

Date: July 8, 2008

To: Attendees of June 19, 2008 Port of Oakland Maritime Air Quality Improvement Plan Task Force Meeting

From: Scott McCreary, Becky Tuden and Rebecca Bryson, CONCUR, Inc.

Re: Key Outcomes Memorandum – June 19, 2008, Port of Oakland Maritime Air Quality Improvement Plan (MAQIP) Task Force Meeting

Below is a summary of the June 19, 2008, MAQIP Task Force Meeting. This summary provides a listing of the primary issues raised during the discussion. It is not intended to serve as a meeting transcript.

I. BACKGROUND:

This seventh meeting of the MAQIP Task Force was convened at the West Oakland Public Library in Oakland. Over 65 Task Force members and their alternates attended the meeting, as well as the Port of Oakland (Port), California Air Resources Board (CARB), and Bay Area Air Quality Management District (BAAQMD) staff, Environmental Protection Agency (EPA), environmental and community group, industry representatives, Port technical consultants, and interested members of the public. The meeting was facilitated by CONCUR, Inc.

All meeting materials and handouts referenced in this document are available on both the CONCUR and Port of Oakland websites:

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

II. BRIEFINGS AND UPDATES:

Scott McCreary of CONCUR briefly opened the meeting by reviewing the agenda and meeting objective. Jean Roggenkamp of BAAQMD then gave a brief overview of the accomplishments of interagency group since the January 30, 2008, Task Force meeting and its future focus. She also explained that the group had developed a second matrix of funding opportunities and asked the Task Force members to review the matrix and provide comments, suggestions, and/or additional information as appropriate.

III. KEY PRESENTATION ITEMS:

Draft MAQIP Plan Review (Port)

Richard Sinkoff, Director, Division of Environmental Programs and Planning (Port) and Anne Whittington, Port Environmental Supervisor (Port) then gave an overview of the draft MAQIP document. Richard acknowledged all the hard work that has gone into the Plan, and especially the work of Anne Whittington, who was assigned as the Project Manager after the January 30, 2008, meeting. He stressed that, in the 4-5 months since the January 30, 2008, meeting, the Port has had several meetings with various stakeholder groups and is committed to continued meaningful public input. He then kicked off the discussion of the document itself by explaining how the MAQIP fits into the overall Port organization structure, programs and projects. Anne Whittington then reviewed the various components of the Plan. She noted that the key

chapters were 8-10. Chapter 8 shows the linkage between initiatives from MAQIP Task Force deliberations and the Port's programs and projects. Chapter 9 focuses on implementation. It includes both a diagram of how current projects get selected and an organization chart of the Port to show how the Port will organize itself to implement the various projects. Finally, Anne reviewed Chapter 10, the monitoring and reporting section.

Richard then reviewed Chapter 11 and next steps. He pointed out a diagram with the timeframe for public review of the draft, incorporation of comments/finalization of the document and Board consideration and action. Phase I is the public comment phase and that 30 day period will end at 5:00 pm on Monday, July 14, 2008. A comment sheet is available in the front of the binder if Task Force members would like to use that format. The next phase will be about 11 weeks long – due to vacations in August etc. – with a target of having a Final Draft MAQIP document by mid- to end-September. Finally, the Port Commissioners' consideration and action will occur in the October/November 2008 period, including an open forum for discussion and comment by the Maritime Stakeholder Group. Richard acknowledged the brevity of the review time prior to this meeting, but noted that due to scheduling considerations and a strong interest in keeping momentum going on the MAQIP document and related activities, it was deemed important to proceed with the June 19, 2008, Task Force meeting as an opportunity to walk through the plan, elicit early comments and provide for a face-to-face check-in.

