Meetings with Public Agencies May 2017
to review AQ Plans for Prologis Developments at the former Oakland Army Base

Patricia McGowan, Environmental Coordinator
City of Oakland, May 1, 2017

Three staff-to-staff meetings are scheduled during May 2017 with public agencies (invitees: BAAQMD, CARB, EPA and Alameda Co. Public Health) to review air quality plans submitted by Prologis for their development sites at the former Oakland Army Base (OAB). These meetings are in addition to and do not replace the public review process for these plans stated in MM PO-1 of the adopted SCA/MMRP.

Prologis has a development agreement with the City of Oakland to develop three sites at the former OAB.

- For each of these sites, two air quality (AQ) plans are required per the SCA/MMRP: a Construction AQ plan and an Operational AQ plan.
- One building is currently under construction at the Northeast Gateway for which a Construction AQ plan was approved by the City Administrator, October 4, 2016.
- Prologis has submitted a Construction AQ Plan to cover their other two sites: the New Central Gateway site (two different land uses and separate construction) and the Southeast Gateway. The intention is to have an AQ plan for construction which is the same for their upcoming sites. We will be reviewing this Construction AQ Plan during these meetings.
- Prologis will submit an Operational AQ plan for each site. During the currently scheduled three meetings we will be reviewing the Operational AQ Plan for the Northeast Gateway (a trade and logistics warehouse) and an Operational AQ Plan for the ConGlobal container storage and repair yard, proposed for half of the New Central Gateway site.

Location	Intended use of the site	Status	AQ Plans to be reviewed during May 2017
North East Gateway	Trade and logistics warehouse	Const AQ Plan: approved. Building shell under construction. Separate building permit required for tenant, mechanical and elect.	Operational AQ Plan
New Central Gateway	Trade and logistics warehouse	Not yet anticipated	Construction AQ Plan
	ConGlobal: container storage and repair	Grading permit submitted to City.	Construction AQ Plan plus Operational AQ Plan
Southeast Gateway	Trade and logistics warehouse	Not yet anticipated	Construction AQ Plan

Schedule of meetings and plans to be reviewed per meeting:

May 9, 2017: Construction AQ Plans for their two sites: New Central Gateway and SE Gateway

May 18, 2017: Operational AQ Plan for ConGlobal container storage and repair yard

May 30, 2017: Operational AQ Plan for NE Gateway: the logistics and trade warehouse currently under construction.

Message

From: Grow, Richard [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=F9BE7A2DDE6B42FB832CA9B138892F27-RGROW]
Sent: 6/28/2017 5:19:12 PM
To: Kevin.Olp@calepa.ca.gov
CC: Reyes, Deldi [Reyes.Deldi@epa.gov]
Subject: FYI: Solutions for Reducing and Preventing Emissions at the Port of Oakland and Oakland Army Base Working Meeting

Kevin – this just came in.

Richard Grow
US EPA
Region 9
(415) 947-4104

From: Aloha Galimba [mailto:agalimba@baaqmd.gov]
Sent: Wednesday, June 28, 2017 8:48 AM
To: abockelman@mtc.ca.gov; Grow, Richard <Grow.Richard@epa.gov>; cynthia.marvin@arb.ca.gov; Karen Schkolnick <kschkolnick@baaqmd.gov>; muntu.davis@acgov.org; anna.lee@acgov.org
Cc: Sheng Thao <sthao@oaklandnet.com>
Subject: Solutions for Reducing and Preventing Emissions at the Port of Oakland and Oakland Army Base Working Meeting

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The goal of this meeting is to devise a workplan that harnesses and coordinates the resources of the participating entities.

Please confirm your participation with me with a CC to Ms. Kaplan' assistant Sheng Thao at Sthao@oaklandnet.com. If you have any questions or concerns, please feel free to reach out to me directly.

Thank you and have a great rest of the day!

Regards,

Aloha de Guzman
Executive Secretary

Bay Area Air Quality Management District
Executive Office
375 Beale Street, Suite 600 | San Francisco, CA 94105
Office: 415.749.4782| Cell: 415.745.5633
agalimba@baaqmd.gov| www.baaqmd.gov

Message

From: Grow, Richard [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=F9BE7A2DDE6B42FB832CA9B138892F27-RGROW]
Sent: 6/28/2017 5:15:37 PM
To: Machol, Ben [Machol.Ben@epa.gov]
CC: McDaniel, Penelope [MCDANIEL.PENELOPE@EPA.GOV]; Adams, Elizabeth [Adams.Elizabeth@epa.gov]; Matthew Lakin [Lakin.Matthew@epa.gov]; BANDROWSKI, MIKE [Bandrowski.Mike@epa.gov]; Reyes, Deldi [Reyes.Deldi@epa.gov]
Subject: FW: Kaplan/BAAQMD initiative: Solutions for Reducing and Preventing Emissions at the Port of Oakland and Oakland Army Base Working Meeting

Ben

Per the email chain below, BAAQMD is launching what appears to be a reboot of an initiative they attempted last fall (Aug – December) but came to naught. Per my note I am trying to ascertain what level of involvement is wanted. I'm sure higher level of visibility would be welcome but can't vouch for whether this would be a productive use of your office's time.

Richard

From: Grow, Richard
Sent: Wednesday, June 28, 2017 10:09 AM
To: Strauss, Alexis <Strauss.Alexis@epa.gov>
Cc: Miller, Amy <Miller.Amy@epa.gov>; LUEHE, DOUGLAS <luehe.douglas@epa.gov>; Reyes, Deldi <Reyes.Deldi@epa.gov>
Subject: Kaplan/BAAQMD initiative: Solutions for Reducing and Preventing Emissions at the Port of Oakland and Oakland Army Base Working Meeting

This appears to be the $100M+ initiative I heard about last week from Damian Breen, deputy APCO at BAAQMD, basically a revival of last fall's initiative and sponsored by Councilwoman Kaplan in her roles on City Council, BAAQMD Board member and chair of the ACTC. I plan to attend and am checking whether they want to orchestrate this at a higher level.

Richard

From: Aloha Galimba [mailto:agalimba@baaqmd.gov]
Sent: Wednesday, June 28, 2017 8:48 AM
To: abockelman@mtc.ca.gov; Grow, Richard <Grow.Richard@epa.gov>; cynthia.marvin@arb.ca.gov; Karen Schkolnick <kschkolnick@baaqmd.gov>; muntu.davis@acgov.org; anna.lee@acgov.org
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Thank you and have a great rest of the day!

Regards,

Aloha de Guzman
Executive Secretary

Bay Area Air Quality Management District
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375 Beale Street, Suite 600 | San Francisco, CA 94105
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Message

From: Grow, Richard [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=F9BE7A2DDE6B42FB832CA9B138892F27-RGROW]
Sent: 4/27/2017 7:45:16 PM
To: pattie.tom@dot.gov; Fitzpatrick, Ryan (OST) [ryan.fitzpatrick@dot.gov]
Subject: West Oakland meetings next week
Attachments: DOT_MA ltr to EIP re OAB T6 5_28_15.pdf

Pattie and Ryan

I have informed my management that you will be providing training and technical assistance to the City and Port next week, training which in my view would seem to be much needed. I am also aware that you have contacted the WOEIP and suggested meeting with them while you are here, and I am aware, via the WOEIP, that they in turn have requested our (my) attendance at that discussion. Given our office's long involvement in this community and situation, as well as your own previous acknowledgement of that involvement (attached), please consider whether our inclusion in the discussions with WOEIP might be useful. Regardless, I look forward to hearing from you as to the outcomes of the discussions, and will be available at any time during Ryan's visit here to meet.

As you are aware, the following week on May 9 the City is initiating a series of three meetings in which it hopes to be proceeding with mitigation plans. I have been invited to those meetings and plan to attend. I expect that the State (CARB) and local (BAAQMD, ACPH) agencies will participate in at least the first meeting with the City. I trust you are also aware, however, that all of our state, regional and local environmental and public health agencies have previously expressed quite plainly their concerns as to whether a process convened by the City itself, rather than some sort of facilitated or mediated process, is capable of being adequately responsive to the issues on the table that have remained unresolved for so long. We are hopeful that, whatever processes are eventually implemented, they will be seen as meaningful not only by the community, but by our state and local partner agencies also.

Thanks again, please feel free to call me directly.

Richard Grow
Office: (415) 947-4104

Personal Matters / Ex. 6

U.S. Department
of Transportation

**Maritime
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

May 28, 2015

Brian Beveridge
Margaret Gordon
Co-Directors
West Oakland Environmental Indicators Project
349 Mandela Blvd.
Oakland, CA 94607

Re: DOT #2015-0034

Dear Mr. Beveridge and Ms. Gordon:

This letter refers to your May 9, 2014, correspondence, which was forwarded to us from the Departmental Office of Civil Rights in the U.S. Department of Transportation (DOT), and your e-mail correspondence of February 9, 2015, to me, regarding the Prescott neighborhood in West Oakland, the City and Port of Oakland, California, and Customs and Border Protection, which is part of the U.S. Department of Homeland Security (DHS).

In your correspondence, you alleged that the failures of the City and the Port of Oakland, and Customs and Border Protection, to mitigate or eliminate the trucking impacts of the redevelopment of the Oakland Army Base, have combined to increase the environmental and health burdens on your community, in violation of Title VI of the Civil Rights Act of 1964.

In response to the matters raised in your correspondence, we have shared your May 9, 2014, letter with the DHS in Washington, D.C. and have recently been in contact with Mr. Richard Grow, Air Quality Program Officer in the Environmental Protection Agency's (EPA) Region 9 Office, to whom you had referred us for additional information. Mr. Grow recently briefed us on the history of the Oakland Army Base Redevelopment Project, and on EPA's assistance to your community over the years to resolve air quality impacts. We were made aware of EPA's recent efforts in March 2015 to facilitate the development of a comprehensive truck management plan with the City and the Port.

As providers of DOT funds for the Port of Oakland's Outer Harbor Intermodal Terminal Rail Access Project, which was awarded in 2012, we are committed to ensuring compliance with Title VI. We support a resolution by informal means, and therefore, this Department supports EPA's on-going efforts in providing the Federal Government's assistance to the parties' collaborative

problem-solving process. See 49 C.F.R. 21.11(d). Mr. Grow informed us that both the City and the Port had agreed to consider your input in their respective truck management planning. Please be assured that we will be actively monitoring the efforts of EPA and the parties to continue to work towards consensus and we ask that you keep us informed of the status of the discussions.

If you have questions, please feel free to contact me at 202-366-5065, or by e-mail, at pattie.tom@dot.gov.

Sincerely,

Pattie Tom

Pattie Tom
Director
Office of Civil Rights

cc:
J. Christopher Lytle
Executive Director
Port of Oakland

John A. Flores
Interim City Administrator
City of Oakland

Megan Mack
Officer
Office for Civil Rights & Civil Liberties
U.S. Department of Homeland Security

Dr. Teresa R. Pohlman
Director
Sustainability and Environmental Programs
U.S. Department of Homeland Security

Richard Grow
Project Officer
U.S. Environmental Protection Agency Region 9

Message

From: Grow, Richard [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=F9BE7A2DDE6B42FB832CA9B138892F27-RGROW]
Sent: 6/28/2017 5:09:11 PM
To: Strauss, Alexis [Strauss.Alexis@epa.gov]
CC: Miller, Amy [Miller.Amy@epa.gov]; LUEHE, DOUGLAS [luehe.douglas@epa.gov]; Reyes, Deldi [Reyes.Deldi@epa.gov]
Subject: Kaplan/BAAQMD initiative: Solutions for Reducing and Preventing Emissions at the Port of Oakland and Oakland Army Base Working Meeting

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Richard

From: Aloha Galimba [mailto:agalimba@baaqmd.gov]
Sent: Wednesday, June 28, 2017 8:48 AM
To: abockelman@mtc.ca.gov; Grow, Richard <Grow.Richard@epa.gov>; cynthia.marvin@arb.ca.gov; Karen Schkolnick <kschkolnick@baaqmd.gov>; muntu.davis@acgov.org; anna.lee@acgov.org
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Please confirm your participation with me with a CC to Ms. Kaplan' assistant Sheng Thao at Sthao@oaklandnet.com. If you have any questions or concerns, please feel free to reach out to me directly.

Thank you and have a great rest of the day!

Regards,

Aloha de Guzman
Executive Secretary

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Message

From: Grow, Richard [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=F9BE7A2DDE6B42FB832CA9B138892F27-RGROW]
Sent: 6/28/2017 4:48:16 PM
To: Aloha Galimba [agalimba@baaqmd.gov]; abockelman@mtc.ca.gov; cynthia.marvin@arb.ca.gov; Karen Schkolnick [kschkolnick@baaqmd.gov]; muntu.davis@acgov.org; anna.lee@acgov.org
CC: Sheng Thao [sthao@oaklandnet.com]
Subject: RE: Solutions for Reducing and Preventing Emissions at the Port of Oakland and Oakland Army Base Working Meeting

Thank you for the invitation. I will plan to attend and look forward to any additional information you provide beforehand.

Richard Grow
US EPA
Region 9
(415) 947-4104

From: Aloha Galimba [mailto:agalimba@baaqmd.gov]
Sent: Wednesday, June 28, 2017 8:48 AM
To: abockelman@mtc.ca.gov; Grow, Richard <Grow.Richard@epa.gov>; cynthia.marvin@arb.ca.gov; Karen Schkolnick <kschkolnick@baaqmd.gov>; muntu.davis@acgov.org; anna.lee@acgov.org
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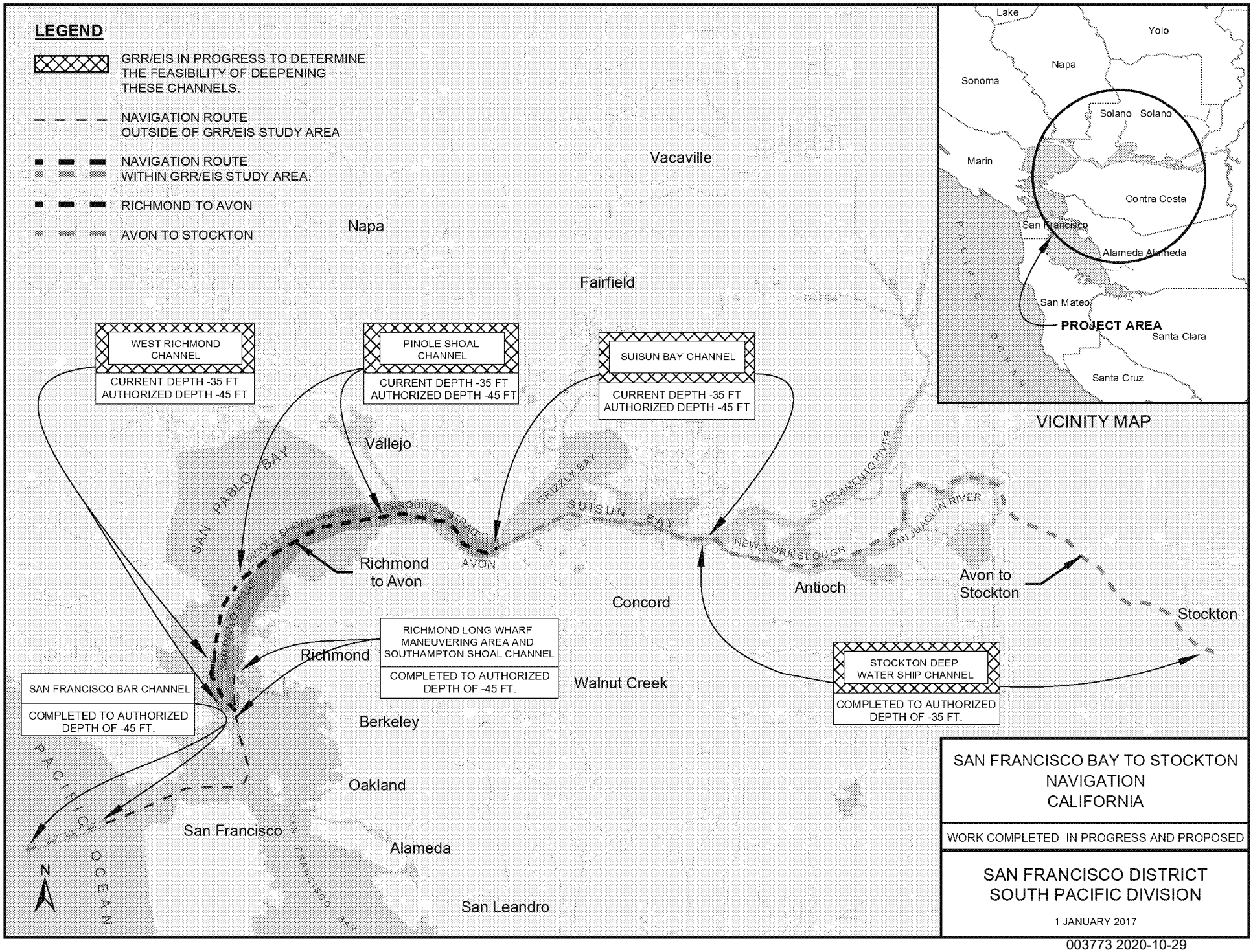

U.S. ARMY CORPS OF ENGINEERS

003773 2020-10-29

Message

From: Grow, Richard [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=F9BE7A2DDE6B42FB832CA9B138892F27-RGROW]
Sent: 7/10/2017 11:27:56 PM
To: Adams, Elizabeth [Adams.Elizabeth@epa.gov]; Lakin, Matt [Lakin.Matthew@epa.gov]
CC: BANDROWSKI, MIKE [Bandrowski.Mike@epa.gov]; Machol, Ben [Machol.Ben@epa.gov]; Reyes, Deldi [Reyes.Deldi@epa.gov]
Subject: R9 note to CA OPR: Oakland Army Base & Port of Oakland
Attachments: Copy of FFA to Oakland CA Stakeholders.pdf

This note went out this afternoon and follows up on a call Alexis had with Ken Alex of the Governor's office on 6/19 in which he asked for this information. I discussed with ARB and BAAQMD beforehand. Much background behind the language, probably best discussed face to face. T6 complaint formal acceptance likely any day now, it was best that this go out before then.

Richard

From: Strauss, Alexis
Sent: Monday, July 10, 2017 4:00 PM
To: 'Ken.Alex@gov.ca.gov' <Ken.Alex@gov.ca.gov>
Subject: Oakland Army Base & Port of Oakland

Dear Ken,

Thank you for our recent discussion of environmental and public health issues associated with development of the Port of Oakland and Oakland Army Base (OAB). As requested, following are our main concerns and a list of potential federal funding opportunities.

West Oakland, a largely minority community, experiences a disproportionate exposure to toxic air contaminants. While diesel particulate emissions have been significantly reduced in recent years, substantial progress is still needed and within reach. One key barrier is the lack of resolution of concerns raised by various environmental and public health agencies regarding inadequacies in the OAB mitigation plan, approved by the City in 2012. The shortcomings of the mitigation plan date to the City's expedited CEQA process in 2012 which bypassed the normal interagency and public discussion of whether the many "significant but unavoidable" impacts were in fact avoidable. Since then, there has been an ongoing reluctance to further develop or implement the measures in the plan, in particular those applicable to the operational phase of the project. This is at the heart of understanding why the past five years of discussions have not yielded progress.

This is the right time for the City, Port and developer to avail themselves of existing opportunities to adopt state-of-the-art low-or-zero emissions strategies, making use of many public and private funding opportunities. BAAQMD and CARB's technical advice has been invaluable to date. Now, other catalysts may be needed to bring about resolution of outstanding issues. As you know, the community has filed a complaint under Title VI of the Civil Rights Act, based on obligations which the City and Port incurred through receipt of federal funds.

As requested, here is a list of federal funding opportunities that may be relevant to the OAB and Port. Substantial federal funding has previously been provided to the City and Port as described on the attached spreadsheet. The list is incomplete, covering $153 million from DOT, EPA and Homeland Security for FY 2009 through FY 2014, but does not include the monetary value of the OAB transfer from the federal government to the City in 2001.

US EPA: Diesel Emission Reductions Act Grant program Funding - $34M available. Due date – July 5, 2017.https://www.epa.gov/cleandiesel/clean-diesel-national-grants#rfp

www.epa.gov

US EPA

www.epa.gov

United States Environmental Protection Agency

US DOT: https://www.transportation.gov/grants

www.transportation.gov

u.s. department of transportation. 1200 new jersey avenue, se. washington, dc 20590. 855-368-4200

FASTLANE funding: https://www.transportation.gov/buildamerica/FASTLANEgrants

www.transportation.gov

Fostering Advancements in Shipping and Transportation for the Long-term Achievement of National Efficiencies (FASTLANE) Grants program

US DOE: Clean Cities Coalitions sometimes have funding: https://cleancities.energy.gov/funding-opportunities/

cleancities.energy.gov

Securing funding is critical to the success of efforts to cut petroleum use in transportation. Funding opportunities for Clean Cities projects are available from many ...

Volkswagen settlement information: https://www.epa.gov/vw. Note: Port cargo handling equipment, ferries/tugs, shorepower, rail, truck and bus eligibility in Appendix D of the partial CD: https://www.epa.gov/enforcement/third-partial-and-30l-second-partial-and-20l-partial-and-amended-consent-decree (see Appendix D-2 of 2.0L partial CD).

www.epa.gov

US EPA

www.epa.gov

United States Environmental Protection Agency

This is the third partial, 3.0 liter second partial consent decree, 2.0 liter partial and amended partial consent decree for the Volkswagen Clean Air Act Settlement ...

I hope this is helpful. I'm hopeful we can work together to bring about resolution of these issues.
Kind regards,
Alexis

Alexis Strauss
Acting Regional Administrator
E.P.A. Region 9
75 Hawthorne Street
San Francisco, CA 94105
415-972-3572

Message

From: Grow, Richard [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=F9BE7A2DDE6B42FB832CA9B138892F27-RGROW]
Sent: 6/27/2017 8:59:18 PM
To: LUEHE, DOUGLAS [luehe.douglas@epa.gov]
Subject: FW: Background for Ken Alex/OPR call, Mon 6/19 2:30 PDT
Attachments: OAB Bkgrd for Ken Alex OPR discn.docx

Doug – FYI below is a background piece I put together before our call with ken Alex/OPR last week. RG

From: Grow, Richard
Sent: Thursday, June 15, 2017 2:13 PM
To: Strauss, Alexis <Strauss.Alexis@epa.gov>
Cc: Miller, Amy <Miller.Amy@epa.gov>
Subject: Background for Ken Alex/OPR call, Mon 6/19 2:30 PDT

Alexis

I have confirmed with Ken Alex that the OAB call is still on for 2:30 this coming Monday. Below is my 5/23 note to him suggesting this discussion, sent following a debrief from CARB on their participation in a meeting between Ken and the City on 5/17, that meeting having been requested by him.

The attached background piece is basically a recitation of facts and events which may be relevant to (though perhaps not expressly usable in) resolving the current OAB gridlock and which, properly stirred, might help illuminate the opportunity (apparent favorite term of Gov's office) for the Governor's office to play a constructive role in resolving the situation. Per Amy's suggestion I'll come up 5 minutes early in case you have any questions.

Richard

From: Grow, Richard
Sent: Tuesday, May 23, 2017 10:49 AM
To: Ken.Alex@gov.ca.gov
Subject: Update on City/Port/OAB, EPA and other fed involvement

Ken Alex

Following up on our brief chat, I'm hoping we can talk once you are back in the office. I'm sending this note to try to get that scheduled. There have been several developments at the federal level since you convened the parties a couple years back. I think several parties, including the community representatives, are hopeful that discussions can be put on a more productive footing, and it would be good for my office to get your perspective on possibilities for moving ahead.

Thanks

Richard Grow
US EPA
Region 9
(415) 947-4104

Message

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Sent: 7/10/2017 10:57:11 PM
To: Strauss, Alexis [Strauss.Alexis@epa.gov]
Subject: Re: Oakland Army Base & Port of Oakland

Ken.Alex@gov.ca.gov

From: Strauss, Alexis
Sent: Monday, July 10, 2017 3:56:23 PM
To: Grow, Richard
Subject: RE: Oakland Army Base & Port of Oakland

Thx. I'll try to get his email.

