

Date: October 11, 2007

To: Attendees, September 27, 2007 Port of Oakland Maritime Air Quality Improvement Plan Task Force Meeting

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

Re: Key Outcomes Memorandum – September 27, 2007 Port of Oakland Maritime Air Quality Improvement Plan Task Force Meeting

Below is a summary of the September 27, 2007, 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:

This third meeting of the MAQIP Task Force was convened at the Jack London Aquatic Center in Oakland. Over 45 Task Force members and their alternates attended the meeting, as well as Port and Bay Area Air Quality Management District staff, Port technical consultants, and interested members of the public. Port Executive Director Omar Benjamin also introduced James Kwon as the new Director of Maritime at the Port of Oakland. 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

KEY DELIBERATION ITEMS:

Adoption of Revised Screening Criteria:

Port staff and Co-Chairs introduced revised Screening Criteria, modified in response to stakeholder comments at the August 14, 2007 Task Force meeting. While it was noted that “surplus reductions” is an accepted term of art in air quality planning, Task Force members agreed to recast this term to the phrases “additional reductions” or “reductions above and beyond regulatory requirements.” Additionally, Task Force members made two revisions to the document, including removing the word “significant” from criterion #6, and splitting criterion #5 into two, to create one additional criterion. The Task Force then took a straw vote, and adopted the Screening Criteria with these revisions. The adopted document is available on both the Port of Oakland and CONCUR websites.

Meeting Attendees Suggested Initiatives to Reduce Emissions and Risk Above and Beyond Regulatory Requirements:

All meeting attendees, including public observers, were invited to participate in breakout groups to suggest initiatives for achieving emissions or risk reductions beyond regulatory requirements.

The purpose of the activity was to build the pool of potential initiatives. This discussion complements the earlier Source Document Work Team’s review of stakeholder-suggested Source Documents to identify emissions reductions measures. The combined list of (a) initiatives drawn from the Source Documents and (b) suggestions offered at the 9/27/07 Task Force meeting will be considered by a Work Team and be screened into lists of primary and secondary interest using the Adopted Screening Criteria. The full list of suggested initiatives offered by meeting attendees is attached to this document as Appendix A.

BRIEFINGS AND UPDATES:

Port staff and agency representatives presented several briefings and updates to Task Force members. These included the following:

1. In response to stakeholder requests, Omar Benjamin, Danny Wan, and Delphine Prévost of the Port of Oakland presented a briefing on important Port economic, legal, and technological constraints. Omar Benjamin also provided a description of the Port's commitments and opportunities relative to air quality planning.

Key questions and follow-up items:

- *Port staff agreed to make materials available on the Port's financial status as well as official operating statements, in order to provide more detail regarding financial and competitive constraints.*
 - *The request was made to see a direct analysis of how the Port can grow while helping to improve community health.*
 - *There was a request to have a more detailed definition of the term "feasibility" that is frequently used in reference to whether a particular initiative will be implemented.*
 - *Acknowledging the Port's current difficulties in managing its debt load, there was a request to hear from the Port about the projected timeline for getting out of debt, and the steps that are planned to do so.*
 - *Regarding the Port's legal authority, several Task Force members posed questions about the Port's authority to require its tenants to achieve certain emissions reductions. Danny Wan of the Port of Oakland explained that while this is an area of legal debate, as a landlord the Port has the ability to set health and safety rules that affect the operation of its business. This ability is subject to federal and state law, and much of the legal debate arises in reference to Port tenants that are subject to inter-state commerce rules.*
 - *The Co-Chairs offered a parallel opportunity to industry representatives to present at the November 5 Task Force meeting on their constraints and commitments. The facilitation team outlined three guiding questions to inform 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?*
2. Delphine Prévost provided an overview of the two primary functions of the MAQIP, as discussed during Co-Chair meetings in the weeks preceding the September 27 meeting. The two primary functions are: (1) Developing strategies to ensure compliance with regulations expected to bring significant emission and risk reductions, and (2) Developing potential initiatives and strategies to achieve emissions or risk reductions that go beyond regulatory requirements.

