

Date: June 27, 2007

To: Attendees, June 11, 2007 Port of Oakland Maritime Air Quality Plan Task Force Meeting

From: Scott McCreary and Jon Mires, CONCUR, Inc.

Re: Key Outcomes Memorandum – June 11, 2007 Port of Oakland Maritime Air Quality Improvement Plan Task Force Meeting

I. Meeting Participants

The meeting was convened at the West Oakland Senior Center by the Port of Oakland and the Port of Oakland's Maritime Air Quality Improvement Plan Co-Chairs:

- Omar Benjamin, Executive Director, Port of Oakland
- Jack Broadbent, Executive Officer, Bay Area Air Quality Management District (Co-Chair alternate Jean Roggenkamp represented the Air District on Jack Broadbent's behalf)
- Margaret Gordon, Co-Chair, West Oakland Environmental Indicators Project

Twenty-nine (29) Task Force members were in attendance, along with several alternates. Approximately 35 members of the public also attended the meeting, including Port Commissioner David Kramer, who attended as an audience member.

The facilitation team included Scott McCreary, Jon Mires, and Amy LeBlanc of CONCUR, Inc. Also serving on the facilitation team were Laurel Marcus and Sharon Marchetti of Laurel Marcus and Associates.

II. Materials and Acronyms Referenced in this Document

Meeting Materials:

Materials referenced in this document, including the Compendium of PowerPoint Slides and all meeting handouts, are available on both the Port of Oakland and CONCUR websites:

- CONCUR website: <http://www.concurinc.com/portofoakland/>
- Port of Oakland website: http://www.portofoakland.com/environm/prog_04c.asp

Acronyms and Abbreviations:

Several acronyms and abbreviations are used throughout this document:

TF	Task Force (Port of Oakland Maritime Air Quality Task Force)
MAQIP	Maritime Air Quality Improvement Plan
BAAQMD	Bay Area Air Quality Management District
ARB	Air Resources Board
EPA	Environmental Protection Agency
CEQA	California Environmental Quality Act

III. Key Points of Discussion and Presentation (keyed to the order of agenda items)

A. Task Force, Port, BAAQMD, Technical Consultant, and Facilitator Roles

Task Force Co-Chairs welcomed Task Force members, alternates, and members of the public. Omar Benjamin asked for creativity from Task Force members and for people to “come to the middle” to create a practical Plan. Margaret Gordon expressed her desire for the Plan to be tailored to the needs of West Oakland residents, as well as her hope that the April 2006 Air Resources Board resolution be used as a framework for the Plan. Jean Roggenkamp, speaking on behalf of Co-Chair Jack Broadbent, stated that the BAAQMD’s dual goals of improving air quality and public health in the region tie in to the Port’s effort to create a MAQIP, and that the BAAQMD is glad to be a part of the process.

Co-Chair Omar Benjamin and CONCUR presented a summary of the respective roles and responsibilities of participants in the MAQIP process (refer to slides #5-15 of the Compendium of PowerPoint slides).

Several TF members sought clarifications and made suggestions about the MAQIP process:

Clarifications and Informational Items:

- Delphine Prévost of the Port of Oakland Social Responsibility Division was introduced as the Project Manager for the MAQIP. She described her role as managing both the public involvement process and the Port technical consultants’ work.
- Omar Benjamin outlined the intended process for submitting the MAQIP to the Port Commission. The intent is for the Task Force to seek consensus on the Plan before the accompanying Staff Report is produced. As the Plan is being developed, there will be ample opportunity for comment on the Plan before the Port Commission takes action. If Port staff have views that diverge from the TF, these divergent views will be explicitly noted in the Staff Report and recommendation.
- Delphine Prévost stated that the MAQIP is expected to be exempt from CEQA, either categorically or statutorily. However, it is possible that potential control measures of the Plan would be subject to CEQA if and when implemented.
- Carolyn Suer of the ARB noted that agency staff will attend meetings and offer assistance to the Task Force, but are not serving on the Task Force because they see strong public agency representation through staff of the BAAQMD and EPA.

Suggestions:

- Co-Chair Margaret Gordon requested that a glossary of frequently used terms and acronyms be compiled and distributed. A first cut glossary can be posted on the web site and distributed to Task Force members in a few weeks time, to be updated as new terms are “coined” and used in building the Plan.

