

**1) Response to Follow-up to Questions from  
CCIG/OBOT/TLS**

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# CCIG/OBOT/TLS

## 10.6.15 Response to City Questions

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CALIFORNIA  
CAPITAL & INVESTMENT  
GROUP



October 6, 2015

SUBMITTED ELECTRONICALLY

[dcole@oaklandnet.com](mailto:dcole@oaklandnet.com)

Claudia Cappio  
Assistant City Administrator  
CITY OF OAKLAND  
One Frank H. Ogawa Plaza  
Oakland, California 94612

Re: Responses and Information for City Follow-Up Questions to September 21  
Informational Hearing

Dear Ms. Cappio,

Following on an informational hearing held by the City on September 21, 2015, the City issued a series of follow-up questions on September 28, 2015. Attached is the collective response to the follow-up questions on behalf of California Capital and Investment Group (CCIG), Oakland Bulk and Oversized Terminal (OBOT), and Terminal Logistics Solutions (TLS). As you are aware, CCIG is the construction manager for delivery of public improvements at the Oakland Global Trade and Logistics Center (Project), OBOT is the developer of the West Gateway portion of the Project, including the multi-commodity bulk terminal (Terminal), and TLS currently holds an exclusive option to sub-let and operate the Terminal.

As a prefatory matter, we feel compelled to reiterate a few fundamental facts:

First, as we have stated repeatedly, there has been no commitment to include or exclude any particular commodity to or from the Terminal. Over its generational life, the Terminal will undoubtedly hand a wide variety of commodities based on market demand. TLS remains in a mode of "due diligence," exploring the current market demand for the services to be provided at the Terminal, and that process is ongoing and includes discussions with multiple entities regarding a variety of potential commodities.

Second, there is no discretionary action related to the Project pending before the City. The discretionary entitlements for the Project are complete and vested. The City finalized full and complete review of the Project under the California Environmental Quality Act (CEQA) in 2012, including the filing of a Notice of Determination with the County and the State Clearinghouse. Given these circumstances, we want to be clear that the provision of information and responses to questions by CCIG, OBOT, or TLS should in no way be interpreted as suggesting that the entitlements for the Project are in any way incomplete or anything less than fully vested. Further, nothing herein is intended to or should be interpreted as altering or amending in any way the entitlement documents for the Project.



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**OBT**  
OAKLAND BULK AND OVERSIZED TERMINAL



Ms. Claudia Cappio  
CITY OF OAKLAND  
October 6, 2015  
Page 2

Third, the HDR white paper submitted prior to the September 21 hearing concluded that even without any extraordinary measures or Terminal design features, the Terminal as proposed can and will be operated safely and without undue concern to either the workers at the Project (including the Terminal) or the surrounding community. Unlike the speculative hypotheticals offered by opponents of the Project, the HDR analysis was based upon review of the Basis of Design document submitted to the City on September 8, the Standard Conditions of Approval and Mandatory Mitigation and Reporting Program (SCA/MMRP), federal law, state law, and all regional regulatory requirements including those of the Bay Area Air Quality Management District (BAAQMD). Now-standardized industry best practices documented in the white paper establish the safety of the Terminal as proposed. That TLS herein agrees to incorporate further measures and design features in no way compromises that foundational determination by HDR. And a peer review provided herein corroborates those conclusions.

Finally, we continue to be puzzled by this entire process by the City, including the September 21 hearing. As noted, the Project entitlements are vested, substantial evidence stands unrefuted in the record that the Project and Terminal as proposed can and will bring a new level of regulatory control and oversight to the area, and all of the beneficial reasons for the community that the City originally embraced the vision for the Project remain unchanged.

Should you have any questions regarding the materials provided herein, please to not hesitate to let us know.

Sincerely,

Phil Tagami  
CALIFORNIA CAPITAL AND  
INVESTMENT GROUP  
OAKLAND BULK AND OVERSIZED  
TERMINAL

Jerry Bridges  
TERMINAL LOGISTIC SOLUTIONS

## CCIG/OBOT/TLS RESPONSE TO CITY 9/28/15 QUESTION #1

1) How should "Project" and "Adjacent Neighbors" be defined pursuant to Development Agreement (DA) Section 3.4.2 ("existing or future occupants or users of the Project, Adjacent Neighbors, or any portion thereof, or all of them, in a condition substantially dangerous to their health or safety")

- **Project** - All private development subject to the Development Agreement which include the West, East and Central Gateway Development Area Leases, or just the West Gateway Development Area Lease portion which includes the location of the Break Bulk Terminal and rail right-of-way?
- **Adjacent Neighbors**-The Army Base Redevelopment Plan Area, West Oakland Specific Plan Area, all of West Oakland, some other geographic area?

a. **"Project"**: The development, use and occupancy of the Private Improvements on the Project Site pursuant to the City Approvals, the Subsequent Approvals and this Agreement, as identified in Recital H and described in Exhibit D.

The foregoing incorporates the following defined terms:

*Private Improvements*: The term "Private Improvements" shall have the definition ascribed to the same in the LDDA. The LDDA defines the term "Private Improvements" as the mixed-use industrial (warehousing and logistics), commercial, maritime, rail, and related support uses, as defined in the Scope of Development for the Private Improvements set forth in Attachment 7 to the LDDA (See Exhibit 1-A attached).

*Project Site*: The real property described in Exhibit A to the Development Agreement. This property is limited to the property commonly referred to as the West Gateway, East Gateway and Central Gateway and the five billboard sites.

b. **"adjacent neighbors"**. The term "adjacent neighbors" is not defined in the Development Agreement. The definition of the term "adjacent" is either "having a common border" or "nearby, not distant". Using the broader definition of "adjacent" - "nearby, not distant" - the term "adjacent neighbors" should be interpreted as occupants of structures located proximate to the Project Site. This would include the West Oakland neighborhood and its occupants, but would not include areas that are proximate or adjacent to incoming or outgoing modes of transportation that are not also proximate or adjacent to the Project Site.

## EXHIBIT 1-A

### **Attachment 7 to LDDA – Schedule of Private Improvements Scope of Development for the Private Improvements**

The purpose of this Agreement is to provide for the development of the Lease Property into a new facility that supports the international, national, regional and local movement of goods by way of the seaport, railroad and roadway networks. Once constructed, the Private Improvements will include the following uses:

A. East Gateway: (The development of the following shall be subject to the provisions of the applicable Ground Lease.)

1. Trade & Logistics Uses: Up to 442,560 square feet (at any permissible FAR) of trade and logistics facilities (warehouse, distribution and related facilities), including, but not limited to, general purpose warehouses, cold and refrigerated storage, container freight stations, deconsolidation facilities, truck terminals, and regional distribution centers (collectively, “**EGW Trade & Logistics Uses**”).

2. Ancillary Uses: Developer also may develop and operate, as uses that are ancillary and related to the EGW Trade & Logistics Uses, trailer and container cargo storage and movement, chassis pools, open storage and open truck parking, and other ancillary uses (“**EGW Ancillary Uses**”).

3. Conditional Uses: Trailer and container cargo storage and movement, chassis pools, open storage and open truck parking (collectively, “**EGW Conditional Uses**”); provided, however, that EGW Conditional Uses may only be developed and operated independent of EGW Trade & Logistics Uses on the continuing condition that, and for so long as, Developer is in compliance with its obligations under the applicable Ground Lease.

4. Support Improvements. Private circulation, utility and rail spur improvements consistent with the Master Plan and ancillary and supplemental to the Public Improvements constructed by the City (collectively, “**EGW Support Improvements**”).

B. Central Gateway: (The development of the following shall be subject to the provisions of the applicable Ground Lease.)

1. Trade & Logistics Uses: Up to 500,210 square feet (at any permissible FAR) of trade and logistics facilities (warehouse, distribution and related facilities), including, but not limited to, general purpose warehouses, cold and refrigerated storage, container freight stations, deconsolidation facilities, truck terminals, and regional distribution centers (collectively, “**CGW Trade & Logistics Uses**”).

2. Ancillary Uses: Developer also may develop and operate, as uses that are ancillary and related to the CGW Trade & Logistics Uses, trailer and container cargo storage and movement, chassis pools, open storage and open truck parking, and other ancillary uses (“**CGW Ancillary Uses**”).

3. Conditional Uses: Trailer and container cargo storage and movement, chassis pools, open storage and open truck parking (collectively, “**CGW Conditional Uses**”); provided, however, that CGW Conditional Uses may only be developed and operated independent of CGW Trade & Logistics Uses on the continuing condition that, and for so long as, Developer is in compliance with its obligations under the applicable Ground Lease).

4. Support Improvements. Private circulation, utility and rail spur improvements consistent with the Master Plan and ancillary and supplemental to the Public Improvements constructed by the City (collectively, “**CGW Support Improvements**”).

C. West Gateway: (The development of the following shall be subject to the provisions of the applicable Ground Lease.)

1. Bulk Oversized Terminal: A ship-to-rail terminal designed for the export of non-containerized bulk goods and import of oversized or overweight cargo (“**Bulk Oversized Terminal**”).

2. Railroad Improvements: Railroad tracks and related equipment necessary to adequately serve the Bulk Oversized Terminal as shown on the Master Plan. The Railroad Improvements are subject to reduction if Caltrans approves only one (1) rail line pursuant to Section 2.2.6.3 of the Agreement.

3. Ancillary Uses: Developer also may develop and operate, as uses that are ancillary and related to the Bulk Oversized Terminal and, trailer and container cargo storage and movement, chassis pools, open storage and open truck parking, and other ancillary uses (the “**WGW Ancillary Uses**”).

4. Developer Funded Wharf Improvements: If Developer elects to construct the Developer Funded Wharf Improvements pursuant to Section 3.5.1 of the Agreement, Developer shall also construct the Developer Funded Wharf Improvements as defined in the Agreement.

5. Conditional Uses: Trailer and container cargo storage and movement, chassis pools, open storage and open truck parking (collectively, “**WGW Conditional Uses**”); provided, however, that WGW Conditional Uses may only be developed and operated independent of Bulk Oversized Terminal on the continuing condition that, and for so long as, Developer is in compliance with its obligations under the applicable Ground Lease.

6. Support Improvements: Private circulation, utility and rail spur improvements consistent with the Master Plan and ancillary and supplemental to the Public Improvements constructed by the City (collectively, “**WGW Support Improvements**”).

D. Billboards.

Number	Billboard Location	Size	Sides	Display Type
1	Bay Bridge 300' East of Toll Plaza – South Line, East & West Face	20'H x 60'W	2	LED
2	Bay Bridge 800' East of Toll Plaza – South Line, West Face	20'H x 60'W	2	Backlit
3	I-880 West Grand 500' North of Maritime – West Line, North & South Face	14'H x 48'W	2	LED
4	I-880 West Grand South of Maritime – West Line, North & South Face	14'H x 48'W	2	Backlit
5	I-880 West Grand 600' South of Maritime– West Line, North & South Face	14'H x 48'W	2	LED

Notes:

Backlit Display: Static translucent sign lit from behind, traditionally has two ad faces (front and back).

LED Display: Changeable digital sign comprised of LED bulbs, can have as many as 12 rotating digital ads.

## CCIG/OBOT/TLS RESPONSE TO CITY 9/28/15 QUESTION #2

- 2) **Based upon #1 above, what are the health and/or safety impacts of coal being transported from rail to ship at the Break Bulk Terminal on the existing or future occupants or users of the Project, Adjacent Neighbors, or any portion thereof, or all of them?**

In terms of air quality, the health and safety of occupants of the project (existing or future port workers) will be governed by California Occupational Safety and Health Administration (Cal/OSHA) regulations and employee-specific health and safety training and plans as required by Federal and State OSHA. Appropriate signage and workplace postings will also be necessary. A protocol for visitors to the facility will be established by the marine terminal operator(s). As explained in more detail in *HDR's Air Quality & Human Health and Safety Assessment of Potential Coal Dust Emissions (September 2015)* (HDR Report) at pages 6-9, internal facility dust control technology and best management practices will be employed to keep indoor air quality and outdoor air quality within the facility property at acceptable levels as required under Cal/OSHA rules.

Regarding adjacent neighbors, their health and safety in terms of air quality will be governed by federal, California, and Bay Area Air Quality Management District (BAAQMD) regulations. As explained in the submitted HDR Report, internal facility dust control technology and best management practices will be employed to maintain air quality outside the facility property at acceptable levels as required under California Ambient Air Quality Standards (CAAQS) and National Ambient Air Quality Standards (NAAQS), and air quality in the vicinity of the facility property will be monitored accordingly.

The TLS multi-commodity bulk terminal design and operational procedures will be developed in accordance with the project's CEQA Standard Conditions of Approval/Mitigation Monitoring and Reporting Program (SCA/MMRP), federal regulations, and permitting requirements, as delineated in the TLS Basis of Design Volume 1, Sections 5-7, submitted to the City of Oakland on September 8, 2015. Additionally, TLS will incorporate the design features and best management practices recommended in the HDR Report, which are state-of-the art controls for handling of bulk material at a marine terminal and represent enclosed operations for purposes of transferring commodities, including coal, from rail to ship.

### **CCIG/OBOT/TLS RESPONSE TO CITY 9/28/15 QUESTION #3**

#### **3) Would TLS through CCIG/OBOT contractually agree to:**

##### **a. Following the South Coast Air Quality Management District (SCAQMD) Rule 1158 restrictions?**

Yes. If acceptable to the City, TLS will agree to comply with the SCAQMD Rule 1158. Per an October 2, 2015 conversation between Jerry Bridges, President of TLS and Jack Broadbent, Executive Office/Air Pollution Control Officer of BAAQMD, the current understanding is that BAAQMD is preparing their own "Rule 1158" and the process could take a year before adoption. Concurrently, TLS will be developing their bulk terminal plans and specifications, a final operation manual, and an air quality plan, which will be submitted for City approval as a condition precedent to issuance of a building permit pursuant to Ordinance No. 13183 C.M.S. These could include the applicable provisions/requirements of Rule 1158.

##### **b. Only handle bituminous coal?**

Yes. As a multi-commodity bulk terminal operation, TLS will handle a wide range of bulk products consistent with safe and lawful operation of the facilities designed. With respect to coal, if it is a commodity exported through the TLS bulk terminal, TLS will agree to handle only high-rank bituminous or anthracite-grade coal (coal that has reached ultimate maturation), the latter of which is currently used by EBMUD's water filtration system. (See Exhibit 3-A). It is important to note that the demands for various commodities change and no commodity has been specifically included or excluded from the TLS terminal operation.

##### **c. Only use "covered" trains from the product source?**

Yes. TLS will agree to use covered rail cars. While TLS will operate a multi-commodity bulk terminal, with respect to coal, if it is a commodity exported through the TLS bulk terminal, TLS proposes to use "EcoFab" rail car covers (or car covers with similar specifications provided by other manufactures). The lead vendor under consideration is "EcoFab", which has over 40 years of experience protecting bulk material in transit logging millions of miles of covered railcar mileage per month with a established record of reliability and safety. "EcoFab" is providing and maintaining thousands of covers in Canada, the United States, Australia and the South America. Materials handled by country include:

- Argentina - Copper concentrate
- Australia – Copper concentrate, lead concentrate, phosphate, grain
- Canada – Copper concentrate, lead concentrate, zinc concentrate, nickel concentrate
- Chile – Copper concentrate
- USA – Copper concentrate, lead concentrate, nickel concentrate, low level radioactive soils, wood chips, low level radioactive waste, silver concentrate, steel castings

The Department of Transportation (DOT), has determined that the “Ecofab Railcar Cover System” meets the criteria for a closed transport vehicle, as specified in Title 49 CFR 173.403(c). The U.S. Federal Railroad Administration (FRA) has indicated to “EcoFab” that their cover design is compliant with North American Safety Appliance Regulations. See the “EcoFab” website for details – [www.ecofab.com](http://www.ecofab.com).

**d. Abide by the proposed Basis of Design?**

Yes. While much lies ahead in terms of commodity selection, terminal design, and commodity-specific utility, TLS will agree to abide by the 4-volume Basis of Design submitted to the City of Oakland on September 8, 2015, which provides the foundation of minimum requirements that will apply to TLS facility development and operations, regardless of commodity being handled at any given time.

The TLS Basis of Design is intended to provide the City with context for the project’s operating environment and desired performance parameters; and it is a project deliverable that marks the beginning of a process, as referenced in the introduction of Volume 1. Starting with the foundational information contained in the Basis of Design, through the Design Development and Construction Documents phases, the project operations manual, air quality plan, and MMRP compliance plan will be completed concurrent with the submittal of approximately 76 required permits.

**e. Incorporate all "protective measures" identified in TLS' July 15, 2015 letter?**

Yes. TLS will agree to incorporate all “protective measures” identified in the TLS July 15, 2015 letter and the Basis of Design submittal.

At this point in time, OBOT and TLS propose that any agreement regarding items 3(a) – (e) would be incorporated into the Subordination and Non-Disturbance Agreement between the City, OBOT and TLS that relates to the sublease between OBOT and TLS whereby OBOT and TLS would agree to be bound by the provisions of such agreement. Further, to the extent the agreed upon matters related to rail operations, TLS would agree to only accept shipments of the subject commodity that were handled pursuant to the agreed upon requirements. This would provide the City with the right to directly enforce the agreement against OBOT and TLS and, after the implementation of the agreed upon notice and cure procedures, require the termination of the ground lease if OBOT is the defaulting party or the sublease if TLS is the defaulting party.

Please note at the foregoing responses set forth OBOT and TLS’ general concurrence with the applicable subject matter; however, such responses shall not be binding on OBOT or TLS unless and until a definitive written agreement regarding the same is entered into by the City, OBOT and TLS.

**EXHIBIT 3-A**

**EBMUD Use of Anthracite Coal for Water Filtration**

Description of Anthracite use at EBMUD

EBMUD operates six surface water treatment plants, as follows:

- Sobrante WTP
- Upper San Leandro WTP
- Orinda WTP
- Walnut Creek WTP
- Lafayette WTP
- San Pablo WTP

These WTPs are taken in and out of service for various operational and maintenance reasons. At any particular time, as few as two or as many as six WTPs may be in service providing drinking water.

Each of the six WTPs uses filtration to remove particulate material from the surface water as required by law. All six of the WTPs use a combination of anthracite and sand for the filter media, and all of them use gravity to move the water through the filters. As each filter becomes plugged with particulate material and the flow rate through it decreases, it is backwashed to clean it. Backwashing involves running clean water through the filter in reverse to dislodge the particles. As part of the backwashing process, some of the anthracite media can get washed out. Therefore, additional anthracite is sometimes added to each filter to maintain the depth needed for proper filtration. Depending on the plant and the backwashing conditions, supplemental anthracite may not be needed for many years. Aside from occasional supplementation, the anthracite media is not routinely replaced. It is a very inert material and resistant to degradation. Many of our anthracite filters are decades old. When new anthracite is purchased, it is specified to match the existing media (identical size and uniformity coefficient). All six WTPs use anthracite media consisting of grains that are approximately 1 mm in size.

Each of the Water Treatment Plants has a different number of filters, and the filters are different sizes. In some cases, each filter is divided into two boxes that can be backwashed separately. The following table summarizes the number of filter boxes at each WTP, the size of each box, the depth of the anthracite filtering media, and the total volume of anthracite in cubic feet.

	Number of filter boxes	length (ft)	width (ft)	total surface area (ft <sup>2</sup> )	depth (ft)	volume (ft <sup>3</sup> )
Sobrante WTP	8	48	24	9,216	2.50	23,040
Upper San Leandro WTP	10	30	40	12,000	2.50	30,000
Orinda WTP	40	20	30	24,000	2.08	50,000
Walnut Creek WTP, old	8	24	48	9,216	1.50	13,824
Walnut Creek WTP, new	8	24	48	9,216	3.00	27,648
Lafayette WTP, old	8	20	30	4,800	2.00	9,600
Lafayette WTP, new	8	20	31	4,960	2.00	9,920
San Pablo WTP	7	40	32.5	9,100	2.00	18,200
					TOTAL:	182,232

ENTERED

APR 25 2014

# Invoice

911-24745 AE

Bill To

By: \_\_\_\_\_

E.B.M.U.D.  
Accounts Payable  
PO Box 23060  
Oakland, CA. 94623-2306

WW C 911 20088015 301  
MATERIAL RECEIVED  
BY [Signature] DATE 4/25-14  
PRICED APPROVED  
BY [Signature]

REMIT TO:

KC INTERNATIONAL  
33487 Carlsbad Circle  
Thousand Palms, CA  
92276

Invoice Date	Invoice Number	Purchase Order Number	Date Shipped	Terms	
2/24/2014	8064 B		2/21/2014	Net 30	
Item	Qty	Unit	Description	Unit Price	Extension
KCI-3 MM	16,500	Lbs	3 MM (70 CTC) virgin coal carbon (P/N 919647) delivered to Oakland plant.	2.90	47,850.00
KCI-3 MMR	16,500	Lbs	Custom Regenerated 3 MM carbon (P/N 919646) delivered	1.60	26,400.00
			Sales Tax	9.00%	<del>4,306.50</del> 2376 <sup>00</sup>
<b>TOTAL</b>					<del>\$78,556.50</del> 28776 <sup>00</sup>

Phone # 626-574-6875 Fax # 626-574-8458 E-mail ken@kcintl.net

ENTERED  
APR 25 2014

# Invoice

911-24747-AE

Bill To  
E.B.M.U.D.  
Accounts Payable  
PO Box 23060  
Oakland, CA. 94623-2306

By: \_\_\_\_\_

WW C 911 20088015 301  
MATERIAL RECEIVED  
BY R. [Signature] DATE 4/29/14  
PRICED APPROVED  
BY [Signature]

REMIT TO:

KC INTERNATIONAL  
33487 Carlsbad Circle  
Thousand Palms, CA  
92276

Invoice Date	Invoice Number	Purchase Order Number	Date Shipped	Terms	
2/24/2014	8064 A		2/21/2014	Net 30	
Item	Qty	Unit	Description	Unit Price	Extension
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KCI-3 MMR	16,500	Lbs	Custom Regenerated 3 MM carbon (P/N 919646) delivered	1.60	26,400.00
			Sales Tax	9.00%	4,306.50

Phone # 626-574-6875 Fax # 626-574-8458 E-mail ken@kcintl.net

**TOTAL** \$78,556.50

52,156.50

#### CCIG/OBOT/TLS RESPONSE TO CITY 9/28/15 QUESTION #4

**4) If additional measures were agreed to contractually or if the City imposed additional regulations pursuant to the DA exception, could third parties, like railroads, challenge on preemption grounds?**

Question 4 asks about two different issues: (1) additional measures agreed to contractually and (2) additional regulations imposed pursuant to the DA exception. We address those two issues separately.

With respect to additional measures mutually agreed to pursuant to a subsequent contract: The Surface Transportation Board (STB) has held that “a town may seek court enforcement of voluntary agreements that the town has entered into with a railroad, notwithstanding section 10501(b), because the preemption provision should not be used to shield a carrier from its own commitments, and voluntary agreements must be seen as reflecting the carrier’s own determination that the agreements would not unreasonably interfere with interstate commerce.” *Joint Pet. for a Declaratory Order—Boston & Maine Corp. and Town of Ayre*, 2001 WL 458685, at \*5 (STB May 1, 2001).

Neither OBOT nor TLS believe that a third party rail carrier could assert a preemption claim that would successfully invalidate an agreement not to accept rail shipment that did not comply with the requirements of an agreement entered into by OBOT and TLS with respect to the matters set forth in Items 3(a) – (e) above.

However, new regulations or restrictions unilaterally imposed pursuant to some purported finding under DA or otherwise that affects rail transportation would stand on a different footing than contractual agreements. State and local regulation of rail transportation is allowed only in relatively narrow circumstances. The STB has explained that “state and local regulation is permissible where it does not interfere with interstate rail operations, and localities retain certain police powers to protect public health and safety. For example, non-discriminatory enforcement of state and local requirements such as building and electrical codes generally are not preempted.” *Town of Ayre*, 2001 WL 458685, at \*5. As to general principles and breadth of federal preemption generally, please refer to the Venable memorandum included as Exhibit C to the September 8, 2015, letter to the City from Stice & Block.

## CCIG/OBOT/TLS RESPONSE TO CITY 9/28/15 QUESTION #5

### **5) Why/how would federal preemption apply if the rail was built on private (City) land and subject to pre-existing restrictions (imposed before allowing rail to be built)?**

Whether a potential burden on interstate commerce occurs on public or private land is irrelevant. The plain language of ICCTA gives the Surface Transportation Board “exclusive jurisdiction” over rail transportation, including construction and operation of rail tracks, even if they are spur or industrial tracks located entirely in one State. 49 U.S.C. § 10501(b)(2). As several courts have observed, “[i]t is difficult to imagine a broader statement of Congress’ intent to preempt state regulatory authority over railroad operations” than the one contained in ICCTA. *City of Auburn v. United States*, 154 F.3d 1025 (9th Cir. 1998) (quoting *CSX Transp., Inc. v. Georgia Pub. Serv. Comm’n*, 944 F. Supp. 1573, 1581 (N.D. Ga. 1996)). It is thus irrelevant who owns the land on which the rail line is built. The STB’s exclusive jurisdiction preempts any state or local regulation that would place an unreasonable burden on interstate commerce. *Assoc. of Am. R.R. v. South Coast Air Quality Mgmt. Dist.*, 622 F.3d 1094, 1097-98 (9th Cir. 2010).

Regulations imposed before allowing a rail line to be built are subject to special scrutiny, and are more likely to be preempted. This class of regulation— known as a “preclearance requirement”— is “preempted because by [its] nature [it] unduly interfere[s] with interstate commerce by giving the local body the ability to deny the carrier the right to construct facilities or conduct operations.” *Town of Ayre*, 2001 WL 458685, at \*5.

## CCIG/OBOT/TLS RESPONSE TO CITY 9/28/15 QUESTION #6

- 6) **How much coal would actually go to Break Bulk Terminal, considering the EBMUD, CCIG and City MOU restricting train movements in the area and how much time would the coal train and/or coal actually spend in Oakland? How should the City calculate:**
- a. **Maximum**
  - b. **Minimum**
  - c. **Reasonable Business Model Forecast?**

There is no commodity currently under contract for the TLS facility at OBOT. TLS is exploring a range of commodities, as presented in the Basis of Design Volume 2, Sections 8 and 9, which contains 20 of the commodities, 15 of which are under consideration presently.

- a. While no commodity has been specifically included or excluded from the TLS operation, the facility could potentially handle up to 7.5 million metric tons of 2 bulk commodities annually. See Exhibit 6-A.

This would equate to approximately 3 unit trains every two days based on 104 car train length and 350 workdays per year. As a multi-commodity operation, the facility could also handle 1.5 million metric tons of an additional commodity on an annual basis. This would equate to approximately 1 unit train every other day based on 100 car train length and 350 workdays per year. The two commodities combined would mean that two unit trains would be processed through the facility daily. Two unit trains/day would be the reasonable number to use when calculating train movements across Wake Road. HDR performed a time and distance switching simulation to determine the peak design capacity of the proposed TLS rail facility (see Exhibit 6-B) based on the site constraints including the MOU restricting train movements. HDR determined the peak capacity of the rail facility was 3 unit trains/24 hours. Each of these trains would be moved across Wake in two pieces for a total of twelve train movements. The MOU restricts the total train movements to 12 daily.

The facility is designed to process 2 unit trains within a 24 hour period. The reason for this time period is simply because the UPRR as well as other Class I railroads gives the lowest shipping rates to facilities that can meet this requirement. The amount of time loaded railcars would sit in OAB would likely be less than 12 hours. TLS would have capacity to process 3 unit trains if needed to handle surge situations.

- b. TLS has a targeted minimum throughput of 6.3 million metric tons of bulk products.

- c. The TLS terminal will handle multiple bulk commodities in order to maintain an economically viable operation that can tolerate and respond to fluctuations in market demand for bulk products. No commodity has been specifically included or excluded from the TLS terminal operation. As a multi-commodity operation, TLS anticipates an initial throughput of 3.3 million metric tons of bulk product, with a stabilized throughput of 6.3 million metric tons over 4 years of operation.

**EXHIBIT 6-A**

**AECOM Capacity Analysis**

**Single Car Rotary Dumper with a 2 minute cycle (AECOM)**

Phase 1	Phase 2	Phase 1	Phase 2	
2,500,000	4,000,000	2,500,000	4,000,000	Target annual ore volume (MT)
6,849	10,959	6,849	10,959	Target mean day ore volume (MT)
110%	110%	110%	110%	Peak/mean seasonal throughput
7,534	12,055	7,534	12,055	Target peak day ore volume (MT)
10,500	10,500	11,550	11,550	Total Train Capacity (MT)
105	105	105	105	Rail Car Capacity (MT)
100	100	110	110	Railcars per train
0.7	1	0.6	0.9	Round-trip journeys required per mean day
36.3	23	40.5	25.3	Mean time between train departures (hr)
4.6	7.3	4.2	6.6	Mean trains per week
42	42	42	42	Railcar length over couplings (feet)
4,360	4,360	4,360	4,360	Total train length + 2 locos at 80' each
2,260	2,260	2,470	2,470	Min track segment length for 50% of cars + 2 locos (ft)
50	50	50	50	Cars dumped per string segment
2	2	2	2	Total car segments per train required for dumping
20	20	20	20	Positioning delay between successive strings (min)
30	30	30	30	Single car rotary dump cycle (cars/hr)
3,150	3,150	3,150	3,150	Car dump rate when working (MT/hr)
0.7	0.7	0.7	0.7	Total switch delay per train dump (hr)
4	4	4.3	4.3	Total unload time per train (hr)
2,600	2,600	2,700	2,700	Gross dump rate including switching (MT/hr)
11%	17%	11%	17%	Mean dump pit utilization
80,000	80,000	80,000	80,000	Ship capacity (MT)
31	50	31	50	Ships per year for target throughput
5,000	5,000	5,000	5,000	Vessel load rate (MT/hr)
16	16	16	16	Mean work hours per vessel
21	21	21	21	Works hours per day
3	3	3	3	Vessel tie-up + until time (hr)
21	21	21	21	Total vessel time at berth (hr)
11.7	7.3	11.7	7.3	Mean time between vessel arrivals (days)
10.8	6.4	10.8	6.4	Mean interval w/o vessel work (days)
7	6.7	6.4	6.1	Train arrivals between vessels
74,000	70,000	74,000	70,000	Minimum stockpile at start of vessel work (MT)
8%	12%	8%	12%	Mean annual berth utilization
<b>Stockpile buffer calculations</b>				<b>Stockpile buffer calculations</b>
7	7	17.5	11.3	Maximum days late vessel arrival
2	2	2	2	Maximum days downtime for vessel leader
68,000	108,000	147,000	160,000	Required contingency stockpile capacity (MT)
142,000	178,000	221,000	230,000	Total stockpile capacity (MT)
1,817,600	2,278,400	2,828,800	2,944,000	Total stockpile volume (ft^3)
16.7	16.7	16.7	16.7	Mean stockpile height (ft)
108,838	136,431	169,309	176,287	Stockpile footprint (sf)
2.5	3.1	3.9	4.0	Stockpile footprint (acres)

**OBOT NUMBERS**

10 Iron Ore Trains	14 Iron Ore Trains	
5,460,000	7,644,000	Target annual ore volume (MT)
14,959	20,942	Target mean day ore volume (MT)
110%	110%	Peak/mean seasonal throughput
16455	23037	Target peak day ore volume (MT)
10,500	10,500	Total Train Capacity (MT)
105	105	Rail Car Capacity (MT)
100	100	Railcars per train
1.4	2.0	Round-trip journeys required per mean day
16.8	12	Mean time between train departures (hr)
10	14	Mean trains per week
42	42	Railcar length over couplings (feet)
4,360	4,360	Total train length + 2 locos at 80' each
2,260	2,260	Min track segment length for 50% of cars + 2 locos (ft)
50	50	Cars dumped per string segment
2	2	Total car segments per train required for dumping
20	20	Positioning delay between successive strings (min)
30	30	Single car rotary dump cycle (cars/hr)
3,150	3,150	Car dump rate when working (MT/hr)
0.7	0.7	Total switch delay per train dump (hr)
4	4	Total unload time per train (hr)
2,600	2,600	Gross dump rate including switching (MT/hr)
		Mean dump pit utilization
80,000	80,000	Ship capacity (MT)
68	96	Ships per year for target throughput
5,000	5,000	Vessel load rate (MT/hr)
16	16	Mean work hours per vessel
21	21	Works hours per day
3	3	Vessel tie-up + until time (hr)
21	21	Total vessel time at berth (hr)
5.3	3.8	Mean time between vessel arrivals (days)
4.5	2.9	Mean interval w/o vessel work (days)
7.6	7.6	Train arrivals between vessels
80,220	80,220	Minimum stockpile at start of vessel work (MT)
16.4%	22.9%	Mean annual berth utilization
<b>Stockpile buffer calculations</b>		<b>Stockpile buffer calculations</b>
7	7	Maximum days late vessel arrival
2	2	Maximum days downtime for vessel leader
148,093	207,330	Required contingency stockpile capacity (MT)
228,313	287,550	Total stockpile capacity (MT)
2,922,406	3,680,642	Total stockpile volume (ft^3)
16.7	16.7	Mean stockpile height (ft)
174,994	220,398	Stockpile footprint (sf)
4.0	5.1	Stockpile footprint (acres)

<sup>1</sup> These assumptions have not been verified. Changes in market conditions, contract negotiations, and any number of factors may affect each of the many assumptions presented herein.

**EXHIBIT 6-B**

**HDR Switching Analysis**



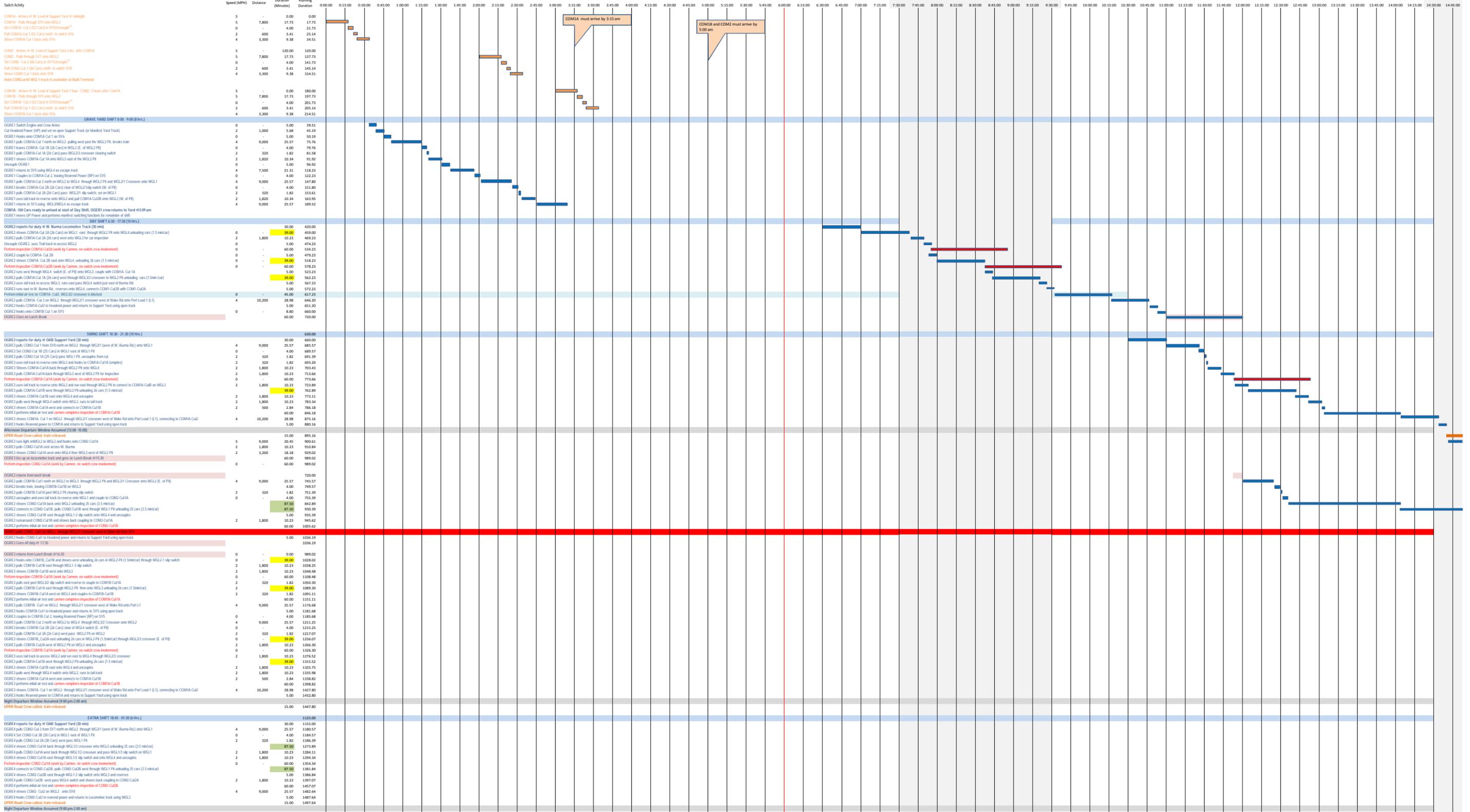
**Oakland Bulk and Oversized Terminal**  
**Switching Time Diagram - Parallel Commodity Unloading Pit Layouts**  
 Two Commodity 1 Unit Trains + One Commodity 2 Train in 24 Hr. period

**LEGEND**  
 UPRR Train Crew  
 OGRE Switch Crew  
 N/A ILWU Switch Crew (Assumes that rairoad operators are outside of ILWU work limits)

**Key Rail Operational Assumptions**  
 1) Commodity 1 Unit Trains (COM1) = 104 (E3-17) Railcars 5,520 ft. Long with 2+1 Distributive Power.  
 2) Commodity 2 Unit Trains (COM2) = 100 (E6F-07) Railcars 6,000 ft. Long with 2+1 Distributive Power.  
 3) UP Road Power Remains in O&B Railcard, but not used for Switching.  
 4) Assumed First Unit Trains Arrives at 12:00 am, but could arrive earlier

**WAKE RD ACCESS RESTRICTION**

Prepared by Wayne Short, PE





## **CCIG/OBOT/TLS RESPONSE TO CITY 9/28/15 QUESTION #7**

**7) If coal does not go through the Break Bulk Terminal, what are the reasonable assumptions for what will happen to that coal and why?**

TLS will operate a multi-commodity bulk terminal, and no commodity has been specifically included or excluded from the TLS terminal operation. If TLS ships coal, it will be through covered trains and facilities and it will limit its shipments to U.S. bituminous coal, which is some of the cleanest--lowest sulphur, least smog-causing--coal in the world. This is a vast improvement in the way coal is shipped, and Oakland will be a leader.

If the above question presupposes coal coming from Utah moving through the TLS multi-commodity bulk terminal, and queries where the Utah coal will be exported if not through TLS/OBOT, the product will continue to be shipped as it is today, through Stockton, CA; Levin Terminal in Richmond, CA; Pier G in Long Beach, CA; and may be shipped through the Ridley Terminal in Canada or the proposed Guaymas Terminal in Mexico in order to supply the market demands. (See Exhibit 7-A).

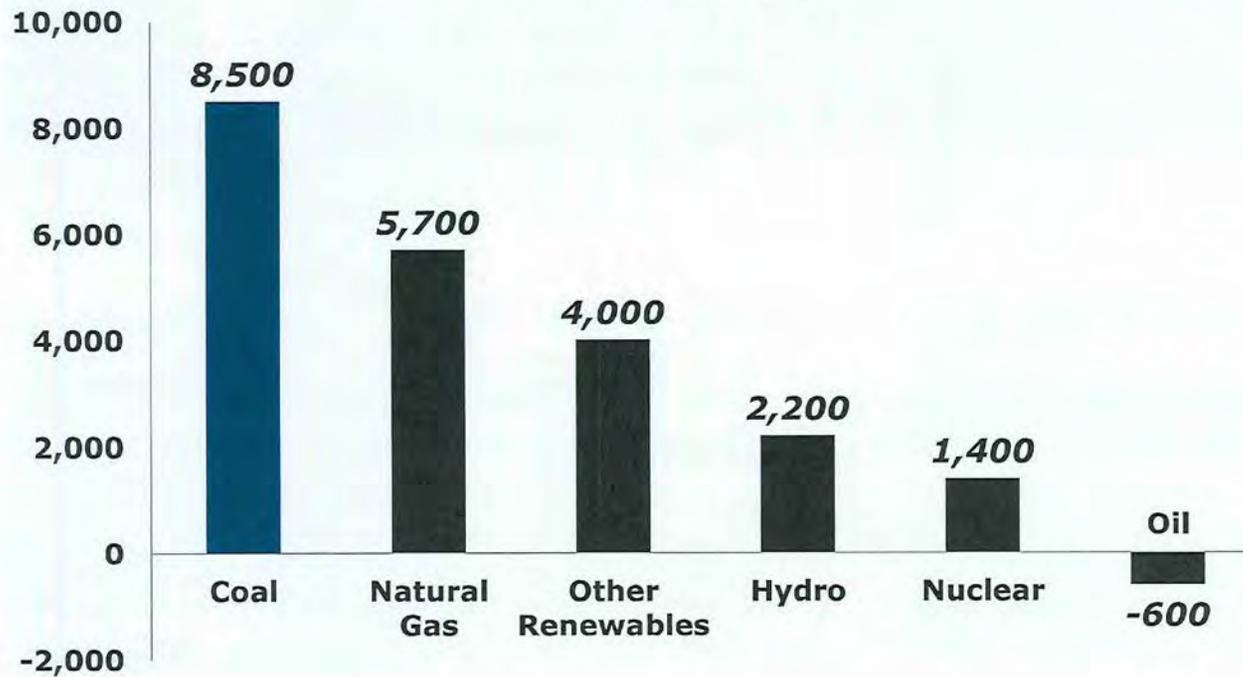
**EXHIBIT 7-A**

**Global Electricity Growth**

**Global Electricity Growth to Rely  
on Coal More Than Any Other Fuel**



**IEA Current Policy Scenario: Electricity Demand Increase  
2012 – 2040 (Twh)**

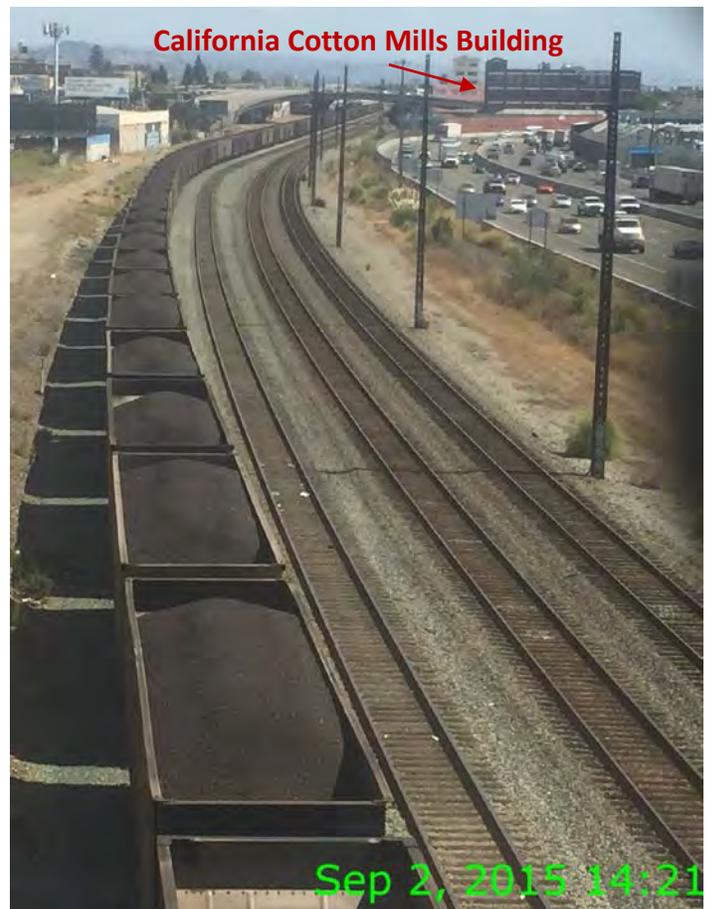
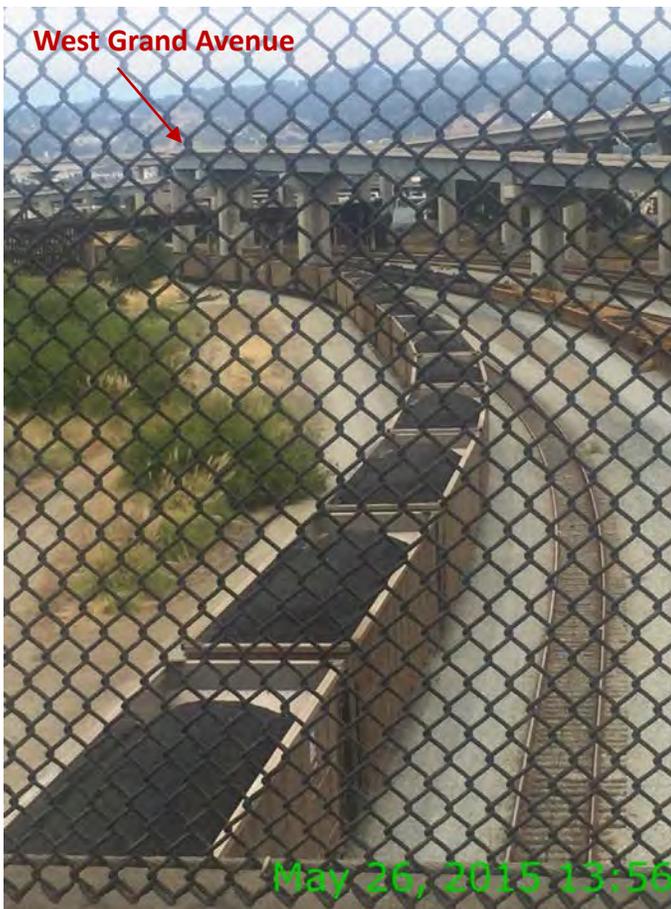


26 | Source: International Energy Association (IEA) World Energy Outlook 2014 (Current Policy Scenario).

