PMSA
PACIFIC MERCHANT SHIPPING ASSOCIATION

December 2, 2019

Chair Mary Nichols
California Air Resources Board
1001 I Street
Sacramento, CA 95814
Submitted via email to cotb@arb.ca.gov & via website to "ab617westoakland"

Re: Community Emissions Reduction Program for West Oakland (AB 617)

Dear Chair Nichols,

On behalf of the members of the Pacific Merchant Shipping Association (PMSA) which operate at the Port of Oakland, including marine terminal operators, ocean carriers, and other maritime industry businesses, we are pleased to submit our comments to the Air Resources Board on the West Oakland Community Action Plan (WOCAP), as proposed to be adopted.

PMSA is proud of the tremendous Air Quality improvements which have already been achieved at the Port of Oakland due to the efforts of PMSA members and other the private industry stakeholders operating at the Seaport. From 2005 to 2017, the Port and its industry partners across the maritime intermodal supply chain have achieved tremendous emissions reduction results: 91% reduction in SOx, 80% reduction in Diesel PM, and 30% reduction in NOx. And, with more investments in cleaner equipment by industry, the Port's latest air quality plan update, and continued phase-in of existing ARB regulations, seaport air quality is only expected to continue to improve for the foreseeable future.

On balance, the WOCAP presents several new and laudatory ideas for addressing emissions in West Oakland; PMSA supports those which will build on the successful efforts already underway at the Port, but identifies others as problematic. PMSA also supports the Plan's acknowledgment of the primacy of a statewide rule for addressing oceangoing vessels at berth. Please find attached PMSA's comments as submitted to the BAAQMD with respect to the draft Plan.

PMSA also supports the WOCAP conclusion that the City of Oakland needs to maintain and strengthen the existing industrial buffer zones surrounding the Port of Oakland. We agree with the high value that the Plan places on protecting industry and sensitive receptors from one another by maintaining strong buffer zones. The WOCAP approach to preservation of these areas for continued industrial-supporting uses should be applied to stop residential encroachment on currently non-residential areas of the West Oakland AB 617 planning area. In particular, with respect to the Howard Terminal and Jack London Maker District, the Plan should discourage the City of Oakland from locating up to 30,000 new residents in the current industrial buffer zone. Please also find attached a comment letter on the draft Plan from a broad coalition of stakeholders regarding the application of AB 617 to these existing buffer zones.

Sincerely,

Mike Jacob
Vice President & General Counsel

PMSA
PACIFIC MERCHANT SHIPPING ASSOCIATION

September 9, 2019

Alison Kirk, Principal Environmental Planner
Ada Marquez, Principal Environmental Planner
Bay Area Air Quality Management District
375 Beale St., Suite 600
San Francisco, CA 94105
Delivered via email to WestOaklandPlan@baaqmd.gov

Public Comments Re: "West Oakland Community Action Plan" Draft Plan and Draft EIR

Dear Ms. Kirk and Ms. Marquez:

We submit these comments regarding the "West Oakland Community Action Plan" (WOCAP) Draft Plan and Draft Environmental Impact Report on behalf of the members of the Pacific Merchant Shipping Association (PMSA). PMSA represents marine terminal operators, ocean carriers, and other maritime industry businesses which operate at the Port of Oakland.

To set the context for the offering of these comments on the WOCAP, it is important to note the tremendous Air Quality improvements which have already been achieved at the Port of Oakland due to the efforts of the private industries operating at the Seaport. From 2005 to 2017, the Port and its industry partners across the maritime intermodal supply chain have achieved tremendous emissions reduction results: 91% reduction in SOx, 80% reduction in Diesel PM, and 30% reduction in NOx.

By starting the WOCAP with a 2017 baseline, the Plan does not acknowledge the dramatic and recent history of air quality improvements at the Port. The significant scope, scale, and speed of implementation and the sheer magnitude of investment in the very substantial emissions reductions which have already occurred is a critical context for all future air quality efforts at the Port of Oakland. These significant contributions to emissions reductions should be reflected affirmatively in the WOCAP.

The pace and scale of these emissions reductions, as the WOCAP points out with respect to future reductions from seaport sources already anticipated, are primarily dictated by regulatory rules for freight mobile sources which already exist at the state level. As the WOCAP correctly concludes, even without any WOCAP Plan implementation, regulated emissions reductions will continue to result in improvements in West Oakland such that only one residential zone in 2024 will still be clearly over the DPM targets, and three will decrease below the 2030 goals (Figs. 5-11, 5-12).

When one considers that these "without the plan" improvements and reductions are projected to occur even after the application of very aggressively overstated projections of growth in Port emissions, it is clear that the WOCAP's goals are most likely to be achieved under the present "without the Plan" scenario by 2025 for nearly all West Oakland residents with little need for local intervention into questions related to freight mobile source regulation.

PMSA and its member companies are proud of our history of investment in the infrastructure in California necessary to maintain a growing efficient business in the face of major loss of market share and to achieve substantial and significant environmental improvements.

PMSA appreciates and agrees with those related WOCAP goals for mobile source rules and regulations related to the Seaport which acknowledge that the best way to address these sources is to support the rules already in place or to engage in future regulatory processes underway at the state, federal and international level.

For example, while we disagree with the WOCAP's forecasted inventory of future emissions associated with Oceangoing Vessels, PMSA agrees with the WOCAP goal that the best way to pursue strategies for the reduction of emissions from these sources is for the local community to defer to the jurisdiction of the California Air Resources Board (CARB). In this regard, PMSA has been working closely with CARB for years in their efforts to update their existing regulations of vessels at berth and agrees with the WOCAP goal that new amendments to the existing rules for vessels at berth proceed in a manner which is consistent with CARB-adopted policies including the AB 617 Community Air Protection Blueprint, the SB 32 Scoping Plan, the SIP Mobile Source Strategy, and the Sustainable Freight Action Plan.

PMSA agrees with the WOCAP assessment that most of the environmental exposure issues facing West Oakland are not derived from local sources, such as those at the Port, and that the marginal contributions by local sources must be taken in the regional context of emissions issues. It is obvious that many sources contribute to exposure issues and that impacts will necessarily vary by location and proximity of residential areas to industrial sources. The farther residential housing is located from industrial sources (a criteria well beyond the control of the industrial sources), the more marginal the impact on the West Oakland community.

Consistently, the WOCAP highlights the benefit of the existing industrial buffer zones and the value of greater distances between Port operations and residential housing in West Oakland in its examination of the raw emissions values of operations versus the residential impacts of those operations. For instance, while the WOCAP lists Ocean-going Vessels' Berthing and Maneuvering as the 1st and 2nd largest sources of DPM per year (Table 5-2), when it comes to the WOCAP evaluation of the actual Residential Impacts of these emissions, these sources drop dramatically 4th and 7th respectively (Figure 5-10).