Key questions and follow-up items:

- Commissioner Gordon asked Port staff to develop a clear statement about the staffing requirements to implement the MAQIP. She suggested that this be a high priority in terms of accountability and transparency. Richard Sinkoff acknowledged that developing a staffing plan is critical and will be a key part of the work program.
- A Task Force member asked about the monitoring requirements for regulatory compliance. He noted that each agency will be requiring monitoring as part of its regulations. He requested agency sharing of this monitoring information so time is not wasted on duplicate efforts. Anne noted that she was not sure how much regulatory information could be shared but that she would pursue the possibility of getting summary versions so that Task Force members could stay informed about the status of the various initiatives. In terms of the enforcement of regulatory requirements, Anne noted that the Port will do everything in its power to support agencies and business partners on enforcement authority and responsibilities.
- Another task force member asked if the written comments that the Port receives would be made publicly available. Port staff agreed that comments would be posted electronically. There was also some discussion of how the Port would respond to comments. Port staff indicated that they are most likely to prepare a consolidated summary response to key themes. They do not anticipate using a CEQA-like approach of responding to each individual comment.
- Another task force member expressed concern about having only 3 working days to review this document. She noted that she had requested postponement or an additional meeting so that there could be closure on the document in person to reflect the spirit of collaboration. It was noted that a follow-up meeting is planned and would be discussed in more detail during the 4:00 pm item on the agenda.

IV. TASK FORCE MEMBER INPUT ON DRAFT MAQIP FROM ROUND-ROBIN DISCUSSION

Scott McCreary from CONCUR then posed three questions and invited Task Force member to address them during the Round Robin discussion:

- Is the Plan logical, cohesive and clear?
- What elements of the Plan are critical and should be kept as is?
- What elements are missing or need clarification?

The Task Force members then went around the table and were invited to provide their views and suggestions on all three questions. Several Task Force members noted that they had not yet been able to review the document in its entirety. In general, Task Force members felt the document was clear, comprehensive and clearly reflects a great deal of work. Many Task Force members acknowledged the efforts of Port staff to compile so much information in a coherent manner and observed that the document does represent the body of work and the deliberations of the MAQIP Task Force. In terms of what areas could benefit from further detail or work, Task Force members expressed a range of comments on topics including level of detail and commitment, Port leadership and authority, enforcement and the importance of continued collaboration. More specific comments are distilled below. Note: the text below is a compilation of individual comments; it is not presented as a consensus statement of the entire Task Force.

- **Increase Level of Detail on Status of Initiatives in Progress:** On diagram 9-4, the timeline of projects, there was a question about one item in particular - additional enforcement of trucks and parking operations and the status of truck registration. It was recommended there be a finer level of detail about how these initiatives are going to happen.
- **Acknowledge/Address Current Technology Limitations:** It was noted that, while some initiatives and regulations even seem quite straightforward, the reality is that the technology is not always available in the timeframe desired. Some stakeholders have experienced this issue with some of the CARB regulations. Greater level of detail would be useful. Also, some Task Force members expressed the view that it would be useful to have more information on the potential impacts of emerging technologies, such as NOx emissions associated with biodiesel.
- **Incorporate a Feedback Loop Mechanism /Seriously Consider the Option of Creating a Sounding Board:** There was a strong recommendation to have clear feedback loop to accommodate changes (e.g. the estimated growth of the Port has changed in the past 6 months and how does that impact emissions reductions). It was further suggested that there be an ad-hoc group to work as a sounding board with the Port about areas/initiatives that need to be revisited or updated over time.
- **Emphasize Leadership Opportunities:** Several Task Force members suggested that the document emphasizes the Port's constraints, versus the opportunities. They suggested that there are opportunities for the Port to be more proactive and demonstrate leadership, particularly in terms of using the Port's authority as a landlord. It will be important to pair a more proactive / "can do" message with the constraints. It was also suggested that the key themes from Deputy Port Attorney Danny Wan's presentation to the Task Force be included. The Port should not be too afraid to exercise its authority in terms of becoming noncompetitive particularly with regard to LA/Long Beach. It was noted that in fact, some initiatives, if undertaken, could possibly make the Port more competitive either by increasing efficiencies, lowering costs in the long run, and/or improving the attractiveness of using the Port of Oakland (e.g. companies being able to

advertise that they use a “green port” for transporting their goods).

