



Air Resources Board



Matthew Rodriguez
Secretary for
Environmental Protection

Mary D. Nichols, Chair
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Edmund G. Brown Jr.
Governor

May 31, 2016

Mr. Darin Ranelletti
City of Oakland
Planning and Building Department
250 Frank H. Ogawa Plaza, Suite 3315
Oakland, California 94612

Dear Mr. Ranelletti:

Thank you for providing the Air Resources Board (ARB) the opportunity to comment on the Northeast Gateway Construction Management Plan (Air Quality Elements) (Plan). This Plan provides an opportunity to ensure the cleanest possible construction practices while constructing the Northeast Gateway site. Eliminating and minimizing air quality impacts from the construction of this project is vital to protecting the health of nearby communities.

Overall, we find that the Plan contains measures that will achieve reductions in emissions generated by onsite construction activity. Specifically, the Dust Control Mitigation Plan and the use of the electricity infrastructure surrounding the construction site over electrical generators powered by internal combustion are helpful in reducing emissions.

Documents like this Plan are important to the public as they can help to provide transparency and accountability while following through with commitments made during the environmental review period. It is important to develop specific actions to ensure that the public is well informed about the project and proposed solutions to the project's potential impacts. Although several measures in the Plan provide sufficient detail, others need further clarification in order to ensure proper implementation and enforcement of the measures included in the Plan as well as ensure meaningful public engagement. This further clarification will help ensure the project ultimately avoids or substantially lessens the significant and unavoidable impact to air quality identified in the 2002 Draft Environmental Impact Report and Final Environmental Impact Report, and achieves the less-than-significant impacts determination made in the 2012 Addendum, by implementing all feasible mitigation.

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our website: <http://www.arb.ca.gov>.

California Environmental Protection Agency

General Recommendations

For both this and subsequent Subject Plans, consider the following:

- 1) Coordinate and consult with the community on construction and operations related vehicle circulation, identify selected routes that divert traffic away from neighborhood streets and is least impactful to the surrounding communities. Include details of the agreed upon truck routes in the Plan. Meaningful coordination with the community takes time, and to ensure that project development stays on schedule, we recommend that this work be initiated as soon as possible if you have not already done so.
- 2) Specify the public review release date and expected content for each of the remaining Subject Plans for this project, subject to Mitigation Measure PO-1 (Stakeholder Review of Air Quality and Trucking Plans). It is expected that the remaining Subject Plans will be released in a timeframe that will allow for meaningful public review and response by the City of Oakland and project developer prior to when they are scheduled according to the Standard Conditions of Approval and Mitigation Monitoring and Reporting Program.
- 3) Include Plan requirements in the contractual agreement between Prologis and the construction management company in order to strengthen enforceability.

Construction Related Recommendations

To ensure that the Plan meets the goals of Mitigation Measure SCA Air-2, and to ensure that the project's construction-related impacts to air quality remain less than significant, ARB recommends clarifying several measures, strengthening enforceability, and including additional measures that ARB staff finds feasible and critical to reducing emissions and protecting public health. Details of these recommendations are below:

- 1) Define "late model" under Emission Control Mitigation Plan, protocol "a". We suggest requiring all medium-heavy and heavy-heavy duty trucks, including any alternative fuel vehicles, meet or exceed 2010 emission standards. In addition, consider clarifying the parameters of this measure by requiring all off-road vehicles and equipment meet Tier 4 engine standards. If Tier 4 is not available, the off-road equipment should meet Tier 3 engine standards. Also, consider requiring each contracted fleet to provide an ARB Certificate of Compliance to the onsite Project Compliance Manager prior to commencing operations.