**CCIG/OBOT/TLS RESPONSE TO CITY 9/28/15 QUESTION #8**

**8) How much coal currently goes through the Port of Oakland on its way to the Richmond Port (or elsewhere)?**

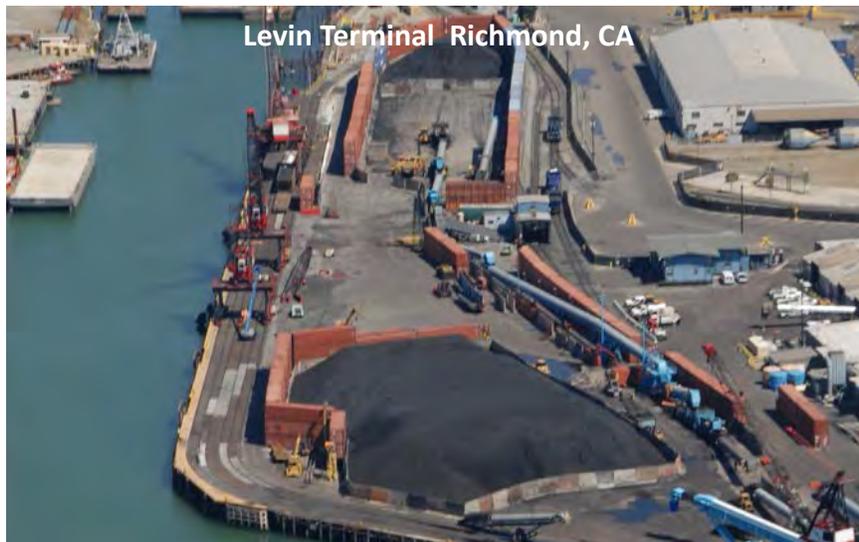
To our knowledge, uncovered unit trains do not move through the Port of Oakland, but adjacent to the Port, in the Union Pacific Railroad Right of Way, on the Martinez Subdivision track and Desert Rail Yard. TLS does not know how much coal may move through the Union Pacific Rail Right of Way, but has requested information on the quantities. A supplemental response will be submitted on the information becomes available. TLS understands that there may be 2 to 3 trains of coals per week moving through the Bay Area to the Richmond Levine Terminal and the Port of Stockton, and we are aware that coal trains have moved through Oakland on numerous occasions.



**CCIG /OBOT/TLS RESPONSE TO CITY 9/28/15 QUESTION #9**

- 9) Assuming coal continues to be shipped through the Port of Oakland on its way to the Richmond Port, would it (or would it not) be better to have the proposed "state-of-the-art" facility in Oakland, as compared to the existing facility in Richmond?

While we understand that the Richmond-Levin Terminal is lawfully operating, it would not be allowed to operate if it were required to meet the City of Oakland's Standard Conditions of Approval/Mitigation Monitoring and Reporting Program and the host of other current regulatory requirements associated with the Oakland Global development. As demonstrated in the Basis of Design, TLS will incorporate Best Management Practices, making the terminal at OBOT better in every way. Any product that may move through the TLS Terminal, including potentially coal, will be transported and handled with technology, equipment and practices that meet or exceed current practices, laws and regulations.



**CCIG/OBOT/TLS RESPONSE TO CITY 9/28/15 QUESTION #10**

**10) What is the BAAQMD or other data on the impacts of coal at the Richmond Port?**

We defer to BAAQMD's response on this question.

**CCIG/OBOT/TLS RESPONSE TO CITY 9/28/15 QUESTION #11**

**11) Has there been a detailed review/analysis performed of the CCIG/OBOT commissioned September 15, 2015 HDR Engineering Air Quality & Human Health & Safety Assessment Report? Does that report adequately analyze the potential health and/or safety impacts as framed in Items# 1 and 2 above? If not, why?**

Yes, there has been a detailed review/analysis performed of the CCIG, OBOT, and TLS commissioned September 15, 2015 HDR Engineering Air Quality & Human Health & Safety Assessment Report (the HDR Report). To complete this peer review of the HDR Report, CCIG enlisted the expertise of Golder Associates, Inc. (Golder), more specifically Chad Darby and Dr. Kara Warner. See Exhibit 11-A for a copy of the Golder peer review.

**EXHIBIT 11-A**

**Golder Peer Review of HDR Report**

October 4, 2015

California Capital & Investment Group  
300 Frank H. Ogawa Plaza  
Oakland, CA 94612

RE: Response to Question No. 11 / Memo to Interested Parties from Claudia Cappio (Assistant City Administrator, City of Oakland) Dated 9/28/15

Dear California Capital & Investment Group:

On September 28, 2015, Ms. Claudia Cappio, the City of Oakland's Assistant City Administrator, issued a memo containing "Follow-up Questions on Coal's Public Health and/or Safety Impacts." As you know, California Capital & Investment Group (CCIG) recently hired Golder to perform a peer review of the HDR Engineering Air Quality & Human Health & Safety Assessment Report (September 15, 2015), which is the subject of Question No. 11 of Ms. Cappio's memorandum. Question No. 11 reads as follows:

*Has there been a detailed review/analysis performed of the CCIG/OBOT commissioned September 15, 2015 HDR Engineering Air Quality & Human Health & Safety Assessment Report? Does that report adequately analyze the potential health and/or safety impacts as framed in Items #1 and 2 above? If not, why not?*

In response to this question, CCIG should answer unequivocally that, yes, there has been a detailed review/analysis performed of the CCIG/OBOT (Oakland Bulk and Oversized Terminal) commissioned September 15, 2015 HDR Engineering Air Quality & Human Health & Safety Assessment Report (the HDR Report). To complete this peer review of the HDR Report, CCIG enlisted the expertise of Golder, more specifically Chad Darby and Dr. Kara Warner.

Chad Darby is a Senior Consultant with Golder Associates, Inc. (Golder). He has 24 years of experience in monitoring and analyzing air quality impacts, and application of emissions control technologies to commercial and industrial sites. He is particularly familiar with air quality modeling, monitoring, and emissions control technologies in regards to the handling of coal in rail and port terminals as he was recently the Project Manager for an extensive air modeling and assessment of a proposed coal transloading facility at the Port of Morrow near Boardman, Oregon. Please see Attachment 11-A for a copy of his credentials.

Dr. Kara Warner is a toxicologist with Golder. She has 9 years of experience in assessing ecological and human health risks associated with commercial and industrial activities. She is particularly familiar with assessing ecological and human health risks as they related to coal-handling operations, including rail transport and port terminal operations. Among various other coal-related projects, she recently performed such work on the Port of Morrow project. Please see Attachment 11-A for a copy of her credentials.



We recognize that the design of the facility is conceptual at this point. However, based on our experience with the similarly designed Port of Morrow project, for which Golder performed detailed emissions calculations, we can affirm HDR's conclusions to be fair and accurate that there will be minimal (if any) emissions from rail car transport or OBOT handling of coal. In fact, some of the commitments and recommendations to minimize coal dust emissions to the atmosphere such as the covering rail cars, fully enclosing the coal storage areas, and the wetting of coal as it is loaded on ocean-going vessels are, in our opinion, more conservative than necessary to protect human health.

In comparison, the Port of Morrow project was projected to utilize open rail cars having only a topping agent and profiling for mitigation that Golder estimated to have very minimal coal dust emissions to the atmosphere. Further, Golder conducted air quality dispersion modeling of those emissions and determined that concentrations of respirable dust were predicted to be well below the National Ambient Air Quality Standards, which are set by the U.S. Environmental Protection Agency to be protective of human health and the environment. With the even greater mitigation measures proposed for the OBOT project through their commitments and recommendations listed in their white paper, HDR is correct in asserting that there will be no harm to public health and the environment.

We have carefully reviewed the HDR Report and its qualitative assessments of potential emissions of coal dust from rail cars transporting coal to the OBOT, as well as potential emissions of coal dust from transfer and storage operations at OBOT itself. We noted three typographical errors in our review. Those errors include:

1. Page 5, indented and italicized quote- A reference to Sec. 13.5.2.1, should be Chapter 13, Sec. 2.5.1. However, the email hyperlink is correct.
2. Page 9, Section III, paragraph 1, line 5-6- "particular matter" should be "particulate matter" unless the original quote was in error.
3. Page 14, table- California Soil Background level for Pb (lead) should be 14.3 – 107.9 mg/kg. However, the conclusion stands that the range of lead concentrations in background California soils is higher than the maximum concentration found in Uinta Basin Coal based on the data source cited.

These typographical errors do not materially change the conclusions of the HDR white paper that are summarized as follows:

- Negligible emissions will result from transport of coal to OBOT;
- The limited coal dust emissions and deposition will not harm human health or the environment; and
- The conceptual design, commitments, and recommended mitigation strategies proposed to control atmospheric emissions are more than sufficient to protect human health.

If you have questions or need additional information, please let us know.

Sincerely,



Chad Darby, M.S. Mech Eng.,  
Senior Consultant



Kara Warner, Ph.D.  
Senior Project Environmental Scientist



**Education**

*MS Mechanical Engineering (Environmental Emphasis), University of Minnesota, Minnesota, 1991*

*BS Physics, Grinnell College, Iowa, 1988*

**Professional Affiliations**

*Air and Waste Management Association*

*National Council of Air and Stream Improvement*

**Golder Associates Inc. – Portland**

**Professional Synopsis**

Chad Darby has 24 years of professional experience in the air quality science and engineering field, with project management in 35 states and 3 Canadian provinces. This includes construction and operation permitting; field source testing with the US Environmental Protection Agency (EPA), National Institute for Occupational Safety and Health (NIOSH), Occupational Safety and Health Administration (OSHA), and state methodologies; ambient sampling and meteorological station design and installation; pollution control evaluation (Best Available Control Technology [BACT]/Reasonably Available Control Technology [RACT]/Lowest Achievable Emission Rate [LAER]); historical compliance investigations (New Source Review [NSR]/Prevention of Significant Deterioration [PSD]); multi-media compliance auditing; risk management planning (RMP); compliance assurance monitoring planning (CAM); Maximum Available Control Technology (MACT) applicability; strategy development; and compliance demonstration

**PROJECT EXPERIENCE**

**Morrow Pacific Project;  
Coyote Island Terminal  
LLC**

Boardman, Oregon and  
Clatskanie, Oregon

As project director, prepared a complex emissions inventory that included trains, tugboats, ocean-going vessels, transloading equipment, and stationary sources. Calculated methane emission decay rate for coal during transport and handling. Assisted with the air quality permitting and dispersion modeling for the proposed Coyote Island Terminal at the Port of Morrow, which is designed to handle 8.8 million tons of coal as a US west coast export terminal for Powder River Basin coal. Prepared toxicological literature evaluations of coal in air and water; project recommendations for emission control systems; and public comment support to agencies involved in addressing public concerns, including coal dust, diesel exhaust, and train and tug impacts. Studied and evaluated greenhouse gas emissions during transport and handling of coal, spontaneous coal combustion hazards, and dispersion of coal dust to air and water. Agencies involved include Oregon Department of Environmental Quality (DEQ), Department of State Lands (DSL), National Marine Fisheries Service (NMFS), US Army Corps of Engineers (USACE), State Historic Preservation Officers (SHPO), and four area tribes.

**Columbia Pacific  
Bio-refinery**  
Clatskanie, Oregon

Expert witness hired by the representatives of the facility to testify regarding the emission levels and appropriateness for permitting actions for a facility that transloads crude oil from railcars to ocean-going barges. This included analysis of emission controls, fugitive emissions, emission source types and locations. Services include the development of emission calculations, interviews, site visits during transloading, writing an expert report, and providing a deposition.

**Emission Testing;  
Tidewater Barge Lines**  
Vancouver, Washington

Calculated emissions of volatile organic compounds (VOCs) from barge cleaning performed with a vacuum truck. Using the ideal gas law, the total emissions of VOCs from vacuum truck exhaust and barge hold air displacement were determined for situations where barge holds containing gasoline are cleaned and filled with new product. Completed a Best Available Control Technology (BACT) analysis for control of barge venting emissions.



**Title V Permitting;  
Chevron**  
Portland, Oregon

Completed a Title V Operating Permit renewal application to incorporate facility modifications, including new distillation columns. Provided training in opacity monitoring evaluations using US Environmental Protection Agency (EPA) Method 22.

**Title V Permitting;  
Tidewater Barge Lines**  
Pasco, Washington

Prepared and submitted a Title V Operating Permit application for marine, tank car, pipeline, and railroad car petroleum; and chemical loading and unloading operations in 1995. Developed a comprehensive emission inventory for all emission sources, including operations and fugitive road dust from vehicle traffic. Additionally, assisted Tidewater Barge Lines in preparing Notice of Construction applications and in negotiating emission limitation orders. Assisted in calculating spill emissions using soil data and release reporting equations.

**Aurora Uranium Mine;  
Oregon Energy LLC**  
Oregon

Managed discussions between the Bureau of Land Management (BLM, Nuclear Regulatory Commission (NRC), Oregon Department of Geology and Mineral Industries (DOGAMI), and the Oregon Department of Energy (DOE) for a proposed uranium mine in southeastern Oregon near McDermitt, Nevada. Developed a workplan for baseline studies covering all aspects including geologic studies; air quality monitoring; threatened and endangered species and cultural surveys; acoustical sampling; and numerous other baseline studies. Assisted with all siting, permitting, and National Environmental Policy Act (NEPA) evaluation compliance aspects of the project.

**Biomass-fired Co-  
generation Unit;  
Roseburg Forest  
Products**  
California

Provided air quality permitting support for a biomass-fired co-generation project in Weed, California. The permit was issued, but challenged all the way to the California Supreme Court where it was upheld.

Completed the Authority to Construct Application and draft permit for approval by the Siskiyou County Air Pollution Control District (SCAPCD). In addition, a Modification Application for the Title V Permit was developed and a revised draft permit was submitted for approval by the SCAPCD. To support this, an extensive emissions inventory for the boiler, cooling tower, mobile sources, and construction equipment/disturbances was prepared. Cooling tower emissions of particulate matter from water mineral content and drift loss were estimated. Similarly, emissions of diesel particulate from facility vehicles, construction equipment, and ongoing fuel handling equipment were calculated. As part of the application process, Best Available Control Technologies (BACTs) for boiler nitrogen oxide (NOx) emissions were assessed.

Under the California Environmental Quality Act (CEQA), the co-generation project required an Environmental Impact Report (EIR) by the County Planning Department. To support this, air dispersion modeling was conducted for criteria pollutants and air toxics using AERMOD modeling. Plume depletion for particulate was accounted for near the property line. Assisted in comparing the emissions from the project to alternate wood combustion processes including slash-and-burn forestry techniques. Because greenhouse gases are a regulatory issue in California, greenhouse gas emissions were evaluated for the co-generation project and project alternatives, including the impacts of in-forest decay of thinning materials, the no-project alternative.



**Education**

*PhD, Toxicology, Oregon State University, Corvallis, Oregon, 2006*

*MS, Biology, Texas State University, San Marcos, Texas, 2001*

*BA, Zoology, University of Texas, Austin, Texas, 1997*

**Golder Associates Inc. – Portland**

**Senior Project Environmental Scientist**

Dr. Kara Warner has an interdisciplinary background in biology, physiology, and toxicology. Kara’s project experience includes environmental impact assessment components, ecological and human health risk assessments, water quality, air quality, permitting, and regulatory compliance. She has assisted with Environmental Impact Assessment (EIS) projects and managed Oregon Energy Facility Siting projects that required analysis of impacts to populations and housing, land use, public health and safety, public services, visual resources, cultural resources, recreational opportunities, and natural resources/habitats.

Many of Kara’s projects include public involvement, and Kara has presented at informational meetings, organized and addressed public comments, and identified key issues for agency consideration.

**PROJECT EXPERIENCE – ENVIRONMENTAL ASSESSMENT & PERMITTING**

**Environmental Coal Dust Exposure and Human Health Impact Assessment for the Morrow Pacific Coal Transfer Project; Schwabe, Williamson, and Wyatt**  
Port of Morrow, Oregon

Conducted a scientific literature review and prepared a summary report focusing on the potential human health impacts of exposure to coal dust associated with a transfer terminal project in Oregon. The report provided the public and interested stakeholders with an understanding of the relative toxicological properties of sub-bituminous coal particulates and chemical constituents in the context of environmental (non-occupational) human exposures. Potential environmental exposure levels and effects were presented relative to federal regulatory exposure guidelines for coal dust and particulate matter.

**Potential Impacts Assessment from Coal in Surface Water; Schwabe, Williamson, and Wyatt**  
Port of Morrow, Oregon

Conducted a scientific literature review and prepared a summary report focusing on the potential environmental effects of an inadvertent coal discharge to the Columbia River. The report provided the public and interested stakeholders with an understanding of the relative toxicological inertness of bulk coal to aquatic receptors.

**TransAlta Pit 7 EA; TransAlta Centralia Mining LLC**  
Centralia, Washington

Assisted in preparing an Environmental Assessment (EA) under the National Environmental Policy Act that analysed potential impacts from a proposed coal mine reclamation project in western Washington. This project required extensive coordination with the project proponent and the lead EA reviewing agency (Office of Surface Mining and Management).

**Fording River Operations Swift Project Environmental Assessment Certification Application; Teck Coal Ltd.**  
British Columbia

Prepared an aquatic health assessment of potential impacts to aquatic species (including fish, invertebrates, amphibians, and aquatic-feeding birds) and determined the significance of impacts from the proposed coal-mining expansion project. The aquatic health assessment required coordination with multiple disciplines (including fish habitat, hydrology, and water quality modelling).



**I-5 Corridor  
Reinforcement Project  
EIS; Bonneville Power  
Administration**  
Portland, Oregon

Coordinated with geographic information services (GIS) personnel to identify recreational resources, communities or managed lands, and census tract information for areas crossed by the project. Researched land use management plans, recreation management plans, and U.S. Census and American Community Survey data to identify potential impacts of the project alternatives to managed lands and low income or minority communities in Oregon and Washington. Prepared Recreation, Land, and Environmental Justice portions of the EIS.

**Guidance on Health and  
Safety Research;  
Bonneville Power  
Administration**  
Portland, Oregon

Project manager for health and safety research services to the Bonneville Power Administration (BPA), advising on the potential and perceived human health impacts of electromagnetic fields (EMF), which included review of BPA technical and public information documents. Also participated in public scoping meetings for the planned 500-kilovolt BPA transmission line upgrade project in southwest Washington and northwest Oregon, serving as a third-party scientific perspective on electromagnetic fields and health issues for the EIS process.

**Energy Facility Siting;  
Oregon Department of  
Energy**  
Oregon

Project manager for over 15 separate energy facility siting projects, reviewing site certificate applications or amendment requests and preparing recommendations for Oregon Department of Energy (ODOE) siting orders. Worked closely with ODOE siting officers to prepare recommendations for draft site certificate documents. Each project required an analysis of impacts to natural and social resources, land use, human health and safety, and public services. Projects included transmission lines, and wind, biomass, and gas-fired energy generation facilities. Under the ODOE contract, Kara attended site visits, public informational meetings, hearings, and Energy Facility Siting Council meetings.

**Electromagnetic Field  
Health Effects White  
Paper; Oregon  
Department of Energy**  
Salem, Oregon

Project manager for a review of current scientific literature on the health effects of EMF. Due to the increase in proposed transmission projects in Oregon, the Oregon Department of Energy asked Kara to prepare a report reviewing the state of the science and national and international regulatory activities concerning EMF, to be used as part of an agency white paper. The review focused on human health effects, but also discussed effects to animals and vegetation relative to Oregon. Kara presented information on the state of the science and the regulatory climate surrounding EMF at a public meeting of the Energy Facility Siting Council.

**Bravo Bentonite Mine  
Project Permitting; Bravo  
Bentonite LLC**  
Wasco County, Oregon

Assisted in developing a Plan of Operations for a proposed bentonite mine for Bureau of Land Management (BLM) review. The Plan of Operations describes the claim owner's analysis of resources at the site, the proposed plan of activities to develop a mine, and the potential environmental, cultural or archaeological, and economic impacts/environmental justice of mining operations. Finalized reports from technical staff for field surveys describing surface water and wetlands, biological resources, water sources, and cultural resources (the latter with Golder's subconsultant, Historical Research Associates). These reports were prepared to provide concise resource and impacts information for the Plan of Operations, and also to supplement the Environmental Assessment (EA) to be submitted to the BLM. In support of the Plan of Operations and the draft EA, Kara coordinated with GIS staff to perform a visibility analysis to demonstrate limited visibility of planned operations from a nearby Wild and Scenic River.

## CCIG/OBOT/TLS RESPONSE TO CITY 9/28/15 QUESTION #12

### **12) What specific Standard Conditions of Approval and/or Mitigation Measures contained in the SCAMMRP would address the potential health and/or safety impacts of coal as framed in Items # 1 and 2 above?**

The 2012 Standard Conditions of Approval and Mitigation, Monitoring and Reporting Program (SCA/MMRP), developed as part of the Initial Study/Addendum for the Oakland Army Base Project (“Project”), contains numerous measures that will mitigate potential health and/or safety impacts of operating the Break Bulk Terminal (“Terminal”), as well as the Project as a whole. As is and was appropriate in 2012, and as directed by CEQA itself, the analysis did not speculate over which commodity or commodities might come through the Terminal over its generational life. Rather, the CEQA review identified, and the SCA/MMRP mitigates, potentially significant impacts during all phases of the project – including construction and operations – comprehensively to ensure compliance irrespective of changing and evolving demands of the market from one month to the next, one decade to the next. In particular, the operator of the Terminal will comply with numerous air quality and water quality regulations intended to protect human health and the environment in the Project area. In addition, several measures are focused on ensuring adequate emergency preparedness, response and access to the Project area. These measures are imposed on all aspects of the Project, not solely to the operations of the Terminal and/or to the potential transport of coal, one of many goods that may or may not be shipped through the Terminal. Several of these measures are discussed below.

#### AIR QUALITY

The 2012 Initial Study/Addendum recognized that existing air quality in the Project area, already in a deteriorated state, was adversely impacted, particularly by diesel-related emissions, under baseline conditions. First and foremost, operation of the Project, including the Terminal, will comply with current stringent state and local regulations governing air quality, including those governing diesel emissions. In addition, the 2012 SCA/MMRP goes further and imposes additional requirements to minimize potential air quality impacts associated with the Project. Although some of the measures focus on minimizing potential health risk impacts associated with diesel particulate matter, they would more broadly address air quality impacts associated with Project operations, including those associated with the Terminal:

#### **SCA AIR-3: Exposure to Air Pollution (Toxic Air Contaminants: Particulate Matter):**

- A. Indoor Air Quality: In accordance with the recommendations of the California Air Resources Board (ARB) and the Bay Area Air Quality Management District, appropriate measures shall be incorporated into the project design in order to reduce the potential health risk due to exposure to diesel particulate matter to achieve an acceptable interior air quality level for sensitive receptors. The appropriate measures shall include **one** of the following methods:

- 1) The project applicant shall retain a qualified air quality consultant to prepare a health risk assessment (HRA) in accordance with the ARB and the Office of Environmental Health and Hazard Assessment requirements to determine the exposure of project residents/occupants/users to air pollutants prior to issuance of a demolition, grading, or building permit. The HRA shall be submitted to the Planning and Zoning Division for review and approval. The applicant shall implement the approved HRA recommendations, if any. If the HRA concludes that the air quality risks from nearby sources are at or below acceptable levels, then additional measures are not required.
- 2) The applicant shall implement all of the following features that have been found to reduce the air quality risk to sensitive receptors and shall be included in the project construction plans. These features shall be submitted to the Planning and Zoning Division and the Building Services Division for review and approval prior to the issuance of a demolition, grading, or building permit and shall be maintained on an ongoing basis during operation of the project.
  - a) Redesign the site layout to locate sensitive receptors as far as possible from any freeways, major roadways, or other sources of air pollution (e.g., loading docks, parking lots).
  - b) Do not locate sensitive receptors near distribution center's entry and exit points.
  - c) Incorporate tiered plantings of trees (redwood, deodar cedar, live oak, and/or oleander) to the maximum extent feasible between the sources of pollution and the sensitive receptors.
  - d) Install, operate and maintain in good working order a central heating and ventilation (HV) system or other air take system in the building, or in each individual residential unit, that meets or exceeds an efficiency standard of MERV 13. The HV system shall include the following features: Installation of a high efficiency filter and/or carbon filter to filter particulates and other chemical matter from entering the building. Either HEPA filters or ASHRAE 85% supply filters shall be used.
  - e) Retain a qualified HV consultant or HERS rater during the design phase of the project to locate the HV system based on exposure modeling from the pollutant sources.
  - f) Install indoor air quality monitoring units in buildings.
  - g) Project applicant shall maintain, repair and/or replace HV system on an ongoing and as needed basis or shall prepare an operation and maintenance manual for the HV system and the filter. The manual shall include the operating instructions and the maintenance and

replacement schedule. This manual shall be included in the CC&Rs for residential projects and distributed to the building maintenance staff. In addition, the applicant shall prepare a separate homeowners manual. The manual shall contain the operating instructions and the maintenance and replacement schedule for the HV system and the filters.

- B. Outdoor Air Quality: To the maximum extent practicable, individual and common exterior open space, including playgrounds, patios, and decks, shall either be shielded from the source of air pollution by buildings or otherwise buffered to further reduce air pollution for project occupants.

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The 2012 SCA/MMRP also requires preparation of Project-specific emissions reduction programs. For example, Mitigation Measure 4.4-3b requires preparation of a rail and maritime emissions reduction program for the rail-related and maritime-related operations at the Project site. The program to be developed must give priority to emission reduction strategies that address PM10 emissions, which may include potential PM10 emissions associated with transport of goods, including coal, through the Terminal.

**Mitigation 4.4-3b (West Gateway Rail and Maritime Emissions Reduction Program):** The ground lessee of the West Gateway and the Railroad Right of Way (“WGW Ground Lessee”) shall develop, for City review and approval, a criteria pollutant reduction program aimed at reducing or off-setting emissions from its rail-related and maritime-related operations, to the extent feasible, to less than significant levels, consistent with applicable federal, state and local air quality standards. The WGW Ground Lessee shall implement the approved program and shall periodically review and update the program every one to three years, concurrently with the update of the Bay Area Clean Air Plan.

The review and update shall include, and not be limited to, assessment of: potential new reduction strategies based on then-available technologies; funding requirements; technical feasibility; economic feasibility and cost benefit analysis. The updates shall be submitted to the City for its review and approval. The WGW Ground Lessee shall implement the City-approved, updated program.

The program shall give priority to emission reduction strategies that address PM10 emissions, but shall also provide for reductions in NOX and ROG emissions. The emission reduction program shall include a list of potential emission reduction strategies and shall define measurable reduction goals within specific time periods. Strategies that shall be included in the program may include without limitation:

- Requiring rail terminal operators to use switch engines that comply with federal air emission regulations for diesel operated locomotives as set forth in federal air regulations. In addition, the rail terminal operator and the WG Ground Lessee to

exchange information with the goal of investigating options to accelerate compliance with Tier 0, 1 and 2 requirements of the federal regulations.

- Encourage ships to implement source control technologies when in the West Gateway area (such as reduced hoteling).
- Working with tugboat operators to implement emission reduction control measures or to replace tugboat engines to low NOx technology.

The 2012 SCA/MMRP requires the Port of Oakland to prepare a similar program, which would contribute to overall emissions reductions associated with the Project and, like the West Gateway program, will give priority to emission reduction strategies that address PM10 emissions:

**Mitigation 4.4-3a:** The Port shall develop and implement a criteria pollutant reduction program aimed at reducing or off-setting Port-related emissions in West Oakland from its maritime and rail operations to less than significant levels, consistent with applicable federal, state and local air quality standards. The program shall be sufficiently funded to strive to reduce emissions from redevelopment related contributors to local West Oakland air quality, and shall continually reexamine potential reductions toward achieving less than significant impacts as new technologies emerge. The adopted program shall define measurable reductions within specific time periods.

This program shall be periodically reviewed and updated every one to three years, corresponding to regular updates of the CAP. The review and update shall include, and not be limited to, an assessment of any potential new strategies, a reassessment of funding requirements, technical feasibility, and cost benefit assumptions. Periodic updates shall be submitted to the City/Port Liaison Committee or its equivalent.

The pollutant reduction program shall give priority to emission reduction strategies that address PM10 emissions, but shall also provide for reductions in NOx and ROG emissions. The emission reduction program shall include a list of potential emission reduction strategies. Strategies that shall be included in the program and implemented over the buildout period include:

- The Port shall expand its existing cargo handling equipment re-powering and retrofitting program (part of the Berths 55-58 Project air quality mitigation program) to include marine and rail terminal yard equipment added or relocated as part of redevelopment build-out.
- The Port shall extend its grant program (part of the Berths 55-58 Project air quality mitigation program) to provide financial incentives to tugboat operators at New Berth 21 and other Port facilities to implement emission reduction control measures or to replace tugboat engines to low NOx technology.

- The Port shall require rail terminal operators to use switch engines at the New Intermodal Facility that comply with federal air emission regulations for diesel operated locomotives as set forth in federal air regulations. In addition, the rail terminal operator and the Port are to exchange information with the goal of investigating options to accelerate compliance with mTier 0, 1 and 2 requirements of the federal regulations.
- The Port shall not preclude in its design of the New Intermodal Facility the installation of an alternative fueling station and shall to the extent feasible accommodate such a fueling station.
- The Port shall encourage ships to implement source control technologies when in the port area (such as reduced hoteling).
- Other strategies to be included in the Port criteria pollutant reduction program when technically and economically feasible, include:
- Inclusion of an alternative fueling facility at the New Intermodal Facility.

### HYDROLOGY AND WATER QUALITY

The 2012 SCA/MMRP imposes several requirements to mitigate potential impacts of water quality associated with Project operations, particularly measures aimed at minimizing the transport of pollutants via stormwater runoff. These measures include SCA HYD-2, SCA HYD-3, and Mitigation Measure 4.15-5:

**SCA HYD-2: Post-Construction Stormwater Management Plan:** The applicant shall comply with the requirements of Provision C.3 of the National Pollutant Discharge Elimination System (NPDES) permit issued to the Alameda Countywide Clean Water Program. The applicant shall submit with the application for a building permit (or other construction-related permit) a completed Construction-Permit-Phase Stormwater Supplemental Form to the Building Services Division. The project drawings submitted for the building permit (or other construction-related permit) shall contain a stormwater management plan, for review and approval by the City, to manage stormwater run-off and to limit the discharge of pollutants in stormwater after construction of the project to the maximum extent practicable.

- a) The post-construction stormwater management plan shall include and identify the following:
  - i. All proposed impervious surface on the site;
  - ii. Anticipated directional flows of on-site stormwater runoff; and
  - iii. Site design measures to reduce the amount of impervious surface area and directly connected impervious surfaces; and

- iv. Source control measures to limit the potential for stormwater pollution;
  - v. Stormwater treatment measures to remove pollutants from stormwater runoff; and
  - vi. Hydromodification management measures so that post-project stormwater runoff does not exceed the flow and duration of pre-project runoff, if required under the NPDES permit.
- b) The following additional information shall be submitted with the post-construction stormwater management plan:
- i. Detailed hydraulic sizing calculations for each stormwater treatment measure proposed; and
  - ii. Pollutant removal information demonstrating that any proposed manufactured/mechanical (i.e., non-landscape-based) stormwater treatment measure, when not used in combination with a landscape-based treatment measure, is capable of removing the range of pollutants typically removed by landscape-based treatment measures and/or the range of pollutants expected to be generated by the project.

All proposed stormwater treatment measures shall incorporate appropriate planting materials for stormwater treatment (for landscape-based treatment measures) and shall be designed with considerations for vector/mosquito control. Proposed planting materials for all proposed landscapebased stormwater treatment measures shall be included on the landscape and irrigation plan for the project. The applicant is not required to include on-site stormwater treatment measures in the postconstruction stormwater management plan if he or she secures approval from Planning and Zoning of a proposal that demonstrates compliance with the requirements of the City's Alternative Compliance Program.

**SCA HYD-3: Maintenance Agreement for Stormwater Treatment Measures:** For projects incorporating stormwater treatment measures, the applicant shall enter into the "Standard City of Oakland Stormwater Treatment Measures Maintenance Agreement," in accordance with Provision C.3.e of the NPDES permit, which provides, in part, for the following:

- i. The applicant accepting responsibility for the adequate installation/construction, operation, maintenance, inspection, and reporting of any on-site stormwater treatment measures being incorporated into the project until the responsibility is legally transferred to another entity; and
- ii. Legal access to the on-site stormwater treatment measures for representatives of the City, the local vector control district, and staff of the Regional Water Quality Control Board, San Francisco Region, for the purpose of verifying the

implementation, operation, and maintenance of the on-site stormwater treatment measures and to take corrective action if necessary. The agreement shall be recorded at the County Recorder's Office at the applicant's expense.

**Mitigation 4.15-5:** Post-construction controls of stormwater shall be incorporated into the design of new redevelopment elements to reduce pollutant loads.

NPDES permitting requires that BMPs to control post-construction stormwater be implemented to the maximum extent practicable. Analysis of anticipated runoff volumes and potential effects to receiving water quality from stormwater shall be made for specific redevelopment elements, and site-specific BMPs shall be incorporated into design. BMPs shall be incorporated such that runoff volume from 85 percent of average annual rainfall at a development site is pre-treated prior to its discharge from that site, or a pre-treated volume in compliance with RWQCB policy in effect at the time of design.

Non-structural BMPs may include and are not limited to good housekeeping and other source control measures, such as the following:

- Stencil catch basins and inlets to inform the public they are connected to the Bay;
- Sweep streets on a regular schedule;
- Use and dispose of paints, solvents, pesticides, and other chemicals properly;
- Keep debris bins covered; and
- Clean storm drain catch basins and properly dispose of sediment.

Structural BMPs may include and are not limited to the following:

- Minimize impervious areas directly connected to storm sewers;
- Include drainage system elements in design as appropriate such as:
  - infiltration basins
  - detention/retention basins
  - vegetated swales (biofilters)
  - curb/drop inlet protection.

#### EMERGENCY RESPONSE

#### [PUBLIC SERVICES/ TRAFFIC AND TRANSPORTATION MEASURES]

The 2012 SCA/MMRP also contains several measures focused on ensuring adequate fire safety plans, emergency response capabilities and emergency access to the Project area. Implementation of these measures will further promote the health and safety of workers, in particular, in the Project. Several of these measures are included below:

**SCA PSU-2: Fire Safety Phasing Plan:** The project applicant shall submit a separate fire safety phasing plan to the Planning and Zoning Division and Fire Services Division for their review and approval. The fire safety plan shall include all of the fire safety features incorporated into the project and the schedule for implementation of the features. Fire Services Division may require changes to the plan or may reject the plan if it does

not adequately address fire hazards associated with the project as a whole or the individual phase.

**Mitigation 4.9-1.** The City and Port shall cooperatively investigate the need for, and if required shall fund on a fair-share basis, development and operation of increased firefighting and medical emergency response services via fireboat to serve the OARB sub-district.

The City and Port of Oakland will each contribute a fair share toward cooperatively investigating the need for increased firefighting and emergency response services to serve the redevelopment area west of I-880. This investigation shall include consultation with the OES and OFD. Should this investigation conclude, based on detailed redevelopment design, that increased fireboat services are required, the Port and the City shall each fund its fair share to equip and staff fireboat-based services in the OARB sub-district. In addition, as subsequent redevelopment activities occur, the City and Port shall be allowed to develop fee formulae (to recoup initial investment from future development or tenants), as well as a long-term cost-sharing formula (to equitably distribute the cost of continuing operations).

The fire facility will be constructed after basic underground infrastructure is constructed, and before any people-attracting subsequent redevelopment activities begin operations.

**Mitigation 4.9-2:** The Port and City shall work with OES to ensure changes in local area circulation are reflected in the revised Response Concept.

The Port and City would provide information to the OES to facilitate that agency's accurate revision of its Response Concept and Annex H. In particular, the City and Port would provide OES information regarding new and proposed project area development, intensification and changes in land uses, realignment of area roadways, and construction of new local circulation facilities.

**Mitigation 4.3-8:** Provide an emergency service program and emergency evacuation plan using waterborne vessels.

The City shall provide emergency access to the OARB sub-district by vessel. The area is currently served by fire boat out of the Jack London Square Fire Station. The City may elect to equip that fire boat with first response medical emergency personnel as well as limited hazardous materials response personnel and equipment (see also Mitigation Measure 4.9-1). Major developers shall fund these improvements on a fair share basis.

**Mitigation Measure 3.16-15a:** The Project Sponsor shall develop, in consultation and coordination with adjacent property owners, including EBMUD, an emergency response plan for the 2012 Army Base Project, which addresses emergency ingress/egress.

**Mitigation Measure 3.16-15b:** The Project Sponsor shall include in the design of West Burma Road turn-outs and turn-arounds at the appropriate locations and dimensions as

required by the Fire Department, in order to allow for appropriate ingress and egress of emergency vehicles.

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Several safety measures are also specifically focused on ensuring safety associated with rail operations, including the following:

**SCA TRANS-3: Railroad Crossings:** Any proposed new or relocated railroad crossing improvements must be coordinated with California Public Utility Commission (CPUC) and affected railroads and all necessary permits/approvals obtained, including a GO 88-B Request (Authorization to Alter Highway Rail Crossings), if applicable. Appropriate safety-related design features and measures should be incorporated, including without limitation:

- a) Installation of grade separations at crossings, i.e., physically separating roads and railroad tracks by constructing overpasses or underpasses.
- b) Improvements to warning devices at existing highway rail crossings that are impacted by project traffic.
- c) Installation of additional warning signage.
- d) Improvements to traffic signaling at intersections adjacent to crossings, e.g., signal preemption.
- e) Installation of median separation to prevent vehicles from driving around railroad crossing gates.
- f) Where soundwalls, landscaping, buildings, etc. would be installed near crossings, maintaining the visibility of warning devices and approaching trains.
- g) Prohibition of parking within 100 feet of the crossings to improve the visibility of warning devices and approaching trains.
- h) Construction of pull-out lanes for buses and vehicles transporting hazardous materials.
- i) Installation of vandal-resistant fencing or walls to limit the access of pedestrians onto the railroad right-of-way.
- j) Elimination of driveways near crossings.
- k) Increased enforcement of traffic laws at crossings.
- l) Rail safety awareness programs to educate the public about the hazards of highway-rail grade crossings.

## CCIG/OBOT/TLS RESPONSE TO CITY 9/28/15 QUESTION #13

### 13) With respect to "Covered" Rail Cars:

**a. Are "Covered" rail cars being used or tested in the U.S. or elsewhere?**

"EcoFab" is providing and maintaining thousands of covers in Canada, the United States, Australia and the South America. See Exhibit 13-A.

In the United States, they are used on the following materials: copper concentrate, lead concentrate, nickel concentrate, low level radioactive soils, wood chips, low level radioactive waste, silver concentrate, and steel castings.

In other countries, "EcoFab" covered rail cars are used to transport the following:

- Argentina - Copper concentrate
- Australia – Copper concentrate, lead concentrate, phosphate, grain
- Canada – Copper concentrate, lead concentrate, zinc concentrate, nickel concentrate
- Chile – Copper concentrate

**b. Have tests been run on such technology?**

"EcoFab" has over 40 years of experience protecting bulk material in transit logging millions of miles of covered railcar mileage per month with a record of reliability and safety.

The Department of Transportation (DOT), has determined that the "Ecofab Railcar Cover System" meets the criteria for a closed transport vehicle, as specified in Title 49 CFR 173.403(c). The U.S. Federal Railroad Administration (FRA) has indicated to "EcoFab" that their cover design is compliant with North American Safety Appliance Regulations.

**c. Are there engineering specifications available for review?**

"EcoFab" has over 40 years of experience protecting bulk material in transit logging millions of miles of covered railcar mileage per month with a record of reliability and safety. See the "EcoFab" website for details – [www.ecofab.com](http://www.ecofab.com).

**d. How effective would these "Covered" cars be in reducing/eliminating fugitive coal dust emissions, both in absolute terms and as compared to other means (see Item #14 below)**

As provided in the HDR white paper submitted to the City in advance of the September 21, 2015, informational hearing, covering of rail cars is not a prerequisite to the safe and legal shipping of coal by rail cars. Any potentially material release of fugitive dust from rail cars is adequately mitigated via the use of standard industry best management practices including the application of surfactants and specific stacking and layering of coal. Utilization of such measures, as documented in the HDR white paper, eliminates health and safety

concerns related to coal transport, and TLS has agreed to incorporate the measures specified in the HDR white paper into all Terminal operations, regardless of commodity at issue.

TLS has taken the additional measure of committing to covering rail cars. At this time, it anticipates working with “EcoFab” to implement this practice. “EcoFab” has over 40 years of experience protecting bulk material in transit logging millions of miles of covered railcar mileage per month with a record of reliability and safety. See the “EcoFab” website for details – [www.ecofab.com](http://www.ecofab.com).

**EXHIBIT 13-A**

**“EcoFab” Covered Rail Cars**





## CCIG/OBOT/TLS RESPONSE TO CITY 9/28/15 QUESTION #14

### **14) If "Covered" Rail cars are not used, then what would be done to reduce/eliminate fugitive coal dust emissions:**

TLS will operate a multi-commodity bulk terminal, and no commodity has been specifically included or excluded from the TLS terminal operation. TLS has agreed to use covered car to mitigate all fugitive dust issues, thus this question is inapplicable to its facility. Nevertheless, we provide the following answers:

#### **a. Water-how much, where from, where does it go?**

No water would be used on rail cars; misting/wetting using recycled water to minimize coal dust would be used only at the TLS terminal at OBOT due to the transfer operations there. See responses to Question No. 15 below for more information on anticipated recycled water use at the TLS terminal at OBOT.

#### **b. Spray-what kind of materials, how much?**

Because TLS has committed to using covered rail cars, it has not determined which specific dust suppressant it would use with open rail cars to minimize commodity dust emissions. If TLS were to use open rail cars (which it does not intend to do), a further assessment would need to be completed to determine an appropriate dust suppressant available on the market at that time for use on the selected commodity, as well as an appropriate specification for applying that dust suppressant.

Specific to coal, there are numerous surfactant options that are currently and effectively used by the industry, such as "Soil Sement", which is manufactured by Midwest Industrial Supply, has been approved for use by the Burlington Northern Santa Fe and Union Pacific Railroads. The product passed extensive testing during the Super Trial that was run by the BNSF Railroad with cooperation of the commodity suppliers in the Wyoming Powder River Basin during the spring of 2010.

BNSF Tariff #6041-B went into effect on October 1, 2011. This tariff requires that a minimum dust reduction rate of 85% has to be met by the commodity producers in the Powder River Basin. Test results proved that "Soil Sement" exceeded this percentage. The application rate of "Soil Sement" currently used in the PRB is 1.25 gallons of chemical per 17.50 gallons of water applied to the top of the commodity in each rail car. This application provides a crust that averages a depth of 1" of the commodity pile. See Exhibit 14-A for the "Soil Sement" Material Safety Data Sheet.

#### **c. Other measures?**

If covered rail cars were not used, a combination of industry best management practices (BMPs) would be used to control dust as discussed on pages 3-6 of the HDR Report. These BMPs would include:

- profiling of the loads on the rail cars to make the piles more aerodynamic and less subject to wind erosion,
- packing of the coal to leave fewer air spaces for wind to dislodge coal particles, and
- application of a topping agent on the top of the coal in the rail cars, to keep dust particles from escaping.

**d. How effective are these measures both in absolute terms and as compared "covered" cars?**

As discussed in the HDR Report, studies show that the use of profiling and topping agents in open rail cars reduces coal dust emissions by more than 85%. That said, TLS has committed to using covered rail cars, which would approach 100% control efficiency.

Finally, it is important to note that recently submitted comments by Dr. Bart Ostro (formerly of the California EPA) erroneously refer to a study done by Jaffe et al. (2014) published in *Atmospheric Pollution Research* (5:344-351) as “one of the few actual studies” that supports a conclusion that PM<sub>2.5</sub> concentrations from trains carrying coal are higher than PM<sub>2.5</sub> concentrations from trains carrying common freight. See page 3-4 of Dr. Ostro’s 9/29/15 submission. It is important to note that the Jaffe study used a measurement device that was not calibrated for coal dust, and therefore its results do not prove that the incremental increase in fine particulate matter from coal train passage (compared to other types of freight trains) was either (a) coal dust or (b) in the PM<sub>2.5</sub> range.. More specifically, the DRX monitors used in the Jaffe study were NOT calibrated for coal dust detection, but rather were calibrated for diesel particulate matter detection, using a federal equivalent reference method (TOEM) monitor sited in a Seattle area dominated by diesel particulate matter. Thus, the results of that study do not support the conclusion for which Dr. Ostro cites it.

In addition, Dr. Ostro tries to undermine the Tongue River modeling of coal dust emissions from open rail cars by pointing out that applicable air quality standards and background concentrations in Montana for PM<sub>2.5</sub> are more forgiving than applicable air quality standards for PM<sub>2.5</sub> in the BAAQMD. That may be true, but it ignores some important facts:

Notwithstanding the above, even if you assumed that the incremental fine particulate matter increase from a coal train passage measured in the Jaffe report is in the PM<sub>2.5</sub> range, the incremental increase is only around 3 µg/m<sup>3</sup> for a 3-minute period (see Figure 6 of the Jaffe paper). Assuming (i) the trains studied by Jaffe were going 60 mph, (ii) 3 trains per day are passing through Oakland to deliver coal to the terminal (three trains/day of coal would be the maximum forecasted for the TLS terminal at OBOT throughput) and (iii) the trains through Oakland are moving at 30 mph, the 3-minute period of exposure per train measured in the Jaffe report would be equivalent to a 6-minute period of slightly elevated PM<sub>2.5</sub>. This would occur up to three times a day based on the maximum

coal train volume forecasted by TLS for the OBOT.. Averaging this slightly elevated exposure over 24 hours results in a daily PM<sub>2.5</sub> increase of only 0.0375 µg/m<sup>3</sup>, which is not a measurable level of impact on the air quality in Oakland (note the 24-hour PM<sub>2.5</sub> NAAQS is equal to 35 µg/m<sup>3</sup>).

