

Port of Oakland Maritime Air Quality Improvement Plan

MAQIP Task Force Meeting

September 27, 2007
10:00 AM - 5:00 PM

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Port of Oakland Maritime Air Quality Improvement Plan

Primary Meeting Objectives

1. Provide the Task Force with a clear sense of project objectives and purpose moving forward.
2. Initiate steps to identify surplus emission reduction initiatives that go beyond regulatory requirements.
3. Outline next steps in considering surplus emission reduction initiatives.

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Achieving Meeting Objectives

1. Provide the Task Force with a clear sense of project objectives and purpose moving forward
 - Provide briefing on Port constraints and commitments, and their relationship to the MAQIP
 - Describe the two primary MAQIP functions developed by Co-Chairs
 - Provide a brief overview of partner agency roles

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Achieving Meeting Objectives

2. Initiate steps to identify surplus emission reduction initiatives that go beyond regulatory requirements.
 - Review and discuss process for applying screening criteria; Review, discuss, and adopt Screening Criteria
 - Brainstorm potential initiatives for subsequent screening

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Achieving Meeting Objectives

3. Outline next steps in considering surplus emission reduction initiatives.
 - Form Work Team to apply screening criteria to list of suggested measures and produce lists of categorized measures for full Task Force consideration.

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Agenda: Sept. 27, 2007 Task Force Meeting

10:00 Welcome and Agenda Review

10:10 Background briefings with Q&A

- * Port constraints and relationship to MAQIP
- * Overview of Primary MAQIP Functions
- * Projected Port growth and emissions reductions

12:00 Break (Lunch)

12:30 Overview of Partner Agency Roles

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Agenda: Sept. 27, 2007 Task Force Meeting

- 1:00 Review, Refine, and Adopt Screening Criteria
- 2:00 Comments and Suggestions from the Public
- 2:10 Break
- 2:20 Task Force Suggestions for Potential Surplus Emission Reduction Initiatives
- 3:45 Form Work Team to Apply Screening Criteria
- 4:00 Break
- 4:15 Comments and Suggestions from the Public
- 4:30 Wrap-up and Next Steps
- 5:00 Adjourn

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Introductions

- Co-Chairs
- New Port of Oakland Maritime Director
- Task Force members and alternates seated at the main table
 - Name and affiliation
- Technical consultants

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Port of Oakland Overview, Constraints, and Opportunities


Omar Benjamin
Danny Wan
Delphine Prévost
Port of Oakland



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Overview

- Special department of City of Oakland, created in 1927 – governing body for Port lands
- Administer tidelands trust lands granted by the State of California
- Fiduciary duty of loyalty to the people of the State of California and the City of Oakland to manage public trust assets in accordance with public trust principles
- Financially self-supporting, no tax revenue
- Appointed Board of Port Commissioners




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Mission

Devote our skills and the Port's resources to providing the highest quality facilities and services to our airport, real estate, and seaport tenants and customers.


Through their activities and our policies, we enhance the economic, social, and environmental well-being of Oakland and the region, while generating earnings to reinvest in our activities



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What We're Seeking To Achieve

- A “world class” Port of Oakland that delivers and operates facilities and services that are competitive and efficient, thus creating sustainable economic and social value for our local communities and the region we serve.
- Creation of jobs, business, and a quality of life that insures enjoyment, equity, and responsible environmental stewardship.
- Value for the future



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Goals

Designed around 3 elements
Collaboration, Integration, and Partnership


1. Consider our customers and stakeholders first in all that we do by providing services, infrastructure, and support that help them fulfill their goals.
2. Develop and maintain relationships of trust and integrity with our community, customers, public agencies, and other stakeholders to maximize benefits to the region.
3. Improve the environmental conditions and stewardship at the Port.
4. Strengthen the Port's financial condition to a level that enables the Port to provide maximum economic benefit to the City of Oakland, our local community, and the region.
5. Invest in and implement the most appropriate information technology to improve the efficiency and effectiveness of Port operations.
6. Create a high-performing enterprise by engaging all Port employees to become agents for change and improvement.