B. Ground Rules

After a review of the Proposed Ground Rules, the Port Task Force adopted the Ground Rules with four revisions. (See slide #16 of the Compendium of PowerPoint Presentation Slides, as well as the Proposed Ground Rules.) Revisions addressed coordination of alternates, suggesting agenda topics for future meetings, providing meeting materials ahead of time, and directing media inquiries in the short term.

CONCUR noted that the Task Force may revise the Ground Rules if members feel they are not serving the MAQIP process.

Adopted Task Force Ground Rules are available on the CONCUR website at <http://www.concurinc.com/portofoakland/> and the Port of Oakland website at http://www.portofoakland.com/environm/prog_04c.asp.

C. Regulatory Developments and Planning Schedule

Till Stoeckenius of ENVIRON (technical consultant to the Port) presented a summary of Port emissions sources. He also presented background information on current and pending regulations affecting Port operations. (Refer to slides #17-27 of the Compendium of PowerPoint Presentation Slides, as well as the "Summary of Existing and Upcoming Regulations...", included in the packet of Draft Documents Prepared by the Port of Oakland.)

Several TF members raised questions, observations, and suggestions regarding the relationship of regulations to the MAQIP and the human health impacts of emissions presented:

Observations and Suggestions:

- The regulations will be the minimum requirements; the MAQIP could go above and beyond what the regulations require.
- The exposure levels should be reported relative to exposure on the ground where people live rather than high up in the air.
- The BAAQMD is developing a regulatory program called the Green Ports Initiative that will impact the seaports in the region. The MAQIP should be coordinated with this program to the extent possible.

Questions:

- How will the summary of regulations be used in the planning process? Is the document intended to be a framework for the MAQIP? (Omar Benjamin noted that the summary of regulations is one tool in the planning process, available as a resource for stakeholders in their deliberations. The facilitation team also noted that it would be useful to agendize an in-depth discussion of the status of these regulations.)
- What are the human and public health impacts of the emission levels?
- Will there be an opportunity to question the assumptions underlying the emissions levels?

The Port and Co-Chairs will consider these questions and comments before the next Task Force meeting.

Planning Phases and Schedule

Delphine Prévost presented a summary of the planning phases and the anticipated planning schedule. (Refer to slides #28-33 of the Compendium of PowerPoint Presentation Slides, as well as the "Key Milestones", included in the packet of Draft Documents Prepared by the Port of Oakland.)

Presentation of the planning phases prompted a robust discussion of the schedule and proposed agenda items. Key clarifications and suggestions included:

Clarifications and Informational Items:

- Delphine Prévost stated that the Table of Contents would lay out Plan pieces as section headings, with details to be filled in through TF deliberation. She also indicated that a draft or sample Table of Contents would be available in advance of the next meeting.

- In response to a question about the MAQIP planning schedule relative to related efforts by the ARB and BAAQMD, Carolyn Suer of the ARB and Jean Roggenkamp of the BAAQMD provided the following updates on anticipated timing:
 - a. ARB Human Health Risk Assessment: A draft is expected in mid- to late-October of 2007, with a final report in November 2007.
 - b. ARB Draft Emissions Inventory: A public meeting on the draft is expected in July 2007.
 - c. BAAQMD Green Ports Initiative: The BAAQMD is intending to develop the initiative through a public process this year, with adoption in the first quarter of 2008.

Suggestions:

- Several TF members suggested agendizing the Public Health component of the planning process within the planning schedule, with some recommending a full TF meeting devoted to Public Health.
- TF members also noted that groups such as the West Oakland Environmental Indicators Project have proposed strategies that may be applicable to the MAQIP. It was suggested that these potential actions be compiled for consideration considered by the Task Force.

D. Draft Guiding Principles and Planning Goals

CONCUR introduced the draft guiding principles and explained that their intended purpose is to articulate values that will drive the planning process. The aim at this meeting was to take comments to inform potential revisions to this document. Port staff will prepare revised version will be brought back for final deliberation and adoption at the August 2007 meeting.