**EXHIBIT 14-A**

**“Soil Sement” Material Safety Data Sheet**

**SECTION I -- IDENTIFICATION OF SUBSTANCE/PREPARATION AND COMPANY/UNDERTAKING**

**TRADE NAME:** SOIL-SEMENT®  
**CHEMICAL NAME:** POLYMER EMULSION  
**SYNONYMS:** DUST RETARDANT  
**CHEMICAL FAMILY:** N/A  
**MOLECULAR WEIGHT:** N/A  
**FORMULA:** AQUEOUS ACRYLIC VINYL ACETATE POLYMER EMULSION  
**CAS REGISTRY NO.:** PRODUCT A BLEND - NO NUMBER ASSIGNED

**SECTION II -- COMPOSITION/INFORMATION ON INGREDIENTS**

<u>NAME</u>	<u>CAS REG NO.</u>	<u>WT. %</u>
Acrylic & Vinyl Acetate Polymer	Non-hazardous	5-50
Water	7732-18-5	95-50

**SECTION III -- HAZARDS IDENTIFICATION**

Acrylic & Polyvinyl Acetate Polymer      Non-hazardous  
 Water      Non-hazardous

**HMIS Rating: Health = 0      Flammability = 0      Reactivity = 0**

**SECTION IV -- FIRST AID MEASURES**

**EYES:** Flush eyes with flowing water at least 15 minutes, get medical attention.  
**INHALATION:** Move subject to fresh air.  
**SKIN:** Flush with large amount of water or wash with soap and water.  
**INGESTION:** Give water to drink. Call a physician.  
**NEVER GIVE FLUIDS OR INDUCE VOMITING.**  
**IF PATIENT IS UNCONSCIOUS OR HAVING CONVULSIONS.**

**SECTION V -- FIRE FIGHTING MEASURES**

**FLASH POINT (TEST METHOD):** Non-Combustible  
**AUTOIGNITION TEMPERATURE:** N/A  
**EXTINGUISHING MEDIUM:** N/A  
**SPECIAL FIREFIGHTING PROCEDURES:** N/A  
**UNUSUAL FIRE AND EXPLOSION HAZARDS:** Material can splatter above 212°F. Dried polymer film can burn but will not support combustion.

**SECTION VI -- ACCIDENTAL RELEASE MEASURES**

**SPILL AND LEAK PROCEDURES:** Dike and control spill. Transfer liquid to containers for recovery or disposal. Keep spills out of sewers and open bodies of water.

**SECTION VII -- HANDLING AND STORAGE**

**STORAGE:** Keep in a cool, dry, ventilated storage area and in closed containers. Avoid freezing temperatures. Minimize contact with the air to prevent microorganism contamination and reduce the formation of skins on the surface.

**HANDLING:** Handle in a well-ventilated workspace.

**SECTION VIII -- EXPOSURE CONTROL/PERSONAL PROTECTION**

**RESPIRATORY PROTECTION:** None required if good ventilation is maintained.  
**VENTILATION:** Mechanical exhaust at point of contaminant.  
**EYE PROTECTION:** Chemical splash goggles recommended.  
**PROTECTIVE CLOTHING:** Impervious gloves recommended.  
**OTHER:** Under normal handling conditions, the risk of exposure to residual monomer is negligible.

**SECTION IX -- PHYSICAL AND CHEMICAL PROPERTIES**

**BOILING/MELTING POINT @ 760 mm Hg:** 212°F  
**VAPOR PRESSURE mm Hg @ 20°C:** 17  
**SPECIFIC GRAVITY OR BULK DENSITY:** 1.01 to 1.15  
**SOLUBILITY IN WATER:** Dilutable  
**APPEARANCE:** Milky White Liquid  
**ODOR:** Characteristic Acrylic odor  
**pH:** 4.0 to 9.5  
**VOC Content:** 0 % (weight)

**SECTION X -- STABILITY AND REACTIVITY**

**STABILITY:** Stable  
**CHEMICAL INCOMPATIBILITY:** No hazardous reactions are expected to occur under normal industrial conditions.  
**HAZARDOUS DECOMPOSITION PRODUCTS:** Thermal decomposition in the presence of air may yield carbon monoxide and/or carbon dioxide and water.  
**HAZARDOUS POLYMERIZATION:** Does not occur  
**CONDITIONS TO AVOID:** N/A  
**CORROSIVE TO METAL:** No  
**OXIDIZER:** No

**SECTION XI -- TOXICOLOGICAL INFORMATION**

**EFFECTS OF OVEREXPOSURE**

**INHALATION:** Vapor from stored, undiluted product can cause headache and nausea.  
**SKIN:** Stored, undiluted product is slightly irritating to skin.  
**EYES:** Slightly irritating to eyes.  
**INGESTION:** May be irritating to digestive tract.

NAME	OSHA		ACGIH	
	TWA	STEL	TWA	STEL
Acrylic & polyvinyl Acetate Polymer	None	None	None	None
Water	None	None		None

**SECTION XII -- ECOLOGICAL INFORMATION**

Animal toxicity studies on blended SOIL-SEMENT® have not been carried out because we believe the fish toxicity studies done on the blend demonstrate it is as non-toxic as the individual emulsions which go into the blend. TABLE #1 gives the results of our fish toxicity tests.

In summary, these data show that the LC<sub>50</sub> of SOIL-SEMENT® on goldfish is somewhere above 12,500 ppm. This is extremely low toxicity, especially in view of the legal requirement that chemicals must be labeled "toxic to fish" only if their LC<sub>50</sub> is less than 1.0 ppm.

**TABLE I**

FISH TOXICITY STUDIES			
EMULSION NUMBER	TYPE OF FISH	HOURS	LC <sub>50</sub> PPM
C	Rainbow Trout	24	10,000
C	Rainbow Trout	96	8,950
C	Bluegill Sunfish	24	10,000
C	Bluegill Sunfish	96	5,640
C	Goldfish	24	4,200
H	Goldfish	24	7,500
G	Goldfish	24	10,000
D	Goldfish	24	13,400
F	Goldfish	24	13,400
SOIL-SEMENT®	Goldfish	24	12,500 - 25,000
SOIL-SEMENT®	Goldfish	48	12,500 - 25,000
SOIL-SEMENT®	Goldfish	72	12,500 - 20,000
B	Goldfish	24	24,000
E	Goldfish	24	24,000

The 48 hour LC<sub>50</sub> for Daphnia Magna based on nominal test concentrations and mortality at the end of testing was calculated to be 3,482.8 parts per million (ppm).

**SECTION XIII -- DISPOSAL CONSIDERATIONS****WASTE DISPOSAL METHOD:**

Coagulate the emulsion by the stepwise addition of ferric chloride and lime or the addition of sand or other absorbent material. Remove the clear supernatant liquid and flush to a chemical sewer or landfill. Incinerate solids and the contaminated diking material according to local, state and federal regulations.

**CONTAINER DISPOSAL:**

Do not re-use containers. Do not weld on metal containers.

**SECTION XIV -- TRANSPORTATION INFORMATION**

<b>D.O.T. PROPER SHIPPING NAME (49CFR172.101):</b>	None
<b>HAZARDOUS SUBSTANCE (40CFR116):</b>	N/A
<b>REPORTABLE QUANTITY (RQ):</b>	N/A
<b>D.O.T. HAZARD CLASSIFICATION (49CFR172.101):</b>	Non-regulated
<b>D.O.T. PLACARDS REQUIRED:</b>	None
<b>POISON CONSTITUENT (49CFR173.343):</b>	N/A
<b>BILL OF LADING DESCRIPTION:</b>	Liquid plastic, NOS
<b>C NO.:</b>	N/A
<b>UN/NA CODE:</b>	N/A

**SECTION XV-- REGULATORY INFORMATION**

SOIL-SEMENT® is not a restricted article according to the Department of Transportation and International Air Transport Association regulations.

<b>EPA SARA Title III hazard class:</b>	None
<b>OSHA HCS hazard class:</b>	Non-OSHA hazardous (29CFR1910.1200)
<b>EPA SARA Title III Section 313 (40CFR372)</b>	

**Toxic Chemicals present in quantities greater than the "de minimus" level are:** None

This product is not a "controlled product" under the Canadian Workplace Hazardous Material Information System (WHMIS)

**SECTION XVI -- OTHER INFORMATION****ABBREVIATIONS AND SYMBOLS:**

N.D. - Not Determined  
< - LESS THAN

N.A. - Not Applicable  
> - MORE THAN

N.T. - Not Tested

## CCIG/OBOT/TLS RESPONSE TO CITY 9/28/15 QUESTION #15

### **15) With respect to water usage during operations:**

#### **a. When, how and where will water be used to control dust?**

All water used for dust control at the TLS terminal will be recycled water and will be utilized consistent with the Federal Clean Water Act, Porter-Cologne Water Quality Control Act, and all Regional Water Quality Control Board regulations including an NPDES waste water and storm water permit, if required.

TLS will operate a multi-commodity bulk terminal where dust control measures and related recycled water usage will vary depending the properties of the commodity. Certain commodities are anhydrous and must remain dry throughout the handling process, whereas other commodities can have recycled water applied as a dust control measure without inducing a reaction. Recognizing that TLS does not currently have any specific commodities under contract, dust emissions at the TLS terminal will be controlled in a number of ways including:

#### 1. Prevention

- a. The drop height of material that is transferred from railcars to conveyors to storage to shiploading will be reduced to the maximum extent possible to prevent dust.
- b. Controlled flow transfer chutes will be used to gently slide the material from one belt to another to prevent dust

#### 2. Passive Emission Control (PEC) that prevent fugitive dust from escaping

- a. All material handling systems will be enclosed to the maximum extent possible.
- b. Commodities at the TLS facility will be stored in fully enclosed buildings or domes.

#### 3. Dust suppression.

- a. For non-anhydrous commodities, a “dry fog” dust suppression system will be installed before and after each commodity transfer point including the railcar unloading station, conveyor system, and shiploader. Dry fog dust suppression uses an agglomeration technique that can provide up to 99% dust suppression efficiency while adding less than 0.1% moisture to the process using only compressed air and recycled water. Dry fog dust suppression systems make the most efficient use of water and consume a fraction of the water used in conventional dust suppression systems. Unlike water spray or misting systems, ultrasonic nozzles create fog droplets below 10um that most closely match and most effectively agglomerate with PM2.5 and PM10 dust particles. This is accomplished using compressed air to forcefully push air and water into a convergent divergent venturi. This reduces the surface tension of the water droplets, while

increasing the number of droplets in a given area and eliminating the need for the addition of surfactants or other additives. This is the driest form of dust suppression available. The fog systems will be linked to the plant control system via a programmable logic controller (PLC) that communicates in auto mode to avoid running when material is not present to conserve water. Water for the dry fog system will come from recycled water available at the site from the EBMUD facility next door. Should coal products move through the TLS facility, the EPA has specified fogging systems as Best Demonstrated Technology (BDT) for sub-bituminous coal, which is much dustier than the bituminous coal.

4. Dust collection.
  - a. For anhydrous material that reacts with water and must therefore remain dry throughout the handling process, a dry dust “bag house” collection system will be installed at each dry material transfer point to prevent fugitive dust. Bag House Dust Collectors with latest state-of-the-art design can provide up to 99.99% efficiency.
5. Properly trained operating personnel.
  - a. Training will include principals of clean safe working practices, incorporating measures delineated in the TLS Draft Operating Plan submitted to the City on September 8, 2015.
6. Good housekeeping practices.
  - a. An industrial vacuum system will be provided to facilitate clean up in the event of any material spillage.

A report produced by Cardno describes the industry best practices for the design and operations of dry bulk loading terminals, and as a means to illustrate the respective types of dust control measures for products with differing properties, coal and soda ash are referenced as two sample commodities evaluated. (See Exhibit 15-A).

**b. How much water is expected to be needed and what water source will be used?**

Recycled water usage is estimated to be less than 2.0 million gallons per year for the “dry fog” dust suppression system that will be installed for the non-anhydrous commodity handling.

The “dry fog” system is the most efficient dust suppression system and consumes much less water than other dust suppression systems (See Exhibit 15-A, Figure 21). The fog systems will be linked to the plant control system via a programmable logic controller (PLC) that communicates in auto mode to avoid running when material is not present to conserve water.

Dry fog dust suppression uses an agglomeration technique that can provide up to 99% dust suppression efficiency while adding less than 0.1% moisture to the process using only compressed air and recycled water. Unlike other water spray or misting systems, ultrasonic nozzles create fog droplets below 10um that most closely match and most effectively agglomerate with PM2.5 and PM10 dust particles. This is accomplished using compressed air to forcefully push air and recycled water into a convergent divergent venturi. This reduces the surface tension of the recycled water droplets, while increasing the number of droplets in a given area and eliminating the need for the addition of surfactants or other additives. This is the driest form of dust suppression available.

Recycled water used in the “dry fog” dust suppression system will come from the EBMUD facility adjacent to the project. The estimated 2.0 million gallons per year is a slight amount when compared to the 2.96 billion gallons per year that is currently distributed by EBMUD, and will become insignificant as EBMUD continues to increase its capacity to deliver recycled water. The actual recycled water consumption at the TLS terminal will be based on the size of the material handling equipment and its operating capacity; i.e., metric tons/hour. This volume of water shall be confirmed once the material handling designs are finalized.

**c. Will water be recycled?**

Yes. As noted above, all water used for dust control at the TLS terminal will be recycled water, and its use will be consistent with the Federal Clean Water Act, Porter-Cologne Water Quality Control Act, and all Regional Water Quality Control Board regulations including an NPDES waste water and storm water permit, if required.

**EXHIBIT 15-A**

**Cardno Best Measure Practices for the Design of Multi-Commodity Loading Terminals**

# Best Practices for the Design of Multi-Commodity Loading Terminals

Oakland Bulk and Oversized  
Terminal

October 2015 - Final

Project No. 090448



## Document Information

Prepared for: Terminal Logistics Solutions  
Project Name: Oakland Bulk and Oversized Terminal  
Project Number: 090448  
Project Manager: Marcel Veilleux  
Date: October 04, 2015

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## Acronyms

BACM	Best Available Control Measures
BDT	Best Demonstrated Technology
EBMUD	East Bay Municipal Utility District
e.g.	for example
EPA	Environmental Protection Agency
i.e.	that is
mgd	Million Gallons per day
mph	Miles per Hour
Mtpy	Million tons of bulk commodities per year
OBOT	Oakland Bulk and Oversized Terminal
PEC	Passive Emission Control
PLC	Programmable Logic Controller
SCAQMD	South Coast Air Quality Management District

# Executive Summary

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## Introduction

The purpose of this document is to present and describe the industry best practices for the design and operations of dry bulk loading terminals. Although the project sponsors have not selected specific commodities, by way of example, control of dust emissions that could result from the handling of coal and soda ash have been evaluated.

The project sponsors are committed to incorporating into the design, construction and operation of the facility state-of-the-art controls and best operating practices that meet or exceed Best Available Control Measures (BACM) as defined by the South Coast Air Quality Management District (SCAQMD) Rule 1158 and Best Demonstrated Technology (BDT) as defined by the Environmental Protection Agency (EPA) to ensure that all potential dust emissions that may occur during the handling of commodities are negligible.

## Facility Overview

The proposed Oakland Bulk and Oversized Terminal (OBOT) will be a multi-product dry bulk terminal that will:

1. Receive product by rail,
2. Store the product inside fully enclosed structures, and
3. Load ocean going vessels.

The facility intends to handle about 6.5 Million tons of bulk commodity products per year (Mtpy). The OBOT multi-commodity loading terminal will be designed, constructed and operated in strict accordance with the South Coast Air Quality Management District (SCAQMD) Rule 1158 restrictions. Railcars will be covered at the commodity's origin to prevent emissions of dust that could otherwise occur early in the train trips.

## Control Measures

Dust emissions at the terminal will be controlled in a number of ways including:

- a. Prevention
- b. Passive Emission Control (PEC)
- c. Dust suppression
- d. Dust collection
- e. Properly trained operating personnel
- f. Good housekeeping practices

The entire material handling system will be enclosed to the maximum extent possible. Conveyors from the train dump to the shiploader will be fully enclosed. The material will be stored in completely enclosed buildings or domes.

For non-anhydrous commodities, like coal, dust that may occur during operations at the enclosed railcar dump station, enclosed conveyor transfers, and shiploader will be controlled by a 'Dry Fog' type dust suppression system. Dry fog dust suppression uses an agglomeration technique that can provide up to 99% dust suppression efficiency while adding less than 0.1% moisture to the process using only

compressed air and water. Dry fog dust suppression systems make the most efficient use of water and consume a fraction of the water used in conventional dust suppression systems. The EPA now specifies fogging systems as Best Demonstrated Technology (BDT) for sub-bituminous coal, which is much dustier than the bituminous coal that will be handled at the facility.

For anhydrous commodities, like soda ash, dust that may occur during operations at the enclosed railcar dump station, enclosed conveyor transfers, and shiploader will be controlled by a dry “bag house” type dust collection system. Bag house dust collectors with the latest state-of-the-art designs provide 99.99% control efficiency. Fugitive dust is captured by filters installed inside the dust collector.

## **Water Consumption**

Water for the dry fog system will come from recycled non-potable water available at the site from the East Bay Municipal Utility District (EBMUD) facility next door.

Dry fog type dust suppression is the driest and most efficient form of dust suppression available. The EPA now specifies fogging systems as Best Demonstrated Technology (BDT) for sub-bituminous coal, which is much dustier than the bituminous coal that will be handled at the facility.

The fog systems will be linked to the plant control system via a programmable logic controller (PLC) that communicates in auto mode to avoid running when material is not present. Water consumption is estimated to be less than 2.0 million gallons per year, which is a slight amount when compared to the 2.96 billion gallons per year that is currently distributed by EBMUD and will become insignificant as EBMUD continues to increase its capacity to deliver recycled water.

# 1 Introduction

---

The purpose of this document is to present and describe what are considered best practices for the design of dry bulk loading terminals, and as a means to illustrate the respective types of dust control measures for products with differing properties, coal and soda ash are referenced as two sample commodities evaluated.

## 2 Facility Overview

---

The proposed Oakland Bulk and Oversized Terminal (OBOT) will be a multi-product dry bulk terminal that will:

1. Receive product by rail,
2. Store the product inside fully enclosed structures, and
3. Load ocean going vessels.

The facility intends to handle about 6.5 Million tons of bulk commodity products per year (Mtpy). The project sponsors are committed to incorporating industry Best Demonstrated Technology (BDT), state-of-the-art controls and best operating practices to ensure that all potential dust emissions that may occur during the handling and storage of commodities are negligible.

Dust emissions at the terminal will be controlled in a number of ways including:

- a. Prevention
  - i. The drop height of material that is transferred from railcars to conveyors to storage to shiploading will be reduced to the maximum extent possible to prevent dust.
  - ii. Controlled flow transfer chutes will be used to gently slide the material from one belt to another to prevent dust
- b. Passive Emission Control (PEC) that prevent fugitive dust from escaping
  - i. All material handling systems will be enclosed to the maximum extent possible
  - ii. Commodities will be stored in fully enclosed buildings or domes
- c. Dust suppression.
  - i. For non-anhydrous commodities, like Coal, a “dry fog” dust suppression system will be installed before and after each transfer point. Dry fog dust suppression uses an agglomeration technique that can provide up to 99% dust suppression efficiency while adding less than 0.1% moisture to the process using only compressed air and water. Dry fog dust suppression systems make the most efficient use of water and consume a fraction of the water used in conventional dust suppression systems. Unlike water spray or misting systems, ultrasonic nozzles create fog droplets below 10um that most closely match and most effectively agglomerate with PM2.5 and PM10 dust particles. This is accomplished using compressed air to forcefully push air and water into a convergent divergent venturi. This reduces the surface tension of the water droplets, while increasing the number of droplets in a given area and eliminating the need for the addition of surfactants or other additives. This is the driest form of dust suppression available. The fog systems will be linked to the plant control system via a programmable logic controller (PLC) that communicates in auto mode to avoid running when material is not present to conserve water. Water for the dry fog system will come from recycled water available at the site from the EBMUD facility next door. The EPA now specifies fogging systems as Best Demonstrated Technology (BDT) for sub-bituminous coal, which is much dustier than the bituminous coal that will be handled at the facility.

- d. Dust collection.
  - i. For anhydrous material, like Soda Ash, that reacts with water and must therefore remain dry throughout the handling process. A dry dust “bag house” collection system will be installed at each soda ash transfer point to prevent fugitive dust. Bag House Dust Collectors with latest state-of-the-art design can provide up to 99.99% efficiency.
- e. Properly trained operating personnel.
  - i. Training will include principals of clean safe working practices.
- f. Good housekeeping practices.
  - i. An industrial vacuum system will be provided to facilitate clean up in the event of any material spillage.

## 2.1 Railcar Unloading – Coal (Sample Commodity)

To illustrate railcar unloading procedures, Coal and Soda Ash are two sample commodities evaluated in this report.

Coal, as a sample commodity, will arrive in bottom dump hopper type railcars cars. Railcar bottom dumping will be fully automated. Onboard compressed air is used to open and close the discharge gates. The gates are activated using a large button located on the side of each car. The bottom dump trains will unload while moving - usually around 2 to 3 mph. The railcars will be covered at the mine to prevent emissions of dust that could otherwise occur early in the train trips.



Figure 1 is a photo of a typical rapid discharge bottom dump railcar. Cross-sections of a typical dumper are provided in Figures 2 and 4. The railcar unloading building will be enclosed and designed with openings at both ends that are sized to the rail cars and are largely occupied by the bodies of the rail cars as shown in Figure 3.

Figure 1: Typical coal rapid discharge bottom dump hopper railcar  
Courtesy of: TrinityRail Inc.

One of the advantages that a bottom dumper offers is that the drop height of material falling from the railcar to the dumper hoppers is reduced when compared to a rotary tippler. The rotary tippler creates a large displacement of air as the material hits the hoppers below causing the dust to rise with the air flow out of the hoppers. The lower the drop height, the lower the amount of dust generated. When strings of railcars are being unloaded, the openings at the ends of the dumper building are taken up mostly by the railcar itself, which reduces the airflow through the building, thus reducing the potential for wind-blown dust through the dumper. Rubber curtains will be installed to minimize openings that cannot be practically enclosed by the building siding. While the rotary wagon tippler creates more dust than a bottom dumper; both involve the same design concept when it comes to dust control.

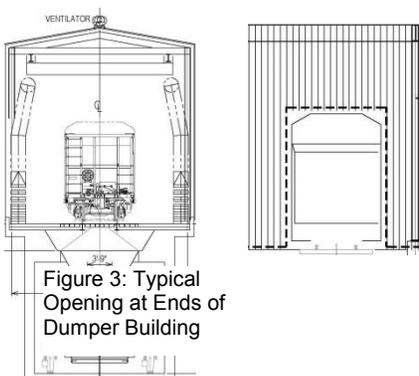


Figure 3: Typical Opening at Ends of Dumper Building

Figure 2: Typical Cross-Section through Dumper

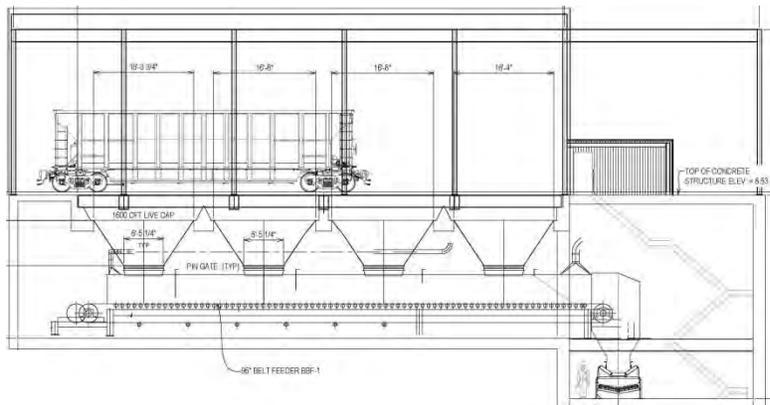


Figure 4: Typical Cross-Section through Dumper

## 2.2 Railcar Unloading – Soda Ash (Sample Commodity)

Soda Ash, as a sample commodity, will arrive in bottom dump covered hopper type railcars similar to Figure 5. The sample soda ash dumper building and cross-sections will be similar to the sample coal dumper building.

## 2.3 Dust Control at Railcar Unloading Stations

Dust control systems will be installed at both commodity railcar dump stations.

In addition to enclosing the building to the maximum extent possible, a dry fog system will be installed at the coal (sample commodity) dumper. Figure 6 is a photo of a dry fog system operating at a bottom dumper. The fog (not spray, not mist) will prevent fugitive dust from escaping the building. Dust generated from the dumping process will agglomerate to the water fog particles and then settle back into the hoppers. Dry fog nozzles will be located at each side of the track and spray to the center of the track. The systems will be programmed so that only the dry fog sprays at the relevant unloading points are operated and the system sprays will operate such that the spray moves with the train until the unloading process is complete.

A dry “bag house” collection system will be installed at the soda ash (sample commodity) dumper. Bag house dust collectors with the latest state-of-the-art designs provide 99.99% control efficiency. Each dust collection system is unique to the application. The dust collection system includes pickup hoods, ducting, branch lines, dust collector, fan, and a dust return system as shown in Figure 8. Dust collection hood design and placement is key to providing an efficient dust collection system. Fugitive dust is captured by filters installed inside the dust collector as shown in Figure 7.

The proposed control measures for the handling of sample commodities, coal and soda ash, will result in minimal visible emissions during the dumping cycle and no visible emissions from the dumper building. For the case of soda ash (sample commodity), there will be no visible emissions from the collection system exhaust. The control systems will have maximum system availability to operate in conjunction with car dumper.



Figure 5: Typical soda ash bottom dump Covered hopper railcar

Courtesy of: TrinityRail Inc.



Figure 6: Dry fog system operating in  
Courtesy of: Dust Solutions, Inc.

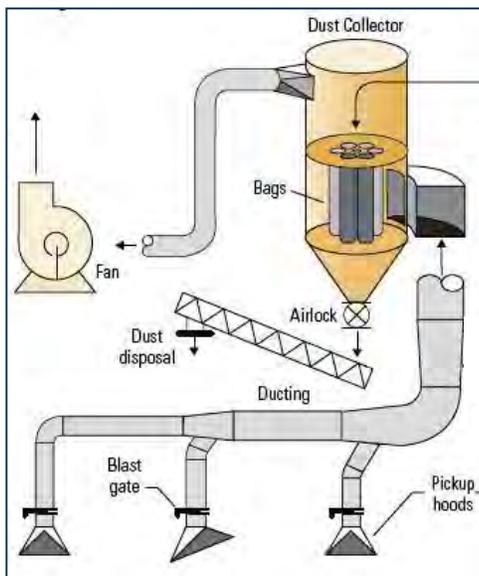


Figure 8: Schematic of dry dust collection system  
Courtesy of: Air-Cure Inc

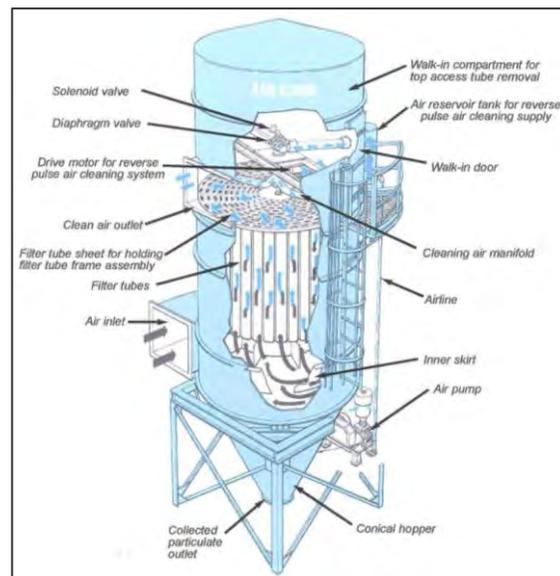


Figure 7: Schematic of "Bag House" dust collection system

Figure 10 is a photo of a bottom dump station utilizing dry dust collection. Figure 9 shows the placement of the hoods inside a bottom dump building.



Figure 10: View of bottom dumper with dust collection



Figure 9: View of dust collector hoods inside dumper building

## 2.4 Dust Control at Conveyor Belts and Transfers

Dust will be controlled throughout the conveying system by:

- > State-of-the-art design that reduces the generation of dust
- > Passive Emission Control (PEC) that prevent fugitive dust from escaping
- > Either a “dry fog” dust suppression system or a dry dust collection system; depending on the product being handled.

The first consideration in dust control at material handling systems is to minimize the amount of airborne dust created. The state-of-the-art to passive dust control is the use of flow control chutes. These chutes typically incorporate a “hood and spoon” design that directs and confines the stream of moving material. See Figure 11. Engineered “hood and spoon” flow control chutes keep the material stream in a tight profile and minimizes the disruption of the natural flow of material through the transfer. Keeping the material in a consolidated body reduces the amount of air that is induced into the transfer point. Controlling the path of the material reduces impact and, therefore, dust generation. The material is deposited more-or-less gently on the belt with minimal tumbling or turbulence of material on the belt. The chutes are fully enclosed and are secondarily contained inside a fully enclosed transfer tower. This combination of gentle slide chute plus primary and secondary dust enclosures is a vast improvement over the old design of “dumping” from one belt to another. By this new system, the inherent dust in the coal (sample commodity) is not allowed to be entrained.

All conveyors will be fully enclosed (See Figure 12). Any fugitive dust or accidental spillage will be fully contained within the conveyor structure. Dust curtains will also be installed to form a barrier to prevent air intake around the conveyor belt as it enters the transfer system and close to the end of the chute work.

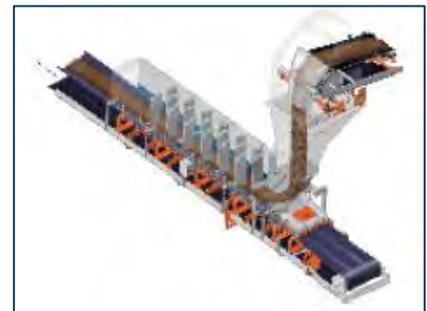


Figure 11: Engineered flow chute that directs and contains material  
*Courtesy of: Martin Engineering*

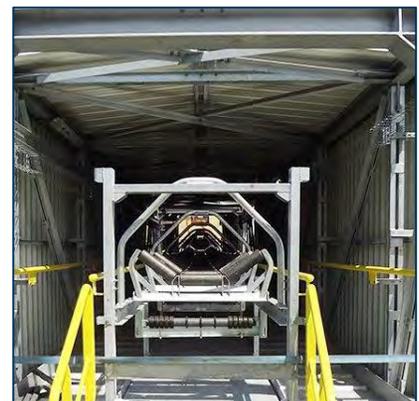


Figure 12: View of completely enclosed conveyor with walkways

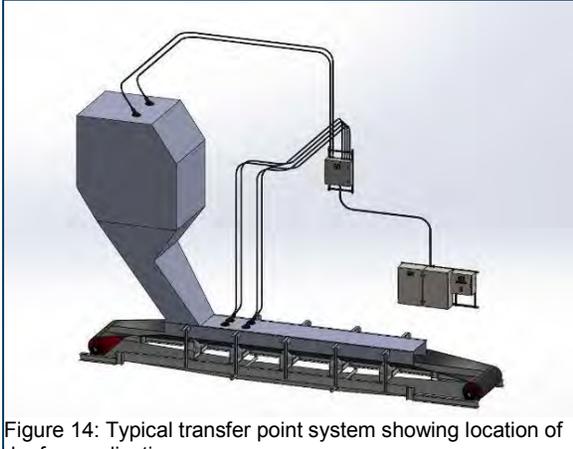


Figure 14: Typical transfer point system showing location of dry fog applicator *Courtesy of: Dust Solutions, Inc.*



Figure 13: Receiving belt with fog exiting skirtboard - suppressing dust before it leaves the conveyor cover

A “dry fog” dust suppression system will also be used to control dust at the coal (sample commodity) material handling conveyors. Dry fog sprays will be installed before and after every conveyor transfer point. The dry fog spray will be generated and contained in well-designed shrouding to eliminate dissipation due to wind and also ensures the treatment time necessary to suppress and control airborne dust.

The fog treated dust then moves along to the next transfer (that is also primarily and secondarily enclosed, and is treated with fog), into the storage structures (that are also fogged), and eventually into the shiploader where it is also fogged. A schematic of a typical transfer and location of fog application is shown in Figure 14. Figure 13 shows the receiving belt of a conveyor with fog exiting the conveyor. Figure 15 shows the locations of fog sprays on the exit side of a transfer.



Figure 15: Example of location of fog sprays on the exit side of a conveyor transfer point

The soda ash (sample commodity) conveyor system will also have a dry “bag house” dust collection system in addition to the passive emission controls that will be designed into the material handling system. Dust control systems located at each transfer points will contain and capture dust from the movement of the product and keep it from escaping to the atmosphere. See Figure 16 for photo of dust collector at a conveyor transfer tower.

The dust collection system will operate automatically and will be interlocked with the conveyor system such that the conveyor system cannot operate if the dust collector is not operational.



Figure 16: Dry dust collector at transfer station

*Courtesy of: Air-Cure Inc*

## 2.5 Material Storage

All dry bulk material will be stored inside completely enclosed buildings or domes.

Reinforced concrete domes are the strongest most durable bulk storage structures available. They maintain structural integrity in extreme heat and fire conditions and are designed to provide superior explosion containment.

Construction of reinforced concrete domes begins with the construction of a reinforced concrete foundation, or "ring beam". Conveyor tunnels are then integrated into the dome's foundation. A fabric form, or *air form*, is then attached to the foundation and inflated with air. A layer of polyurethane foam is then sprayed on the interior of the form and rebar is attached to the outside layer of the foam. Several inches of concrete are then sprayed over the rebar frame (See Figure 17).

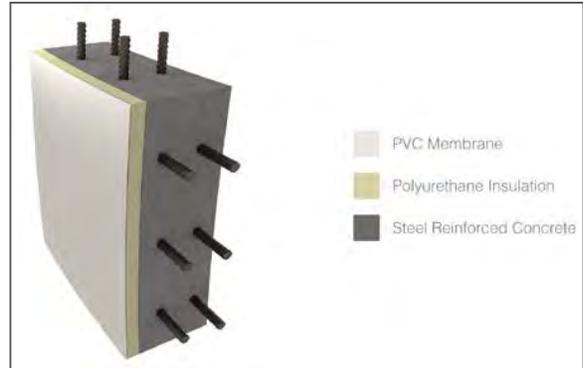


Figure 17: Thin shell wall of reinforced concrete dome  
Courtesy of: Dome Technology



Construct Ring Beam

Construct Conveyor Tunnels

Inflate Air Form

Photos courtesy of: Dome Technology



Installation of Polyurethane Foam

Spray Concrete over Rebar Frame

Completed Dome

Coal, as a sample commodity, can be stored in either a dome or warehouse. Warehouses can be constructed in various shapes and materials depending on the area available for construction and the product to be handled. The common feature of most dry bulk storage warehouses is that the material enters the building at the ridge line and is deposited to the floor by way of a telescoping chute to reduce the drop height and therefore reduce dust generation (See Figure 18). The inside of warehouses are typically under negative pressure such that air is drawn into the building when doors are opened to prevent any material or dust from escaping the building. Building ventilation ports are equipped with dust filters

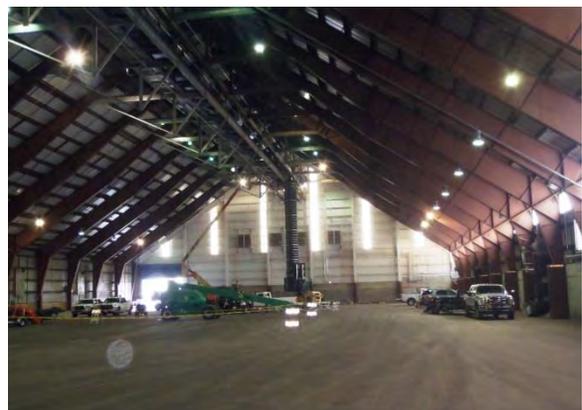


Figure 18: Telescoping chute inside a typical warehouse

to collect dust particles that may be entrained by the air flow as it exits the vents.

## 2.6 Shiploading

There are many types of shiploading systems that can be used for loading either coal or soda ash, as sample commodities. What they all have in common is a conveyor boom and telescopic chute to load ships (See Figure 19). When a ship is empty, the telescopic chute will be lowered to the bottom of the ship's hold to prevent dust that can be generated from simply dumping the material from top to bottom. The telescopic chute will also have a ring beam with a dry fog dust suppression system for when coal (sample commodity) is handled (See Figure 20). A dry bag house type dust collection system will be used when soda ash (sample commodity) is being loaded.



Figure 19: View of telescopic chute at ship  
*Courtesy of: Dust Solutions, Inc.*



Figure 20: View of telescopic chute with dry fog system operating while loading ship

### 3 Dry Fog Dust Suppression Water Consumption

The “dry fog” dust suppression system that will be installed for the non-anhydrous commodity handling system is the most efficient dust suppression system and consumes much less water than other dust suppression systems (See Figure 21).

The fog systems will be linked to the plant control system via a programmable logic controller (PLC) that communicates in auto mode to avoid running when material is not present to make sure that the minimum amount of water will be used.

Furthermore, water for the dry fog system will come from non-potable recycled water available from the East Bay Municipal Utility District (EBMUD) facility that is located next door to the proposed terminal.

Dry fog dust suppression uses an agglomeration technique that can provide up to 99% dust suppression efficiency while adding less than 0.1% moisture to the process using only compressed air and water. The actual amount of water that will be used depends on a number of factors that are mostly associated with the size of the material handling system and the number of transfer points; i.e., the number of times that the material is dropped from one piece of equipment to another as it moves along the line to its final point of rest.

The goal of a dry fog system is not to add moisture to the material. The goal is to create an environment where tiny dust particles will attach to tiny water particles and settle back to where it came from; i.e., the conveyor belt train dump hopper or ship’s hold depending on the location. Unlike water spray or misting systems, ultrasonic nozzles create fog droplets below 10um that most closely match and most effectively agglomerate with PM2.5 and PM10 dust particles. This is accomplished using compressed air to forcefully push air and water into a convergent divergent venturi. This reduces the surface tension of the water droplets, while increasing the number of droplets in a given area and eliminating the need for the addition of surfactants or other additives. This is the driest form of dust suppression available.

In the evaluation of coal, as a sample commodity, the EPA now specifies fogging systems as Best Demonstrated Technology (BDT) for sub-bituminous coal, which is much dustier than the bituminous coal that would be handled at the facility.

Water consumption for the dry fog system is conservatively estimated to be less than 2.0 million US gallons per year.<sup>1</sup> The water consumption will be based on the final size of the material handling equipment and its operating capacity. This volume of water shall be confirmed once the material handling designs are finalized.

As can be seen in Figure 21, plain water spray can require as much as 5% moisture by weight to be effective. The actual amount will vary depending on the water content of the coal when it arrives at the site with 5% generally accepted as the maximum amount. As an example of the amount of water such as a system can consume,

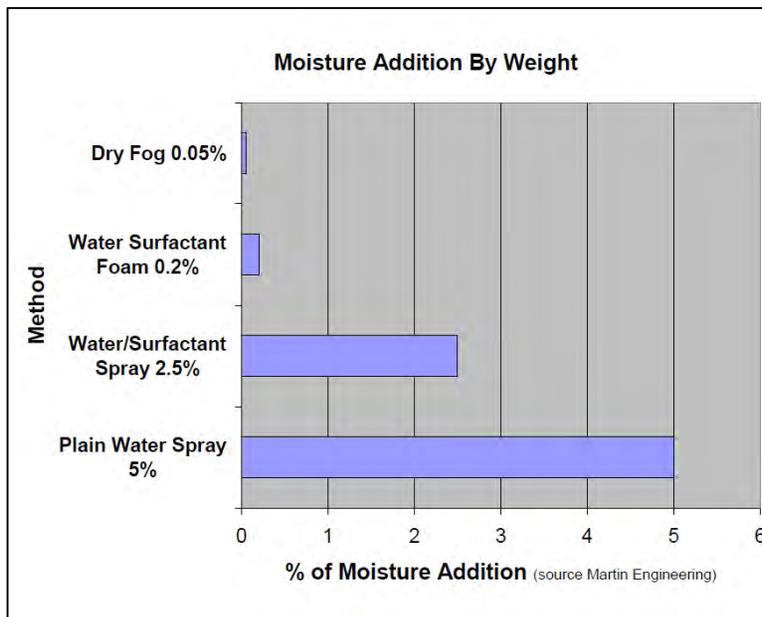


Figure 21: Moisture addition by weight for various dust suppression systems

<sup>1</sup> Note: The amount of water was calculated based on the number of spray nozzles required and the length of time that they will operate for the material handling system developed during preliminary engineering. The calculation resulted in 1,720,000 US gallons per year and 280,000 US gallons per year (± 16%) was added to the total as a contingency to account for any design changes that may occur during the final design period. We believe this to be a conservative number.

adding 5% moisture to 5,000,000 tons of coal is equivalent to adding 250,000 tons of water of 66.0 million US gallons per year.

EBMUD's customers in Fiscal Year 2014 used almost 8.1 million gallons per day of recycled water. This is equivalent to 2.96 billion gallons per year. The terminal's water consumption would represent only 0.07%, i.e.,  $\frac{7}{10,000}$  of EBMUD's 2014 totals. EBMUD's 2040 goal is to recycle a total of 20 mgd of water, bringing the total recycled water use to nearly 7.3 billion gallons annually – almost 2.5 times more than the current totals. The amount of recycled, non-potable water that will be consumed by the terminal is slight when compared to the amount currently distributed by EDMUD and will become insignificant as EBMUD continues to increase its capacity to deliver recycled water.

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# Marcel Veilleux

## Current Position

Principal

## Profession

Senior Port Planner

## Years' Experience

33

## Joined Cardno TEC

March 2003

## Education

B.S. Civil Engineering

## Summary of Experience

Mr. Veilleux has over 30 years of experience in the planning, engineering, design, construction, and start-up of port facilities and their related rail and cargo handling systems. His experience includes program management of both large and small port and cargo handling projects from planning and engineering through construction. His projects have included container, dry bulk, general cargo, liquid bulk, and multi-product terminals. Many of his projects have involved analyzing transportation logistics, and simulating the effect on port operations such as throughput capacity, berth occupancies, demurrage, etc., that result from projected cargo forecasts, vessel fleet size and distribution. He has been directly responsible in negotiating concession agreements for new port cargo handling terminals. He has managed a number of multi-national design teams and has worked in Australia, Benin, Burkina Faso, Cape Verde, Chile, Croatia, Dominica, Egypt, Gabon, Guinea (Conakry), Haiti, India, Ivory Coast, Kuwait, Malaysia, Mali, Mauritania, Morocco, Mozambique, São Tomé e Príncipe, Senegal, Tanzania, and United Kingdom.

## Significant Projects

### Dry Bulk Terminals

**New Multi-Commodity Dry Bulk Port, Ploče, Croatia** - Project Manager responsible for directing comprehensive engineering and designs, technical specifications, and tender documents for the construction of a new Bulk Cargo Terminal to handle iron ore, coal, and bauxite. System features include: ship loading and unloading, railcar loading, open storage, marine structures, roads, railyard, foundations, buildings, utilities, and environmental protection. Responsible for the preparation of technical specifications and tender documents for the procurement of: travelling gantry grab bucket ship unloaders; traveling shiploader; traveling, slewing, stacker; traveling, slewing, bucketwheel reclaimer; and train loading station.

**New Multi-Commodity Dry Bulk Port, Bargny, Senegal** - Project Manager responsible for directing financial, economic, and market studies as well as preliminary engineering designs for the development of a new Bulk Cargo Port to handle iron ore, phosphate, bauxite, alumina, fertilizers, cement, and coal at Bargny, Senegal, which is 35 km south of Dakar. Existing phosphate, bauxite, alumina, fertilizer, and cement handling facilities presently located at the Port of Dakar will be moved to the new port facility at Bargny. Provision will be made for the import of coal for a proposed power plant. This multi-product bulk cargo port will include ship loading and unloading, railcar loading and unloading, open and covered storage, offshore marine structures, roads, rail loop, foundations, buildings, utilities, and environmental protection.

**New Coal Loading Terminal on the Mississippi River, Plaquemines Parish, Louisiana** - Project Manager for feasibility study for a new coal loading terminal. Directed all engineering activities. Project features included rail car unloading to open ground storage via conveyors and traveling stackers; bucketwheel reclaim system to a travelling shiploader. Other works included dredging, marine structures for Cape Size vessels, rail loop, roads, foundations, buildings, utilities and environmental protection.

**Alaska Nitrogen Products, Kenai, Alaska** - Project Manager for preliminary engineering study to increase urea prill throughput, decrease dust emissions, and decrease product degradation for fertilizer plant. Managed engineering study of ice floes and their impact on vessels moored at the berth. Recommended alternatives to minimize ice impact on vessels and improve the mooring of vessels at berth.

**Master Plan for the Expansion of the Port of Jorf Lasfar, Morocco** – Project Manager responsible for providing the planning, material handling, environmental impact, and risk assessment for the project. The port was built in approximately 1970, primarily to import and export phosphate bulk products for the Group OCP process plant located nearby. It consists of 14 berths and ancillary installations such as fishing harbor and dry dock. Group OCP intends to make the port a hub for phosphate processing and will more than double their plant capacity. The consultant team consisting of C.I.D., Egis, and Cardno TEC developed the Master Plan that includes the construction of six new berths and bulk material handling systems for the export of phosphate, fertilizer, phosphoric acid and the import of coal, and sulfur.

**New Iron Ore and Manganese Export Terminal, Ivory Coast** - Project Manager for the feasibility study of a new iron ore export terminal, Ivory Coast. Directed field reconnaissance to collect and evaluate data at alternative sites. Directed all engineering activities. Dry bulk material handling system included: rail car unloading to ground storage via conveyors and traveling stackers; bucket wheel reclaim system from ground storage to a dual linear ship loader at an offshore berth. Other works included offshore marine structures for Cape Size vessels, roads, rail loop, foundations, buildings, utilities, and environmental protection.

**Conceptual Engineering for New Coal Unloading Terminal in Pipivav, Bandar, India for POWERGEN** - Directed field reconnaissance and conceptual engineering designs including the analysis of alternatives for pier structure, ship unloading, stacking, reclaiming, and bulk material conveying systems from unloading terminal to new power plant.