With respect to the need to maintain these buffers and to avoid land use incompatibility issues, PMSA is a signatory to a coalition letter submitted separately and we incorporate those comments by reference here regarding proposed residential encroachment being considered by the City of Oakland. PMSA respectfully requests that, to the extent that the purpose of the WOCAP is to reduce exposure to sensitive receptors primarily due to proximity exposures, that the Plan address the question of the creation of these new residential zones.

Given the obvious negative impacts which would result from allowing the residential redevelopment of Howard Terminal by the Oakland A's and related changes to the Downtown Oakland Specific Plan, which are in direct conflict with the policy goals of the WOCAP, the Plan should do everything it can to discourage the City of Oakland from replacing current industrial zoning within and near the Port of Oakland with new residential uses that are in and amongst and closer than ever before to Port and industrial operations.

Please find our additional specific comments on pages 4-10 of this letter, below.

We look forward to working with the BAAQMD to clarify, correct and update the WOCAP Draft Plan and the Draft EIR prior to final adoption and presentation to CARB. Please feel free to contact us at any time to discuss these or any other issues.

Sincerely,

Mike Jacob
Vice President & General Counsel

COMMENTS ON WOCAP DRAFT PLAN

- Pg. 2-3 - "West Oakland History" & "West Oakland Today"
  This History and Today sections are an appropriate location to describe events from 1999 to the present in this narrative. This section is currently missing the recent history of substantial emissions reductions and significant air quality improvements occurring at the Port of Oakland. Acknowledgement of the recent history of investments in improved air quality are arguably just as, if not more, relevant to the profile of impact and context for present air quality initiatives than the other historical inputs noted here. We would request a provision which notes the air quality improvements which have occurred in the WOCAP Planning Area since 2005.

- Pg. 2-6 – "Population Characteristics"
- Pg. 2-7 – "Health Conditions in West Oakland"
  While beyond the immediate scope of AB 617, the WOCAP Plan does properly identify the issue of poverty in West Oakland and disparate level of unemployment as relevant to the context of public health. It is important in this planning process to recognize that just as the impacts of degraded air quality can reduce public health, poverty and unemployment can be greater predictors of and more direct corollaries with public health outcomes. To the extent that these economic factors are complicated by other demographics, employment and the alleviation of poverty become increasing relevant as some studies have found that environmental factors only contribute to 10% of public health outcomes, while socioeconomic factors are the largest at 40%. For more on these issues see the following links which may be of interest: https://www.countyhealthrankings.org/sites/default/files/differentPerspectivesForAssigningWeightsToDeterminantsOfHealth.pdf; https://www.dhs.wisconsin.gov/lh-depts/orientation/hoodcarly-employeeorientation-madisonnotes.pdf; https://www.improvingpopulationhealth.org/blog/what-are-health-factorsdeterminants.html
  And, additional relevant study of this subject by the Robert Wood Johnson Foundation: https://www.rwjf.org/en/library/research/2012/12/how-does-employment--or-unemployment--affect-health-.html; https://www.rwjf.org/en/library/infographics/infographic--stable-jobs---healthier-lives.html; https://www.rwjf.org/en/library/research/2018/09/wealth-matters-for-health-equity.html

- Fig. 5-5 – "Intensity of Air Pollution Contributed by Local Sources in West Oakland (2017)"
- Fig. 5-9 a.b.c. - "… Showing the Mix of Sources Contributing to Local Enhancement …"
  These Maps are unnecessarily limited in scope and do not show values which capture the entirety of the West Oakland planning area, including large portions of the Port complex and those additional areas which are being considered for additional development of new residential housing by the Oakland A's at Howard Terminal and the City of Oakland in its proposed Downtown Oakland Specific Plan. Please include the full picture of sources for each map without the "frame" obscuring the full picture of local sources captured to facilitate evaluation of not just the existing residential zones, but also for the potential for new residential zones proximate to industrial sources.

- Pg. 5-22 – "Summary of Modeled Changes…" - "Ocean-Going Vessels"
- Pg. 6-10 – "Diesel PM" – "Ocean-Going Vessels"
  The WOCAP assumption which forecasts "a 5% compound annual container ship activity growth rate between 2017 and 2030" is problematic with respect to both: 1) the rate of growth forecast and 2) forecasting OGV emissions and impacts will grow at the same rate as freight.

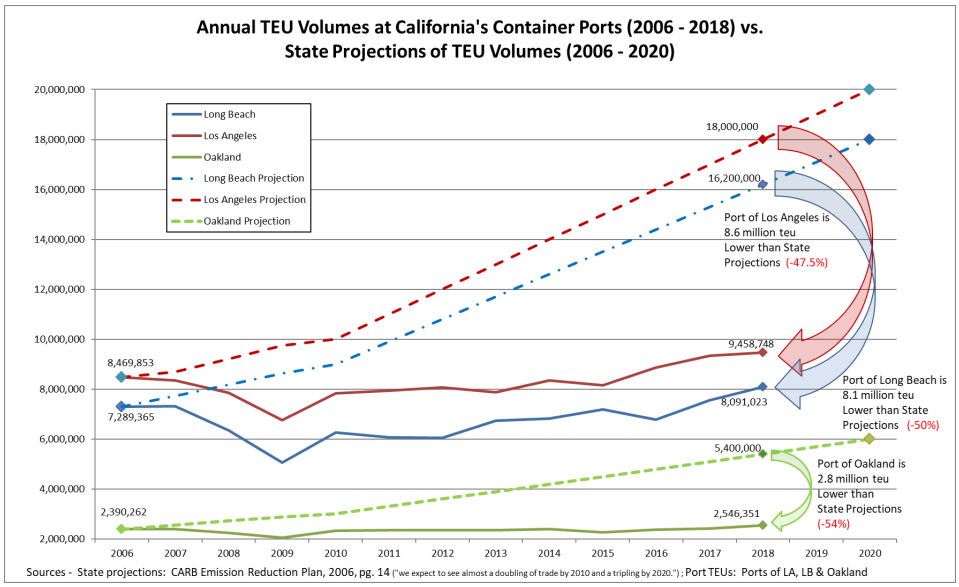
  We appreciate the BAAQMD staff comments regarding refining these estimates with CARB, BCDC, and the Port of Oakland and request that as the District staff works on further improvements to this Plan that these forecasts be reduced to reflect more historically accurate levels of cargo growth and historical trends towards efficiency that actually reduce emissions per unit of freight. To ensure accuracy of predictive emissions and to make sure that the WOCAP is focused on prioritizing issues only those sources necessary to achieve its goals, it is important that these forecasts be revised to advise the public of the most likely scenarios.