- 2) Clarify the intention of “low-emission diesel fuel” in the Emission Control Mitigation Plan, protocol “a”. This type of fuel is already standard in California; therefore, it is unclear what additional control this measure is offering. As written, this protocol also seems to limit equipment onsite to diesel power. Please consider editing to allow for the flexibility to use zero and near-zero emission equipment as well.
- 3) Define “alternative fuel construction equipment” under Emission Control Mitigation Plan protocol “b”. Without specifying equipment type, it is difficult to determine if this protocol provides appropriate mitigation. We recommend requiring the use of electric construction tools or amending the Plan to identify a target for the minimum amount of electric power tools that will be used onsite, explaining how this measure will be enforced, and clarifying for the public how the target was derived. In addition, we suggest requiring all off-road vehicles and equipment meet Tier 4 engine standards. If Tier 4 is not available, the off-road equipment should meet Tier 3 engine standards.
- 4) In Emission Control Mitigation Plan measure “f”, there are several areas where further clarification and strengthening of the provision is needed:
 - a. In addition to monitoring and facilitating implementation of the mitigation measures, the Project Compliance Manager should also ensure compliance with mitigation measures and the Plan. Specify that the Project Compliance Manager will refer any non-compliant fleets to the Bay Area Air Quality Management District for investigation or potential penalties.
 - b. Clarify which contractors are subject to this provision. It is our expectation that all contractors should be subject to oversight by the Project Compliance Manager.
 - c. Specify what the Daily Inspection Logs will include and how often they will be reviewed by the Project Compliance Manager.
- 5) In the Emission Control Mitigation Plan, define the phrases “extent that it is readily available” under protocol “a”, “extent that the equipment is readily available and cost effective” under protocol “b”, and “extent feasible” under protocol “c”. As currently written, it is unclear what criteria will be used, making it difficult to ensure implementation and enforcement of the protocols.
- 6) Consider requiring each equipment operator or sub-contractor to show proof of compliance for each on-road vehicle subject to ARB’s Periodic Smoke Inspection Program prior to operating at the site. Additionally, any off-road equipment that

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exhibits conditions outside of the manufacturer's specifications, or emits excessive visible smoke, should be prohibited from operating on-site. Please detail how these requirements will be enforced, in the Plan.

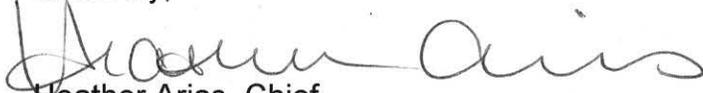
We understand that the Plan relates directly to construction activities at the project site. However, we want to take this opportunity to also support the incorporation of zero and near-zero emission technologies, especially for yard and on-road trucks, that are commercially available throughout operation of the facility. ARB's Technology and Fuels Assessments provide information on the current and projected development of mobile source technologies and fuels, including current and anticipated costs at widespread deployment. The assessments can be found at <http://www.arb.ca.gov/msprog/tech/tech.htm>. Additionally, please consider implementing, and planning accordingly for, the necessary infrastructure to support the zero emission and near-zero emission technology vehicles and equipment that will be operating at the Northeast Gateway in the future. There are several ways ARB could support implementing these recommendations, including technical assistance and funding programs. More information on ARB funding programs can be found at <http://www.arb.ca.gov/ba/fininfo.htm>.

Closing

ARB staff appreciates the opportunity to comment on the Plan. We are pleased to provide assistance for successful implementation and enforcement of this effort that serves the region's distribution and air quality needs, while protecting public health. If you would like to understand more about ARB's freight related work, please see our Sustainable Freight: Pathways to Zero and Near-Zero Emissions Discussion Document at <http://www.arb.ca.gov/gmp/sfti/sfti.htm>.

Please include ARB on the City of Oakland's Stakeholder List to receive information on the Subject Plans, pursuant to Mitigation Measure PO-1. If you have questions, please contact Ms. Robbie Morris, Air Pollution Specialist, Freight Transport Branch, at (916) 327-0006 or via email at Robbie.Morris@arb.ca.gov.

Sincerely,



Heather Arias, Chief
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cc: See next page.

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