



# **West Oakland Environmental Indicators Project**

## **Public Comments**

### **Draft Supplemental Environmental Impact Report EAGLE ROCK AGGREGATES OAKLAND TERMINAL PROJECT**

**Prepared by West Oakland Environmental Indicators Project  
January 8, 2021**

The West Oakland Environmental Indicators Project, the premier environmental justice organization in West Oakland, along with the undersigned residents and organizations is pleased to submit these public comments for inclusion in the record.

#### **CONTEXT**

West Oakland is an area of approximately six square miles, surrounded on all sides by three urban freeways: I-980, I-580, and I-880. The latter, Interstate 880, is one of the most congested freeways in the region and carries the bulk of freight related traffic. I-880 lies upwind of many residential areas in West Oakland. The Port of Oakland also wraps around the south and west sides of the community, creating a consistent upwind source of toxic air contaminants. In 2002, West Oakland Children under five years of age experienced asthma hospitalizations at a rate five to seven times the state average. Fifteen years later, according to the Alameda County Public Health Department (ACPHD), rates for emergency department visits in children under five are 70% higher in West Oakland than Alameda County as a whole. Based on CalEnviroScreen version 3.0, West Oakland ranks above the 90th percentile for the state in asthma emergency room visit rates, with several West Oakland census tracts exceeding the 99th percentile (i.e. among the highest rates in the state). These data are for people of all ages from 2011-2013, after significant state incentives had been provided to reduce truck emissions. According to ACPHD, West Oakland residents die from health conditions associated with air pollution, including cancer, stroke, heart disease, and chronic lower respiratory disease, at higher rates than residents of Oakland and Alameda County. These people enjoy seven fewer years of life than their counterparts in the Oakland Hills. Clearly, not enough has been done.

West Oakland, a traditionally Black community since the 1930's, has suffered from the brutal use of eminent domain by multiple government agencies. In the mid-1950's, CalTrans, the state transportation agency, removed nearly a thousand homes to build the Cypress Freeway connector to the Bay Bridge. The Cypress Structure effectively cutoff the most western, and poorest section, of the community from the view of City Hall. West Oakland's Prescott neighborhood, with its eponymous public school and historic Black business district were suddenly "out of sight and out of mind" for policy makers. The Cypress Structure, a 70 foot tall,

elevated double-decker freeway, would carry 100% of diesel-fueled trucks serving the region straight through the heart of West Oakland's Black neighborhoods. In 1959, hundreds of homes and small businesses, including the famous blues and jazz clubs, Esther's Orbit Room and Slim Jenkins Club, were destroyed to make way for the United Postal Service's regional distribution center. Add the "redlining" of much of the region to keep people of color from moving away from the pollution, and Black residents were effectively chained to the most polluted areas of the city. But at least, they still had their own economic base of small businesses while isolated from housing, jobs and opportunity in White society.

Through the 1960's, community service groups like the Black Panthers worked to develop programs to provide clothing, shoes, and breakfasts for local school children. While many of these model programs were later appropriated by the Johnson administration's Great Society Plan, the Black Panther leaders were ruthlessly targeted by the federal Department of Justice. In the true spirit of Jim Crow, white America was terrified at the sight of Black power and self-sufficiency.

In 1964, the Bay Area Rapid Transit Agency began construction of the Transbay Tube. BART chose Seventh Street as the route from San Francisco to the outlying white commuter neighborhoods. West Oakland's Seventh Street, the historic Black business district, is perhaps the only section of the BART system where an elevated track runs down the middle of a local commercial retail district. The resultant disruption of local business by several years of construction, and the continuous noise of the trains themselves beginning in 1973, was the last nail in the coffin of what had been called, the Harlem of the West.

Through it all, the people of West Oakland persevered. They struggled to make ends meet by any means necessary. Yet continued corporate disinvestment led to blight and poverty. Poverty and federal foreign policy led to the drug epidemic and subsequent drug wars. Mass incarceration made entire generations unable to get decent jobs because of criminal records. Urban renewal and blight reduction systematically raised old Black-owned commercial buildings and reduced available public housing.

