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Secretary for
Environmental Protection

Air Resources Board

Mary D. Nichols, Chairman
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Arnold Schwarzenegger
Governor

July 14, 2008

Mr. Omar Benjamin
Executive Director
Port of Oakland
530 Water Street
Oakland, California 94604-2064

Dear Mr. Benjamin:

The Air Resources Board (ARB) and the Maritime Port of Oakland (Port) have begun to work in partnership with each other and the Bay Area Air Quality Management District to quickly reduce air pollution from Port operations. To protect the residents of nearby West Oakland and surrounding communities, reducing the associated health risks must be a high priority for each of our agencies through State and local rules, enforceable agreements, and incentives. The Port can and must be a proactive leader in this effort by using its full authority via lease agreements, tariffs, cargo fees, and other means.

We support the Oakland Board of Port Commissioners' overarching goal for an 85 percent reduction in community health risks from exposure to diesel particulate matter (PM) emissions from the Port's maritime operations by 2020. The Maritime Air Quality Improvement Plan (MAQIP or Plan) in development is the ideal vehicle to both recognize the on-going activities to cut pollution and, most importantly, to set the path and schedule for critical new actions to further decrease the health risk. The unprecedented level of public involvement to date demonstrates the willingness of community residents and businesses to seek common ground based on the opportunity for a clean, growing port as a good neighbor.

We understand the Port's intention to recast the draft Plan as a "master plan" or vision statement, with details to be developed in the future through stakeholder working groups. However, we believe it is essential that this Plan deliver what the community and air agencies expect – a document that articulates the air quality goals, then clearly defines and quantifies a comprehensive emission reduction strategy that will be implemented to meet those goals. A credible plan must include firm commitments by the Port to pursue specific actions within its authority, on a set schedule, similar to the commitments made by air agencies in their own planning processes. A strong, clear Plan also provides certainty for the shipping industry to make its own long-range investment decisions.

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

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The comprehensive strategy must depend on the combined efforts of the Port and the air regulatory agencies. ARB has adopted or is developing ambitious statewide regulations for port and other trucks, cargo equipment, harbor craft, and ship fuels that will compel the majority of the emission reductions from Port operations. We are counting on the Port's application of its landlord authority to help ensure its tenants and customers fully comply with State rules. Certainly, the Port can apply the benefits of ARB's strategies as the foundation for the Plan's emission reductions. However, we urge you to focus on what the Port will do to both aid implementation of those rules and go beyond State requirements to accelerate the localized risk reduction.

We appreciate the fact that some of the potential strategies or projects under the Port's authority may have a degree of uncertainty or controversy about how quickly they can be developed, adopted, and implemented. As an agency that regularly faces similar constraints, we encourage the Port to boldly meet this challenge by pursuing the most effective strategies to the limits of its authority, periodically assessing progress, and revising course as needed to reach the goals. We find it useful to include all potentially feasible strategies to reduce emissions, but to "tier" or categorize those strategies based on the level of certainty, timing, or other key factors.

ARB strongly urges the Port to evaluate, categorize, and include commitments to pursue each of the potential Port projects outlined in the draft Plan. In doing so, the Port should show the emission reductions that will be achieved and the progress made toward the goals. The Plan should also more fully define the most certain projects with specific timeframes and budgets. We understand the limited planning resources available and the concurrent demand on Port staff to help implement incentive programs for cleaner trucks this year. To minimize the resources needed to put these recommendations into practice, we believe the Port could effectively present clear commitments for action in an expanded Executive Summary to the Plan.

Thank you for the opportunity to comment on the draft Plan. If you or your staff would like to discuss these recommendations, please contact me at (916) 322-5350.

Sincerely,

/s/

Cynthia Marvin
Assistant Division Chief
Planning and Technical Support Division

cc: See next page.

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