  1) Regarding Freight Growth Forecasts

  The FAF analysis used by CARB does not reflect historic growth trends generally, and it departs greatly from the actual growth on the ground in the Port of Oakland. CARB's predicted 5% Compounded Annual Growth Rate until the 2030 horizon of the WOCAP is not consistent with historic actual container volumes at the Port of Oakland, which have not demonstrated anything near this level of growth.

  From 2005 to 2018, tracking the baseline year for emissions reductions calculations, the Port of Oakland's CAGR per TEU is less than 1%, at 0.88%. When compared to the pre-recession high-water mark of container volumes in 2007, CAGR is even lower, at 0.59%. Even if one excludes the recession years pre-2009, Port of Oakland TEU volumes have only grown 24.5 percent total over the past decade, which is a CAGR of 2.46% between 2009 and 2018. This CAGR of 2.46% is very close to the BCDC 2019-2050 Bay Area Seaport Forecast, which shows a moderate growth forecast of 2.2%. (Exec. Summary, Exhibit 2)

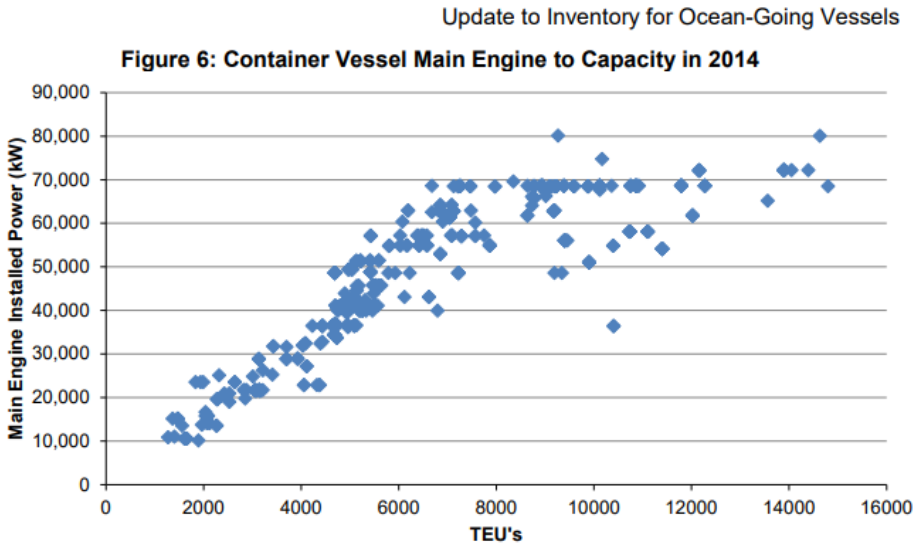
  The disparity between the actual rates of growth and overly optimistic forecasts by CARB have occurred before and can result in significantly skewed views of future air quality impacts and cost-benefit analyses. For example, the 2006 Goods Movement Emission Reduction Plan by forecast was based on an expectation of container cargo growth based on "almost a doubling of trade by 2010 and a tripling by 2020." (GMERP, pg. 14) These forecast estimates are nearly double the actual amount of cargo which is being processed at California's container ports now:



2) Emissions Do Not Increase 1:1 With Cargo Growth

The WOCAP also describes that "OGV emissions and impacts generally will, absent any reductions, grow at [CARB's forecasts for cargo growth] rate." These calculations are more complicated than that, as vessels do not maintain a straight-line methodology for emissions with vessel size or vessel calls with freight forecasts. Instead, we see more cargo growth in the Port of Oakland occurring with fewer vessel calls and with larger vessels on average per port call.

As described in the CARB 2019 "Update to Inventory for Ocean-Going Vessels" main engine and auxiliary engine power "have a non-linear relationship with vessel size" and that "[l]arger vessels show a small increase (on average) in auxiliary engine and boiler sizes but overall are much more efficient on a per-TEU basis." This is illustrated in Figure 6 from the Update:



This dynamic of efficiency both lowers the rate of emissions per unit and overall emissions from the maritime sector. It is unclear whether these trends were considered given the language of the WOCAP that seems to assert a straight-line projection of emissions to cargo on a 1:1 basis. This is not accurate, and we would request that efficiency trends be reflected in the WOCAP projections.

- Pg. 6-10 – "Diesel PM" – "Ocean-Going Vessels"
  With respect to CARB's At-Berth Regulation, it is important to catalogue these emissions reductions properly. In this instance, the emissions reductions from Ocean-Going Vessels should be captured in the WOCAP "Without Plan" projections.

  The WOCAP correctly identifies that emissions from Ocean-Going Vessels will see future reductions. These emissions reductions are going to continue to be achieved through state regulations that have already been enacted independent of the adoption of this Plan, and which are likely to be further amended by CARB also independent of the adoption of this Plan. However, the language of this section describes these future emissions reductions only being included in the "With Plan" scenarios under the WOCAP. This is facially improper, as these emissions reductions will occur or not occur independent of the WOCAP Plan and should be built into the 2024 and 2030 projections for emissions "Without Plan."

- Table 6-1 – "Strategies"

  #2 – Development Projects in West Oakland, Including Howard Terminal
  PMSA concurs with the comments of the Industry Coalition submission.

  #3 – Study Allowing Heavy Truck Traffic on I-580 Through Oakland and I-880 Truck Lanes
  PMSA agrees with the recommendation to study additional truck routes to access the Port of Oakland, including the potential to open Interstate 580 to heavy-duty trucks and to designate "truck only" lanes on I-880. WOCAP should also Oppose any changes to the Downtown Oakland
  Specific Plan that would further restrict freeway access by Trucks to the Port of Oakland, including removal of I-980 or development of the 3rd Street overweight truck corridor.

  #9 – Truck Hours of Operations Limitation
  PMSA disagrees with any strategy that would limit the ability of trucks serving the Port and its marine terminals from being able to expand gate hours to maximize off-hour service and minimize truck traffic and congestion in the community and throughout the region. Restricting hours of operation would likely lead to increased road and highway congestion, resulting in measurable increases in emissions. From an exposure perspective, off-peak operations may, in fact, be preferable with emissions occurring when nearby receptors are indoors and not engaged in outdoor activities.

#13 – Development Fees Imposed by the City of Oakland for Environmental Mitigation
PMSA disagrees with the imposition of any fees on freight activities at the Port of Oakland as likely legally problematic under the United States Constitution and without nexus to Port operations. In addition, without further detail as to the scope and nature of this concept, such fees would likely be violative of the City Charter and potentially of the state tidelands trust.