Billions and billions of dollars in public investment, designed for the "greater good", brought no significant jobs and destroyed the fragile economy of segregation that was the only financial anchor for the people of West Oakland. Today, unbridled land speculation and gentrification, driven by regional planners and a cash-strapped city government, have reduced the local population from 75% African American to less than one-third.

If one asks, "why does West Oakland want to stand in the way of economic development?", the answer is that such development has invariably been achieved on their backs and to their detriment. The history of West Oakland, and thousands of communities like it, is that the "greater good" goes to White businesses and White consumers, while the "great bad" of pollution, sickness and death goes to local communities of color with few options.

## PROJECT OVERVIEW

Eagle Rock Aggregates (ERA), a subsidiary of Polaris Materials, proposes to build a 22 acre gravel import terminal at Berths 20, 21 and 22 at the Port of Oakland. These properties are located in the Outer Harbor area of the Port, approximately at the western end of 14th Street. The site is approximately one mile due west and upwind from traditional residential areas of West Oakland.

According to their website, Polaris Materials Corporation oversees the development, production and distribution of high-performance construction aggregates to the United States and Canada. The company holds an 88% interest in the Orca Quarry, a sand and gravel deposit which covers an area of approximately 350 hectares located to the north east coast of Vancouver Island west of Port McNeill, British Columbia. The 'Namgis First Nation owns a 12% interest in Orca Quarry, shares in profits from the sale of their traditional resources, and receives skills training and jobs as part of the partnership<sup>1</sup>. Through a long-term marine shipping agreement with CSL Americas, Polaris facilitates the sale and distribution of construction grade sand, gravel, and crushed rock to the West Coast of the United States and Hawaii.

Polaris Materials' parent company, U.S. Concrete, Inc., serves major construction markets in the United States in two segments; ready-mixed concrete and aggregate products. The Company provides its products and services from its operating companies in Texas, Northern California, Oklahoma, New Jersey, New York, Washington, D.C, Philadelphia and British Columbia.<sup>2</sup>

*U.S. Concrete operates numerous ready-mix concrete plants across the Bay Area, including Central Concrete Supply facilities located at:*

- 2400 Peralta St, Oakland, CA 94607
- 401 Kennedy St. Oakland, CA 94606
- 1844 W. Winton Ave. Hayward, CA. 94545
- And, CEMEX ready mix at 333 23rd Ave. Oakland, CA 94606

### General Summary of the Proposed Project

Eagle Rock desires to “lighten” ocean-going ships in the deepwater harbor at Oakland and to service gravel operations at one or more other shallow-water Bay Area import terminals and potentially consolidate those operations at the Oakland terminal. This consolidation will increase ship visits to the Port of Oakland.

ERA intends to take advantage of the deep-water harbor at Port of Oakland to eliminate the need for one shallow draft rock barge normally used to service the shallow water port at Redwood City Marine Terminal.

The ships used by Eagle Rock to transport gravel from the Canadian quarry to Oakland do not have the on-board equipment to plug into electric power at the Oakland port. The gravel

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<https://www.nrcan.gc.ca/science-data/science-research/earth-sciences/earth-sciences-resources/earth-sciences-federal-programs/orca-sand-and-gravel-project-british-columbia/8820>

<sup>2</sup> <http://www.polarismaterials.com/>

operations will require several hundred truck trips each day to pick up and deliver aggregate to U.S. Cement ready-mix plants around the region. Cement trucks, part of the construction vehicle fleet in California, are not required to meet the same diesel emission standards as port drayage trucks and other cargo handling equipment. Eagle Rock, which operates a similar gravel import facility inside a containment structure at the Port of Richmond, will operate using open gravel piles at the Port of Oakland. This difference is likely to increase the amount of fugitive dust from the Oakland operation.