- **Strengthen the Enforcement strategy:** It was noted that the enforcement strategy section seems light. On both monitoring and enforcement, there seems there have been disparate discussions regarding the extent to which the Port is going to perform monitoring and enforcement. This should be clarified.
- **Add More Detail on How Goals will be Achieved:** Another Task Force member noted that the explanation of the Planning Continuum was very useful in setting the context and showing how the Port views the role of the Master Plan. However, her sense is that the Plan does not have all the elements of a classic air quality improvement plan. The Plan should include more details about how these goals will be achieved and what the Port is committed to do (versus constraints). There was a follow up comment that the document seemed more of a policy analysis than a plan.
- **Clarify Relationship of Plan to Regulations:** Another Task Force member noted that section 6.3 talks about how regulations will not enable the Port to achieve the full 85% health risk reductions and are subject to change and lawsuits, but then other sections say the Port is depending on regulations to get them most of the way there. She suggested the intended relationship between the Plan and the regulations be clarified.
- **Add Detail to the Measurement and Reporting System:** The Plan should include more information on how progress is going to be measured and communicated to stakeholders. One Task Force commenter noted how he felt that this ambiguity has been a challenge for similar projects with the West Oakland Neighbors. He explained that many community members do not feel they are yet able to see/understand the forecasted benefits of the planned implementation for West Oakland residents.
- **Take Advantage of the Coalition of Support and Resources Available in the Task Force:** It was noted that it will be important to continue to meet as a diverse group even after the MAQIP is adopted to collaboratively develop specific programs and projects. It was noted that there are many talents and resources at the table. The Port should use the people around the table to be a leader, exercise its authority, and meet its goals.
- **Reframe Section 6-3 on Challenges to Include a Balanced Statement of Authority and Opportunity:** One Task Force member noted that it may not be strategic to discuss potential legal challenges in the Plan text because it indicates a concern that may or may not be warranted.
- **Expand Section 9.3: Port Project Selection:** It was noted that while this section shows how projects would be selected, it should include some more detail on what the Port thinks is most feasible to do and recommends doing.
- **Expand Discussion on User fee/Container Fee:** In section 9-9 – Port funding sources – there should be more extensive comment and analysis as to how the funds from user/container fees could be leveraged to fund air quality improvement plans – SB974 container fee bill.
- **Incorporate Related Concerns:** Some discussion of habitat restoration/marshland could be a part of the air quality plan.

- **Establish Clear Outreach/Education Plan to Foster Compliance of Regulations and Knowledge of the MAQIP:** The MAQIP/Port should include a clear plan for how it will educate its business partners/workers to comply with the law and new regulations before enforcement actions are taken. There was a subsequent comment that there should be a follow up document that will say exactly what actions truckers in particular can and should take to qualify for the programs here.
- **Accelerate Actions Related to Truck Routes and Parking.** Several Task Force members noted the need to accelerate actions to inform truckers and post clear signs about truck routes and parking. Need to get the funding to make this happen and not just shelve this plan.
- **Include Specific Implementation Commitments and/or Clarify When They Will be Developed.** The plan should translate general ideas into specifics. At a minimum, the Port should at least offer some specific recommendations on which actions the Port would recommend pursuing sooner rather than later. Go the next step and make commitments. If those specifics will not be included, then clarify where / when that will happen.
- **Better Integrate the Community with the Interagency Group:** There was a suggestion that the interagency group should be an interagency/community group so that the agency discussions can be informed by the community wants/needs.
- **Integrate MAQIP with Other Planning and Land Use Efforts in the City:** The planning efforts of the City of Oakland should be better integrated with the Port's plans. The Oakland Metropolitan Chamber of Commerce should be included in the future stakeholder process/discussions. This would help address issues such as parking of trucks, where the depots will be located and use of RFID vs. GPS.
- **Continue the Ongoing Role for Business and Stakeholders:** It was noted that a lengthy process was developed to ensure representation of all the Task Force interests and that effort should not be wasted. The task force should continue to exist in an advisory role in implementation of the plan.
- **Clarify Intention of Document:** Another Task Force member noted that the document seems to undermine itself in terms of intentions and thus lacks clear intentions. He noted that the emphasis in the first chapter of MAQIP of the Port having limited authority and resources to implement some of the air quality initiatives seems to contradict/undermine other stated intentions to improve public health or to achieve emissions reduction goals. He suggested that there be greater emphasis on the positive intentions if possible.
- **Include Projected Emission Reductions in List of Programs and Projects:** The list of programs and projects underway or anticipated is very useful – the piece missing is the estimates of how far each project and program will get the Port toward its goals.
- **Include More Discussion on Funding:** There should be more discussion of how much money is going to be used specifically for air quality and what those sources are (i.e. what part is coming from grants versus the Port and/or its business partners).
- **Add More Detail on Early Compliance:** To reach the goal of 85% health risk

reductions, but we need measures that go above and beyond - particularly early compliance. The document should go a step further and say how the Port will assist its tenants in assuring early compliance.

