



ENVIRONMENTAL DEFENSE FUND

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Re: Comments on draft dated MAQIP

Dear Anne,

Thank you for convening meetings of a community Task Force (TF) to inform the development of the Port of Oakland Maritime Air Quality Plan (MAQIP). Having participated in every TF meeting, initially as a faculty member in the Department of Science at the University of San Francisco, and currently as an Economist in Environmental Defense Fund's California Climate Initiative, I submit these comments on the draft MAQIP to acknowledge successes and to highlight major needed improvements. My comments are based on my technical training in atmospheric science and planning, and on my perspective as a resident in East Oakland and technical advisor to the West Oakland community. I identify several critical issues to be addressed prior to the finalization of the MAQIP with the intent of moving forward constructively toward healthy air for all residents and workers in Oakland. Three points merit highlight:

- The MAQIP TF and plan writing processes represent an important commitment by the Port of Oakland to acknowledge its air quality environmental impacts, to establish health-based air quality goals for the proximate residential community, and to plan to meet those goals. It has also strengthened a network of Port staff, tenants, goods movement operators and community social justice advocates that will need to work together to achieve air quality goals.
- The draft MAQIP is not a "master plan" because it does not address two significant criteria air pollutants, reactive organic gases and nitrogen oxides, nor does it address greenhouse gas emissions, notably carbon dioxide.
- The draft MAQIP several essential components of an air quality plan, notably the identification of specific emissions control measures, quantification of associated emissions reductions, and a time-delimited forecast of progress toward emissions reductions goals. Though not altogether absent, the Monitoring and Reporting chapter is insufficient since it relies entirely on voluntary actions and thus lacks substantive plans for enforcement.

The draft MAQIP Goals are Significant and Important

While the draft MAQIP does not currently do justice to the potential created by TF process, there are several notable accomplishments including the establishment of measurable health-based goals. Of equal importance is the clear demonstration of agreement and commitment by the Port, and through the TF process, goods movement operators, tenants and labor to achieve planning goals.

The Task Force did not achieve Consensus

Concur, Inc. did an admirable job of facilitating TF meetings. Though Concur did facilitate consensus amongst co-chairs in setting the agenda, it did not mediate the public TF meetings toward consensus outcomes. Co-chairing should not be taken as implicit consensus. The Task Force was never organized or mediated to arrive at consensus. As such, any reference to "agreement" by the Task Force should be removed from the plan. Any "majority" opinion expressed in the plan should be accompanied by a discussion of the minority opinion(s).

The draft MAQIP is not a "Master" Air Quality Plan

The Planning Continuum concept offered in Figure 1-1 (pg 1-2), is a useful construct (though my copy is very hard to read). The Master Plan concept is a new framing since 2008, but was not a highlighted in the originating materials. The Master Plan concept does not generally apply to air quality, rather to land use, so it is not clear why this reframing is used.

The reframing the MAQIP as a Master Plan creates an evaluative challenge since there are no examples of air quality master plans. Examples offered in Fig 1-1 are insufficient and unsatisfying. The Program Level examples should provide for comparison with adopted Master Air Quality Plans so we might compare them as part of our review of the MAQIP. The Project Level examples are vacant, since the CTMP program is not yet developed, and the V2K truck retrofits program resulted mostly in tugboat and rail projects without critical community feedback. The public process of V2K project was a poor example of what should occur at the Project Level. Therefore the "promise" of environmental review and public process in the Program and Project levels remains an empty commitment and is not persuasive.

The draft document is missing major, significant components needed to give readers confidence that the goals of the plan will be met or that the plan is in fact a Master Plan. The overall goals are well-articulated and clear; more attention should be given toward methods of monitoring progress toward goals, identifying specific enforceable reductions strategies, and demonstrating how those strategies will result in goals attainment.

The lack of commitment to specific implementable and enforceable actions is particularly disappointing since Concur identified this essential outcome at the initiation meeting of the MAQIP.¹ The draft MAQIP does not accomplish this fundamental step despite continued and continual expression of this need by myriad participants in the MAQIP TF. For example, a letter dated January 28, 2008 signed by several community health representatives calls for several plan Key Components (in bold italics) that remain missing from the draft MAQIP:

1. Concrete health risk reduction goal and *interim* goals
2. *Specific, clearly-defined measures* for reaching the health-based goal
3. Plans to implement these measures, including *enforcement mechanisms*
4. Timetable and *monitoring plans* for measuring progress on implementation of measures and on reaching *interim* and final goals
5. Funding plan that provides a *blueprint for financing measures* in the plan.

¹ See Stakeholder Assessment Memorandum, Appendix A, April 6, 2007, Page 2, written by Concur. See also Concur presentation at MAQIP kickoff meeting on April 10, 2007, Slide 9 titled Findings: Stakeholder Interests – Plan Content: "establish specific actions targeted to each source of Port Maritime emissions".

The draft MAQIP contains parts of items 1 and 5, but they are incomplete. The draft MAQIP does not contain any specific, enforceable measures, nor timetables for interim progress, so items 2, 3 and 4 are missing from the draft MAQIP.