Eagle Rock's Orca Sand and Gravel quarry near Port McNeil, British Columbia is about halfway through its 25 year anticipated lifespan, and one might presume that ERA desires to keep facilities costs in Oakland at a minimum. Thus their unwillingness to carry out materials handling operations inside a more expensive closed structure.

The Oakland proposal anticipates "significant and unavoidable" negative impacts from particulate matter, noise, light and traffic.

Port of Oakland staff consider this a temporary use, perhaps a decade long, until a more attractive container terminal tenant comes along. In the event that a "better offer" does not present itself, it is reasonable to assume that Eagle Rock, or another bulk products operator, may wish to extend this port terminal lease. It is unknowable what other bulk products might be introduced by Eagle Rock or a subsequent tenant. **It concerns us that other unnamed bulk products might be introduced here in the future.** Any such change in commodity or operation must receive public review and technical analysis of potential impacts.

## Specific Concerns

The DEIR lists over 60 tables and seven appendices that were used as references for analysis. It mentions numerous federal, state and regional regulations. But it fails to mention or reference the West Oakland Community Emissions Reduction Plan (CERP) that was certified by the California Air Resources Board and the Bay Area Air Quality Management District in December of 2019. There appears to have been adequate time to review the 89 mandated strategies contained in the "Owning Our Air" plan and to have reflected on these community exposure reduction goals in this DEIR. We believe it is a requirement under Assembly Bill 617 and CARB regulations that the West Oakland CERP be addressed in local development plans. The City and Port of Oakland have publicly recognized this requirement in their own policy making.

Sec 2.1 Project Need and Objectives states that the proposed aggregate terminal will "*strengthen the economic base in West Oakland.*" How this would be achieved is not said. Like many development projects at the Port, the project assumes a trickle down effect of investment. Early discussions between ERA and West Oakland Environmental Indicators Project revealed that the project would only employ around 19 workers and those jobs would be committed to existing members of the International Longshore Workers Union (ILWU). It begs the question: how many of West Oakland's chronically under-employed African American residents are members of ILWU?

History proves that creating economic value for the Port of Oakland, or for the Bay Area region, or for the nation, does not equate to *“strengthening the economic base in West Oakland.”* For that to happen, local small businesses would need contracts and local unemployed workers would need jobs.

Section 2.1 states that the project will *“allow for sustainable job creation.”* See our above comment.

Section 2.1 also states that the project will *“increase Port productivity and efficiency.”* Increasing lease revenues might be considered an increase in production of capital flow, however, displacing on-site Ancillary Maritime Services (AMS), trucking and container logistics, from the port area is more likely to *reduce* port efficiency by forcing these same trucks to travel longer distances each day and spending more time waiting in freeway traffic rather than retrieving or returning containers to Oakland terminals.

Continuing this speculative theme, Section 2.1 claims the project will “strengthen the economic base of the Bay Area by establishing a construction aggregate storage and distribution terminal at the Port...” The Draft EIR later states that ERA will move existing operations from Redwood City, near the fast-growing Silicon Valley and greater San Jose areas, and consolidate operations at the Oakland terminal. Rather than strengthening the regional economic base, these actions simply move existing facilities from one place to another. The more likely impact will be longer truck trips for deliveries of aggregate to regional ready-mix plants.

In short, the Project Need statement is flawed in its assessment of local need and provides little or no support for its assumptions.

Section 2.2 Project Location and Existing Site Conditions offers a description of present uses at the Outer Harbor Terminal (OHT). *“...the project site has been used on an interim basis for AMS such as overnight truck parking and shipping container/chassis storage and staging to support Port maritime activities.”*

Without “on-dock rail” facilities, trucking is a fundamental requirement for any operations at the Port of Oakland. Without trucks the Port has zero through-put and zero revenues. And yet, the Maritime Division continues, decade after decade, to give short shrift to critical trucking operations. The outcome of this business strategy is to force the drayage fleets to fend for themselves in finding parking and container staging areas outside the Port’s operating area.. Often as not, these locations are adjacent to, or inside, residential areas.