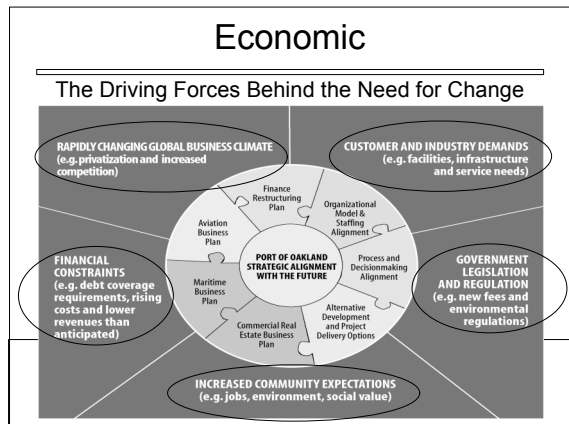
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Constraints

- Economic
- Legal
- Technological




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Legal

Basic Principle: Public Agencies May Use Its Money or Resources Only For Purposes Permitted by A Constitutional, Statutory or Charter Provision.


- **City Charter:** Empowers the Port “to promote and more definitely insure the comprehensive and adequate development of the Port of Oakland.” No power to develop outside the Port of Oakland or to enforce general health & safety standards unrelated to Port operations.
- **Slate Tideland Trust:** Tide and submerged lands and all moneys derived from such lands are granted to the Port in trust “exclusively to the improvement of commerce, navigation and fisheries for the benefit of all the people of the state”. No power to spend trust funds on purely local benefits such as municipal services and infrastructure (city parks, libraries, streets etc.)
- **Regulatory Preemption:** Port lacks power to regulate or enforce general health & welfare practices that is regulated by state and federal regulatory agencies. Port has power to adopt rules for efficient and safe operations of its businesses on Port property.
- **Limitations on Environmental Mitigation under CEQA:** May adopt “feasible” mitigations that have nexus to Port tideland trust purposes.



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Some Legal Examples

- **City Charter**
 - Port may issue construction permit to build crane on Port property, but not in City of Oakland outside Port boundaries
- **Tidelands Trust**
 - Middle Harbor Shoreline Park: linkage to navigation improvement project
- **Regulatory Preemption**
 - Many regulations preempt Port regulations. May not block interstate trucks, but may set speed limit.



Technological Constraints

<p style="text-align: center;">DIRECT</p> <ul style="list-style-type: none"> • Evolving technology (e.g. 'green goats') • Limited or unavailable technology (e.g. VDECs & Tier 4 engines) • Mobility of sources (e.g. controls have to fit on-board) • Space (e.g. bonnet systems) 	<p style="text-align: center;">INDIRECT</p> <ul style="list-style-type: none"> • Evolving regulation and science (e.g. ARB regulations) • Large, long-term capital investments • Life safety & emergency response capability (e.g. assist vessels) • Long-term impacts of new fuels on equipment life (e.g. low sulfur fuel)
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Relationship to MAQIP

- Our decisions and capabilities are impacted by certain constraints
- We believe we can make a major contribution toward aligning with the State's goal of 85% risk reduction from DPM
- Risk reduction objective will be faced with constraints
 - Legal, economic, and technological feasibility
 - Realistic expectations
 - Success is likely to track closely with reductions expected from State regulatory program

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Commitments

- In working toward objective, we will:
 - Comply with CARB regulations;
 - Assist our tenants and business partners to comply with CARB regulations to the extent feasible; and
 - Work with our tenants and partners to track emission reductions over time in order to track health risk reduction
- We will also do everything economically, legally, and technologically feasible to achieve 'surplus' emission and risk reduction
 - "Surplus" defined as above and beyond regulations through accelerated compliance (faster) or exceeding compliance (better)
- We will meet regularly with our agency partners to coordinate, define, and be accountable for our roles in improving air quality

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Opportunities

- Significant contribution toward State risk reduction goal despite constraints
- Building upon our current efforts to do more by developing ideas with our stakeholders
 - Example: alternative shore-side power
- Pursuing local share of I-Bond funds
- Work with our partners – we can't 'get there' alone
- Develop facilities to increase revenues and reduce constraints, in order to increase the potential for 'surplus' reductions
 - Example: Oakland Army Base redevelopment

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Task Force Questions

- Task Force questions regarding Port constraints and commitments

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Industry Constraints and Commitments

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Industry Constraints and Commitments

- Co-Chairs would like to invite industry representatives on the Task Force to present their constraints and commitments at the next Task Force meeting
- Co-Chairs have developed guiding questions to inform industry presentations

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Guiding Questions

Guiding questions for industry presentations:

1. What are your legal, economic, and technological constraints relative to air quality improvements?
2. What is the impact of those constraints on your ability to achieve emissions reductions beyond what is required by regulations?
3. Are there any specific commitments you can make to going beyond regulatory requirements in order to improve public health at the Port and in West Oakland?