Summary of suggested revisions to Draft Guiding Principles:

1. "Seek Economic Growth": It was suggested that "potentially adverse environmental impacts" be revised to "adverse environmental and public health impacts" and that "grow in a fiscally responsible manner" be changed to "grow in a fiscally, socially, and environmentally responsible manner."
2. "Promote Environmental Stewardship": A suggestion was made to recast "minimize adverse impacts" to "eliminate adverse impacts" – TF members weighed in on both sides of this suggested revision. Some suggested that eliminating adverse impacts entirely is not feasible and others noted that a bold, ambitious statement would set the tone for an innovative planning process.
3. "Apply Concept of "Fair Share"": A suggested revision is to recast "all companies engaged in goods movement" to "all companies engaged in and benefiting from goods movement." TF members also had suggestions about what "fair share" should mean in the MAQIP context:
 - a. Fair share should be applied to level of engagement and taking action as well as financial resources.
 - b. Fair share should be considered relative to both cost and benefit impacts.
4. "Exercise Authority": A suggested revision is to replace "achieve air quality improvement" with "maximize air quality improvement". The suggestion was also made to include language specifically mentioning "lease requirements" and "incentives" in this guiding principle.

TF members queried how developing "voluntary partnerships or agreements" fits in the context of exercising authority. Omar Benjamin explained that voluntary solutions are the preferred approach unless there are existing regulations or other legal mechanisms, and that there are some instances in which the Port does not have control over emission sources and would need to pursue voluntary measures.

5. “Engage Stakeholders”: A suggestion is to recast “neighboring residents” to “neighboring impacted residents.” Another suggested revision is to add the term “workers” in addition to “labor.”

TF members also suggested that this principle be more specific about how those stakeholders most adversely impacted will be included in Plan development.

6. “Promote Environmental Justice”: TF members commented that this principle should be elevated in importance and expressed in a more robust level of detail. The suggestion was made to amplify the wording by including text describing Environmental Justice principles. It was also suggested that this guiding principle would be more prominent if it were higher on the list.

7. “Build Knowledge”: A suggested revision is to change “available information, science, and technology” to “available evidence, information, science, and technology.”

Several TF members suggested adding a new Guiding Principle to reference public health, such as “Promote Public Health”.

Discussion of Draft Planning Goals:

Planning goals are intended to be broad, easily understood statements that describe the desired outcomes of the planning process. TF members engaged in a spirited discussion of planning goals, with the purpose of elaborating and expanding on the Draft Goals.

The comments made will be digested and used to create a revised set of goals for adoption at the August 2007 meeting. Key discussion points regarding planning goals included:

1. Some of the goals are “goals for goals” - they state the aim of defining an element of the Plan rather than defining the content of a goal. Delphine Prévost noted that the geographic scope (Goal 1) was defined at the April 10 meeting to be the Port of Oakland Maritime Operations Area and West Oakland (defined geographically as the “3 freeway” area bounded by I-880, I-980, and I-580).

2. There was robust discussion of including a “Quality of Life” goal to reflect the public health element as well as the interests of workers. Some expressed the view that quality of life considerations are important, and might make sense through a statement in the Guiding Principles or Goals. Others stated that quality of life issues are very different and far broader than emissions or performance standards over which the Port has control and should be outside the Task Force’s consideration.

3. The suggestion was made that the goals be expressed as a measurable set of objectives before considering air quality measures.

4. The suggestion was made to including funding strategies in addition to implementation, monitoring, and reporting strategies in Goal #6.

5. There was robust discussion of the merits of adding the goal “Use Alternative Fuels.” Some TF members felt that this was too prescriptive an approach for a broad goal statement. Others felt that this type of goal might influence market demand for alternative fuels and could help support the state effort to reduce carbon content.

6. TF members also identified several additional candidate ideas to reflect in the planning goals:

- Use cutting edge technologies.
- Include margins of safety for navigation and operations on land.
- Use best business practices and Information Technology.
- Set reduction targets, allow for different methods to achieve them.
- “Mitigation” and “integration” are two key concepts to reflect in the goals.

TF members also commented that the guiding principles and goals should be revised in parallel so that they are internally consistent with each other and project the same overall vision for the Plan.

The facilitation team noted a desire on the part of TF members for a clearer statement as to about how the various “conceptual building blocks” introduced at the meeting (Guiding Principles, Goals, Parameters, Evaluation and Screening Criteria) fit together and guide the planning process.