*This is a knowingly negligent action on the part of the Port of Oakland, a public land trust agency.*

### **Off-Site Truck Emissions not Analyzed**

The Draft EIR neglects to assess the additional diesel emission from displaced trucking activities. It is highly likely that these additional AMS activities will migrate to further municipalities, such as Richmond, East Oakland, San Leandro, Fremont or even Vallejo. With no defined options to the OHT, many trucks will simply park on local streets.

These “commuter” trips add to the pollution burden in communities all along the freeway corridor and, without related jobs, provide no “return on investment” for the disadvantaged residents breathing the pollution. Essentially, these diesel emissions are created with little or no productivity in result. And the truckers waste fuel dollars. No one wins, everyone loses.

Recommendation: The Port and the Applicant should create a specific plan to relocate the trucks now using the Project area for parking and container staging operations, prior to evicting these logistics operations. These logistics facilities should be within the Port’s underutilized operations area.

### **Barge Trips and Vessel Operations**

The change in vessel operations and the elimination of the shallow draft vessel serving Redwood City Marine Terminal will allow for an approximate 24% increase in total annual tonnage, and an increase in total miles traveled in San Francisco Bay equal to approximately 24 hours of ship maneuvering emissions.

#### *Concern: additional regional emissions*

According to the California Air Resources Board, marine vessel maneuvering accounts for approximately 30% of total diesel particulate in the Bay region. This barge traffic plan will increase regional ship emissions.

#### *Concern: additional at-berth emissions*

The Project proposes to bring 48 additional ship visits to the Port of Oakland. The Port already falls short of state mandates for the use of shore power for marine vessel visits. To paraphrase the Project EIR, this Project will move the Port in the opposite direction of those state mandates.

Section 5.4.3 states that using shore power as a means of reducing NOx and diesel emissions and potential *corresponding health impacts*, “would require installation of shore power infrastructure at Berth 22 as well as modification of OVG’s...”

The Port has received significant public funding to support its investments in shore power infrastructure, and more public funds are available. And yet, the excuse for 48 days per year of unfettered ship emissions is that there is no plug available.

The section goes on to state that, “the Applicant does not have its own ships...” and vessels cannot be designated for Oakland service. And yet, Table 2.4-1 calls out operating vessels by name, eg. Peter Lind, CalMat Shamrock Barges, and Westar Rock Barge #2. It is also worth noting that all other California ports operate under the same state mandates for shore power and electrification. Seemingly, modifying these aggregate vessels for shore power would align with demands of other ports, and benefit communities all along the West Coast.

The Applicant’s EIR describes vessel movements that begin when specialized ships are loaded with aggregate in British Columbia, then travel directly to San Francisco Bay, off load materials at terminals in Petaluma, Richmond, San Francisco, Redwood City and potentially Oakland. The ships then return to British Columbia. It is difficult to see that this cycle is so unpredictable that ships cannot be designated for service in our region. Those ships could be appropriately modified to reduce toxic emissions in our already overburdened communities.

The Applicant defaults to the argument that state mandates do not require bulk vessels to implement shore power. This is cold comfort to local children wheezing and implementing their asthma inhalers.

Section 5.4.4 states that vessel at-berth emission capture systems are out of the question. This is stated in the most nuanced of language. “No known equipment is available that has been certified by CARB or identified as being compatible and effective on the vessels like those under contract with the Applicant.”

Despite the fact that barge-based or shore base “bonnet” emission capture systems have been in use in Southern California for many years, the Applicant would have us believe that their vessels are so unique that no solution to deadly “hotelling” emission can be found. And again, the argument is that the problem is somehow the responsibility of the State of California for not finding and certifying, or indeed, mandating a solution.

Perhaps the children of West Oakland should hold a bake sale and fund the adaptation of existing technology to protect themselves from the Port and its Applicants.