Joe Wong, Deputy Executive Director, concluded the discussion by noting that the MAQIP itself is a great starting point in the planning process. The Port has made a commitment to accomplish a goal and see this effort through. He hopes everyone will stay engaged - the plan will only be carried out if all stakeholders stay engaged.

V. SECOND ROUND OF TASK FORCE MEMBER INPUT ON DRAFT MAQIP

CONCUR staff reopened the discussion after the break by outlining several cross-cutting themes that emerged from the first Round-Robin discussion. These themes are listed below:

- PORT LEADERSHIP/AUTHORITY
- SPECIFIC COMMITMENTS AND ACTIONS WITH A TIME TABLE
- INTENTION
- COLLABORATION/PARTNERSHIP - leveraging the community
- OUTREACH/ROLLOUT
- ENFORCEMENT
- EARLY IMPLEMENTATION

One Task Force member, upon reviewing the key themes identified, noted that in terms of leadership and authority, the goals are there, the initiatives are there, but the policy tools should be more explicitly addressed.

1. Port tariffs
2. Lease requirements
3. Concession agreements
4. Incentive programs
5. Regulations

He recommended that a full discussion of the Port's authority in each of these areas be in this document. There were several subsequent comments that although there was some discussion of these policy tools in the document, there should probably be a little more elaboration on these tools in the MAQIP.

The group then engaged in a second round of feedback and discussion, kicked off with some initial comments by CARB staff. Senior staff from CARB acknowledged the commitment, dedication and stamina that the document represents and the progress the Port has made in evolving from its original purpose to address challenges like quantifying health impacts – which goes beyond the Port's original charge. It was also noted that it is most difficult to develop a Plan when there is an aggressive goal. However, that is also when it is most important to have a solid plan.

CARB staff noted that while the Port's overall goal is laudable, the action part of the draft MAQIP should be stronger. The commenter noted that one useful approach would be to better delineate strategies up-front. It would be useful to present actions in tiers. The first tier would consist of the actions the Port thinks it could most realistically achieve. The next tier would be those actions that might be more difficult to achieve, but could be achievable with outside support and resources. The third tier could be those that would be a real stretch. She noted that it is appropriate to acknowledge that there are parts the Port is not sure how to tackle, but it is

important to lay out those parts that are unclear at this point. She suggested that laying this out early on in the document – preferably in the introduction - would go a long way in improving the document.

In terms of leadership, she noted that it is important to specify what exactly the Port is committing to do, even if these actions are outside the Port's "comfort range". She ended by pointing out that there is a short window of opportunity for various funding options. Decisions need to be made soon about what is most efficient and should get funded. CARB is willing and ready to support the Port in stepping beyond its comfort zone and laying out an ambitious path. When asked about other air plan models that might be useful references, she noted that emulating other plans is not so important. Rather, it is important for the Port to take advantage of the resources (and) partnerships it has with the Task Force, and to clearly articulate its goal and how it plans to get there.

Scott McCreary then asked the Task Force members and other members of the public to comment on several key themes raised in the earlier discussion: leadership/authority and collaboration/partnership as well as any other areas where people would like to provide further comment. A summary of the input is below.

Leadership and Authority:

- In terms of leadership and institutional culture, the Port should clearly state its intention and boldly go there with clear direction from the top. Should be more language about the Port's dedication to its goals.
- Start actions now to move forward while the MAQIP is being finalized in order to work out kinks, secure funding and get ahead of the game so no opportunities (funding or otherwise) are lost.
- Port has not tried to take leadership vis-à-vis LA/Long Beach but such leadership would be beneficial. The Port should focus less on the downside that could happen and more on the positive results that could be achieved.
- All staff and all divisions of the Port should be clear about these goals, not just the people working on this plan.
- The Port is trying to do too much in terms of implementation responsibility. They don't need to take all the responsibility. There is a good group here and a willingness to work through the programs and projects so that when issues come up, like changing market conditions, these have been anticipated and can be adapted for.
- Agencies should work together to pool their authority and exercise leadership. Appendix E is a start. This also helps the Port move beyond a position of limited authority. If the Port would exercise the authority it has, it would command more respect from industry and tenants and the community. Because of perceived trade off between tenants (industry) and community Port is limiting itself.
- Recommend conducting an internal analysis of the economic benefits to the Port if it exercised maximum authority. It may be that if the Port recast itself as a 'green Port' instead of feeling at the mercy of economic growth, this would give the Port an economic advantage.
- Many industry members do feel that the Port has significant authority in terms of its leasing agreements in particular, and should use that authority to encourage air pollution controls. The economic reality was also noted – both that the Port is competing with LA/Long Beach for business and that they are having major lay-offs.

Collaboration and Partnership:

- In the next phase of this process, it would be useful if there could be more true

collaboration for mutual gains (instead of a more positional style of negotiation). The way to achieve that would be to put all the key issues and questions on the table and try to solve the problem together – versus the Port always presenting options for the stakeholders to respond to.

- Consider bringing into this process public officials like Senators Boxer and Lee who are committed to clean air. Identify clear champions outside the Task Force that can also join and help us.
- The city wants the Port to succeed in this process. Take advantage of that.
- The community is still very interested in safety issues. Need truck route in West Oakland that works. Need at least 60 acres for truck parking. City and Port should be able to work it out.
- Cynthia Marvin (CARB) talked about developing tiers that identify what's easy and what's difficult. Use the immense talent and resources in this room to do that. Interagency group started that process.
- Take the best of this process and move it up to the levels on the planning continuum. Negotiate for the highest possible common ground instead of the lowest common denominator.
- Port has done an admirable job on bringing this together and harmonizing some pretty divergent views –this has been in stark contrast to what goes on in other parts of the State. Keep it up!
- Although the Port's and businesses constraints are real, both have a vested interest in their employees and spend time at the Port. Therefore, it is important that the Plan have teeth to achieve the desired health risk reductions.

Co-Chair Jean Roggenkamp (BAAQMD) ended the discussion by acknowledging the helpful comments and stressed that she hoped that Task Force members would also provide more really strong, focused written comments that can be used to improve the document.

There were several concluding comments and responses from Port Staff. Joe Wong, Deputy Executive Director, acknowledged that the Port was facing tough decisions on staffing but stressed that the Port will not give up on its goals. Richard Sinkoff, Director of Environmental Programs and Planning, then acknowledged how useful the comments had been. He also clarified that there is a parallel process going on, which he calls 'dynamic planning'. This means that the Port is moving forward on related projects and programs – at the same time as it is finalizing the MAQIP. He also noted that the comments on leadership really gave him clarity on the Port's role as a champion and leaders in the community. Anne Whittington, Port Environmental Supervisor, reiterated how useful the comments had been. She offered to meet with any Task Force member(s) to discuss any of the topics in more detail in order to create a product that all can support. Finally, it was noted that there has been a significant culture shift at the Port over the last 2-3 years about awareness of air quality and much of that shift has been due to the MAQIP.

IV. DISCUSSION OF NEXT STEPS ON COLLABORATION AND STAKEHOLDER INVOLVEMENT

Diann Castleberry, Director of Social Responsibility, then reviewed the proposed timeline located in Tab 11 for the MAQIP review, revision and adoption process. The plan is to hold another Task Force meeting in September to review the final draft before it goes to the Maritime Committee for review in October 2008. There will also be a foundational educational meeting with the West Oakland community in October 2008 once the document is finalized to inform the

broader West Oakland community of the Plan contents and what it means for the community and the Port.

In terms of on-going stakeholder input, Diann Castleberry explained that the Port currently manages 7 stakeholder groups. Due to staffing constraints, and out of respect for the time of those stakeholders participating on several groups, the Port's current thinking is to consolidate those 7 groups into one broader stakeholder group whose agenda would include all of the issues. In Section 10.5, there are examples of what the group would address including monitoring, outreach, funding, etc. The current thinking is that the group would meet 3 times per year. Port is tentatively calling this group the Maritime Stakeholder Advisory Group.