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Achieving Meeting Objectives

1. Provide the Task Force with a clear sense of project objectives and purpose moving forward
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- Describe the two primary MAQIP functions developed by Co-Chairs

- Provide a brief overview of partner agency roles

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Key MAQIP Functions

Omar Benjamin
Executive Director
Port of Oakland




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Review of Co-Chair Deliberations

Given :

- Aggressive and broad State regulations
- Significant and complex Port constraints


What should be primary functions of the MAQIP?



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Defining “Surplus Reductions”

- Surplus reductions achieve results above and beyond regulatory requirements through either accelerated compliance (faster) or exceeding compliance (better)
- “Surplus Reduction” is an established term in Air Quality planning.



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Two Primary MAQIP Functions

Function 1	Function 2
Regulatory Reductions	Surplus Reductions
Identify regulatory framework and design appropriate mechanisms for tracking performance in achieving benefits of aggressive regulatory program.	Identify specific initiatives for achieving 'surplus' emission and risk reductions, as well as framework for implementation.

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Function 1 - Overview

Performance & Regulatory Compliance

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Port of Oakland's Role

- Forecast emission reduction from ARB program locally (i.e. at Port of Oakland seaport)
- Communicate with tenants & partners regularly
- Update seaport-wide emissions inventory
- Require reporting on emission reductions and review reports
- Work with tenants if non-compliance identified
- Develop a system for routine communication with stakeholders

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Mechanisms for Performing Role

- Formal Mechanisms
 - Require compliance with law in lease agreements
 - Require reporting every 1 to 3 years through mutual agreement (i.e. lease or MOU) or regulation through tariff subject to limits on Port authority (i.e. preemption, uniformity)
 - Work with tenants if non-compliance is identified and take appropriate next steps as necessary, including contacting regulatory agency
 - Update seaport-wide emission inventory every 3 to 4 years
 - Establish system for reporting to and incorporating feedback from community stakeholders, and meet regularly with agencies
- More Informal Mechanisms
 - Quarterly tenant meetings
 - Routine check-in with Port property and project managers

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Function 2 - Overview

Initiatives for Achieving "Surplus" Emission and Risk Reductions

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Context


- Port continuously seeking opportunities to improve air quality
 - Want projects to be developed from Task Force (stakeholder) input
 - Want projects that can be pursued in a timely manner when feasibility is met
 - Will need external funding
- I-Bond funding to become available for air quality improvement in late 2007 or early 2008

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Examples of Current "Surplus" Reduction Projects


Projects being implemented and/or pursued by the Port in partnership with business, agency, and community partners

<p>Projects Recently Accomplished</p> <ul style="list-style-type: none"> • Cold-ironing alternative ("mobile shore-side power") • CNG station 	<p>Projects In Progress or Under Discussion</p> <ul style="list-style-type: none"> • Clean Truck Program • Green construction equipment incentive • LNG trucks and fueling stations at railyard • Gensets for switcher locomotives • Biodiesel
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Funding Sources for "Surplus" Reduction Projects

<p>Current & Recent</p> <ul style="list-style-type: none"> • Fees • Port operating funds • Port capital funds • Private funds • Other agency funds • Also: In-kind services 	<p>Future</p> <ul style="list-style-type: none"> * Increasing need for external funding in foreseeable future • I-Bond • Other agency funding • Port funding
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Task Force Questions on Two Primary MAQIP Functions?


Recap:

1. Regulatory Compliance
2. Surplus Emission Reduction Initiatives

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Regulatory Compliance: Emission Reduction Forecasts


Delphine Prévost, Port of Oakland
Till Stoeckenius, Environ



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Regulatory Review

- State and Federal agencies enact state-wide and nation-wide regulations, but implementation is local
- Regulatory program is broad and aggressive
 - Achieving its intended benefits will be technologically, legally, and financially challenging
 - Significant investments required by many parties
 - BUT, the benefits are potentially significant




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Seaport Growth Scenarios: 2020

- Low scenario – 4 million TEUs
 - No major capital improvement projects by 2020
 - Growth gradually slows as capacity limits of current facilities are reached
- Medium scenario – 5 million TEUs
 - Certain capital improvement projects are built
 - Rail is key component of growth
- High scenario – 6 million TEUs
 - More aggressive version of medium scenario