Key questions and follow-up items:

- *Three suggestions were offered for funding sources for achieving emissions and risk reductions: 1) Engage companies realizing large financial gains from goods movement in contributions to emissions reductions costs; 2) Investigate using the Port land holdings as a potential source of funding; and, 3) Include in the MAQIP a focus on reducing greenhouse gases, which will also reduce particulate matter levels in the community and may create opportunities to secure other sources of funding.*
- *One Task Force member noted that virtually all of the reductions achieved as a result of the Los Angeles / Long Beach action plan have been through voluntary or incentive-based programs rather than mandatory requirements. He noted that many proposed mandatory requirements are still subject to legal challenges. Several Task Force members expressed an interest in avoiding*

the prospect of MAQIP initiatives being tied up in legal challenges, and voiced support for continuing in a collaborative, problem-solving mode.

3. Till Stoeckenius of ENVIRON (technical consultant to the Port) presented the expected reductions in emissions at the Port of Oakland given (a) port growth estimates, (b) existing air quality regulations, and (c) existing regulations and pending regulations likely to be adopted. The reductions, expressed as percent changes, were presented relative to 2005, the baseline year for the MAQIP. ENVIRON presented the information as an informational draft for Task Force deliberation, requesting that it not be cited or quoted. The forecasts of emission reductions indicate greater reductions from on and near-shore sources as compared to off-shore sources.

Key questions and follow-up items:

- *The request was made to reflect emissions from construction projects happening during the 2005 Port emissions inventory. Construction emissions are not currently represented in the 2005 emissions inventory. Delphine Prévost reported that the Port is working to quantify the construction activity during that period, and that data may be available in the next month.*
 - *The request was made to calculate emission reductions if certain trucks from Part 3 of CARB's emissions inventory (West Oakland Sources) are allocated to Part 1 (Port of Oakland).*
 - *The request was made to provide emission reduction forecasts for each of the low, medium, and high Port growth scenarios across the board (the Port focused on the medium growth scenario because it believes this scenario is more appropriate given the interplay between maritime industry growth and the need to err on the side of caution when calculating emission reductions – i.e. not overestimate reductions/underestimate emissions).*
4. Representatives of the Air Resources Board, USEPA, Bay Area Air Quality Management District, Alameda County Department of Public Health, and City of Oakland Mayor's office made brief statements regarding their agencies' respective roles. Several Task Force members also made requests of the agency representatives, which they will strive to address in follow-up presentations at the November Task Force meeting.

Related requests for agency follow-up in November:

- *Request that the Air District provide more information about its Green Ports Initiative and how it relates to the MAQIP effort.*
- *Request that agency representatives provide more data about human impacts, including a computation of such health outcomes as death, asthma, and cancer specially attributed to Port-related operations.*
- *Request a description of the linkage between the greenhouse gas reduction plan of the Joint Policy Committee and the MAQIP effort.*
- *Request that the Port convene an inter-agency meeting between this Task Force meeting and the November meeting, to create a short-term work product (such as a matrix) showing the respective authorities of agencies involved in the MAQIP effort.*
- *Request that the Port and BAAQMD describe whether the two organizations are actively collaborating and coordinating on preparation of the environmental bond applications that will be due next year, and which are expected to be graded heavily on "readiness." If the agencies are coordinating, what has been decided or what is the process for determining whether both agencies will administer a truck replacement and overall air quality improvement program, or will one of the two take a clear lead?*

SUMMARY OF NEXT STEPS:

Responsible Party	Action	Timeline
Task Force Members and Alternates		
Task Force Members and Alternates	<ul style="list-style-type: none"> Notify Jon Mires (mires@concurinc.net or 510-649-8008) and Delphine Prévost (dprevost@portoakland.com or 510-627-1141) if interested in participating on the Work Team to apply Screening Criteria to potential initiatives. 	10/4
Task Force members and Alternates	<ul style="list-style-type: none"> Submit additional questions for agency representatives on the topics of agency authority, agency incentive abilities, or inter-agency coordination (to be addressed at the November 5 meeting) to Jon Mires at mires@concurinc.net or 510-649-8008. 	10/5
Industry/business Task Force members	<ul style="list-style-type: none"> Prepare brief presentations for the Nov. 5 Task Force meeting to address the 3 guiding questions developed by MAQIP Co-Chairs; transmit to facilitation team by Nov. 1. 	Late October
Agency Task Force members	<ul style="list-style-type: none"> Prepare brief presentations for the Nov. 5 Task Force meeting to follow-up on preliminary statements and Task Force questions on 9/27; transmit to facilitation team by Nov. 1. 	Late October
Task Force members	<ul style="list-style-type: none"> Suggest additional terms to include in the Glossary and Acronyms list to Delphine Prévost: dprevost@portoakland.com or 510-627-1141. 	Ongoing
Task Force Members	<ul style="list-style-type: none"> Prepare for Nov. 5 meeting by reading available materials in advance of the meeting. Meeting materials will be available about one week ahead of time. 	In advance of 11/5
Port staff, Co-Chairs, and CONCUR		
CONCUR	<ul style="list-style-type: none"> Finalize and distribute Key Outcomes Memorandum. 	Week of 10/8
Port and CONCUR	<ul style="list-style-type: none"> Incorporate revisions to Adopted Screening Criteria. Post Adopted Screening Criteria to project websites 	Week of 10/8
Co-Chairs	<ul style="list-style-type: none"> Choose a representative, cross-interest Work Team to apply Screening Criteria from among those Task Force members and Alternates who have expressed interest. 	Week of 10/1
CONCUR	<ul style="list-style-type: none"> Compile and distribute to agency representatives all questions submitted by the Task Force for agencies. 	Week of 10/8
Co-Chairs and CONCUR	<ul style="list-style-type: none"> Consider and confirm agreement on the framing and content of agenda items for Nov. 5 meeting. 	By 10/29

NEXT TASK FORCE MEETING

The next MAQIP Task Force meeting is scheduled for Monday, November 5, 2007. The meeting is tentatively scheduled for 10am – 5pm. Confirmation of the meeting time and location will be announced once a venue is reserved.

Co-Chairs will consider and agree upon agenda items in advance of the November 5 meeting. Likely agenda topics include presentations from industry and agency representatives, full Task Force review of the Work Team's coarse screening of potential initiatives to go beyond regulatory requirements, follow-up discussion on inter-agency coordination, and preliminary discussion of implementation, monitoring and reporting framework and processes.

APPENDIX A
MAQIP TASK FORCE SUGGESTIONS FOR ACHIEVING EMISSIONS OR RISK
REDUCTIONS BEYOND REGULATORY REQUIREMENTS

Meeting attendees at the September 27, 2007 meeting of the Port of Oakland Maritime Air Quality Improvement Plan (MAQIP) Task Force offered the following suggestions. All meeting attendees, including Task Force Members and Alternates as well as interested members of the public, were invited to offer ideas in breakout sessions. Assignment to a breakout group was random. The suggestions below are stated as they were expressed in the specific breakout groups. These suggestions will be combined with the list of potential initiatives drawn from Source Documents. A Work Team of the Task Force will then apply the screening criteria to the integrated list.

Suggestions Offered in Breakout Group #1:

1. Create a buy-back program for old trucks based on established criteria (buy worst trucks first).
2. Create a schedule for drivers to reduce queues, after determining standards for a reasonable queuing time.
3. Create a trucker mobility program so that they do not need to drive trucks out of the Port unnecessarily (i.e. - use a shuttle, BART, or other public transportation).
4. Establish a system that allows cleaner trucks move to front of the line. (Emissions based, reference #37 on Source Document Work Team product.)
5. Create more efficient queues; Call trucks to the Port when needed to reduce idle time.
6. Improve the relationship between data developers & the Port for a virtual container yard to perhaps mitigate need for 3rd party coordinator of a potential virtual container yard.
7. Electrify terminal equipment such as RTGs (rail mounted gantry).
8. Develop a virtual container yard (off Port property) with compliance by all terminal operators to create more efficient movement of goods. (This requires a 3rd coordinating party & central database to design & implement).
9. Develop a local/regional policy to give stakeholders more say in implementation of new technologies. Give more latitude to the Port to improve performance standards.
10. Revise the Jones Act to optimize goods movement, and thus minimize emissions and fuel used. ("Short-Sea Shipping")
11. Create cold ironing incentives for early action.
12. Deploy more LNG & CNG trucks.
13. Assemble a database of truck ages to reduce the use of old trucks.
14. Create a position for a public health officer at the Port to take the lead on health impact assessment, and inform staff on community & worker health.
15. Electrify everything. Use electrification in much more Port/terminal operations equipment.
16. Standardize terminal rules for appointment systems.
17. The Port should create infrastructure for another level of rail traveling north & East.
18. Create a national policy for goods movement that applies to ports to level the playing field and reduce emissions.
19. Examine maglev technology for short rail (potentially on a regional scale).
20. Establish incentives & penalties to enforce meeting appointments.
21. Support implementation of CARB low sulfur fuel rule for ships.
22. Create more trucking services on Port property (such as food, restrooms, etc.).
23. Upgrade the truck fleet so that all trucks meet 2007 standards.
24. Use cleaner rail engines (both line haul and switchers: Tier II & III).
25. Make more aggressive use of shore-side power (building on the pilot LNG project).

26. Seek ways to go above and beyond CARB's yard tractor programs.
27. Work with manufacturers to design engines that can run on alternative fuels such as bio-diesel.
28. Create an electrified truck stop (cold ironing the trucks) so that trucks do not idle in the queue.
29. Create a corporate challenge program for companies to come forward with emissions reduction plans with reward of recognition & publicity.

Suggestions Offered in Breakout Group #2:

30. Provide corporate recognition to companies that go above and beyond regulatory requirements. Develop the program within the Oakland community, and provide recognition as a valuable community partner.
31. Establish several truck entrances at every terminal, with some aside for clean trucks. This approach is more desirable than allowing clean trucks to jump to the front of the line, as it reduces the possibility of confrontation.
32. Use Genset switch engines within rail yards, where traditionally the oldest locomotives are used. The Genset switch engine is 90% cleaner than the traditional locomotives, and there are other promising alternatives in the works. (Switch engines operate only in rail yards).
33. Seek ways to accelerate compliance with CARB's Container Handling Equipment replacement rule.
34. Offer a subsidy for tugs that use cleaner-burning, but more expensive, soy diesel. Provide the subsidy if the equipment uses the fuel and stays in Oakland. This model could also be expanded to other businesses.
35. Increase the supply and/or availability of low sulfur fuel. Collaborate with refineries and distributors to explore ways of increasing supply, access and availability through increased distribution locations and price subsidies.
36. Explore registration rules for DMV for trucks to determine if there are mechanisms to establish a vehicle inspection and maintenance program for trucks, similar to what exists for passenger cars.
37. Incentivize cleaner vessels to call at the Port of Oakland. This will entail devising a set of criteria to identify these vessels.
38. Review the existing system for distributing information about required actions (both laws and Port rules) to Port business operators, such as individual truck drivers. If that system isn't functioning well, seek ways to improve it so that operators are aware of existing requirements. This applies to all businesses, including trucks, railroads, ocean carriers, and others.
39. Set truck turn-time in terminals to 20-30 minutes, with the Port and terminal operators jointly responsible for enforcement.
40. Provide a Port-wide electrical grid for shoreside power.
41. Develop a Port-run vehicle inspection and maintenance program for port drayage trucks. This would be periodic and random inspection program, and could also be imposed on terminal operators.
42. Provide support services for trucking operations on or adjacent to Port property so that trucks are not seeking services in the community. Support services would include truck maintenance and repair, parking, and food and restrooms.
43. Pilot the use of locally-produced biodiesel at the Port of Oakland. This is a proposal by the Oakland Partnership, whose membership includes the City of Oakland, the Port, private