#19 – Port Electrical Infrastructure Plan
PMSA agrees that greater access, reduced costs, and additional infrastructure provided to industry will remove barriers to improved utilization of electrified equipment. However, it is our experience that many of the most problematic infrastructure components in this regard often lie outside of the control of the Port itself. This Plan should be consider it necessary to examine the roles and authority of the City and PG&E as well.

#21 – Sustainable Freight Advisory Committee
To the extent this is intended to be an advisory committee, PMSA views this as an unnecessary duplication of the many advisory committees already maintained by the Port, the City, and the BAAQMD which address issues of air quality and freight activities.

To the extent this is intended to set up a special public-agency with a scope which includes oversight of marine terminal, ocean carrier, and other business terms and operations including "improvements to the Port appointment system" or "charging infrastructure and rates," both of which may be proprietary and such regulation by a local government also potentially violative of the federal Shipping Act, or to expand the committee's scope to "enforce truck parking, route, and idling restrictions," which may also be preempted by federal law, PMSA opposes the formation of such a committee.

#38 – Study Off-terminal Container Yard Development
PMSA agrees with the recommendation to study the creation of additional off-terminal container yards and to improve the ability of trucks to improve efficiency and the number of turns possible to and from the Port.

#45 – Financial Incentives for Tug and Barge Operators
PMSA agrees with the recommendation to provide financial incentives for the tug and barge fleet serving the Port of Oakland to subsidize their upgrades.

#55 – CARB Amendments to the Regulations of Vessels At Berth
PMSA agrees with the recommendation that CARB should update and amend the existing regulations for Ocean-Going Vessels while At Berth and has been participating in the ongoing effort at the Board to improve this rule. All CARB amendments to the At Berth rule to evaluate and regulate additional vessel fleets must be consistent with the AB 617 Blueprint, the SB 32 Scoping Plan, the SIP Mobile Source Strategy, and the Sustainable Freight Action Plan.

#58 – Port of Oakland Clean Ship Program
PMSA is prepared to work with the Port of Oakland to explore the efficacy of a Clean Ship Program, however, these types of initiatives are notoriously hard to manage or to put in to practice. If the purpose of this WOCAP measure is to affirmatively proscribe and restrict vessel

operations, then PMSA is opposed to this strategy measure. If the purpose of this WOCAP measure is to work to develop incentives and non-prescriptive pathways towards a higher fleet composition of newer vessels, then PMSA supports this strategy measure.

#62 – Air District Seeks Authority in 2021 to Regulate Mobile Sources via Indirect Source Rule
PMSA opposes this strategy. The Port of Oakland, marine terminals, warehouses, and other facilities do not, will not, and should not have the capacity or ability to take responsibility for the emissions of the mobile sources who utilize their facilities. Local Air Districts likewise should not have the authority to regulate those facilities via an Indirect Source Rule.

COMMENTS ON WOCAP DRAFT PLAN APPENDICES

- Emissions Inventory, pg. A-7 – "2.1.3 Emissions Sources and Base Year"
  There are several inaccuracies which need to be corrected in this description:

  > In West Oakland, a large number of emissions source types are attributed to activity from the Port of Oakland. The Port is the fifth busiest port in the U.S. and serves as a gateway for intermodal cargo transport. In 2017, the Port consisted of four active marine terminals (TraPac, Nutter (STS/Everport), Oakland International Container Terminal [OICT], and Matson), and two railyards (Burlington Northern Santa Fe [BNSF], and Oakland Global Rail Enterprise [OGRE]). A fifth terminal (the Charles P. Howard terminal, located on the southeastern corner of the Port), has been vacant since the tenant filed for bankruptcy in 2010. Presently, the American Baseball League the Oakland Athletics (the A's) is investigating the possibility of building a baseball stadium on the site that is currently being used for long term Port (drayage) Truck parking.

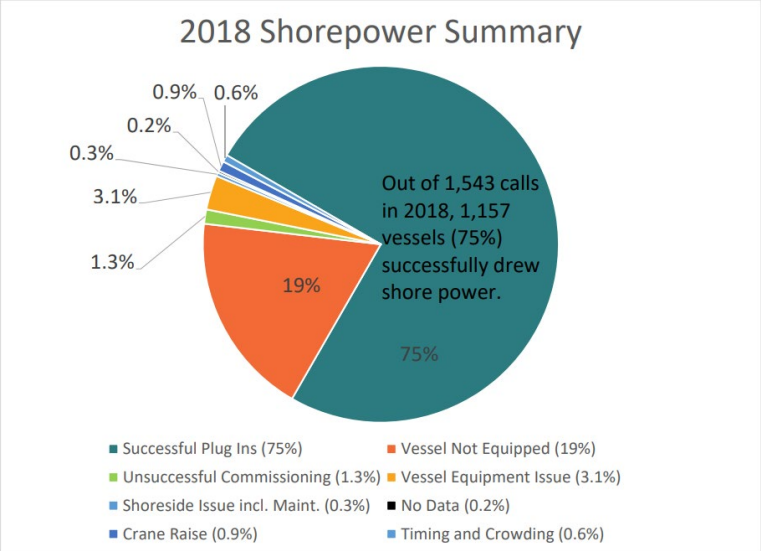
  With respect to the description of the size of the Port, please provide a statistic relative to some metric and provide citations. With respect to the Howard Terminal, several points: While it is not a currently active ship-to-shore marine terminal, it is not vacant and hosts numerous logistics and truck operations. It has not been subject to vacancy due to a bankruptcy. It was last subject to a marine terminal lease through 2014, when SSAT/Matson moved to the former APL terminal. Please clarify that the Oakland A's have a non-binding tentative term sheet with the Port of Oakland but have no rights to the property which is currently undergoing preliminary environmental review.

- Emissions Inventory, pg. A-35 – "Vessel auxiliary power is primarily used when propulsion engines are not running (e.g. at berth or in anchorage outside of the Source Domain)."
  This is not precisely the most accurate statement. While it is true that when the main engines are not running that the vessel's auxiliary power is the main source of power for crew needs for things like lights, computers, and navigation equipment you need auxiliary engines, it would be inaccurate to conclude that auxiliary power is not used also when propulsion engines are running for those same auxiliary functions. It is just no longer the primary source of vessel power or emissions.

- Emissions Inventory, pg. A-35 – "capacity taken from the 2018 IHS Fairplay database"
  The IHS Fairplay database on auxiliary engines may be less than accurate or reliable than reliance on other inventories developed and available. The San Pedro Bay ports have implemented a Vessel Boarding Program in order to eliminate mistakes or inaccuracies that had been attributed to outside sources that may be incomplete. Since many ships calling Oakland have a San Pedro Bay port as a first port of call, it would make more sense and increase accuracy if the average loads from the POLA/POLB inventories were used.