Port seeks to growth while improving environmental performance




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Emissions Now – Risk Yet to Come

- The forecasts are currently for emission reductions
- Emission reductions will be translated to risk reduction when HRA is released
 - In the interim, no local relationship exists
 - CARB uses 1:1 relationship state-wide
 - We know that proximity matters




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Emission Reduction Forecasts

Port has evaluated emission reductions from regulatory program applied locally at Port of Oakland from 2005 levels

Existing Regulations <ul style="list-style-type: none"> ARB cargo handling equipment ARB MOU for locomotive idling ARB/EPA engine standards for trucks EPA standards for new off-road engines EPA Tier 3&4 engine rules (locomotives and harbor craft) * <p>* not yet signed into law but very likely to take effect as currently written</p>	Likely Pending Regulations <ul style="list-style-type: none"> ARB port truck ARB on-road in-use truck ARB shore-side power ARB harbor craft ARB OGV (ship) main engine low sulfur fuel ARB OGV (ship) auxiliary engine low sulfur fuel * <p>* Existing rule not in effect per court order but on-going voluntary compliance likely</p>
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Planning Horizons

- 2020
 - Most regulations currently in place or under consideration have will have been implemented
 - Matches ARB Goods Movement planning horizon
- 2012
 - Intermediate 5-year planning horizon
 - Many important regulations at least partially implemented
- Note: forecasts are for 2012 and 2020 only – no data available for years in between




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Growth vs. No Growth

– PM Emission Reduction Forecasts for 2020
– Existing and Pending Likely Regulations
– % increase (% reduction) from 2005

	No Growth	Low Growth	Medium Growth	High Growth
OGV (ships - all except hotelling) Harbor Craft				
Off-Shore	-84%	-80%	-72%	-58%
On & Near-Shore	-92%	-83%	-81%	-77%
All Sources	-87%	-81%	-75%	-65%

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PM Emission Reduction: 2020

– “Medium” growth projection
– % increase (% reduction) from 2005

	With Existing Regs Only	With Existing & Pending Regs
OGV (ships - all except hotelling) Harbor Craft		
Off-Shore	69%	-72%
On & Near-Shore	44%	-81%
All Sources	60%	-75%

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PM Emission Reduction: 2012

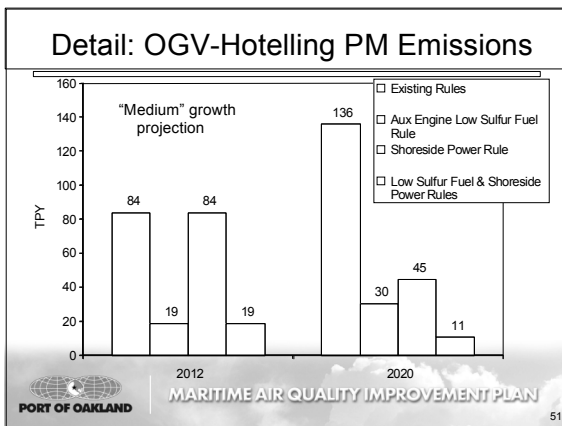
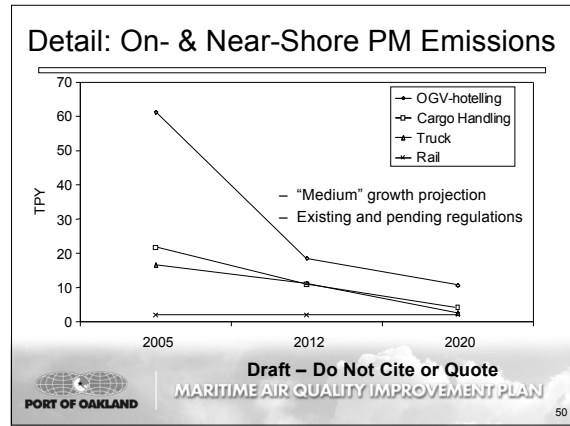
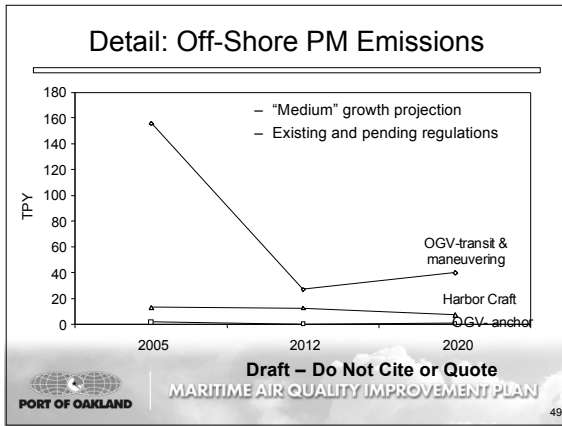
– “Medium” growth projection
– % increase (% reduction) from 2005

