

Date: November 6, 2008

To: Attendees of October 31, 2008 Port of Oakland Maritime Air Quality Improvement Plan (MAQIP) Task Force Meeting

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

Re: Key Outcomes Memorandum – October 31, 2008, Port of Oakland Maritime Air Quality Improvement Plan (MAQIP) Task Force Meeting

Below is a summary of the October 31, 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.

BACKGROUND:

The eighth and final meeting of the MAQIP Task Force was convened at the West Oakland Public Library in Oakland. Over 60 Task Force members and their alternates attended the meeting, including the Port of Oakland (Port), Bay Area Air Quality Management District (BAAQMD), and U.S. Environmental Protection Agency (EPA) staff; environmental and community groups; industry representatives; 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/environm/prog_04c.asp

I. Welcome and Agenda Review:

Omar Benjamin, Executive Director for the Port, provided the opening remarks for the meeting including appreciation for the co-chairs and Task Force members and their work in assisting with the development of the Final MAQIP Plan (dated October 2008). Scott McCreary of CONCUR briefly opened the meeting by reviewing the agenda and meeting objectives. Sandra Witt of the Alameda County Department of Public Health gave a brief update on the accomplishments of interagency group since their July 16, 2008 meeting. She explained that the interagency group is interested in providing implementation assistance to the Port and had wanted to meet and provide agency comments to the Port in advance of the Task Force meeting, but that it had not been done due to scheduling difficulties.

II. OVERVIEW OF THE FINAL MAQIP

Richard Sinkoff, Director, Division of Environmental Programs and Planning (Port) and Anne Whittington, Port Environmental Supervisor (Port) gave a summary of the key modifications and changes incorporated into the Final MAQIP document. Richard highlighted the primary purpose of the MAQIP to reduce cancer health risk in West Oakland from maritime-related activities by 85% by 2020. He also emphasized the three emissions reduction strategies of the MAQIP and how they had been more clearly articulated in the Final document. He also discussed that the approval of the Final MAQIP written document completed the first phase of the planning process

(Phase I: Analysis and Planning) and signaled the beginning of Phase II: Implementation. Richard acknowledged all the hard work that has gone into the Plan, and especially the work of Anne Whittington, Project Manager, and Delphine Prevost, Senior Maritime Projects Administrator and former MAQIP Project Manager.

Anne Whittington provided a presentation of the emission reduction strategies and emphasized the changes that were made to the document based on the public comments received. The description of the public comments and the changes to the document are provided in section 1.4 of the Final MAQIP.

III. TASK FORCE MEMBER COMMENTS ON FINAL MAQIP DURING ROUND-ROBIN DISCUSSION

Rebecca Tuden from CONCUR posed two questions and invited Task Force members to address them during the Round Robin discussion:

- Overall, has the Port captured the key comments raised by the Task Force members?
- Do the changes in the Final MAQIP respond to your key comments?

The Task Force members then went around the table and were invited to provide their views and suggestions on both questions. In general, Task Force members felt the comments they had raised were captured in the Final MAQIP. Many Task Force members expressed support for the Final MAQIP and spoke of their appreciation for the process and effort in completing the document.

In terms of whether the Final MAQIP responded to key comments, Task Force members expressed a range of comments. Key comments include the following:

- Almost all Task Force members expressed their appreciation of the Port's great efforts and expressed the view that the Final MAQIP document was a vast improvement over the draft MAQIP presented in June 2008.
- Several Task Force members went further and noted that their key concerns were addressed in the Final MAQIP and expressed support for moving toward Board approval.
- Still other Task Force members expressed the view that additional revisions or commitments (perhaps expressed in an addendum or similar document) would be needed in order to generate their whole-hearted support for Plan adoption.
- There was a question about whether the MAQIP includes international and national efforts (such as MARPOL Annex VI).
- A number of task force members commented that still more specificity and strength was needed on the emissions strategies, timeline for implementation, and details of the back-up plan (if reduction goals are not met).
- A few task force members commented that the MAQIP lacked a strong leadership vision and that it was not clearly enough tied to the goal of protecting public health.
- Some Task Force members had questions about future implementation including: will funding be available even if the economy takes a downturn, how will specific programs like the shore-power be carried out, how can industry be more effectively included in the implementation programs, what are the department-by-department tasks and workplans for implementing the MAQIP?

The Task Force meeting broke for lunch and the facilitation team worked on providing a summary of the key comments.

After lunch, Rebecca Tuden gave a brief summary of the key themes raised in the round table discussion: the Port's vision and leadership should be clearer, more specificity is needed in the plan on emission reduction strategies and a backstop plan, key steps in implementation are lacking, questions about accountability need to be clarified, and greater clarity is needed about the future stakeholder input and participation.

Richard Sinkoff reaffirmed that the MAQIP's prime focus is on improving public health through emissions reductions and that the user fee is a demonstration of the Port's leadership and commitment to implementation. He also discussed the accountability available through annual reports and presentations to the Board and the future maritime stakeholder group. Richard also discussed that Port staff has internalized the MAQIP and that approval of the Plan by the Board in December 2008 will be a key signal to the staff to adopt more specific organizational goals and work plans for MAQIP implementation. Lastly, he discussed that the Port was most specific about those strategies already underway and would get more specific about other strategies as they became clearer over time.