- Emissions Inventory, pg. A-35 – "The use of shore power represents greater than 50% reduction in auxiliary engine operating hours at berth overall and resulting in 40–50% reduction in emissions for all pollutants."
  There are no citations listed for the statistics regarding use of shore power. Please list exact citations for these statistics and provide the context for the percentages of reductions.

  This implies that shore power is only connected for 50% of the time. If so, none of these ships would be complaint with the CARB rule because they would exceed the three-hour connection time limit, and this would only be true if average total time at berth was 6 hours or less. This statistic is much lower than the vessel connection rate reported by the Port of Oakland, in 2018 when 75% of the vessels calling in Oakland successfully drew shore power.



  https://www.oaklandseaport.com/wp-content/uploads/2019/07/2019-06_Oakland-shorepower.pdf

- Emissions Inventory, pg. A-35 – "Data from the Port for shore power calls in 2017 indicate that the average in-use power demanded was 10.5% of the auxiliary generator capacity for the significant shore power connections."
  This statement directly contradicts the use of an 18% load factor for auxiliary engines, as noted above as the basis for assumption for hoteling based on CARB data. If auxiliary engines fulfill a 10.5% load, then that is the load factor, not 18%. Please clarify which load factor is used.

- Emissions Inventory, pg. A-35 – Emissions factors "(assuming 0.1% sulfur content fuel)."
  This is the maximum legal limit. An average based on CARB compliance data should be used to estimate PM and SOx emissions from boils not a calculation based solely on the legal maximum.

September 9, 2019

Alison Kirk & Ada Marquez
Principal Environmental Planners
Bay Area Air Quality Management District
375 Beale Street, Suite 600
San Francisco, CA 94105
WestOaklandPlan@baaqmd.gov

Comments on the "West Oakland Community Action Plan" Draft Plan and Draft EIR

The undersigned organizations, businesses and unions represent interested stakeholders in Oakland's thriving seaport and intermodal transportation sector. We are committed to the success of the Port of Oakland and our role as partners in a seaport which is the largest logistics and supply-chain enterprise in Northern California. The Port of Oakland's customers are ultimately responsible for over 27,000 jobs, $2.5 billion in local income, $500 million in local purchases, and $280 million in state and local taxes.

We are also proud of our collective track records to dramatically and significantly reduce air emissions from seaport operations. From 2005 to 2017 seaport emissions initiatives and air quality improvement efforts in Oakland have yielded successful reductions of 91% in SOx, 80% in Diesel Particulate Matter, and 30% in NOx. More impressive still, these reductions occurred while overall container volumes increased by 6.5% over the same period. By conservative estimates, the international trade community and intermodal supply chain has collectively invested over $5 billion in efforts to reduce air emissions from seaport operations over the past 15 years in California alone.

It is because of our long history of investing, working, and living in California's port communities and our experiences with the need to significantly invest in improved local air quality that we are also aware of the importance of addressing incompatibility of our industrial uses and local residential uses in nearby communities and neighborhoods.

Under AB 617, it is incumbent on everyone to work together to address the air quality issues related to land use conflicts, including those which result in proximity-based residential impacts. Our industry is working hard in Oakland to preserve the existing industrial buffer zones, maintain infrastructure separations, and to stop residential encroachment that would exacerbate these impacts.

To the extent that the West Oakland Community Action Plan (WOCAP) also proposes to protect local residential areas through the separation of these incompatible land uses, we respectfully request that the Plan be sufficiently revised to ensure that the City of Oakland does not create new neighborhoods in locations which will ***unnecessarily expose*** thousands of new residents to industrial emissions and ***increase*** the conflicts between incompatible residential and industrial land uses within West Oakland.

Incompatible Land Uses

Evaluation of incompatible land uses which result in proximity-based exposures to sensitive receptors are what drive analyses of potential localized impacts under AB 617 generally and the CARB Community Air Protection Blueprint. Consistently, avoidance, mitigation, and preventing incompatible land uses and the subsequent detrimental impacts on air quality and public health which can result from these instances of incompatibility are a central part of the proposed WOCAP:

> "Reducing exposure of the most vulnerable members of the community is a priority of this Plan. Steering Committee members helped identify sensitive receptor locations in West Oakland and developed strategies to reduce exposure in these areas." (PROXIMITY-BASED GOALS, pg. 4-5)

The Plan is therefore built around a focused review of geographical impacts to West Oakland residents and to achieve "Proximity-based Goals" one of the challenges acknowledged by this Plan is the need to minimize the impacts of incompatible land uses.

When analyzing existing land uses, it is necessary to acknowledge that these issues are challenging in large part because both sets of competing uses are lawfully permitted, previously approved, and have utility to a community. For example, current residential uses have every right to seek to improve the living conditions of their neighborhoods as do current industrial businesses have every right to continue to operate and grow their local economy. Neither use is better or worse than the other but when made proximate to one another they create negative incompatibilities.

The WOCAP seeks to address this tension of competing and incompatible uses through supplemental and mitigating measures which may alleviate the tension of these uses in existing residential areas of West Oakland. However, what the WOCAP fails to provide for are the equally important policies which will avoid the encroachment of new residential housing into existing industrial areas.

The creation of new housing in industrial zones and the elimination of industrial buffers would immediately escalate land use conflicts and result in substantial increases in the exposure for sensitive receptors in West Oakland and which can threaten existing jobs and businesses. These outcomes are antithetical to AB 617, CARB guidance and the stated policy outcomes and goals of the WOCAP.

Therefore, for this Plan to be effective at achieving its goal of minimizing proximity-based residential impacts, it must address not just impacts on existing residential uses from existing industrial uses but also affirmatively limit the introduction of new residential uses into areas of existing industrial operations and encroachment into the existing industrial buffer zones.

Newly Proposed Residential Districts Would Create Additional AB 617 Impact Zones Which Are Unaccounted For in the WOCAP and Undermine WOCAP Goals

The Goals of the WOCAP are to "protect and improve community health by eliminating disparities in exposure to local air pollution" to specific 2025 and 2030 benchmarks. The "2025 targets are to improve air quality exposure in West Oakland neighborhoods so that *all* neighborhoods meet the exposure conditions of today's *average* West Oakland neighborhood."

The City of Oakland is currently considering two proposals for the creation of new residential communities within the WOCAP AB 617 planning area. These proposals would create new and presently unaccounted-for residential impact zones by 2025.

Specifically, the City is considering two new residential zones and concentrations of new sensitive receptors in the WOCAP which are not currently covered by an existing identified Impact Zone:

- Howard Terminal. The Oakland A's are proposing to site at Howard Terminal a development with 3,000 new residential units, a 35,000 seat open-air stadium, public recreation spaces, a hotel, and 1.5 million square feet of commercial office and retail space. This project is currently in the exploratory environmental phase with the City of Oakland potentially considering a General Plan amendment (*https://www.oaklandca.gov/documents/notice-of-preparation-of-draft-eir-for-the-oakland-waterfront-ballpark-district-project*).