**New Coal Unloading Terminal for Office D'Exploitation des Ports (ODEP), Jorf Lasfar, Morocco** - Project Manager for the conceptual through final engineering design. Directed conceptual engineering designs including the analysis of alternatives for extending and upgrading an existing pier to allow for the berthing of 100,000 DWT bulk carriers. Alternatives for caissons versus a pile supported structure, dredging, ship unloaders and bulk material conveying systems were studied. An in-depth economic analysis of shipping and material handling costs completed this stage of the project. Managed the preparation of technical specifications and tender documents for the procurement of: grab bucket unloaders, conveyor system, sampling, emergency storage and railcar loading.

**New Iron Ore Terminal at Port of Corpus Christi Authority, Texas** - Managed basic engineering for proposed iron ore terminal consisting of a new dock for the berthing of 100,000 DWT bulk carriers, dredging, a traveling ship unloader, conveyor systems, stacking and reclaiming systems, train loading, 200 ft. X 550 ft. storage building, maintenance shop, potable water, fire protection, electrical power supply and power distribution and site work including drainage and plant roads.

**Expansion of Petroleum Coke Terminal at Port of Corpus Christi Authority, Texas** - Managed detail engineering for the expansion of petroleum coke storage and shiploading systems including new conveyors and reclaim facilities for new pet coke storage facility.

**New Coal Loading Terminal in Beira, Mozambique** - Project Manager for feasibility study for a new coal loading terminal. Directed field reconnaissance in Beira, Mozambique to collect and evaluate data at alternative sites. Directed all engineering activities including technical and economic analyses. Project features included rail car unloading to ground storage via conveyors and traveling stackers; bucketwheel reclaim system to a linear shiploader at an offshore berth. Other works included dredging, marine structures for Cape Size vessels, rail loop, roads, foundations, buildings, utilities and environmental protection.

**Logistic study for CMS Generation's Coal Unloading Terminal at the Port of Jorf Lasfar, Morocco.** Project Manager for an operations and logistics study for a new coal terminal. Managed computer simulations of coal supply chain from loading ports to the unloading terminal in Jorf Lasfar, Morocco. The analysis confirmed that the terminal could import 5.0 million tons of coal per year without the need to dredge the berth to receive larger vessels. Stockpile inventory was monitored to confirm minimum and maximum stockpile fluctuations. Determined probable demurrage/dispatch fees for the terminal.

**Port of Corpus Christi Petroleum Coke Loading Terminal, TX** - Project Engineer for detail design and procurement of a 1500 TPH, Multi-Product Bulk Materials Shiploading Terminal for the Port of Corpus Christi Authority, in Corpus Christi, Texas.

**New Iron Ore Import and Coal Export Terminal, St. James Parish, Louisiana** - Project Manager for basic engineering study for a new iron ore import and coal export terminal on the Mississippi River. Project consisted of two separate berths for ship/barge loading and unloading on a "greenfield" site. Other features included railcar unloading and loading, conveyor systems, stacking and reclaiming systems, site preparation, utilities, maintenance shop, and office building.

**New Coal Terminal in Jacksonville, Florida** - Assistant Project Manager during conceptual design, detail design, and environmental permitting of St. Johns River Coal Terminal. The project included dredging works, a new pier, a traveling ship unloader rated at 1500 TPH, a 3.2 mile long conveyor system, a traveling stacker and a 2000 TPH bucketwheel reclaimer and their foundations, as well as service buildings/maintenance shop, plant roads, site improvements and utilities including sewer, potable water supply, fire protection and electric power distribution and controls. Responsible for the coordination and supervision of all aspects of the project including environmental permitting, design, and contractor bid evaluations and contract awards.

### Liquid Bulk Terminals

**Feasibility Study of a new LNG Receiving Terminal at South Riding Point, Bahamas** - Project Manager for developing feasibility study. Features of this project included the analysis of alternatives (offshore vs. near shore) for receiving LNG tankers, oceanographic studies of wind and wave formation, and developing requirements for dredging, breakwater, and maritime structures.

**New Petroleum Products Loading Terminal, at El Dekheila, Alexandria, Egypt** - Project Manager for basic engineering, detail design and procurement services for new petroleum products loading terminal. Features of this project include a new finger pier, dredging for the new berths, and electro-mechanical systems for the loading of gasoline and diesel fuel, six marine loading arms, related pumps, piping, tankage and fire protection systems. The project also includes petroleum coke storage facility, conveyor system, traveling shiploader, office/control building and workshop.

**Feasibility Study for New Petroleum Products Unloading Terminal, San Pedro, Cote d'Ivoire** - Program Manager for feasibility Study for a new petroleum products loading terminal. Features of this project include a new finger pier, dredging for the new berths, and electro-mechanical systems for the unloading of gasoline and diesel fuel, including related pumps, piping, tankage and fire protection systems.

### Container Terminals

**New Deepwater Container Transshipment Terminal, São Tomé e Príncipe** - Project Manager for the feasibility study of a new container transshipment terminal to serve the West Africa Region. Directed field reconnaissance to collect and evaluate data at alternative sites. Directed all planning, engineering, and operational studies including technical and economic analyses. Mr. Veilleux also led the efforts for developing a Public-Private- Partnership for the port concession and successfully negotiated a concession agreement on behalf of the Government of São Tomé e Príncipe with a major container shipping line.

**Port of Anchorage Expansion Program, Anchorage, Alaska** - Project Manager responsible for the conceptual development, basic engineering, procurement, and construction phasing plan for the redevelopment of the Port of Anchorage Marine Terminal. Features of the project include a new 10,000-foot wharf, 170 acres of reclaimed land, 9 berths and related cargo handling and storage systems for servicing cruise, POL, cement, container, RO-RO, multi-purpose, military, barge and inter-modal rail and truck traffic. Provided facility plans and layouts for the ports two container terminals. Responsible for developing construction estimates, construction schedules, tender documents, and project systems requirements for wharf structures, pavement, cranes, storm water drainage, sewer, and buildings.

**Master Plan Study for the Port of Haina, Dominican Republic** - Served as Project Manager for a terminal Master Plan Study for CSX World Terminals. Features of Master Plan included cargo forecasting, economic benefit analysis, facility layout and development plan for container handling, dry bulk handling, and RO-RO facilities.

**Mohammedia Container Terminal, Mohammedia, Morocco** - Project Manager for preliminary engineering for a new container terminal. Managed the conceptual design of container terminal including new wharf, backlands, container handling equipment and layout, storage yard, container freight station, workshop and office buildings, site preparation and utilities.

#### **Port Assessments**

**Millennium Challenge Corporation (MCC) - Assessment of Port of Cotonou, Benin** – Senior Port Engineer responsible to review and assess the need and rationale for expansion, rehabilitation and restructuring of the Port of Cotonou, Benin. Conducted a physical survey of port characteristics. Reviewed and analyzed: shipping trends in the region, prospects for containerization, port operating patterns, performance rates, port design and layout, and operational constraints. Recommended a port development plan to meet the projected cargo throughputs for clinker, gypsum, petroleum products, container, RO-RO, and general cargo. Subsequently acted as Independent Engineer for MCC over the 5- year project development period.

**SADCC Transportation Investment Priority Assessment (STIPA) Project** - Senior Port Engineer for the DADCC Transportation Investment Priority Assessment (STIPA) project for USAID, Harare, Zimbabwe. Directed field studies to review traffic flow at the Port of Dar es Salaam, Tanzania and the ports of Maputo, Beira, and Nacala, Mozambique. Compared the demand projection for these ports with current capacity and determined whether additional capacity would be needed over the forecast period. Identified the constraints that inhibit port capacity and operating efficiency including management aspects and physical infrastructure.

**Development Planning for Suez Canal Area** - Served as Senior Port Engineer for a study on the increase in sea transports in the Mediterranean Sea and development plan of Suez Canal Area. Directed field studies at Port Said and the Port of Damietta, Egypt. Analyzed cargo handling capacities and demand projection and determined a development plan for Port Said. Analyzed operation at the Suez Shipyard and determined requirements for the modernization and expansion. Supervised the engineering activities for feasibility study on the widening and deepening of the Suez Canal. Prepared four alternative designs to accommodate vessels ranging from 180,000 DWT to 300,000 DWT including drawings, specifications and cost estimates.

## **PUBLICATIONS**

- *Growth in West Africa means private port investment opportunities*, Port Technology International, 35<sup>th</sup> Edition, autumn 2007
- *West Central Africa's Transshipment Terminal: São Tomé Príncipe*, proceedings of the Ports 2007 Conference sponsored by the American Society of Civil Engineers (ASCE).
- *Planning and design of a new petroleum products terminal at the Port of El Dekheila, Alexandria, Egypt*, proceedings of the Ports 2001 Conference sponsored by the American Society of Civil Engineers/Permanent International Association of Navigation Congresses (ASCE/PIANC).

## **INVITED SPEAKER** at the following seminars:

- *Port Investors Forum*, Lloyd's List Events, June 2002
- *Marine Terminal Management Training Program*, American Association of Port Authorities, January 2001

# Joseph Pirozzi

**Current Position**  
Sr. Material Handling  
Consultant

## Discipline Area

Planning, Design,  
Construction and  
Operations of Dry Bulk  
Cargo Terminals

**Years' Experience:**  
50

**Joined Cardno as  
Consultant**

2004

## Education

B.S. / Structural  
Engineering / City  
College of New York

Fundamentals of Finance  
and Accounting/The  
Wharton School

## Summary of Experience

Mr. Pirozzi has over 50 years' professional experience in the planning, design, construction and operations of dry bulk and general cargo terminals with in-depth knowledge of material handling equipment and systems and operation and maintenance of dry bulk handling port facilities. Mr. Pirozzi started his career as a designer of bulk handling systems and worked his way up to become VP of Engineering and Facility Operation at Orba Corporation and General Manager at Soros Associates; both prestigious firms specialized in the engineering of ports and bulk handling systems. In the process, he was responsible for engineering, construction and operations of several bulk terminals in the US including the Superior Midwest Transshipment Facility, which receives 20 Mtpy of coal by unit train for storage and loading on to 65,000 DWT vessels.

## Significant Projects

### *Expansion of Iron Ore Shiploading Terminal, SNIM Nouadhibou, Mauritania*

The project consists of expanding the existing material handling system with a new conveyor route to a new shiploading system capable of loading 50,000 dwt to 250,000 dwt vessels at 10,000 tph design rate. Responsible to review all designs for the material handling system including the marine works and report periodically my findings and recommendations to the lenders and SNIM. Consulting serviced included:

- > Review design criteria
- > Review purchase specifications
- > Review progress and compare against the milestone schedule reporting deviations and or progress if any
- > Carryout shop equipment inspections and shiploader fabrication
- > Prepare for SNIM the guidelines for deliverables, testing, training, no load and full load testing, QA/QC guidelines, operating and maintenance manuals, commissioning procedures and acceptance requirements.
- > Existing car dumper evaluation and overseeing SNIM's repair and system upgrading as per original manufactures recommendation including system reliability
- > In order to accommodate export increases from 12 to 24 to 30 mtpy assisted SNIM in evaluating future dual rotary car dumper installation offering recommendations and improvements for the downstream conveyor receiving system and storage pile assessment.
- > Reviewed SNIM's purchase equipment for track and concrete tie placement, rail and weld testing.

- > Reviewed SNIM's new precast rail tie operation.
- > This project is on-going and completion is expected by the first quarter of 2013. Mr. Pirozzi continued to provide reports, recommendations to the lenders and SNIM until project completion.

#### ***CVG Bauxite Facility, Guinea, Conakry***

Project Director responsible for the overall assessment of CVG's existing mining, railcar loading, and railroad system from mine to process plant, railcar unloading, storage and reclaiming and shiploading systems. The engineering investigation produced the following:

- a) Developed a simulation program that allowed CVG management to understand their current throughput bottlenecks for each link of the operation and how each affected throughput and cost.
- b) Provided recommendations for improving operations, maintenance, and throughput; specifically,
  1. Railcar loading
  2. Railcar unloading at the process facility
  3. Rail transportation by including the addition of rail sidings to improve railcar transportation to and from the process plant.
  4. Stockyard expansion to increase throughput and eliminate stoppage at the crushing station and other transfer points.
  5. Conveyor modifications to increase conveyor system availability at or above 95%.
  6. Redesign of transfer chutes to eliminate plug chute conditions.
  7. Shiploading and docking modifications to reduce loading time between vessels and demurrage costs.
  8. Provided in-motion belt weighing scales to reduce or eliminate draft surveys.
  9. Conveyor modifications to increase belt handling capacity.
  10. Benefits of switching from a hard wire relay electrical control system to a programmable control system.

#### ***Basic Engineering for a Multi-commodity Dry Bulk Port, Punta de Cachos, Chile***

Provided consulting engineering for OMX's loading and unloading facility in Punta Chile. Project consisted of a 6 mtpy coal import pier, 8 mtpy iron ore and 1 mtpy limestone export pier, and 2 mtpy copper concentrate export pier. Engineering services consisted of developing; basic design drawings, design criteria, equipment specifications, budget cost estimate, milestone schedule.

#### ***Project Manager, Construction Manager, Commissioning Chief and Vice President for Operations of Superior Midwest Energy Terminal, Superior, WI***

Responsible for meeting the project objectives within budget, schedule and customer satisfaction. Also obtained permits, preparing EIS, established design objectives, commissioning and operator training. Project Description- A coal transshipment terminal designed to handle an annual throughput of 12 million tons low sulfur coal to Detroit Edison's electric power generating plants. The fast track project was completed in 2 months. The material handling system was designed to receive and unload unit trains consisting of 110 cars, each carrying 100 tons of coal, unloading the unit train within 3 to 3 1/2 hours, conveying the coal to storage. Reclaiming and loading 65,000 DWT self-unloading vessels. The major field segments were geotechnical, site reclamation and stabilization, dredging, offshore berthing structure, railroad track works,

and thaw shed, diesel oil fuel storage, site drainage, water treatment, dust suppression and dust collection systems, fire protection, soil improvement in the storage area to support a 100 ft. high coal pile. Computerized maintenance and inventory control program. The conveyor system was designed to receive and stockpile coal at the rate of 3500 TPH with the reclaim and shiploading system designed to load vessels at the rate of up to 11000 TPH. The coal handling design avoided the use of a surge bin. DC conveyor drives were selected over conventional drive systems to permit frequent start-stop under fully loaded conditions, maximum control, such as variable speed/torque, control acceleration and for dynamic braking. Some of the project statistics were: concrete poured 25,000 yards; set 200 tons of reinforcing steel, dredged 140,000 yards on-site disposal; imported and placed 1,000,000 yards of additional fill; berth piling (150 ton capacity) drove 8300 linear ft. Construction man hours/month averaged 46,000 through a 16-month period. The Superior Midwest Terminal was selected one of ten Outstanding Engineering Achievements by the National Society of Professional Engineers.

#### ***Feasibility Study for a New Iron Ore and Coal Loading Port, Goa, India***

Project director for a feasibility study of an off-shore transloading iron ore and coal facility located 27 km off shore at a concrete storage silo capable of storing 400,000 tons of iron ore. Concrete caissons were designed to accommodate loading and unloading equipment capable of servicing barges to Capesize vessels. The caisson equipment is capable of simultaneously unloading and loading vessels and included a slewing and luffing shiploader capable of loading three hatches of a 300,000 dwt vessel without having to reposition the crane and 3 grab bucket unloaders. Responsible for the preparation of preliminary designs, evaluation of grab cranes for the unloading of barges and Capesize vessels and grab unloading from the storage silos to receiving conveyor system for loading Capesize vessels. Executed a detailed computer simulation study to determine the required number of barges to support iron ore throughput of 20 MTPY. Prepared a bankable feasibility study report for the purpose of obtaining debt financing. Prepared bidding documents and evaluated all prospective bidders and issued a recommendation report to the client.

#### ***Comprehensive Engineering and Design, MIDTAP Liquid & Petroleum Coke Terminal, Alexandria, Egypt***

Project Director of new loading facilities exporting liquid and solid petroleum products for MIDTAP Middle East Tankage and Pipelines at the Port of El-Dekheila, Alexandria, Egypt. The dry bulk material handling system consists of a petroleum coke storage pile, which is stacked and reclaimed by mobile equipment. The petroleum coke is reclaimed to a dozer trap that feeds the receiving end of the approach conveyor to the jetty. From the approach conveyor the material is transferred to the shiploader via a traveling tripper and is loaded aboard vessels up to 25,000 DWT. The petroleum loading facility will load two families of products: gasoline (regular and premium) and diesel/kerosene/jet fuel, aboard tankers up to 50,000 DWT over two berths, each equipped with three loading arms, two for loading the petroleum products and one for accepting waste water from the ships. A 20 kilometer long 20 inch diameter pipeline will carry the products to the pier. Facilities include onshore components (pipelines, storage yards, buildings, wastewater facilities) and offshore components (pier and approach trestle, shiploader and conveyor systems, electrical and control systems, petroleum loading arms, fire protection). Services provided include conceptual design, detailed specifications and bid documents, review of construction and equipment fabrication bids, technical review of suppliers' designs, fabrication and assembly, construction management and field supervision

***Bryant Coal Handling Facility, AL***

Responsible for Facility Operation - Annual throughput 6 million tons per year. Bulk coal is inbound by barge; unloaded, stockpiled, blended, reclaimed and delivered to rail loadout station in which unit trains are loaded. The association with this facility was to be responsible for upgrading designs provided by others, so as to achieve optimum throughput reliability, flexibility and assurance of the blended product as required by Georgia Power. During the course of my involvement with this operation, I implemented an improved painting and protection of structural steel, redesign of bucketwheel chain increasing operating chain life from 10 to 18 million tons. Improved all transfer minimizing spillage. Provided washdown systems at all the transfers, installed concrete containment slabs with sump pumps for disposing of the washdown water containing coal.

***Iowa Gateway Terminal, Keokuk, IA***

Project Manager. Responsibilities included: the design supply, erection, commissioning and operation of a coal handling system, also permitting, preparation of environmental impact statement, geotechnical, civil, railroad track work, and operator training. A coal transshipment terminal designed to handle 3 million tons per year with expansion to 8 MTPY. Coal is received by unit trains, unloaded via a rotary car dumper at a rate of 3500 TPH, and conveyed to a highline fixed stackout structure. Coal is reclaimed and conveyed to a traveling shuttle barge loader. Project duration: 3 years.

***Coal Blending at Union Electric's Labadie Power Generating Station***

Project Manager. Represented the client as their architect/engineer responsible for geotechnical, civil, structural, subcontract placement, and selection of equipment, construction management, commissioning and operator training. The facility was designed to receive both high and low sulfur coal from rapid discharge bottom dump unit trains, with both grades of coal stored separately. The material handling system was controlled via a programmable logic control system. Key facility features were: The building of earth reinforcing wall 80 feet high; pre-cast concrete plow feeder reclaim tunnel; traveling stacker; blending bin; electrical/mechanical system to control the rate in which coal was withdrawn from each stock pile; power distribution; sub-systems controlled by P.C and in turn by master programmable logic controller. Project duration: 2 1/2 years.

***Coal Transshipment Facility for the Port Authority of New York and New Jersey***

Project Manager. Responsible for preparation of preliminary study report, evaluating 3 alternate sites, permit assessment, capital and operating costs, ability to expand at a future date to 20 million tons per year, likelihood of obtaining permits, and evaluate the proposed facility's competitiveness against other east coast coal terminals. Following the Preliminary Study, prepared a final report on the selected site, including an environmental impact assessment, design, cost, schedule, equipment selection, electrical power, supply, distribution and control system. The main features were rail loop system, twin car dumper station, storage of up to 6 grades of coal, underground plow feeder reclaim system, offshore dock structure sized to load two 150,000 DWT vessels simultaneously, a separate berth to load 1500 ton barges, site drainage, water treatment, dust suppression, fire protection, navigation aids, and complete emergency power plant. Project duration: 1 1/2 years.

***Feasibility Study Iskenduren Bay Power Station, Turkey***

Project Manager. Responsible for preparing project feasibility study report for the coal handling system: The report included Background Data, Port Development Parameters, Port Structures, Bulk Cargo Handling, Project Implementation Program, Quantity Estimates, Capital/Operating Cost, Facility Staffing, Training Program, and Environmental Issues/Design. Key features: Receive, unload, stockpile, reclaim and distribute thermal coal to support a 4-Unit -350 MW power station, provide staged construction for a 20 Million TPY coal handling port facility, berthing dock to accommodate up to 300,000 DWT vessels, continuous coal unloaders, stackers, reclaimers, crushing, sampling and weighing stations. Also receiving of domestic coke, iron ore stockpiling, reclaiming, and loading ships and barges.

***Port Richmond Coal Terminal, Philadelphia, PA***

Project Manager and Facility Operator. Responsible for executing all project management functions and operations of the facility. Project entailed rehabilitating and converting an existing grain handling terminal to handle anthracite fines received from bottom dump unit trains, conveyed to storage, reclaimed and loaded onto 40,000 DWT ocean going vessels. The design improvements as implemented increased material flow from 500 to 1500 tons per hour. Upgrading the existing relay logic to Programmable Logic Controller system: Upgrade the existing material handling system to accommodate anthracite coal fines. This included increasing belt speed, horsepower, ground storage capacity, upgrading the reclaim systems, modify existing trippers to accommodate increased belt tensions, modify chute design to allow for increased flow rate, and strengthening existing structural support systems. Project duration: 1 year. Manager of Operations: 4 years.

***Mohammedia Coal Handling System for O.N.E., Morocco***

Project Manager. Responsibilities included developing the material handling system, design and supply of all sub-systems, international procurement of all material handling equipment, field supervision, training, and commissioning. Managed the work through design offices in U.S.A., Paris, France, and Morocco. The project consisted of bottom dump car unloading of coal received by rail and truck to an outside storage area utilizing a concrete stacking tube. From ground storage the coal was reclaimed, crushed and conveyed to the power plant.

***Project Management, Tampa Electric Gannon Station, FL***

Coal receiving, storage, reclaiming and loading the power station silos. Represented the client as their architect/engineer. Responsibility for all designs: mechanical, structures, electrical, civil, preparing tender documents, specifications, evaluating tender documents, selection of contractors and award of work; supervised construction. Commissioned and performed operator training. Main features: rail car unloading, radial stack out tower, upgrading existing relay control logic to P.C., automatic sampling system sampling system added and upgrading existing crushing station.

***Provided engineering and advisory services Carbones Del Guasare Maracibo Venezuela S.A.***

Provided engineering and advisory services that included:

- > Improve the existing and tug boat operations
- > Prepared the contract for the coal transloading from the barge to the moored vessel to ocean going vessels

- > Evaluated proposals and made recommendations regarding which firm was best suited to implement the transloading operation
- > Perform desk type computer study evaluating the potential transloading throughput of the recommended firm.
- > Provided inspection services of the vessel to be modified and its barge unloading cranes and shiploading equipment.
- > Improve mine throughput, truck transportation, coal storage and reclaiming to an existing barge loading facility

#### ***Management duties, Lorain Pellet Terminal for Republic Steel, Lorain, OH***

Project Manager and Commission Chief. Responsible for directing and executing all management functions including the commissioning of the facility operation, and training. This included permitting, water treatment, dust control, rail track works, geotechnical, civil, mechanical and structural engineering. The terminal was built as a transshipping point for the bulk movement of taconite ore pellets from the upper Great Lakes to the steel mills in Ohio. The project objective was to design and construct the facility on a fast track schedule so that the newly commissioned 1000-ft. self-unloading vessels could be used, as they became available. The entire system was controlled from a central control station. Key facility features included a berthing dock face incorporating three different designs, reinforcing an existing crib wall section, designing and constructing a caisson and sheet pile section, new rail track works, and rerouted existing track, rail load out station, ship loader, dust collection, dust suppression, fire protection, drainage and runoff retention pond, administration and maintenance buildings and landscaping. The conveyor system was controlled via a programmable logic controller. The load out station operator controlled the movement of trains from the rail yard to the loading station and back by remote control. A separate PC system was provided in the operations office recorded and printed out all facility management data including inbound/outbound shipments, including grade and amount of pellets in storage. The Lorain Pellet Terminal was selected as one of the ten Outstanding Engineering Achievements by the National Society of Professional Engineers.

#### ***Aggregate transportation system for the Vulcan Company, Yucatan, Mexico***

Project Manager. Responsibilities included design of material handling system on board a 65,000 DWT self-unloading vessels. The land based system included crushing, blending, stockpiling, reclaiming and loading 65,000 DWT ocean going vessels. Responsible for developing the design criteria, specifications, tender documents for the major material handling equipment: stacker, bucketwheel reclaimer and shiploader. Evaluated tender submissions and made selection of contractors. The facility throughput capacity is 12 MTPY.

#### ***Dexing Jiangxi copper project in the People's Republic of China***

Project Manager. Responsibilities included system design, cost, schedule, procurement, quality assurance, quality control, operator and maintenance training, field supervision, commissioning and acceptance. To satisfy local supply requirements, selected a PRC design/ manufacturing firm for the supply of structural steel, idlers and low tension pulleys, implemented full inspection program and managed quality control. The major sub-system features were: Conveyor belts running at 4.5 m per second, belt rip detection system, dust suppression, sonic detection system, braking system, high and low voltage equipment, TV monitoring system, PC control systems, operations and maintenance programs, central control consoles, local control consoles, design of multi-drive speed control transmission systems.

***Project Management, Tarahan Transportation System, Indonesia***

Responsible for the management of design work which included: structural, mechanical, and electrical works, preparation of design and procurement specifications and equipment selection for the coal handling system. The system design consisted of receiving mine mouth coal, stockpiling, crushing, reclaiming and loading ocean-going vessels.

***Project Management, A.T. Masse, Charleston Shipyard River Coal Export Terminal, SC***

Responsible for the design, supply of the materials handling system, preparation of tender documents, selection of contractors and site supervision commissioning and operator training. Project consisted of unloading coal from unit trains, discharging same to an outside storage/reclaiming and loading ocean going vessels.

***Sparrows Point Sinter Project, Bethlehem Steel Corporation, Sparrows Point, MD***

Project Engineer. Responsible for supervision of design, procurement, erection and commissioning of the material handling system. The system consisted of receiving and loading different grades of material to mixing bins. From the bins material was reclaimed and transported to a traveling stacker that layered the material, forming a 1000 foot long pile. The completed pile was then reclaimed via a bucketwheel reclaiming and conveyed to the sinter plant.

***Washington Irrigation and Development Co., Centralia Coal Mines, WA***

Project Engineer. Responsible for supervision of design, procurement, erection and commissioning of a shiftable conveyor system. The conveyors received overburden from a bucket wheel excavator. The overburden conveyors feed a traveling tripper which feed a crawler mounted twin boom stacker. The stacker was designed to discharge overburden material in to an earthen depression. The crawlers were designed to travel across an uneven terrain. Responsible for the entire shiftable conveyor design, supervised mechanical, structural, electrical, and purchasing group leaders. Also involved with the startup, shifting operation and conducted operation and maintenance training programs.

***Big Stone Power Plant through Bechtel Corporation, Ottertail Power Company, Big Stone, SD***

Project Engineer. Responsible for supervising mechanical, structural, electrical, and purchasing department staff. Also conducted operation and maintenance training. Project consisted of unloading lignite from unit trains, delivering the coal to storage, reclaiming the coal, crushing and transporting to power house silos. Key features: bottom dump train station, crusher building; trippers; design of enclosed structures with inside siding thus preventing dust build up; wash down and fire protection system.

***Harrison Coal Power Generating Station, Allegheny Power & Light Company, Clarksburg, WV***

Project Engineer. Responsible for supervising mechanical, structural, electrical, and purchasing department leaders. Also participated in the construction management and commissioning of the conveyor handling system including operator training. The project consisted of 2-mile overland coal conveyor feed system to the power plant. The coal was stored, reclaimed via plow feeders, crushed and transported to the bunkers. In addition an emergency coal supply system was provided which included rail and truck receipts of coal

***Pennsylvania Power & Light Montour Generating Station, Danville, PA***

Project Engineer. Responsible for supervising; mechanical, structural, electrical, and purchasing group leaders. Also conducted operations and maintenance training programs. The project consisted of receiving coal from unit trains; unloading via a rotary dumper, processing the coal, and delivering coal to either the bunkers or outside storage.

***Dayton Power & Light Co., J.M. Stuart Generating Station, Aberdeen, OH***

Project Engineer. Responsible for the design, erection and commissioning of the coal handling system. The project consisted of supplying processed coal to support 4-250 MW coal fired power units. The stacking system consisted of unloading coal from barges at a peak rate of 4000 tph and transporting the coal to a stacking out tower. At the tower, tramp iron was removed and coal sampled. Coal was then discharged onto a 150 ft. long slewing boom conveyor which formed an outside storage area. Under the reclaim pile laid 48 stainless steel hoppers with vibrating feeders loading ten (10) conveyors discharging to a dual conveyor which transferred fuel to the crushing station. Within the crushing station, tramp iron was removed and coal discharged onto two 1200 ft. long conveyors. Processed coal from these conveyors was delivered to a 200 ft. high surge bin building. At the bin discharge six vibrating feeders were mounted for centering and directing the feed to 6 conveyors for feed to the pulverizers. Supervised mechanical, structural, electrical, and purchasing group leaders. Also, conducted operation and maintenance training.

***United Illuminating Co., Bridgeport, Connecticut Coal Handling System***

Project Engineer. Responsible for the supervision and design of the coal handling system. This project consisted of several major structures, crushing station, rotating stacker, rail system galleries, bents and towers. Supervised; mechanical, structural, electrical, and purchasing group leaders. Also conducted operations and maintenance training programs.

***Pennsylvania Power & Light Co., Brunner Island Coal Handling Station, PA***

Project Engineer. Responsible for the design supervision of the coal handling system. Project consisted of providing an extension to their existing facilities that included a parallel feed to the silos; the engineering entailed the investigation of existing structures (trusses, bents and buildings). Developed all the design specifications for both new and existing structures. Supervised mechanical, structural, electrical, and purchasing group leaders. Also conducted operation and maintenance training.

**Publications**

Association of Iron and Steel Engineers Pittsburgh, Pennsylvania: "Lorain Pellet Terminal for Republic Steel"

Coal Technical Conference, Houston, Texas: "Proposed Coal Export Terminal for the Port Authority of New York and New Jersey"

The Project Management Institute: "Project Management Perspective"

National Coal Association, Chicago, Illinois: "Simulation Study Assessment for Port Transshipment Facility".

## Employment History

Seven (7) years as General Manager of Soros Associates, Inc. from 1994 to 2001. Responsible for the planning and directing of all Soros activities during that time. Supervised all engineering, design, planning, cost estimating, and quality assurance of numerous port development and material handling projects located worldwide, including: Australia, Egypt, Venezuela, Chile, Colombia, Brazil, Bahrain, Indonesia, Guinea, Morocco, Mauritania, Surinam, South Africa, Spain, United Kingdom and United States.

Four (4) years as Director of Business Development, with Krupp (O&K& PWH) Robins Engineers & Constructors, Inc. Responsible for business development, field servicing of existing Krupp, O&K and PWH machines, execution of proposals, preliminary designs, pricing of bulk handling system including construction, establishing mark up levels, before and after sales, customer contact, spare parts, and business plan development. Reporting to this position: outside Regional Sales Managers, local Representatives, Spare Parts Manager, Engineering personnel. (1989-1993).

Fifteen years with Orba Corporation, New Jersey. VP of Engineering and Facility Operation Responsible for all project activities; project managers including the technical support staff. This included design, estimating, purchasing, expediting, scheduling, construction, commissioning, facility operations, marketing and sales. Objective to achieve a system design that is technically sound, easy to operate and maintain, within budget, on time completion and customer satisfaction. Senior Project Manager 1976-1981. Managed major turnkey bulk handling projects, meeting project objectives, within budget, on time completion and customers' satisfaction. Duties included: schedule planning, budget allocation and controls; contract negotiations, inter-department coordination, project staffing technical and field; schedule adherence, project reports, conduct all project meetings with the client; construction and commission activities; release of payments, and obtain final acceptance. Manager Mechanical Engineering, 1974-1976. Responsible for all bulk material handling mechanical designs for the company, assigning technical staff to projects, reviewing all company works to assure conformance with the project requirements ,company standard; heavy machinery selections, conveyor design, equipment selection, transfer station design, sub-contract selection, shop and field inspection, estimating, scheduling, client contact, maintaining a competent staff.

Seventeen years with Robins Engineers & Constructors, Inc., New Jersey (1957-1974) Project Engineer: Responsibility for the supervision and design of bulk handling systems conveying and processing materials such as: coal, coke, lignite, (brown coal), iron ore, iron ore pellets, alumina, bauxite, cement, grain, gravel, gypsum, limestone, copper ore, copper concentrate, phosphate, sand, scrap iron and wood chips. Directed all project related engineering activities, preparation of specifications, designs, conforming to company standards and maintaining schedule. Monitored project manager activities; budget, schedule, purchase order releases, facility design, meeting project design objectives; conduct technical meetings with the client, pricing and executions of scope changes; review and inspection of erection and commissioning; operations and maintenance training. Lead Designer: responsible for material handling systems designs which included: conveyor calculation, estimating, structural designs; bents, buildings; mechanical layout of stackers, shiploader, self-unloading vessels, trippers, shuttles, screening, crushing ,drying stations, shafting design, equipment selection, design specification, scheduling, technical advisor, Quality Control/Assurance of manufactured/fabricated works. Designer/Layout: Responsibilities included layout and design of specific areas on a given bulk handling project, example: car dumper

stations, stock yards, reclaimers, stackers, ship loaders, shiftable conveyors, transfer stations, conveyor drives, take up arrangements, design and detailing of chutes and structural steel.

## **CCIG/OBOT/TLS RESPONSE TO CITY 9/28/15 QUESTION #16**

### **16) With respect to emergency response planning and actual operations?**

TLS will operate a multi-commodity bulk terminal, and no commodity has been specifically included or excluded from the TLS terminal operation. Preliminary measures for emergency response planning were included in the TLS Draft Operating Plan submitted to the City on September 8, 2015.

#### **a. What is the public safety/combustion risk of coal?**

There is no substantial public safety risk associated with the combustion risk of coal. CCIG previously submitted as Attachment 1 to HDR's *Air Quality & Human Health and Safety Assessment of Potential Coal Dust Emissions (September 2015)* (HDR Report) an assessment that (1) examines the risks of fire and combustion related to handling of coal at OBOT, and (2) recommends mitigation measures that will ensure the safe handling of coal. That information is captured in the *Technical Memorandum with Respect to the Potential Bulk Transfer of Coal at the Proposed Oakland Bulk and Oversized Terminal Project (September 15, 2015)*, authored by Peter L. Senez of Jensen Hughes (Jensen Hughes Technical Memorandum). Mr. Senez is a recognized expert in the field of fire protection and forensic engineering with 25 years of experience and an advanced degree specifically in Fire Protection Engineering. (See Exhibit 16-A for a copy of his credentials). He has expertise in fire engineering, building and fire code consulting, fire testing, and risk and failure relative to fires and explosions, and he is familiar with related risks in the coal-handling and marine terminal contexts.

As discussed in the Jensen Hughes Technical Memorandum, coal is a chemically stable material that has typical risks associated with the handling of bulk commodities such as sugar, grain, wood chips, sulphur, or other materials. Proper operation, storage, and handling allows for the control and mitigation of potential fires and explosions during the transfer process. These hazards are well understood by industry. Handling of coal at OBOT does not present a disproportionate hazard compared to other commodities, all of which have a strong safety track record and infrequent event occurrence. The fire and life safety risks associated with the movement of coal and other bulk materials is readily addressed using good, standard fire protection engineering practices.

In addition to discussing the general risks of fire and combustion from coal handling, the Jensen Hughes Technical Memorandum recommends specific facility design and procedural measures that would effectively mitigate the risk of fire and explosion at OBOT.

#### **b. Does the transport, containment present the potential for catastrophic explosion or fire danger?**

During transport of coal via train, fire risk will be negligible due to the nature and type of coal being shipped (low potential for spontaneous combustion), the short duration of transport (limited to a few days of travel), the proper conditioning of

the coal at the mine (pre-transport controls), and the cooling effects of air on the cars and the surface of the coal. Using enclosed cars will further reduce potential exposure of the coal to rain and other atmospheric moisture, which further reduces the already low potential for spontaneous combustion (as heat within stored materials is generated via moisture). The safe handling of coal (and every other combustible commodity like coal) is supported by data published by the Federal Rail Administration on train fire incidents. (The FRA Office of Railroad Safety is responsible for regulating safety throughout the railroad industry. One of its priorities is the safe handling of potentially hazardous materials.) In general, the frequency of incidence of fires for all train systems in the U.S. is extremely low, and there is no indication in the causation data that commodity fires (for any type of combustible commodity and not just coal) have any frequency of fire occurrence on trains. Coal is transported through many parts of the U.S. on a daily basis, and the statistical data tracked by the FRA demonstrates the overall safety associated with rail transport. Given the above, the fire risk and hazard to the public associated with the transport of coal in contained train cars is considered to be negligible.

The likelihood of a coal explosion on a rail car is even more remote. FRA data does not indicate any incidents of explosion on rail lines occurring in the last three years, with the last single year incident being 2011. Furthermore, this single incident is not likely related to coal because this explosion data covers all rail lines transporting all goods, including many other more dangerous goods that are explosive.) The properties of coal do not support the development of explosive conditions on the train cars. Coal dust of sufficient concentration would have to be generated and would not be expected to occur in sufficient quantities in a moving train. The “fines” or small particles of coal dust would settle towards the bottom of the car given the natural vibration and movement of the train. Therefore, given the nature and properties of coal and the published statistical data, the likelihood of a catastrophic explosion on a train is negligible, both qualitatively in the context of understanding the material characteristics, and quantitatively based on the FRA data.

The greatest potential risk associated with dust explosions will be during transfer operations at the port terminal itself. As outlined in the Jensen Hughes Technical Memorandum (Attachment 1 of the HDR Report), this is typical of many kinds of combustible commodities including many agricultural products. The hazards are well understood and will be mitigated through good design practices, operational controls, safety systems, and where appropriate through specialized design of the equipment to incorporate explosion venting (pressure relief in the event an explosion does occur).

Based on the above, the fire and explosion risk associated with the transport, containment of the coal does not pose a public safety risk.

**c. Are coal operations monitored by OSHA?**

Yes, OSHA rules and regulations will apply, but the TLS Terminal is a multi-commodity bulk terminal – not a coal operation. All TLS operations and personnel are subject to a full spectrum of laws, rules and regulations from the local to the federal level, which include OSHA.

**d. How can ILWU concerns be addressed or mitigated?**

We appreciate and recognize the positions expressed by multiple labor organizations at the September 21 informational hearing, both supportive of the project and those expressing potential concerns. As explained throughout this submittal and as is thoroughly documented throughout the administrative record related to the project, all aspects of operations at the Terminal and the project as a whole can and will be carried out in a manner that identifies and mitigates any potential health and safety issues. The record to date related to project construction affirms that all air quality and other mandates are being strictly adhered to and that requirements regarding local-hire man hours are being exceeded. We are confident that as construction moves forward and operations eventually begin, misunderstandings and misinformation on which previous concerns have been premised can and will be addressed to the satisfaction of all potential workers related to the project.

**EXHIBIT 16-A**

**Peter Senez, Jensen Hughes Credentials**



# JENSEN HUGHES

## PETER L. SENEZ, P.Eng.

Executive Vice-President – Canadian Operations

**Experience:** 22 Years

**With Sereca, a JENSEN HUGHES Company:** 12 Years

### Education

B.Eng., Mechanical Engineering  
Concordia University, 1993

M.Eng., Fire Protection Engineering  
University of British Columbia,  
1997

Ph.D. Mechanical Engineering (Fire)  
*in progress*  
University of Waterloo  
2013 - present

### Registered P.Eng.

- Alberta
- British Columbia
- Manitoba
- Ontario
- Saskatchewan

### Registered FSE

- Singapore

### Associations

Member, Society of Fire Protection Engineers (SFPE)

Member, International Association of Arson Investigators

Member, NFPA

Member, International Association of Fire Safety Science

Member, Institution of Fire Engineers

### Contact

(604) 295-3420

[psenez@sereca.com](mailto:psenez@sereca.com)

Peter Senez is an experienced and well-respected authority in the field of fire engineering. Active in the fire industry for over 20 years, Mr. Senez has diverse and unique industry experience with expertise in fire engineering, building and fire code consulting, fire testing, risk and failure relative to fires and explosions. Relative to fire investigation, he has investigated and analyzed fires in vehicles, structures, heavy equipment, aircraft, boats, forests, marine complexes, commercial buildings and large industrial facilities. Peter practices internationally in both forensics and fire protection engineering design and includes work in the US, Canada, Hong Kong, Singapore, Malaysia, UAE, Saudi Arabia and Trinidad. He has testified as an expert in fire investigation, fire code compliance, and fire engineering and has completed over 1,000 fire investigations. He has also chaired and managed numerous significant and high profile large losses and is familiar with the complexities of analyzing sites, evaluating systems, and identifying modes of failure or potential mechanisms for causation.

### PROFESSIONAL HIGHLIGHTS

**Vice President, Canadian Operations, JENSEN HUGHES (formerly Sereca Consulting), Vancouver, BC, 2003–present.** Responsible for Canadian operations, Peter is leading the expansion of the company to establish an unparalleled reach through Canada and internationally. Formerly the CEO of Sereca, which merged with JENSEN HUGHES in 2015, Peter has provided leadership in the growth and development of fire and forensic services and leads many large projects and forensic analyses.

Throughout his career he has focused on technically challenging and complex fire engineering problems servicing architects, insurers, developers, lawyers, owners, and manufacturers. He provides leadership in professional engineering services on large infrastructure and complex building projects and is often imbedded as the leader of the fire protection and life safety team. With a combined engineering and practical fire background, expertise has been developed in many aspects of mechanical and fire engineering, including mechanical systems, fire behavior, heat transfer, fire growth, combustion dynamics, sources of ignition, ventilation tenability, risk assessment and explosion dynamics.

Specific to the process industry, Peter has been involved in analyzing event causation, mitigation and risk assessments for a range of products and hazardous material processes, including wood processing, coal mining, lithium batteries, sulfur, gasoline, manufacturing, hydrogen, LPG, LNG, wheat and canola storage, sugar, and other materials and products that require safe handling practices and storage arrangements.

**Senior Engineer, Fire Group, MacInnis Engineering Associates Ltd, Vancouver, BC, 1999-2003.** Senior Engineer responsible for the technical investigation of fire and explosion incidents. Conducted fire and explosion investigations, including scene investigations, evaluation of fire spread mechanisms, establishment of causation, assessment of building design and the preparation of expert reports. Coordinated a series of full-scale fire tests on dwellings to evaluate different modes of fire behaviour with and without ignitable liquids. Used computer fire modeling to evaluate fire and smoke behaviour in buildings, and predict burn patterns and smoke detector response.

**Fire Protection Engineer, Locke MacKinnon Domingo Gibson & Associates Ltd., Vancouver, BC, 1993-1999.** Provided building and fire code consulting services to architects, engineers, developers, and legal firms. This included the evaluation of industrial manufacturing facilities and analysis of specialized fire protection systems and hazardous materials. Fire testing options and standards were reviewed for manufacturing clients, including room fire tests, fire-resistance tests, and small-scale testing procedures. Fire testing was coordinated with laboratories and the test results were analyzed to engineer product variations. Equivalencies were developed based on industry research and testing to meet the intent of prescriptive building and fire code requirements. Acceptance of equivalencies with authorities having jurisdiction was coordinated.

**Fire Protection/Mechanical Consultant, Public Works Canada - Architectural & Engineering Services, Vancouver, BC, July–September 1993.** Evaluated building plans for compliance with applicable codes and fire safety standards. Reviewed pier and wharf construction for small craft harbours and performed marine inspections. Developed a building upgrading plan. Conducted engineering work on strain gauges, non-destructive test methods, pumps, hydraulic calculations, and specification preparation.

**Sergeant/Fire Inspector and Fire Fighter, Town of Otterburn Park, QC, Otterburn, Quebec, 1988-1993.** Responded to fires, accidents, and other emergencies. Developed and implemented a fire prevention program for commercial establishments. Analyzed the water distribution network and made recommendations to improve its effectiveness.