Alexis Strauss
Acting Regional Administrator
E.P.A. Region 9
75 Hawthorne Street
San Francisco, CA 94105
415-972-3572

From: Grow, Richard
Sent: Monday, July 10, 2017 3:53 PM
To: Strauss, Alexis <Strauss.Alexis@epa.gov>
Subject: Re: Oakland Army Base & Port of Oakland

Looks great, I've attached the spreadsheet. Thank you for your patience and persistence on this.

From: Strauss, Alexis
Sent: Monday, July 10, 2017 3:48 PM
To: Strauss, Alexis; Grow, Richard
Subject: Oakland Army Base & Port of Oakland

Richard: final look – how is this? Do you have his email address? We need to attach the spreadsheet. This can go out tomorrow. A

Dear Ken

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www.epa.gov

US EPA

www.epa.gov

United States Environmental Protection Agency

National Funding Assistance Program administers competitive grants for clean diesel projects. The Diesel Emissions Reduction Act (DERA) appropriates funds for these ...

US DOT: https://www.transportation.gov/grants

www.transportation.gov

u.s. department of transportation. 1200 new jersey avenue, se. washington, dc 20590. 855-368-4200

FASTLANE funding: https://www.transportation.gov/buildamerica/FASTLANEgrants

www.transportation.gov

Fostering Advancements in Shipping and Transportation for the Long-term Achievement of National Efficiencies (FASTLANE) Grants program

US DOE: Clean Cities Coalitions sometimes have funding: https://cleancities.energy.gov/funding-opportunities/

cleancities.energy.gov

Securing funding is critical to the success of efforts to cut petroleum use in transportation. Funding opportunities for Clean Cities projects are available from many ...

Volkswagen settlement information: https://www.epa.gov/vw. Note: Port cargo handling equipment, ferries/tugs, shorepower, rail, truck and bus eligibility in Appendix D of the partial CD: https://www.epa.gov/enforcement/third-partial-and-30l-second-partial-and-20l-partial-and-amended-consent-decree (see Appendix D-2 of 2.0L partial CD).

www.epa.gov

US EPA

www.epa.gov

United States Environmental Protection Agency

This is the third partial, 3.0 liter second partial consent decree, 2.0 liter partial and amended partial consent decree for the Volkswagen Clean Air Act Settlement ...

I hope this is helpful. I'm hopeful we can work together to bring about resolution of these issues.
Kind regards,
Alexis

Message

From: Grow, Richard [Grow.Richard@epa.gov]
Sent: 12/18/2017 10:03:18 PM
To: Margaret Gordon [margaret.woeip@gmail.com]; pcort@earthjustice.org; Aadeyeye@earthjustice.org; Brian Beveridge [brian.woeip@gmail.com]; Ray Kidd [draykidd@gmail.com]
Subject: Questions: Port of Oakland reconvening MAQIP Task Force: scheduling a short interview--MG

Ms. Margaret & Brian - pls do not forward or share this.

This raises almost too many questions to enumerate here, but a few key questions have to do with (1) structure and governance, who is chairing, setting agendas etc; for the original MAQIP you (EIP) were one of 4 co-chairs is my recollection and every agenda needed approval of the co-chairs - correct ? This looks to me like Scott already has the agendas well under control, thank you; (2) what is the Port saying about this ? All of this - the email and attached letter - are from a contractor, presumably working for the Port; is there previous Port correspondence to you and other stakeholders introducing the upcoming process ? (3) it might be interesting to see the contract under which Scott et al are working, (4) old question - what have they done about, or how have they responded to, the criticisms in Viveka's 2009 evaluation, which they funded ?

You are in a unique position, one which will be largely liquidated if you commence participation without conditions. Credible conditions need to be written down.

Scott has apparently set aside 15-30 minutes to talk, and not necessarily with him. Let me know if you'd like the WOTRC co-chairs to join the discussion (per partnering agreement: EIP, County Health, EPA)

Final note: the last time they tried to reconvene a successor woroking group to the MAQIP my recommendation to my management was that we not participate unless and until they had met, discussed and responded to the issues raised in the 2009 report. Not sure what to think this time around since we (EPA) haven't been approached or invited.

Richard

_____
From: Margaret Gordon [margaret.woeip@gmail.com]
Sent: Friday, December 15, 2017 4:21 PM
To: Grow, Richard; pcort@earthjustice.org; Aadeyeye@earthjustice.org; Brian Beveridge; Ray Kidd
Subject: Fwd: Port of Oakland reconvening MAQIP Task Force: scheduling a short interview--MG

FYI,

Ms.M

---------- Forwarded message ----------
From: Scott McCreary <scott@concurinc.net<mailto:scott@concurinc.net>>
Date: Fri, Dec 15, 2017 at 4:17 PM
Subject: Port of Oakland reconvening MAQIP Task Force: scheduling a short interview--MG
To: margaret.woeip@gmail.com<mailto:margaret.woeip@gmail.com>
Cc: Meredith Cowart <meredith@concurinc.net<mailto:meredith@concurinc.net>>

Hello Ms. Margaret,

I hope this note finds you well. It's been a few years since we've worked together; our work with the Port brings us back in touch.

As you know, the Port of Oakland plans to reconvene the Maritime Air Quality Task Force (Task Force) for its 2018 Maritime Air Quality Improvement Plan (MAQIP) Update. We are beginning a round of outreach to stakeholders and we are starting with you, as you have served as a Task Force Co-Chair.

For this MAQIP Update, the Task Force will work closely with the Port of Oakland's staff and technical consultants to take the MAQIP planning process beyond 2020, in light of the state's GHG goals for 2020 and 2030.

The reconvened MAQIP Task Force will review the Ports' strategies, compliance success and progress to date, and make recommendations on forward-looking strategies towards fulfillment of the 2020 MAQIP goals.

The Task Force will meet in two or three half-day meetings in January - April 2018. A MAQIP project description (Working Draft) is attached to this email.

We at CONCUR are contacting you to schedule an interview about certain aspects of the Port's MAQIP Update goals and strategies. We expect the conversations to last 15 to 30 minutes and cover the following topics: 1) Your background and your view of the MAQIP and your interests as they relate to the MAQIP (2) Other air quality planning efforts you have been involved in (3) Expected outcomes of the MAQIP Update (4) Meeting and process design considerations including stakeholder representation.

We will use the results of our interviews to help plan what we expect will be two to three meetings in the first four months of 2018.

We would like to schedule a confidential interview with you. Please let us know what your availability is like during the following time windows:

- Dec 18th: 9:00a-12:00p or 2:30p-5:00p
- Dec 19th-22nd: 8:30a-3:00p

Our strong intention is to fit this call in before December 23. If that is simply not possible, we can look to schedule a conversation in early January. We look forward to hearing from you.

With best regards,

Scott McCreary and Meredith Cowart

--
Scott McCreary, PhD
Principal
CONCUR, Inc.
1832 Second Street
Berkeley, CA 94710
(510) 649-8008<tel:(510)%20649-8008> / 649-1980 (fax)
www.concurinc.com<http://www.concurinc.com>

--
Ms. Margaret Gordon/Co-Director
West Oakland Environmental Indicators Project
349 Mandela Parkway
Oakland, CA 94607
510-257-5647<tel:(510)%20257-5647> Direct line
www.woeip.org<http://www.woeip.org/>

Message

From: Grow, Richard [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=F9BE7A2DDE6B42FB832CA9B138892F27-RGROW]
Sent: 7/10/2017 10:52:47 PM
To: Strauss, Alexis [Strauss.Alexis@epa.gov]
Subject: Re: Oakland Army Base & Port of Oakland
Attachments: Copy of FFA to Oakland CA Stakeholders.pdf

Looks great, I've attached the spreadsheet. Thank you for your patience and persistence on this.

From: Strauss, Alexis
Sent: Monday, July 10, 2017 3:48 PM
To: Strauss, Alexis; Grow, Richard
Subject: Oakland Army Base & Port of Oakland

Richard: final look – how is this? Do you have his email address? We need to attach the spreadsheet. This can go out tomorrow. A

Dear Ken

Thank you for our recent discussion of environmental and public health issues associated with development of the Port of Oakland and Oakland Army Base (OAB). As requested, following are our main concerns and a list of potential federal funding opportunities.

West Oakland, a largely minority community, experiences a disproportionate exposure to toxic air contaminants. While diesel particulate emissions have been significantly reduced in recent years, substantial progress is still needed and within reach. One key barrier is the lack of resolution of concerns raised by various environmental and public health agencies regarding inadequacies in the OAB mitigation plan, approved by the City in 2012. The shortcomings of the mitigation plan date to the City's expedited CEQA process in 2012 which bypassed the normal interagency and public discussion of whether the many "significant but unavoidable" impacts were in fact avoidable. Since then, there has been an ongoing reluctance to further develop or implement the measures in the plan, in particular those applicable to the operational phase of the project. This is at the heart of understanding why the past five years of discussions have not yielded progress.

This is the right time for the City, Port and developer to avail themselves of existing opportunities to adopt state-of-the-art low-or-zero emissions strategies, making use of many public and private funding opportunities. BAAQMD and CARB's technical advice has been invaluable to date. Now, other catalysts may be needed to bring about resolution of outstanding issues. As you know, the community has filed a complaint under Title VI of the Civil Rights Act, based on obligations which the City and Port incurred through receipt of federal funds.

As requested, here is a list of federal funding opportunities that may be relevant to the OAB and Port. Substantial federal funding has previously been provided to the City and Port as described on the attached spreadsheet. The list is incomplete, covering $153 million from DOT, EPA and Homeland Security for FY 2009 through FY 2014, but does not include the monetary value of the OAB transfer from the federal government to the City in 2001.

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www.epa.gov

US EPA

www.epa.gov

United States Environmental Protection Agency

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www.transportation.gov

u.s. department of transportation. 1200 new jersey avenue, se. washington, dc 20590. 855-368-4200

FASTLANE funding: https://www.transportation.gov/buildamerica/FASTLANEgrants

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Securing funding is critical to the success of efforts to cut petroleum use in transportation. Funding opportunities for Clean Cities projects are available from many ...

Volkswagen settlement information: https://www.epa.gov/vw. Note: Port cargo handling equipment, ferries/tugs, shorepower, rail, truck and bus eligibility in Appendix D of the partial CD: https://www.epa.gov/enforcement/third-partial-and-30l-second-partial-and-20l-partial-and-amended-consent-decree (see Appendix D-2 of 2.0L partial CD).

www.epa.gov

US EPA

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United States Environmental Protection Agency

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I hope this is helpful. I'm hopeful we can work together to bring about resolution of these issues.
Kind regards,
Alexis

Message

From: Grow, Richard [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=F9BE7A2DDE6B42FB832CA9B138892F27-RGROW]
Sent: 7/10/2017 10:16:30 PM
To: Donez, Francisco [Donez.Francisco@epa.gov]
CC: BANDROWSKI, MIKE [Bandrowski.Mike@epa.gov]; Machol, Ben [Machol.Ben@epa.gov]; Reyes, Deldi [Reyes.Deldi@epa.gov]
Subject: Re: Public inquiry re. Oakland coal shipments - FW: Form submission from: C-FERST Contact Us About C-FERST form

No off the shelf response, esp since they've garbled so many issues and the question is so vague ("are we supposed to...." ??) What's our practice with comments that seem like such a toss off ?

From: Donez, Francisco
Sent: Monday, July 10, 2017 2:05 PM
To: Grow, Richard
Cc: BANDROWSKI, MIKE; Machol, Ben
Subject: Public inquiry re. Oakland coal shipments - FW: Form submission from: C-FERST Contact Us About C-FERST form

Hi Richard: Do you have any short, off-the-shelf response that we might provide to the public inquiry below (scroll all the way down)? This general inquiry came in through the C-FERST help system.

Francisco

-----Original Message-----
From: Berg, Chelsea
Sent: Monday, July 10, 2017 1:46 PM
To: Donez, Francisco <Donez.Francisco@epa.gov>
Cc: Quackenboss, James <Quackenboss.James@epa.gov>; Riddick, Lee <Riddick.Lee@epa.gov>
Subject: RE: Form submission from: C-FERST Contact Us About C-FERST form

Hi Francisco,

For this instance, I think it's appropriate for the response to come from Region 9. Thanks for offering! For our records, could you please BCC: CFERSTMAIL@epa.gov?

Best,
Chelsea

-----Original Message-----
From: Donez, Francisco
Sent: Monday, July 10, 2017 4:43 PM
To: Berg, Chelsea <Berg.Chelsea@epa.gov>
Cc: Quackenboss, James <Quackenboss.James@epa.gov>; Riddick, Lee <Riddick.Lee@epa.gov>
Subject: RE: Form submission from: C-FERST Contact Us About C-FERST form

Hi Chelsea: We in Region 9 should be able to craft a response. Would like the response to go through your team, or should we email the commenter directly?

Best,
Francisco

Francisco J. Dóñez, Ph.D.
Ports/Marine and Locomotive Sector Lead, West Coast Collaborative U.S. Environmental Protection Agency, Region 9

600 Wilshire Blvd., Suite 1460
Los Angeles, CA 90017

Tel. (213) 244-1834
Fax (213) 244-1850

http://westcoastcollaborative.org

West Coast Collaborative

westcoastcollaborative.org

The West Coast Collaborative is a voluntary public-private partnership committed to reducing diesel emissions and advancing clean technologies throughout the western ...

http://www.epa.gov/region9/air/

Air | Region 9 | US EPA

www.epa.gov

Home page for Air programs of the Pacific Southwest

-----Original Message-----
From: Berg, Chelsea
Sent: Monday, July 10, 2017 1:18 PM
To: Donez, Francisco <Donez.Francisco@epa.gov>
Cc: Quackenboss, James <Quackenboss.James@epa.gov>; Riddick, Lee <Riddick.Lee@epa.gov>
Subject: FW: Form submission from: C-FERST Contact Us About C-FERST form

Hi Francisco,

We got a comment online from someone in your region. It seems the commenter is concerned about potential air pollution from transport via the Port of Oakland. Would you like to help craft a response? Since this comment is not specifically about C-FERST, we are reaching out for regional input. Betsy Smith recommended you as knowledgeable on this subject.

Best,
Chelsea

-----Original Message-----
From: drupal_admin@epa.gov [mailto:drupal_admin@epa.gov]
Sent: Friday, July 07, 2017 7:00 PM
To: Berg, Chelsea <Berg.Chelsea@epa.gov>
Subject: Form submission from: C-FERST Contact Us About C-FERST form

Submitted on 07/07/2017 6:59PM
Submitted values are:

Name: Michael Bean
Your Organization: Employee cvag
Email Address: Bikemean420@yahoo.com
Your Phone Number: 5103952256
Comments: Are we supposed to be loading black ore from rail cars at the port of oakland. its very airbourne?

Message

From: Grow, Richard [Grow.Richard@epa.gov]
Sent: 12/18/2017 5:16:40 PM
To: Strauss, Alexis [Strauss.Alexis@epa.gov]
Subject: RE: Next ? Oakland Draft Informal Resolution Agreement - Deliberative/privileged

It would be great to talk then if you have a chance to call. Desean is working on his edits. Should I wait until we talk or your review before forwarding to Kurt ?

We'll have the next couple days to catch up with the document if need be while it's at DOT, guessing Lilian wants to land it on the City/Port before end of week.

From: Strauss, Alexis
Sent: Monday, December 18, 2017 9:06 AM
To: Grow, Richard
Subject: RE: Next ? Oakland Draft Informal Resolution Agreement - Deliberative/privileged

Please keep going on your comment response. I am free at 3:15 if you want me to call you then.

Alexis Strauss
Acting Regional Administrator
E.P.A. Region 9
75 Hawthorne Street
San Francisco, CA 94105
415-972-3572

-----Original Message-----
From: Grow, Richard
Sent: Monday, December 18, 2017 9:05 AM
To: Strauss, Alexis <Strauss.Alexis@epa.gov>
Subject: Next ? Oakland Draft Informal Resolution Agreement - Deliberative/privileged

Alexis - we are nearly done with our (R9 staff) edits, though Desean may still have some thoughts. Kurt and others very helpful, also creative use (Kurt) of BAAQMD materials from their 12/7 hearing which I'd forwarded. Ready for further direction before sending edits to Kurt, any info from your Friday chat with LD welcome.
Deldi and I both working from out of office today, tho I'd be glad to run in if needed, otherwise can talk by phone.

Richard

Personal Matters / Ex. 6

From: Strauss, Alexis
Sent: Sunday, December 17, 2017 1:04 PM
To: Grow, Richard
Cc: Israels, Ken; Garnett, Desean
Subject: Fwd: Oakland Draft Informal Resolution Agreement - Deliberative/privileged

I'll recap my chat with HQ before we reply.

Begin forwarded message:

From: "Temple, Kurt" <Temple.Kurt@epa.gov<mailto:Temple.Kurt@epa.gov>>
Date: December 17, 2017 at 12:56:53 PM PST
To: "Grow, Richard" <Grow.Richard@epa.gov<mailto:Grow.Richard@epa.gov>>, "Garnett, Desean" <Garnett.Desean@epa.gov<mailto:Garnett.Desean@epa.gov>>, "Israels, Ken" <Israels.Ken@epa.gov<mailto:Israels.Ken@epa.gov>>, "O'Lone, Mary" <OLone.Mary@epa.gov<mailto:OLone.Mary@epa.gov>>
Cc: "Dorka, Lilian" <Dorka.Lilian@epa.gov<mailto:Dorka.Lilian@epa.gov>>, "Rhines, Dale" <rhines.dale@epa.gov<mailto:rhines.dale@epa.gov>>, "Keeler, Katsumi" <Keeler.Katsumi@epa.gov<mailto:Keeler.Katsumi@epa.gov>>, "Strauss, Alexis" <Strauss.Alexis@epa.gov<mailto:Strauss.Alexis@epa.gov>>, "Redden, Kenneth" <Redden.Kenneth@epa.gov<mailto:Redden.Kenneth@epa.gov>>, "Rhodes, Julia" <Rhodes.Julia@epa.gov<mailto:Rhodes.Julia@epa.gov>>
Subject: Oakland Draft Informal Resolution Agreement - Deliberative/privileged

Hello: Attached is a draft Informal Resolution Agreement with suggested revisions to the recipients' draft in the Oakland matter. I am sending for Region 9 review and comment as well as to CRFLO

concurrently given tight schedules next week for the upcoming holidays. If at all possible, it would be great to get this to DOT as early as we can this week. Thanks for your anticipated input and feedback.

Kurt Temple

Message

From: Grow, Richard [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=F9BE7A2DDE6B42FB832CA9B138892F27-RGROW]
Sent: 7/10/2017 9:57:43 PM
To: David Vintze [DVintze@baaqmd.gov]
Subject: Re: Please review and reply: Oakland Army Base (OAB) and Port of Oakland redevelopment

Thanks Dave, I came up with a revision that moves towards your emphasis on the ongoing challenges rather than the "original sin" in 2012, but retained some focus on that process, not only because Claudia et al in fact did orchestrate the public involvement bypass but also to try to help OPR/Ken Alex understand (as CEQA overlords) that they may have a unique ability/role/obligation to help motivate the right parties.

BTW before the start of this morning's EDF presentation at City Hall I was able to ask Pat McGowan where we were on the cancelled meetings and plans from the series of May meetings (May 18 and 30th cancelled after holding the 5/9 mtg) and she said they still had "nothing" from the developer and so there was nothing to put on the table to discuss. I heard from Brian a couple weeks ago that he'd heard from John Monetta that they were "working hard" on the plans.

Richard

From: David Vintze <DVintze@baaqmd.gov>
Sent: Monday, July 10, 2017 11:44 AM
To: Grow, Richard
Subject: RE: Please review and reply: Oakland Army Base (OAB) and Port of Oakland redevelopment

Hi Richard – attached are my edits to your letter in tracked changes. Use all or none it is up to you. Take Care, Dave

---

From: David Vintze
Sent: Monday, July 10, 2017 10:17 AM
To: 'Grow, Richard' <Grow.Richard@epa.gov>
Subject: RE: Please review and reply: Oakland Army Base (OAB) and Port of Oakland redevelopment

Calling you now -

From: Grow, Richard [mailto:Grow.Richard@epa.gov]
Sent: Thursday, July 6, 2017 5:15 PM
To: Marvin, Cynthia@ARB <cynthia.marvin@arb.ca.gov>; David Vintze <DVintze@baaqmd.gov>
Subject: Please review and reply: Oakland Army Base (OAB) and Port of Oakland redevelopment

Cynthia & Dave

Please do not share outside your offices. Two weeks ago we had a call with Ken Alex at the conclusion of which he requested of Alexis her "concerns" and a list of federal funding opportunities. Below is the current draft response Alexis is considering sending, and we would greatly appreciate any edits or thoughts you might suggest. We are keenly aware that at each of your offices there is much going on regarding the Port and OAB, and would hope to do nothing to upset or impede those initiatives. BTW we expect the T6 complaint to be accepted for formal investigation by EPA and DOT shortly, and will share the acceptance letters laying out the

scope of the investigation as soon as they become available. It would be good to get the response to Ken Alex out either tomorrow or Monday, please get back to me by email or phone (truly anytime other than this evening) with any concerns. Thanks

Richard

Personal Matters / Ex. 6

[DRAFT]

Dear Ken

Thank you for our recent discussion of environmental and public health issues associated with development of the Port of Oakland and Oakland Army Base (OAB). As requested, following are our main concerns and a list of potential federal funding opportunities.

West Oakland, a largely minority community, experiences disproportionate exposure to toxic air contaminants. While diesel particulate emissions have been significantly reduced in recent years, substantial progress is still needed and within reach. One key barrier is the lack of resolution of concerns raised by various environmental and public health agencies regarding inadequacies in the OAB mitigation plan, approved by the City in 2012. The shortcomings of the mitigation plan include its failure to remedy the many "significant but unavoidable" air quality impacts.(The shortcomings are primarily that the City is not requiring that the mitigation measures that were adopted by the city council to address the significant air quality impacts are not being implemented as promised to the community. Overall the impacts were characterized by the city as significant and unavoidable because sufficient mitigation measures were not available to reduce the air quality impacts below the air districts/citys CEQA significance thresholds. The mitigation measures were suppose to reduce the severity of the impacts identified in the CEQA document, which isn't happening because the city and port will not implement the legally binding mitigation measures.) Unfortunately, the City's expedited CEQA process bypassed the normal interagency and public discussion of whether those impacts were in fact avoidable. This omission is at the heart of understanding why the past five years of discussions have not yielded progress.

This is the right time for the City and Port to avail themselves of existing opportunities to adopt state-of-the-art low-or-zero emissions strategies, making use of many public and private funding opportunities, and thereby meet the expectations of the community when the OAB mitigation measures were adopted by the city council. BAAQMD and CARB's technical advice has been invaluable to date. Now, other catalysts may be needed to bring about resolution of outstanding issues. As you know, the community has filed a complaint under Title VI of the Civil Rights Act, based on obligations which the City and Port incurred through receipt of federal funds.

As requested, here is a list of federal funding opportunities that may be relevant to the OAB and Port. Substantial federal funding has previously been provided to the City and Port as described on the attached spreadsheet. The list is incomplete, covering $153 million from DOT, EPA and Homeland Security for FY 2009 through FY 2014, but does not include the monetary value of the OAB transfer from the federal government to the City in 2001.

US EPA: Diesel Emission Reductions Act Grant program Funding - $34M available. Due date – July 5, 2017.https://www.epa.gov/cleandiesel/clean-diesel-national-grants#rfp

Clean Diesel National Grants | Clean Diesel and DERA ...

www.epa.gov

National Funding Assistance Program administers competitive grants for clean diesel projects. The Diesel Emissions Reduction Act (DERA) appropriates funds for these ...

US DOT: https://www.transportation.gov/grants

Grants | US Department of Transportation

www.transportation.gov

u.s. department of transportation. 1200 new jersey avenue, se. washington, dc 20590. 855-368-4200

FASTLANE funding: https://www.transportation.gov/buildamerica/FASTLANEgrants

FASTLANE Grants

www.transportation.gov

Fostering Advancements in Shipping and Transportation for the Long-term Achievement of National Efficiencies (FASTLANE) Grants program

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Clean Cities: Funding Opportunities

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Securing funding is critical to the success of efforts to cut petroleum use in transportation. Funding opportunities for Clean Cities projects are available from many ...