- Jack London Maker District. The City is proposing to create a "Jack London Maker District" in its draft Downtown Oakland Specific Plan. (*https://www.oaklandca.gov/topics/downtown-oakland-specific-plan*) This area, which straddles into the AB 617 WOCAP area, would eliminate the current buffer zone between Seaport uses and residential uses by separating those industrial operations from Downtown and Jack London Square encroachment.

These two proposed project areas are contiguously located within the southeast corner of the currently identified WOCAP area. However, neither of these areas are currently identified in the WOCAP as Residential Zones or locations of Sensitive Receptors. As annotated with the red circles over the SE corner of the "AB 617 West Oakland" area (WOCAP Figure 2-3), these represent potential new "Zone 8" for Howard Terminal and "Zone 9" for the Jack London Maker District:

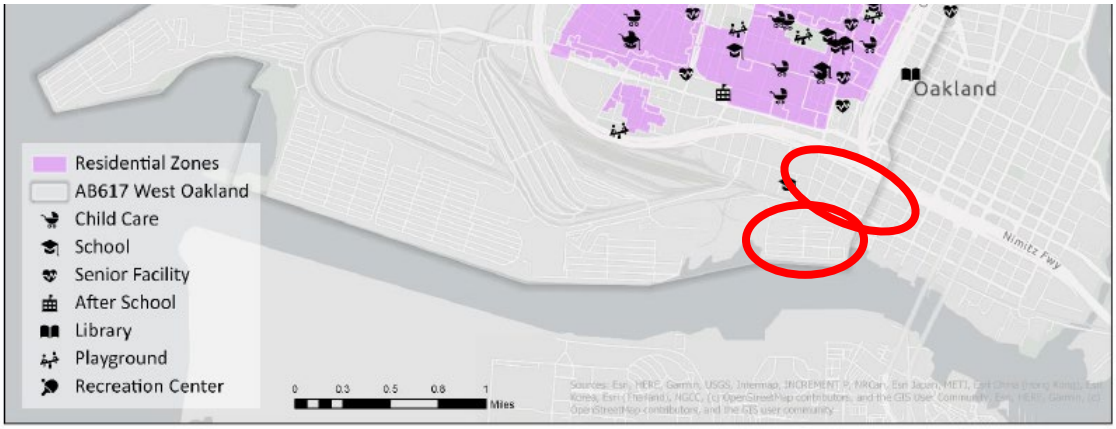
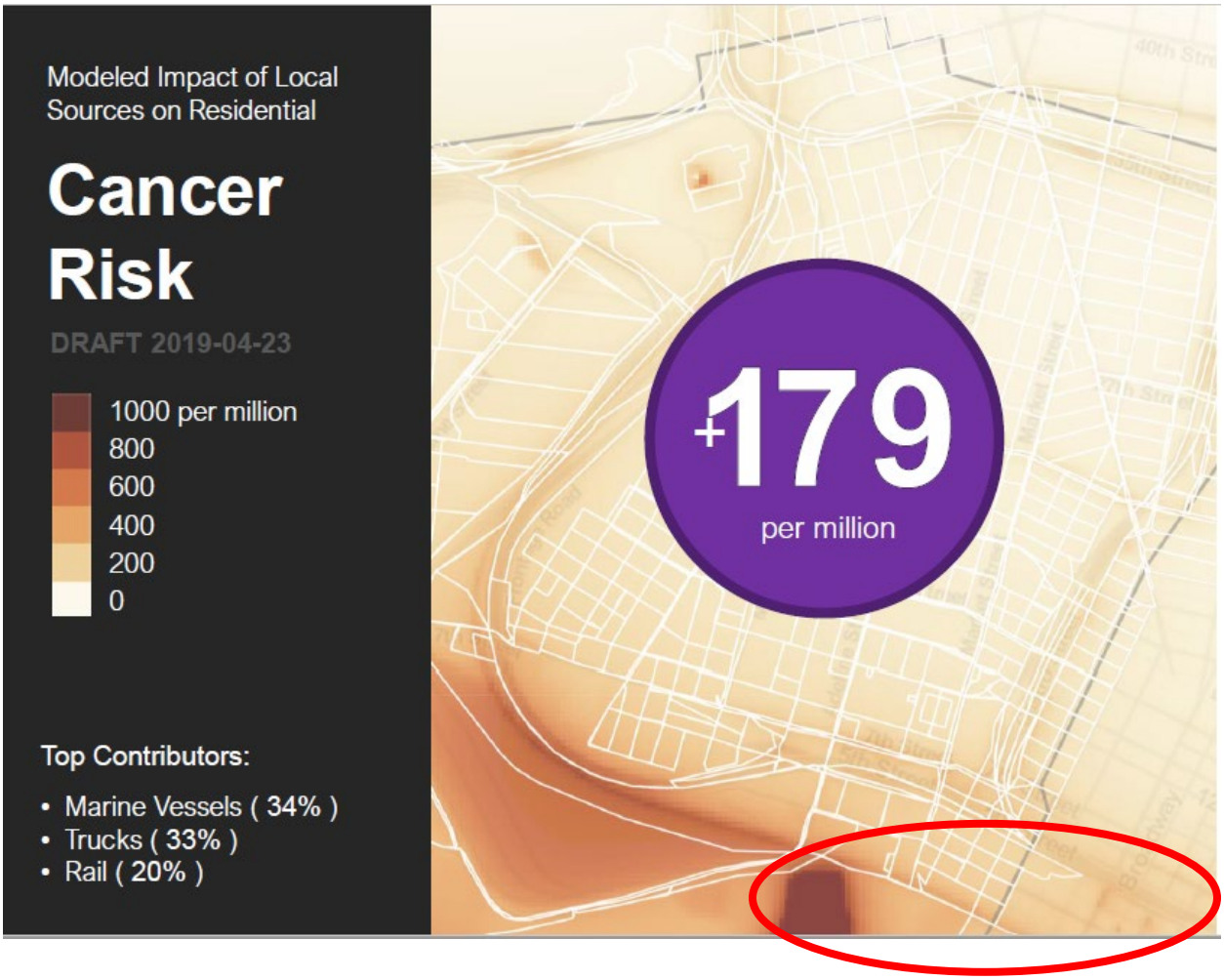