## PUBLICATIONS

### **Structural Exposure of Steel Frame in Large Fire Incident**

Senez P, Calder K, Milford A., Coles A. Response of Structures Under Extreme Loading, Protect 2015, Lansing, MI, USA, Jun 28-30, 2015

### **Structural Fire Exposure of Transit Stations Relative to Vehicle Fires**

Senez P, Calder K, Milford A., Coles A. Response of Structures Under Extreme Loading, Protect 2015, Lansing, MI, USA, Jun 28-30, 2015

### **Fire Loss Statistical Considerations in relating Failure and Building Damage to the Building Code Objectives**

Senez P, Calder K, Li H. Interflam 13<sup>th</sup> International Fire Science and Engineering Conference, London, UK, June 2013

### **Alternative Solutions and Acceptable Risk – A Canadian Context**

Senez P, Calder K, Coles A. Society of Fire Protection Engineers 9<sup>th</sup> International Conference on Performance-Based Codes and Fire Safety Design Methods, Hong Kong, June 2012

### **The Historical Basis for Determining Occupant Loads**

Calder K, Locke H, Senez P. Society of Fire Protection Engineers 9<sup>th</sup> International Conference on Performance-Based Codes and Fire Safety Design Methods, Hong Kong, June 2012

### **Review of Proposed Building Code Changes to Permit 5/6 Storey Wood Frame Construction**

Senez P, Calder K. Building and Safety Policy Branch, Office of Housing and Construction Standards, Government of British Columbia, November 2008

### **Experimental and Simulated Analysis of Room Fire Theory for Forensic Applications**

Senez P, Calder K. Proceedings of the 9<sup>th</sup> International Fire and Materials Conference, San Francisco, CA, February 2005

### **Assessing the fire-resistance rating of tile-spaced concrete floor assemblies**

Senez P, Locke H. Fire-Protection Engineering, pp. 25-28. Society of Fire Protection Engineers, 1999

**A forensic analysis of a Montreal building fire**

Senez P, Mehaffy J. Proceedings of the Third International Conference in Fire Research and Engineering, pp. 243-254. Society of Fire Protection Engineers, International Association of Fire Safety and Science, National Institute of Standards and Technology, 1999

**Evaluating materials and fire protection systems using full-scale fire tests**

Torvi D, Senez P et al. Proceedings of the Third International Conference on Fire Research and Engineering, pp. 363-374. Society of Fire Protection Engineers, International Association of Fire Safety and Science, National Institute of Standards and Technology, 1999

**Investigating fires - An engineering approach**

Senez P. Adjusters Quarterly, pp. 11-17. BC Insurance Adjusters Association, Vancouver, BC, 1999

**Assessing the fire-resistance rating of tile-spaced concrete floor assemblies in the former Woodward's Department Store**

Senez P. Proceedings of SFPE Technical Symposium on Fire-Resistance Ratings, Fairfax, VA, 1998

**LECTURES & PRESENTATIONS**

**Electronic Data Available for Evidence in Fire Investigation**

Engineering Evidence in Civil Litigation, The Continuing Legal Education Society of British Columbia, January 2014

**Envisioning the Future of Fire Analysis for Design and Forensic Applications**

Fire Chiefs' Association of British Columbia, June 2012

**Fire Investigation – from Art to Science**

National Justice Institute Science Seminar, Vancouver, BC, March 2012

**Differences in Fire Behaviour where Accelerants are Used**

Canadian Bar Association Hot Topics in Civil Litigation and Insurance Law , Banff, AB, October 2009

**Integrated Risk**

Red River Valley Mutual Insurance, Altona, MB, April 2008

**Reverse Engineering – Applying Fire Science to the Analysis of Real Fires**

Canadian Insurance Claims Managers Association Annual Seminar, Winnipeg, MB, April 2008

**30-Storey Residential Care Facility Canadian Case Study**

SFPE International Conference, Performance-Based Codes and Fire Safety Design Methods, Tokyo, Japan, June 2006

**Redefining Concepts of Flashover Theory**

Fire Prevention Officers' Association of BC, Annual Seminar, May 11, 2006

**Applying Fire Theory to Burn Pattern Analysis and Origin Determination**

Fire Prevention Officers' Association of BC, Annual Seminar, May 11, 2006

**Flashover at 600°C – maybe but probably not!**

Society of Fire Protection Engineers BC Chapter, May 30, 2005

**Mock Trial: Expert Fire Cause and Origin Testimony**

Singleton Urquhart Fire Litigation Group and the I.A.A.I B.C. Chapter 15, November 13, 2003

**Fire Analysis for Insurance Claims**

Huston Grant Adjusters, Kamloops BC, September 17, 2003

**Methodology and Investigation Tools for Fire Analysis**

The International Association of Arson Investigators, Saskatchewan Chapter, Regina, SK, September 10, 2003

**Research in Fire Analysis & Computer Modelling**

Society of Fire Protection Engineers, St. Laurent Chapter, Montreal, QC, June 14, 2002

**Analysis of Fire Patterns and Computer Fire Modelling**

Alberta Association of Special Investigators, Red Deer, AB, May 23, 2002

**Computer Modelling as a Tool in Fire Investigation**

Fire Prevention Officers Association of BC, Nanaimo, BC, May 9, 2002

**The Anatomy of Fire, Fire Investigation Seminar**

The International Association of Arson Investigators, Chapter 15, Burnaby, BC, April 3-5, 2002

**Room Fires and Computer Modelling**

Society of Fire Protection Engineers, BC Chapter, Vancouver, BC, March 5, 2002

**The New Technology - Recent Developments in Fire Investigation and Litigation**

Singleton Urquhart Fire Seminar, Vancouver, BC, March 2001

**Forensic Fire Engineering**

Canadian Insurance Claims Managers Association, Monthly Meeting, Vancouver, BC, January 2001

**Commissioning of Fire and Life Safety Systems**

Building Officials Association of British Columbia, Education Seminar, Richmond, BC, December 1999

**A Forensic Look at the Future**

Forensic Fire Engineering Seminar Presentation sponsored by Shumka Craig & Moore Adjusters Canada Ltd. and Lindsay Kenney, Barristers & Solicitors, Vancouver, BC, November 1999

**A Forensic Analysis of a Montreal Building Fire**

Third International Conference in Fire Research and Engineering, Chicago, IL, October 1999

**Full-Scale Fire Test Method to Evaluate Materials and Fire Safety Systems**

Poster Presentation for the Third International Conference on Fire Research and Engineering, Chicago, IL, October 1999

**Assessing the Fire-Resistance Rating of Tile-Spaced Concrete Floor Assemblies in the former Woodward's Department Store**

SFPE Technical Symposium on Fire-Resistance Ratings, Fairfax, VA, April 1998

**A Forensic Analysis of a Montreal Building Fire**

Society of Fire Protection Engineers, BC Chapter, Vancouver, BC, March 1998

## **CCIG/OBOT/TLS RESPONSE TO CITY 9/28/15 QUESTION #17**

### **17) Would BAAQMD:**

- a. Assist in evaluating TLS' proposed Basis of Design/cars?**
- b. Evaluate existing mitigation measures and recommend any additional measures if needed?**
- c. Provide data on the health and/or safety impacts of coal at the Richmond Port, and other Ports, such as Stockton and/or Long Beach?**
- d. Provide data on the impacts of coal that is already transported through Oakland.**

We defer to BAAQMD's response to each of these questions.

Regarding question 17(b), in accordance with City of Oakland Ordinance No. 13183 C.M.S. and the project's Final and Corrected SCA/MMRP document, quarterly meetings for stakeholder review of air quality and trucking plans were held on the following dates, with participation from the City, Developer, BAAQMD, Sierra Club, and community groups (see Exhibit 17-A):

- October 16, 2013
- September 25, 2013
- January 15, 2014
- March 3, 2014
- April 23, 2014
- September 19, 2014
- October 15, 2014

**EXHIBIT 17-A**

**Air Quality Stakeholder Meetings**

## Meeting Notes

### 2012 Oakland Army Base Project Air Quality Related Measures Stakeholder Meeting

Margaret Gordon asked will happen if the air monitors show readings that are high or medium high above baseline readings once the construction activity starts

Gordon also said the compliance manager's contact information should be distributed as widely as possible in the community

The response in the project manual is to consult with BAAQMD. The discussion was to 'wait and see' rather than anticipate the solution to the problem before the problem is really understood.

A suggestion was made to make the air quality monitoring real time rather than delay it by 72 hours. The response from Northgate was that the 72 hours was suggested by BAAQMD in order to be able to QA/QC the data before it is released. The project also mentioned that the compliance manager would be able to access the data in real time and could be reached by the community if a concern arose.

WOCAG would like to be briefed quarterly (on the results of the air quality monitoring)

WOCAG suggested a cell phone app rather than just a website access

WOCAG also suggested that the compliance officer spend four hours a week at the Job Center

Provide information to K-top???

See if the website can send updates via a registered list service

Someone questioned why the air monitors are all south of grand avenue

Someone pointed out that he believes the wind direction is not always from the northwest and that is sometimes comes from the southwest.

Mark McClure said the Digital Video Recording (DVR) data will be made public and viewable to anyone requesting it.

There was a discussion on the dirt hauling operation. J. Heilbronner said the revised dirt requirements are 800,000 yards to be delivered over 2 years. (note: at 10 years per haul trip, the equated to 8,000 truck trips or 160 trips per day based on 250 working days a year.

Someone questioned why the dirt-hauling trucks would not be required to comply with the same emissions requirements as the drayage trucks at the port. There was not a clear or concise answer provided to this question. Stakeholders, city staff and some project staff need to be educated on this issue.

A suggestion was made to use stickers to ID trucks working on the project as a way to spot trucks that are not operating on the prescribed routes.

A suggestion was made to put more signage in the certain neighborhoods to point out that OAB project related trucks should not be there.

A suggestion was made to have the compliance officer at the jobs center

Ad Hoc committee meeting set for October 16<sup>th</sup> at 1:00 PM.

Agenda for Ad Hoc committee: Agenda for stakeholder meeting, Process, and Governance.

Next stakeholder meeting set for January 15<sup>th</sup> at 1:00 PM.

Agenda TBD based outcome of Ad Hoc committee meeting.

**OAKLAND ARMY BASE AIR QUALITY AND TRUCKING PLANS  
IMPLEMENTATION OF STANDARD CONDITIONS OF APPROVAL/MITIGATION MEASURES**

Building Bridges Conference Room, City Hall, 1 Frank Ogawa Plaza, Oakland

September 25, 2013 | 1:00 p.m. to 2:30 p.m.

Sign in	First	Last	Organization	Email Address	Phone Number
<i>12/2</i>	Brian	Beveridge	West Oakland Environmental Indicators Project		
	Fred	Blackwell	City of Oakland		
	Angela	Briscoe	Port of Oakland		
	Doug	Cole	City of Oakland		
	Bridgitte	Cook	District 3 - Councilmember Lynette McElhaney		
	Alex	Desautels	Alameda County Public Health		
	Brad	Edgar	44 Energy Tech		
	Rachel	Flynn	City of Oakland		
	Margaret	Gordon	West Oakland Environmental Indicators Project		
<i>✓</i>	Richard	Grow	EPA		
<i>✓</i>	Henry	Hilken	BAAQMD		
	Robyn	Hodges	West Oakland Community Advisory Group		
<i>✓</i>	Alison	Kirk	BAAQMD	<i>aKIRK@baaqmd.org</i>	
	Anna	Lee	Alameda County Public Health		
	Tim	Leong	Port of Oakland		
	Steve	Lowe	West Oakland Community Advisory Group		
	Cynthia	Marvin	California Air Resource Board		
	Mark	McClure	Developer Team		
	Darin	Ranelletti	City of Oakland		
	Robert	Selna	Developer Team		
	Maile	Smith	Developer Team		
	Libby	Stahl	IMPACT		
	Zachary	Wald	District 3 - Councilmember Lynette McElhaney		
	Hui	Wang	City of Oakland		
<i>✓</i>	Anne	Whittington	Port of Oakland		
	Amy	Zimpfer	EPA		
	<i>Jave</i>	<i>Vintze</i>	<i>BAAQMD</i>		
	<i>Jess</i>	<i>Derrin-Ackerman</i>	<i>Sierra Club</i>	<i>jess.derrin-ackerman@sierraclub.org</i>	
	<i>Ray</i>	<i>Kidd</i>			

Notes from 9/25/13 First Quarterly Subject Plans meeting (Building Bridges, City Hall)

The following represents a summary/paraphrase of key comments (not detailed minutes). The meeting attendance sheet is provided as an attachment.

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- 3C. **Brad Edgar (44 Energy Tech):** Went over vertical construction and operations, and new technologies anticipated to come in with future developments.
- **Mark McClure:** Brought up the California Clean Energy Fund as a potential funding source for new technology
  - **Steve Lowe (WOCAG):** Who figures out the technology that goes on the Base?
  - **Brad Edgar (44 Energy Tech):** It's a competitive process. The purpose of the fund is to marry research with real world application. It's not designed to plug into a community, but there's an opportunity for it to plug into the community.
  - **Mark McClure:** The application would involve multiple stakeholders. We just found out about this funding source a couple of weeks ago. We're studying the criteria.
  - **Steve Lowe (WOCAG):** That's the process but who is "we?"
  - **Mark McClure:** You're welcome to read the grant and come up with ideas.
  - **David Vintze (BAAQMD):** All these mitigation measures should also apply to the Port. Does the Port have a construction plan?
  - **Anne Whittington (Port):** Stated that the Port started construction a few months ago and all of the SCA/MMRP were part of the specifications. Listed staff involved in compliance and compliance process (equipment list, initialed checklist, contact number, and rules posted).
  - **Tim Leong (Port):** Most of the equipment so far is Tier 3 and 4.
  - **David Vintze (BAAQMD):** What about on-road issues?
  - **Tim Leong (Port):** There's not much activity right now.
  - **David Vintze (BAAQMD):** This is a discussion the City should have with the Port. It may not seem like a large issue now, but cumulatively...MM4.4-3 is a big one.
  - **Anne Whittington (Port):** MAQIP comes out of 4.4-3 which was in the EIR adopted 2002. Port has been working from MAQIP.
  - **David Vintze (BAAQMD):** 4.4-3 says the program needs to be updated every three years.
  - **Anne Whittington (Port):** The Port has been doing that.
  - **Richard Grow (EPA):** Is there need for a parallel discussion?
  - **Fred Blackwell:** There are other developers—the recyclers and the AMS developer—who will have to join the discussion.

- **Brian Beveridge (WOEIP):** On slide 16 why is the Truck Management Plan not relevant until vertical development? Traffic and emissions during construction would go into a TMP.
  - **Brad Edgar (44 Energy Tech):** There is a TMP for the construction phase.
  - **Maile Smith (Northgate):** It's part of the Project Manual under Appendix D and F.
  - **Ray Kidd (West Oakland resident):** General question about the horizontal development. When will infrastructure in the North Gateway be ready for the recyclers?
  - **Jim Heilbronner (Architectural Dimensions):** Two and a half years away before they can start construction. The biggest work is to realign Wake Avenue.
  - **Fred Blackwell:** There's also no deal yet.
4. **Margaret Gordon (WOEIP):** Recommended an ad hoc committee to discuss topics and to set aside at least 2.5 hours for the next meeting. Also recommended having a pre-meet on governance.
- **Jim Heilbronner (Architectural Dimensions):** Shall we schedule the next quarterly meeting now and have it in mid January?
  - *Consensus that the next quarterly meeting will be January 15 at 1:00 pm.*
  - **Margaret Gordon (WOEIP):** Wanted to lead the ad hoc committee to determine the agenda. Proposed having the meeting at WOEIP 349 Mandela.
  - **Fred Blackwell:** Stated that the City can't turn the process over to Margaret. Will circle back after speaking with staff. Then asked who would be part of the ad hoc committee.
  - *One interested stakeholder from each group to consider the agenda. Richard Grow said he would take part.*
  - *The ad hoc meeting was set for October 16 at 1:00 pm.*
5. **Topics and process to be discussed at the October 16 meeting**

**Draft Minutes**  
**First Quarterly Air Quality and Trucking Plans Meeting**  
**Building Bridges, City Hall, Oakland**  
**September 25, 2013, 1:00 p.m. to 2:30 p.m.**

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- **Mark McClure:** Brought up the California Clean Energy Fund as a potential funding source for new technology
  - **Steve Lowe (WOCAG):** Who figures out the technology that goes on the Base?
  - **Brad Edgar (44 Energy Tech):** It's a competitive process. The purpose of the fund is to marry research with real world application. It's not designed to plug into a community, but there's an opportunity for it to plug into the community.
  - **Mark McClure:** The application would involve multiple stakeholders. We just found out about this funding source a couple of weeks ago. We're studying the criteria.
  - **Steve Lowe (WOCAG):** That's the process but who is "we?"
  - **Mark McClure:** You're welcome to read the grant and come up with ideas.
  - **David Vintze (BAAQMD):** All these mitigation measures should also apply to the Port. Does the Port have a construction plan?
  - **Anne Whittington (Port):** Stated that the Port started construction a few months ago and some of the SCA/MMRP were part of the specifications. Listed staff involved in compliance and compliance process (equipment list, initialed checklist, contact number, and rules posted).
  - **Tim Leong (Port):** Most of the equipment so far is Tier 3 and 4.
  - **David Vintze (BAAQMD):** What about on-road issues?
  - **Tim Leong (Port):** There's not much activity right now.
  - **David Vintze (BAAQMD):** This is a discussion the City should have with the Port. It may not seem like a large issue now, but cumulatively...MM4.4-3 is a big one.
  - **Anne Whittington (Port):** MAQIP comes out of 4.4-3 which was in the EIR adopted 2002. Port has been working from MAQIP.
  - **David Vintze (BAAQMD):** 4.4-3 says the program needs to be updated every three years.
  - **Anne Whittington (Port):** The Port has been doing that.
  - **Richard Grow (EPA):** Is there need for a parallel discussion?
  - **Fred Blackwell:** There are other developers—the recyclers and the AMS developer—who will have to join the discussion.

- **Brian Beveridge (WOEIP):** On slide 16 why is the Truck Management Plan not relevant until vertical development? Traffic and emissions during construction would go into a TMP.
  - **Brad Edgar (44 Energy Tech):** There is a TMP for the construction phase.
  - **Maile Smith (Northgate):** It's part of the Project Manual under Appendix D and F.
  - **Ray Kidd (West Oakland resident):** General question about the horizontal development. When will infrastructure in the North Gateway be ready for the recyclers?
  - **Jim Heilbronner (Architectural Dimensions):** Two and a half years away before they can start construction. The biggest work is to realign Wake Avenue.
  - **Fred Blackwell:** There's also no deal yet.
4. **Margaret Gordon (WOEIP):** Recommended an ad hoc committee to discuss topics and to set aside at least 2.5 hours for the next meeting. Also recommended having a pre-meet on governance.
- **Jim Heilbronner (Architectural Dimensions):** Shall we schedule the next quarterly meeting now and have it in mid January?
  - *Consensus that the next quarterly meeting will be January 15 at 1:00 pm.*
  - **Margaret Gordon (WOEIP):** Wanted to lead the ad hoc committee to determine the agenda. Proposed having the meeting at WOEIP 349 Mandela.
  - **Fred Blackwell:** Stated that the City can't turn the process over to Margaret. Will circle back after speaking with staff. Then asked who would be part of the ad hoc committee.
  - *One interested stakeholder from each group to consider the agenda. Richard Grow said he would take part.*
  - *The ad hoc meeting was set for October 16 at 1:00 pm.*
5. **Topics and process to be discussed at the October 16 meeting**

**Oakland Army Base Air Quality and Trucking Plans  
Ad Hoc Committee Meeting  
Fox Conference Room, 250 Frank Ogawa Plaza, Oakland  
October 16, 2013, 1:00 p.m. to 2:30 p.m.**

The following represents a summary/paraphrase of key comments (not detailed minutes). The meeting attendance sheet is provided as an attachment.

Hui Wang: Opened the meeting.

Brian Beveridge (WOEIP): Distributed a handout "OAB EIR Stakeholder's Group. Development Notes," which contained a list of topics WOEIP wanted to discuss.

Hui Wang: Noted that the focus of the meeting at hand is not the OAB EIR but the implementation of the Standard Conditions of Approval/Mitigation Monitoring and Reporting Program (SCA/MMRP) which came out of the Initial Study/Addendum (IS/Addendum) to the EIR.

Richard Grow (EPA Volunteer): **What does the SCA/MMRP cover? Does it include Port development?**

Anne Whittington (Port): Gave a brief history of the Army Base CEQA documents. The 2002 EIR was prepared for the Oakland Army Base Redevelopment Project Area, which encompassed a much larger area than the 2012 Oakland Army Base (OARB) Project that was the focus of the IS/Addendum. The 2012 OARB Project area only includes the City and Port-owned portions of the Army Base (the area outlined in Figure 1-2 of the IS/Addendum). MAQIP came out of Mitigation 4.4-3.

Brian Beveridge (WOEIP): Then there are other sets of documents not in the SCA/MMRP?

Anne Whittington (Port): The Port adopted the SCA/MMRP which includes Mitigation 4.4-3.

Richard Grow (EPA Volunteer): Does the Air Quality stakeholders group deal with all of the Army Base or with three different groups?

Robert Selna (Development Team): The plans (that are required by the SCA/MMRP and the subject of these meetings) apply to the entire Army Base and cover the City's horizontal (infrastructure) project and the developer's vertical project.

Anne Whittington (Port): The Port adopted the SCA/MMRP, so it applies to Port construction.

Anna Lee (ACPHD): The SCA/MMRP doesn't include the MAQIP. Isn't that a separate Port document?

Anne Whittington (Port): Years ago the 2002 EIR required certain cultural, truck management, and diesel reduction mitigations. These were to occur with development. The Port moved ahead with the truck management plan and diesel reduction because of cargo throughput. The MAQIP is a mitigation measure that applies to the entire seaport area.

Anna Lee (ACPHD): It would be helpful to talk about the Port and the City including MAQIP.

Anne Whittington (Port): The Port adopted MAQIP in 2009 and is required to report back periodically to the public. Since adoption, there has been a 70% drop in emissions.

Brian Beveridge (WOEIP): Suggested forming a governance committee instead of an ad hoc committee to set the agenda for the next meeting.

Robert Selna (Development Team): Isn't the purpose of this meeting to come up with proposals for the next agenda?

Richard Grow (EPA Volunteer): Margaret Gordon suggested topics for the last meeting and they weren't included on that agenda.

Hui Wang: Most of her suggestions were on the agenda—just reworded and reorganized. There was an update on the Air Quality Plan that was distributed in July and review of the project timeline. The structure of the meetings is determined by the mitigation PO-1 which Council added by resolution to the SCA/MMRPs. One item that was not discussed was City staffing. That didn't seem germane to the quarterly meetings.

Robyn Hodges (West Oakland resident): Who gets to determine what's germane?

Robert Selna (Development Team): There wasn't a subcommittee to discuss the first agenda. We went by the resolution.

Richard Grow (EPA Volunteer): Fred didn't go through the agenda. We should have talked about the resolution.

Robert Selna (Development Team): The resolution says the City is to host these meetings.

Brian Beveridge (WOEIP): There's no implication that the City sets the agenda. These meetings should be collaborative.

Anne Whittington (Port): At the last meeting Fred said he is willing to listen to items requested, but he is not willing to turn over the City's responsibility for the meeting.

Margaret Gordon (WOEIP): Who's chairing these meetings?

Brian Beveridge (WOEIP): Nobody is chairing this one. Fred and Doug aren't here. That's a reason to have a discussion about co-chairs and governance.

Richard Grow (EPA Volunteer): The regional administration looks to the City for answers but the developer answers for the City.

Robert Selna (Development Team): The developer is the City's agent for the horizontal development and therefore speaks for the City for technical matters related to horizontal development.

Jessica Dervin-Ackerman (Sierra Club): I propose that Brian facilitate this discussion and follow his handout.

*There were no objections to Brian Beveridge facilitating the meeting.*

Brian Beveridge (WOEIP): Changed the wording of the first topic in the handout from "Governance requirements" to "Governance items for consideration." Among items for consideration are co-chairs. This is not about power but inclusivity. Members of the stakeholder group should co-chair and set the agenda for the quarterly meetings.

Margaret Gordon (WOEIP): If there's no reply to what we talk about and we're just here to listen to the developer, there's no reason to be here. It's one-sided.

Brian Beveridge (WOEIP): How will meetings be handled?

Robyn Hodges (West Oakland resident): There should be a timetable for when we can expect to receive documents for distribution. It shouldn't be right before a meeting. There should be enough time to digest the materials.

Brian Beveridge (WOEIP): Is there a unified vision in the SCA/MMRP? The only unified document is the EIR.

Anne Whittington (Port): The Port and City met for a year to define the project for the addendum to the EIR. It was a coordinated effort that resulted in the SCA/MMRP. The City has sturdy standard conditions of approval for building. There's not a lot of wiggle room in them.

Brian Beveridge (WOEIP): Is the SCA/MMRP synonymous with the EIR?

Anne Whittington (Port): They're mitigations required by the EIR.

Brian Beveridge (WOEIP): If there are questions, who gets them at the Port?

Anne Whittington (Port): Send the questions to me.

Margaret Gordon (WOEIP): Who's going to be out at the site?

Anne Whittington: Stated the Port personnel who are ensuring compliance.

Robert Selna (Development Team): Stated that the City also had compliance personnel.

Brian Beveridge (WOEIP): Who are the key people?

Hui Wang: Doug Cole is the project manager for the City.

Brian Beveridge (WOEIP): Doug's not here. Define a point of contact with an active role. Should questions go to Doug when it's the developer who answers?

Robert Selna (Development Team): That's done in an effort to give the best answer. Doug has an overview of the project but someone on the developer team will know the details.

Anna Lee (ACPHD): Who's the point person now that Alisa is gone?

Hui Wang: That would be me for these meetings

Robyn Hodges (West Oakland resident): When can we expect the minutes from this meeting?

Hui Wang: Before the next meeting, but not immediately after this one.

Anne Whittington (Port): I suggest that stakeholders with information to share with the group forward electronic files to Hui for distribution.

Brian Beveridge (WOEIP): What's the difference between the City and agent?

Margaret Gordon (WOEIP): We need a flow chart of who, what, why, showing accountability as soon as possible. What's the role of the developer, of Fred?

Brian Beveridge (WOEIP): Include MAQIP.

Anne Whittington (Port): MAQIP applies to Port operations. That plan has already been developed.

Richard Grow (EPA Volunteer): Does it apply this project?

Anne Whittington (Port): It applies to the total throughput of the seaport.

Alison Kirk (BAAQMD): Is MAQIP what the Port will do in its entirety for 4.4-3? You can't use grant funds to fund mitigations that are required.

Anne Whittington (Port): MAQIP is a forum for pushing for pollutant reduction.

Alison Kirk (BAAQMD): Is there a list of things that are to be done for the Army Base?

Anne Whittington (Port): The goal is to mitigate the movement of 4 million TEUs.

Alison Kirk (BAAQMD): Can the Port tell us the mitigations that apply to this project?

Anne Whittington (Port): There's the physical area of the Army Base and the physical building in that area. Then there's cargo throughput which focuses on the amount of goods moving through.

Alison Kirk (BAAQMD): What under MAQIP mitigates this project? It's confusing what's in the 2002 EIR and what's in the 2012 addendum.

Margaret Gordon (WOEIP): The area from the Bay Bridge to Jack London Square was the whole area for emission inventory. That was the area MAQIP covered. How was the baby cut up with the addendum? On one side is MAQIP. On the other side is the City. Where is the split? Does MAQIP get split?

Anne Whittington (Port): The inventory had not contemplated maritime activity on the City side, although now there will be.

Brian Beveridge (WOEIP): I'm hearing that MAQIP is a response to a mitigation at the Army Base and MAQIP is a framework for planning. How is it a mitigation if it's a framework? Clarify how MAQIP fits in the conversation for SCA/MMRP plans that aren't created yet? Answer how the City and Port will work to implement the EIR? We're told that everything about MAQIP is on the website. We're looking for data from the City.

Robyn Hodges (West Oakland resident): In addition to Margaret's flow chart, include as an agenda item for the next meeting linkages to see who dropped what where.

Richard Grow (EPA Volunteer): My frustration with the last meeting was there wasn't enough time for discussion.

Brian Beveridge (WOEIP): Suggested a fixed meeting schedule.

Robert Selna (Development Team): Suggested picking a day in the first or second week of the month.

*The next quarterly meeting is already scheduled for January 15, 2014, a Wednesday. For consideration – keeping the meetings on a second Wednesday.*

Brian Beveridge (WOEIP): Raised the issue of having a co-chair committee to co-chair the quarterly meetings.

Anne Whittington (Port): Fred ran the last meeting. Shouldn't we get his buy-in first?

Richard Grow (EPA Volunteer): The City Council twice asked Brian if he got what he wanted.

Margaret Gordon (WOEIP): If the developer is an agent of the City, is the developer a co-chair now. You need to clarify this.

Brian Beveridge (WOEIP): Where does the City end and the developer begin? What responsibilities are passed off to the developer? What obligations remain with the City? Does the developer get a seat or is the developer staff?

Robert Selna (Development Team): That's a question that is best answered by an attorney. The resolution requires the City and developer to co-host these meetings.

Robyn Hodges (West Oakland resident): If the City and developer are co-chairs, what is the community's role?

Brian Beveridge (WOEIP): We need an interpretation of "host." I make a recommendation that the community be an equal co-chair and have an equal voice.

Richard Grow (EPA Volunteer): We want a response to the recommendation before the next meeting.

Brian Beveridge (WOEIP): Is the 45-day notice period an interactive period?

Robert Selna (Development Team): Went over the requirements of MM PO-1. The City and developer shall engage the public in the development of a number of subject plans related to air quality and trucking. The party responsible for the preparation of the plan shall provide at least 45 days advance notice that the plan will be ready for review.

Margaret Gordon (WOEIP): In these air quality plans, do they include noise?

Brian Beveridge (WOEIP): They only pertain to air quality.

Anna Lee (ACPHD): There should be a stakeholder meeting to discuss (noise?).

Robyn Hodges (West Oakland resident): Where would SWPPP fall in the plans?

Robert Selna (Development Team): The plans have vague titles. For example, truck management plan sounds like it applies to the trucking that is happening during the horizontal phase, when it is actually referring to the final trucking plan once vertical is done and there are new operations there. Trucking for the horizontal was discussed in the construction management plan.

Robyn Hodges (West Oakland resident): Someone at the last meeting brought up truck travel.

Richard Grow (EPA Volunteer): I expect to see a discussion of the 80,000 truck trips. Those weren't previously referenced.

Brian Beveridge (WOEIP): How will we know if comments have been incorporated into the plans? What's the timing for a response?

Robyn Hodges (West Oakland resident): Is the 17 day comment period set in stone?

Brian Beveridge (WOEIP): It seems like it is.

Robert Selna (Development Team): 17 days is a City standard for the time allotted for review and comment and that was applied to this process.

Alison Kirk (BAAQMD): 17 days seems fair for public comment and City response. But the response should be made public prior to passing the plan.

Hector Castenada (CARB): Just to clarify—the 45 day notice is to let us know that a plan will be coming out, and then once the plan is available, there's 17 days to comment.

Brian Beveridge (WOEIP): Is it reasonable to recommend a public dialog between the regulatory agencies and the committee prior to the review period—a non-binding comment period?

Robyn Hodges (West Oakland resident): I recommend that WOCAG work with the co-chairs on a preview.

Anna Lee (ACPHD): We need a presentation on the plans.

*The items were proposed for the next agenda:*

- Clarify City staffing*
- Governance*
- Construction update*
- Flowchart*
- Description of plans*
- Planned development schedule*
- General reporting back*

Margaret Gordon (WOEIP): Distinguish between the master developer as the City agent and as the developer and the community's role.

Richard Grow (EPA Volunteer): Report back on this meeting before January 15.

Brian Beveridge (WOEIP): We don't need a review of the Construction Management Plan but we want clarification of the truck trips.

**Minutes**  
**First Quarterly Air Quality and Trucking Plans Meeting**  
**Hearing Room 3, City Hall, Oakland**  
**January 15, 2014, 1:30 p.m. to 4:30 p.m.**

The following represents a summary/paraphrase of key comments (not detailed minutes). The meeting attendance sheet is provided as an attachment.

**Summary of stakeholder requests:**

**Item 3:** Information from the Port about (1) its community benefits program and local hiring/contracting policies; and (2) web links to the Port's OAB development

**Item 4:** Governance meeting with Fred Blackwell

Contacts for truck complaints or inquiries to City staff

Outline of operations plan and project schedule, ideas on near and long term mitigations for operations

Interagency work group to preview plans for the stakeholder group

**Item 5:** Air Quality Monitoring report – include an acronym definitions list, use larger type, exclude hourly data, explain how to read AQM report

Air Quality Monitoring app

Quarterly/semi-annual presentation to WOCAG

Access to project schedules and information about construction activity

Emissions analysis for soil import by truck, barge, or rail

Mailer/flyer with information about truck routes, idling rules, contact numbers distributed to West Oakland residents

Information about the number of trucks in compliance with CARB, number exempt

Process for disseminating information to truckers

Answer about resequencing the project

1. & 2. **Doug Cole** opened the meeting by stating that he would be chairing the meeting in lieu of **Fred Blackwell** who was unable to attend. **Doug** then reviewed the agenda. It was his understanding that the agenda came out of the October ad hoc committee meeting 2013.
  
3. **Doug Cole** gave a brief overview of the City's infrastructure project to give the community a better understanding of the project. The overview included the development partners, project boundaries, phases, and phasing components. He then went over an organization chart, which showed the relationship between the City and Master Developer, the parties involved, and their roles. He emphasized that the City and Port developments are two separate projects and the Port would give a brief overview of its project and organizational structure.
  - **Margaret Gordon (WOEIP):** What does this have to do with air quality? If the Port is here to talk about their infrastructure, that's ok, but the Port should have a separate process. When we went to City Council, we asked about the Oakland Global project. We didn't ask about the Port project. I don't want the two to get confused.

- **Darin Ranelletti** explained that the overview will help those less familiar with the City's project understand the project scope.
- **David Vintze (BAAQMD)** asked if a copy of Doug's PowerPoint were available.
- **Brian Beveridge (WOEIP):** Is the Port operating under the same set of SCA/MMRPs? Is this body looking at the two sides as far as oversight? What's the oversight structure beyond air?
- **Anne Whittington (Port):** The Port adopted the same SCA/MMRPs as the City. In July 2013, as part of the development agreement with the master developer, the City Council adopted three more measures—two apply only to the City and the third was in the original set of MMRPs, but had been overlooked. One of the two City-only measures parallels a Port measure. The second City-only measure requires stakeholder meetings for air quality related plans. The Port Board didn't consider this second measure. The Port is here as a stakeholder.
- **Darin Ranelletti:** This process only applies to the City project.
- **Brian Beveridge (WOEIP):** What's the oversight beyond air?
- **Darin Ranelletti:** The SCA encompasses other topics. Typically there is no public review for how the SCAs will be met. But for this project, the City Council required a public process for measures relating to air. That requirement hasn't been extended yet to other topic areas.
- **Brian Beveridge (WOEIP):** Will there be a public paper trail for compliance?
- **Doug Cole:** The SCA is part of a contract. There is a compliance monitor and record of actions.
- **Brian Beveridge (WOEIP):** Is that a public record?
- **Doug Cole:** Yes.
- **Anne Whittington:** For the deconstruction of warehouses, the Port submitted to the Board a report which listed required measures, actions taken, including visits, and statistics. For example, there's a wind instrument that measures wind velocity. When the wind hits 20 mph, work stops. Those kinds of actions are in the report.
- **Margaret Gordon (WOEIP):** Two questions. Is CCIG an agent of the City or an agent of the project?
- **Doug Cole:** CCIG is an agent of the City for the project.
- **Margaret Gordon:** Does the City also have an instrument recording the wind and is it reported out?
- **Jim Heilbronner (Architectural Dimensions):** There's a monitor at the West Gateway and we have a similar requirement to stop work if wind speeds reach 20 mph. There are daily reports available online.

**Anne Whittington** gave an overview of the Port's organization and development project.

- **Margaret Gordon (WOEIP):** (Referring to the Port's org chart) What community benefits does the Port provide?
- **Anne Whittington (Port):** I'll have to get back to you on that.
- **Margaret Gordon (WOEIP):** It's disingenuous to bring up something and not have any information on it.
- **Anne Whittington (Port):** I'll get back to you on the community benefits and local hiring and contracting.

- **Margaret Gordon (WOEIP):** We're here for the Oakland Global project. The Port is a separate project so there should be a separate process for the Port and separate oversight.
- **Anna Lee (ACPHD):** I would like to understand the Port's project more and also form a process around the Port. Can we get a timeline for the project? I know it's currently being built out, but what's the timeline for the different components. Where can the public get information on the Port project? Can you send a link for the information?
- **David Vintze (BAAQMD):** Are there any projects that haven't already been approved by the Port Commission?
- **Anne Whittington (Port):** All the projects described were contemplated by the 2002 EIR and updated in the 2012 Initial Study/Addendum to reflect reduced rail and added maritime support. Nothing required additional CEQA.

4. **Darin Ranelletti:** Out of the October meeting was expressed an interest to talk about the structure and process for the quarterly meetings at this meeting. Before getting into that discussion, it'll be helpful to go over the framework for the stakeholder process. (Referred to handouts with text of MM PO-1 of the SCA/MMRP and flow chart.) There are two main components—stakeholder review of the Air Quality plans and stakeholder meetings which inform review of the plans. The framework doesn't speak to decisions, but the exchange of information and dialog about concerns. At the October agenda setting meeting, there were issues raised about meeting chairs, the structure of these meetings, how information was recorded and transmitted. We can talk about those issues today and how you feel the October meeting went.

- **Margaret Gordon (WOEIP):** I asked to talk about the governance structure six months ago in August six months. If we had the meeting then we wouldn't have to be talking about it now. I'm looking for transparency in how the meetings are being held. Are we following Robert's Rules? How are we meeting between quarterly meetings? Will we have committees to do some work? Who are the chairs? Will the City always be the voice? What if the community wants a PowerPoint? It's not clarified. Is this process collaborative or by consensus?
- **Darin Ranelletti:** Do you have an opinion or recommendation?
- **Margaret Gordon (WOEIP):** I'm just putting it out there. Are we working on the Robert's Rules model or a collaborative model? If nobody cares, that's cool.
- **Brian Beveridge (WOEIP):** I would suggest as a basis of discussion how did today's agenda get constructed? How did we get to where we are now?
- **Darin Ranelletti:** I wasn't at the October meeting, but Hui took some good notes, which included a list of agenda items. Was it not correct?
- **Brian Beveridge (WOEIP):** I'm not saying that there's anything good or bad about the agenda, but commenting on the process. Without making it more complicated, I suggest that at the end of this meeting that everyone look back on their notes and suggest things that might be appropriate for the next agenda. That way everyone can have input without adding layers.
- **Hui Wang** went over the process for arriving at the agenda. The agenda items came out of the October meeting and were in the minutes which she sent to all the October attendees.

Robyn Hodges sent an email with a proposed agenda based on the topics raised at the meeting. Staff shifted some of the topics around for flow, but otherwise followed Robyn's proposed agenda.

- **Doug Cole:** If there are members of the group who attended the October meeting, could we hear how they felt.
- **Anne Whittington (Port):** From my notes of the October meeting, today's agenda reflects the items proposed at the meeting.
- **Richard Grow (EPA):** I thought the October meeting went well, but it all was translated into meeting notes. I hoped to hear back about governance before today. The report back was supposed to happen not today but before today.
- **Robyn Hodges (WOCAG):** My concern is the time to get an answer. It's not just a few days or weeks but months. There was a concise list of questions that disappeared and there was confusion about why there was a meeting. This structure is not working.
- **Doug Cole:** I thought October was an agenda setting meeting.
- **Margaret Gordon (WOEIP):** There's confusion about the purpose of the October meeting. In August I sent out a list of items to discuss at a pre-meet. It didn't happen. The September meeting was very one-sided. It was a lot of theory and technical information. So we asked for the October meeting to talk about governance. Who sets the dates for the quarterly meeting? What about co-chairs to determine the agenda for the next meeting? Governance requirements? Define the decision making methodology, reporting methods, who's the responsible staff? These are basic, fundamental things.
- **Rob Selna (ROJE):** In terms of the documents and to help clarify why we're here, Hui took extensive notes at the October meeting. She sent those out shortly after the meeting to everyone who attended and asked for comments. I have the minutes and they list the following items for today's meeting: clarify City staffing, governance, construction update, flowchart, description of plans (i.e., their content), planned development schedule, and general reporting back. So those were the agenda items that were in the minutes that everyone had the opportunity to weigh in on and which the City took for today's agenda, and that's why we're talking about the topics we're talking about today.
- **Brian Beveridge (WOEIP):** The only clarification I would make to that is the original request for the ad hoc committee was to discuss governance which includes agenda setting and other elements. It was disappointing that the Assistant City Administrator wasn't at the meeting since governance of this committee is at the will of the Assistant City Administrator. Some of what was in my list of questions was answered but others have not been. For instance staffing. What is the staff? Who do you call? Is it Hui? No one's said she's the point person. Maybe that can be answered today. As for today's discussion of governance, the City is asking if anyone has anything to say about it as opposed to the City's position on it.
- **Hui Wang:** We sent the minutes to Fred and asked how he wished to respond. The decision was to bring it back to the group, especially since we weren't sure what was meant by governance.
- **Brian Beveridge (WOEIP):** I think Margaret spelled it out. Who manages the meeting, how meetings are scheduled, structure rather than content is what we mean by governance.

- **Darin Ranelletti:** We're also hoping that if you have opinions or recommendations, today would be an opportunity to discuss those. I think one of the reasons why we didn't come and say this is how the meetings will be run is because we didn't want to impose a structure on the group.
- **Margaret Gordon (WOEIP):** We should table the governance item until Fred is here. But before going to the next item, everyone here should have a minute to say what they think governance should be. Only fair to get everyone's opinion, and after that table the item until Fred and staff and whoever else of the stakeholders have a meeting to flesh it out.
- **Anna Lee (ACPHD):** Besides the agenda and the question about co-chairs, out of the October meeting there was also the question about the timeline for feedback on the air quality plans. There was a recommendation to look at the plans during the 45-day notification period rather than just the 17-day review period so that gives everyone the opportunity to ask questions and be informed about the plan.
- **Darin Ranelletti:** Are you saying have a meeting during the public review of the plan?
- **Anna Lee (ACPHD):** Like we did for the Construction Plan, have a meeting so that people are able to ask questions about the plan and that marks the beginning of the review period.
- **Darin Ranelletti:** So you're saying have a meeting that sort of coincides those time periods.
- **Anna Lee (ACPHD):** Actually have the meeting before the plan is released.
- **Darin Ranelletti:** Last time we released the plan and the 17-day period flowed. We collected the comments and then at the meeting we said here was the plan, here were the comments, and then there was discussion.
- **Anna Lee (ACPHD):** It's just that 17 days is a very short period for agency review.
- **Darin Ranelletti:** So if we were able to line them up, you think that having the quarterly meeting timed at the beginning of the review period when you could get a presentation of the plan, you think that would make sense?
- **Anna Lee (ACPHD):** Well, even before that.
- **Darin Ranelletti:** As soon as possible.
- **Anna Lee (ACPHD):** As soon as possible.
- **Jai Jennifer (OMSS):** That makes a lot of sense from the standpoint of folks knowing what they are reviewing, then 17 days is more useful. This is my first meeting. I'm trying to understand the steps. You say the Air Quality Plan has been approved.
- **Darin Ranelletti:** The City Administrator approved it in September, and an informational report is scheduled for February.
- **Jai Jennifer (OMSS):** So is the process on the last page (of the handout) still relevant or is this how we offer input on future changes to the plan?
- **Darin Ranelletti:** The plan that has been discussed so far deals with the horizontal phase of the project. There will be future plans this group will be reviewing and discussing related to the vertical development. But that's going to be a few years out, so there's going to be a period between plans. Our thought was that in that time we could discuss how the plan is being followed or not followed.
- **David Vintze (BAAQMD):** I hope the City has some discretion on the review period. The 45-day notice seems strange. I forget things after two days. The 45-day notice and 17-day review period seem like they should be reversed.

- **Darin Ranelletti:** The way it came out was that at the Council hearing people were saying they wanted time but were concerned about being away during the 17-day review period. So the City Council said what if we gave you a heads up.
- **David Vintze (BAAQMD):** It would be helpful if the City could lengthen the 17-day review. The Construction Plan was a problem for us because of vacations and staff priority work. Normally the planning review period is 30-45 days. If there's anything you can do to lengthen that it would be greatly appreciated. It would be nice to be working with the City and Port in developing these plans and not just receiving them at the end. We'd much rather go to the City Council and congratulate staff on doing a great job. We can't say that about the Construction Plan. We'd appreciate it if the City would notify us when the final document is being submitted for approval so we can write a comment letter to the City Administrator stating whether or not we agree or disagree with the responses to our comments on the document. Also notify us when the plan will be on the City Council agenda. Under the text of the measure adopted by City Council, there're a whole bunch of plans related to air quality. Are these all going to be bundled up into one overall plan for operational emissions?
- **Jim Heilbronner (Architectural Dimensions):** All of the plans referenced in here were submitted to the City some time ago. The City has commented on them. Some were straightforward, some require more detail. These are not new plans.
- **Darin Ranelletti:** What we're calling the Air Quality Plan really addresses items on the bullet list that are construction related and are in this case consolidated. So instead of three separate plans for SCA Air-1, SCA Air-2, and SCA Trans-2, we have one plan. Moving forward when we look at say new buildings or operations, whether the plans will be consolidated or separate, we don't know yet.
- **David Vintze (BAAQMD):** It would be nice to get an overall outline of what the operations plans entail and maybe ideas on mitigations for the near term and long term. This is a project being built out over a long period of time. The mitigations that apply between now and 2015, 2017 might not apply 2020 and beyond. The plan should take into consideration the opportunity to update the mitigation strategies.
- **Darin Ranelletti:** Keep in mind that there may be different subcomponents of the operational phase and there may be individual operation air quality plans per component.
- **David Vintze (BAAQMD):** All I want to emphasize is that the more we can work together upfront the better off it's going to be.
- **Margaret Gordon (WOEIP):** Because governance hasn't been defined, how does the audience get to speak? I don't want to make up stuff as we go along. I want something concrete that everyone can adhere to. And we should have standing items on the agenda. Take permit updates. When are permits given, by what agency.
- **Robyn Hodges (WOCAG):** I agree with Margaret that Fred should be here. Governance for me is process and accountability. If this body wants to set some policy and Fred isn't here, who speaks for Fred? Who gets to say yea or nay? As for reporting, we need that for everybody else. If subcommittees become adopted because of a recommendation, who's reporting? Do they become a standing item on the agenda? Who's responsible for what? Who do we call with questions? We need a list or some sort of flow chart. I wouldn't know

from the org chart who to contact about trucking. It would be helpful to know who's accountable for what.

- **Darin Ranelletti:** Earlier you mentioned something about things taking too long. Could you talk more about that? Is it related to responses to emails and day to day stuff like that or bigger quarterly meeting issues?
- **Robyn Hodges (WOCAG):** At the beginning of the process, some questions were sent out but never came back. So we switched over to the agenda and we tried to construct a draft agenda out of the notes we had. But the questions are still out there. It's months later. Who's the direct person to go to?
- **Brian Beveridge (WOEIP):** Two suggestions. Sometimes it's hard to facilitate a meeting, take notes, and respond. Maybe these meeting should have a facilitator to keep track of the dialog, people in the queue and move us down the agenda. In the 45-day notice period, something that worked really well for MAQIP was an inter-agency work group. It doesn't have to be complex, just a formalized structure that says some time in the development period all the agencies come together across their specialties to hash out and discuss those issues that are in the dark until the plan is announced. It's not at the beginning where you really don't know where you're going with it and it's not at the end where there're only 17 days left. It's somewhere mid process. That allows us the community to talk to you to see what you think. To talk to these folks to see what they're feeling about it. Here's the three issues we're still concerned with. We don't have to have so much engagement because we're not in the dark all the way to the comment period. It can be a streamlined process if you just formalize the fact that your team gets together with a cross-jurisdictional team of regulators somewhere around day 15 of the 45-day period.
- **Jess Dervin-Ackermann (Sierra Club):** Are talking about (agenda item) number 4 in any order? I'd like more facilitation and talk about each item in order. That would be more helpful in making decisions.
- **Gene Hazzard (Community Member):** If CCIG is the agent, who is represented as the developer on this flow chart?
- **Doug Cole:** CCIG is the City's agent is for the horizontal improvements and the developer for the vertical improvements.
- **Gene Hazzard (Community Member):** Are they separate?
- **Doug Cole:** Yes, they're separate.
- **Darin Ranelletti:** Wrapping up item four, as Jess said, it was rather free form, but we heard a lot. Does the group expect that we come back at the next meeting with a proposal for the group to look at or do you want to not wait until then and have something to look at before then?
- **Richard Grow (EPA):** My suggestion would be that we have a meeting in a few weeks and the topic should be agenda setting and governance.
- **Darin Ranelletti:** To be clear so we don't make the same mistake as last time is the meeting purely an agenda setting or is it an opportunity to raise questions that will then be answered?
- **Richard Grow (EPA):** Raise questions for Fred to answer.

