may not add up due to rounding. Emission estimates do not account for Tier 4 (final) equipment, which will be made a condition of the CDP.

However, Rule 1200 only applies to stationary sources of air pollution, which does not include marine vessels, trucks, or off-road vehicles or equipment, and thus T-BACT is not a regulatory concept applied

<sup>1</sup> [APCD NASSCO Dry Dock5-31-22.pdf \(sdapcd.org\)](#), [NASSCO EIR SDAPCD Comments6-2-23.pdf](#)

<sup>2</sup> [NASSCO-FEIR-Vol-1-Web.pdf \(windows.net\)](#)

<sup>3</sup> [Rule 1200 - Toxic Air Contaminants-New Source Review \(02/26/2021\) \(sdapcd.org\)](#)

to those types of sources. Furthermore, the EIR and Coastal Development Permit (CDP) do not require T-BACT for the stationary sources which are part of the project. Without more information, it is not clear to the SDAPCD that the diesel generators will require T-BACT pursuant to the requirements of Rule 1200. As a result, the SDAPCD respectfully requests that the District add a condition to the CDP to require compliance with T-BACT for all diesel generators which are part of this project and subject to SDAPCD permitting requirements.

We appreciate your consideration of our comments. If you have any questions about this letter, please contact Mahiany Luther at [mahiany.luther@sdapcd.org](mailto:mahiany.luther@sdapcd.org).

Sincerely,

Paula Forbis  
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San Diego County Air Pollution Control District  
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