Volkswagen settlement information: https://www.epa.gov/vw. Note: Port cargo handling equipment, ferries/tugs, shorepower, rail, truck and bus eligibility in Appendix D of the partial CD: https://www.epa.gov/enforcement/third-partial-and-30l-second-partial-and-20l-partial-and-amended-consent-decree (see Appendix D-2 of 2.0L partial CD).

Volkswagen Light Duty Diesel Vehicle Violations for Model ...

www.epa.gov

United States Environmental Protection Agency. Search Search. Volkswagen Light Duty Diesel Vehicle Violations for Model Years 2009-2016

Third Partial and 3.0L Second Partial and 2.0L ... - US EPA

www.epa.gov

This is the third partial, 3.0 liter second partial consent decree, 2.0 liter partial and amended partial consent decree for the Volkswagen Clean Air Act Settlement ...

I hope this is helpful. I'm hopeful we can work together to bring about resolution of these issues.
Kind regards,

Message

From: Grow, Richard [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=F9BE7A2DDE6B42FB832CA9B138892F27-RGROW]
Sent: 7/10/2017 9:47:22 PM
To: Strauss, Alexis [Strauss.Alexis@epa.gov]
Subject: OAB letter to KA with BAAQMD suggns
Attachments: OAB Rx to KA 7_10 mk_up.docx

Deliberative Process / Ex. 5

Richard

Revised note:

Dear Ken

Thank you for our recent discussion of environmental and public health issues associated with development of the Port of Oakland and Oakland Army Base (OAB). As requested, following are our main concerns and a list of potential federal funding opportunities.

West Oakland, a largely minority community, experiences disproportionate exposure to toxic air contaminants. While diesel particulate emissions have been significantly reduced in recent years, substantial progress is still needed and within reach. One key barrier is the lack of resolution of concerns raised by various environmental and public health agencies regarding inadequacies in the OAB mitigation plan, approved by the City in 2012. The shortcomings of the mitigation plan date to the City's expedited CEQA process in 2012 which bypassed the normal interagency and public discussion of whether the many "significant but unavoidable" impacts were in fact avoidable. Since then there has been an ongoing failure to further develop or implement the measures in the plan, in particular those applicable to the operational phase of the project. This ongoing failure is at the heart of understanding why the past five years of discussions have not yielded progress.

This is the right time for the City, Port and developer to avail themselves of existing opportunities to adopt state-of-the-art low-or-zero emissions strategies, making use of many public and private funding opportunities. BAAQMD and

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Grants | US Department of Transportation

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u.s. department of transportation. 1200 new jersey avenue, se. washington, dc 20590. 855-368-4200

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Securing funding is critical to the success of efforts to cut petroleum use in transportation. Funding opportunities for Clean Cities projects are available from many ...

Volkswagen settlement information: https://www.epa.gov/vw. Note: Port cargo handling equipment, ferries/tugs, shorepower, rail, truck and bus eligibility in Appendix D of the partial CD: https://www.epa.gov/enforcement/third-partial-and-30l-second-partial-and-20l-partial-and-amended-consent-decree (see Appendix D-2 of 2.0L partial CD).

Third Partial and 3.0L Second Partial and 2.0L ... - US EPA

www.epa.gov

This is the third partial, 3.0 liter second partial consent decree, 2.0 liter partial and amended partial consent decree for the Volkswagen Clean Air Act Settlement ...

Volkswagen Light Duty Diesel Vehicle Violations for Model ...

www.epa.gov

United States Environmental Protection Agency. Search Search. Volkswagen Light Duty Diesel Vehicle Violations for Model Years 2009-2016

I hope this is helpful. I'm hopeful we can work together to bring about resolution of these issues.
Kind regards,

Alexis

Message

From: Grow, Richard [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=F9BE7A2DDE6B42FB832CA9B138892F27-RGROW]
Sent: 7/10/2017 3:25:14 AM
To: David Vintze [DVintze@baaqmd.gov]
CC: Alison Kirk [AKirk@baaqmd.gov]
Subject: URGENT: Please review and reply: Oakland Army Base (OAB) and Port of Oakland redevelopment

Dave - Alison advised you were out, apologies for being "urgent" as soon as you are back. Pls check out the email chain below and get back to me Monday morning if at all possible on the draft note below from Alexis to Ken Alex, by phone or email. We would like to get this note out before the formal acceptance of the T6 complaint goes out, and that may happen very soon. Not looking for a formal "OK" just a quick read as to whether we are saying something much clumsier than intended. Thanks. Richard

Personal Matters / Ex. 6

From: Alison Kirk <AKirk@baaqmd.gov>
Sent: Friday, July 7, 2017 11:47 AM
To: Grow, Richard
Cc: David Vintze
Subject: RE: Please review and reply: Oakland Army Base (OAB) and Port of Oakland redevelopment

Hello,

Tone looks good to me, but I would be more comfortable waiting until we can discuss with Dave – often there are things in motion at the District that take time to filter down to me.

Have a great weekend.

Alison Kirk
Senior Environmental Planner
415-749-5169

From: Grow, Richard [mailto:Grow.Richard@epa.gov]
Sent: Friday, July 7, 2017 9:34 AM
To: Alison Kirk <AKirk@baaqmd.gov>
Subject: Thx: Please review and reply: Oakland Army Base (OAB) and Port of Oakland redevelopment

Alison - here's the note. Cynthia thought it was good, set a good tone, but I'm not sure it would sound the same to your office. If you can get back to me by mid-aft that would be great, but if not, we'll make do. Thanks.

Richard

Personal Matters / Ex. 6

From: Grow, Richard
Sent: Thursday, July 6, 2017 5:14 PM
To: Marvin, Cynthia@ARB; David Vintze
Subject: Please review and reply: Oakland Army Base (OAB) and Port of Oakland redevelopment

Cynthia & Dave

Please do not share outside your offices. Two weeks ago we had a call with Ken Alex at the conclusion of which he requested of Alexis her "concerns" and a list of federal funding opportunities. Below is the current draft response Alexis is considering sending, and we would greatly appreciate any edits or thoughts you might suggest. We are keenly aware that at each of your offices there is much going on regarding the Port and OAB, and would hope to do nothing to upset or impede those initiatives. BTW we expect the T6 complaint to be accepted for formal investigation by EPA and DOT shortly, and will share the acceptance letters laying out the scope of the investigation as soon as they become available. It would be good to get the response to Ken Alex out either tomorrow or Monday, please get back to me by email or phone (truly anytime other than this evening) with any concerns. Thanks

Richard

Personal Matters / Ex. 6

[DRAFT]
Dear Ken

Thank you for our recent discussion of environmental and public health issues associated with development of the Port of Oakland and Oakland Army Base (OAB). As requested, following are our main concerns and a list of potential federal funding opportunities.

West Oakland, a largely minority community, experiences disproportionate exposure to toxic air contaminants. While diesel particulate emissions have been significantly reduced in recent years, substantial progress is still needed and within reach. One key barrier is the lack of resolution of concerns raised by various environmental and public health agencies regarding inadequacies in the OAB mitigation plan, approved by the City in 2012. The shortcomings of the mitigation plan include its failure to remedy the many "significant but unavoidable" air quality impacts. Unfortunately, the City's expedited CEQA process bypassed the normal interagency and public discussion of whether those impacts were in fact avoidable. This omission is at the heart of understanding why the past five years of discussions have not yielded progress.

This is the right time for the City and Port to avail themselves of existing opportunities to adopt state-of-the-art low-or-zero emissions strategies, making use of many public and private funding opportunities. BAAQMD and CARB's technical advice has been invaluable to date. Now, other catalysts may be needed to bring about resolution of outstanding issues. As you know, the community has filed a complaint under Title VI of the Civil Rights Act, based on obligations which the City and Port incurred through receipt of federal funds.

As requested, here is a list of federal funding opportunities that may be relevant to the OAB and Port. Substantial federal funding has previously been provided to the City and Port as described on the attached spreadsheet. The list is incomplete, covering $153 million from DOT, EPA and Homeland Security for FY 2009 through FY 2014, but does not include the monetary value of the OAB transfer from the federal government to the City in 2001.

US EPA: Diesel Emission Reductions Act Grant program Funding - $34M available. Due date – July 5, 2017.https://www.epa.gov/cleandiesel/clean-diesel-national-grants#rfp

Clean Diesel National Grants | Clean Diesel and DERA ...

www.epa.gov

National Funding Assistance Program administers competitive grants for clean diesel projects. The Diesel Emissions Reduction Act (DERA) appropriates funds for these ...

US DOT: https://www.transportation.gov/grants

Grants | US Department of Transportation

www.transportation.gov

u.s. department of transportation. 1200 new jersey avenue, se. washington, dc 20590. 855-368-4200

FASTLANE funding: https://www.transportation.gov/buildamerica/FASTLANEgrants

FASTLANE Grants

www.transportation.gov

Fostering Advancements in Shipping and Transportation for the Long-term Achievement of National Efficiencies (FASTLANE) Grants program

US DOE: Clean Cities Coalitions sometimes have funding: https://cleancities.energy.gov/funding-opportunities/

Clean Cities: Funding Opportunities

cleancities.energy.gov

Securing funding is critical to the success of efforts to cut petroleum use in transportation. Funding opportunities for Clean Cities projects are available from many ...

Volkswagen settlement information: https://www.epa.gov/vw. Note: Port cargo handling equipment, ferries/tugs, shorepower, rail, truck and bus eligibility in Appendix D of the partial CD: https://www.epa.gov/enforcement/third-partial-and-30l-second-partial-and-20l-partial-and-amended-consent-decree (see Appendix D-2 of 2.0L partial CD).

Volkswagen Light Duty Diesel Vehicle Violations for Model ...

www.epa.gov

United States Environmental Protection Agency. Search Search. Volkswagen Light Duty Diesel Vehicle Violations for Model Years 2009-2016

Third Partial and 3.0L Second Partial and 2.0L ... - US EPA

www.epa.gov

This is the third partial, 3.0 liter second partial consent decree, 2.0 liter partial and amended partial consent decree for the Volkswagen Clean Air Act Settlement ...

I hope this is helpful. I'm hopeful we can work together to bring about resolution of these issues.
Kind regards,

Message

From: Grow, Richard [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=F9BE7A2DDE6B42FB832CA9B138892F27-RGROW]
Sent: 7/5/2017 3:09:13 PM
To: Israels, Ken [Israels.Ken@epa.gov]
Subject: FW: Oakland JR and Acceptance Letters for review
Attachments: Port - City Oakland Draft JURISDICTIONAL REVIEW 6.20.17.docx; Oakland City Recipient Acceptance 7-3-17.docx; Oakland Port Recipient Acceptance 7-3-17.docx; Oakland City and Port Complainant Acceptance 7-3-17.docx

Importance: High

I know you're under the gun, but if you have a chance to give these a scan, any thoughts would be appreciated.

From: Dorka, Lilian
Sent: Wednesday, July 05, 2017 7:53 AM
To: Goerke, Ariadne <Goerke.Ariadne@epa.gov>; O'Lone, Mary <OLone.Mary@epa.gov>; Redden, Kenneth <Redden.Kenneth@epa.gov>; Temple, Kurt <Temple.Kurt@epa.gov>; Farrell, Ericka <Farrell.Ericka@epa.gov>; Keeler, Katsumi <Keeler.Katsumi@epa.gov>; Grow, Richard <Grow.Richard@epa.gov>; Reyes, Deldi <Reyes.Deldi@epa.gov>; Garnett, Desean <Garnett.Desean@epa.gov>; Miller, Amy <Miller.Amy@epa.gov>
Cc: Jordan, Deborah <Jordan.Deborah@epa.gov>; Strauss, Alexis <Strauss.Alexis@epa.gov>
Subject: FW: Oakland JR and Acceptance Letters for review
Importance: High

Hi Ariadne, Ken (I know Mary is out), and Region 9 colleagues, including everyone on this email for purposes of expediting review. These are the draft acceptance letter for the Oakland matter and our Jurisdictional Review brief for background information re our jurisdictional determination.

We hope to talk to DOT D-OCR tomorrow , including their new Director, to try and get some movement of the jurisdictional review and acceptance of this case. These draft acceptance letters currently do not include DOT – but we are hoping they will and that we can accept this complaint jointly given the complaint was filed against both agencies.

We have been waiting to hear from DOT as they asked us for a bit of additional time so as to brief their new Director. In efforts to expedite the EPA/DOT acceptance, I'd like to be able to share a draft of the acceptance letters that we would propose issuing and our framing of the issues for investigation (which are purposely broad) with DOT as soon as possible. Ideally, I'd like to be able to share this with them by noon tomorrow.

If there is any chance you can take a look at the draft acceptance letters and provide us any comments by COB today, I would greatly appreciate it. If that is not possible, I understand and we can let DOT know we will share them by Friday.

Thanks very much and please let me know if you have any questions. Thanks!

P/S – if region 9 can send me one coordinated set of comments, it would be very helpful. Thanks!

Honorable Libby Schaaf
Mayor, City of Oakland
1 Frank H. Ogawa Plaza
3rd Floor
Oakland, CA 94612

JUN 27 2016

Subject: Oakland Army Base Redevelopment Project

Dear Mayor Schaaf:

This is to notify you that a Federal interagency team of civil rights and environmental justice practitioners from the U.S. Department of Transportation (DOT), the U.S. Environmental Protection Agency (EPA), the U.S. Department of the Interior (DOI), and the U.S. Department of Homeland Security (DHS) have been meeting monthly to discuss concerns brought to our attention by community members about the redevelopment of the former Oakland Army Base. In particular, we have discussed concerns about the potential adverse impacts on a range of issues affecting the predominately minority neighboring community as a result of some of the options for redevelopment under consideration by the City and Port of Oakland. This includes the possibility that the property may be used to export coal, as well as localized increases in commercial truck traffic, among other issues.

Please note that as recipients of Federal financial assistance, the City of Oakland and the Port of Oakland have an obligation to ensure nondiscrimination on the basis of race, color, or national origin in all of their programs and activities in accordance with Title VI of the Civil Rights Act of 1964.

The interagency team is monitoring the redevelopment of the former base and stands ready to provide support and technical assistance to ensure that the project avoids any potential conflicts with Federal nondiscrimination authorities. If you have any questions, or would like to discuss the redevelopment with members of the team, please contact Ryan Fitzpatrick by telephone at (202) 366-1979, or ryan.fitzpatrick@dot.gov, or Alexis Strauss by telephone at (415)-972-3572, or strauss.alexis@epa.gov.

Sincerely,

Yvette Rivera

Yvette Rivera
Associate Director
Departmental Office of Civil Rights
U.S. Department of Transportation

Lilian S. Dorka
Acting Director
Office of Civil Rights
U.S. Environmental Protection Agency

Alexis Strauss
Acting Regional Administrator
Region 9
U.S. Environmental Protection Agency

John W. Burden
Director
Office of Civil Rights
U.S. Department of the Interior

Megan H. Mack
Officer for Civil Rights and Civil Liberties
U.S. Department of Homeland Security

Dr. Teresa R. Pohlman
Executive Director for Sustainability and Environmental Programs
Office of the Chief Readiness Support Officer
U.S. Department of Homeland Security

cc:
Sabrina D. Landreth
Oakland City Administrator

J. Christopher Lytle
Executive Director, Port of Oakland

CITY OF OAKLAND

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2016 DEC 28 PM 3: 26

AGENDA REPORT

TO: Sabrina B. Landreth
City Administrator

FROM: Brooke A. Levin
Director, Public Works

SUBJECT: EPA Coalition Brownfields Grant

DATE: December 9, 2016

City Administrator Approval

Date 12/26/16

RECOMMENDATION

Staff Recommends That The City Council Adopt A Resolution Authorizing The City Administrator To Accept And Appropriate One Hundred Ten Thousand Dollars ($110,000.00) From A United States Environmental Protection Agency (USEPA) Coalition Grant Under The Brownfields Grant Program For Assessment Of Petroleum Products And Hazardous Substances In Soil And Groundwater In The International Boulevard Corridor And Execute A Memorandum Of Agreement With The East Bay Brownfields Assessment Grant Coalition.

EXECUTIVE SUMMARY

City Council approval will authorize the City Administrator to accept and appropriate $110,000 in funds from a United States Environmental Protection Agency (EPA) Coalition Brownfields Program petroleum products and hazardous substances assessment grant for the International Boulevard Corridor and adjacent Bay Area Rapid Transit (BART) stations. The Coalition includes Alameda County, the Association of Bay Area Governments (ABAG), and the cities of Oakland, San Leandro, and Hayward. The Coalition members will share $550,000 in grant funds from USEPA. As required by USEPA coalition grant guidelines, in order to utilize the grant funds the Coalition members must enter into a Memorandum of Agreement (MOA) to document the roles and responsibilities of the Coalition members. Staff requests City Council to authorize the City Administrator to execute the MOA. Grant monies will be used for professional investigations of known or suspected contamination. The results of the investigations will be used to assess properties for acquisition or redevelopment.

BACKGROUND/LEGISLATIVE HISTORY

EPA has made Brownfields Assessment Grants available since 1995 to assist recipients with the identification and characterization of contaminants at sites that are abandoned or underutilized. The City has received 10 prior awards totaling 2 million dollars. The three most recent awards include: a $200,000 Hazardous Substances Assessment Grant for the Foothill Boulevard-Seminary Avenue Area (Resolution No. 82172 C.M.S.); a $200,000 Hazardous Substances Assessment Grant for the West Oakland Area (Resolution No. 82173 C.M.S.); and

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Public Works Committee
January 10, 2017

a $200,000 Community-Wide Petroleum Substances Assessment Grant for the West Oakland Area (Resolution No. 82174 C.M.S.). The grant funds for the International Boulevard Corridor Site will come from USEPA's annual budget for Brownfields grants.

ANALYSIS AND POLICY ALTERNATIVES

The Department of Economic and Workforce Development has been working closely with ABAG on the East Bay Corridor Initiative (EBCI) as an implementation strategy for realizing sustainable, resilient, equitable growth and development in communities between Pinole and Fremont, with a focus on Priority Development Areas (PDAs). One method for advancing the activities of the EBCI was to apply for EPA Coalition grants. To meet the USEPA's Coalition Grant requirements, ABAG and the cities of Oakland, San Leandro, and Hayward agreed to submit for the grant as a Coalition. The grant awarded to the East Bay Brownfields Grant Coalition is for a three-year period. Grant work will primarily consist of environmental assessments and evaluation of remedial solutions.

Environmental site assessments identify and characterize contaminants, and typically involve an analysis of a site's historical uses, collection of soil and groundwater data, and recommendations for any cleanup necessary. The environmental site assessment is a key initial step toward cleanup and redevelopment of abandoned or underutilized lands. In addition, in order to invoke full liability protection against regulatory action associated with existing contamination, professional environmental site assessments compliant with EPA's "All Appropriate Inquiry" standard must be conducted prior to acquisition of a property.

EPA's annual Brownfields Program allocation is funding a grant for the International Boulevard Corridor Site for a total amount of $550,000. The Coalition members will share this grant amount. The City's share is estimated to be$110,000. The City acting through its Public Works, Environmental Services Division (ESD) will receive grant funds as reimbursements for activities completed. The complete area of the Coalition's site includes a 15-mile corridor known as International Boulevard in Oakland, East 14th Street in San Leandro, and Mission Boulevard in unincorporated Alameda County and Hayward, as well as five adjacent BART stations. To evaluate potential sites for acquisition or redevelopment, staff must ascertain the level of contamination and the associated liability.

The Coalition will develop a site selection process based on agreed upon factors and will ensure that a minimum of five sites (at least one per Coalition member) are assessed over the life of the cooperative agreement. Coalition members will each submit a list of priority sites for the areas they represent. Selected sites will also be submitted to the EPA to ensure eligibility. In addition to addressing health and safety concerns, EPA criteria for prioritizing sites typically includes the relative potential for redevelopment. In order to identify potential sites for assessment work in Oakland, the City will seek recommendations from community groups, local non-profit organizations and the City's Office of Economic and Workforce Development.

The grant is a "community-wide" assessment grant, as such, funds from these grants may be used at any site within the International Boulevard grant corridor that is approved by the USEPA Grants Officer and where the City has legal right-of-entry.

FISCAL IMPACT

The City is not required to provide matching funds for the grant; however, of the available money, only the lead Coalition member (ABAG) will be charging staff time to the grants. The staff time will be used for the management of the grant including submittals to the EPA. ABAG will operate as the fiscal agent for receiving reimbursement money from USEPA and distributing it to the Coalition members. The majority of the grant funds will be utilized for the performance of Phase I and II Environmental Assessments within the grant area. Each Coalition member is guaranteed at least one assessment from the grant. Depending on the number of sites assessed per coalition member, the City's portion of the grant may be greater than $110,000.

ESD will act as the grant manager for the City. Grant monies will be received on a reimbursement basis and deposited into the Environmental Protection Agency Fund (2125), Environmental Compliance and Remediation Organization (30683), in project numbers to be determined.

PUBLIC OUTREACH/INTEREST

ESD will notify the Department of Economic and Workforce Development and the Coalition of the results of the assessment work. The Department of Workforce Development in coordination with ABAG will notify community groups and local non-profit organizations about the assessment work.

COORDINATION

In preparing the grant proposal, the Environmental Services Division coordinated with the Office of Economic and Workforce Development, the City Attorney's Office, the Controller's Bureau and the City Administrator's Office.

SUSTAINABLE OPPORTUNITIES

Economic: The assessment of potential soil and groundwater contamination will assist in the conversion of contaminated and blighted properties to productive use.

Environmental: Identification of contamination will facilitate cleanup that protects human health and environmental resources.

Social Equity: Projects supporting the redevelopment of contaminated locations will result in cleaner healthier neighborhoods for residents in these neighborhoods. The grant area includes identified communities of concern and will serve neighborhoods in the immediate vicinity by activating retail and commercial uses in neighborhoods that currently have few retail outlets.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council adopt a resolution authorizing the City Administrator to accept and appropriate one hundred ten thousand dollars ($110,000.00) from a United States Environmental Protection Agency coalition grant under the Brownfields grant program for assessment of petroleum products and hazardous substances in soil and groundwater in the International Boulevard Corridor and execute a memorandum of agreement with the East Bay Brownfields Assessment Grant Coalition.

For questions regarding this report, please contact Becky Dowdakin, Environmental Services Manager, at 238-6981.

Respectfully submitted,

BROOKE A. LEVIN
Director, Oakland Public Works

Reviewed by:
Susan Kattchee, Assistant Director
Oakland Public Works

Reviewed by:
Becky Dowdakin, Manager
Environmental Services Division

Prepared by:
Mark Arniola, Environmental Program Supervisor
Environmental Services Division

Item: _____
Public Works Committee
January 10, 2017

Approved as to Form and Legality

City Attorney

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2016 DEC 28 PM 3:26

OAKLAND CITY COUNCIL

RESOLUTION NO._____C.M.S.