- **Darin Ranelletti:** So how is it different from this meeting? Is it just that we don't have to wait three months?
- **Brian Beveridge (WOEIP):** Going into the next quarterly meeting, we can use the structure that's set up. We can take the discussion we've had here and go into an ad hoc meeting and say these are the components we use for decision-making, agenda setting, facilitating, how we allow the public to participate. Let's just get it all into a structure document.
- **Darin Ranelletti:** Is the separate meeting on governance and these meetings on air quality?
- **Brian Beveridge (WOEIP):** We'll arrive at a format for holding these meetings and we'll move on and use the format.
- **Jess Dervin-Ackermann (Sierra Club):** These meetings are to discuss items like proposals that come up and that meeting to come up with a proposal for governance structure.
- **Darin Ranelletti:** Is the expectation that a decision will be made about the governance structure at that meeting or to bring whatever comes out of that meeting back to this group?
- **Jess Dervin-Ackerman (Sierra Club):** Yeah that's to make a proposal. People interested or have the time to do it can get together to put together that proposal and we can propose it to the rest of the group. This is a consensus process of how we govern ourselves.
- **Anne Whittington (Port):** Mitigation Measure PO-1 calls for quarterly meetings beginning September 2013 until the City Administrator has approved all the subject plans. The City Administrator approved the Air Quality Plan, so I'm a little confused. Has this moved on to be a broader discussion of community participation above and beyond just discussion of the plan? Does this mean there will be no more quarterly meetings because the air quality plan has been approved?
- **Darin Ranelletti:** There will be more meetings. We can talk about how the plans are or are not being implemented. We can give updates on the project, hear from stakeholders what they think is working or not working, and if we need to, make changes or refine the plans.
- **Anne Whittington (Port):** But there sounds like there's interest in discussing more than just the plans. Does anyone want to discuss something other than the plans or is the discussion of governance a way to approach the plans themselves?
- **Jess Dervin-Ackerman (Sierra Club):** Governance is how we interact with the plans. How we have an interactive conversation. It's how we get community feedback and understand what's going on.
- **Robyn Hodges (WOCAG):** I have other interests but it would depend on whether we got into subcommittees and the focus of the subcommittees.
- **Steve Lowe (WOCA):** I like Brian's suggestion to use MAQIP as a model for governance. It seems MAQIP will expand at some point, so the potential for merging this with that effort is important.
- **Tim Leong (Port):** A streamlined approach in terms of agenda setting would be perhaps to have one City representative, one community representative, one industry representative, one agency representative to set the agenda. Then it's up to that individual to report back to his constituents about what was discussed, so we don't get bogged down by an hour-long discussion of governance.

- **Ray Kidd (WOCAG):** I agree with Tim's suggestion. Having four co-chairs would have prevented a whole lot of discussion today.
- **Margaret Gordon (WOEIP):** Pat Cashman refused to have public participation. It's taken two years to get to this point. It would've been smoother if everybody acknowledged you need a public participation process.
- **Doug Cole:** We'll set up a meeting with Fred and the group—a smaller group. Can I see who wants to be represented at that meeting?
- **Anne Whittington (Port):** The whole room wants to be represented.
- **Libby Stahl (IMPACT):** You should divide it up into the groups. You got the construction, the City, the agencies, the neighborhood, the tenants. That's all you need—one person from each of those groups.
- **Darin Ranelletti:** We'll follow up with the groups separately and figure out if someone can appoint a representative. Does that make sense?
- **Jai Jennifer (OMSS):** I'm not sure what the threshold is, but going forward for the vertical, it would be great to have all the developers contemplated in the Army Base Project be privy to these meetings.
- **Doug Cole:** That's fine, but the discussions have been more focused on the horizontal.

5c. **Mark McClure (CCIG)** explained we would start with 5b and 5c. He introduced Maile Smith to talk about air monitoring.

- **Maile Smith (Northgate)** differentiated the air quality plans required under the SCA/MMRPs and the air quality monitoring program that's part of the community benefits agreement. Data from three PM2.5 monitors set up for the project plus an existing BAAQMD monitor are collected every hour on a 24/7 basis. This information is available in real time on the Oakland Global web portal. There're also a meteorological monitor and a carbon monitor. Data from the carbon monitor goes to an outside lab and so is not available in real time on the web portal. The monitoring report (handed out to the stakeholders) show 14 days in the third quarter of 2013 when air quality exceeded EPA thresholds. Exceedances correlated with regional air quality issues. 12 of the exceedance days were Spare the Air days. All the air monitors track closely. In the air quality program are provisions for consultation with BAAQMD when we start to see exceedances of EPA thresholds. The prompt is three exceedances in a single week at one of the West Oakland stations—Raimondi Park and Prescott Elementary. On December 18, we talked to BAAQMD about reasons for the exceedances—Spare the Air, fire at a recycling facility, shift in wind direction. Also discussed whether construction activity might have had an impact.
- **Jim Heilbronner (Architectural Dimensions):** There was actually very little construction activity for the 12 weeks that are reported.
- **Mark McClure (CCIG):** If you're looking at the infrastructure as both the City and the Port, there was some grading activity on the Port side.
- **Tim Leong (Port):** There's a little but it was down wind.
- **Anne Whittington (Port):** That would have shown in AQM 2 not 1.
- **Maile Smith (Northgate):** For the days we did have exceedances, we included a wind rose so you can go back and check to see how the Port was situated with our monitors. To clarify,

- this monitoring program just covers the City's construction activities, so you would have to contact the Port for what the Port was doing during the same time period. We did include a summary of the City's construction activities during this quarter and also included as an exhibit is what Scott will be presenting—an overview of the construction activities on a project drawing and a look ahead for what's going to coming up in the next quarter. Our threshold is also 20 mph. If the average daily wind speed is above 20 mph, grading and demolition stops. Also if visible dust can't be controlled, construction is shut down.
- **Margaret Gordon (WOEIP):** The type is too small and where are the definitions for the acronyms?
  - **Maile Smith (Northgate):** They're defined in the first use of the document.
  - **Margaret Gordon (WOEIP):** There should be a list of definitions instead.
  - **Maile Smith (Northgate):** That can be included in the next document.
  - **Anne Whittington (Port):** I don't know if people like to have the numbers or links to the data online.
  - **Maile Smith (Northgate):** The data's all online available for download. The web address is right in the intro to the report.
  - **Margaret Gordon (WOEIP):** The staff, the team could take some notes from MAQIP. That might help streamline some of this stuff and working with multiple layers of stakeholders.
  - **Robyn Hodges (WOCAG):** Two questions—first restating my request for an app for those who will not search the website for this information. Did anybody look into my app so they can get the data in real time? There are those in the community who are not going to go on your website?
  - **Jim Heilbronner (Architectural Dimensions):** You can get the website on your phone.
  - **Robyn Hodges (WOCAG):** I can, but there are parts of the community that they're not going to navigate through your website. They're not going to search through it, but they're going to take that app and get that real time information. The second thing is has there been any consideration for quarterly or semi-annual reporting to WOCAG about the monitoring and about the data collection? If you do not have that on your list, would you put that on your list because they are a meaningful community body?
  - **Jim Heilbronner (Architectural Dimensions):** We can do quarterly presentations.
  - **Libby Stahl (IMPACT):** Does the grading at the rail get picked up by the monitors?
  - **Jim Heilbronner (Architectural Dimensions):** The air monitors were placed after consultation with BAAQMD. BAAQMD has one monitor in West Oakland and we set up three, so there are four monitors. Any activity with emissions—including vehicles at the Port, traffic on 880—will be picked up by the monitors.
  - **Libby Stahl (IMPACT):** Which one is picking it up.
  - **Jim Heilbronner (Architectural Dimensions):** It depends on the wind.
  - **Anne Whittington (Port):** Looking at the wind roses, on the 17<sup>th</sup> and the 13<sup>th</sup>, there was some wind coming from the east where there's Port activity, but pretty much everything else is coming from probably the Bay Bridge.
  - **Tim Leong (Port):** To streamline future meetings, perhaps Dave or Alison could give a one paragraph summary of what their review was. That would address Margaret's issue of

- having to look on page 532 of whatever to find text and just say “We’ve reviewed this and this is what we thought happened...”
- **Jim Heilbronner (Architectural Dimensions):** There’s a summary in the report that Northgate provided. Take some time to read through it. It’s not that long.
  - **Brian Beveridge (WOEIP):** Maybe at one of these meetings, you could teach us how to read it the most effective way.
  - **Bill Aboudi (OMSS):** Since you have everything on the website, could you include the construction activities. It’s very confusing out there. I don’t know who’s doing what.
  - **Jim Heilbronner (Architectural Dimensions):** Are you on the subject of the air monitors?
  - **Anne Whittington (Port):** I think he wants to correlate the construction activities with the readings.
  - **Jim Heilbronners (Architectural Dimensions):** For construction activities there’s a total project schedule and there’s a look ahead schedule.
  - **Scott Erwin (TTGF):** We publish a weekly schedule for the City’s project which goes to Doug. It could be posted someplace and people could download it.
  - **Jim Heilbronner (Architectural Dimensions):** The schedule is not general, but rather specific about how things move over days of time. Difficult to pinpoint all these things, because Ports America activity also feeds into the monitors.
  - **Bill Aboudi (OMSS):** Who’s on 14<sup>th</sup> and Maritime today?
  - **Jim Heilbronner (Architectural Dimensions):** Morrow Meadows.
  - **Bill Aboudi (OMSS):** They’re doing a portion of the work, but someone else is coming back to do another portion. It makes no sense. Us understanding the coordination of the work will cut down on a lot of the confusion out there.
  - **Jim Heilbronner (Architectural Dimensions):** We’re finally set up and have an operations center. Our intention is to have meetings with neighbors every so often. We haven’t figured out how often. But construction isn’t at a high pitch yet.
  - **Bill Aboudi (OMSS):** If the schedules are there, I’d like to ask the City to post them. The one I received was very helpful to know what’s going on in our neighborhood.
  - **Steve Lowe (WOCA):** This app that Robyn is proposing would be a good deal. It would be an instant way of checking up for anybody. No?
  - **Jim Heilbronner (Architectural Dimensions):** Yeah. We’re just looking for the money to write it.
  - **Steve Lowe (WOCA):** There’s a guy who’s proposed a Port website.
  - **Robyn Hodges (WOCAG):** PortTime dot com.
  - **Steve Lowe (WOCA):** Let’s dig that guy up and see if we can’t get that done.
  - **Brian Beveridge (WOEIP):** I wasn’t being facetious about a lesson in how to read these reports. Here’s where to go and look. Don’t worry about all this stuff. Read the stuff on these pages to know what’s going on. If all this data is online, I don’t need it as a printout. Maybe we can see a construction activity overlay.
  - **Jim Heilbronner (Architectural Dimensions):** We cannot build a graph that isolates activity when everything goes into the same air.
  - **Mark McClure (CCIG):** I think what he’s talking about is once you have that graph, if you have columns of the construction activities overlaid on there so that the ups and downs of

- the construction correlate with the air quality, you could then have some perspective that on if this is happening on this day...
- **Maile Smith (Northgate):** It's a mix of qualitative and quantitative data, which is a problem. I understand you want to be able to correlate what's happening in the region with the exceedances.
  - **Brian Beveridge (WOEIP):** If in the middle of this thing, there were no exceedances and you guys are moving dirt around, I could say it wasn't them.
  - **Darin Ranelletti:** I think Jim's point is if we're just putting the project there, there might be a tendency to say well it was because the project was doing that grading, but there could be something that happened on the bridge.
  - **Maile Smith (Northgate):** These are ambient air quality monitors in the West Oakland community, so they're not project specific or point source monitors.
  - **David Vintze (BAAQMD):** This monitoring program isn't going to tell you if there is construction activity showing up. It's not that fine grained. You would need a lot more monitors out there. You could draw some qualitative decisions. Say the monitors in West Oakland are spiking and the rest of the monitors in the Bay Area aren't spiking, and then they have activity reports that show a lot of equipment working that day. Qualitatively, you could say maybe that was it. You don't know necessarily if that was coming from the bridge or the freeway.
  - **Jim Heilbronner (Architectural Dimensions):** A good example is the forthcoming demolition of the bridge which will generate a lot of truck traffic which doesn't exist right now. It'll be coming through the site in part. That'll be picked up.
  - **Maile Smith (Northgate):** The exceedances were all over the region.
  - **Jai Jennifer (OMSS):** I just want to be sure we don't throw it all on trucks.
  - **Jim Heilbronner (Architectural Dimensions):** It's a micro-regional thing that we're actually monitoring here.
  - **Brian Beveridge (WOEIP):** Figure 3 doesn't show exceedances for the West Oakland station.
  - **Maile Smith (Northgate):** I'm not sure that you're reading the chart correctly. There were exceedances at the Air District's West Oakland station.
  - **Jim Heilbronner (Architectural Dimensions):** If you look at the four monitors over time you'll start to see a consistent pattern.
  - **Maile Smith (Northgate):** I would advise also looking at the Air District's website about winter Spare the Air Days.
  - **Anna Lee (ACPHD):** Can you explain why the Prescott monitoring started in November?
  - **Maile Smith (Northgate):** There were staggered starts because we had to get access agreements and then build them out. The Prescott monitor required additional access agreements. Also once that station was built out we weren't able to meet our calibration controls. There were some dates when there was an equipment fault, so those dates should be blank. If need be, I'll send out a replacement page for that.
  - **Jess Dervin-Ackerman (Sierra Club):** Who wants the day-to-day data?
  - **Anne Whittington (Port):** I can do without Appendix A and B. The wind roses are great.
  - **Maile Smith (Northgate):** The reports are also available electronically, so they don't have to be printed out at all.



- **Brian Beveridge (WOEIP):** The charts and graphs are fine.
- **Jai Jennifer (OMSS):** Appendix C is useful.

5b. **Mark McClure (CCIG)** introduced Scott Erwin to talk about the decal program and schedule.

- **Scott Erwin (TTGF)** described the voluntary decal program that will be instituted. It will identify trucks that have been pre-screened before they come to the project. Decals will go on the side of the trucks. They'll be documented and have a number associated with them. Gatekeepers would track trucks coming into the site. Decals will be pretty visible. If a truck doesn't have a decal, it will still have to have the certification that it's CARB compliant. We already track CARB compliance and put it in our weekly records. This program makes compliance more visible to third parties. There'll be different color stickers for each year. Our project will require a lot of import dirt trucks coming onto the site. There are about 300 plus haulers in the Bay Area. We can't handpick who's coming to the site. With the voluntary decal on the side of their cab, we have the ability to be flexible with what trucks do get dispatched to the site.
- **Margaret Gordon (WOEIP):** Why aren't you working in concert with CARB with the decals? Why are you doing something separate when these agencies have a decal program? And by "voluntary" does that mean someone can slip in under the radar cause you're in a hurry to get stuff done?
- **Scott Erwin (TTGF):** It's not a regulation today to do this program. We are as a team voluntarily doing this to help compliance with our SCA/MMRPs.
- **Momina Jalil (TTGF):** I think Margaret's question is are we going to be providing these stickers and saying these trucks are meeting requirements. The state requires these trucks to meet the emissions requirements. What this program does is for truckers on our side to say yes we have ensured that they are meeting CARB regulations. And to do that the City requested a voluntary decal program. We can't force our truckers to put stickers on their vehicles. The program is so everyone can see we are making sure the truckers are in compliance.
- **Margaret Gordon (WOEIP):** Then my questions should go to the City why aren't we working with CARB.
- **Doug Cole:** We had a lengthy discussion at the last meeting why we can't make this a mandatory program. It would have to be implemented voluntarily and there was consensus around the reasons for that. So our agent put together a proposal. We're open to hearing about things that could make it better with the understanding that we can't make it mandatory.
- **David Vintze (BAAQMD):** This just identifies trucks that are compliant with CARB, but it doesn't get additional emission reductions.
- **Scott Erwin (TTGF):** It ensures compliance.
- **Mark McClure (CCIG):** It also makes truckers aware of BAAQMD's grant program to upgrade trucks. Part of the orientation.
- **David Vintze (BAAQMD):** That's great if you can encourage them to come into some sort of incentive program. Can you show some type of preferences and contracts to people that exceed the CARB rules early on? We still want to push for greater reduction that's consistent



with the vision that was stated for the Oakland Army Base that this place was going to be the poster child of green technology.

- **Darin Ranelletti:** The sticker program also works to incentivize small fleets. Because of its easier access to the site, they may choose to do that.
- **David Vintze (BAAQMD):** The smaller truck between now and 2017 don't have to diesel particulate traps or anything. I appreciate getting the word out there about our incentive program, but there'll still be a lot of trucks going into the neighborhoods that don't have traps on them.
- **Robyn Hodges(WOCAG):** If a truck is in the neighborhood and it's gone around the block five times and it's not compliant, who do I report it to? Do I report it to you or to the City?
- **Mark McClure (CCIG):** There's another level to that. We have a compliance officer that can field calls. The City has a staff person. But then there's enforcement. The question is who's going to be issuing citations. Without an enforcement mechanism, the compliance is going to be weaker. We need some kind of municipal enforcement.
- **Jai Jennifer (OMSS):** We have to be careful who holds the policing powers and gets to decide who enters the Port or not and what trucks are in compliance. If they have a CARB sticker, they're already on board.
- **Mark McClure (CCIG):** I was talking about going into the neighborhood, not going into the Port.
- **Robyn Hodges (WOCAG):** Have you developed a truck route?
- **Scott Erwin (TTGF):** We have and it's shown in the two exhibits towards the back.
- **Robyn Hodges (WOCAG):** What are these trucks moving?
- **Scott Erwin (TTGF):** Dirt, base rock, concrete.
- **Robyn Hodges (WOCAG):** Do you have a ton number?
- **Scott Erwin (TTGF):** We're anticipating 800,000 cubic yards of import borrow. There's probably 50,000 cubic yards of base rock, and another 40,000 tons of asphalt concrete.
- **Robyn Hodges (WOCAG):** How many truck trips is that?
- **Scott Erwin (TTGF):** It's a lot.
- **Robyn Hodges (WOCAG):** Yes, a lot. Was it covered in the EIR?
- **Doug Cole:** That's something we can come back to.
- **Robyn Hodges (WOCAG):** Can we come back to this on another agenda?
- **Darin Ranelletti:** We talked about this in September.
- **Robyn Hodges (WOCAG):** We touched on it, but I want to dig into it.
- **Mark McClure (CCIG):** Well there's item 5A that we're going to get back to you on. We have Environ doing a separate analysis of importing by barge, rail, truck so we'll have a per cubic yard amount analysis of what would yield the lowest emissions. They didn't have time to produce it for this meeting.
- **Robyn Hodges (WOCAG):** So when you get it, can we put on the next agenda?
- **Mark McClure (CCIG):** Absolutely.
- **Jai Jennifer (OMSS):** You didn't say anything about moving containers. So are those trucks exempted?
- **Scott Erwin (TTGF):** They're not part of our project.

- **Brian Beveridge (WOEIP):** If I have a fleet of three trucks, I think the rule is I have to have at least one compliant this year and another two years from now. Something like that. Do all three of my trucks get stickers because I'm inside the compliance? Have you thought of any incentives to encourage your truckers to use their clean truck as opposed to the other two dirty ones?
- **Scott Erwin (TTGF):** I hadn't thought about that, but we could definitely consider that.
- **Brian Beveridge (WOEIP):** Even though everyone's within the terms of the law, if we could encourage them to do better, that would be great.
- **Elizabeth Yura (CARB):** There are a lot of trucks that still have a lot of time to come into compliance. A lot of them could be used on this project. It would be nice to see incentives to see folks who do have some of the cleaner trucks get some type of priority. In reference to Robyn's question on trucks driving around and idling in neighborhoods, a lot of ARB enforcement work enforces its rules but they also do it in conjunction with Bay Area. So any type Bay Area reporting hotlines you can normally call or there's at ARB there's a 1-800-END-SMOG number you can call to report violations and also a diesel hotline 866-6DI-ESEL.
- **Robyn Hodges (WOCAG):** I wanted to know from this project team who the person to contact was if I had that issue.
- **Darin Ranelletti:** There's also a big project sign at the site that has the contact number.
- **Robyn Hodges (WOCAG):** I don't live at the Base.
- **Maile Smith (Northgate):** It's also in the Air Quality Plan. Contacts—names and numbers—are provided.
- **Robyn Hodges (WOCAG):** It just goes back to the earlier conversation of who was responsible for what and so if a truck is passing by my house and I'm not at the Port I know who to call.
- **Margaret Gordon (WOEIP):** I think it would be community friendly if you did a mass mailing to the residents of West Oakland who are going to be impacted the trucks with the support of Councilmember McElhane. We've had a lot of truck traffic coming into the neighborhood, so it would nice to put out this information about the trucks, the telephone numbers, the idling rule, and all that as a handbill or postcard to all of West Oakland.
- **Scott Erwin (TTGF):** Every one of the access points to the site has signs and rules posted up there.
- **Margaret Gordon (WOEIP):** You need to do a mass mailing to residents.
- **Scott Erwin (TTGF):** To residents. Yeah.
- **Brian Beveridge (WOEIP):** Considering the joint nature of the project between the City and Port on the horizontal development piece, there will be dirt haulers going onto Port property. Will they be subject to the Port's truck rules as opposed to the more lenient state rules?
- **Anne Whittington (Port):** Drayage truck rules apply to operations.
- **Tim Leong (Port):** They're pertinent to containerized freight. The type under discussion is a different type of hauling operation. They're subject to statewide transportation rules.
- **Brian Beveridge (WOEIP):** You're saying it's clearly defined in the drayage rule that a truck with a container on the back entering the Port...

- **Tim Leong (Port):** For the purposes of interstate commerce. There are other conditions but the trucks in question here are under statewide truck and bus rule.
- **Bill Aboudi (OMSS):** Wasn't that rule applied to Port property? We had an issue in the work groups when we were dealing with that to exempt Jack London Square.
- **Tim Leong (Port):** For the purposes of drayage. That's the key there.
- **Libby Stahl (IMPACT):** But I had to report every truck that came into our warehouse.
- **Bill Aboudi (OMSS):** It doesn't say that. On Port property, it says every truck.
- **?:** I believe when you report them to DTR, you're basically registering them but they don't fall under the whole scope of containers, carrying goods for sale.
- **Bill Aboudi (OMSS):** But that defeats the purpose of why we have the Port's drayage truck rule. It's a concentrated area next to a residential area and we want to reduce emissions, so anything that came onto Port property was supposed to be compliant with the Port rule no matter what. And that's why there was the discussion of do we exempt certain trucks when the Port owned all the property down to the airport. Didn't you apply for an exemption?
- **Tim Leong (Port):** We did not. We received clarification on that.
- **Scott Erwin (TTGF):** You'd be surprised at how many of those trucks are already in compliance. Momina's been tracking them. I can't tell you the numbers, but they're getting switched over and they're getting into compliance.
- **David Vintze (BAAQMD):** Can we get that information from you?
- **Scott Erwin (TTGF):** We could tell how many trucks are compliant, how many are exempt, why they're exempt.
- **David Vintze (BAAQMD):** If we're going beyond the CARB rule, it'd be nice to be able to take credit for that.
- **Mark McClure (CCIG):** That's one of the benefits of the sticker program is it'll provide data that we can share with the group and help us understand what are the trucks coming onto the site.
- **Bill Aboudi (OMSS):** Can I recommend giving information to the truckers. A lot of the people buying trucks know nothing about the rules. Everyone wants to give tickets but we found that information is key. Most people want to do the right thing. They just don't know. These rules are very confusing. Drayage is confusing. You've got the on-road rule. You've got the exemptions. So information from the agencies on how to comply with the rules would really help. Money? There is no money. 50 trucks is not going solve a 30,000 truck problem. The truckers are doing it on their own, but they need information.
- **Elizabeth Yura (CARB):** Our enforcement field staff have developed a lot of smaller packets of materials that they give out at truck stops and way stations. If you're interested, we'll be happy to send along any materials we can or even send out ARB representatives to outreach to answer questions or help with outreach. We do have for anyone hauling goods about \$150M-\$180M available through the Prop 1B program. And there's still about \$240M left to access and that we're looking at accessing and still having available for trucks over the next two years. We're still looking at funneling a lot of funds through the voucher program and through the loan program to get trucks.
- **Scott Erwin (TTGF):** The first 11x17 sheet at the back book is a summary level printout CPM schedule. Our construction schedule probably has over 300 activities. This rolls up into a bar

chart. The red bar is the critical path to complete the overall project. It starts 2014 and completes 2018. This will give you an idea of where, when the major work construction activities will take place on each of the areas that are identified. Our plan is to get 70% of the project built in the first two years. The reason it's four years is because of earthwork surcharge that needs to sit and settle the bay mud underneath for 12 months. The majority of trucks coming to the site will take place in the first two years.

The next two sheets are pictorials past and future activities. For the activities in the last quarter, we set up our trailer yard at 10th and Maritime, did deconstruction and asbestos abatement, hazmat removal out of the 800 series warehouses, some work setting up Mr. Aboudi's new facility, constructed a wet soil drying bed in the North Gateway, built the Caltrans parking lot and also a truck parking storage area, relocated a major power feed, rough graded West Burma Road bypass. Activities we're anticipating to do in the next three months: install a joint trench in Maritime, continue warehouse deconstruction, remove hazmat materials, new waterline to building 901. This might affect you, Mr. Aboudi. We're also planning on crushing the leftover concrete piles in the North Gateway, building a temporary bike path, storm drain construction, and finishing the West Burma bypass. We're probably going to start seeing some import borrow in the next two weeks. There's a site in San Francisco that we're going to take import from and bring it into our materials handling yard.

- **Gene Hazzard (Community Member):** Up by Caltrans, I saw a whole fleet of cars. Is that supposed to be housing new cars?
- **Scott Erwin (TTGF):** There are two lots. One is a free lot for up to three hours from dawn to dusk and the other one is a pay lot that gets paid to the City for a daily rate.
- **Doug Cole:** There's a three to four hour parking lot for the people walking the bridge and the other lot is leased out to Douglas Parking.
- **Gene Hazzard (Community Member):** Is that going to be a permanent thing?
- **Doug Cole:** No. It's all interim.
- **Gene Hazzard (Community Member):** Why don't you put trucks there?
- **Doug Cole:** There are trucks on the other side. There're two lots—the truck lot and the car parking lot. The entire site was not being fully used by bridge people and so we have two lots. One to earn some money and the other for public users.
- **Robyn Hodges (WOCAG):** Out of all these things you described, are there any opportunities for small local contractors?
- **Scott Erwin (TTGF):** A lot of the project has been bid out. Second and third tier contractors are already in place that are small local businesses. There're other opportunities past that.
- **Robyn Hodges (WOCAG):** And where are you guys exceeding the goals?
- **Scott Erwin (TTGF):** We are exceeding the goals. I don't know the numbers, but our Local Business Enterprise goal was set around 50%. I think we're up around 58%. And Small Local Business is 25% and I figure we're at 28% with out plan. We have to implement the plan and make sure it happens and we're managing that.

- **Robyn Hodges (WOCAG):** What's the expectations for local hire for some of these jobs coming up?
- **Scott Erwin (TTGF):** We have a requirement for 50% Oakland residents to be employed on the project, 20% apprenticeship, and 25% of those need to be disadvantaged workers. We're exceeding those goals for 61 days of the project. We just saw a report that we're at 51% for local hire. We're low on our apprenticeship right now. We're at 8% instead of 20%. A lot of the manpower has been in asbestos removal in the 800 series warehouses and that union doesn't have apprentices. Specially trained individuals go from labor into the journeymen level position. We're currently running low but we have a make-up plan in place. We hired 42 individuals for this project. 150 have worked on the project. 42 are new hires. 36 are Oakland residents.
- **Robyn Hodges (WOCAG):** But how many from 94607. Because that was a mandate also. That you go to 94607 first and then you venture out for your local hire.
- **Scott Erwin (TTGF):** We're utilizing the West Oakland Resource Job Center. According to the Project Labor Agreement, we're required to go to the unions to ask for Oakland residents first. If they can't supply them, then we go to the job center. And the job center has been actively helping us out.
- **Mark McClure (GGIG):** Consistent with the Community Jobs Agreement, all these measurements are in work hours not positions.
- **Scott Erwin (TTGF):** That's true. The 50% is man hours.
- **Robyn Hodges (WOCAG):** I'm asking because Mr. Tagami presented to the West Oakland community little over a year ago and said he had not hired anybody from West Oakland.
- **Scott Erwin (TTGF):** We just started the project in October.
- **Doug Cole:** Just to let you know CCIG is taking this very seriously. Contract Compliance has been really involved and there's been a lot of attention to subs that have been performing and to ones that haven't been performing, even to threats about shutting down the job. The end result is that the project has been exceeding the thresholds.
- **Gene Hazzard (Community Member):** What's the distinction between man hours and positions?
- **Scott Erwin (TTGF):** We're currently tracking people on the site on a daily basis. If somebody works 10 hours that day, the 10 hours go into the calculus of the final numbers—hours worked. We just got hooked up to the City's LCP Tracker and the numbers are tying in pretty well.
- **Mark McClure (GGIG):** LCP Tracker certifies payroll by the hour so we're trying to be consistent across the board so there's not a misunderstanding.
- **Ray Kidd (WOCAG):** On this chart what are CN1 and CN2 in the North Gateway?
- **Scott Erwin (TTGF):** In the North Gateway, Wake Avenue bifurcates the site and CN1 is the area on the left side of Wake.
- **Ray Kidd (WOCAG):** So they're referencing the reconfiguration of Wake?
- **Scott Erwin (TTGF):** The site work areas on both sides of Wake Avenue. Wake Avenue will have a separate line on the schedule. If you go up the bar chart schedule, there're two stages planned for Wake. There're work breakouts out for Maritime, West Burma, East

Burma and Wake. CC, CE1, and CN are the three gateways of the project—Central Gateway, East Gateway, and North Gateway.

- **Doug Cole:** We have an overlay of who's going to operating the different areas. That makes it easier to understand the numbering.
- **Jai Jennifer (OMSS):** Ray, I know in your neighborhood the big issue has been the recyclers getting moved to the Army Base. I think implicit to your question is when the North Gateway site is delivered. From an air quality perspective I hope this schedule is a work in progress because it puts the delivery of those properties last. It's disconcerting when looking at the schedule is that you have City grant to pay for the infrastructure but you have all the small community-base developers getting their properties delivered last.
- **Doug Cole:** We are aware of the issue. The project has been sequenced for the best value of the project in terms of bringing costs down in alignment with resources. So it's not making everybody happy. The site is constrained. We have a lot of material coming. We have to put it somewhere, move stuff around, so it's a very difficult process. We've heard the concerns. It's in our best interests to get recyclers their properties as soon as possible because that's revenue to the project and we want to get the truck situation settled sooner rather than later. We've our agent to look at the cost to resequence some things, but there's going to be a cost. How we're going to decide, we're not sure yet.
- **Robyn Hodges (WOCAG):** Do you have a timeline for figuring it out? Will you know two months, six months, the next 30 days?
- **Doug Cole:** Definitely within the next month we'll know. For the record, the project has no money. Staff has no money. Something's going to have to give on the back end. There's analysis that has to happen, policy decisions that have to be made. It's not a simple answer.
- **Robyn Hodges (WOCAG):** I would be as interested as Jai to know after 30 days the outcome of your discussions.
- **Doug Cole:** Jai will know.
- **Robyn Hodges (WOCAG):** I just think as a West Oakland resident that CASS got a hard deal because of gentrification that's happened.
- **Scott Erwin (TTGF):** One of the reasons the North Gateway is pushed out so far is we need it for that soil drying operation. We've given ourselves enough time to anticipate issues getting built out on the rest of the site. If the job runs very smoothly, then we'll be able to vacate that area a lot sooner.
- **Robyn Hodges (WOCAG):** This group is actually interested in making this project the best that it can be but we are justified in caring what happens to us. We may have expertise that you may not and sharing is a good thing. Once we get through the process how these meetings are run, governance, and outreach to the community we'll go further each time.
- **Doug Cole:** What goes first is what needs to go first. Those are infrastructure improvements necessary for the vertical improvements—OMSS, CWS, CASS, Prologis and CCIG. Those are the things that have to go first and they have to fit within the City's budget. Those are our constraints. The purpose of the overview to show phase one and phase two is to show that we're working up against a serious deadline for the City. We committed to a grant that we have to satisfy the match by 2019. If we don't satisfy that match the City's in jeopardy for a

whole lot of money. We can't satisfy that until we get the vertical up, so it's in everybody's interest to do that.

- **Gene Hazzard (Community Member):** I'm concerned about the shortage of financing. I thought the developer is supposed to bring x amount of dollars to the table.
- **Doug Cole:** The developer's commitment has not changed.
- **Gene Hazzard (Community Member):** Except there's no money.
- **Doug Cole:** I mean we have limited financial resources. We have funding for the project, which has already been resequenced over and over, but no extra money.
- **Jai Jennifer (OMSS):** It's positive that there's still some opportunity to put things into a sequence that everyone can be engaged in the conversation. There are going to be all these trucks coming into and out of the Base. It would make sense to have a trucking services center available to take care of those trucks.

6. The City Administrator's approval of the plans was covered during the discussion of Item 4.

7. The project schedule was covered in Scott Erwin's presentation in Item 5.

8. **Doug Cole:** Major next steps is to discuss our next quarterly meeting, in the interim have a meeting dedicated to governance.

- **Robyn Hodges (WOCAG):** Are you clear on our definition of governance?
- **Darin Ranelletti:** I have the notes and at the governance meeting we can talk through that.
- **Robyn Hodges (WOCAG):** And in the interim we'll find out who is the decision maker in the event Fred is not these meetings?
- **Darin Ranelletti:** I have my notes for a preliminary agenda for the next meeting. Why don't I go through them real quick and just shout it out if I miss something?
  - Update on permits and the project
  - Truck trips and emissions. We have data from the consultant.
  - Governance structure. That would be the outcome of the interim governance meeting.
  - How many compliant vs exempt trucks we get at the site. Data from the JV.
  - Clear information about who to contact
  - Air monitoring data
- **Jai Jennifer (OMSS):** I didn't hear anything inviting the two recyclers to the next meeting.
- **Darin Ranelletti:** The mitigation measures establish a protocol for the stakeholder list. If you sign in today, you get on the stakeholder list.
- **Anne Whittington (Port):** I did hear about possibly setting up a co-chair structure and recommendation from Libby about representation from different categories.
- **Darin Ranelletti:** For that governance meeting we'll reach out to the stakeholder group to figure out how and who will appoint a rep from your group. The stakeholder meeting will be in April and the governance meeting will be February or March. So we'll be scheduling those two meetings.
- **Margaret Gordon (WOEIP):** Brian made that recommendation for an inter-agency technical group to work with the regulators, and I made a recommendation on doing a mass mailing to residents about who to call if you see something, smell something.

- **Robyn Hodges (WOCAG):** If we have questions about the stakeholder process, do we send it to the City staff person?
- **Darin Ranelletti:** For now we'll go through Hui and we'll formalize that.
- **Robyn Hodges (WOCAG):** If there are questions that come up around the project schedule or the emissions do we go through you or Mark?
- **Doug Cole:** For consistency, go through Hui.
- **Robyn Hodges (WOCAG):** We went through Hui and here we are with no questions answered.
- **Maile Smith (Northgate):** If you look in the Construction Management Plan, it's documented in there who you can contact.

MINUTES  
OAKLAND ARMY BASE PROJECT AIR QUALITY PLANS  
GOVERNANCE MEETING  
FOX CONFERENCE ROOM  
250 FRANK OGAWA PLAZA  
MARCH 3, 2014  
1:00 PM – 2:30 PM

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**MEETING SUMMARY**

**Item 3.** The framework for the quarterly meetings was set by Council and embedded in Mitigation PO-1. The City will continue to operate within that framework.

Roles: The City and the Developer will continue to co-host the meetings and the City will chair.

Scheduling meetings: The City will set the meeting dates and will continue to work with everyone as it has in the past to find suitable dates and times.

Agenda setting: The City will set the agenda based on the status of the Subject Plans and will take into consideration agenda topics suggested by the Stakeholders at the end of each quarterly meeting.

Decision making: The City Administrator approves the Subject Plans and related concerns. The Stakeholder body is not a decision-making body.

Review Period: The City agrees to provide the stakeholders with a presentation of an upcoming Subject Plan at a quarterly meeting during the 45-day notice period, and, if possible, to give the regulatory agencies a preliminary draft of the Plan prior to the 17-day public comment period.

Inter-agency working group: The City agrees to work with an inter-agency working group (comprised of BAAQMD, EPA, ACPHD, Port, and City) on an ad hoc basis, provided the effort does not require additional City resources. The working group will serve as a technical interface for the community.

Community input: Presentations are not limited to the City/Developer. Other stakeholders may give them as well, provided the presentations are related to air quality.

Committees: Mitigation PO-1 does not provide for committees. Stakeholders who wish to form committees will do so independent of the stakeholder review process. Committees may report on their activities to the Air Quality Stakeholder Group if the activities are related to air quality and the Subject Plans.

**Item 4.** Meeting format:

- Welcome
- Introductions
- Agenda review
- Presentations
- Discussions
- Open forum
- Agenda Suggestions/Next steps

Ground rules for meeting facilitation:

Robyn Hodges volunteered to type up the list of ground rules that the Governance committee agreed to.

Proposed rules that were not voted on are: (1) walk-in members of the audience must fill in a speaker card to speak; (2) only persons on the stakeholder list at the time of the meeting may participate as stakeholders.

- Item 5.** Next steps: send out the minutes for this meeting and notify the stakeholders in advance of the next quarterly meeting how the meeting will be run.
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1. *Fred Blackwell was unable to attend the beginning of this meeting. Since only six people representing the four stakeholder groups—Development, Regulatory, Business, and Community—were in attendance, the meeting opened informally without introductions.*
2. *Minutes of the governance discussion at the January 15, 2014 Quarterly Meeting were distributed. Hui Wang noted that governance topics were drawn from the highlighted sections of the minutes. No one revised or added to the topics listed under governance.*
3. *The City Administrator's response to the Governance topics, which were incorporated into the Governance meeting agenda, affirmed that Mitigation PO-1 would be the framework for the stakeholder process. Topics open to discussion were meeting format and reporting.*

**Libby Stahl (Business)** expressed a desire for more formalized meetings and recommended: holding questions for the Q&A period(s); having walk-ins fill out speaker cards if they wished to speak on topics. Although any member of the public may attend the meetings and be added to the stakeholder list, only persons on the list at the time of the meeting may participate as a stakeholder.

Other recommendations included turning one's name card on end to be recognized.

**Anna Lee (Regulatory):** Regarding the agenda, since the City will take input from the stakeholders, can we meet between the quarterly meetings to set the agenda?

**Hui Wang:** These meetings are expensive and we don't have the resources to support more meetings.

**Anna Lee (Regulatory):** How open is Fred to amending the resolution to extend the timeline for review and how open is Fred to an inter-agency process similar to the MAQIP?

*Fred Blackwell joined the meeting at this point so Hui Wang asked Anna Lee to address her questions regarding a longer review period and inter-agency working group to Fred.*

**Anna Lee (Regulatory):** Three recommendations. Regarding the agenda, perhaps we can ask for agenda items at the end of each quarterly meeting or request input when scheduling.

Second recommendation is that since these plans take time to develop, that there be a presentation at the quarterly meeting before the 45-day noticing period and that the City give the agencies a draft of the air quality plans before the final draft goes out for public review.

**Doug Cole (City/Development):** In other words let the agencies take a look at the plans, raise technical issues and try to work things out. Once that's been resolved, then send the plan out for the 17 day review. Which is what we did, I think. And then we got no comments back actually except from the regulators.

**Rob Selna (Developer/Development):** After 17 days the only comments we got back were from the Air District and the City.

**Anna Lee (Regulatory):** So it's helpful to have the upfront...

**Fred Blackwell:** The advance.

**Anna Lee (Regulatory):** Yeah.

**Hui Wang:** So you're saying you would like a presentation....

**Fred Blackwell:** Before the clock starts ticking.

**Hui Wang:** When we notice people that this is coming up.

**Rob Selna (Developer/Development):** Before the 45 day period?

**Anna Lee (Regulatory):** Or it could be the 45 day period.

**Anne Whittington (Port/Development):** Right. You don't want to write something and have it sit on the shelf for 45 days. That's why the 17 days was established. But as soon as you have a really good idea of what you're going to say that's when you let people know this is what we're looking at. Speak now. Does that work?

**Anna Lee (Regulatory):** It's essentially what you did for the Construction Plan.

**Fred Blackwell:** We've got a longer on ramp for this one.

**Anna Lee (Regulatory):** Yeah. So if you have a preliminary draft, we can talk about it. Show us a second/first draft. It could be a longer, more iterative process this time around. And then my third recommendation is to have an inter-agency working group. We were talking about how great it was for the Port. I don't know how to get around the staffing issue.

**Anne Whittington (Port/Development):** The MAQIP was very useful in terms of this big thing we were doing, this series of meetings, hammering it out with an inter-agency group to formalize it, and then someone writing a lot of it. Is this group going to be the forum for the diesel emission program in the mitigation measure adopted in July 2013?

**Anna Lee (Regulatory):** It was in the SCA/MMRPs for the City and Port.

**Hui Wang:** There's a mitigation 4.4-3B to parallel mitigation 4.4-3, which applied to the Port. Mitigation 4.4-3 gave rise to the MAQIP. The City Council added 4.4-3B which imposed a similar requirement on the developer. So you're asking if there's going to be a public forum for that?

**Anne Whittington (Port/Development):** Or is this the process by which it'll be implemented?

**Fred Blackwell:** By which we get feedback? I'm not certain what you're asking.

**Anne Whittington (Port/Development):** How is that particular mitigation going to be met and is this group going to play into developing the compliance for that measure.

**Rob Selna (Developer/Development):** Is the measure within the Construction Plan already approved by the City Administrator?

**Anne Whittington (Port/Development):** I don't think so because the mitigation measures fall into construction, operations and other stuff. Cultural mitigation is other stuff. The overall emission reduction plan that the Port did along with its truck plan fell into other.

**Rob Selna (Developer/Development):** There are several sub parts to the Construction Plan. If it fell into that then it's been executed and already exists. But if it fits into one of the other categories of Subject Plans that hasn't been created yet, hasn't been reviewed by this body, and hasn't been approved by the City Administrator, then that's a different question. It hasn't been formulated yet.

**Anne Whittington (Port/Development):** Many of the pieces might be there already. Maybe not the stakeholder piece, but the reduction in diesel from trucks due to the Drayage Rule, the use of low-sulfur fuel, all these measures work together to have emissions plummet. Putting that together with

things like idling controls, monitoring work as a plan. The only thing I see missing is making sure it's all presented together with community input and agreement as the plan. But the hard part's already been done. You're already doing emissions reductions.

**Libby Stahl (Business):** I'm not so sure. The Truck and Bus Rule is different from the Drayage Rule. There're going to be thousands of truck trips by dirt haulers that don't have to meet the Drayage Rule. There's nothing in the contract requiring the developer to do anything but meet existing emissions laws. They can use old trucks.

**Anna Lee (Regulatory):** That was raised in the last quarterly meeting.

**Libby Stahl (Business):** But when the developer was coming up with the plan and it was being approved, there was nothing that said those trucks had to do anything but meet the emissions laws that are existing. Trucks bringing in dirt aren't going to reduce emissions. That was missed when the plan was approved.

**Rob Selna (Developer/Development):** Look at what category or subject plan your question falls into in order to understand whether this body would have anything to do with it.

**Anna Lee (Regulatory):** Well it's bigger than construction right?

**Rob Selna (Developer/Development):** What I'm saying is, there's a list of subject plans this body is supposed to have review over. You can look at what you're talking about and see what it fits into. If it's outside of that, then it's information or material for another discussion or effort.

**Anna Lee (Regulatory):** So when is the City going to develop the diesel emissions reduction plan?

**Doug Cole (City/Development):** We're getting off governance.

**Robyn Hodges (Community):** If the skeleton has been set, so be it. But to me emissions is part of air quality. If nothing else it should be brought into one of these agendas, so that when it leaves the agenda, it is clear we need to focus on something or we do not. If in the interim Anne finds the specific thing she's interested in, then that's the discussion topic. If not then we collectively agree to move on. That doesn't require additional staffing.

As for the inter-agency, as a policy person and a community member, it was beneficial on both fronts. It wouldn't be that hard to entertain if it were before or after this meeting or before or after the regular air quality meeting. You would have most of the people there already. It's just a matter of adjusting the time. You also have WOCAG. You can tag it onto WOCAG. WOCAG could agendize that discussion.

**Fred Blackwell:** Who was part of the inter-agency group?

**Anna Lee (Regulatory):** The Air District, EPA, Public Health, ARB.

**Robyn Hodges (Community):** Were there City or you guys?

**Anne Whittington (Port/Development):** We ran it.

**Robyn Hodges (Community):** Nobody knows everything, so I found it helpful.

**Fred Blackwell:** What does it do?

**Robyn Hodges (Community):** It goes over some of the technical stuff, so they look at their regulations, how to apply them, what the challenges are, what the weaknesses are, what the Port regulations are, what the City regulations are, what the developers needs are, what the community is asking for. And they try to meet the balance. When you come back to the larger group, you have a way to give the community a balance.