In addition to the major structural omissions in the draft MAQIP, control strategies are needed for nitrogen oxides, reactive organic gases and greenhouse gases. Attention is rightly focused on diesel PM emissions, but NOx is a dangerous pollutant and is forecasted to increase, not decline. Therefore, the plan needs to devote attention to addressing NOx emissions. Completely absent from the plan are ROG and CO, which comprise significant health risk in West Oakland and were on the list of pollutants to be addressed in Port Planning Documents (pg. 5) distributed at the June 2007 MAQIP TF. The absence of these two pollutants, and a GHG inventory and management strategy, are additional reasons why this is an incomplete Master Plan.

Detailed Comments

In addition to the above overarching concerns, several details merit mention.

- **Reorder Guiding Principles:** The primary motivation for this planning effort is air quality and community health, not economic growth. Therefore, the Guiding Principles (Appendix B) should be reordered to place environmental quality and public health principles at the top of the list, and economic principles toward the end of the list.
- **More Background on local air quality conditions:** The Local Perspective (Section 3.2.2) does not acknowledge the Filbert Street monitoring station that has been measuring PM2.5 and air toxics since 2001.² This site has measured unhealthy levels of PM2.5 and the draft MAQIP should provide a detailed summary of these measurements, as well as discussion of expected changes in observations obtained from the Filbert Street monitoring station after implementation of the MAQIP. In addition, this section should contain a summary of the findings of the CARB Health Risk Assessment. Also missing from this section, or the chapter more broadly, is reference to and discussion of the considerable body of research by the Environmental Indicators Project and the Pacific Institute. Pacific Institute research, such as Deluged by Diesel and Clearing the Air, merit acknowledgement, and the recommendations of these studies should be addressed directly in the draft MAQIP. As well, Neighborhood Knowledge for Change by the West Oakland Environmental Indicators Project provides a baseline for thinking about community health and for measuring progress to health-based goals.

The second half of paragraph two on Page 3-5 starting with "A very rough estimate of the Port's contribution..." is an unfair comparison, is not-relevant to health-risk and exposure in Oakland, is unnecessary and thus should be deleted.

- **Need details about drayage truck emissions in the West Oakland community:** The draft plan gives no legitimate treatment of Port-related truck emissions within the West Oakland neighborhood. This issue needs to be addressed directly and clearly, including a

² See BAAQMD at http://www.baaqmd.gov/tec/maps/dam_sites.htm#. Details about the Filbert Street monitoring station include:

BAAQMD Air Monitoring Site
Site Name: Oakland-Filbert St.

Operator: BAAQMD
Start Date: 9/14/2001
End Date: current
Sensors: PM2.5, Toxics

Longitude: 122.2805
Latitude: 37.8172
UTM - East: 563.328
UTM - North: 4185.771
County: Alameda

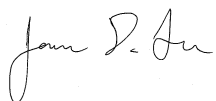
discussion of uncertainties associated with the CARB Health Risk Assessment and research/analysis plans for understanding better this dangerous source of emissions exposure in West Oakland. More than just emissions, the plan should acknowledge the socioeconomic and labor challenges associated with this source of emissions. Addressing truck emissions in West Oakland is the most important element of the MAQIP; the quality and utility of the MAQIP will be determined largely by the extent to which it tackles this major source of health risk. It is not acceptable to "pass off" this issue to the anticipated Comprehensive Truck Management Plan since it is nonexistent.

- **Better treatment of emissions estimate uncertainties:** The plan correctly notes, in a few poorly organized statements, the uncertainty associated with estimating emissions, planning reductions, and associating these actions with health-based goals. Given this well-understood uncertainty, the plan should utilize a risk management decision framework. Doing so will engender confidence in the overall plan, and will provide sound metrics for evaluating emissions and progress toward goals.

It is acceptable that the plan focuses on a middle-growth scenario, but it should include specific measures to be utilized in the event of high growth, as well as a clear set of measures to be used to determine growth rate (and associated differences between forecasted and actual emissions/growth). Put differently, readers need reason to believe that achieving the high growth scenario will not be at the expense of the MAQIP health-based goals. The tables and figures in Chapter 5 should include High Growth scenarios. Figure 5-2 is incomplete since not all of the categories in the legend are show in the graph. Table 5-3 should have an additional column that compares the 2020 forecasts to the 85% health-risk reduction goal.

- **Use the findings of the CARB HRA:** Also missing from Chapter 5 is a discussion of the completed CARB HRA findings. They ought to be used to establish more rigorous links between emissions and exposure, and to quantify health-risk reductions goals in terms of exposure from specific sources on and near the Port property.
- **Lack of reductions goals quantification:** Chapter 7 – Emissions Reduction Strategies – should be the heart of the MAQIP, but is incomplete at only 3 brief pages in length. This is the section that should quantify reductions to be achieved from specific strategies as needed to achieve MAQIP goals.
- **Connect Initiatives with Reductions Goals and Strategies:** Chapter 8, Section 8.3, Selected Initiatives, though a very promising list, is not being utilized constructively in the MAQIP. Rather, it is being used along with "feasibility" criteria and other "constraints" to define what cannot be done (and why not) rather than to identify precisely what will be done. Most importantly, the list needs to be connected to the timeline for enforceable actions, and reductions from the measures need to be calculated to determine if they – in aggregate – will be sufficient to meet MAQIP goals.

Sincerely,



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