Key questions and follow-up items:

- One Task Force member suggested that quarterly meetings would be more productive than 3 times per year. It would be useful to have a key focus for each meeting.
- Another Task Force member supported the use of focus groups and suggested that members of the focus group present at the next meeting versus Port staff.
- Several people acknowledged the importance of hosting a separate meeting for the West Oakland community because most of the community does not know what is going on at the Port. There is an outing scheduled in September 2008 – efforts should be combined.
- A Task Force member asked about the timing of the September 2008 meeting and whether that timing would allow time for input to be incorporated before final draft is presented to the Maritime Committee. There was a request to confirm that date soon.
- It was noted that the ongoing stakeholder group's authority/participation should go beyond advisory – similar to the labor committee group. The group should serve as a "problem solving" body as opposed to the truck replacement program where the advisory group made comments but it was not clear if/how the input was incorporated in the plan.
- Another Task Force member requested that the final draft MAQIP be made underline strikethrough if possible, so that people could more easily distinguish revisions.
- Finally, Commissioner Gordon explained that the Port's heavy debt service means many Port programs may be shorthanded. She stressed that continued collaboration is important and she wants to ensure that stakeholders have a voice in the process, but that if actions are not planned soon, projects may dissolve.
- Another Task Force member noted that with regard to the cash flow issues, there has been some discussion of whether a regional Port authority would be beneficial to the Port of Oakland but that suggestion has been met with a lot of resistance.

V. COMMENTS FROM THE PUBLIC

- Frank Allen (Citizen) emphasized some of the points made earlier by Task Force members that leadership is key and that the 85% reduction goal is commendable but without specifics it is just a good intention. From a community perspective, the Plan is incomplete. He stressed that monitoring is not a substitute for action or mitigation.
- Jamie Fine (NRDC) stressed the importance of clarifying how Task Force member input will be used. He also noted that there is now sufficient information from the emissions inventory and Health Risk Assessment regarding various source types and the related exposure levels for this more detailed information to be included in the estimated emissions reductions section of the MAQIP. Finally, he recommended the Plan include all the components from the checklist that several Task Force members had prepared earlier.

VI. RECOGNITION AND NEXT STEPS

Port staff concluded the discussion by acknowledging once again how helpful the comments had been. They also acknowledged all the Task Force members for their on-going commitment to the process and their efforts/input over time. They confirmed that the next meeting is planned for September 2008 and they committed to providing sufficient lead time for people to review the draft. They also stressed the helpfulness of having written comments and asked Task Force members to submit any comments to them by July 14, 2008 by Close of Business (COB) at 5:00 p.m. Anne Whittington reiterated her availability to discuss any specific details in person or by phone or e-mail.

SUMMARY OF NEXT STEPS:

Responsible Party	Action	Timeline
Task Force Members and Alternates		
Task Force members	Task Force Members to provide additional written comments on the draft MAQIP to Anne Whittington at the Port at awhittington@portoakland.com .	Monday, July 14th
Task Force members	Task Force Members to provide written suggestions on the Interagency funding matrix and provide to Michael Murphy at MMurphy@baaqmd.gov .	Monday, July 14th
Agency Task Force members	Interagency members to review and incorporate input received by Task Force members on the funding matrix and present at the September meeting.	Prepare in time for Sept meeting.
Task Force Members	Prepare for Sept meeting by reading final draft of MAQIP in advance of the meeting.	In advance of Sept meeting
Port staff, Co-Chairs, and CONCUR		
CONCUR	• Finalize and distribute Key Outcomes Memorandum.	June 30
Port	• Port staff to revise MAQIP with input from Task Force members and the public	July - August
Port/Co-Chairs/CONCUR	• Port to distribute final draft of MAQIP to Task Force at least 2 weeks prior to the September meeting	Late Aug/ Early Sept
Co-Chairs/CONCUR	• Port, Co-Chairs and CONCUR to discuss options to review final draft of the MAQIP with the Task Force	Late Aug/ Early Sept

NEXT TASK FORCE MEETING

The next MAQIP Task Force meeting to review the final draft of the MAQIP is tentatively scheduled for September, 2008. Confirmation of the meeting date, time and location will be announced once a venue is reserved. The purpose of this meeting will be to review and provide comment on the final draft of the MAQIP.