**Fred Blackwell:** So it would be like a technical advisory committee?

**Robyn Hodges (Community):** Yeah, but it's a good feeder, because a lot of things we don't know, the technical people could break it down, bring it back and everybody goes ahhh. And you move forward or you don't. It does help create balance.

**Anne Whittington (Port/Development):** Like a check and balance. If this is not feasible, then...

**Robyn Hodges (Community):** From a policy perspective and community knowledge perspective, it's a good tool to have.

**Fred Blackwell:** Would it be the same people coming to these meetings?

**Robyn Hodges (Community):** It depends. In the Air District you have various departments, here you have various departments, the developer has technical specialists, so it would be whoever they need.

**Anna Lee (Regulatory):** I saw different representatives from some of the agencies at the MAQIP meeting, but the folks that do come could pull in those people from their respective agencies very easily.

**Anne Whittington (Port/Development):** It was near the end of our year and half long process of community meetings after everything had been hashed out to a semi-final stage to have the overlay of regulatory agencies looking, discussing, and finalizing in partnership with the Port and then going back to the community and saying this is what seems to be really effective in terms of moving things along. We had maybe four or five inter-agency meetings.

**Robyn Hodges (Community):** It was good for my particular official because that official sat on multiple boards. From the County's perspective, public health needed to be there, staff needed to be there. There were like eight of us and then it got divvied out into the other things that you dig into.

**Fred Blackwell:** What went into staffing that group?

**Anne Whittington (Port/Development):** Basically it was me. Richard Sinkoff and I worked on it and it involved setting up the meetings, taking notes, and sending out notes, agendas. It was not as formal as the MAQIP structure.

**Robyn Hodges (Community):** That was the beauty of it. You could ask real time questions and get what you needed answered.

**Anne Whittington (Port/Development):** I'm having trouble seeing how an inter-agency group would fit with these quarterly meetings. What the function would be. I can see how it would work for the formulation of a broader air quality plan.

**Anna Lee (Regulatory):** I think an inter-agency working group could help do that analysis around what mitigation 4.4-3 whatever letter—the diesel emission reduction plan—do that analysis like Robert was saying. Is it the ordinance that contains the list of the plans? See what's missing...

**Rob Selna (Developer/Development):** The ordinance lists what plans these stakeholder quarterly meetings will review.

**Anna Lee (Regulatory):** They were construction related...

**Rob Selna (Developer/Development):** No operations related too.

**Anna Lee (Regulatory):** One was construction, one was trucking, and there were a few more.

**Rob Selna (Developer/Development):** The trucking plan relates to operations specifically. It would be helpful to go back and look at them. Those are the plans related to the stakeholder review process.

MM 4-4.3B (Maritime and Rail-Related Emissions Reduction Plan) and MM 4.4-4 (Truck Diesel Emission Reduction Plan) are two of the Subject Plans that are still to be formulated and that the stakeholders will be reviewing.

**Anna Lee (Regulatory):** Right. So the agencies could help analyze what's missing in terms of complying with the mitigation as well as consult on the plan—give more detailed consultation.

**Fred Blackwell:** Would this happen prior to the quarterly meetings, after them, parallel to them?

**Robyn Hodges (Community):** Whatever they fall into best.

**Anna Lee (Regulatory):** I don't know your schedule for the quarterly meetings and the Subject Plans, but we could consult on how to make that work.

**Anne Whittington (Port/Development):** I was wondering if maybe just one or two meetings would work. Not a standing meeting but a periodic ad hoc meeting.

**Fred Blackwell:** That could work on an ad hoc basis.

**Anna Lee (Regulatory):** If you want, I'm happy to help with notes, agenda. I'm happy to help staff with that.

**Fred Blackwell:** OK.

**Robyn Hodges (Community):** I have a question about community participation. Was there concern about a community co-chair? Was there no concern?

**Fred Blackwell:** There are two considerations. One is trying to stay within the framework of Council's direction. And the other, I'm sure other folks have mentioned, is a resource issue for us. We've got the Oversight Board, we've got the monitoring of all the stuff that is going on, we've got the project staff. We are at the point where I'm at the verge of saying to Council that we don't have the resources to support this project. I'm very cognizant of the additional staff needed to run this stuff. So those are the two things—trying to stay within the frame that was given to us and being very anxious about the infrastructure to support everything that's going on right now with this project.

**Robyn Hodge (Community):** I think we all recognize you wanting to stay within the confines of what you have to work with, but the community is not tied to anybody. We're only tied to ourselves, so I was wondering how you got there.

**Anne Whittington (Port/Development):** I like the idea of setting the agenda at the end of a meeting, people emailing things in, and then just doing a quick agenda review at the very beginning of the meeting. You do the introductions, you do the agenda review, and then the very last thing is "anything else." Maybe even writing it on the board or something and that way it's memorialized.

**Robyn Hodges (Community):** Is the community here to absorb information or can we do presentations?

**Fred Blackwell:** If you want to do presentations, I'm fine with that.

*Fred Blackwell left the meeting at this point.*

**Robyn Hodges (Community):** Libby was talking about trucking, we're talking about emissions. There's a lot of community information out there. There could be a public health person who might want to do something.

**Doug Cole (City/Development):** For agenda setting, it was my understanding that there was a group that was helping to set the agenda.

**Hui Wang:** There was an ad hoc group that met after the first quarterly meeting to talk about the agenda and apparently governance as well. But that is not an ongoing group. It seems a lot simpler to do as we did at the last meeting, which is to take suggestions and then send out an email at some point saying the meeting is coming up, these are the suggested agenda items, are there any other items.

**Doug Cole (City/Development):** You could have a whole bunch of suggestions, but who actually would be making the decision?

**Anna Lee (Regulatory):** That would be Fred. Everything came down to Fred.

**Hui Wang:** Obviously we can't accept random suggestions. They have to do specifically with the status of the plans, with their development, with emissions, with implementation.

**Robyn Hodges (Community):** Part of the thinking in understanding who was responsible for what was eliminating some of the randomness. That's why we asked for the chart, the matrix and all that.

4. The meeting moved on to meeting format.

**Robyn Hodges (Community):** I heard you guys talk about raising the card. Are there ground rules? Did anybody look at any? I sent you some suggestions. Did you look at them?

**Doug Cole (City/Development):** I haven't.

**Hui Wang:** The feeling is to keep it simple, but if you guys want to have rules, suggest how you want to proceed.

**Robyn Hodges (Community)** passed out a list of ground rules which she read aloud to solicit the group's agreement or disagreement. There was agreement on all the ground rules except for the following:

Cell phone off: Amended to ringer off. It is necessary to be able to check email during a 2.5 hour meeting.

Silence means agreement: Silence may be situational. This will be put before the larger group.

Consensus, majority vote, or unanimous agreement is the way to make decisions: Elicited the following discussion.

**Anne Whittington (Port/Development):** That brings up an interesting issue. Is the quarterly meeting a decision-making group?

**Hui Wang:** It isn't.

**Anne Whittington (Port/Development):** From reading the mitigation, I didn't see it as much about decision making.

**Hui Wang:** Darin Ranelletti at the last meeting specified that the quarterly meeting is not about decision-making. It's for the exchange of information.

**Robyn Hodges (Community):** Then this is irrelevant.

**Anna Lee (Regulatory):** Unless staff wants our input on something and to make a decision, but yeah that was my understanding.

**Robyn Hodges (Community):** Well if there are action items on the agenda, then it becomes a decision-making question.

**Anna Lee (Regulatory):** In that case I hope we can do consensus.

**Hui Wang:** What's the difference among the choices?

**Anne Whittington (Port/Development):** Consensus is everybody saying they concede or they'll accept something.

**Doug Cole (City/Development):** I think it's good to get a feel for what the consensus is, but not necessarily a vote.

**Anna Lee (Regulatory):** My experience with decision-making is if you can't come to consensus then you vote an x majority.

**Robyn Hodges (Community):** So am I crossing this off?

**Anne Whittington (Port/Development):** You're amending it to as needed.

**Robyn Hodges (Community)** volunteered to type up the list of agreed to rules to be distributed with the agenda for the third quarterly meeting and then people with concerns can address them in open forum.

**Libby Stahl (Business):** Are we going to do the format with that?

**Robyn Hodges (Community):** I don't know.

**Hui Wang:** This meeting is for you to come up with a format, bring it to the group and they're going to accept the format or not.

**Anna Lee (Regulatory):** That'll work.

**Anne Whittington (Port/Development):** I think it would be good for the quarterly meetings not to be as focused on discussing process. Maybe a good way to move it is just present these rules. You should make the edits, send them to Hui, and she'll run them by Fred.

**Robyn Hodges (Community):** The format is what it's always has been: welcome, introductions, agenda check, presentations, discussions, next steps, and then open forum.

**Anna Lee (Regulatory):** Next steps we talk about the agenda for the next meeting?

**Robyn Hodges (Community):** Right. Next steps, next meeting and then open forum.

5. *Rob Selna and Doug Cole left the meeting at this point. With governance topics covered, the group moved on to next steps.*

**Anna Lee (Regulatory):** Will you follow up with the folks—Brian, Margaret, Steve Lowe—who couldn't come to this meeting or will you send out notes? I found it really helpful when you pulled out next steps (in the minutes).

**Libby Stahl (Business):** I think it's helpful if you send out a notice in advance of the next quarterly meeting of how the meeting will be run.

**Robyn Hodges (Community):** What's the next proposed meeting date?

**Hui Wang:** I think it's going to be April 16<sup>th</sup> because that's when I can get a room large enough for the group.

**Robyn Hodges (Community):** So on April 2<sup>nd</sup> I'll send you this and you can use that. You can send out the draft format and ground rules as discussed. People can have that and then whatever other draft items you have. What about committees?

**Hui Wang:** It says here (referring to the City Administrator's responses to governance topics) that if you want to have a committee, it would be outside of the stakeholder process.

**Libby Stahl (Business):** Committees might be necessary depending on what's going on. Right now there's not a lot, but it could become something where the neighbors would want to get together with the regulators and talk about what's going on.

**Anna Lee (Regulatory):** And so we could create one at that time.

**Hui Wang:** There's nothing to stop you from meeting on your own and reporting back whatever you wanted to report back as suggested agenda topics for the next meeting.

**Robyn Hodges (Community):** What's missing in this whole thing is the community benefits.

**Libby Stahl (Business):** There isn't any. It's all cut and dry.

**Robyn Hodges (Community):** We can meet but since everything is concremented until the law comes, if there is a way, and not to use you all anymore because the WOCAG is a public process, but to sneak in a community benefits discussion with a developer representative would be a way to open up the topic area. The recommendation is that the developer commit somebody to begin that community dialog about community benefits. We will do the time, the location, the minutes, all of that.

**Hui Wang:** By the benefits do you mean the jobs package?

**Robyn Hodges (Community):** The community benefits package to us are broad and unending. We could discuss what zip codes are being hired or what's happening with CEQA, or how the inter agency is or is not impacting the best benefit for the community, or bad water. Every aspect of this development. Deconstruction is a community benefit. Like the guy said at WOCAG, what are you going to do with all that wood? Where's it all going to go? Is a local contractor going to take it? Anne has said in this body that there has been discussion about preserving a building. But how, who? All those things to us fall under community benefits.

**Anna Lee (Regulatory):** Who would convene the meeting? Would it be under WOCAG?

**Robyn Hodges (Community):** Hui also staffs WOCAG along with Laura and Matt. When she does the agenda, I could send along a request or in Open Forum to have that put on the agenda to begin a community benefits discussion about it. If the body discusses it and decides to tack it on and designate 30 minutes out of each meeting for whatever, then I would take responsibility for getting that agenda item on there for discussion.

**Anna Lee (Regulatory):** And then you would invite the air quality stakeholders?

**Robyn Hodges (Community):** Whoever wanted to expand on it. But it wouldn't be any more staff time for you. It wouldn't be any more staff time for anybody else who's designated for all these other projects.

**Anna Lee (Regulatory):** Right. It's just an agenda item.

**Hui Wang:** Nonetheless, whatever is discussed has to fit in with the Subject Plans.

*The Port/Development, Regulatory, Business, and Community stakeholders continued talking, but with the Governance topics and next steps covered and without the City and Developer in attendance, notes were no longer taken.*

OAKLAND ARMY BASE PROJECT  
QUARTERLY AIR QUALITY STAKEHOLDERS MEETING  
CLASSROOM 1  
150 FRANK OGAWA PLAZA, 2<sup>ND</sup> FLOOR  
APRIL 23, 2014  
1:00 PM – 3:00 PM

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**INTRODUCTORY ITEMS**

1. Welcome and Introductions
2. Review of Meeting Agenda

**REPORT BACK ON GOVERNANCE MEETING**

**3. Governance**

- a. Summary of governance meeting

The framework for the quarterly meetings was set by Council and embedded in Mitigation PO-1. The City will continue to operate within that framework.

Roles: The City and the Developer will continue to co-host the meetings and the City will chair.

Scheduling meetings: The City will set the meeting dates and will continue to work with everyone as it has in the past to find suitable dates and times.

Agenda setting: The City will set the agenda based on the status of the Subject Plans and will take into consideration agenda topics suggested by the Stakeholders at the end of each quarterly meeting.

Decision making: The City Administrator approves the Subject Plans and related concerns. The Stakeholder body is not a decision-making body.

Review Period: The City agrees to provide the stakeholders with a presentation of an upcoming Subject Plan at a quarterly meeting during the 45-day notice period, and, if possible, to give the regulatory agencies a preliminary draft of the Plan prior to the 17-day public comment period.

Inter-agency working group: The City agrees to work with an inter-agency working group (comprised of BAAQMD, EPA, ACPHD, Port, and City) on an ad hoc basis, provided the effort does not require additional City resources. The working group will serve as a technical interface for the community.

Community input: Presentations are not limited to the City/Developer. Other stakeholders may give them as well, provided the presentations are related to air quality.

Committees: Mitigation PO-1 does not provide for committees. Stakeholders who wish to form committees will do so independent of the stakeholder review process. Committees may report on their activities to the Air Quality Stakeholder Group if the activities are related to air quality and the Subject Plans.

- b. Rules for meeting facilitation

**4. Review Period for Subject Plans**

- a. A presentation of an upcoming Subject Plan will be provided to the stakeholder group during the 45-day notice period
- b. The City/Developer will meet with an inter-agency working group on an ad hoc basis

- c. If possible, regulatory agencies will be provided with a preliminary draft plan prior to the 17-day comment period

#### **5. Inter-Agency Working Group**

- a. Structure
  - i. Participants: Regulatory agencies (ACPHD, ARB, BAAQMD, EPA), City, Port, and Developer
  - ii. Meeting frequency: Ad hoc basis
- b. Purpose
  - i. Technical advisory committee for community
  - ii. Coordinate input for Subject Plans

### **PRESENTATIONS**

#### **6. Air Quality Items**

- a. Air Monitoring
- b. CARB compliance data: number of trucks in compliance, number exempt
- c. Emissions analysis of soil import
- d. Contact list

#### **7. Project Schedule**

##### **Subject Plans to be developed**

- Mitigation 4.3-7 (Truck Management Plan)
- Mitigation 4.4-3b (Maritime and Rail-Related Emissions Reduction Plan)
- Mitigation 4.4-4 (Truck Diesel Emission Reduction Plan)
- Mitigation 4.4-5 (Transportation Control Measures)
- Mitigation 4.4-6 (Energy-Conserving Fixtures and Designs)
- Mitigation 5.4-1 (Demonstration Projects)
- SCA TRANS-1 (Parking and Transportation Demand Management)
- Mitigation 4.3-13 (Traffic Control Plan – Hazardous Materials)

##### **Estimated site delivery dates**

### **MEETING WRAP-UP**

8. Open Forum
9. Next Meeting Date and Agenda Topics: Suggestions from the Air Quality Stakeholders
10. Adjournment

**MINUTES**  
**THIRD QUARTERLY AIR QUALITY STAKEHOLDERS MEETING**  
**CLASSROOM 1**  
**150 FRANK OGAWA PLAZA, 2<sup>ND</sup> FLOOR**  
**APRIL 23, 2014**  
**1:00 PM – 3:00 PM**

The following represents a summary/paraphrase of key comments (not detailed minutes). The meeting attendance sheet is provided as an attachment.

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**Meeting Summary by Agenda Item**

3. At the governance meeting Fred Blackwell agreed to an inter-agency working group on an ad hoc basis. The regulatory agencies said if they were to participate it would have to have a more formalized structure and they asked for details on how the inter-agency working group would function.
  - 4b. In February 35 trucks were inspected, and 15 decals were issued—8 to exempt trucks and 7 to retrofitted/Engine Year (EY) compliant trucks. In March 22 trucks were inspected and 15 decals were issued—10 to exempt trucks and 5 to retrofitted or EY compliant trucks. The data for the sticker program are currently not posted on the Oakland Global website. The information can be requested from Momina Jillil.
  - 4c. The initial numbers from the trucks vs barging emissions analysis indicate lower emissions from trucks. The completed analysis will be available for the next meeting.  
For large amounts of soil import coming from one location, CCIG believes the project may have enough leverage to require trucks hauling the soil to be 2007 engine year compliant and participate in the sticker program.
  5. Project schedules showing a three month look back and three month look ahead can be found in the back of the Air Quality Quarterly Reports, which are available on the Oakland Global portal: [http://ngem.com/OAB\\_AQM/#](http://ngem.com/OAB_AQM/#).  
The roll out of the rest of the Subject Plans could begin in 2015. The plans depend on certainty about tenants, operations, and site delivery. The earliest most of the sites are scheduled to be delivered is July 2016. To start construction as soon as the sites are ready, drawings for building permit applications need to be done concurrent with some of the horizontal work in 2015. There will be more certainty about the plans this time next year.  
The developers will submit plans specific to their operations, but the plans would follow the outline established in the project manual that is on the City website: <http://www2.oaklandnet.com/oakca1/groups/ceda/documents/report/oak044540.pdf>  
The regulatory agencies expressed concern that two or more plans could be issued for review in the same 17-day review period. Although CCIG thinks it's more likely that the plans will come in at different times, the next few meetings is a good time to discuss how the plans can be phased.
  6. Since the City has no resources to organize or package the inter-agency working group, the regulatory agencies agreed to develop the specifics and submit a proposal for the City Administrator to review.
  7. Agenda topics for the next meeting: Roll out of future Air Quality Plans; Presentation of the Emissions Analysis; Air Quality Monitoring Update
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**Agenda Item**

1. & 2. **Doug Cole** opened the meeting and relayed that Fred Blackwell is moving on and Henry Gardner will be the interim City Administrator. He asked if there were any questions about the agenda.

**Richard Grow (EPA)** said he had questions about the Report Back on Governance but would wait until after that was given.

3. **Hui Wang** reported that the City Administrator's response to questions about co-chairing, scheduling meetings, agenda setting, decision-making, and the review period was to affirm that the City would continue to operate within the Mitigation PO-1 framework set by Council. However, due to the lead time for future Subject Plans, **Fred Blackwell** agreed to provide stakeholders with a presentation of an upcoming plan during the 45-day notice period, either at a quarterly meeting or in lieu of the meeting, depending on the timing of the notice period. If possible, the City would also provide a preliminary draft of the plan to the regulatory agencies prior to the 17-day comment period. The City had previously consulted with BAAQMD on an ad hoc basis on the Air Quality Construction Management Plan and is willing to meet with an inter-agency working group on the same basis, provided it places no additional cost on the City. **Anna Lee** volunteered to help with notes and agendas so that City staff would not be required to coordinate the meetings. The inter-agency working group would be the technical interface for the community as **Brian Beveridge** suggested at the January meeting. Another outcome of the Governance meeting was a set of ground rules provided by **Robyn Hodges** for facilitating the stakeholder meetings. Put forward, but not voted on, was a suggestion that participation in the meetings be limited to stakeholders on the stakeholder list. Any interested community member, however, can request to be added to the list.

**Alison Kirk (BAAQMD)**: If the working group has comments for the stakeholders, I think we should get the response in writing.

**Darin Ranelletti**: If it needs to be memorialized, it can be done.

**Richard Grow (EPA)**: A minimum condition for EPA's participation is a level of formality. If an inter-agency group is to be formed, it needs to be formed with clarity about how it will function. I'm not sure what an interface is. I'm not sure what an ad hoc basis is. As currently spelled out, it's still too vague for us to say yes we'll do that. Our caution comes from the MAQIP which we did not feel was satisfactory.

**Hector Castaneda (CARB)** echoed Alison and Richard's sentiments. We're interested. More details would be helpful. Maybe it's something we could sit down and discuss.

**Anna Lee (ACPHD)**: I thought the purpose of the group would be to be advisory to the City, bring together these agencies with environmental and public health expertise and formally consult with the City and the project team. I understand the limit on resources. Does the City plan on going to Council to request more funds for a meaningful process?

**Hui Wang**: No. The money has to come from the project and the project has no more money.

**Doug Cole**: When we say we don't have any more money, it's not an exaggeration. We're not sure how staff will be funded beyond the year 2015. We've committed all our funds for the public improvements, but we still have somewhat of a funding shortfall. And we're not sure how we're going to address that for the site prep work that's required for the vertical.

**Anna Lee (ACPHD)**: So you're saying you don't have funding to create the plans?

**Doug Cole**: I'm saying we not only don't have money for staffing, but more importantly than that we need funds to complete the site prep work that lead to the vertical improvements.

**Hector Castaneda (CARB):** I heard there might be a shortfall. Could you expand on what kind of prep work might not be completed?

**Doug Cole:** We just gave an informational report to Council on the shortfall. The Army Base was built on landfill and infills. When stuff sank, the Army just left it in place and paved over it. So what happened is there's debris and all kinds of things that we're coming across. A lot of the environmental stuff was known, but the geotechnical issues weren't fully anticipated. As we talked about before, the project components are the backbone infrastructure, which has to deal with liquefaction and settlement. But beyond that are the parcels where liquefaction and settlement issues also have to be addressed—even to a greater extent because of the need to support buildings. And then there are liability concerns. We're committed to completing the project and we're trying to find grant funds. In the worst case, we're looking at backend revenues as a way to fill the gap.

**Darin Ranelletti:** To respond to Anna's question about the air quality plans, the cost of the plans is built into the project cost. The concern about staffing is separate from the plans.

**Anna Lee (ACPHD)** asked for the project sequencing and getting an estimate for when the plans will be coming out. Two plans coming out at the same time would be a huge burden for the agencies. If we had a rough timeline we can think how many (?s) we need.

**Hui Wang:** That's in the agenda.

**Mark McClure (CCIG):** I have two team members who have to be at a 2:00 pm meeting. Could their presentation be taken out of sequence and then have Maile do hers in sequence?

**Doug Cole:** Is everybody ok with that?

*The room concurred.*

5. **Scott Erwin (TTGF)** gave an update on the project's progress with a look at last quarter's work and a look ahead at the next quarter. In the last three months, we built 80% of the West Burma Road bypass. That's a detour that's going to take traffic off West Burma Road. The balance can't be done until we get some underground built underneath.

*Doug Cole interrupted and suggested pinning the schedule that Scott Erwin was referring to on the wall, because copies had not been printed for the room.*

**Hector Castaneda (CARB):** Is this on the Oakland Global website?

**Maile Smith (Northgate):** Yes, go to Oakland Global, and then to reporting, and then to air quality. The schedules are attached to back of the Air Quality report.

**Scott Erwin (TTGF):** Basically this (the schedule) is an overview of the Army Base project. Last quarter we handed these out and this map showing what we've done pretty well tracks with what we said were going to do last January.

In North Gateway, we've been accepting broken concrete from the demolition of the Bay Bridge. It's being stockpiled. We'll eventually crush that material and use it for construction base products throughout the project. Last quarter we built a drying bed in this blue area in the North Gateway to accommodate wet soils that we generate onsite. We have to store the soil in a way that the water in the soil doesn't leach down into the existing grade. We built two cells. One is for clean soil and the other is for suspect soil. While we've been excavating old utilities, we've had full time environmental monitors monitor the soil. If it's got any questionable aspects to it,

we put it into this bin in this stockpile area and then it gets tested and characterized. If the characterization has action levels higher than reuse, then we haul it to landfill.

We've been deconstructing the warehouses. Originally the JV hired a different subcontractor. We terminated that contract as the contractor wasn't performing as well or as quickly as we wanted. Subsequently CCIG has hired a local subcontractor for the work and they're doing a lot better job especially with the MMRP requirement to salvage the lumber from the buildings. The three smaller warehouses have been taken down completely. Building 808, one of the larger warehouses, is starting to get deconstructed.

Coming down the horn is the joint trench installation on Maritime. We started it in January. We've not been working on it for six weeks or so, because of the quality of the backfill material placed over the pipes. We're currently developing a work plan to resolve the issue.

In the middle of the site is the Central Gateway where the majority of the work will be taking place. This is the critical path area for the entire project. We have to get a million yards of import into this area, sit through a twelve month surcharge settlement program, and then move the excess dirt to other areas on the site and go through a similar process there. The overall four year construction length of the job, the controlling operation is the earthwork operation. In order to get the surcharge program in, we have to do the building demolition, site demo, abandon utilities, and then start the wick drain program. That was started last quarter. It's basically poking perforated plastic tubes into the ground. Once we put the surcharge on top, it squeezes the water out of the ground up through the tubes. We will take that water to a treatment facility. We have applied for and are close to receiving an NPDES VOC and fuel leak discharge permit from the Regional Water Quality Control, which includes a pretty extensive treatment facility for all the groundwater. It'll be cleaned up to where we can discharge to an outfall. Our dewatering program is close to being set up.

**Doug Cole:** To get back to what we were talking about earlier, there were some geotechnical, deep dynamic compaction testing that was done. Can you give them a sense of how the soil has dropped?

**Scott Erwin (TTGF):** The deep dynamic compaction testing was done a month ago. Part of that process is taking a couple different size weights and dropping them from a couple different heights. The largest weight was a 15 ton weight. From about a 50 foot height it dropped down and created a crater about five feet deep. It's a method to consolidate the fill. The guys doing the testing are very positive that the results are bearing fruit, but we have to wait until we get the final analysis, which requires looking at the soil over a period of time to determine the engineering that needs to be done. We don't have conclusive results yet.

Looking ahead, we'll continue with wick drains through the Central Gateway, demolition, and abandonment of pipes. The import of soil will be coming onto the site. In the last three weeks ten thousand cubic yards have come onsite. We'll start seeing more activity there. Probably May 1, May 10, we'll have enough area that's got all the wick drains in and all the trench drains in that it'll be more of a daily basis for trucks coming in and out of the site. That'll be every day going forward for a year and a half. We had to stage the wick drain program and import borrow program a little bit in the Central Gateway because there's an impact to our current schedule with getting storm drains installed. We ran into some AT&T and PG&E lines that have kept us from installing the new storm drains and abandoning all the old storm drains.

Up in North Gateway where we've been accepting the clean concrete that's been coming off the old Bay Bridge deck, we're mobilizing to crush the materials. Building deconstruction will most

like continue until September of this year. Once we resolve all our issues with the backfill material, we'll restart the joint trench and get that completed. On Chungking north of Port America, we're going to install a water line. We're going to complete the Burma Road detour and switch traffic on there.

**Mark McClure (CCIG):** Last time you reported that we had implemented the sticker program for the trucks. Can you give us an update on the sticker program.

**Scott Erwin (TTGF):** I'm going to turn that over to Momina because she's been managing the program.

**Brent Bucknam (Urban Biofilter):** What are some of the soil contamination issues that are coming up?

**Scott Erwin (TTGF):** There are a lot of hydrocarbons. Some benzene, metals and lead, so it's pretty much across the board.

- 4b. **Momina Jalil (TTGF)** reported on the trucks tracked under the decal program, which started on February 24. So for the month of February the report only covered three days. In that time 35 trucks were inspected, and 15 decals were issued. 7 of those decals went to retrofitted/Engine Year (EY) compliant trucks, and 8 of the decals went to exempt trucks. The other 20 trucks had a one day reprieve. They were allowed to complete their work for that day. The next time they came to the site, they had to have documentation or they wouldn't be allowed onsite.

**Hector Castaneda (CARB):** Did you keep track of the number of trips made by the retrofitted trucks versus the exempt trucks?

**Momina Jalil (TTGF):** We don't track loop-arounds completed, and we don't separate them out.

**Anna Lee (ACPHD):** For those 20 allowed that one day's work, do they come back repeatedly?

**Momina Jalil (TTGF):** They come back on that day repeatedly, but they do not come back the next day. The guys in the field have the list from the previous day and identify each truck. They know who is supposed to bring in proper documentation, meaning their fleet summary and their CARB cert, to show they're compliant. If they're lacking either document, they're considered non-compliant at that time.

**Richard Grow (EPA):** In past meetings there have been a number of references to thousands of trucks that are dirt haulers or something. There were commitments to come back to us about the emissions. Do these include the dirt hauler trucks?

**Momina Jalil (TTGF):** Yes, these are all haul trucks—whether it's dirt or AV—that are coming in.

**Richard Grow (EPA):** Mark, is it your understanding that we'll talk about those dirt hauling trucks?

**Mark McClure (CCIG):** That's 4c on the agenda.

**Momina Jalil (TTGF):** In March we inspected 22 trucks and issued 15 decals. Total exempt trucks were 10, and total retrofitted or EY compliant trucks were 5. The numbers don't always add up, because as I said, they're allowed to operate the first day they show up but they may not show up the second day. Also if you come on site one day and you come on site the second day, in the inspected trucks you actually get counted twice. That's why the number of inspected trucks can be higher than the number of decals issued and non-compliant trucks.

**Anne Whittington (Port):** Engine year model, is that 2007 or later engine?

**Momina Jalil (TTGF):** Yes. We keep daily records of the gate checks. They list the trucks, trucker ids, engine year model. Those are all records we keep.

**Anne Whittington (Port):** Do you keep records of the engine year of the exempt trucks?

**Momina Jalil (TTGF):** Yes.

**Anna Lee (ACPHD):** Do you have any idea of the average number of truck trips per day, per week, or per month?

**Momina Jalil (TTGF):** I don't have the truck trips calculated daily. On haul days when the dirt import comes in, I do have that data. But for those little one guy comes on site, one load and leaves—we might have a truck log for that. But definitely for the large hauls we have the numbers for loads, yardage, trucks and all that.

**Scott Erwin (TTGF):** Most of the trucking Momina is reporting on to date is for onsite movements. We've been preparing the site to get ready for the import borrow. We really haven't been bringing quantities of anything onto the site. Most of these trucks have been moving material on site from one location to another. So it's not a matter of trips but hours they've been working.

**Tim Leong (Port):** Is there any contact information for the truckers to understand their origination? Where they come from? Is that tracked?

**Marck McClure (CCIG):** There's not been a lot of import so far. There's been some from the Bay Bridge.

**Scott Erwin (TTGF):** We're working with large truck brokers on the import borrow and they're all very well aware of the voluntary decal program. They've helped us to implement it and make sure that it's efficient. I would say there aren't a lot of truckers who don't know that this is a requirements on this job. Obviously the first three days in February you had a lot of truckers who didn't have a clue, but over time that will get corrected.

**Tim Leong (Port):** I'm just wondering if these are local guys, Oakland residents, or really close by.

**Doug Cole:** Are you asking where the dirt is coming from or where the truckers are coming from?

**Tim Leong (Port):** Some indication of both. To get an understanding of what this population looks like.

**Mark McClure (CCIG):** For jobs I don't have the number in front of me, but for the trucking I think they were almost 100% local. But to Scott's point, when they import larger amounts of dirt, it's highly likely they'll come from one specific location and we'll be able to work with that trucking company to make sure that the trucks going back and forth are not only stickered but of the 2007 retrofitted compliance.

**Hector Castaneda (CARB):** Will this information be posted on the Oakland Global website?

**Momina Jalil (TTGF):** It's not there now, and I don't have access to the site.

**Mark McClure (CCIG):** If the City wants it to be posted, then... Maile, the air quality measurements are posted on the Oakland Global...

**Maile Smith (Northgate):** Yeah, we could create a separate portal for construction compliance documents. It is available per the MMRP, so it's available if you make a request. You could make a request to Momina and she could provide you copies. Right not it's not online.

**Scott Erwin (TTGF):** We're publishing a weekly report of the MMRP compliance. That document I think gets published for view.

**Momina Jalil (TTGF):** I keep the tracking separate from the SCA/MMRPs, just because it's a different beast. It's not a requirement of the SCA/MMRP, so the numbers aren't part of the weekly compliance report.

**Mark McClure (CCIG):** Doug, is it ok to roll into Maile's report?

- 4a. **Maile Smith (NorthGate)** gave an update on the Air Monitoring program. The quarterly report is available on the Oakland Global website. To save paper, we're not providing copies at these meetings anymore. But by the quarterly meeting, each quarterly report will be up and online. Based on the last meeting, we've added a couple of elements to the report to make it easier to get a quick overview. We've added an acronym list. There's also an executive summary so that community members can get a quick and easy picture of what occurred during the last quarter. In the first quarter of 2014, all the monitors showed similar trends. As with the fourth quarter of 2013, the upwind monitor located on the West Gateway property showed the highest results. All the community monitors showed similar results. There were five exceedances of the 24 hour standard in January. Based on our review they correlated with meteorological conditions and fell very close to events, such as fireworks on New Year's Eve, a local fire, or the high pressure ridge sitting off the coast. There were no triggers for consultations or additional analyses.

**Darin Ranelletti:** What was the theory about higher readings on the upwind site?

**Maile Smith (Northgate):** It's within a 1000 feet of basically the Bay Bridge touchdown. In the report we provide wind rose diagrams for the months as well as the days there were exceedances so you can see what direction the wind was blowing. There were no project activities correlated with those exceedances. They all fell on or within a day of the Air District's Spare the Air alert. They were due to regional air quality impacts.

- 4c. **Mark McClure (CCIG):** Environ, one of the consultants that assisted with the CEQA studies under the Addendum, was running numbers on the estimated emissions for a barging program versus a trucking program. We had preliminary results come back that are being reviewed internally by the City and our team. Unfortunately it's not available for this meeting, but we anticipate that it should be ready for the next meeting. Right now the initial numbers show decreases.

**Richard Grow (EPA):** So this is only looking at the modes. My question had more to do with, assuming you keep as much on trucks as it was looking like you were going to keep on trucks, your approach. Do you have an approach that leans towards cleaner trucks doing most of the dirt haulage?

**Mark McClure (CCIG):** Yes.

**Richard Grow (EPA):** And what is that? By requiring that they be 2007 compliant?

**Mark McClure (CCIG):** As much as we can. The sticker program is voluntary. We don't have the same regulatory authority as CARB, but we can quietly, strongly encourage... For instance there's a specific site in Oakland that is currently going through an EIR process that requires off-haul of clean dirt. If we were to accept dirt from that particular site, as we negotiate the terms, we can make it a requirement that the trucks meet the higher compliance standards of 2007.

**Richard Grow (EPA):** As far as how effective that is, we could watch the tracking data.

**Mark McClure (CCIG):** Yeah.

**Richard Grow (EPA):** OK.

**Anna Lee (ACPHD):** There was the sticker program that you were talking about. Could we fold those trucks into that program?

**Darin Ranelletti:** They are part of the program.

**Mark McClure (CCIG):** On specific larger import programs that would be negotiated, we would have more leverage to say "By the way, if you want to bring soil here, here are the conditions under which we can do it." Maybe that requires reducing the tipping fee a little bit to encourage them to do that, but we have more flexibility to require the 2007 compliant standard.

**Anna Lee (ACPHD):** And you say that's something you're looking into?

**Mark McClure (CCIG):** Yeah. As these opportunities come up we have that leverage.

**Hector Castaneda (CARB):** Can you elaborate on decrease? What was that compared to? Talking about barge vs trucks or...

**Mark McClure (CCIG):** We're refining the report. As soon as it's available we can answer more specific questions.

**Darin Ranelletti:** Basically it's the barging emissions that were assumed under the CEQA analysis vs the emissions associated with the trucking. Comparing those two. The initial results are showing lower emissions from the trucking. So we're trying to sort through those details and put them down in a way that's understandable.

**Mark McClure (CCIG):** One of the reasons for that is the barging would bring in soil to a specific location onsite and then there'd be a lot of off road vehicle activity to spread it out, whereas trucks coming in would drop the dirt in a specific spot without a lot of back and forth onsite. Also the barge would require a tug to bring it in at low speed. And that would have emission impacts.

4d. **Doug Cole:** Item 4d is the contact list that was requested. There are contacts regarding air quality monitoring, questions about trucks and the stakeholder process.

5. **Doug Cole:** We're going to move into project schedule. Is that what Scott did with sequencing?

**Hui Wang:** That was the three month look ahead, but Anna wanted to know when we would get to site delivery and when they could consider talking about the other Subject Plans.

**Mark McClure (CCIG):** The operations plans?

**Hui Wang:** Yes.

**Doug Cole** distributed a project schedule that was included in the informational report to Council. The West Gateway is phased for delivery in April 2016. That coincides with Caltrans' option to extend their lease another year. The AMS Site is currently scheduled for July of 2016. The North Gateway, which will include the recyclers, July 2016. The East Gateway, that's the Prologis parcel, July 2016 as well. The Central Gateway is where we have the most site constraints, but conceptually October 2016. The Central Gateway materials handling area by December 2016. These are early delivery dates and the earliest that vertical development could start won't be any earlier than 2016. The City needs those sites delivered as quickly as possible, because it needs \$125 million in vertical improvements completed by April of 2019 to meet the required match for state funding.

**Mark McClure (CCIG):** I think we can say that 2016 is when the sites can be delivered, but there'll probably be some certainty as to what would be built, at least as far as Prologis is concerned, on the East Gateway by 2015. They would probably have a specific tenant that would be signed up and they could start developing their plans then. West Gateway probably before that. Mr. Jennifer, you have more knowledge about the scheduling and delivery of the AMS site and the recycling site, so I won't speak for you, but ...

**Darin Ranelletti:** So you think in 2015?

**Mark McClure (CCIG):** Yeah I think we can start rolling out stuff in 2015. It won't come all at once. The different elements will come at different times.

**Jai Jennifer (OMSS):** Are you saying some work could happen on the sites before the infrastructure work is done?

**Mark McClure (CCIG):** No, I'm saying as far as their expectations of an air plan based on the truck trips and whatever else we'll probably have some idea before the site is delivered of what the operations will look like.

**Doug Cole:** Let me clarify. These dates are when the backbone infrastructure serving the sites would be completed so that each developer can start their vertical construction.

**Jai Jennifer (OMSS):** Has it been evaluated so that vertical construction can take place concurrent with the horizontal construction?

**Doug Cole:** These are early dates when the backbone infrastructure serving those sites will be done. There may be opportunity for OMSS or the recyclers to get in earlier. It may be at your risk doing that. Because if elevations aren't set and things don't line up, well, that would be your risk.

**Hui Wang:** I think Anna's concern is when will these air plans be ready?

**Doug Cole:** It should be in advance of these dates.

**Darin Ranelletti:** We need to know the tenant and the architectural concept. I'm hearing 2015?

**Mark McClure (CCIG):** Yeah. And Doug alluded to the deadline for the City for truing up the funding for TCIF. I think it's safe to say everybody wants their parcel as soon as possible. So it's safe to say any drawings submitted to the City to get a permit will be done concurrent with some of the horizontal work. So that as soon as the site is delivered, they'll be able to move right into vertical construction. Being able to do that would require them to have specifics about the operation that they're planning on building, which will probably be in mid-2015. I'm assuming as an outside date, in the next 12 months those plans will start to become more clear. The earliest that anyone would commit to would be this time next year as far as what is going to be there.

**Anna Lee (ACPHD):** Given that the mitigation is by Subject Plan and each developer will have their own kind of project that they're developing, will there be Subject Plans by site or one comprehensive plan?

**Darin Ranelletti:** I think we have to see how this shakes out. You've got different developers with different sites. Whether they're all done at the same time or different times we'll have to see. There will be multiple plans because we have multiple sites and multiple developers. But the key take away is while the plans will be site specific, they will cover much of the same topics.

**Anna Lee (ACPHD):** Will there be some kind of consistency of how those plans look? Maybe that's something we can work on?

**Maile Smith (Northgate):** Well, there are outlines of the air quality plans in the project manual. So I would think they'd follow the outline that's already been provided.

**Richard Grow (EPA):** Is this something we all know about? How to find the manual?

**Darin Ranelletti:** Hui can send out the link again. The way it was done was the plan that was done for the horizontal was actually a comprehensive plan that had both the horizontal construction activities as well as the vertical construction and operation activities. But those latter pieces were left blank with the idea that we come back and fill those in.

**Richard Grow (EPA):** Could you send that site out along with references to Oakland Global? Apparently I tried to go through the wrong door and I kept getting rejected.

**Hector Castaneda (CARB):** It seems there are going to be Subject Plans comprised of individual developer plans. Are they going to still carry that 17-day review period? Because now we're getting the situation which Anna brought up before where even if there were a comprehensive set, there's nothing in PO-1 that precludes you from releasing multiple plans at once. That's a concern that I have. Two plans set out with parallel timelines poses a situation where you're trying to review two plans in the same 17 days. Since we have lead time to think about how to stage these, it might be worth thinking about that. Depending on the developer the operation could be extremely complex with the equipment that they use or it could be fairly straightforward.

**Mark McClure (CCIG):** It'll probably be pretty straightforward and it's all going to be sequenced differently. I think you're bringing up a good point, but it's more likely that the plans will come out at different times.

**Hector Castaneda (CARB):** That's what I expect, but I just want to be sure.

**Darin Ranelletti:** This is a good thing to talk about. The next meeting we could try to set up this phasing of the plans.

**Hector Castaneda (CARB):** Maybe the inter-agency group could help out.

**Darin Ranelletti:** I see pros and cons to running them concurrently or separately. On the one hand it's a workload issue. It's just bandwidth getting through it. On the other hand, it might be nice to look at them all together to see how they relate for things like truck routes or truck parking. If they're coming in one at a time, maybe we won't see the relations.

**Anna Lee (ACPHD):** The inter-agency working group could meet and have a discussion rather than here's the plan. You have 17 days to comment. It would be good to have time to soak it in and be able to ask questions.

**Darin Ranelletti:** We did that somewhat during the previous plan, just more informally and mostly with the Air District. We can do that same thing only a little more formally and more broadly with more agencies. That could start with initial discussion of here's the questions we have before we actually get into presenting you with information to consider.

6. **Steve Lowe (WOCA):** Brent left me some notes. Mostly they're a recap of the meeting we had last Wednesday. It was talking about how the MAQIP was so successful. It has a lot of elements in it that could make all meetings in Oakland better. He also has a heat island mitigation strategy he wants to talk about and some soil and water remediation strategy and so forth. At the end of MAQIP we talked about expanding it to go all the way up to Stockton, Sacramento. It's a successful process. That's what I'm interested in for going forward. Brent says he needs ten minutes.

**Rob Selna (ROJE):** With respect to the inter-agency working group, I hear both Richard and Anna saying they were looking for more specifics about that. I'm unclear where those specifics are going to come from, because the City is not going to spend any more of its resources. So is it going to come from you Anna or Richard? Where are the specifics going to be developed?

**Anna Lee (ACPHD):** Well, I sent some comments to Hui on what I thought is the mission, the purpose, who could be on it. I'm just waiting for...

**Rob Selna (ROJE):** That's just the thing. The City isn't going to organize it or package for you.

**Anna Lee (ACPHD):** So we should make it up?

**Richard Grow (EPA):** What I provided earlier were some concerns that we had that we are discussing in more detail. I think it's fair for you to say, "Inter-agency group get more specific about what you want." I think a minimum thing we want is that it's not an FYI exercise. It's advisory, which means if we provide advice there'll be a response. That there's an appropriate level of formality. In the MAQIP some of us thought we provided lots of advice and it wasn't altogether obvious what happened. So we don't waste our time or your time, among us we should get more specific and provide that to the City. I appreciate Doug being forthright today about the desire to do a lot of things but not being sure of being still staffed after a certain date. So you raise the question of what kind of commitments do we need from who. I think at minimum we need a commitment from the developer, whatever that might mean, to come up with the responses. I don't mean sign off on them but frankly hear from the City what happened to our recommendations. So we owe you more detail.

**Darin Ranelletti:** Is the detail on how the parameters and process are structured for the inter-agency working group or detail on...

**Richard Grow (EPA):** If we're to spend time meeting as an inter-agency group and down the road folks refer back to us and say there wasn't an inter-agency group, that matters in certain ways. If we're going to participate in something that sounds like that, we have minimum conditions.

**Doug Cole:** So is this just in relationship to the review of the plans and the context of that 45-day review or is this outside of that?

**Richard Grow (EPA):** I guess we need to talk about that. We've been planning every meeting before now to talk about air quality issues on the Oakland Army Base. I'm hearing the counter position of no we're only dealing within the constraints of the City Council resolution.

**Hui Wang:** But the framework that the City Council set up is for air quality.

**Richard Grow (EPA):** I do understand that, but you asked me a question as to where my concerns were. I understand what you're saying and what was written in the meeting notes.

**Doug Cole:** So for the current time, you all are going to get together.

**Richard Grow (EPA):** Yeah. As far as I'm concerned, at this point we are not participating in an inter-agency work group. We hope one develops.

**Anna Lee (ACPHD):** I can help to package the proposal and send that to everyone.

**Hui Wang:** Send it to me and I'll distribute it.

**Anna Lee (ACPHD):** To the group?

**Hui Wang:** It has to go through the City Administrator first.

**Richard Grow (EPA):** We just want to make sure that something adds value and is worth your time, our time. Otherwise, let's not do it.

**Anna Lee (ACPHD):** So I'll send it Hui and Doug.

7. **Hui Wang:** Could we have a set meeting date so we don't have to have to do a Doodle poll every time, and just know three or four months in the middle of the month we're meeting from 1:00 to 3:00?

**Richard Grow (EPA):** I don't think we can propose on that today. There are stakeholders missing.

**Mark McClure (CCIG):** I think Richard's right. I couldn't commit to a date based on people I need to coordinate with.

**Doug Cole:** Maybe we'll send out a request for a permanent date.

**Darin Ranelletti:** Except if we want to coordinate it with plan release that would be my concern for doing it on a regular basis. What if you come up with three options for meeting dates and send it to the group?