Figure 2-3. Residential Zones and Sensitive Receptors in West Oakland

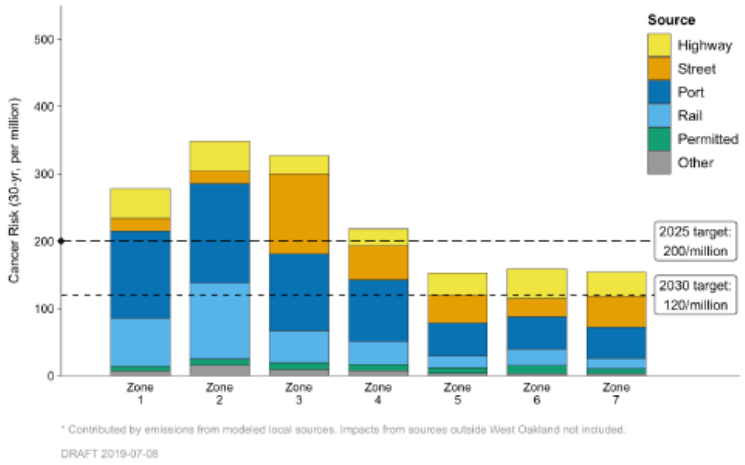
The BAAQMD's models which are underlying the WOCAP have identified these as areas which are highly susceptible to additional air quality impacts. In fact, the Southeast corner of the planning area has the *highest* potential impacts of anywhere within the West Oakland area. As noted on the BAAQMD "Cancer Risk Draft 2019-04-23" modeling map, presented to the District Board on May 1, 2019 in advance of the WOCAP release, the area immediately upwind of Howard Terminal and the Jack London Maker District areas is the only area in which a "Modeled Impact of Local Sources on Residential Cancer Risk" of at least 1,000 per million exists in the local West Oakland modeling domain:



The existing emissions profiles for these proposed residential zones would be greater than the exposure profiles for all other existing zones. These zones would be facially out of compliance with the WOCAP goals and have estimated excess cancer risk profiles many times greater than most of the existing impact zones in West Oakland. Revised Figure 5-13 below illustrates just how far these proposed new residential zones would be out of compliance with the WOCAP goals and how they compare to the existing residential zones identified in the WOCAP:

FIGURE 5-13 (revised) - Including Proposed New Residential Zones
Adding the proposed new residential communities currently being contemplated by the City of Oakland within the AB 617 WOCAP area:
- Oakland A's proposed 3,000 housing units at Howard Terminal ("Zone 8")
- Downtown Oakland Specific Plan "Jack London Maker District" ("Zone 9")

Estimated Excess Cancer Risk (30-yr, per million, modeled Local Sources only)
BAAQMD Modeled Impact (DRAFT 2019-04-23)



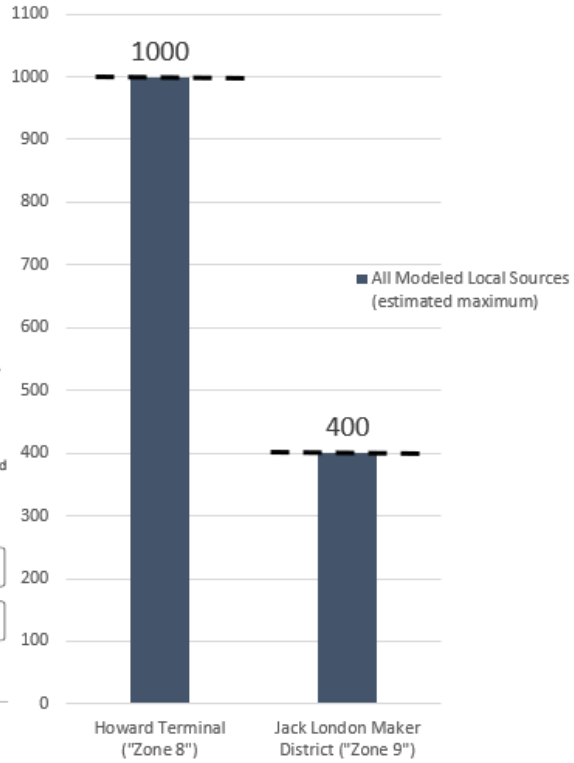


Figure 5-13. Targets and Source Apportionment for Cancer Risk in 2017 (Baseline)

Moreover, these risk profiles are based solely on modeled local sources of cancer risk and only those PM impacts which were included in the community scale modeling. They do not account for other PM impacts which are potentially more impactful to these new residential areas than any of the other existing neighborhoods in West Oakland.

For example, by far and away, the largest local source of PM2.5 by volume in West Oakland is "Commercial cooking" with 20.63 tons per year, compared to the next highest sources of PM2.5 of "Street: Road dust" at 14.74 tpy and "Highway: Non-truck vehicles" at 12.22 tpy. (WOCAP Table 5-2) But, commercial cooking emissions are not included in the community-scale modeling. The Plan surmises that commercial cooking emissions, despite their volume, may be of less consequence to most of the residents of West Oakland "especially given that the majority of commercial cooking facilities are generally downwind of the West Oakland community." (Appendix A, pg. A-107)

This will not necessarily be true for the Howard Terminal or the Jack London Maker District, because of their location at the extreme southeast corner of the WOCAP planning area. As the WOCAP points out, winds in West Oakland are "most frequent from the west and west-northwest at speeds of 2.0-6.0m/s (4.5 – 13.4 mph) (Figure 3-2)." (Appendix A, pg. A-57, A-58):

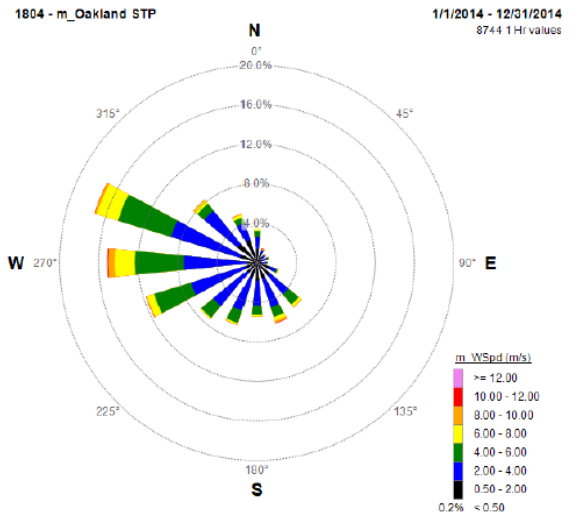


Figure 3-2. Annual windrose at the Oakland Sewage Treatment Plant (OST) in 2014. Compass sectors indicate the direction from which the wind is blowing. The percentage of calm winds (WSpd < 0.5 m/s) are also indicated.

As a result of the prevailing WNW winds, most emissions will be blown to the ESE. This is the precise location of the proposed Howard Terminal and Jack London Makers District residential zones.