IV. DISCUSSION OF NEXT STEPS ON COLLABORATION AND STAKEHOLDER INVOLVEMENT

Diann Castleberry, Director of Social Responsibility, gave a presentation on the proposed process for establishing a successor maritime stakeholder group. The intention of this yet-to-be formed stakeholder group is to provide an opportunity for input on a regular basis, build a forum for discussion about Port operations, and provide a more organized method for stakeholder input into the Port's maritime issues.

As part of the effort to design this new process, the Port plans a series of focus groups with external stakeholders to help inform the responsibilities and membership of the future stakeholder group. Members of the Task Force that are interested in participating in the focus groups should contact Diann. The proposed timeline is to present a policy recommendation to the Port's Board by Spring/Summer 2009 and convene the first meeting in the Fall of 2009.

It was also noted that the intent is to formally end the MAQIP Task Force at the Port's Board meeting concurrent with the approval of the Final MAQIP.

Task Force members were then invited to provide comments on the composition, areas of focus, and topics to address for the future stakeholder group.

Key comments and follow-up items:

- Suggestion to form smaller workgroups. One variant of this model is to consider the approach used by the Port of Seattle to organize input and participation from industry. It was also noted that smaller subgroups might provide better opportunity for dialogue on implementation, more effective problem solving and funding suggestions than a larger group.
- Some Task Force members strongly urged that the future stakeholder group should be of similar size, diversity and composition to the Task Force. It was noted that the larger size provided a better cross-section of community interests, was better able to address public health and environmental justice issues and ensured continued innovation and

- diversity.
- Some Task Force members noted that a smaller group would be preferable because it could be more nimble and responsive.
- Many questions were raised about the how best to frame the responsibilities of the future group, given that the existing stakeholder groups that would be “folded together” have dramatically different authorities and responsibilities. The suggestions were to provide a very clear charter, authority, and channel for policy input, decision-making responsibility and purpose of the future group. Some possible purposes identified include: problem-solving, collaborative learning, innovation, policy-making, and implementation.
- Task Force members were to provide any suggestions on size, composition, and responsibilities of a successor to Diann Castleberry by December 1st.

V. COMMENTS FROM THE PUBLIC

- Frank Gallo (Citizen) had not reviewed the final MAQIP and indicated serious concerns about the previous draft MAQIP (June 2008). He noted that there is a public health crisis and that the MAQIP should have a comparable level of implementation and accountability to meet the crisis. He also suggested that industry should work with the MAQIP on funding opportunities.
- Jamie Fine (Environmental Defense Fund) handed out a draft letter co-signed by some Task Force members and members of the public with concern about funding and need for more extensive participation in development of plan text. He also referenced concerns raised in an October 2, 2008 letter from Dr. Anthony Iton of the Alameda County Department of Health on MAQIP implementation. Jamie’s letter was not finalized and he indicated that the identified concerns should be fully addressed before being brought before the Port leadership.
- Brent Buckman (West Oakland resident and environmental engineer) discussed some innovative solutions for reducing air pollution (including planting bamboo ‘forests’ in West Oakland). He suggested that green building technology is a recognized business advantage and, if incorporated, would give the Port business advantage in the market.
- Pam Evans (Alameda County Department of Health Services) raised strong concerns from the Alameda County Department of Health that the Port needs to address the comments of the interagency workgroup on the MAQIP and provide more detail on specific aspects of the MAQIP.

Key questions and follow-up items:

- Richard Sinkoff confirmed that Port is very willing to meet with the interagency workgroup in the week after the October 31 meeting to address the residual concerns. Richard and Joe Wong underscored the staff’s view of the strong and explicit linkage between the Port Board’s approval of the Final MAQIP, approval of user fees to create the foundation for cost sharing of MAQIP implementation efforts, relation to future I-Bond funding and clarification of a vision and gameplan for the Port on MAQIP issues.
- It was discussed that the Task Force members do not want to unnecessarily delay approval of the MAQIP and that critical interagency issues should be addressed.
- Options for making changes to the final MAQIP were discussed including incorporating a rigorous discussion of commitments, early actions, and the feedback mechanism in the December 2008, Board of Port Commissioners agenda report and providing a more detailed description of the linkage between the user fees and MAQIP plan.
- Co-chair members were invited to attend the Port’s Board meeting on the MAQIP and engage in a panel discussion on the MAQIP.

VI. RECOGNITION AND NEXT STEPS

Port staff concluded that they would do their utmost to meet with the interagency group during the week of November 3rd to try and identify critical changes still needed in the MAQIP or in an addendum or agenda report.

CONCUR will develop and distribute a Key Outcomes Memorandum to all MAQIP Task Force members within 10 business days.

The Port will provide the Task Force members with a concise email briefing from the interagency group and specifically address whether there will be a change in the Port's stated intention to bring the Final MAQIP to the Maritime Committee (November 20) and the Board (December 2) before the end of 2008.

Joe Wong gave the final remarks for the Task Force and expressed the Port's sincere appreciation for all of the hard work, effort and collaboration of the Task Force members. Joe Wong also expressed the Port's view that the MAQIP is a "living" document and encouraged all to stay involved.