**Anna Lee (ACPHD):** July right?

**Hui Wang:** Sure. Agenda topics. Darin did you want to come back and talk about how we handle future plans?

**Darin Ranelletti:** I think it makes sense to have it on the agenda. We could call it scheduling or roll out or planning for future air quality plans.

**Hui Wang:** Are there any other suggestions?

**Anna Lee (ACPHD):** Didn't Brent want to give the presentation?

**Darin Ranelletti:** Well, consistent with the outcome from the governance meeting, if there's a suggested topic, the City will consider that. But until we talk to Brent more about what he's interested in, I don't know if the City is willing to say yea or nay at this point. It sounds to me like we might need more definition around what it is he wants to present. So I would say let's talk to Brent to see what he's thinking.

**Steve Lowe (WOCA):** I think he's going to submit something in writing.

**Darin Ranelletti:** Great. That'll help make sure that it's a good use of our time.

**Anne Whittington (Port):** So the emissions analysis of soils import has been postponed until the next quarterly meeting?

**Darin Ranelletti:** Let's have that on the agenda, too.

**Anna Lee (ACPHD):** The air quality monitoring is always a topic right?

**Doug Cole:** Yes.

*The meeting adjourned*





## Meeting Minutes

**Date:** September 17, 2014  
**Time:** 2:00 PM  
**Location:** State Building 1515 Clay Street Oakland, CA  
**Meeting:** Oakland Army Base (OAB) Environmental/Air Quality Discussion

### Meeting Goals

- Define issues to be resolved
- Discuss process to resolve disputes and potential solutions
- Identify need for additional sessions

### Margaret Gordon Request:

Include a representative from the City Administrator's office and project area Councilmember Lynette McElhaney in future dispute resolution discussions

### Issues Identified:

1. (City + CCIG) Further define BAAQMD request for project to exceed SCAs and perform beyond requirements of the CEQA document
  - a. EIR 4.4-3 and 4.4-4 require City and Port to develop plans "to reduce impact to less than significant levels" but list of suggested measures in EIR is outdated
  - b. BAAQMD wants to work with City and Developer to identify an updated set of mitigation strategies and pursue incentive funding to reduce emissions on the operational (vertical) development
    - i. Funding may be restricted if it goes toward meeting existing mitigation requirements
  - c. Project is fully compliance with SCAs but BAAQMD feels that just complying with regulation is not mitigation and encourages City and Developer to accept responsibility to go beyond regulation
  - d. Mitigations do not have a quantified standard that has to be met, under CEQA the City has to prepare plans to reduce impacts as much as feasible, when do the plans do enough?
2. (CCIG) Determine extent that development team can regulate pollution generated from on-road construction related trucks
  - a. Project has local hire requirement and is utilizing 100% local trucking
  - b. Many of the local trucking companies are small fleets who are compliant with CARB regulations through small fleet exemption
  - c. Development team has implemented a volunteer sticker program for all trucks importing soil onto site, but does not have the authority to keep them off public streets – will require public agency enforcement
  - d. The updated 2014 Port terminal truck requirement does not apply to City horizontal construction because the area being developed is not a Port terminal

3. (WOEIP) Need for a transitional truck management plan to address routing of trucks going through West Oakland
  - a. To commence construction, tenants were evicted from OAB and many relocated their businesses in West Oakland, which lead to a re-introduction of trucks into the neighborhood (i.e. US Customs bringing an additional 1200 truck trips/month through West Oakland)
  - b. Project mitigations do not specify an interim management plan for trucking operations formerly located on the OAB
    - i. EIR interpretation issue
    - ii. Community feels comprehensive truck management plan should have already been created
    - iii. Development team determined plan was only needed for vertical development (new trucks)
  - c. Development team made considerations for tenant relocations in the project's Master Plan, which anticipated synchronized development of City and Port areas such that the existing OAB tenants could be relocated on site as project sequencing progressed and new buildings were constructed - this, however, is not how the project played out
  - d. For City horizontal construction, the development team is implementing a traffic control plan with specific routing for project related trucks
  - e. For City vertical development, truck management plans will be created and implemented once tenants and uses are identified
  - f. Items for further discussion:
    - i. Define range of "transitional period"
    - ii. Measures for enforcement (City issuing tickets to trucks driving through West Oakland)
4. (WOEIP) Further consideration of where trucking and related services, formerly located at the OAB, will be relocated during horizontal and vertical construction
  - a. Status of City and Port 15 acre truck parking requirement
    - i. Port has approximately 30 acres of truck parking available at the Roundhouse/Adeline site
    - ii. Should the Port side get developed, the City has a 15 acre site available for truck parking
    - iii. Local trucking company OMSS has a development agreement with City, and by the end of 2015/early 2016, will have a 15 acre truck parking/truck services site on City's portion of OAB

**Suggested Next Steps:**

1. (WOEIP) Ongoing open and transparent dialogue on project's performance
  - a. Discuss assumptions made at the start of the project, how are we doing, how will we do course correction, if needed?
  - b. Examine goals and decide whether they are being met
  - c. Examine new technologies
2. (State) Ombudsman meetings
3. (WOEIP) Standing check-ins with Caltrans, Developer and City
  - a. To assess what is going on in the community
  - b. To receive feedback from the community
  - c. Note: Quarterly Air Quality stakeholder meetings are in progress

4. (City) Process, mitigations and funding required to facilitate
5. (State) Addressing how responses to issues are perceived
6. (BAAQMD) Provide City, Port and Developer with an outline of what Mitigation Measures 4.4-3 and 4.4-4 means to BAAQMD in a proactive approach to reach agreement on how to implement and fund these measures
7. (State) Identify a list of operational measures and best practices, with respect to the terms codified in the LDDA
  - a. Draft City + Port memo regarding where project mitigations currently stand and what the future obligations might be, based on project documents and BAAQMD and CARB discussions
  - b. Memo will allow developer to evaluate and quantify implementation costs and community to evaluate adequacy of measures
  - c. Nomenclature is key – identifying “mitigations” may restrict funding
8. (State) How will we handle issues that may arise from the continued “transition”
  - a. Ken Alex and Chris Clafee to speak and circulate thoughts
9. (WOEIP) Governor’s office reaching out to Federal representatives to discuss what happens after 5 years with US Customs location
  - a. Federal agency has no protocol for determining impact on community
  - b. Interagency communication - have Governor’s office request US Customs (Homeland Security) communicate with EPA

**Port Update:**

- At the start of the OAB development, the Port created a truck plan which was going to lead into an air quality plan
- Truck plan turned into comprehensive truck management plan which relies heavily on regulations, but the regulations from CARB took into the entire air quality sources from seaports into consideration
- Port initiated a truck emission reduction plan and maritime air quality plan (MAAQIP) which has a tiered approach:
  - Comply with regulations
  - Comply with regulations early
  - Keep pursuing new technologies and operational efficiencies
- The Port is reviewing list of possible port emission reduction projects and asking tenants to invest in these projects

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**MINUTES**  
**FOURTH QUARTERLY AIR QUALITY STAKEHOLDERS MEETING**  
**HEARING ROOM 3**  
**ONE FRANK OGAWA PLAZA, 1<sup>ST</sup> FLOOR**  
**OCTOBER 15, 2014**  
**1:30 PM – 3:30 PM**

The following represents a summary/paraphrase of key comments (not detailed minutes). The meeting attendance sheet is provided as an attachment.

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**Meeting Summary by Agenda Item**

- 2a. None of the air monitor readings for the last quarter exceeded EPA's ambient threshold. The West Oakland monitors had similar readings to the Air District's monitor, while the monitor near Caltrans showed higher concentrations.
- 2b. The risk assessment analysis found that the truck program will result in fewer emissions than barging.
- 2c. The regulatory agencies still have to meet to put together a proposal for an inter-agency working group.
3. After the Governor's meeting, OPR sent an email to the attendees with a list of to-dos. The Air District is close to drafting an operations plan for the Army Base. Regarding an ombudsman, Richard Grow offered the services of EPA's Conflict Prevention and Resolution Center. Darin Ranelletti would like to get clarification first from OPR about what is expected from its to-do list. Is there going to be another process on top of the current stakeholder process? He also wanted more context about the role that OPR expected the ombudsman to play.  

Brian Beveridge and Margaret Gordon brought up a number of land use issues in West Oakland that they thought the SCAMMRPs or the Army Base project should address. Mark McClure said that some of those issues were not specific to the project and needed a broader discussion.

Darin Ranelletti will meet with the Air District and other interested stakeholders about the SCAMMRPs. John Monetta will meet with the community, EPA, the Port and developer regarding the transition plan for the Army Base.
4. This item was tabled until the next quarterly meeting.
5. Agenda topics for the next meeting: Roll out of future Air Quality Plans, outline of the plans, timeline for development; Air Quality Monitoring Update

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**Agenda Item**

1. **John Monetta** opened the meeting with introductions and a review of the agenda.
- 2a. **Maile Smith (Northgate)** reported that the air monitors showed similar data trends. The Caltrans staging area had the highest PM2.5 concentrations, but nothing exceeded the EPA ambient threshold. The air monitors at Raimondi and Prescott had readings similar to the Air District monitor. The third quarter report is being reviewed by the City and will be posted by the end of next week. The program will continue as described.  

**John Monetta:** Who does the reviewing for the City?

**Maile Smith (Northgate):** Mark Arniola in Environmental Services.

**Anne Whittington (Port):** Any theories as to why concentrations are higher upwind? Is it the Bay Bridge or regional factors?

**Maile Smith (Northgate):** The readings match regional trends. But even if they were specific to the Bay Bridge, we don't have sufficient data to say why. We can infer a correlation, not causation.

**Anne Whittington (Port):** Did the Port send the data you requested?

**Maile Smith (Northgate):** We were referred to a service that wanted an annual subscription fee. Caltrans has the data, which is public, but they're bureaucratic and difficult to deal with.

**Anne Whittington (Port):** I'll see about getting you the information.

- 2b. Mark McClure (CCIG)** reported that the risk assessment study was completed. Darin had asked for a refinement, which should be done by tomorrow for distribution. Basically the study found that the truck program will result in fewer emissions.
- 2c. Richard Grow (EPA)** reported that the regulatory agencies haven't had another meeting to put together a proposal for an inter-agency working group. He will follow up with Anna Lee.
- 3. Margaret Gordon (WOEIP)** following up on the Governor's meeting, we need a discussion about emissions and why there's no truck traffic plan in place. When is that going to be done?

**Hui Wang:** A truck management plan is one of the required mitigations for operations. Mitigation 4.3-7. The full text of the mitigation requirements that are the basis for the operations plans was distributed to the group so we can talk about their roll-out and content.

**Margaret Gordon (WOEIP):** It's required but when's it going to be done?

**Hui Wang:** When the tenants are known—before operations begin. But in the meantime, don't we have a truck management plan in place for construction?

**Maile Smith (Northgate):** Yes, there's a traffic control plan with procedures for controlling traffic and emissions in the project construction manual.

**Richard Grow (EPA):** After the Governor's meeting Ken Alex from OPR sent an email with various to do requests. EPA responded to two of the five items. Did Darin get back to Ken about the ombudsman and resources available?

**John Monetta:** Darin is coming from another meeting and can address that question when he gets here.

**Anne Whittington (Port):** The Port is still putting together a transition plan for the existing tenants at the Army Base.

**Brian Beveridge (WOEIP):** I'd like to point out that we didn't initiate the meeting. The project team did saying the community was asking for things not in the EIR.

**Mark McClure (CCIG):** No, we never said that. We talked about the team's interactions with CARB and the Air District.

**Brian Beveridge (WOEIP):** Good to know it was about someone else and not the community.

**Anne Whittington (Port):** Ken's email asked Dave Vintze to draft an operations plan with information from the Port, City and CARB.

**Alison Kirk (BAAQMD):** We'll have a draft at the end of the month.

**Anne Whittington (Port):** I suggest that Dave call the Port and work with our wharfingers. Richard sent EPA's input on the custom house; Darin is responding about the ombudsman; Margaret let Chris know about needed CTC contacts; the City, Port, and community are working on the transition plans.

**Brian Beveridge (WOEIP):** Where does all this come together? If it's all thrown in the same bucket, whose bucket? How does this link to planning issues in West Oakland? Planning is more than the traffic plan. Other elements include business locations, enforcement. We need a comprehensive plan that includes a dialog about the transition taking place in West Oakland.

**Tim Leong (Port):** It would be great to hear from the business side. There've been some discussions through trucker working groups. Many of the issues being raised here are land use issues, but some discussion can be shifted to that forum.

**Brian Beveridge (WOEIP):** The key question is about who's engaged and what's the forum for moving multiple issues forward?

**Margaret Gordon (WOEIP):** Missing parties are institutions to address impacts to the community.

**Brian Beveridge (WOEIP):** There were a lot of good things in the West Oakland Specific Plan—like limitations on warehouse size. We need to look at those actions in conjunction with the logistics center. There's an opportunity for local small businesses.

**Anne Whittington (Port):** How should trucking company siting decisions be made? The customs inspection station is a federal issue. What other logistic activities that are Port-related that should be migrated over?

**Brian Beveridge (WOEIP):** Truck and container storage, maintenance, fuel, all trucking services taking place east of the freeway. There're lots of small-scale operations, clusters of businesses related to logistics. Part of planning is looking forward at forces effecting the migration of these businesses. If you don't plan for that, these small businesses will be squeezed out.

**Margaret Gordon (WOEIP):** Add to that all the types of recyclers still in West Oakland. Refrigeration, crushing and salvage, under freeway parking, repair services, weigh stations businesses. They're still there.

**Brian Beveridge (WOEIP):** A refrigeration company wants to build on Wood Street.

**John Monetta:** The West Oakland Specific Plan has a process for determining whether it can or not.

**Brian Beveridge (WOEIP):** How can logistics development mitigate development in West Oakland? How can they fit together efficiently?

**John Monetta:** That's a City planning exercise. Those questions are moving to bigger issues than can be addressed by the Army Base project.

**Darin Ranelletti:** The West Oakland Specific Plan is a way of addressing the large issues, but how Army Base gets at them is through item 4—the operation plans. With regard to the ombudsman on the Governor's list, I'd like to get more information about the State's thought process. What's the context. What's the problem that the ombudsman is supposed to solve. Does this group need one. I'd like to see how we can make this process work before substituting another process.

**Margaret Gordon (WOEIP):** West Oakland Toxics Reduction was a successful collaborative process.

**Richard Grow (EPA):** Regarding the ombudsman, I'd like to offer that EPA has a Center for Conflict Resolution and Prevention that can help out. It provides a formal collaborative process to resolve differences of opinion.

**Darin Ranelletti:** We don't all need to embrace everything to get an end, and these meetings are not about joint decision-making. But what would make the process more satisfactory?

**Brian Beveridge (WOEIP):** We're looking for a shared creative process and discussion about issues.

**Darin Ranelletti:** Our discussions about the construction program led to the sticker program. Is that an example of what works?

**Brian Beveridge (WOEIP):** That came out of Port discussions involving multiple stakeholders. It's a good example of collaborative thinking. If there weren't multiple stakeholders weighing in on how it could work, it may not have happened. I leave it to the group to decide if this is the right place for a comprehensive truck management plan. But it should be done in a working group setting not in town hall meetings.

**Darin Ranelletti:** Do we have the right stakeholders here?

**Brian Beveridge, Margaret Gordon, and Richard Grow** said no, business people were needed.

**Margaret Gordon (WOEIP):** The Port hasn't had a lawsuit since 1999 because they come to the table.

**Anne Whittington (Port):** This may not be the forum for truck planning but a good incubator for ideas about it. Doesn't the West Oakland Specific Plan address trucking issues?

**Darin Ranelletti:** We can try to get what we can into the box of mitigation measures. The thought of item 4 is how to develop the plans? Do we need different people, what's the scope?

**Margaret Gordon (WOEIP):** We need multiple stakeholders. Get all the agencies in one room.

**Darin Ranelletti:** To close up on item 3, is there any objection to seeing how the process can be more productive before considering an ombudsman?

**Margaret Gordon (WOEIP):** We want a neutral person at the table. Not a stakeholder in the process but someone who will help shape questions toward resolution.

**Darin Ranelletti:** So a facilitator.

**Brian Beveridge (WOEIP):** There's been no productive response from the City Administrator regarding the EIR and a firewall around the project. An ombudsman is not to facilitate but to get a response to a number of complaints.

**Rob Selna (Roje):** What's an example of an issue not being addressed?

**Brian Beveridge (WOEIP):** We asked for a side by side comparison of the 2002 and 2012 SCAs. How do the two documents serve the same purpose?

**Mark McClure (CCIG):** I don't remember anything framed that way.

**Richard Grow (EPA):** One example is the transition issue. Transition doesn't fit into one of your boxes. At this table, if it doesn't fit into a box, it doesn't get discussed.

**Darin Ranelletti:** We can talk about it anytime. When do you want to discuss it?

**Brian Beveridge (WOEIP):** There needs to be a formal framing of the dialog that needs to be had. It sounds like we need another working group.

**Darin Ranelletti:** We can have a dialog about response, but also get into the plans.

**Tim Leong (Port):** Can that discussion happen without having to establish ground rules and a facilitation process?

**Brian Beveridge (WOEIP):** If we can sit down with the idea that there'll be facilitation when we're at loggerheads. But the Air District should chime in about what the dialog should look like.

**Alison Kirk (BAAQMD):** It can be this group but with a list of questions in advance that we can focus on.

**Brian Beveridge (WOEIP):** Or there can be a separate dialog and report back to this group.

**Margaret Gordon (WOEIP):** What's the difference between standard conditions of approval and mitigations?

**Darin Ranelletti:** Mitigations measures are specific to a project to reduce impacts from the development of that project. Standard conditions of approval are requirements applied to all projects to reduce impacts of development.

**Alison Kirk (BAAQMD):** I feel Dave was asking a more nuanced question about how the project would meet the SCAMMRPs.

**Margaret Gordon (WOEIP):** It's important to understand when do SCAMMRPs change between building to building and between building to Port. Why are mitigations not equal to or better than standard conditions?

**Brian Beveridge (WOEIP):** We need a setting for people to lay out a series of questions and have a discussion. Something that should have taken place prior to the addendum.

**Anne Whittington (Port):** The Port takes the SCAMMRPs very seriously. We have people in the field to check on compliance.

**Brian Beveridge (WOEIP):** You need to convince Dave Vintze.

**Darin Ranelletti:** Is he asking how do we know you're complying.

**Rob Selna (Roje):** Or does Dave Vintze want to know when will we comply (regarding the operations plans)?

**Darin Ranelletti:** At the last meeting we said we would begin developing the plans by 2015. For the next meeting we can bring a draft timeline.

**Mark McClure (CCIG):** We can't commit to the timeline just yet. We're focused on the infrastructure at the moment. We have to ask the entity for the vertical development about the timeline.

**Richard Grow (EPA):** We heard that the Air District is close to drafting the operations plan. What about transition issues?

**Darin Ranelletti:** In our response letter to WOEIP, we explained how we had planned for the transition.

**Richard Grow (EPA):** The community laid out four or five other issues that still need looking at, so there is a need for an ombudsman.

**Brian Beveridge (WOEIP):** Customs was evicted without thinking where customs would go. Three Rivers moved and the Port said we didn't tell them where to go. Immediately after the evictions, John saw more trucks in the neighborhoods. There are external impacts to development. West Oakland was never part of the decision making process.

**John Monetta:** I spent a number of years on the relocation process. We only evicted one tenant and threatened others, who ended up moving to the Port. I did see more trucks in the neighborhood immediately after the transition, but that led to the addition of three more acres of parking at the Base. I haven't yet been empowered to ticket, not for lack of trying.

**Brian Beveridge (WOEIP):** The truck management plan should go beyond traffic. The City needs a more comprehensive approach. We're never sure if any of the measures will last. We need a policy discussion with a line item for enforcement.

**Margaret Gordon (WOEIP):** The street sweeper enforcement only gives tickets to cars. They never ticket trucks. Double parked trucks are never ticketed.

**Brian Beveridge (WOEIP):** We need to have a dialog with the Air District about the SCAMMRPs about alleviating these impacts

**Mark McClure (CCIG):** This comes back to the discussion with OPR. Some issues are specific to the project. Some are on-going issues that aren't part of the project. You have to distinguish which are which—which are project funded and which aren't. If they're not addressed in the SCAMMRPs, what specific things can be covered here? But for issues that can't be, it sounds like you need another forum. Land use issues in West Oakland warrant a broader discussion.

**Darin Ranelletti:** We can still have the meeting with the Air District.

**Brian Beveridge (WOEIP):** Yes, set the outside boundaries for discussion. Establish what's outside and what are the available resources. What committee should follow up with the West Oakland Specific Plan. The goal is to have the Army Base mitigate the legacy of problems in West Oakland.

**Mark McClure (CCIG):** We prepared a specific master plan under CEQA, which analyzed a specific development of the Base. To talk about relocating other businesses to the Army Base, it's a tough conversation to have now.

**John Monetta:** The master plan included recycling and AMS services at the Base. So we are relocating some of those uses out of West Oakland.

**Mark McClure (CCIG):** Stakeholders with vested interests in West Oakland are not empathetic to what happens here.

**Richard Grow (EPA):** Beyond the eviction question, I want to know who moved.

**John Monetta:** I'll be happy to walk you through that.

5. **Darin Ranelletti:** For next steps then, we'll have an SCAMMRP meeting, the air quality monitoring update, item 4 on the agenda that we didn't get to and a timeline.

**Maile Smith (Northgate):** Timeline and outline of the plans.

**Margaret Gordon (WOEIP):** When there's an air quality spike, when do we get a resolution to the spike? You identified a spike.

**Maile Smith (NorthGate):** There was no spike. Only that one station near Caltrans shows higher emissions. The work plan says the process is to consult with the Air District to see what events could cause a spike. We also look at work on the Base. Action is predicated on three spikes in a week.

**Margaret Gordon (WOEIP):** I haven't heard what the resolution is to a spike.

**Maile Smith (Northgate):** If there's correlation with work activity, we can take steps regarding the work. If there's no correlation with Base activity then there's nothing we can do.

**Margaret Gordon (WOEIP):** How do we know about spikes?

**Maile Smith (Northgate):** It would be reported in the quarterly report. Or you can check the daily data from our three monitors available through the portal. And there's the data from the Air District's monitor.

**Anne Whittington (Port):** Can you notify the Port if there is a correlation with work?

**Richard Grow (EPA):** The transition meeting should be focused on tenants, the May 9<sup>th</sup> letter from the community and the response. I want to be there for the meeting. Did things land in the community because of the Base? We need to take a look back and a look forward.

**Tim Leong (Port):** Could Richard send Hui the link to the West Oakland Toxics Reduction Collaborative?

**Darin Ranelletti:** I'll let John take the lead on the tenants meeting. Who should attend?

**Richard Grow (EPA):** The developer, City, Port, and community.

**John Monetta:** Since I wasn't at the Governor's meeting, I can only speak on looking back and how we got to here. The developer can talk about going forward. Is the transition plan for the City or also for the Port whose development the City is a part of?

**Richard Grow (EPA):** Ask the community to frame the issue.

**Margaret Gordon (WOEIP):** How did Planning allow business permits to three to five businesses that were vacant?

**Brian Beveridge (WOEIP):** If there's a list of tenants operating on the Base cross-referenced with businesses now operating in West Oakland, then we can tell if something happened or nothing happened.

**John Monetta:** It's a small world. I can tell you who the tenants were and where they went. So there are three meetings. Meeting 1 is the SCAMMRP meeting, which you Darin are handling, and Meeting 3, the transition plan, and Meeting 2, the fifth air quality meeting, I'll handle.

*The meeting adjourned*





## CCIG/OBOT/TLS RESPONSE TO CITY 9/28/15 QUESTION #18

### 18) With respect to CEQA:

- a. **Does CEQA apply to rail operations, or is it preempted by federal law?**  
CEQA Applies To All California “Public Agencies,” Including the City of Oakland

CEQA applies to California “public agencies,” including all “state agencies, boards, and commissions,” and local and regional agencies. (Pub. Resources Code, §§ 21080, subd. (a), 21062, 21063; CEQA Guidelines, §§ 15020-15022, 15379.) “Public agency” includes “any state agency, board or commission, any county, city, and county, city, regional agency, public district, redevelopment, or other political subdivision.” (Pub. Resources Code, § 21063.) The term “public agency” does not include federal agencies. (*Gentry v. City of Murrietta* (1995) 36 Cal.App.4th 1359, 1389; see *Citizens for a Sustainable Treasure Island v. City & County of San Francisco* (2014) 227 Cal.App.4th 1036, 1058 fn. 8.)

The lead agency for the project is the City of Oakland which is a “public agency” under CEQA, therefore CEQA applies to all aspects of the project under the purview of the City. As explained below, however, the relevant question is not simply whether CEQA does or does not apply, but rather CEQA’s provisions for the imposition of all “feasible” mitigation, as discussed below.

#### Purposes of CEQA

Application of CEQA, itself, does not result in the approval or disapproval of a given project. Rather, CEQA is an analytical structure whereby lead agencies are provided information regarding the potentially significant impacts on the environment of a given project. (Pub. Resources Code § 21002.1(a); CEQA Guidelines, § 15002(a)(1), (a)(4); see *City of Marina v. Board of Trustees of the Cal. State Univ.* (2006) 39 Cal.4th 341, 348.) Public agencies may not approve projects as proposed if “feasible” alternatives or mitigation measures would substantially lessen the significant environmental effects. (*Id.*; see also *laurel Heights Improvement Ass’n. v. Regents of Univ. of Cal.* (1988) 47 Cal.3d 376, 400.)

CEQA was fully applied and legally concluded in support of the 2012 and subsequent approvals for the project. A comprehensive program of standard conditions of approval and mandatory mitigation and reporting program (SCAMMRP) was imposed upon the approvals and accepted by the applicant. (See <http://www2.oaklandnet.com/Government/o/CityAdministration/d/NeighborhoodInvestment/o/OaklandArmyBase/>.)

- b. If CEQA review is not preempted, why does/does not CEQA apply here (where approved Break Bulk Terminal did not include commodity restrictions)? What constitutes the "new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time" of preparation of the CEQA documents?**

Application of CEQA

As noted above, CEQA does apply to the project, and it was fully and legally completed in 2012 and in accord with all subsequent approvals (see Exhibit 18-A). The City completed all of its obligations for review and imposition of feasible mitigation measures for the project in 2012.

In the Interest of Certainty and Predictability for the Lead Agency, the Project Proponent, and the Community at Large, the Legislature Restricted the Bases on which CEQA Review Can Be Re-Opened

To allow for justifiable reliance and finality for the lead agency, the project proponent, and the community for a given project analyzed under CEQA, the Legislature included a strong presumption against requiring further environmental review once an EIR has been prepared for a project. (Pub. Resources Code §21166; *San Diego Navy Broadway Complex Coalition v. city of San Diego* (2010) 185 Cal.App.4<sup>th</sup> 924; *Moss v. County of Humboldt* (2008) 162 Cal.App.4<sup>th</sup> 1041, 1049.) As stated in *Citizens for a Megaplex-Free Alameda v. City of Alameda* (2007) 149 Cal.App.4<sup>th</sup> 91, the presumption furthers the legislative policy that there must be “prompt resolution of challenges to the decisions of public agencies regarding land use.” (*Id.* at 111.)

The test for whether a requirement for further CEQA analysis is permissible is two-fold, both components of which must be satisfied.

First, there must be some new discretionary action or approval being taken by the lead agency. (Pub. Resources Code § 21166.)

Second, one of three circumstances may trigger a requirement for further review within the context of that new or additional discretionary review. (*Id.*) Specifically:

“When an environmental impact report has been prepared for a project pursuant to this division, no subsequent or supplemental environmental impact report shall be required by the lead agency or by any responsible agency, unless one or more of the following events occurs:

“(a) Substantial changes are proposed in the project which will require major revisions of the environmental impact report.

“(b) Substantial changes occur with respect to the circumstances under which the project is being undertaken which will require major revisions in the environmental impact report.

“(c) New information, which was not known and could not have been known at the time the environmental impact report was certified as complete, becomes available.” (Pub. Resources Code § 21166.)

The CEQA Guidelines provide further guidance as to the potential applicability of subdivision (c). The new-information exception applies only when the new information that supposedly was not known at the time of the CEQA review “could not have been known” “with the exercise of reasonable diligence,” and the new information must be of “substantial importance.” (CEQA Guidelines, § 15162(a)(3).)

#### Additional CEQA Review Is Not Warranted or Legally Permitted Here

The City approved the primary entitlements for the project in 2012 and 2013, and concluded its review of the project in accord with CEQA at that time. The project description under CEQA specifically identified and analyzed the West Gateway Oakland Bulk and Oversized Terminal (Terminal), including that the Terminal would handle “non-containerized bulk goods.”<sup>1</sup> The City vested, among other rights, the (a) right to lease the West Gateway area for the development and operation of the Terminal and (b) corresponding land use entitlements for the project with the adoption of a Lease Disposition and Development Agreement (LDDA) and Development Agreement (DA) (collectively with all other City approvals, the Entitlements). As part of the Entitlements, the City imposed hundreds of mitigation measures and conditions of approval to ensure that the Terminal would be operated safely and in compliance with all applicable laws.<sup>2</sup>

There is no pending discretionary approval by the City related to the project pending or required. Thus, the threshold requirement under Section 21166 is not satisfied, and there is no legal basis for re-opening analysis of the project under CEQA.

And even if further discretionary consideration by the City were necessary, none of the three alternative prongs authorizing further consideration is present. First, there is no change, “substantial” or otherwise, proposed for the project. Thus, subdivision (a) is inapplicable.

The second potential basis is a change in circumstances under which the project is being undertaken and, again, there is none. Subdivision (b), also, is inapplicable here.

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<sup>1</sup> 2012 Initial Study and Addendum, pg. 30.

<sup>2</sup> Standard Conditions of Approval and Mitigation Monitoring and Reporting Program, 2012 Oakland Army Base Project (Revised by City Council 7-16-13).

The prong under which project opponents, apparently, have argued there is a basis to re-open CEQA is subdivision (c), the so-called “new information” exception. It, however, is equally inapplicable here as subdivisions (a) and (b).

As noted above, the test under the statute and regulations is not simply whether a particular piece of information was known or not, but rather whether that information could not have been known “with the exercise of reasonable diligence.” (CEQA Guidelines, § 15162(a)(3).)

As provided in our September 8, 2015, letter to the City in advance of the September 21 hearing:

**“California Environmental Quality Act**

“Earthjustice also implores the City to start a new round of “studies” regarding future operations at the Terminal. But approval of the Entitlements included full and final compliance with CEQA as to the full range of construction and operations at Oakland Global, including the Terminal. Where CEQA has already been conducted and completed for a project, no further analysis is either required or permitted unless there is substantial new information, substantial changes in the project, or substantial changed circumstances that were not or could not have been known at the time of project approval that result in new significant impacts or a substantial increase in previously identified significant impacts.<sup>3</sup>

“The proposed construction and operation of the Terminal are exactly as envisioned and anticipated by the parties to the Entitlements. There is no new information, change in the project, or change in circumstances that was not known or could not have been known at the time of the project approvals. In its Project Description, the 2012 Addendum provides in relevant part:

‘The working waterfront variant would maintain the existing uses on the 34.1-acre area at the northwest edge of the site. Cargo would move directly between ships and rail. Export cargo would consist of non-containerized bulk goods, and inbound cargo would consist primarily of oversized or overweight cargo unable to be handled on trucks, and thus transferred directly from ships to rail. This facility, called the Oakland Bulk and Oversized Terminal, would operate on a 24 hour per day basis and is anticipated to handle up to six 50-car trainloads per day in each direction (for a total of 12 movements per day), plus occasional one and two-car manifest moves. Specifically, the facility is anticipated to handle up to three “unit trains” per day with each “unit train” being 6,400 feet long with 100 cars and is broken into two fifty-car trainload sections of

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<sup>3</sup> Ca. Pub. Res. Code, § 21166; Guidelines, § 15162.

about 3,200 feet each, which are moved in/out of the West Gateway Marine Terminal.’<sup>4</sup>

“Thus, the entitlement of the Terminal was for an industry-standard facility, without reference or limitation as to the specific inclusion or exclusion of any commodity or commodities. Earthjustice asserts that the potential inclusion of one or more commodities being shipped through the Terminal somehow constitutes “new information” that was not or could not have been known. Quite to the contrary, information as to standard “non-containerized bulk goods,” as described in the Addendum is and was readily available on the internet, and otherwise, from both governmental and non-governmental sources. For example, a simple internet search brings up a 2012 report by the American Trucking Association characterized “Freight Transportation in 2011”:

‘Bulk freight dominates rail-carload traffic, accounting for 73% in 2011, according to our estimates. Coal is still king, accounting for 40-50% of total tonnage historically. Water transport is even more bulk-commodity oriented, representing almost 91.0% of total freight, primarily petroleum, coal, nonmetallic minerals, farm products, and waste and scrap, according to our calculations.’ U.S. Freight Transportation Forecast to 2023, American Trucking Association, available at: <http://www.azttca.org/pdf/ATA-Freight-Forecast.pdf> , pg. 9.<sup>5</sup>

“Additionally, the U.S. Department of Transportation (DOT) annually updates statistics regarding commodity shipments, modes, and trends. “Freight Facts and Figures 2013,” a compilation report of its annual statistical calculations by DOT notes that in 2012, “[t]he leading commodities by weight are bulk goods including gravel, cereal grains, and coal.” (Available at: [http://www.ops.fhwa.dot.gov/freight/freight\\_analysis/nat\\_freight\\_stats/docs/13factsfigures/pdfs/fff2013\\_highres.pdf](http://www.ops.fhwa.dot.gov/freight/freight_analysis/nat_freight_stats/docs/13factsfigures/pdfs/fff2013_highres.pdf) , pg. 8.)

“And the Bureau of Transportation Statistics and continual updates related to bulk commodity statistics and trends. (See: [http://www.rita.dot.gov/bts/sites/rita.dot.gov.bts/files/publications/state\\_transportation\\_statistics/state\\_transportation\\_statistics\\_2012/html/table\\_03\\_04.html](http://www.rita.dot.gov/bts/sites/rita.dot.gov.bts/files/publications/state_transportation_statistics/state_transportation_statistics_2012/html/table_03_04.html) .)

“Further, OBOT has every reason to believe that the City not only had the ability to uncover detailed information about the nature of the bulk commodity market in 2012, but was actually in possession of such information prior to certifying the CEQA document for the Oakland Global project. We understand that in late 2011 or early 2012, the City’s

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<sup>4</sup> 2012 Addendum, pg. 30.

<sup>5</sup> The Forecast is attached hereto as Exhibit D.

Community and Economic Development Agency (CEDA) hired The Tioga Group, Inc. (Tioga) to specifically examine the commercial viability of the Terminal and all of its potential operations. Specifically included in the scope of work for Tioga is “review of the history of such [bulk] cargos moving to/from the West Coast of North America (WCNA); . . . “<sup>6</sup> In conjunction with that effort, the City and/or Tioga contacted a myriad of sources to validate the OBOT proposal and related third-part operations, which to our knowledge included interviews with Kinder Morgan, Union Pacific Railroad, Ports America and Metro Ports specifically regarding operations at Wharf G in Long Beach. To date, the City has not made any of the Tioga work product public. But it is indisputable that the City had the opportunity to review the market composition of the bulk materials as entitled and vested for operations at the Terminal, and it is abundantly clear from the sample of publicly assessable resources cited above, what that analysis would have shown.”

Accordingly, there is no actual or potential operation at the Terminal that was not known or could not have been known at the time of adoption of the 2012 Addendum. Thus, there is no legal basis under CEQA for re-opening the already concluded CEQA review.

**c. If CEQA review applies, what is the extent/scope of such review and why?**

Until and unless both prongs of the two-part test in Public Resources Code Section 21166 occur, the extent and scope of CEQA review is precisely what has occurred. The 2002 EIR and 2012 Addendum were processed in full and complete compliance with CEQA, and all periods for challenge to that analysis have long since expired.

**d. If the commodities change over time, does a new CEQA review need to be performed for each commodity?**

It is exactly for the purpose of avoiding and rejecting project-opponents’ arguments for indefinite rounds of review and re-review that the Legislature enacted Public Resources Code Section 21166. As noted above, the Legislature has a strong policy supporting “prompt resolution of challenge to the decision of public agencies regarding land use.” (*Citizens for a Megaplex-Free Alameda v. City of Alameda* (2007) 149 Cal.App.4<sup>th</sup> 91, 111.) Incorporating this policy into CEQA, the Legislature provided a strong presumption against requiring any further environmental review once an EIR has been prepared for a project. (Pub. Resource Code, § 21166; *San Diego Navy Broadway Complex Coalition v. City of San Diego* (2010) 185 Cal.App.4<sup>th</sup> 924; *Moss v. County of Humboldt* (2008) 162 Cal.App.4<sup>th</sup> 1041, 1049.)

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<sup>6</sup> Proposal – Assistance for Oakland CEDA: Brea-bulk Opportunity (draft as of December 22, 2011), attached hereto as Exhibit E.

To argue that in 2012 a given commodity needed exhaustive analysis in isolation would only beg the question of a similar analysis as to the other 15,000 legal bulk commodities that would be shipped through the facility. The 2012 Addendum took the appropriate approach under CEQA and to the potential for significant impacts to the environment under both the construction and operational phases of the project.

- e. **For each of the above, please provide specific citations (statutes, guidelines and/or statute) and analysis.**

Done, above throughout.

**EXHIBIT 18-A**

**CEQA Notice of Determination**



# CITY OF OAKLAND

Planning, Building and Neighborhood Preservation Department  
250 Frank H. Ogawa Plaza, Suite 3315, Oakland, California, 94612

June 20, 2012

Office of Planning and Research  
State Clearinghouse  
1400 Tenth Street  
Sacramento, CA 95814



**SUBJECT: Notice of Determination for the 2012 Oakland Army Base Project: Amendments to the 2002 Oakland Army Base Final Reuse Plan and Related Agreements to support implementation of the Reuse Plan and Redevelopment Plan**

To Whom It May Concern:

Attached please find a copy of the Notice of Determination (NOD) filed with the Alameda County Clerk's office for actions taken by the Oakland City Council on June 19, 2012 regarding 2012 Oakland Army Base Project: Amendments to the 2002 Oakland Army Base Final Reuse Plan and Related Agreements to support implementation of the Reuse Plan and Redevelopment Plan. These actions are part of the Oakland City Council's continuing efforts to implement the 2002 Oakland Army Base Final Reuse Plan and Oakland Army Base Area Redevelopment Plan under previously certified Environmental Impact Reports. Also attached are documents and payment receipts from the initial NOD filing on August 1, 2002 for the above-referenced project, submitted for your reference.

Please email or fax back to me a date-stamped, file-endorsed copy of the NOD. My fax number is (510) 238-6538 and my email address is [ashen@oaklandnet.com](mailto:ashen@oaklandnet.com).

Should you have questions and/or need more information, please contact me at (510) 238-2166.

Thank you for your assistance.



Alisa Shen  
Planner III

**Attachments:**

Notice of Determination and Environmental Declaration Form  
Proof of Payment (for Clerk's Filing Fee and State Filing Fee)

ARCHITECTURAL DIMENSIONS

**RECEIVED**

10/10/2012

IN DATABASE

DOCUMENT NO. 3252

**NOTICE OF DETERMINATION**  
California Environmental Quality Act (CEQA)

**RECEIVED**  
JUN 20 2012  
STATE CLEARING HOUSE

DATE: June 20, 2012

TO: Alameda County Clerk      Office of Planning and Research  
1225 Fallon Street      State Clearinghouse  
Oakland, CA 94612      1400 10<sup>th</sup> Street, Suite 222  
Sacramento, CA 95814

**ENDORSED  
FILED  
ALAMEDA COUNTY**

JUN 20 2012

FROM: City of Oakland  
Planning, Building and Neighborhood Preservation Department  
250 Frank H. Ogawa Plaza, Suite 3315  
Oakland, CA 94612

PATRICK O'DONNELL, County Clerk  
By  Clerk

SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code

<b>PROJECT TITLE:</b> 2012 Oakland Army Base Project - Amendments to the 2002 Oakland Army Base Final Reuse Plan and Related Agreements to support implementation of the Army Base Reuse Plan and Redevelopment Plan.	
<b>STATE CLEARINGHOUSE NUMBER:</b> Previous CEQA Documents: 2002 Oakland Army Base Area Redevelopment Plan EIR SCH #2001082058 and 2006 Oakland Army Base Auto Mall Project Supplemental EIR SCH# 2006012092	
<b>CONTACT PERSON:</b> Alisa Shen, Planner III	<b>TELEPHONE NUMBER:</b> 510-238-2166
<b>PROJECT LOCATION:</b> Former Oakland Army Base (Oakland, CA)	
<b>PROJECT APPLICANT:</b> City of Oakland, Prologis Property, LP, a Delaware Limited Partnership and CCIG Oakland Global, LLC, a California Limited Liability Company	
<b>PROJECT DESCRIPTION:</b> The 2012 Oakland Army Base Project ("2012 Project") includes up to 2.5 million square feet of warehousing/distribution and maritime-related logistics, recycling facilities, a new intermodal railyard, truck parking, roadway and infrastructure improvements and up to nine billboards. Actions to amend the 2002 Oakland Army Base Final Reuse Plan to reflect the 2012 Project and, related agreements to support the implementation of the Reuse Plan as described below: 1) A Resolution Approving Amendments to the (Former) Oakland Army Base Final Reuse Plan Relating to a Revised Conceptual Land Use Strategy Emphasizing Warehousing/Logistics, and Authorizing City Staff To Make Any and All Necessary Conforming Changes Without Returning to the City Council; 2) A Resolution Authorizing the City Administrator to Negotiate and Execute a Memorandum of Agreement with the East Bay Municipal Utility District and CCIG Oakland Global, LLC, a California Limited Liability Company and/or Oakland Bulk Oversized Terminal, LLC, a California Limited Liability Company (or Their Related or Affiliated Entities) Relating to Mutual Cooperation in the Development of the Former Oakland Army Base in a Form and Content Substantially in Conformance with the Attached Documents, Without Returning to the City Council; 3) A Resolution Authorizing the City Administrator to Negotiate and Execute an Amended and Restated Cost Sharing Agreement with the Port of Oakland Pertaining to Infrastructure Improvements at the Former Oakland Army Base; to Reflect the Transfer of the Property from the Oakland Redevelopment Agency to the City of Oakland; to Acknowledge an Amendment to the Trade Corridor Improvement Fund (TCIF) Baseline Agreement; to Establish Respective Roles and Responsibilities Between the Port and City as to Grant Funding; to Identify the Funding Sources to Match the TCIF Grant; and to Commit an Additional \$22.5 Million, Resulting in a Total Commitment of \$54.5 Million, in City Funds to Match the TCIF Grant, in a Form and Content Substantially in Conformance with the Attached Documents, Without Returning to the City Council; and 4) A Resolution Authorizing the City Administrator to Negotiate and Execute a Cooperation Agreement Between the City of Oakland and a Coalition of Community Groups Relating to the Application of Specified Job, Contracting and Environmental Community Benefits Regarding the Development of the Former Oakland Army Base, in a Form and Content Substantially in Conformance with the Attached Documents, Without Returning to the City Council.	

This Notice of Determination advises that on June 19, 2012, the Oakland City Council, acting as Lead Agency for the City of Oakland, adopted/approved the Initial Study/Addendum for the 2012 Oakland Army Base Project and approved the actions described above. The City Council, based upon its own independent review, consideration, and exercise of its independent judgment, found and determined, on the basis of substantial evidence in the entire record before the City, that none of the circumstances necessitating

further California Environmental Quality Act ("CEQA") review as specified in CEQA and the CEQA Guidelines, including without limitation Public Resources Code Section 21166 and CEQA Guidelines Sections 15162 and 15163, are present. In that (1) there are no substantial changes to the 2012 Oakland Army Base Project as described in the Initial Study/Addendum ("2012 OARB Project") that would result in new significant environmental impacts or a substantial increase in the severity of significant impacts already identified in the 2002 Oakland Army Base Redevelopment Plan Environmental Impact Report, which was a "project level" EIR pursuant to CEQA Guidelines section 15180(b) ("2002 EIR"), the 2006 OARB Auto Mall Supplemental EIR and 2007 Addendum, the 2009 Addendum for the Central Gateway Aggregate Recycling and Fill Project, and the Port's 2006 Maritime Street Addendum (collectively called "Previous CEQA Documents"); (2) there are no substantial changes in circumstances that would result in new significant environmental impacts or a substantial increase in the severity of significant impacts already identified in the Previous CEQA Documents; and (3) there is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the Previous CEQA Documents were certified, which is expected to result in (a) new significant environmental effects or a substantial increase in the severity of significant environmental effects already identified in the Previous CEQA Documents or (b) mitigation measures which were previously determined not to be feasible would in fact be feasible, or which are considerably different from those recommended in the Previous CEQA Documents, and which would substantially reduce significant effects of the 2012 OARB Project, but the City declines to adopt them. Thus, in considering approval of the 2012 OARB Project, the City can rely on the Previous CEQA Documents and the 2012 Addendum.

*\*Use prior determinations*

Although the City Council can rely on the Previous CEQA Documents for the reasons stated above, and thus an Addendum is the appropriate CEQA document for the 2012 OARB Project, as an alternative, separate, and independent basis, the City Council also found the Project complies with Public Resources Code section 21083.3 and Guidelines section 15183.

The City Council:

- 1) Previously adopted a Statement of Overriding Considerations associated with the 2002 EIR and the 2006 Supplemental EIR; and
- 2) Adopted a Standard Condition of Approval/Mitigation Monitoring and Reporting Program under CEQA.

The custodians and locations of the documents or other materials which constitute the record of proceedings upon which the City Council decision on the 2012 OARB Project is the Office of Planning, Building & Neighborhood Preservation, 250 Frank H. Ogawa Plaza, Suite 3315, Oakland, CA, 94612 and the Office of the City Clerk, One Frank H. Ogawa Plaza, First Floor, Oakland, CA, 94612.

June 20, 2012  
Date:

Scott Miller  
SCOTT MILLER  
Interim Director  
Planning, Building and Neighborhood Preservation Department  
Environmental Review Officer

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