Introduced by Councilmember _____

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO ACCEPT AND APPROPRIATE ONE HUNDRED TEN THOUSAND DOLLARS ($110,000.00) FROM A UNITED STATES ENVIRONMENTAL PROTECTION AGENCY COALITION GRANT UNDER THE BROWNFIELDS GRANT PROGRAM FOR ASSESSMENT OF PETROLEUM PRODUCTS AND HAZARDOUS SUBSTANCES IN SOIL AND GROUNDWATER IN THE INTERNATIONAL BOULEVARD CORRIDOR AND EXECUTE A MEMORANDUM OF AGREEMENT WITH THE EAST BAY BROWNFIELDS ASSESSMENT GRANT COALITION

WHEREAS, the City of Oakland (City) in cooperation with the other members of the East Bay Brownfields Assessment Grant Coalition, comprising the City of Hayward, the City of San Leandro, the County of Alameda, and the Association of Bay Area Governments (ABAG), has solicited financial support from the United States Environmental Protection Agency (USEPA) for environmental assessment work in the International Boulevard Corridor; and

WHEREAS, the EPA has awarded the East Bay Brownfields Assessment Grant Coalition (Coalition) $550,000 in Brownfields Program funds to assist in the assessment of petroleum substances and hazardous substances (as defined by the federal Comprehensive Environmental Response, Compensation and Liability Act) in soil and groundwater in the International Boulevard Corridor; and

WHEREAS, the proposed environmental assessment work supports the Mayoral and City Council goal of a Sustainable City, and will help strengthen protection of public health while facilitating the cleanup and redevelopment of blighted properties; now, therefore be it

RESOLVED, That the City Council authorizes the City Administrator or her designee to execute an agreement with the USEPA and a Memorandum of Agreement (MOA) with the Coalition for the acceptance of grant funds for assessment of hazardous substances in soil and groundwater in the International Boulevard Corridor, provided that said agreement shall be reviewed and approved by the City Attorney's Office and shall be filed with the City Clerk's Office; and be it

FURTHER RESOLVED, That the City Council authorizes ABAG to act as the fiscal manager for the Coalition in order to receive reimbursement funds from USEPA and pass the funds onto the Coalition members; and be it

FURTHER RESOLVED, That the City Council acknowledges that the grant funds do not cover City staff costs; and be it

FURTHER RESOLVED, That the City Council authorizes the appropriation of grant funds in an amount up to $110,000, to be received on a reimbursement basis and deposited into the Environmental Protection Agency Fund (2125), Environmental Compliance and Remediation Organization (30683), in a project to be established upon execution of the agreement with the EPA; and be it

FURTHER RESOLVED, That the City Administrator or designee is hereby authorized to approve any subsequent amendments or extensions of said agreement, provided that such amendments or extensions shall be approved by the City Attorney's Office and shall be filed with the City Clerk's Office. Should additional grant funds be received, the City Administrator is hereby authorized to appropriate same for the purposes described above within the three year grant term.

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, CAMPBELL WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN, REID, AND PRESIDENT GIBSON MCELHANEY

NOES -

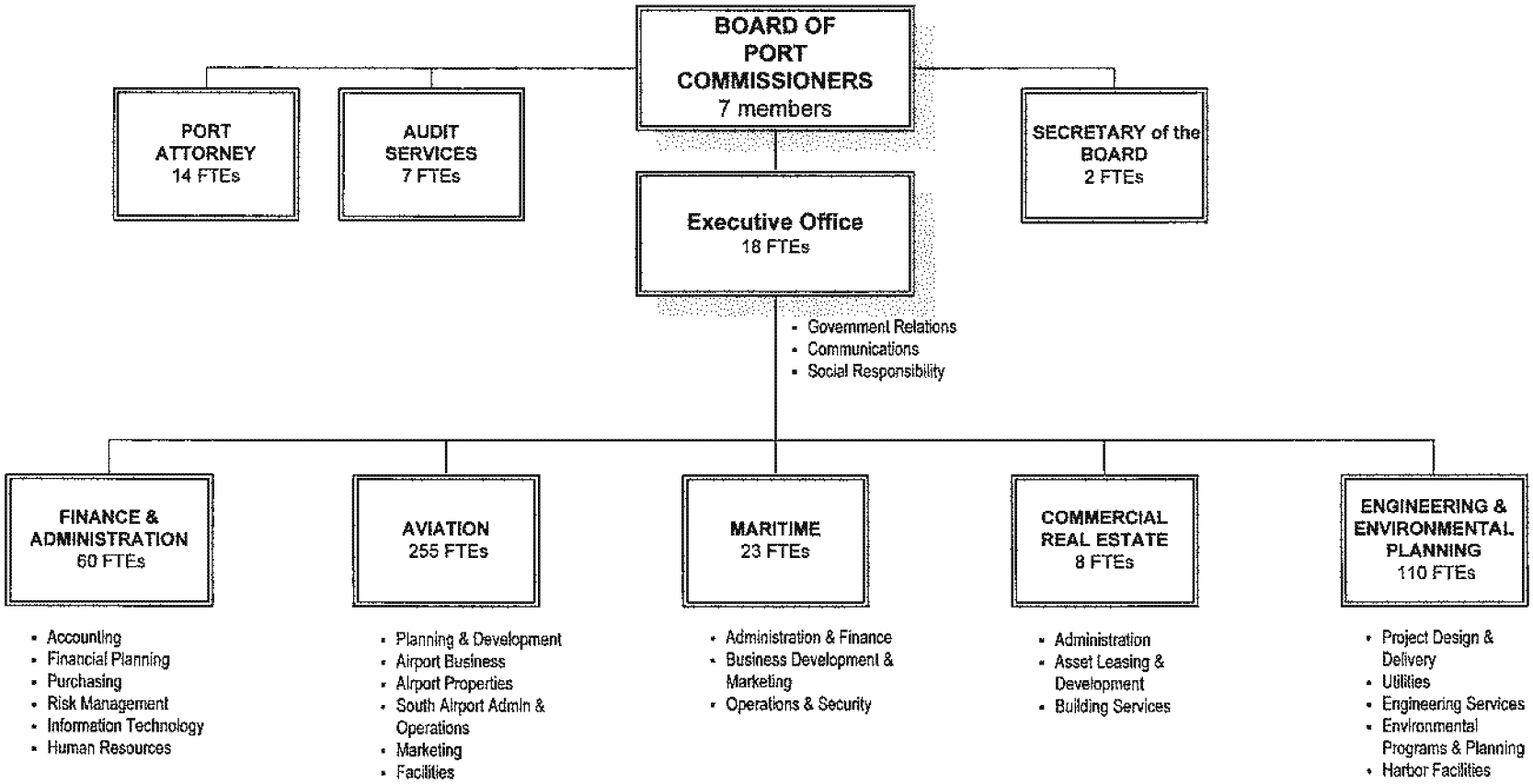
ABSENT -

ABSTENTION -

ATTEST:_____
LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California

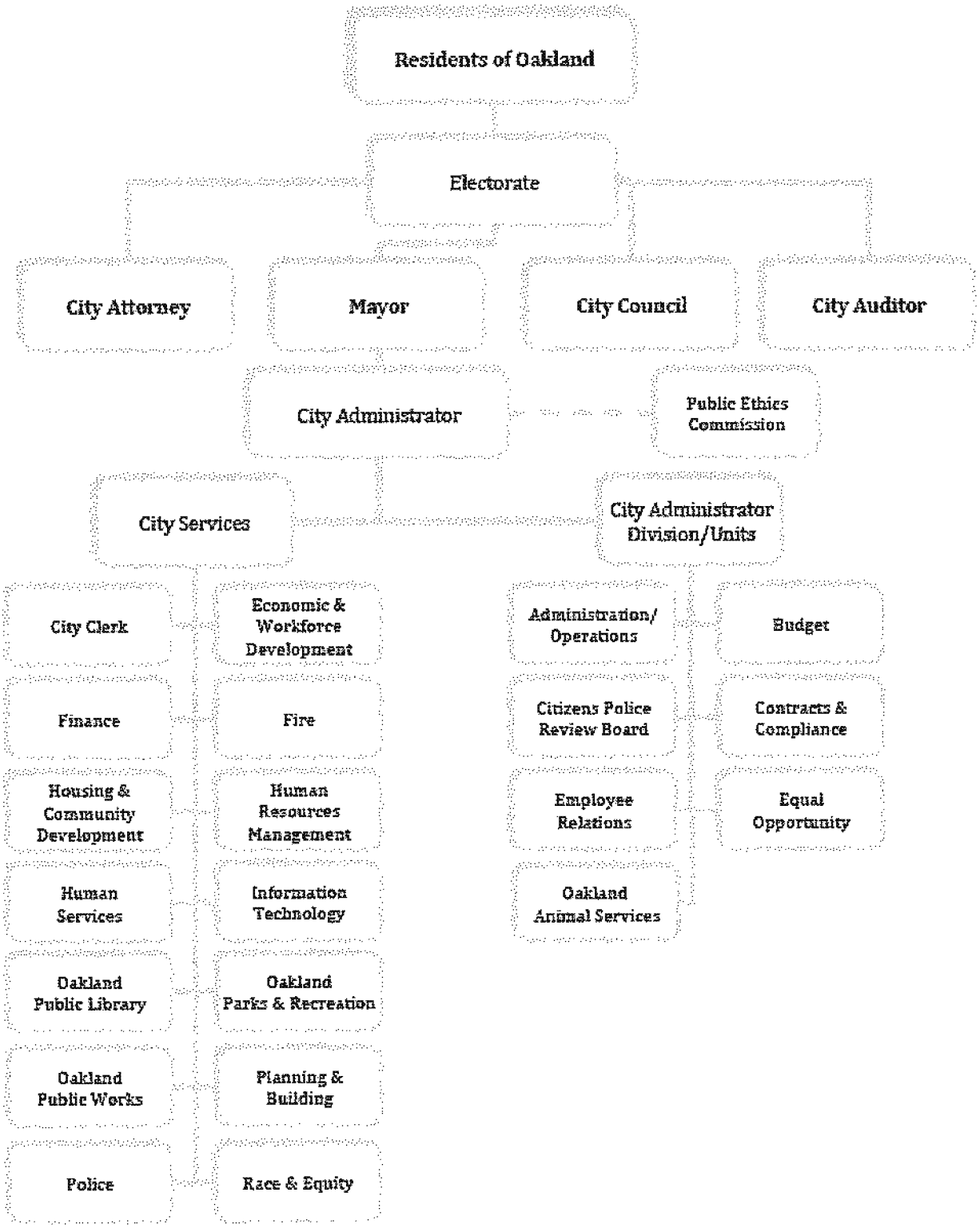
PORT OF OAKLAND
ORGANIZATION CHART
Fiscal Year 2015-16

497 Funded FTEs (Full-Time Equivalents)



003813 2020-10-29

CITY OF OAKLAND ORGANIZATION CHART



003814 2020-10-29

CITY OF OAKLAND

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2016 NOV 22 AM 11:09

AGENDA REPORT

TO:	Sabrina B. Landreth City Administrator	**FROM:**	Darin Ranelletti Interim Director, PBD
SUBJECT:	Informational Report on Army Base Northeast Gateway Construction-Related Air Quality Plan	**DATE:**	November 14, 2016

City Administrator Approval Date: 11/21/16

RECOMMENDATION

Staff Recommends That The City Council Receive An Informational Report On The Construction-Related Air Quality Plan Prepared by Prologis And Approved By The City Administrator For The Northeast Gateway Site Of The Oakland Army Base Redevelopment Project.

EXECUTIVE SUMMARY

Prologis, one of the developers of the Oakland Army Base Redevelopment Project, has prepared an Air Quality Plan to reduce potential air quality impacts during construction of the proposed trade and logistics warehouse located in the Northeast Gateway. The City Administrator approved the Air Quality Plan on October 4, 2016. The mitigation measures for the project require an informational report be submitted to the City Council following the City Administrator's approval.

The City Administrator's approval is attached to this report and contains the approved Air Quality Plan, public comment letters, and additional background information.

BACKGROUND / LEGISLATIVE HISTORY

The Standard Conditions of Approval / Mitigation Monitoring and Reporting Program ("SCA/MMRP") approved on July 16, 2013, by the City Council for the Army Base project contains requirements for reducing the potential environmental impacts of the project, including requirements to reduce impacts related to air quality and trucking.

Mitigation Measure PO-1 (Stakeholder Review of Air Quality and Trucking Plans) requires the City to conduct a public process in the development and review of the plans to comply with the above requirements and requires City Administrator approval of these plans.

Item: _____
CED Committee
December 6, 2016

On December 5, 2013, the City Administrator approved the plan to comply with construction-related air quality requirements for the horizontal infrastructure phase of the project (e.g., new streets and utilities).

As the Army Base project is developed over time, individual developers of the project's vertical elements (e.g., new buildings and permanent activities) will submit plans to meet these air quality requirements. The first vertical development being implemented is the trade and logistics warehouse project by Prologis at the Northeast Gateway.

ANALYSIS

The process to develop and approve the Construction-Related Air Quality Plan followed the requirements specified by the City Council in Mitigation Measure PO-1 and included a public outreach component, as further discussed below under the "Public Outreach / Interest" section of this report.

Public comments received on the draft Air Quality Plan ranged from detailed comments targeting a specific issue to larger, general comments about the overall project. Comments could be loosely grouped into the following three categories: Overall Army Base Project Implementation; Construction vs. Operational Phases; and Details Regarding Construction-Phase Compliance. These categories are further discussed below.

Overall Army Base Project Implementation

Some stakeholders sought clarity on how the different Air Quality Plans and environmental requirements are being implemented over the construction phases and operational phases of the different elements of the overall Army Base project being developed at different times by different parties. The attached City Administrator approval contains an exhibit prepared by staff to better identify the different Air Quality Plans associated with the project.

In order to better track the construction and operational phases of the overall Army Base project, and their corresponding Air Quality Plans, the Bay Area Air Quality Management District and the California Air Resources Board requested notification when construction of the subject Prologis building begins. The City Administrator included this requirement in the approval of the Plan.

Construction vs. Operational Phases

The air quality requirements for the Army Base project address both the construction phase and operational phase of the project. Prologis received approval of an Air Quality Plan for the construction phase of the first building; it will seek approval of an Air Quality Plan for the operational phase of the first building at a later date, prior to operation of the facility. Like the construction-phase Air Quality Plan, the operational-phase Air Quality Plan will also require public outreach, stakeholder review/comment and City Administrator review/comment/approval.

Many of the strategies recommended in the public comments to reduce air quality impacts relate to the operational phase of the development that are implemented when a tenant occupies the

building and property. According to Prologis a tenant has not yet been identified for the property. Prologis is proposing to construct a "cold shell," meaning improvements for the individual tenant (e.g., office-restroom buildouts, equipment, and electrical, plumbing, and mechanical systems) will be installed later depending upon the needs of the tenant. Many of the strategies to reduce air emissions, such as electrification of warehouse and transportation equipment, can be implemented with the future tenant improvements and are not being precluded by the current design and construction of the building. Prologis will have guidelines for tenant improvements ("TI Guidelines") in individual leases that specify environmental and other requirements that the tenant must meet. Along with the environmental requirements from the Army Base SCA/MMRP, the proposed building is also subject to the City's green building regulations requiring the building to meet Leadership in Energy and Environmental Design ("LEED") Gold standards. Operational-related SCA/MMRP and LEED requirements can be adequately fulfilled by individual future tenants through the TI Guidelines or other lease-related, functionally equivalent mechanism. It is important for the operational-phase Air Quality Plan, particularly the elements related to individual tenant operations, to be in place before tenant operations begin. Accordingly, the City Administrator's approval included a requirement that the operational-phase Air Quality Plan be approved before any leases for the project are executed or operational activities at the site commence

Details Regarding Construction-Phase Compliance

Some stakeholders raised questions on the initial draft Air Quality Plan regarding how specific construction-related air quality requirements will be met. In response, Prologis added more specificity to the Plan. Below are some examples of where the Plan has been enhanced.

- Dust Monitoring: To control fugitive dust from the site, exposed dirt surfaces will be watered regularly. A wind speed sensor will be installed on the site and monitored periodically. Watering will be adjusted based on wind speed with increased watering during high winds (over 15 mph) and activities suspended during excessive wind (over 20 mph). Watering will occur until adequate moisture is achieved when the earth becomes tacky.

- Off-Road Equipment: To reduce emissions associated with off-road equipment, all contractors will use late-model equipment with lower-emission Tier 4 engines if available. At a minimum, Tier 3 engines will be required if Tier 4 engines are not available. The Air Quality Plan provides additional details on equipment compliance and monitoring. For example, contractors can provide documentation from the California Air Resources Board's Diesel Off-Road Online Reporting System ("DOORS") indicating engine specifications for equipment brought on-site. To assist with monitoring project performance with this requirement, the City Administrator's approval requires Prologis to submit the list of equipment brought on-site and the corresponding engine tier upon request by the City.

- Electric Power: Portable equipment will be powered by electricity from the project site's grid instead of diesel-powered generators thereby reducing emissions.

- Compliance: The Air Quality Plan identifies a Compliance Manager that will monitor and facilitate implementation of construction-related environmental requirements. All

contractors will maintain daily logs that can be submitted to the Compliance Manager. The Compliance Manager will complete training courses offered by the California Air Resources Board for emissions evaluation. To further promote compliance, the City Administrator's approval requires Prologis to obligate its construction contractor to comply with the Air Quality Plan and the requirements of the SCA/MMRP through the construction contract, agreement, or other functionally equivalent and enforceable mechanism.

FISCAL IMPACT

There are no fiscal impacts of the City Council's action to receive this informational report; the City Administrator has already approved the Air Quality Plan. Furthermore, there are no fiscal impacts of implementing the Air Quality Plan since the Plan will be implemented and funded by Prologis.

PUBLIC OUTREACH / INTEREST

On March 3, 2016, Prologis presented an initial version of a plan to comply with air quality requirements during construction (referred to as the "Air Quality Plan") at a quarterly meeting attended by air quality stakeholders, including community-based organizations, community residents, and interested government agencies.

On April 25, 2016, Prologis formally submitted the first draft of the Air Quality Plan to the City. On May 13, 2016, the draft Air Quality Plan was released to stakeholders for a 17-day public review period as required by Mitigation Measure PO-1. The City received comments from the following organizations: West Oakland Environmental Indicators Project; Ditching Dirty Diesel; Alameda County Public Health Department; Bay Area Air Quality Management District; and California Air Resources Board.

City staff met with Prologis numerous times to discuss potential enhancements to the Air Quality Plan to address public comments and reduce potential air quality impacts. In addition, staff conducted a visit to the site with staff from the Port of Oakland and the California Air Resources Board on July 21, 2016, and had a follow-up conference call with Prologis, the project contractor, the Bay Area Air Quality Management District, and the California Air Resources Board on August 3, 2016. In response to feedback from City staff and stakeholders, Prologis submitted revisions to the Air Quality Plan on July 18, July 27, and August 30, 2016. The latest draft of the Air Quality Plan, dated August 30, 2016, includes a cover letter from Prologis that responds to the public comments on the previous version of the Plan.

COORDINATION

The preparation of this report and the approved Air Quality Plan involved coordination between the Planning and Building Department and Army Base project staff in the City Administrator's Office.

SUSTAINABLE OPPORTUNITIES

Economic: The Air Quality Plan will facilitate implementation of the Army Base project. In addition to the construction and operation jobs typically associated with new development, the Army Base project includes a Community Benefits Program with beneficial contracting and jobs requirements including funding for local jobs programs and construction wage and labor requirements.

Environmental: The Air Quality Plan will facilitate implementation of the Army Base project which the City Council determined to have beneficial environmental effects including the remediation of site contamination and increased access to open space. The Plan itself will reduce potential air quality and trucking impacts related to the construction at the Northeast Gateway. The project will also be subject to other environmentally-friendly construction and operation requirements, such as stormwater management requirements and green building requirements. The potential adverse environmental impacts of the project have also been analyzed under the California Environmental Quality Act ("CEQA") as discussed below.

Social Equity: The Air Quality Plan will facilitate implementation of the Army Base project which includes the Community Benefits Program and environmental benefits discussed above and the Air Quality Plan itself will reduce potential air quality and trucking impacts on nearby residents of West Oakland.

CEQA

An Environmental Impact Report was certified in 2002 when the Oakland Army Base Area Redevelopment Plan was adopted. An Initial Study/Addendum was prepared in 2012 when the City Council approved the master plan for the project and the Lease Disposition and Development Agreement with Prologis CCIG Oakland Global, LLC, the master developer of the site. The action of the City Administrator to approve the Air Quality Plan implements the environmental requirements previously imposed by the SCA/MMRP.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council receive an informational report on the construction-related Air Quality Plan prepared by Prologis and approved by the City Administrator for the Northeast Gateway site of the Oakland Army Base Redevelopment Project.

For questions regarding this report, please contact me at (510) 238-3663.

Respectfully submitted,

DARIN RANELLETTI
Interim Director, Planning and Building Department

Attachments (5):

A. *City Administrator's October 4, 2016, Approval of Construction-Related Air Quality Plan by Prologis for Northeast Gateway (without attachments, which are contained below)*
B. *Initial Draft Air Quality Plan for Construction Prepared by Prologis (titled "Northeast Gateway Construction Management Plan [Air Quality Elements]; dated April 25, 2016)*
C. *Public Comment Letters Received in Response to Draft Air Quality Plan dated April 25, 2016*
D. *Revised Air Quality Plan for Construction Prepared by Prologis (titled "Northeast Gateway A-D. Construction Management Plan" including related documents; dated August 30, 2016)*
E. *Air Quality Plan Implementation at Army Base – Tentative Timeline*

Item: _____
CED Committee
December 6, 2016

Attachment A

City Administrator's October 4, 2016, Approval of Construction-Related Air Quality Plan by Prologis for Northeast Gateway

CITY OF OAKLAND

INTER OFFICE MEMORANDUM

TO: Sabrina B. Landreth
City Administrator

FROM: Rachel Flynn

SUBJECT: Construction-Related Air Quality Plan by Prologis for Northeast Gateway at Army Base site

DATE: September 8, 2016

City Administrator Approval

Date 10/4/16

RECOMMENDATION

Approve the construction-related Air Quality Plan for the Prologis development site located in the Northeast Gateway area of the former Oakland Army Base subject to the following conditions:

1. Prologis shall inform the Bay Area Air Quality Management District and the California Air Resources Board when construction commences at the site and provide contact information for a project representative at the site.

2. No lease for the development shall be executed and no operational activities at the site shall commence until the City Administrator approves the Air Quality Plan for the operational phase of the site.

3. Prologis shall submit the list of off-road construction equipment brought on-site and the corresponding engine tier upon request by the City.

4. Prologis shall obligate its construction contractor to comply with the Air Quality Plan and the requirements of the Standard Conditions of Approval / Mitigation Monitoring and Reporting Program through the construction contract, agreement, or other functionally equivalent and enforceable mechanism.

EXECUTIVE SUMMARY

Prologis, one of the developers of the Oakland Army Base redevelopment project, has prepared an Air Quality Plan to reduce potential air quality impacts during construction of the proposed trade and logistics warehouse located in the Northeast Gateway. The mitigation measures for the project require City Administrator approval of the Air Quality Plan.

BACKGROUND

The Standard Conditions of Approval / Mitigation Monitoring and Reporting Program ("SCAMMRP") for the Army Base project contains requirements for reducing the potential environmental impacts of the project, including requirements for the following plans and strategies to reduce impacts related to air quality and trucking:

- Construction Management Plan (SCA AIR-1)
- Construction-Related Air Pollution Controls (SCA AIR-2)
- Truck Management Plan (Mitigation 4.3-7)
- Maritime and Rail-Related Emissions Reduction Plan (Mitigation 4.4-3b)
- Truck Diesel Emission Reduction Plan (Mitigation 4.4-4)
- Transportation Control Measures (Mitigation 4.4-5)
- Energy-Conserving Fixtures and Designs (Mitigation 4.4-6)
- Demonstration Projects (Mitigation 5.4-1)
- Parking and Transportation Demand Management (SCA TRANS-1)
- Construction Traffic and Parking (SCA TRANS-2)
- Traffic Control Plan – Hazardous Materials (Mitigation 4.3-13)

Mitigation Measure PO-1 (Stakeholder Review of Air Quality and Trucking Plans) requires the City to conduct a public process in the development and review of the plans to comply with the above requirements and requires City Administrator approval of these plans.

On December 5, 2013, the City Administrator approved the plan to comply with construction-related air quality requirements for the horizontal infrastructure phase of the project (e.g., new streets and utilities).

As the Army Base project is developed over time, individual developers of the project's vertical elements (e.g., new buildings and permanent activities) will submit plans to meet these air quality requirements. The first vertical development being implemented is the trade and logistics warehouse project by Prologis at the Northeast Gateway.[1]

On March 3, 2016, Prologis presented an initial version of a plan to comply with air quality requirements during construction (referred to as the "Air Quality Plan") at a quarterly meeting attended by air quality stakeholders, including community-based organizations, community residents, and interested government agencies.

On April 25, 2016, Prologis submitted the first draft of the Air Quality Plan to the City (see ***Attachment A***). On May 13, 2016, the draft Air Quality Plan was released to stakeholders for a 17-day public review period as required by Mitigation Measure PO-1. The City received comments from the following organizations: West Oakland Environmental Indicators Project; Ditching Dirty Diesel; Alameda County Public Health Department; Bay Area Air Quality

[1] The "Northeast Gateway" is a term used by Prologis to refer to the northern portion of the East Gateway area.