### **Rock Hauling Truck Emissions Assessment**

According to the Bay Area Air Quality Management District, since they are entering a shipping terminal, Eagle Rock's contract haulers would be subject to the current drayage rule until 12/31/22 (2007yr engine or newer) and then would be subject to the truck and bus requirements beginning 1/1/23 (2010 MY engines or newer). Trucks that typically haul sand and gravel are not Drayage trucks under CARB's regulation, but are subject to the Truck and Bus regulation. The compliance requirements under both regulations are now aligned: DPM filters required, upgrades to 2010 or newer engines by 2023.

Consequently, the best the community can expect under state law is that the Applicant will contract with rock hauling companies using twelve-year-old trucks. This is a far cry from the numerous contemporary emission-free options, including electric or hydrogen fueled heavy-duty vehicles. The daily round trip for the rock haulers is stated in the DEIR to be 27 miles. This is well within the range of many market-available Class 7 or 8 electric tractors.

The DEIR fails to calculate the emission that will be created by the rock haulers as they distribute aggregate to ready-mix plants around the Bay Area. The California Air Resources Board calculates average emissions from a Drayage Truck, using a 2008 model year engine, as 6.843 g/mi for NO<sub>x</sub> and 0.071 g/mi for PM<sub>2.5</sub>. Applying this to the anticipated 70,000 truck trips per year visiting the Eagle Rock Oakland terminal, the Bay Area Air Quality Management District estimates annual total vehicle miles traveled for aggregate deliveries with an average 27 mile expected round trip for rock deliveries at 1,866,493 miles. Applying that to the above emissions estimate for average drayage trucks produces an annual emissions load of:  
PM 2.4: 0.071 g/mi = 292.16 pounds distributed across near-freeway communities, and  
NO<sub>x</sub>: 1,866,493 mi x 6.843 g/mi = 28,158.3 pounds of this ozone and particulate precursor added to the regional burden each year.

Sec. 5.3.2 lists “Significant Environmental Impacts of the Proposed Project.” These significant impacts are simply too numerous to reiterate here. The document lists problems with the Project including: toxic chemicals on the proposed site, diesel emissions increases, noise in violation of Oakland City ordinance, increased traffic and degraded level of service on Maritime Street, insufficient solid waste and landfill capacity, excessive construction emissions, conflict with implementation of the Port's air quality plan, and the increased cumulative exposure of sensitive people to project generated pollutants.

## CONCLUSION

The Project assessment relies on a Project Wide EIR that assessed anticipated Port development from the perspective of conditions in 2001 or before. That CEQA assessment is now 18 years old and does not reflect modern research on the health impacts of freight emissions or contemporary demands for racial equity. Advances in our understanding of the impacts of climate change and the urgency of accelerating reductions of carbon emission to slow disastrous global warming are also absent in the 2002 EIR. This Supplement to that document does little to reflect on the accumulated knowledge of the past two decades.

In order for this Project to be even marginally acceptable in today's context we strongly recommend a suite of actions to offset the stated "significant and unavoidable" direct emissions from the proposed Project.

- Designate specific permanent truck parking and container staging areas adequate to serve the displaced fleet *prior* to approving the Project
- Begin pursuit of funding for installation of shore power facilities at Berth 22 immediately. Implement construction of those facilities as soon as financially possible.
- Requirement in the land lease implementation of a pilot program to adapt the proposed vessels to shore power or other vessel emission capture system.
- Eliminate truck trips through West Oakland by relocating the Central Cement ready mix plant from Peralta St. to the Project site.
- Accelerate the implementation of electric tractors within the Port area by changing weight and axle limits on Maritime St, Seventh St (west of Maritime St) and Middle Harbor Blvd.
- Set a goal of 100 electric tractors operating within the Port area by 2023.
- Upgrading of all tugs and harbor craft working in the Port area, including commuter ferries to new or alternative power systems and renewable fuels.
- The Port, in partnership with its business partners, uses its bonding power to underwrite Black-owned mixed use development in West Oakland.

Signed:

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