Parameters of the MAQIP

Delphine Prévost presented a summary of the Parameters of the MAQIP. The Parameters were presented as an informational item to set boundaries on the scope of the MAQIP process. (Refer to slide #40 of the Compendium of PowerPoint Presentation Slides, as well as the “Goals and Parameters of the MAQIP”, included in the packet of Draft Documents Prepared by the Port of Oakland.)

Several TF members posed clarifying questions following the presentation:

1. Who will assess whether potential control measures in the MAQIP need to be replaced?
2. Is this Plan intended to be submitted as a local/regional compliance plan under the provision in the Emission Reduction Plan? If so, it would make sense to add a parameter to that effect.
3. The “Oversight and Funding” section of the Goods Movement Action Plan list 3 criteria for evaluating I-Bond projects. Will the MAQIP seek to go through these 3 “hoops” with potential control measures?

(Note: Delphine Prévost asked the individuals posing the above three questions to follow up with her for more detailed responses. Those responses will be distributed to all TF members.)

There was also a request for clarification about the last parameter, referencing the possible regulatory requirement to file an air quality plan. It was noted that the BAAQMD is developing a regulatory program that will require the seaports in the region to file an air quality plan. Because the specifics of the regulation are not yet determined, it is possible that the MAQIP will be the vehicle for submitting the Port of Oakland’s plan, or that an alternate plan will need to be filed to meet the regulatory requirements.

E. Screening and Evaluation Criteria: Discussion

Delphine Prévost introduced the intent of “Screening Criteria” (which will be used to determine which potential measures are included in the MAQIP) as distinct from Evaluation Criteria (which will be applied as a second filter to prioritize potential measures within the MAQIP). Both Screening and Evaluation Criteria will be applied to potential air quality measures to create a “short list” of potential measures for the MAQIP.

(Refer to slides #41 - #42 of the Compendium of PowerPoint Presentation Slides, as well as the “Screening Criteria” and “Evaluation Criteria” documents, included in the packet of Draft Documents Prepared by the Port of Oakland.)

Some TF members stated that they would have difficulty ranking criteria without first clarifying the Guiding Principles, Goals, and potential control measures. Others noted that it is conceptually difficult to rank items that are not well defined. Another suggestion was to add “Justice” and “Equity” criteria before engaging in a first-cut ranking. Omar Benjamin suggested that, given the time needed to cover the agenda items, further discussion and ranking of screening criteria be agendaized for the August meeting.

F. Additional Comments

Following the meeting, CONCUR received detailed written comments from Task Force alternate Dr. James Fine, which are included in a separate document.

IV. Summary of Next Steps

Responsible Party	Action	Due Date
Action items from the meeting		
CONCUR	• Distribute Key Outcomes Memorandum and adopted Task Force Ground Rules	Week of June 25
Port	• Based on comments made, revise: <ul style="list-style-type: none"> ○ Draft Guiding Principles ○ Draft Goals 	Aug 7
Port	• Distribute revised Guiding Principles and Goals to Task Force members, for adoption at Aug 14 meeting	Aug 7
Port	• Post sample outlines of other air quality plans as tools for Task Force members	Week of July 2
Task Force members	• Notify Delphine Prévost of your confirmed alternate (with contact information) to dprevost@portoakland.com or 510-627-1141	By June 29
Co-Chairs and CONCUR	• Create initial version of glossary • Post glossary to websites and distribute to Task Force members	By Aug 14 By Aug 14
Additional Key Next Steps in the MAQIP Development Process		
Port Technical Consultants	• Develop Draft Table of Contents • Develop draft list of potential control measures	By Aug 1 By Aug 1
CONCUR and Task Force Members	• Form a Work Team to compile and digest potential “Source Documents” that contain recommendations or potential measures applicable to the MAQIP	Weeks of July 9 – July 30
Task Force Members	• Prepare for Aug 14 meeting by reading available materials in advance of the meeting	By Aug 7

The Next Meeting

The next meeting is scheduled for August 14, 2007. The meeting is tentatively set for 1:00pm – 7:00pm, with lunch to be served from 12:00pm – 1:00pm. The location will be announced once a venue is reserved.

Proposed meeting topics for August 14:

Review and adopt Guiding Principles
Review and adopt planning Goals
Review Draft Table of Contents
Review planning horizon and pollutants to be addressed
Refine and rank first cut Screening & Evaluation Criteria
Develop list of potential control measures for screening