UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

July 1, 2022

Jan Novak, Port of Oakland
Environmental Programs and Planning Division
530 Water Street
Oakland, California 94607

Subject: EPA Scoping Comments on the Oakland Harbor Turning Basins Widening Project, Draft Environmental Impact Report, Alameda County, California

Dear Jan Novak:

The U.S. Environmental Protection Agency has reviewed the Port of Oakland Notice of Preparation to prepare a Draft Environmental Impact Report in order to comply with the California Environmental Quality Act for the above-referenced Project. The NOP states that the Port of Oakland proposes to improve the efficiency of vessels entering and exiting the Oakland Harbor by increasing the width of existing turning basins to accommodate a vessel with a capacity of 19,000 twenty-foot equivalent unit and a length of 1,310 feet (Proposed Project).

On February 14, 2022, the EPA submitted comments (enclosed) on the Oakland Harbor Turning Basins Widening Navigation Study, Draft Integrated Feasibility Report/Environmental Assessment (Draft EA) that was prepared by the United States Army Corps of Engineers to comply with the National Environmental Policy Act. We note that the Draft EA did not fully analyze impacts from the Proposed Project and we therefore request that the Port of Oakland coordinate closely with USACE to include additional analysis and disclosure of impacts, as noted in the enclosure and reiterated herein, to fully analyze, disclose, and mitigate for potential project impacts and inform the public and decisionmakers.

NEPA/CEQA Integration
Through our enclosed comments to the USACE following publication of the Draft EA for the Proposed Project, the EPA strongly recommended synchronizing the NEPA and CEQA analysis to provide a more cohesive public engagement and feedback process, and to reduce the potential need to revisit decisions based on environmental analyses not being jointly published and considered. We continue to recommend publishing joint NEPA/CEQA documents. The development of the Draft EIR provides an opportunity to further clarify the project need, and further analyze and disclose potential impacts that were not fully assessed and disclosed in the USACE Draft EA. We continue to recommend that the Port of Oakland and USACE refer to State of California and Council on Environmental Quality guidance

(NEPA and CEQA: Integrating Federal and State Environmental Reviews, 2014)[1] as the environmental review process proceeds. Because the CEQA Notice of Preparation of the Draft EIR for the Proposed Project occurred after the publication of the NEPA Draft EA, the CEQA process provides an opportunity to address any Draft EA deficiencies identified through the prior NEPA public commenting period; the Draft EIR can then serve as a source to inform joint environmental analyses and future decision-making by the USACE and the Port of Oakland.

Further, given that the Inner Harbor widening results in greater impacts across multiple resources than widening the Outer Harbor, we also recommended in the NEPA Draft EA that the USACE analyze and disclose the potential impacts of an Outer Harbor Only Alternative that integrates electric dredge commitments. The EPA reiterates this recommendation for the development of the Draft EIR and encourages the Port of Oakland to fully analyze an Outer Harbor Only with Electric Dredge Alternative so that the public and decisionmakers can understand how this alternative may meet project goals while reducing impacts in the Inner Harbor.

Project Setting and Protecting Community Health

The NOP states that the project area is located near the West Oakland community that faces a high cumulative exposure burden to criteria pollutants and toxic air contaminants, and that West Oakland was selected by the California Air Resources Board to participate in the state's Community Air Protection Program pursuant to California Assembly Bill 617. We understand that the Bay Area Air Quality Management District is working with the community to implement the West Oakland Community Action Plan to address disproportionate air pollution impacts. The EPA understands that the Port of Oakland is an Agency Member on the West Oakland Community Action Steering Committee. The NOP identifies measures to lessen potential adverse air quality impacts, including commitment for electric dredge; however, given that the project area experiences some of the worst air quality in the nation, the EPA also strongly recommends that the Port of Oakland describe the need for the Proposed Project in the context of the port's ability to meet current and future demand without the associated environmental impacts of harbor widening. Should the Port of Oakland move forward with harbor widening, the EPA recommends identifying and committing to all available measures, beyond the commitment for electric dredge, to reduce environmental impacts to low-income communities and communities of color that would be impacted by construction and operation of the project.

Community Engagement

The EPA recommends that the Port of Oakland and the USACE establish and maintain continued meaningful community engagement throughout the planning process – to ensure ample time to incorporate community feedback into the project – and commit to robust outreach approaches to allow for active engagement, including community meetings designed to maximize community participation (e.g., promoting broadly within local community forums, sharing with existing relevant groups, and sharing via social media, etc.). The EPA recommends that all project-related updates are conveyed using plain language so that community members can readily understand the project and its potential impacts. Describe any efforts that the Port of Oakland would undertake to address language and technology barriers to community engagement. We also recommend that the Port of Oakland engage with the West Oakland AB 617 Steering Committee given that the West Oakland AB617 group includes a diverse array of community representatives and other stakeholders who have deep community knowledge and

[1]NEPA and CEQA: Integrating Federal and State Environmental Reviews
https://opr.ca.gov/docs/NEPA_CEQA_Handbook_Feb2014.pdf

desire to address disproportionate air quality impacts in the community. We note that in July 2019, the EPA's External Civil Rights and Compliance Office entered into an informal resolution agreement with the City of Oakland and Port of Oakland to resolve a Title VI (Civil Rights Act of 1964) complaint relating to a redevelopment project at the Port. That resolution agreement required, in part, a robust public engagement plan for the redevelopment project. The EPA recommends that the public engagement plan developed be considered as a starting point for outreach for the Oakland Harbor Widening Project and urges continuing refinement of meaningful public engagement best practices as the project evolves.