	With Existing Regs Only	With Existing & Pending Regs
OGV (ships - all except hotelling) Harbor Craft		
Off-Shore	17%	-76%
On & Near-Shore	8%	-58%
All Sources	14%	-70%

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Other Pollutant Reductions: 2020

– "Medium" growth projection
– % increase (% reduction) from 2005

		ROG	CO	NOx	SO2	PM
2012	Existing Regs Only	5%	27%	9%	23%	14%
	Existing & Likely Regs	-3%	21%	-3%	-92%	-70%
2020	Existing Regs Only	+41%	+89%	+47%	89%	+60%
	Existing & Likely Regs	+19%	+74%	+4%	-90%	-75%

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Notes About Forecasts

- Best Available Tools Today to Quantify & Address Air Quality
 - 2005 Emissions Inventory
 - Pending West Oakland HRA
 - Emission reduction forecasts
- These tools are not perfect - some uncertainty is inherent
 - Estimates of growth
 - Pending regulations are still being drafted
 - Some regulations require more interpretation than others
 - Uncertain regulation implementation schedule
 - Assume technology will be available and actions feasible

➤ Forecasts are good working estimates

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Forecast Summary

- Current regulatory efforts will result in substantial reductions of PM and SOx emissions from seaport sources despite growth
- Percentage PM emission reductions for on-shore and near-shore sources are higher than for off-shore sources
- Forecasts are good estimates for planning

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LUNCH
12:00 PM - 12:30 PM

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Achieving Meeting Objectives

1. Provide the Task Force with a clear sense of project objectives and purpose moving forward
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Partner Agency Roles

- Partner agencies represented on the Task Force:
 - Air Resources Board
 - Bay Area Air Quality Management District
 - US EPA
 - Alameda County Public Health Department
 - City of Oakland (Mayor's office)
- Co-Chairs have developed guiding questions for partner agencies to address at the next Task Force meeting

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Guiding Questions for Partner Agencies

1. What (if any) specific legal authority does your organization have relative to the Port of Oakland seaport?
2. What incentive programs do you have in place or could you mobilize (relevant to the MAQIP effort)?
3. What funding sources can you potentially provide or help leverage to support new incentive programs developed in the MAQIP process?
4. Will you commit to meeting with the Port and other partner agencies to discuss coordination and communication for achieving the MAQIP objectives?

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Brief Statements from Partner Agencies

- Air Resources Board
- US Environmental Protection Agency
- Bay Area Air Quality Management District
- City of Oakland (Mayor's office)
- Alameda County Public Health Department

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Task Force Questions for Partner Agencies

- Questions will be noted. Agency colleagues will endeavor to address them in presentations at the next Task Force meeting.

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Achieving Meeting Objectives

2. Initiate steps to identify surplus emission reduction initiatives that go beyond regulatory requirements

- Review and discuss process for applying screening criteria; Review, discuss, and adopt Screening Criteria

- Brainstorm potential initiatives for subsequent screening

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Review and Adopt MAQIP Screening Criteria


- Port staff have digested stakeholder comments from the August Task Force meeting and made revisions to draft screening criteria
- Review of revisions (Port staff)
- Discuss and Adopt revised Screening Criteria

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Screening Criteria

Delphine Prévost
Port of Oakland

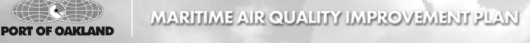


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Summary of Revisions

Purpose
Refer to Handout

- Intended for initiatives with direct link to emission and health risk reduction (i.e. must remove/reduce pollution)
- Intended to categorize potential initiatives into initiatives of primary interest and secondary interest
- As before, implementation subject to feasibility

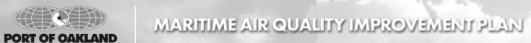


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Summary of Revisions

Content
Refer to Handout

- One less criterion (6 vs. 7)
 - Combined acceptability criterion and negative side effects criterion; removed affordability criterion
- Requirement that all criteria be met in order to classify initiative as primary interest
- New criterion for quantifying/tracking reductions