Management District; and California Air Resources Board (see ***Attachment B***). The comments are summarized and discussed in the "Key Issues" section below.

City staff met with Prologis numerous times to discuss potential enhancements to the Air Quality Plan to address public comments and reduce potential air quality impacts. In addition, staff conducted a visit to the site with staff from the Port of Oakland and the California Air Resources Board on July 21, 2016, and had a follow-up conference call with Prologis, the project contractor, the Bay Area Air Quality Management District, and the California Air Resources Board on August 3, 2016. In response to feedback from City staff and stakeholders, Prologis submitted revisions to the Air Quality Plan on July 18, July 27, and August 30, 2016.[2] The latest draft of the Air Quality Plan, dated August 30, 2016, is attached along with a cover letter from Prologis that responds to the public comments on the previous version of the Plan (see ***Attachment C***).

KEY ISSUES

Public comments received on the draft Air Quality Plan ranged from detailed comments targeting a specific issue to larger, general comments about the overall project. Comments could be loosely grouped into the following three categories: Overall Army Base Project Implementation; Construction vs. Operational Phases; and Details Regarding Construction-Phase Compliance. These categories are further discussed below. Also, refer to the cover letter prepared by Prologis (in ***Attachment C***) that contains a detailed response to the public comments.

Overall Army Base Project Implementation

Some stakeholders sought clarity on how the different Air Quality Plans and environmental requirements are being implemented over the construction phases and operational phases of the different elements of the overall Army Base project being developed at different times by different parties. Staff has prepared an exhibit to better identify the different Air Quality Plans associated with the project (see ***Attachment D***).

In order to better track the construction and operational phases of the overall Army Base project, and their corresponding Air Quality Plans, the Bay Area Air Quality Management District and the California Air Resources Board have requested notification when construction of the subject Prologis building begins. Staff believes this request is appropriate and recommends a corresponding condition to this effect when the City Administrator approves the subject Air Quality Plan (see Condition #1 in "Recommendation" section above).

[2] The initial draft Air Quality Plan submitted on April 25, 2106, only pertained to compliance with air quality requirements as required by the project mitigation measures. However, due to stakeholder interest in construction issues related to other topics besides air quality, Prologis submitted its entire Construction Management Plan – which addresses other topics in addition to air quality – when it submitted revisions to the Air Quality Plan.

Construction vs. Operational Phases

The air quality requirements for the Army Base project address both the construction phase and operational phase of the project. Prologis is currently seeking approval of an Air Quality Plan for the construction phase of the first building; it will seek approval of an Air Quality Plan for the operational phase of the first building at a later date. Like the construction-phase Air Quality Plan, the operational-phase Air Quality Plan will also require stakeholder review and City Administrator approval.

Many of the strategies recommended in the public comments to reduce air quality impacts relate to the operational phase of the development that are implemented when a tenant occupies the building and property. According to Prologis a tenant has not yet been identified for the property. Prologis is proposing to construct a "cold shell," meaning improvements for the individual tenant (e.g., office-restroom buildouts, equipment, and electrical, plumbing, and mechanical systems) will be installed later depending upon the needs of the tenant. Many of the strategies to reduce air emissions, such as electrification of warehouse and transportation equipment, can be implemented with the future tenant improvements and are not being precluded by the current design and construction of the building. Prologis will have guidelines for tenant improvements ("TI Guidelines") in individual leases that specify environmental and other requirements that the tenant must meet. Along with the environmental requirements from the Army Base SCAMMRP, the proposed building is also subject to City green building regulations requiring the building to meet Leadership in Energy and Environmental Design ("LEED") Gold standards. Operational-related SCAMMRP and LEED requirements can be adequately fulfilled by individual future tenants through the TI Guidelines or other lease-related, functionally equivalent mechanism. It is important for the operational-phase Air Quality Plan, particularly the elements related to individual tenant operations, to be in place before tenant operations begin. Accordingly, staff recommends a condition be attached when the City Administrator approves the subject Air Quality Plan that requires City Administrator approval of the operational-phase Air Quality Plan before any leases for the project are executed or operational activities at the site commence (see Condition #2 in "Recommendation" section above).

Details Regarding Construction-Phase Compliance

Some stakeholders raised questions on the initial draft Air Quality Plan regarding how specific construction-related air quality requirements will be met. In response, Prologis added more specificity to the Plan. Below are some examples of where the Plan has been enhanced.

- Dust Monitoring: To control fugitive dust from the site, exposed dirt surfaces will be watered regularly. A wind speed sensor will be installed on the site and monitored periodically. Watering will be adjusted based on wind speed with increased watering during high winds (over 15 mph) and activities suspended during excessive wind (over 20 mph). Watering will occur until adequate moisture is achieved when the earth becomes tacky.

- Off-Road Equipment: To reduce emissions associated with off-road equipment, all contractors will use late-model equipment with lower-emission Tier 4 engines if available. At a minimum, Tier 3 engines will be required if Tier 4 engines are not available. The Air Quality Plan provides additional details on equipment compliance and monitoring. For example, contractors can provide documentation from the California Air Resources Board's Diesel Off-Road Online Reporting System ("DOORS") indicating engine specifications for equipment brought on-site. To assist with monitoring project performance with this requirement, staff recommends a condition be attached when the City Administrator approves the subject Air Quality Plan that requires Prologis to submit the list of equipment brought on-site and the corresponding engine tier upon request by the City (see Condition #3 in "Recommendation" section above).

- Electric Power: Portable equipment will be powered by electricity from the project site's grid instead of diesel-powered generators thereby reducing emissions.

- Compliance: The Air Quality Plan identifies a Compliance Manager that will monitor and facilitate implementation of construction-related environmental requirements. All contractors will maintain daily logs that can be submitted to the Compliance Manager. The Compliance Manager will complete training courses offered by the California Air Resources Board for emissions evaluation. To further promote compliance, staff recommends a condition be attached when the City Administrator approves the subject Air Quality Plan that requires Prologis to obligate its construction contractor to comply with the Air Quality Plan and the requirements of the SCAMMRP through the construction contract, agreement, or other functionally equivalent and enforceable mechanism (see Condition #4 in "Recommendation" section above).

CONCLUSION

The stakeholder review requirements for the proposed Air Quality Plan have been satisfied and the Air Quality Plan has been revised in response to comments received from the public. Staff believes the Air Quality Plan is adequate and recommends that the City Administrator approve the Plan.

Pursuant to Mitigation Measure PO-1 (Stakeholder Review of Air Quality and Trucking Plans), following the City Administrator's approval of the Air Quality Plan staff will make an informational presentation on the Air Quality Plan to the City Council.

Please contact Darin Ranelletti, Deputy Director, at (510) 238-3663, if you have any questions.

RACHEL FLYNN
Director, Planning and Building Department

Prepared by:
Darin Ranelletti
Deputy Director, Planning and Building Department

Attachments:

A. *Initial Draft Air Quality Plan for Construction Prepared by Prologis (titled "Northeast Gateway Construction Management Plan [Air Quality Elements]; dated April 25, 2016)*
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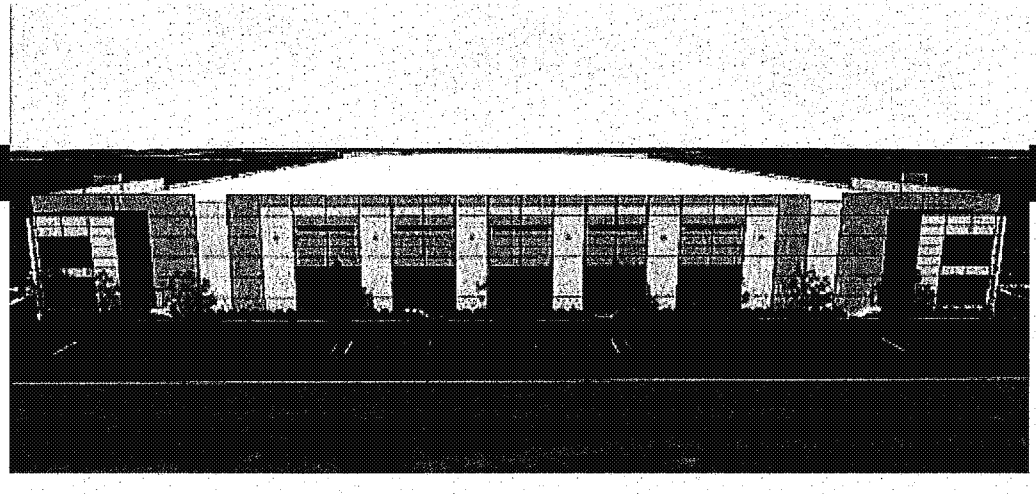
D. *Air Quality Plan Implementation at Army Base – Tentative Timeline*

Attachment B

Initial Draft Air Quality Plan for Construction Prepared by Prologis (titled "Northeast Gateway Construction Management Plan [Air Quality Elements]; dated April 25, 2016)

NORTHEAST GATEWAY
CONSTRUCTION MANAGEMENT PLAN
(AIR QUALITY ELEMENTS)



Initial Submittal: April 25, 2016

PROLOGIS

WT
WHITING-TURNER

TABLE OF CONTENTS

1- Project Overview and General Information.....1

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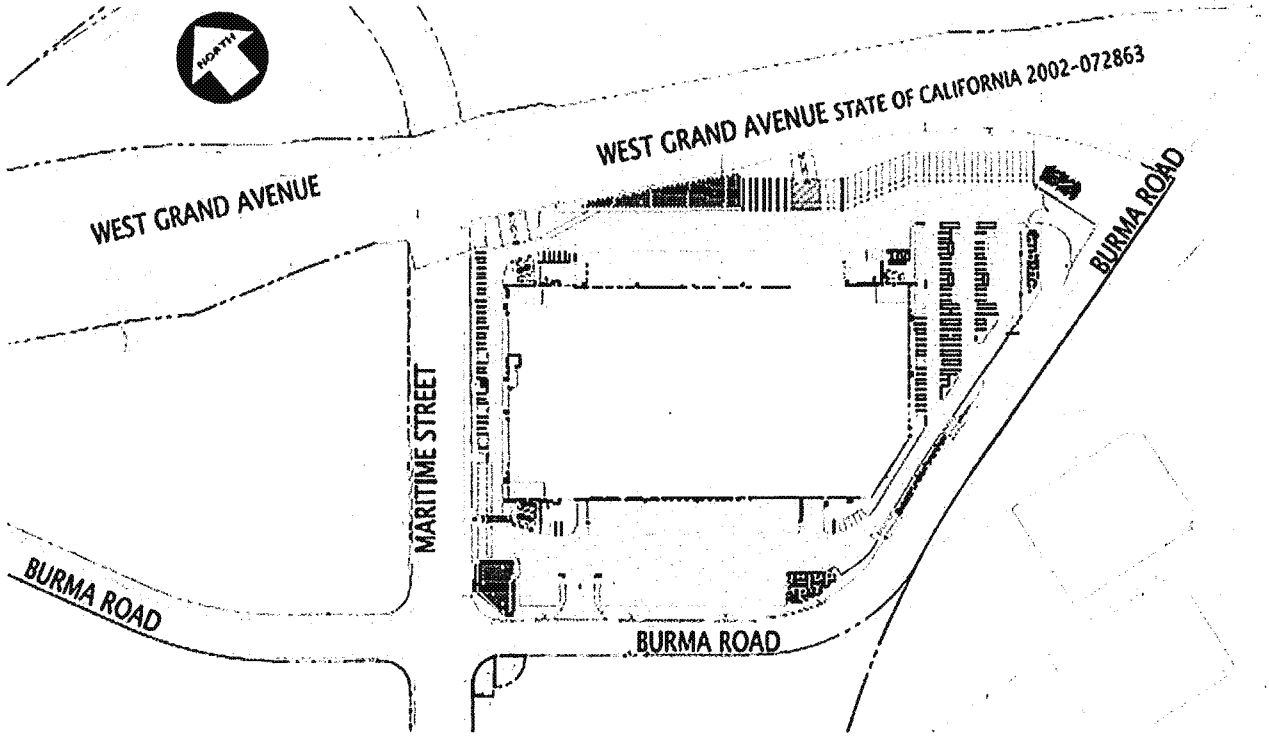
B. Erosion Control Plan.....
C. Project Schedule.....
D. Project Logistics Plan.....
E. Approved Traffic Control Plan-*TBD*...
F. Approved Truck Haul Route.....
G. Signage: Speed Limit.....
H. Sigange: Dust Reporting, Noise Complaints, and Construction Work Hours.....
I. Log: Dust and Noise Complaints..
J. Signage: Equipment Idle Time Restrictions.....
K. Sample Public Notice.....
L. Project Truck Log.....
M. Daily Site Inspection Log.....

PROLOGIS

WT

1. Project Overview and General Information



On the Northeast Gateway site Prologis will construct a new 256,000 sf warehouse on a site covering approximately 702,000sf bordered by Maritime Street, Burma Road and West Grand Ave. The project site improvements will include new underground utilities, landscaping, concrete and ac paving and bio-swales. The new warehouse building will include 55 truck docks, 78 trailer parking stalls, 171 auto parking stalls and two electric vehicle charging stations.

PROLOGIS WT

003831 2020-10-29

SCA-AIR-2 Construction Related Air Pollution Controls

Mitigation Implementation/Monitoring: Ongoing throughout demolition, grading and/or construction.

Requirements:

During Construction, the project applicant shall require the construction contractor to implement all of the following applicable measures recommended by the Bay Area Air Quality Management District (BAAQMD):

a. Water all exposed surfaces of active construction areas at least twice daily (using reclaimed water if possible). Watering should be sufficient to prevent airborne dust from leaving the site. Increased watering frequency may be necessary whenever wind speeds exceed 15 miles per hour. Reclaimed water should be used whenever possible.

b. Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard (i.e., the minimum required space between the top of the load and the top of the trailer).

c. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.

d. Pave all roadways, driveways, sidewalks, etc. as soon as feasible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used.

e. Enclose, cover, water twice daily or apply (non-toxic) soil stabilizers to exposed stockpiles (dirt, sand, etc.).

f. Requirement: Limit vehicle speeds on unpaved roads to 15 miles per hour.

g. Idling times on all diesel-fueled commercial vehicles over 10,000 lbs. shall be minimized either by shutting equipment off when not is use or reducing the maximum idling time to five minutes (as required by Title 13, Section 2485, of the California Code of Regulations. Clear signage to this effect shall be provided for construction workers at all access points.

h. Idling times on all diesel-fueled off-road vehicles over 25 horsepower shall be shall be minimized either by shutting equipment off when not is use or reducing the maximum idling time to five minutes and fleet operators must develop a written idling policy (as required by Title 13, Section 2449 of the California Code of Regulations.)

i. All construction equipment shall be maintained and properly tuned in accordance with the manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.

j. Post a publicly visible sign that includes the contractor's name and telephone number to contact regarding dust complaints. When contacted, the contractor shall respond and take corrective action within 48 hours. The telephone numbers of contacts at the City and the BAAQMD shall also be visible. This information may be posted on other required on-site signage.

k. All exposed surfaces shall be watered at a frequency adequate to maintain minimum soil moisture of 12 percent. Moisture content can be verified by lab samples or moisture probe.

l. All excavation, grading, and demolition activities shall be suspended when average wind speeds exceed 20 mph.

m. Install sandbags or other erosion control measures to prevent silt runoff to public roadways.

n. Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for one month or more).

o. Designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress.

p. Install appropriate wind breaks (e.g., trees, fences) on the windward side(s) of actively disturbed areas of the construction site to minimize wind blown dust. Wind breaks must have a maximum 50 percent air porosity.

q. Vegetative ground cover (e.g., fast-germinating native grass seed) shall be planted in disturbed areas as soon as possible and watered appropriately until vegetation is established.

r. The simultaneous occurrence of excavation, grading, and ground-disturbing construction activities on the same area at any one time shall be limited. Activities shall be phased to reduce the amount of disturbed surfaces at any one time.

s. All trucks and equipment, including tires, shall be washed off prior to leaving the site.

t. Site accesses to a distance of 100 feet from the paved road shall be treated with a 6 to 12 inch compacted layer of wood chips, mulch, or gravel.

u. All equipment to be used on the construction site and subject to the requirements of Title 13, Section 2449 of the California Code of Regulations ("California Air Resources Board Off-Road Diesel Regulations") must meet Emissions and Performance Requirements one year in advance of any fleet deadlines. The project applicant shall provide written documentation that the fleet requirements have been met.

v. Use low VOC (i.e., ROG) coatings beyond the local requirements (i.e., BAAQMD Regulation 8, Rule 3: Architectural Coatings).

Dust Control Mitigation Plan:

The Erosion Control Plan (Exhibit B) was submitted to the City as part of the 02/08/2016 Issue for Permit Drawings. In addition to the dust control measures included in The Erosion Control Plan the following items will be implemented to control dust -

a. Use water trucks to water exposed surfaces during construction activities at least twice daily or more frequently if winds exceed 15 mph. Suspend excavation, grading, and demolition activities when average wind speed exceeds 20 mph. Maintain minimum soil moisture of 12% as indicated by laboratory samples or a moisture meter. Use reclaimed water for dust mitigation whenever feasible.

b. Cover truck loads with tarpaulins or keep loads 2 feet below the sideboard of the truck bed to eliminate wind contact with soil or other loaded materials.

c. Require all operators tracking dirt/mud onto public roadways to have a wet power vacuum sweeper present daily during these activities and remove tracked dirt/mud at the end of each day or more frequently if needed.

d. Install construction area entrances at all ingress and egress sites to ensure dirt is kept off of public roads. Construction area entrances will be built using fabric and 3x5 rock to facilitate tire soil removal prior to leaving the site (or as defined by the guidelines in the Best Management Practice Handbook). Ingress/egress sites will also provide dry brushing of loose soil from tires and fenders.

e. As soon as practical and prior to rainy season, cover all access roads and/or permanent roads and building pads with aggregate or asphalt concrete to mitigate tracking of dirt and/or mud offsite.

f. Cover all inactive soil material stockpiles with plastic sheeting or non-toxic soil binders. Water all active stockpiles to maintain 12% moisture.

g. Install fencing with attached windscreen fabric on the windward side of the actively disturbed area of the construction site.

h. Replant vegetation in disturbed areas as quickly as possible.

i. Limit simultaneous occurrence of excavation, grading, and ground disturbance activities on the same area at any one time when feasible.

j. Draft and implement a Project SWPPP. The onsite QSP (Randy Knaus) will monitor runoff before, during, and after rain events. Deficiencies will be logged and corrected immediately. Inactive construction areas will be properly addressed with BMPs to eliminate erosion. Required BMPs will be outlined in the SWPPP and enforced with reporting and inspection.

k. Post signage and enforce 15 mph speed limit requirement for unpaved roads (Exhibit G).

l. Post signage and enforce dust complaint reporting requirement (Exhibit H). Take corrective action to remedy complaints within no more than 48 hours after receiving the complaint.

m. The Project Dust Compliance Manager (Randy Knaus) will monitor and facilitate the implementation of mitigation measures. The Contractor will maintain Daily Inspection Logs throughout the Project.

Emission Control Mitigation Plan:

To reduce emissions generated by equipment operating onsite the following protocols will be implemented –

a. Use late model heavy-duty diesel-powered equipment at the Project Site to the extent that it is readily available in the San Francisco Bay Area. Use low-emission diesel fuel for all heavy-duty diesel-powered equipment.

b. Utilize alternative fuel construction equipment (i.e., compressed natural gas, liquid petroleum gas, and

unleaded gasoline) to the extent that the equipment is readily available and cost effective in the San Francisco Bay Area.

c. Rely on the electricity infrastructure surrounding the construction sites rather than electrical generators powered by internal combustion engines to the extent feasible.

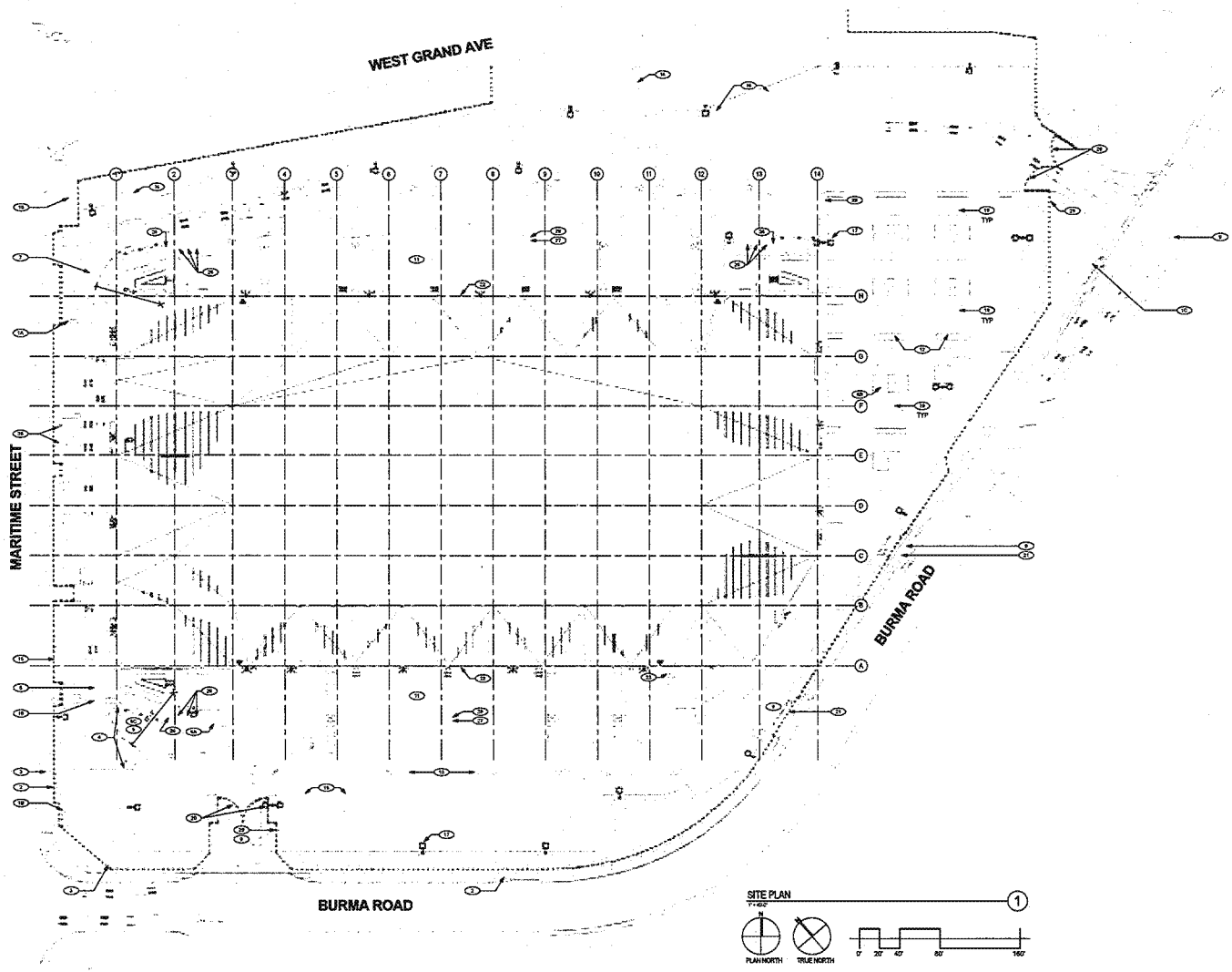
d. Keep all construction equipment properly tuned by a certified mechanic in accordance with the manufacturer's specifications. Operators will provide the Contractor with written documentation of equipment maintenance for all equipment to be used onsite.

e. Enforce requirements of CCR Title 13, Section 2449 (CARB OffRoadDiesel Regulations) and Title 13, Section 2485 with reporting and/or inspection and enforce construction equipment maintenance requirements.

f. The Project Compliance Manager (Randy Knaus) will to monitor and facilitate the implementation of mitigation measures. All contractors subject this provision will maintain Daily Inspection Logs throughout the Project.

g. Post signage limiting truck and equipment idling time to five minutes or less. (Exhibit J)