Not surprisingly, these are also the same areas of the most impactful concentration of existing emissions which are already modeled. There is no rational reason to presume that this corner of West Oakland will not also be the recipient of the emissions from currently non-modeled emissions, such as those from "commercial cooking" given that this category is the most prolific source of local PM2.5 emissions in West Oakland.

<u>Growing and Maintaining Industrial Uses in Industrial Areas With Minimal Congestion Threatened by Howard Terminal and Jack London Maker District Proposals</u>

The A's proposed project at Howard Terminal will displace an active truck staging yard which has successfully removed many trucks from the West Oakland community. The Jack London Makers District threatens to limit the usage and supporting warehouse infrastructure surrounding the Port's main overweight truck corridors. When both of these current truck zones would then be opened up to new residential development, it is not just the impacts on the new residents that would be significant, but the WOCAP should also evaluate the impacts that these new residential developments will have on displacing and creating congestion in existing freight operations that in turn impact existing West Oakland residents and exacerbate AB 617-related concerns and issues.

Howard Terminal currently handles over 325,000 trucking transactions every year and the 3rd street overweight corridor facilitates tens of thousands of truck moves that must be handled in near proximity to the Port. When these development proposals displace these operations, it will inevitably lead to increased pressure to find additional truck parking, develop new truck, chassis, container, and equipment staging facilities, new port-supporting and industrial warehouse space, and transloading and street-turn areas. Such pressures will likely result in increased truck congestion, increased truck hours of delay, degraded levels of service on truck-intense intersections, and the resulting increased idling and emissions associated with all such introductions of unnecessary transportation inefficiencies and vehicle conflicts.

The displacement of truck parking and truck services in Howard Terminal, and the existing Port-support areas and in the current industrial buffer along 3rd street west of Broadway slated for residential conversion, runs directly counter to the land use strategies proposed by the WOCAP.

Specifically, the Howard Terminal and Jack London Maker District proposals run directly counter to WOCAP Land Use Strategies #5 and #6 and #8, which seek to minimize truck services located within the freeway boundaries and to move those activities to the Port, Army Base and its related industrial-service

areas along the 3rd Street corridor, such that "any relocated businesses do not cause exposure issues at the new location." In addition, WOCAP Land Use Strategy #26 calls specifically for a yard almost exactly along the lines of the current operations at Howard Terminal, and that this facility will be at a logistics center which is not adjacent to West Oakland residents.

In addition to existing truck displacement issues, there will be new and additional local vehicle traffic going to and from these new development parcels, and this additional traffic will create additional, new truck congestion and idling emissions. These impacts have not been thoroughly analyzed yet for either of the projects. However, even the minimal nod given to the issue of new truck congestion by the Oakland A's recent AB 900/AB 734 submission to the state Office of Planning and Research (evaluation of only 7 truck intersections and presumption that the project's improvements actually decrease truck delays) highlights the challenge that should be considered as part of the WOCAP. The "Emissions from Port Truck Idling Delays Due to Project" evaluation of Howard Terminal would result in increases of at least 27 mt of CO2e annually. (A's Supplemental AB 734 Application, Exhibit A, Table OP-11) (*http://www.opr.ca.gov/ceqa/docs/ab900/20190827-AB_734_OaklandAthletics_Exhibit_A-Supplemental_GHG_Memo.pdf*)

Further, emissions from construction were not included in the WOCAP model. The WOCAP found that because "construction activity is highly transient, changing in scope and location from year to year" it would not include these emissions due to "uncertainties with 2017 emissions estimates and the spatial distribution of construction activities in the community." (WOCAP, Appendix A, A-108) However, they are nonetheless a significant factor for local emissions impacts directly, and when there is a large, intense multi-year project – such as that proposed at Howard Terminal - the activity is not transient, it is of a known and planned scope, and concentrated in the community. In the A's Supplemental AB 734 Application, Table 4 makes these emissions impacts plain:

Table 4. Emissions Sources
Oakland Waterfront Ballpark District Project
Oakland, California

Proposed Project		
Type	**Source**	**Description**
Construction	Off-Road Equipment	Direct emissions from diesel off-road equipment exhaust; Indirect emissions from electricity use for electric off-road equipment
	On-Road Mobile Sources	Direct emissions from running, idling, and starting exhaust

And, Table 6, summarizes the CO2e emissions anticipated by the construction at Howard Terminal:

Table 6. Construction GHG Emissions
Oakland Waterfront Ballpark District Project
Oakland, California

Year	CO_2e Emissions (MT/year)			
	Diesel Off-Road Equipment	Electric Off-Road Equipment	On-Road Vehicles	Total
2020	366	0	36	402
2021	2,560	17	2,738	5,315
2022	2,814	71	3,205	6,089
2023	1,976	24	1,768	3,768
2024	2,287	0	1,346	3,632
2025	2,151	149	1,818	4,117
2026	2,926	193	1,893	5,012
2027	1,895	44	1,232	3,171
Total GHG Emissions from Construction (MT)				31,507

If the A's OPR submission can analyze the CO2e impacts of its project, there is no reason that the WOCAP emissions of interest including DPM or PM2.5 cannot be likewise estimated and projected. Since these impacts can therefore be anticipated, they should be articulated, measured and captured in the WOCAP. Otherwise, the WOCAP is proposing penalizing freight-related emissions sources doing business at marine terminals in the Port of Oakland but ignoring residential-construction related emissions sources doing business at a marine terminal in the Port of Oakland.

That's a double whammy for the Port and for the community; these construction activities, especially in the heart of a working seaport, will not only displace trucking facilities but will also result in residual delays and congestion of trucks and vehicle traffic off-site and in West Oakland generally. These same residual delays will not only make it harder for port trucks to conduct business in Oakland and increase expenses, but this congestion will have even greater residual congestion impacts on the community and community air quality will suffer as well.

CONCLUSION

Given all these factors, it is readily obvious that the creation of these new residential areas will expose thousands of potential new residents to air emissions at potentially impactful levels and render the WOCAP ineffective at reaching its goals in 2025 and 2030.

It is critical that we work to avoid developments which are antithetical to the purpose of AB 617, the stated goals of the WOPAC, and to the public health of residents and the economic health of the Northern California megaregion. We look forward to working with the BAAQMD, WOEIP, and other stakeholders to avoid these unnecessarily backward outcomes.

Sincerely,

Agriculture Transportation Coalition
American Waterways Operators
BNSF Railway
California Trucking Association
Customs Brokers and Forwarders Association of Northern California
Devine Intermodal
GSC Logistics
Harbor Trucking Association
Inlandboatmen's Union of the Pacific
International Longshore and Warehouse Union – Local 10
International Organization of Masters, Mates & Pilots
Pacific Merchant Shipping Association
Quik Pick Express, LLC
SSA Terminals
Transportation Institute
Union Pacific Railroad