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Review and Adopt MAQIP Screening Criteria

- Discuss and Adopt revised Screening Criteria

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Public Comments

- Comments encouraged on today's substantive agenda topics
- Comments also invited on other aspects of Port air quality planning
- Please provide brief comments to allow expression of multiple viewpoints

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Break

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Achieving Meeting Objectives

2. Initiate steps to identify surplus emission reduction initiatives that go beyond regulatory requirements

- Review and discuss process for applying screening criteria; Review, discuss, and adopt Screening Criteria

- Brainstorm potential initiatives for subsequent screening

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Task Force Suggestions: Surplus Emission Reductions

- Purpose:
 - Identify Task Force ideas for achieving emission reductions that go beyond regulatory requirements
 - Generate and clarify ideas, not debate the merits of suggested ideas
- How the Results Will be Used:
 1. Work Team will determine which suggestions are to be screened, based on whether the initiative has a direct link to emissions or risk reductions.
 2. Work Team will apply Screening Criteria to Task Force suggestions that are to be screened.
 3. Work Team will bring back list of primary and secondary initiatives for full Task Force consideration

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Task Force Suggestions: Surplus Emission Reductions

- Format:
 - Form Three breakout groups:
 - Group 1: Task Force members and alternates
 - Group 2: Task Force members and alternates
 - Group 3: Task Force alternates and members of the public
 - Then, in breakout groups, meeting attendees are asked to contribute suggestions

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Task Force Suggestions: Surplus Emission Reductions

- Schedule:
 - 10 mins. – CONCUR introduces exercise
 - 45 mins. – Breakout groups meet and suggest ideas
 - 10 mins. – Breakout groups identify 5-6 key ideas to report back (all ideas will be captured as part of the meeting summary)
 - 15 mins. – Breakout groups report back to full group (5 mins. each)

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Task Force Suggestions: Surplus Emission Reductions

- Question to guide breakout group brainstorm:

What initiatives would you like to see in place to achieve additional emission and risk reductions beyond what is required by law?

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Task Force Suggestions: Surplus Emission Reductions

- Breakout group assignments:
 - Group 1:
 - Task Force members and alternates
 - Small breakout room
 - Group 2:
 - Task Force members and alternates
 - Small breakout room
 - Group 3:
 - Task Force alternates and observers
 - Main room

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Task Force Suggestions: Surplus Emission Reductions

- Reports back: 5-6 key ideas
 - Group 1
 - Group 2
 - Group 3

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Achieving Meeting Objectives

3. Outline next steps in considering surplus emission reduction initiatives

- Form Work Team to apply screening criteria to list of suggested measures and produce lists of categorized measures for full Task Force consideration.

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Form Work Team to Apply Screening Criteria

- Charge:
 - Determine which potential initiatives will be screened
 - Drawn from Source Document Work Team product and Task Force suggestions
 - Group initiatives that don't have direct link to emission/risk reduction for separate consideration for inclusion in the Plan
 - Apply screening criteria remaining initiatives
 - Discuss technological issues further as needed
 - Refine initiatives as needed
 - Bring back list of primary initiatives (meet all screening criteria) and secondary initiatives (do not meet all screening criteria) for full Task Force consideration

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Form Work Team to Apply Screening Criteria

- Participation:
 - Work Team to consist of:
 - Port staff
 - Port technical consultants
 - 5-7 Interested Task Force Members and Alternates
 - Cross-interest representation among Task Force members desired
 - Other technical advisors to Task Force members to participate as needed

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Form Work Team to Apply Screening Criteria

- Process:
 - Today, Task Force members express interest in participating.
 - Co-Chairs will confer to choose a representative group of 5-7 members.
 - Facilitation team will contact Work Team members once members are chosen (target of Friday, October 5 or sooner)

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Break

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Public Comments

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- Comments also invited on other aspects of Port air quality planning
- Please provide brief comments to allow expression of multiple viewpoints

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Port of Oakland Maritime Air Quality Improvement Plan

Next Steps

- Additional Opportunity for Task Force Participation:
 - Drafting MAQIP text to describe stakeholders and their interests
- Next Task Force Meeting Date:
 - Monday, Nov. 5
 - Location to be determined
- Recap of planned work between now and next Task Force meeting
- Outline topics for next Task Force meeting
 - Planned topics
 - Task Force suggestions

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