Exhibit A- Site Plan and Elevation



SITE STATISTICS

PARCEL NUMBER:	018 050701000
ZONING:	D-OI
HEIGHT - CENTRAL BUSINESS DISTRICT:	N/A
HEIGHT - COMMERCIAL CORRIDOR:	N/A
MAXIMUM BUILDING HEIGHT:	85'-0" (PER OAKLAND ZONING 17.101F.050)
MAXIMUM FLOOR AREA RATIO:	5 (PER OAKLAND ZONING 17.101F.050)
GENERAL PLAN:	BUSINESS MIX
CONDO CONVERSION IMPACT AREA:	NO
CITY COUNCIL DISTRICT:	CCD3
SDS SERVICE DISTRICT:	1
PORT OF OAKLAND JURISDICTION:	NO
LOCAL HISTORIC PROPERTY CATEGORY:	LOCAL REGISTER
LOCAL HISTORIC DISTRICT:	
OCHS RATING:	
CONSTRUCTION DATE:	
LOCAL LANDMARK:	NO
NATIONAL HISTORIC LANDMARK :	NO
HERITAGE PROPERTY:	NO
DESIGNATED HISTORIC DISTRICT:	NO
MILLS ACT	NO
WHIPSNAKE CRITICAL HABITAT:	NO
FLOOD ZONE:	NO
HAYWARD FAULT ZONE:	NO
LIQUEFACTION HAZARD ZONE:	YES, LIQUEFACTION SEVERITY 5
WILD FIRE ASSESSMENT DISTRICT:	NO
TOTAL SITE AREA =	702,071.2575 G.S.F. = 16.12 ACRES
TOTAL BLDG AREA =	256,536 G.S.F.
SITE COVERAGE =	36.48 %
TOTAL VEHICLE PARKING =	214 STALLS = .84 / 1000 S.F.
TOTAL TRAILER PARKING =	71 TRAILER STALLS (12' X 55')
PARKING STANDARDS (17.116.200):	
STANDARD PARKING STALLS	18' DEEP X 8.5' WIDE
COMPACT PARKING STALLS	15' DEEP X 7.5' WIDE (50% MAX)
PARALLEL PARKING STALLS	20.5' DEEP X 7.5' WIDE
DRIVE ISLE WIDTH (17.116.210) AT 90 DEGREE PARKING:	21 FEET MINIMUM
REQUIRED PARKING PER ZONING CODE:	
OFFICE (17.116.080 C. BUSINESS):	1 / 600 S.F.
INDUSTRIAL ACTIVITIES (17.116.090)	1 / 1500 S.F. OR 1 FOR EACH 3 EMPLOYEES (WHICHEVER IS GREATER)
REQUIRED PARKING BY USE:	
OFFICE = (8,368 S.F. @ 1/600 S.F.)	14 STALLS
WAREHOUSE = (247,767 S.F. @ 1/1,500 S.F.)	165 STALLS
TOTAL PARKING REQUIRED =	179 STALLS = .70 / 1000 S.F.
TOTAL PARKING PROVIDED =	179 STALLS = .70 / 1000 S.F.
BIORETENTION AREAS	12' X 14' GRADE LEVEL SECTIONAL ROLL UP DOOR
	9' X 10' DOCK LEVEL SECTIONAL ROLL UP DOOR

KEY NOTES

1A SITE SIGNAGE FOR REFERENCE ONLY - OVERALL DEVELOPMENT PROVIDED BY
1B SITE SIGNAGE FOR REFERENCE ONLY - BUILDING MONUMENT SIGN
1C SITE SIGNAGE FOR REFERENCE ONLY - DUST-VIER DIRECTORY SIGNS (2 TOTAL)
2 PROPERTY LINES TO REMAIN
3 5'-0" WIDE MIN. ISR SIDEWALK AT MARITIME AND BURMA RD
4 TYPICAL 6" TALL 18" WIDE CONCRETE CURBS
5 TYPICAL 4" WIDE TRAFFIC STRIPE
6A TYPICAL PARKING - STANDARD STALLS 18' X 8.5' MIN. 9' X 18' SHOWN THROUGHOUT
6B TYPICAL PARKING - COMPACT STALLS 15' X 7.5' MIN. 15' X 9' SHOWN THROUGHOUT
6C TYPICAL PARKING - ACCESSIBLE PARKING STALLS 9' X 18' WITH 7' PARKING OVERHANG WITH 5' DRIVE ISLE (1 MORE CLOSE AS SHOWN)
7 TYPICAL DRIVE ISLE 25'-0" MIN. ACTUAL DIMENSIONS VIA TBD
8 PARKING AND DRIVE ISLES TO BE ASPHALTIC CONCRETE
9 PROPOSED LOCATION OF NEW SITE ACCESS DRIVE CURB CUT AT BURMA RD
10 NEW CONC PEDESTRIAN WALKS TO BE 5' WIDE MIN. ADJACENT ALL SIDEWALKS TO BE ACCESSIBLE PATHOF TRAVEL. SLOPE NOT TO EXCEED 1:20 (5%) IN DIRECTION OF TRAVEL. CROSS SLOPE NOT TO EXCEED 1:48 (2%) WHERE PARKING OVERHANG OCCURS. INCREASE WIDTH OF SIDEWALK TO 6'-0" MIN.
11 TRUCK DOCK
12 TYP LANDSCAPE PLANTER AREA
13 16M TRACTOR TRAILER TEMPLATE SHOWN FOR REFERENCE ONLY
14 ON SITE BILLBOARD LOCATION (2 TOTAL)
15 8' TALL PAINTED WROUGHT IRON FENCE, SEE SPECS
16 TYP 12' x 55' TRAILER PARKING STALL
17 SITE LIGHTING, POLE MOUNTED LIGHT FIXTURE
18 SEE CIVIL DRAWINGS FOR EASEMENT LOCATIONS AND INFORMATION
19 PLANNED FLEXIBLE STORAGE ZONES
20 SWINGING SECURITY GATES
21 ROLLING SECURITY GATE
22 PROPOSED BUILDING EXTERIOR WALLS TO BE BE CAST IN TILTED CONCRETE WALLS WITH REVEALS & TEXTURED ELASTOMERIC COATING AND A MILL FINISH OR EARTH TONE PAINT PALETTE. EXTERIOR WALLS ARE ACCENTED WITH GLAZING, STEEL, COMPOSITE ALUMINUM PANELS AND ARCHITECTURAL METAL PANELS. SEE EXTERIOR ELEVATIONS
23 LOCATION OF BICYCLE PARKING TO ACCOMMODATE A TOTAL OF 19 BICYCLES, PER CALGREEN REQUIREMENTS
24 AREA OF ASSIGNED RESCUE
25 ELECTRIC VEHICLE CHARGING STATIONS TO INCLUDE SERVICING 4 PARKING SPOTS. PROVIDE CHARGE STATION CHARGE.
26 3 HIGH EFFICIENCY VEHICLE STALLS (MIN. 9 TOTAL IN PROJECT GREATER THAN THE REQUIREMENT 6% OF TOTAL)
27 PROVIDE BOLLARDS AT FOUR CORNERS OF PA (CONTRACTOR TO COORD BOLLARDS TO NOT CONFLICT WITH PA
28 PARKING STALL TYP. SEE CIVIL DWGS
29 FIRE BANDS HIGH SIGN INTEGRATED INTO FENCE

WT
160 Pine Street
San Francisco, CA 94111
Tel 415.781.8600
Fax 415.788.5216
www.wtarch.com

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No.	Description	Date
	ISSUE FOR PERMIT	14.06.20

ISSUE: ISSUE FOR PERMIT FEB 09 2016

OAKLAND GLOBAL LOGISTICS CENTER

PHASE 1: NORTH BAY GATEWAY
OAKLAND, CALIFORNIA

PROLOGIS
1363 GATEWAY BLVD
FREMONT, CALIFORNIA
94538
TELEPHONE: 510.659.1000

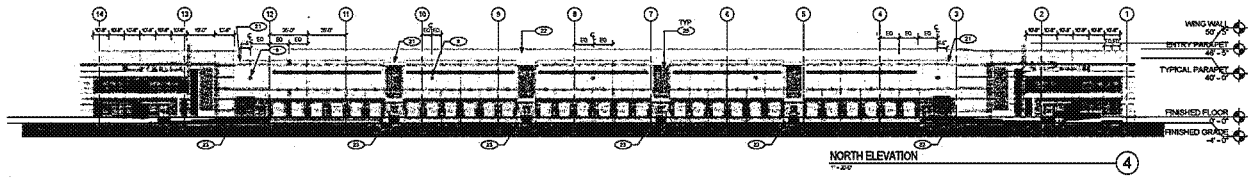
Date: Project No.:
DATE: 16024.00

Sheet Title:
SITE PLAN

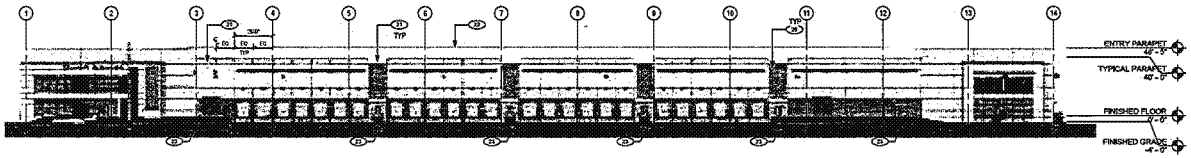
Sheet No.:
A1.0.1

Released for Construction
Not Released for Construction

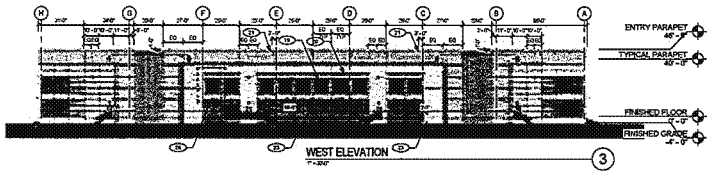
Exhibit A- Site Plan and Elevation



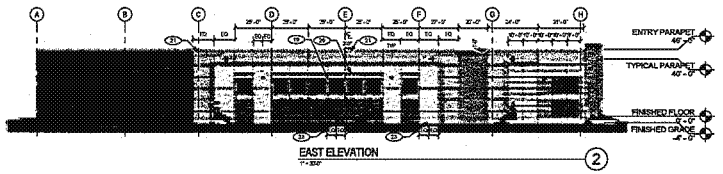
NORTH ELEVATION 4



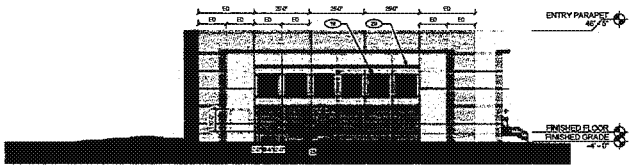
SOUTH ELEVATION 1



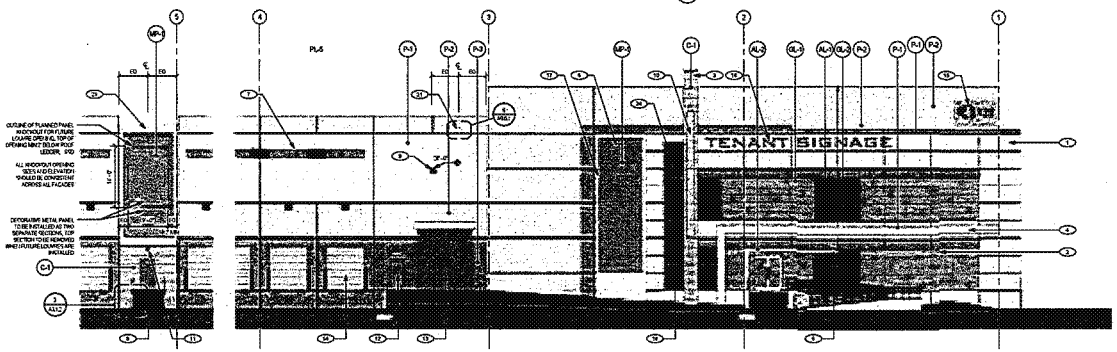
WEST ELEVATION 3



EAST ELEVATION 2



SOUTH EAST - OBLIQUE CORNER 6



PARTIAL NORTH ELEVATION 5

KEY NOTES

1. EXTERIOR WALLS CONSIST OF TILT-UP CONCRETE PANELS WITH REVEALS AND A TEXTURED COATING SYSTEM
2. DUAL PANE VISION GLAZING AND VINYL 2 PANE SPANDREL GLAZING IN ALUMINUM FRAMES, GL1 & GL2, FRAMES TO BE AL1
3. BACK TO BACK TILT-UP WINGWALL PANEL WITH SIMULATED CAST IN PLACE FINISH, FINISH C1
4. 24" WIDE STEEL OVHANGS, OVERLENTERED OFF BUILDING FACE WITH TUBE STEEL SUBS & PINS PS
5. 12" THICK CONCRETE CANOPY FINISHED TO AC
6. ARCHITECTURAL METAL PANELS OVER TILT-UP WALL, P3 & HLP1
7. 36" TALL X 10'-0" WIDE CLERESTORY WINDOWS, DUAL PANE GL1 GLAZING & AL1 FRAMES
8. STEEL STAIR, CLARIDE MIDHANDRAILS, PAINT PS
9. WALL PACK TYPE LIGHTING FIXTURE,
10. LINEAR LIGHT FIXTURE, SEE ELECTRICAL DWGS,
11. SURFACE MOUNTED EMERGENCY LIGHT FIXTURE,
12. STEEL FRAME AND MAN DOOR, PAINT TO MATCH ADJACENT BUILDING COLOR
13. 12'-0" WIDE SECTIONAL ROLLUP DOOR, PAINT TO MATCH ADJACENT BUILDING COLOR
14. 10'-0" WIDE SECTIONAL ROLLUP DOOR, PAINT TO MATCH ADJACENT BUILDING COLOR
15. 18" TALL ADDRESS SIGNAGE AND 36" TALL OWNER LOGO, FOR REFERENCE ONLY
16. 24" TALL TENANT SIGNAGE - ONE AT EACH OF THREE PRIMARY ENTRIES MAXIMUM, FOR REFERENCE ONLY
17. FREESTANDING TILT-UP PANEL SET 8'0" FROM BUILDING FACE
18. VERTICAL WINDOW GL2 & AL2 SURFACE MOUNTED TO CONCRETE TILT-UP PANEL
19. 36" REVEALS TO SIMULATE WINDOW NULLEDYS, WITH PAINTED FALSE WINDOW PATTERN, PAINTED TO MATCH GL2 OPACS COAT 2-1964 ATLANTIC WATERS
20. FOAM MOLDING ABOVE EAST AND WEST SIDE CLERESTORY WINDOWS,
21. OVERFLOW SCUPPER
22. ROOF BEYOND
23. DAYLIGHTING RAIL
24. VERTICAL WINDOW GL2 & AL2 SURFACE MOUNTED TO CONCRETE TILT-UP PANEL
25. FUTURE WINDOW OPENINGS
26. AREA OF WINDOW FOR FALSE WINDOW, SEE SPEC

EXTERIOR FINISH SCHEDULE

- P1: TO MATCH PROLOGIS STANDARD COLOR; PLD-9 Pure White
- P2: TO MATCH PROLOGIS STANDARD COLOR; PLD-8 Sable
- P3: TO MATCH PROLOGIS STANDARD COLOR; PLD-6 Jaguar
- P4: TO MATCH PROLOGIS STANDARD COLOR; PLD-3 New Dark Green
- P5: TO MATCH PROLOGIS STANDARD COLOR; PLD-11 Extra White
- GL1: GREEN VISION GLAZING 1 PPG ATLANTICA 1/4" DUAL PANE GLAZING
- GL2: GREEN SPANDREL GLAZING 2 PPG CLEAR FLOAT 1/4" SINGLE PANE WITH LCZ2, OPACS-COAT 2-1964 ATLANTIC WATERS
- AL1: ALUMINUM STOREFRONT FRAMES CLEAR ANODIZED ALUMINUM
- AL2: COMPOSITE ALUMINUM PANELS ALUCOBOND OR EQUAL SILVER METALLIC A3000 COILE
- MP1: ARCHITECTURAL METAL PANELS AEP SPAN HR 36 RIB COLOR: Cool Zinc/Bogue II
- C1: CONCRETE TILT-UP PANEL WITH SIMULATED CAST-IN-PLACE APPEARANCE CONSISTING OF:
  1) A GRID OF 1/2" WIDE HORIZONTAL AND VERTICAL REVEALS,
  2) CAST IN PLACE, 3/4" IDIMOTS SET 4' FROM GRID CORNERS AND
  3) A BARE FUNFINISHED CONCRETE FINISH

GENERAL NOTE: PROVIDE REVEALS @ ALL PAINT TRANSITIONS ON EXTERIOR WALL, PAINT INTO REVEAL AND TRANSITION @ INSIDE V, SEE: 11/A3.1.1

160 Pine Street
San Francisco, CA 94111

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Date	Description	Order
	ISSUE FOR PERMIT	10.26.20

ISSUE : ISSUE FOR PERMIT PDR 96 2019

OAKLAND GLOBAL LOGISTICS CENTER

PHASE 1, NORTH 19-97 GATEWAY
OAKLAND, CALIFORNIA

PROLOGIS

3353 GATEWAY BLVD
FREMONT, CALIFORNIA
94538

TELEPHONE: 510.494.1000

Date: Project No.:
DATE: 19024.00

Sheet Title:
EXTERIOR ELEVATIONS

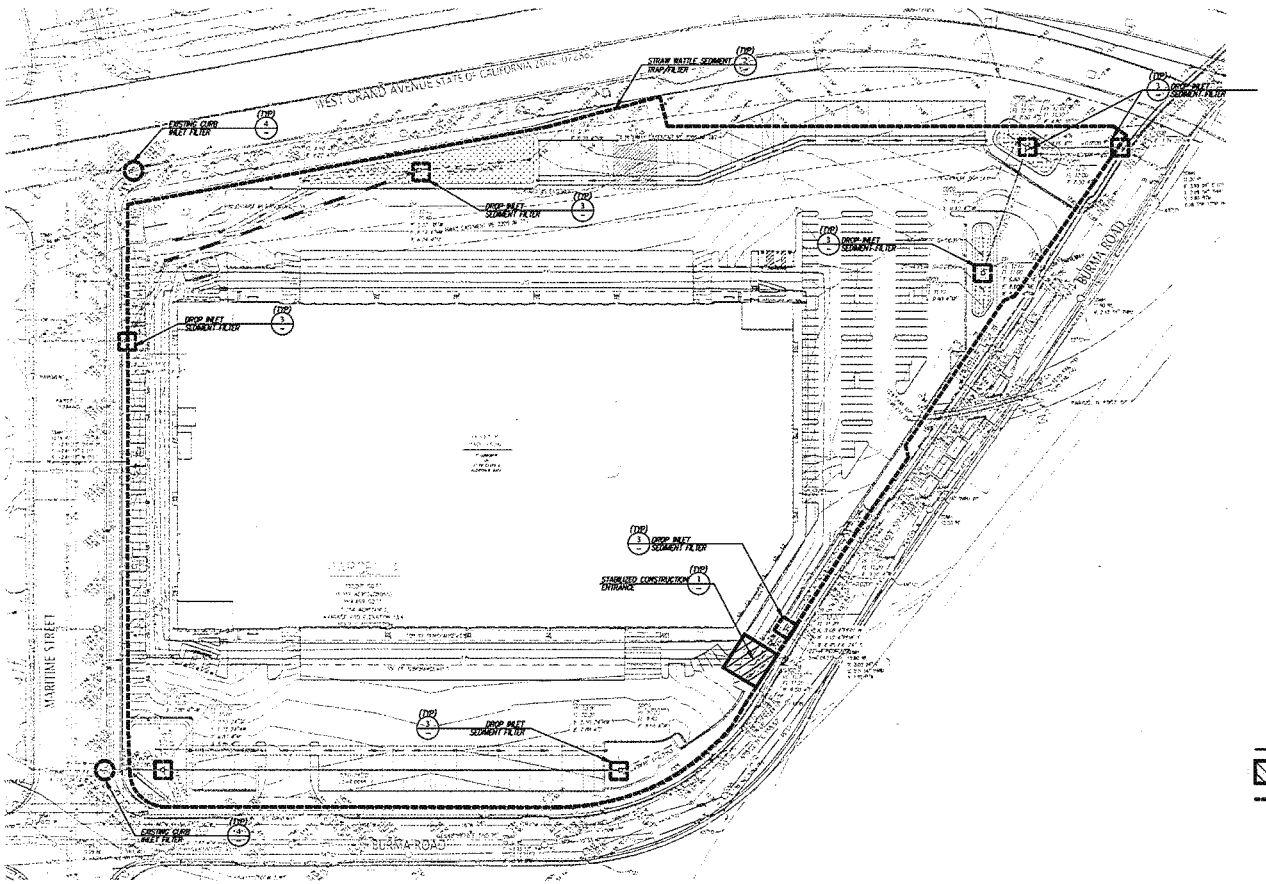
Sheet No.:
A3.1.1

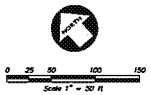
Released for Construction
Not Released for Construction

PROLOGIS

WT

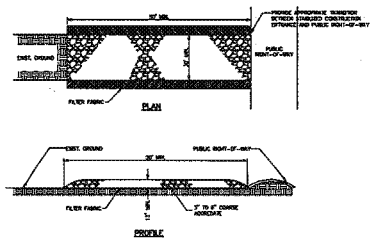
Exhibit B- Erosion Control Plan



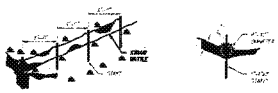


LEGEND

- (1) STABILIZED CONSTRUCTION ENTRANCE
- (2) STRAW WATTLE SEDIMENT TRAP/FILTER
- (3) DROP INLET SEDIMENT FILTER
- (4) EXISTING CURB INLET FILTER



STABILIZED CONSTRUCTION ENTRANCE (1)
NOT TO SCALE

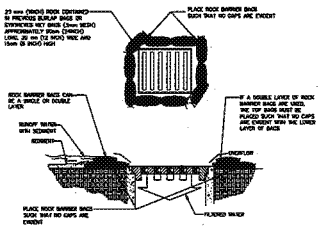


NOTE:

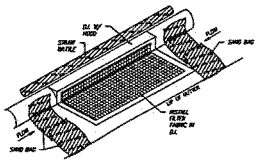
1. STRAW BATTLES ARE MADE FROM STRAW BOUND WIRE-ENTWINED BATTING. MAY BE APPROX. 6"-10" DIA AND 20-30 FT LONG.
2. STRAW WATTLES TRAP SEDIMENT AND REDUCE SHEET AND RILL EROSION BY REDUCING SLOPE GRADIENT, INCREASING INFILTRATION RATES AND BY PROVIDING A FAVORABLE ENVIRONMENT FOR PLANT ESTABLISHMENT.
3. STRAW WATTLE PRECIPITATION REQUIRES THE PLACEMENT AND SECURE STAKING OF THE WATTLE IN A TRENCH 2"-3" DEEP, DUG ON CONTOUR. RUNOFF MUST NOT BE ALLOWED TO RUN UNDER OR AROUND WATTLE.