- businesses and local providers.¹
44. Require or provide incentives for all ships to use low sulfur fuel in both vessel main and auxiliary engines. If the corresponding ARB rules prevail, then extend incentives to ships that are not covered under the rule. The use of low sulfur fuel could also be extended to boilers.
 45. Provide incentives to trucking companies that reduce community and terminal traffic by minimizing the movement of empty containers through matching imports and exports. This would reduce traffic and corresponding emissions. An example incentive could be a reduced concession fee.
 46. Establish inland container pools where trucks can drop-off and pick-up empty containers, to minimize dead-head truck runs.
 47. Provide incentives for early implementation of cleaner truck guidelines. Conversely, institute a penalty for companies that fail to meet the cleaner truck guidelines by a required date. An example incentive or penalty could be decreased or increased concession fees.
 48. Determine how to bring the beneficial cargo owners into the process. For example, provide incentives or recognition to beneficial cargo owners that use carriers exceeding regulatory requirements.
 49. Explore penalties for beneficial cargo owners who do not use carriers exceeding regulatory requirements.
 50. Place a public billboard that recognizes companies who excel in reducing emissions and/or improving the efficiency of their operations.
 51. Collaborate with other ports (LA/LB and/or Seattle) to coordinate the movement of clean ships through incentives rather than mandates.
 52. Develop a cold ironing scheme for Port trucks.

Suggestions Offered in Breakout Group #3:

53. Make the Port of Oakland a model for achieving reductions through creative initiatives that are not regulatory driven.
54. The City of Oakland should sell additional Army Base lands to the Port. The increased land would allow for increased efficiency and lower emissions from Port operations.
55. Implement cold ironing.
56. Allow clean trucks to use I-580, providing a “green exemption” to redistribute traffic and incentivize the use of clean trucks.
57. Explore technological alternatives to cold ironing, such as the Wittmar Project to use LNG.
58. Initiate a discussion with labor and industry to reduce emissions and increase efficiency, including increasing the times when trucks and ships can access the terminals.
59. Electrify cargo handling equipment.
60. Explore increasing the capacity of on-dock rail movement.
61. Manage traffic congestion in and out of terminals.
62. Explore alternative fuels and power concepts, such as electrifying equipment used at the Port.
63. Improve operations and technology.
64. Open secondary gates to get trucks through terminals faster and avoid idling.
65. Provide an incentive for clean trucks, such as marking them with a barcode and providing a “green lane” or allowing them to jump forward in the queue.
66. Specifically promote the use of biodiesel fuel.
67. Use IT technology to link industries working at the port - increase the IT capacity for the

¹ See “Oakland Partnership – Business Plan Template” (Draft) © 2007, Economic Competitiveness Group, Inc., posted on the CONCUR and Port of Oakland websites.

- trucking industry, and implement common systems across industries. Increased digital capacity and efficiency in communication will reduce emissions.
68. Provide visual messaging to route local traffic during times that local routes are congested with idling trucks.
 69. Step up city enforcement of traffic regulations. Enforce truck parking and truck routes.
 70. Provide truck parking that allows trucks to maintain their position in the queue without idling, based on their appointment time.
 71. Ban the use of diesel gensets and provide electrified locations for refrigerated trucks around the port and in the adjoining community, so that trucks holding refrigerated containers do not have to keep the engine running.
 72. Assign Danny Wan (Port legal counsel), and UC Berkeley Boalt law students to develop a legal analysis that defines the maximum authority to require compliance via lease agreements through (1) Port actions only, and (2) the joint effort of the Port and partner agencies.
 73. Engage the City of Oakland in assisting with redefining and/or condensing truck routes.
 74. Adjust the truck speed allowed in neighborhoods.
 75. Expand enforcement of commercial vehicle laws already adopted.
 76. Establish specific maintenance protocols and compliance inspection requirements for all combustion sources on Port property. Keep records of maintenance activities and inspection results.
 77. Extend gate hours and provide incentives to enter at night instead of daytime (similar to the "Pier Pass" used in Los Angeles/Long Beach), along with penalties for entering during high traffic hours. The Port should collect data about gate activity from terminal operators and structure the incentives and penalties correspondingly.
 78. Provide more bilingual signage.