Air Quality – Construction and Operations
The NOP states that the Proposed Project would improve the efficiency of vessels entering/exiting the Oakland Harbor. The EPA encourages the Port of Oakland to work with the USACE to analyze and disclose all impacts that would result from construction activities and changes to throughput and operations. Identify how the resulting container movement efficiencies would influence the timing, scope, and location of port and freight throughput operations, and the transport, temporary storage, and movement of freight through communities. Identify all impacts associated with the above activities including direct and indirect air emissions and adverse health effects to communities living near the port and in all communities potentially affected by construction and sediment transportation and disposal. To protect the health of the neighboring Oakland communities, it is critical that the Draft EIR identify all available strategies to reduce emissions from the construction and operations activities.

Air Quality - Comparing Vessel Transit Emissions
The EPA also recommends that the Draft EIR clearly compare current operational air quality emissions (with the harbor turning basins not widened) to those anticipated after harbor widening. Include consideration of operations-related increases in emissions given anticipated increases to total throughput as a result of improved efficiency. Analyze and disclose the emissions from calls made by vessels with a capacity of 19,000 TEU, and a length of 1,310 feet given the port's current facility footprint; and analyze and disclose emissions from vessel operations if harbor widening were to proceed as proposed. Include details of current vessel transit emissions incurred by vessels waiting in anchorage or in standby at a dock compared to complete vessel transit emissions that would result if the harbor were to be widened. Identify projected emissions from an active turning event for a PPX Gen IV vessel under current standard practices given the current facility footprint (with navigational limitations) compared to an active turning event for the same vessel with the proposed changes to existing turning basins (without navigational limitations). Clarify net emissions reductions/increases between these scenarios.

Air Quality - Truck Impacts
Truck traffic, idling, and parking are major concerns for community members due to their localized impacts on community health and safety. In the Draft EIR, describe the types of impacts the neighboring communities may experience related to emissions from diesel truck traffic and idling, as well as from parking. Identify any additional mitigation measures that could further reduce impacts to potentially affected communities. The EPA recommends that the Port of Oakland commit to the deployment of zero emission port support vehicles and haul trucks to minimize tailpipe emissions from truck activity associated with the project. Where zero emission vehicles are not available, commit to using trucks powered with engines which meet Tier IV standards and to using renewable diesel fuel. Include commitments to avoid designating truck routes and truck parking in and near residential areas and other sensitive land uses.

Beneficial Reuse of Dredged Sediment
The EPA encourages continued coordination with the agencies of the Long Term Management Strategy for the Placement of Dredged Material in the Bay Region (which includes EPA and USACE) as information regarding dredged volume is refined. We continue to encourage the Port of Oakland to ensure that project logistics and funding enable beneficial use of sediment to the fullest extent. The EPA encourages the Port of Oakland, in coordination with USACE, to indicate the potential for Clean Water Act discharges from all alternatives analyzed, and to identify avoidance, minimization, and mitigation measures required by the CWA permitting mechanisms as the project description is further refined.

The NOP states that, should the harbor be widened, the majority of the dredged material would be placed at a beneficial use site for the protection, restoration, or creation of aquatic wetland habitats, and states that some material from dredging may be contaminated and require disposal at a Class I/Class II landfill. The EPA recommends that the Draft EIR analyze the full impacts of removing, conveying, storing, transferring, and trucking/transporting the contaminated dredged sediment from its origin, throughout the entirety of the transportation process to the ultimate destination, and at the site of any offsite landfills. The entirety of the analysis of these impacts was not included in the Draft EA recently published by USACE, therefore referencing the prior Draft EA will not be a sufficient disclosure and analysis of impacts to adequately inform decisionmakers.

Integration with Land Use Planning and Cumulative Impacts
The public and decisionmakers would benefit from understanding how this project integrates with other planned actions at the Port and in the City of Oakland. The EPA recommends that the Draft EIR include details regarding potential conflicts with other planned construction activities and potential cumulative impacts to resources and communities if multiple projects proceed at the same time. For example, the environmental planning process for the Oakland Harbor Turning Basins provides an opportunity to identify potential cumulative impacts from altered truck ingress/egress routes and truck traffic volume when considering all projects and their associated construction/operation timelines. The potential A's Stadium proposed for the Howard Terminal and the Eagle Rock Aggregates Oakland Terminal Project may also affect the timing, location, and scope of environmental impacts identified through the analysis for the Oakland Harbor Turning Basins. The CEQA and NEPA environmental review process is the appropriate forum to identify commitments for reducing potential impacts from multiple ongoing projects anticipated to proceed concurrently.

The EPA appreciates the opportunity to submit scoping comments in response to the Notice of Preparation. Please notify Andy Zellinger when the Draft EIR is released for public review and make an electronic copy available. If you have any questions, please contact me at (415) 947-4167, or contact Andy Zellinger, the lead reviewer for this project, at 415-972-3093 or zellinger.andrew@epa.gov.

Sincerely,

JEAN PRIJATEL Digitally signed by JEAN PRIJATEL Date: 2022.07.01 14:21:50 -07'00'

Jean Prijatel
Manager, Environmental Review Branch

Enclosures: EPA February 14, 2022 Oakland Harbor Turning Basin Draft EA Comment Letter

Cc via email: Eric Jolliffe, United States Army Corps of Engineers, San Francisco District
Alison Kirk, Bay Area Air Quality Management District
Stanley Armstrong, California Air Resources Board
Julia Kelly, San Francisco Bay Conservation and Development Commission
Kevin Lunde, State Water Quality Control Board