STRAW WATTLE SEDIMENT TRAP/FILTER (2)
NOT TO SCALE

Z:\STANDARDS\DETAILS\ EROSION CONTROL\EC07.DWG



DROP INLET SEDIMENT FILTER UTILIZING ROCK BARRIER BAGS (3)
NOT TO SCALE



EXISTING CURB INLET FILTER DETAIL (4)
NOT TO SCALE

KIER & WRIGHT
CIVIL ENGINEERS & SURVEYORS, INC.
2850 Collier Canyon Road
Livermore, California 94551
Phone (925) 245-6786
Fax (925) 245-6796

Description	Date
PERMIT SUBMITTAL	3-6-19

ISSUE: ISSUE FOR PERMIT FEB 19 2019

OAKLAND GLOBAL LOGISTICS CENTER

PHASE 1, NORTH EAST GATEWAY
OAKLAND, CALIFORNIA

PROLOGIS

3353 GATEWAY BLVD
FREMONT, CALIFORNIA 94538

TELEPHONE: 510.896.1800

Date	Project No.:
JAN. 2016	A13633-1

Sheet Title:
EROSION CONTROL PLAN

Sheet No.:
C6

Released for Construction
Not Released for Construction

PROLOGIS

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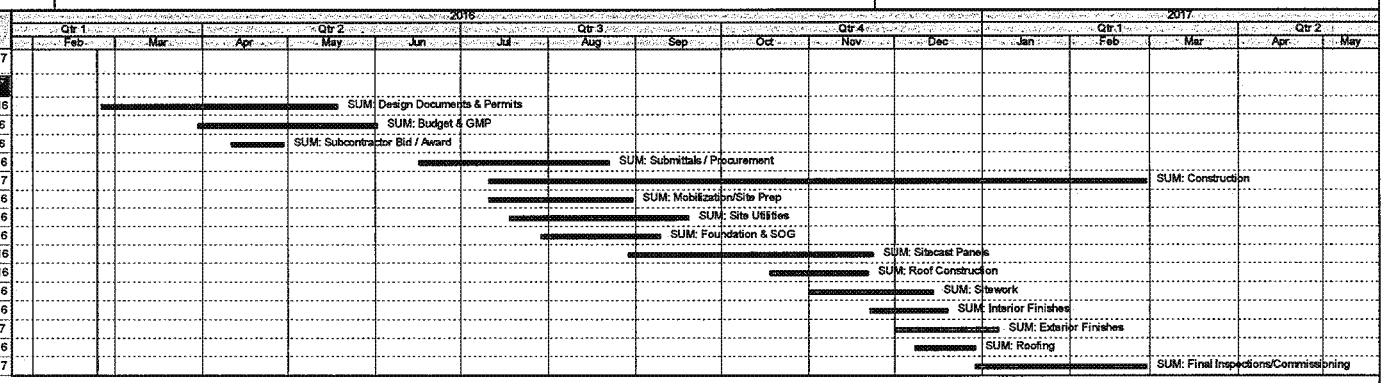
Exhibit C- Project Schedule

WHITING-TURNER

PROLOGIS - OAB NORTHEAST GATEWAY
PROJECT SUMMARY SCHEDULE: 31-Mar-16

PROLOGIS

#	Activity ID	Activity Name	OD	Start	Finish
1	**PROLOGIS PHASE 1**		256	25-Feb-16	27-Feb-17
2	PROJECT SUMMARY		256	25-Feb-16	27-Feb-17
3	SUM-1130	SUM: Design Documents & Permits	60	25-Feb-16	18-May-16
4	SUM-1120	SUM: Budget & GMP	46	30-Mar-16	01-Jun-16
5	SUM-1140	SUM: Subcontractor Bid / Award	15	11-Apr-16	29-Apr-16
6	SUM-1150	SUM: Submittals / Procurement	47	16-Jun-16	22-Aug-16
7	SUM-1110	SUM: Construction	160	11-Jul-16	27-Feb-17
8	SUM-1180	SUM: Mobilization/Site Prep	37	11-Jul-16	30-Aug-16
9	SUM-1160	SUM: Site Utilities	45	18-Jul-16	19-Sep-16
10	SUM-1190	SUM: Foundation & SOG	30	29-Jul-16	09-Sep-16
11	SUM-1170	SUM: Sitecast Panels	62	29-Aug-16	23-Nov-16
12	SUM-1200	SUM: Roof Construction	25	18-Oct-16	21-Nov-16
13	SUM-1230	SUM: Sitework	30	01-Nov-16	14-Dec-16
14	SUM-1220	SUM: Interior Finishes	18	22-Nov-16	19-Dec-16
15	SUM-1210	SUM: Exterior Finishes	25	01-Dec-16	06-Jan-17
16	SUM-1250	SUM: Roofing	15	08-Dec-16	29-Dec-16
17	SUM-1240	SUM: Final Inspections/Commissioning	41	29-Dec-16	27-Feb-17

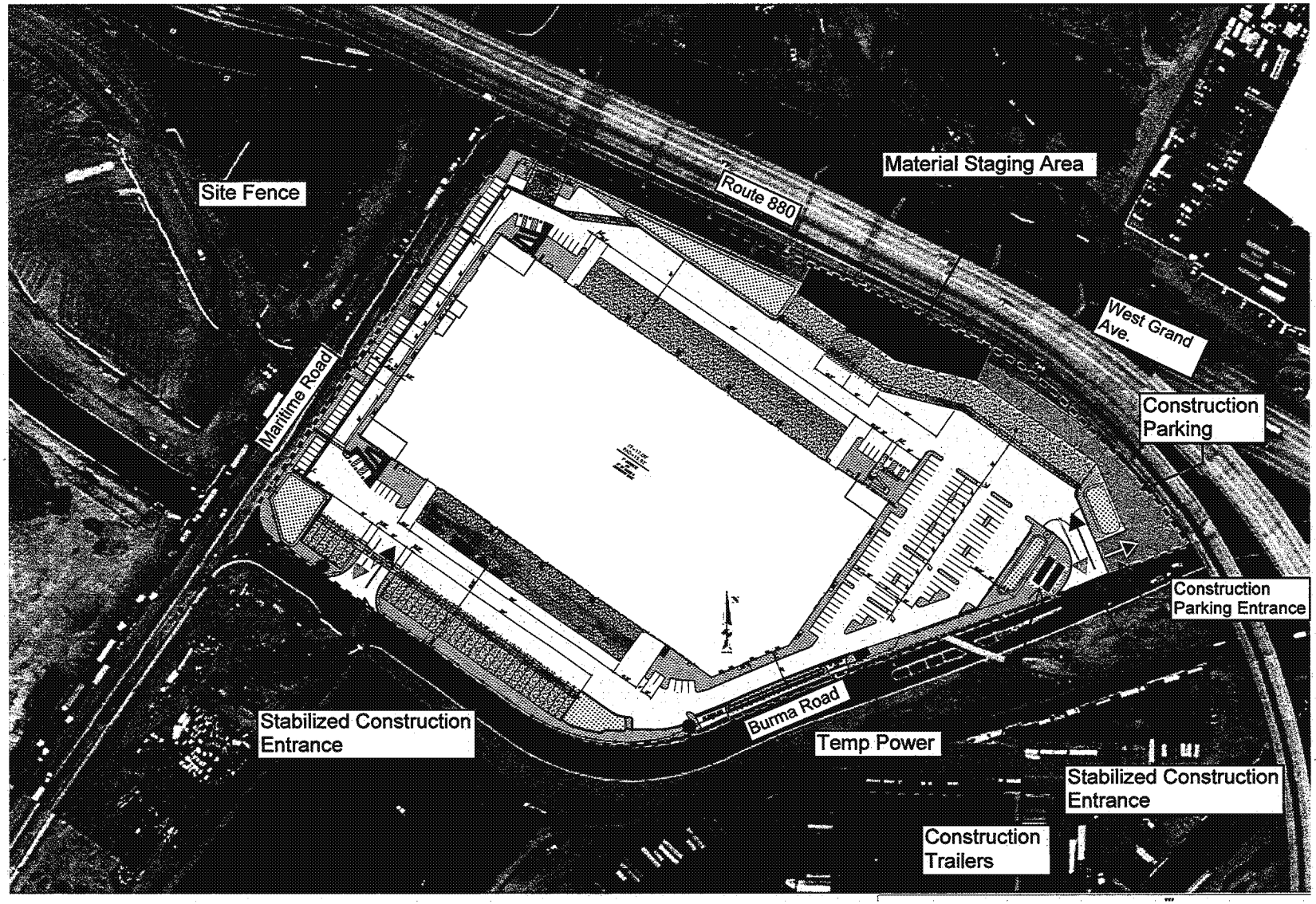


Project ID: PROLOGIS-P1, Project Name: PROLOGIS PHASE 1
Data Date: 24-Feb-16

Layout: WT Large Project Layout
Filter: TASK filter: Submittals.

005859 2020-10-29

Exhibit D- Project Logistics Plan



- Fire Hydrant
- Construction Signage
- Construction Fence

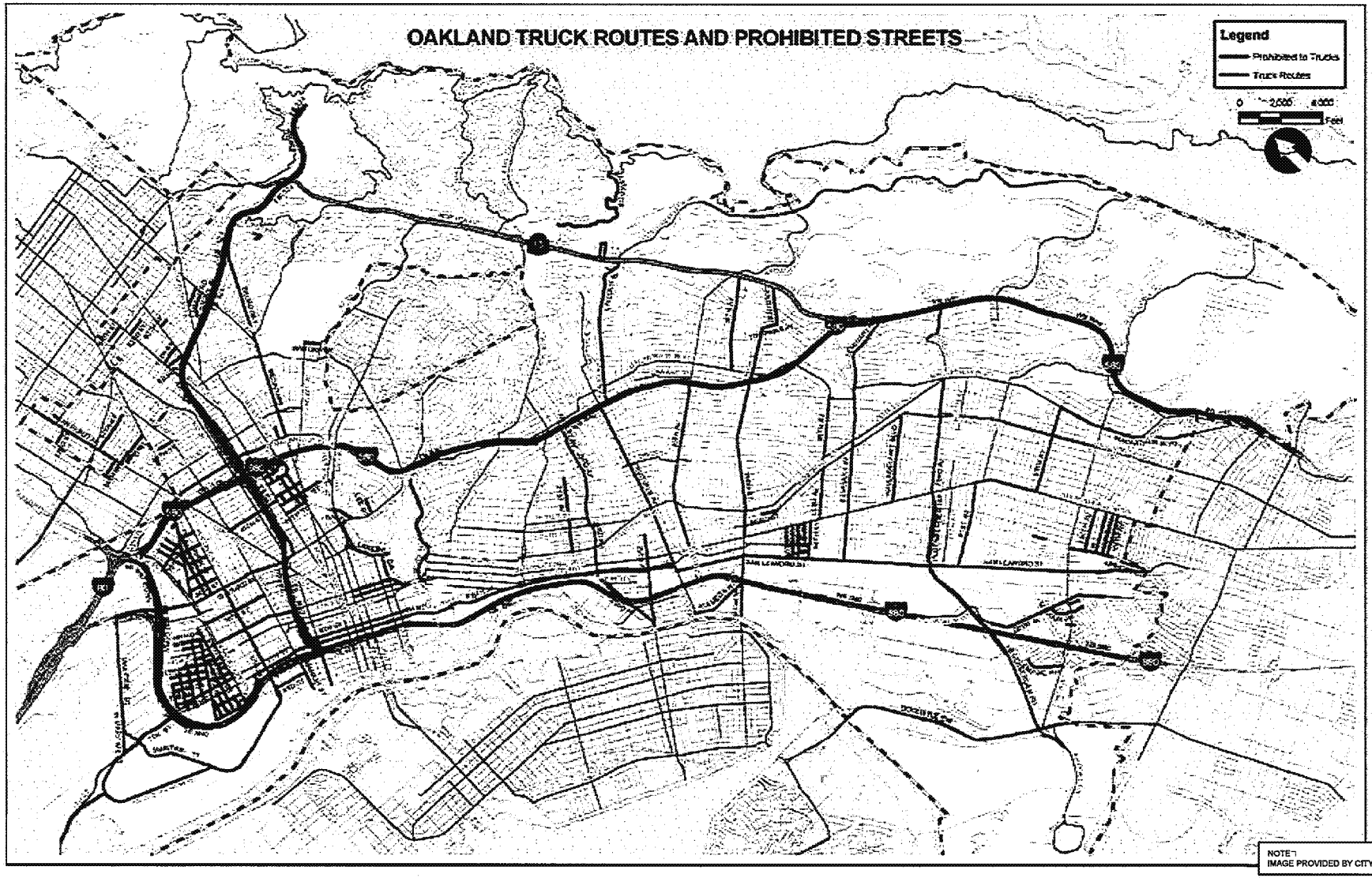
WT

2020-10-29

Exhibit E- Approved Traffic Control Plan

The Developer, its Contractor, or its consultant will prepare a Traffic Control Plan if encroachment into the public right-of-way is required. When required, a Traffic Control Plan will be submitted to EBMUD, the Port, and CalTrans for review and comment no less than 10 days prior to submittal to the City. Incorporate comments and revise plan as appropriate.

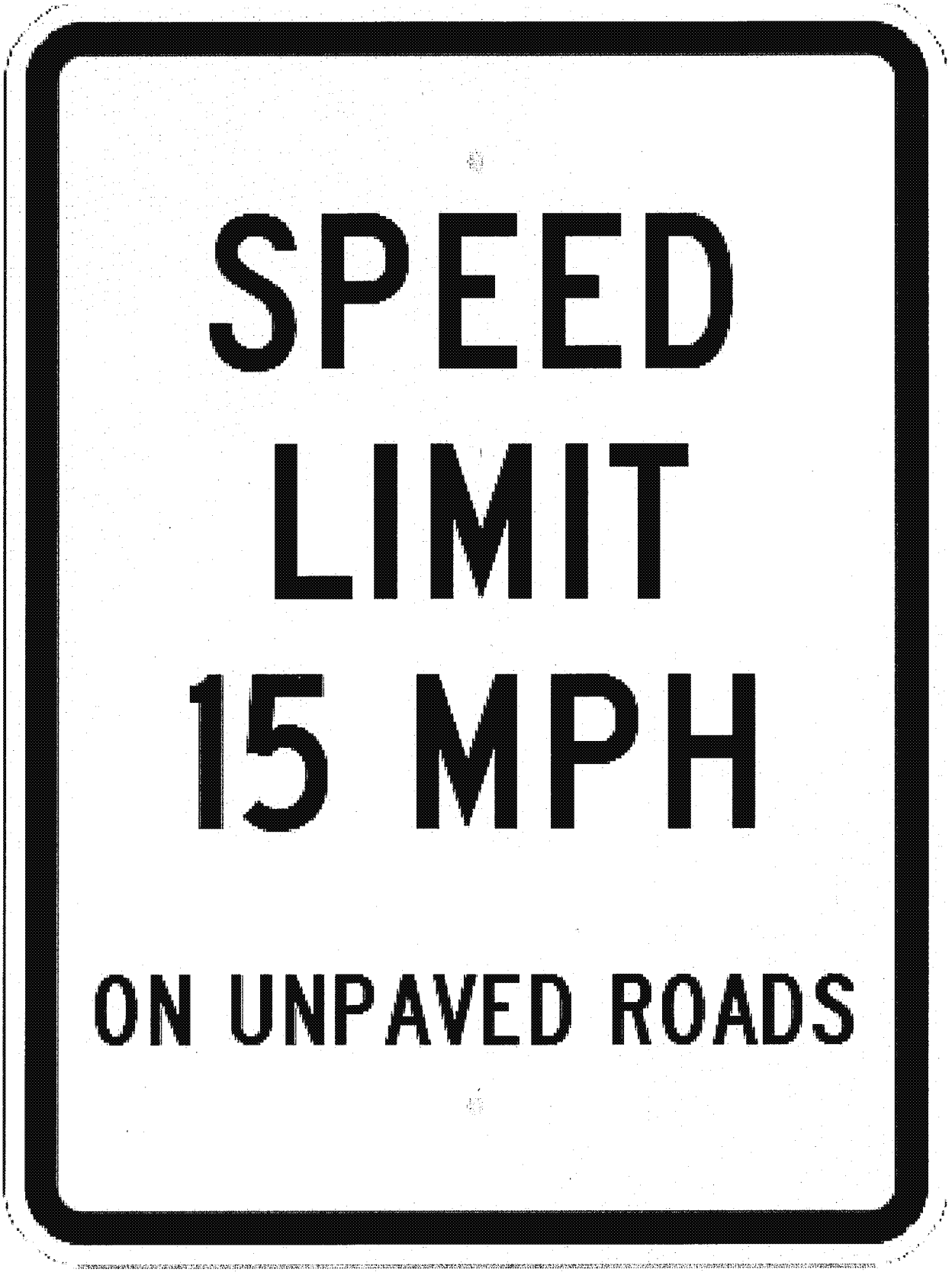
Exhibit F- Approved Truck Haul Route



NOTE:
IMAGE PROVIDED BY CITY OF OAKLAND

OAKLAND GLOBAL	ARCHITECTURAL DIMENSIONS	ARCHITECTURAL DIMENSIONS JAMES HEILBRONNER 510-465-8300 300 FRANK H. OGAWA PLAZA, SUITE 375 OAKLAND, CA 94612	PROJECT INFO. CITY OF OAKLAND TRUCK ROUTES AND PROHIBITED STREETS CITY OF OAKLAND, ALAMEDA COUNTY, CALIFORNIA	CAT. NO 25945 INV. NO. AD-0335.01	REV / DATE / COMMENT	JOB NO. OAB02 SCALE: 1" = 100' DATE: 8/23/2013 DRAWN BY: J. ARMADA CHECKED BY: K. ROSSO	DRAWING NO. TCP-2 SHEET 1 OF 1	

Exhibit G- Signage: Speed Limit



PROLOGIS WT

ATTENTION

PERMITTED CONSTRUCTION HOURS:
Monday-Friday 7AM-7PM

There will be no work on site outside of permitted hours without written permission from City of Oakland.

FOR CONCERNS REGARDING DUST, CONSTRUCTION NOISE, EROSION OR ANY CONSTRUCTION ACTIVITY ON THIS PROJECT PLEASE CONTACT:

During Construction Hours – Randy Knaus (925)-271-6023
After Construction Hours – Steve Rodriguez (925-)-271-6590

CITY OF OAKLAND CODE COMPLIANCE:
(510) 238-3381

OAKLAND POLICE DEPARTMENT 24 HR LINE:
(510) 777-3333

BAY AREA AIR QUALITY MANAGEMENT DISTRICT:
(800) 334-6367

PROLOGIS WT

Project Name: Prologis Northeast Gateway

Complaint Log

Name and Address of Notifier	Telephone Number and/or Email	Date and Time of Call/Email	Nature of Complaint (Traffic/Noise/Dust/Etc.)
	Received By	Directed To	
	Received By	Directed To	
	Received By	Directed T	

date: June, 2016

PROLOGIS

IDLING POLICY

IDLING TIMES ON ALL DIESEL-FUELED COMMERCIAL VEHICLES OVER 10,000 LBS AND DIESEL-FUELED OFF-ROAD VEHICLES OVER 25 HORSEPOWER SHALL BE MINIMIZED EITHER BY SHUTTING EQUIPMENT OFF WHEN NOT IN USE OR REDUCING THE MAXIMUM IDLING TIME TO FIVE MINUTES.
(CCR TITLE 13, SECTION 2485 & 2449)

VIOLATIONS SUBJECT TO MINIMUM FINE OF $300.

G.W.C. WHITING
(1883-1974)

WILLARD HACKERMAN
PRESIDENT AND CEO

FOUNDED 1909

THE WHITING-TURNER CONTRACTING COMPANY

(INCORPORATED)

ENGINEERS AND CONTRACTORS

4690 CHABOT DRIVE, SUITE 120
PLEASANTON, CALIFORNIA 94588
925-485-0800
FAX 925-485-0854
www.whiting-turner.com

CONSTRUCTION MANAGEMENT
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BIOTECH/PHARMACEUTICAL
HIGH TECH/CLEANROOM

INSTITUTIONAL
DATA CENTERS
SPORTS AND ENTERTAINMENT
INDUSTRIAL
WAREHOUSE/DISTRIBUTION
MULTI-FAMILY RESIDENTIAL
ENVIRONMENTAL
BRIDGES, CONCRETE

WRITER'S DIRECT NUMBER IS
925-271-6606

Dear Neighbors,

I am writing to inform you of the upcoming work at the Prologis Northeast Gateway project located in the City of Oakland. The project site is located on the cross streets of Maritime and Burma Road.

Commencement of construction work is scheduled to begin on or around 7/15/2016. Your property address is within a 300' radius of the project site and this letter is providing notice that construction activities involved with construction may exceed the 90dBA level for a period of 10 working days between 7/28/2016 and 8/11/16.

Any construction work over 90dBA is considered an extreme noise generating activity. The City of Oakland requires all property owners within 300' of the project to be notified 30 days prior to any extreme noise activities taking place. Any work over 90dBA will be performed between the hours of 8:00 a.m. and 4:00 p.m. Monday thru Friday. Construction work that may exceed 90dBA will include:

1. The installation and erection of concrete panels.
2. Removal of construction debris into trucks via excavators and front loader equipment.
3. Construction equipment including, but not limited to, excavators, loaders, mobile crane, and dump trucks.

Whiting-Turner looks forward to working closely with our new neighbors and would like to create a solid relationship with them. If a complaint shall arise, please contact the undersigned below, and all complaints received will be noted in a Complaint Log. The log will include at a minimum the following information: The date of complaint, contact information for all complainant(s), reason for complaint, action taken, and resolution notes. Corrective measures will be immediately taken to address any and all complaints, should they occur. Copies of the Complaint Log will be submitted to Inspections Services monthly and, if so desired, upon request. These noise complaint procedures will be posted along the perimeter of the construction site prior to the commencement of construction. Should you have any noise complaints during construction please follow these procedures.

Most of the extreme noise generating activities will take place during the excavation work during the early stages of the project. We will send additional notices as required for additional upcoming work. If you would like to receive email notifications in lieu of or in addition to a hard copy please provide your email address to Steve.Rodriguez@whiting-turner.com.

Additional project information may be requested should you have any questions by contacting the undersigned.

Sincerely,

Steve Rodriguez
Whiting-Turner Contracting Company
925-271-6590
Steve.Rodriguez@whiting-turner.com

PROLOGIS WT

G.W.C. WHITING
(1883-1974)

WILLARD HACKERMAN
PRESIDENT AND CEO

FOUNDED 1909

THE WHITING-TURNER CONTRACTING COMPANY

(INCORPORATED)

ENGINEERS AND CONTRACTORS

4690 CHABOT DRIVE, SUITE 120
PLEASANTON, CALIFORNIA 94588
925-485-0800
FAX 925-485-0854
www.whiting-turner.com

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INSTITUTIONAL
DATA CENTERS
SPORTS AND ENTERTAINMENT
INDUSTRIAL
WAREHOUSE/DISTRIBUTION
MULTI-FAMILY RESIDENTIAL
ENVIRONMENTAL
BRIDGES, CONCRETE

WRITER'S DIRECT NUMBER IS
925-271-6606

Dear Neighbors,

Due to safety reasons, pedestrian traffic will be periodically shut down on Maritime Street between Tuesday 9/15/2016 and Friday 10/16/2016 while demolition and excavation activities are in progress. Pedestrian barricades will be set in place to re-route all pedestrian traffic to the detour per the approved Traffic Control Plan. Please reference the included closure plan exhibit from our Traffic Control Plan that shows the areas that will be closed. The shutdown dates will be posted on our website within 2 days prior to shut down.

If you should have any problems or questions we encourage you to call or stop by our construction trailer located on site.

Additional project information may be requested should you have any questions using the contact below.

Sincerely,
Steve Rodriguez
Whiting -Turner Contracting Company
925-271-6590
Steve.Rodriguez@whiting-turner.com

PROLOGIS WT

Exhibit L- Project Truck Log

Project: Prologis Northeast Gateway
Date:

Truck Information Form

Time In	Time Out	Vehicle Type	License Plate Number	Trucker's Name	Driver's Name	Material	Documentation [1]	Destination	Quantity

Documentation carried by the driver will include:

- Bills of lading or non-hazardous or hazardous waste manifests;
- Proof of insurance, valid registration, and current driver's license;
- Material profile information (reflecting chemical analysis results);
- Material weight records; and
- Complete copy of the Traffic Control Plan.

date: May 8, 2016

WT

Exhibit M- Daily Site Inspection Log

Project Name: Prologis Northeast Gateway

Construction Site Condition Log

Location:	Decription of Damage:	Date:	Inspected

date: June, 2016

WT

Attachment C

Public Comment Letters Received in Response to Draft Air Quality Plan dated April 25, 2016

From: Margaret Gordon
To: Ranelletti, Darin; robbie.morris@arb.ca.gov; Marvin, Cynthia@ARB; dvintze@baaqmd.gov; Richard Grow; Lee, Anna, Public Health, CAPE
Subject: Comments Standard Conditions of Approval/Mitigation Measures for the Prologtis:
Date: Monday, May 23, 2016 11:52:06 AM

Comments Standard Conditions of Approval/Mitigation Measures for the Prologtis:

1. Nothing about Solar
2. Shuttle Services to not bring cars into West Oakland
3. No traffic study cars or trucks
4. There's not an emission reduction plan
5. EIR is over ten years old
6. No Zero emission plan or new technology
7. No Green Infrastructure
8. No use of electric truck for local freight transportation
9. No spraying of water from an enclosed fence during construction
10. No hours of operation
11. Nothing in the plan green house gases reduction
12. The item on the warehouse is not subject to Planning Commission
13. We don't if there will be indoor air filtration for workers.
14. There nothing about recycling and no waste added to the project

Thank you,

Ms. Margaret Gordon/Co-Director
West Oakland Environmental Indicators Project
349 Mandela Pkwy.
Oakland, Ca. 94607
510-257-5645
WWW.WOEIP.ORG

DITCHING DIRTY DIESEL

Robbie Morris
California Air Resources Board
Freight Transport Branch
Transportation and Toxics Division

May 25, 2016

Dear Robbie ,

Thank you for providing us the documents and opportunity to comment on the Pologis project in West Oakland . As you undoubtedly know, West Oakland has long been suffering cumulative impacts from the Freight Industry and as such was designated by BAAQMD as one of their CARE communities .

Given the existing conditions and forecasts for expanded freight operations (rail, maritime, air, and trucking), we ask that CARB take an extra critical look at this project and determine what measures can be implemented to eliminate or at least reduce impacts on this community from this company's operations.

Following are our comments and recommendations on the project:

* The AQ measures outlined in the documents to control dust seem adequate if they are actually implemented for the duration of the construction project. We have had examples of large scale projects (Bay View/Hunters Point) where the measures were initially implemented but later dropped. The affected residents had little recourse and suffered health hazards as a result.

* The designated person or persons assigned to monitor the dust control program and to order the increased watering to prevent transport of dust should be identified to the public along with their phone numbers. That their duties should include holidays and weekend periods

when construction work is not in progress demonstrates a more serious commitment to mitigation and is welcomed.

* The Construction Signage near the Construction Parking Entrance appears to be set back too far into property – one should not have to go behind the fence to be able to read it . The sign should be easily readable from the street.

* This document is primarily about outlining and regulating construction procedures. However, there are important considerations in the design of the building and development of the project that should be addressed. For example, will the building and finished property create yet another Heat Island that will raise energy demands, elevate emissions of air pollutants and Green House gases, and impair water quality? This is a very large project that has a significant footprint in the area and should be required to incorporate cool roofs, cool pavement, and vegetation to mitigate its impacts on the area.

* This Prologis project includes 55 Trucks, 78 trailer parking stalls, 171 parking stalls and only 2 electric charging stations (for passenger vehicles only we believe).

There is no mention of utility design , planning , and infrastructure for future Heavy Duty charging stations , forklifts, and cargo handling equipment. It would be very helpful to have ARB provide aggressive guidance here in accordance with its Sustainable Freight Policy. If this policy is to be "Transformative" as the governor has declared it must seriously weigh in on projects such as this in a comprehensive manner. If the current plans do not account for the future energy needs of zero emission HD trucks it will probably be prohibitively expensive to install these needed technologies later.

We have many concerns about this project and believe it needs more scrutiny and adaptations to be up to date with current thinking and compliance with reducing GHG and a Sustainable Freight Policy. Please consider the following :

1. The EIR for the Prologis project is over 10 years old. Freight in all sectors has risen dramatically during this time and is on track to continue; hence projects such as this. It is inappropriate to pretend that it is still accurate and valid.
2. This project has not used any Green Infrastructure. There is an opportunity here to follow the example the Port has shown works. One example being the solar panel carports .
3. West Oakland is a very busy hub of Freight activity yet there has not been a Traffic Study for cars and trucks for this project.
4. We would like Prologis to establish Shuttle Services for their employees in order to reduce the number of cars coming into West Oakland. This should not be an undue

burden as BART is nearby and measures to reduce VMT are an important part of the Region's and State's Freight Policies.

5. The hours of operation might be a problem and we have not been informed if there are any limits.
6. We are uncertain of the extent of the Planning Commission's rulings here.
7. We have no information about conditions for workers at this site. Will there be indoor air filtration?
8. An Emission Reduction Plan has not been presented or formulated as far as we know.
9. As previously stated, there is no plan presented for the future use of Zero emission vehicles and their associated infrastructure. We understand that Prologis is primarily in the Short Haul Freight business and would therefore be an ideal candidate for Zero emission Trucks or hybrids.
10. We have not seen how Prologis plans to handle recycling and not add waste to the project.

Before it's too late, we really need a pro-active push by ARB here to get our decision makers, planners, and developers to be "Transformative" with a Sustainable Freight System we are striving to achieve.

Sincerely,

Frank Gallo	Ms Margaret Gordon	Brian Beveridge
Ditching Dirty Diesel	WOEIP	WOEIP
CCFC	CCFC	

Sincerely,

Frank Gallo

Ditching Dirty Diesel

CCFC

From: Lee, Anna, Public Health, OOD
To: Ranelletti, Darin
Cc: Davis M.D., Muntu, Public Health, OOD; Galvez, Sandi, Public Health, OOD
Subject: RE: Notice of Availability of Northeast Gateway Air Quality Plan for Construction (Prologis)
Date: Tuesday, May 31, 2016 5:04:36 PM

Dear Darin:

My comments on the Air Quality Plan for Construction prepared by Prologis are below. I'm sorry if some of this is already addressed. I wasn't back from maternity leave when they gave their presentation, so I'm just going off of what I gathered from the written materials and checking in with Jen Lucky. I hope these comments are helpful to strengthening the measures to reduce air pollution at the Prologis site.

Please let me know if you have any questions.

Best,
Anna

Sustainable Attributes

- Given the proximity of the Prologis site to the Bay, I wonder if the developer is aware and has thought about site design features that could help thwart sea level rise and flooding. This is a reality we need to consider and it could be a preventative cost saving and safety measure.

Green Building

- Pleased to see the green building aspects of the plan and hope that if Prologis hasn't already, that they align this with the City's Green Building Checklist to ensure the plan promotes Oakland's vision and meets the requirements around Sustainability. Doing this exercise could also help showcase how the project measures against the goals of the City.

Dust

- Dust is a major concern especially because of the weather patterns and existing health inequities in West Oakland; the prevailing wind carries visible dust and air pollution into the West Oakland community.
- It is unclear if there will be demolition of any structures on the site. If so, ensure that watering measures are included in the dust mitigation plan.

Diesel emissions

- Diesel emissions are also a major concern given the existing health burdens in West Oakland.
- Question for the City: How does the Prologis plan align or support the development of the Standard Condition of Approval Mitigation 4.4-3b (West Gateway Rail and Maritime Emissions Reduction Program) and Mitigation 4.4-4 (City and Port truck diesel emission program)? I didn't see any mention of these programs in the Prologis Plan.
- The plan includes ensuring maintenance of the diesel equipment used during construction and operations. The plan does not explicitly say that the developer and sub-contractors must comply with the engine requirements from CARB. Please ensure that it does.
- Although the regulatory limit for idling is 5 minutes, it would be beneficial to reducing air pollution if the developer and sub-contractors minimized idling to 2 minutes when feasible.
- Another way to minimize idling, particularly for highly polluting refrigerated truck units (so

this might be an operations measure), is utilizing truck plug-in capability. If it is feasible, it would be great to include this into the Plan as a pollution reduction measure.

Truck Routes and Circulation

- Truck hauling routes should be designed to minimize exposure to community from emissions, fugitive dust, potential hazardous materials, vibrations and traffic safety issues.
- There is a West Oakland Truck Route that should be noted and included in the Plan.
- Concerning Exhibit F, Truck Haul Route, it should be noted that there is an updated East Oakland truck route that occurred in 2015 that includes 98th Avenue and a number of other revisions. They can contact the City's Transportation Services Division for these revisions.

Community Engagement

- Public Notice - Sending notification and giving opportunity to engage neighbors is important to ensuring immediate health and safety concerns from the development are addressed and gaining community confidence and support of the project. In West Oakland, there are a number of community organizations and institutions that would be great places to post information and engage, including sending the letter about the project and phone numbers for project managers and making regular presentations. The developer should contact local community leaders for a comprehensive list, but some places and groups to include are: West Oakland Senior Center, libraries, the West Oakland Youth Center and the Hoover Resident Action Council (I can help connect to the Council).
- Public Process - A question for the City: After City Administrator approval, will there be a public process for the Planning Commission and City Council to review and adopt the plan or is this an administrative process moving forward?

Anna Lee
Local Policy Coordinator
Place Matters, Office of the Director
Alameda County Public Health Department
1000 Broadway, Suite 500
Oakland, CA 94607
anna.lee@acgov.org | Phone: (510) 267-8019
Like us on Facebook | Visit our Website

Please consider the environment **before** printing this email.

From: Ranelletti, Darin [mailto:DRanelletti@oaklandnet.com]
Sent: Friday, May 20, 2016 12:37 PM
To: 'Jahmese Myres'; Cole, Doug; Cappio, Claudia; 'Mark McClure'; 'Megan Morodomi'; 'Joanne Park'; 'Jack Broadbent'; 'Hhilken@baaqmd.gov'; 'akirk@baaqmd.gov'; 'jroggenkamp@baaqmd.gov'; 'David Vintze'; 'jkitowski@arb.ca.gov'; 'Cynthia Marvin'; McElhaney, Lynette; Cook, Brigitte; Thao, Sheng; 'rebecca.flournoy@acgov.org'; 'Jared Blumenfeld'; 'Richard Grow'; 'stew.sonnerberg@dot.gov'; 'Richard Sinkoff'; 'Anne Whittington'; 'tleong@portoakland.com'; 'Brent Bucknum'; 'bill@oaklandmss.com'; 'brian.woeip@gmail.com'; 'Margaret Gordon'; 'Cory'; 'jmajor@prologis.com'; 'robbie.morris@arb.ca.gov'; 'sydney.vergis@arb.ca.gov'; Klein, Heather; 'Maile.smith@ngem.com'; 'James Heilbronner'; Kaplan, Rebecca; Lee, Anna, Public Health, OOD; 'Jess@sfbaysc.org'; Jones, Andre
Subject: RE: Notice of Availability of Northeast Gateway Air Quality Plan for Construction (Prologis)

Dear Army Base Air Quality Stakeholders:

In my previous email to you (see below), I stated that the deadline for comments on the Air Quality

Pan for Construction prepared by Prologis for the Northeast Gateway site is 5:00 pm on Monday, May 30, 2016, which is Memorial Day. Pursuant to the Standard Conditions of Approval and Mitigation Monitoring and Reporting Program for the Oakland Army Base Project, if the deadline falls on a holiday, the deadline is extended to the next business day. Therefore, the deadline for comments is **5:00 pm on Tuesday, May 31, 2016**.

Please contact me at 510-238-3663 or dranelletti@oaklandnet.com if you have any questions.

Regards,

Darin Ranelletti

Darin Ranelletti, Deputy Director | City of Oakland | Bureau of Planning | 250 Frank H. Ogawa, Suite 3315 | Oakland, CA 94612 | Phone: (510) 238-3663 | Fax: (510) 238-6538 | Email: dranelletti@oaklandnet.com | Website: www.oaklandnet.com/planning

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From: Ranelletti, Darin
Sent: Friday, May 13, 2016 12:51 PM
To: 'Jahmese Myres'; Cole, Doug; Cappio, Claudia; 'Mark McClure'; 'Megan Morodomi'; 'Joanne Park'; 'Jack Broadbent'; 'Hhilken@baaqmd.gov'; 'akirk@baaqmd.gov'; 'jroggenkamp@baaqmd.gov'; 'David Vintze'; 'jkitowski@arb.ca.gov'; 'Cynthia Marvin'; McElhaney, Lynette; Cook, Brigitte; Thao, Sheng; 'rebecca.flournoy@acgov.org'; 'Jared Blumenfeld'; 'Richard Grow'; 'stew.sonnerberg@dot.gov'; 'Richard Sinkoff'; 'Anne Whittington'; 'tleong@portoakland.com'; 'Brent Bucknum'; 'bill@oaklandmss.com'; 'brian.woeip@gmail.com'; 'Margaret Gordon'; 'Cory'; 'jmajor@prologis.com'; 'robbie.morris@arb.ca.gov'; 'sydney.vergis@arb.ca.gov'; Klein, Heather; 'Maile.smith@ngem.com'; 'James Heilbronner'; Kaplan, Rebecca; 'Anna.lee@acgov.org'; 'Jess@sfbaysc.org'; Jones, Andre
Subject: Notice of Availability of Northeast Gateway Air Quality Plan for Construction (Prologis)

Dear Army Base Air Quality Stakeholders:

The City of Oakland has received a draft of the Air Quality Plan for Construction at the Northeast Gateway from the developer, Prologis. Prologis presented an overview of this Plan at the Quarterly Air Quality Stakeholder Meeting on March 3, 2016. Pursuant to the Standard Conditions of Approval and Mitigation Monitoring and Reporting Program for the Oakland Army Base Project, the City is providing 17 calendar days for public review and comment on the draft Plan.

The draft Plan is available on the City's website:
http://www2.oaklandnet.com/oakca1/groups/ceda/documents/report/oak058692.pdf

Written comments must be received no later than **5:00pm on Monday, May 30, 2016**. Written comments should be sent via email, mail or fax to:

Darin Ranelletti, Deputy Director
City of Oakland, Planning and Building Department
250 Frank H. Ogawa Plaza, Suite 3315
Oakland, CA 94612
Email: dranelletti@oaklandnet.com
Fax: 510-238-6538

The Plan is subject to approval by the City Administrator. The City will review the written comments that are received and revise or supplement the draft Plan as appropriate prior to approval by the City Administrator. Within 90 days of the approval, there will be an informational presentation to the City Council concerning the Plan.

Please contact me at 510-238-3663 or dranelletti@oaklandnet.com if you have any questions.

Regards,

Darin Ranelletti

Darin Ranelletti, Deputy Director | City of Oakland | Bureau of Planning | 250 Frank H. Ogawa, Suite 3315 | Oakland, CA 94612 | Phone: (510) 238-3663 | Fax: (510) 238-6538 | Email: dranelletti@oaklandnet.com | Website: www.oaklandnet.com/planning

BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT

June 3, 2016

Darin Ranelletti
City of Oakland
Bureau of Planning
250 Frank H. Ogawa Plaza, Suite 3315
Oakland, CA 94612

ALAMEDA COUNTY
Tom Bates
Scott Haggerty
Rebecca Kaplan
Nate Miley

CONTRA COSTA COUNTY
John Gioia
David Hudson
(Secretary)
Karen Mitchoff
Mark Ross

MARIN COUNTY
Katie Rice

NAPA COUNTY
Brad Wagenknecht

SAN FRANCISCO COUNTY
John Avalos
Edwin M. Lee
Eric Mar
(Chair)

SAN MATEO COUNTY
David J. Canepa
Carole Groom
Warren Slocum

SANTA CLARA COUNTY
Cindy Chavez
Liz Kniss
(Vice-Chair)
Jan Pepper
Rod G. Sinks

SOLANO COUNTY
James Spering
Osby Davis

SONOMA COUNTY
Teresa Barrett
Shirlee Zane

Jack P. Broadbent
EXECUTIVE OFFICER/APCO

Connect with the
Bay Area Air District:

Subject: Northeast Gateway Construction Management Plan

Dear Mr. Ranelletti,

Bay Area Air Quality Management District (Air District) staff appreciates the opportunity to review the Northeast Gateway Construction Management Plan (Plan) submitted to the City of Oakland (City) by Prologis for construction of a 256,000 square foot warehouse (Project) within a portion of the Oakland Army Base. As part of the former Oakland Army Base, the site and therefore this Project is subject to eight air quality mitigation measures described in the Oakland Army Base Project (OAB) 2002 Final Environmental Impact Report, the 2012 Initial Study/Addendum, the Mitigation Monitoring and Reporting Program, and the Lease Disposition and Development Agreement (LDDA). Air District staff understands that approval of the Plan by the City Administrator will allow construction to proceed without any further discretionary approvals from the City.

Air District staff is concerned that the Plan submitted by the developer, Prologis, only addresses air quality impacts associated with construction activity and does not address long term operational emissions associated with the Project. The Plan for this Project does not implement six of the eight air quality mitigation measures that future development is required to implement within the OAB. It should be noted that the eight air quality mitigation measures, which include the City's Standard Conditions of Approval, and which were approved by the Oakland City Council, were expected to be applied to future development within the OAB to lessen significant air quality impacts identified in the environmental documents for the OAB. Approval of the Northeast Gateway Construction Management Plan in its current form would preclude this Project from being required to implement legally binding mitigation measures promised to the surrounding community and approved by the Oakland City Council.

In the Attachment to this letter, Air District staff has provided specific comments on the proposed strategies in the Plan to ensure that construction related

emissions are reduced to the extent feasible. In addition, Air District staff is also recommending that the Plan be amended to include the other adopted air quality mitigation measures identified in the previous environmental documents to reduce the significant air quality impacts anticipated to occur in the West Oakland community, including impacts from Project operations. Air District staff believes that full implementation of all previously adopted mitigation measures is needed for the Project as proposed to assure that West Oakland air quality is not adversely affected. This was the promise of *A Bold Vision: Redeveloping the Former Oakland Army Base,* which was approved by the Oakland City Council.

Air District staff is available to assist the City in addressing these comments. If you have any questions, please contact Alison Kirk, Senior Environmental Planner at (415) 749-5169 or akirk@baaqmd.gov.

Sincerely,

Jean Roggenkamp
Deputy Executive Officer

Cc: Director Tom Bates
Director Scott Haggerty
Director Rebecca Kaplan
Director Nate Miley
Oakland Mayor Libby Schaaf
Heather Arias, California Air Resources Board

Attachment

Attachment

The comments provided below are in response to the Northeast Gateway Construction Management Plan (Plan) recently submitted to the City of Oakland by Prologis; and in relation to the California Environmental Quality Act (CEQA) mitigation requirements adopted by the City of Oakland to lessen the impacts from operational activities associated with development within the Oakland Army Base. As identified in the comments below, the Plan only addresses the CEQA mitigation requirements related to construction activity and does not address the mitigation requirements for operational activities at the Oakland Army Base.

SCA-AIR-1 and SCA-AIR-2

SCA-AIR-1 requires the project applicant to submit a construction management plan that "identifies the conditions of approval and mitigation measures to construction impacts of the project and explains how the project applicant will comply." SCA-AIR-2 provides the list of conditions of approval and mitigation measures that projects are required to implement to lessen significant air quality impacts related to construction and operation.

The Northeast Gateway Construction Management Plan submitted to comply with SCA-AIR-1 includes all the construction related mitigation measures listed in SCA-AIR-2, but does not provide the specificity needed to "explain how the project applicant will comply". There are a number of measures that provide an "option" for compliance; in these instances, Air District staff recommends that the applicant identify the criteria for choosing one option over another and identify the process for making that decision. For example, measure (a) requires the Project to increase dust control watering when wind speeds exceed 15 miles per hour; and measure (k) requires soil moisture to be maintained at a minimum of 12 percent; and measure (l) requires all excavation, grading, and demolition activities to be suspended when wind speeds exceed 20 miles per hour. The Plan should identify specifically how wind speeds and soil moisture will be monitored and who is required to maintain compliance logs.

Measure (u) requires all equipment used on the construction site and subject to Title 13, Section 2449 of the California Code of Regulations ("California Air Resources Board Off-Road Diesel Regulations") to meet emissions requirements one year in advance of any fleet deadlines. To comply, the proposed Plan indicates that "The project applicant shall provide written documentation that fleet requirements have been met." It is not clear who the written documentation will be submitted to and who will ensure that the appropriate equipment is used at the construction site. Air District staff recommends that this and all projects at the Oakland Army Base submit off-road registration documents approved by the Air Resources Board to determine a fleet's compliance with this requirement. In addition, Air District staff also recommends that only Tier 4 off-road engines be used at the OAB, and if Tier 4 off-road engines are not available for a particular use, then Tier 3 off-road engines be used.

Measure (v) requires the use of low VOC "coatings beyond local requirements (i.e., BAAQMD Regulation 8, Rule 3: Architectural Coatings)." Air District staff recommends that the Plan identify what the current regulations require and demonstrate how the Project will reduce VOC emissions beyond these requirements.

SCA-AIR-3

SCA-AIR-3 is not currently proposed to be implemented by the Project. This measure addresses public exposure to toxic air contaminants (TACs) and requires measures be implemented by new development to reduce indoor and outdoor concentrations to TACs. The Air District recommends that the Plan be amended to include the requirements of SCA AIR-3.

Mitigation 4.4-3

Mitigation 4.4-3 3 is not currently proposed to be implemented by the Project. This measure requires the Port of Oakland to 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 *prior to the start of operations*. Since this Project will facilitate operations at the Port of Oakland, the Air District recommends that the Project include measures within the Plan to comply with this requirement. These measures could include electrification of the 55 loading docks within the Project, and requiring the Port of Oakland to use only the lowest emitting off-road cargo handling equipment to load trucks using the Project site.

Mitigation 4.4-4

Mitigation 4.4-4 3 is not currently proposed to be implemented by the Project. This measure requires the City of Oakland and the Port of Oakland to jointly create, maintain, and fund on a fair share basis a truck diesel emission reduction program *prior to the start of operations*. The program shall be sufficiently funded to strive to "reduce redevelopment related contributions to local West Oakland diesel emissions to less than significant levels". This Project will have 55 truck loading docks and 78 trailer parking stalls. Diesel particulate matter emissions, a known toxic air contaminant, will substantially increase in the West Oakland community. The environmental documents identified significant air quality impacts from exactly this type of development. Air District staff recommends that the Plan be amended to include the development of an off-site mitigation program such that there is no net increase in emissions from this Project within the West Oakland community.

Mitigation 4.4-5

Mitigation 4.4-5 3 is not currently proposed to be implemented by this project. This measure requires major developers to fund feasible Transportation Control Measures (TCMs) for reducing vehicle emissions from commercial, institutional, and industrial operations. Air District staff recommends that the Plan be amended to include this mitigation measure and specifically identify this Project's share of funding for the TCMs listed below

- Provide incentives to encourage workers to carpool or use public transportation (TCM 4)
- Provide shuttles to and from the West Oakland BART station, and mid-day shuttles to food service establishments/commercial areas (TCM 5 and 8)
- Provide preferential parking for carpool and vanpool vehicles (TCM 9)
- Charge parking fees for single occupancy vehicle commuters (TCM 10)
- Install weather-protected bicycle parking for employees (TCM 11)
- Provide safe, direct access for bicycles to adjacent bicycle routes (TCM 12)

- Provide showers and lockers for employees bicycling or walking to work (TCM 13)
- Provide direct, safe, attractive pedestrian access from the project to transit stops and adjacent developments (TCM 14).

Mitigation 4.4-6

Mitigation 4.4-6 3 is not currently proposed to be implemented by this Project. This measure requires the City of Oakland and the Port of Oakland to implement sustainable development policies and strategies related to new development design and construction. Air District staff recommends that the Plan include this mitigation measure and explain how the construction practices at the Project are consistent with this measure. In addition, Air District staff recommends that the Plan include measures to address sustainable development, such as installation of on-site renewable energy generation, use of ground source space heating, and thermal hot water heating.

Mitigation 5.4-1

Mitigation 5.4.-1 3 is not currently proposed to be implemented by this project. This measure requires the City of Oakland and the Port of Oakland to encourage, lobby, and potentially participate in emission reduction demonstration projects that promote technological advances in improving air quality. Air District staff recommends that the Project identify potential new technological advances that could be demonstrated at this Project.

Air Resources Board

Mary D. Nichols, Chair
1001 I Street • P.O. Box 2815
Sacramento, California 95812 • www.arb.ca.gov

Matthew Rodriquez
Secretary for
Environmental Protection

Edmund G. Brown Jr.
Governor

RECEIVED

JUN 03 2016

CITY OF OAKLAND
BUREAU OF PLANNING

May 31, 2016

Mr. Darin Ranelletti
City of Oakland
Planning and Building Department
250 Frank H. Ogawa Plaza, Suite 3315
Oakland, California 94612

Dear Mr. Ranelletti:

Thank you for providing the Air Resources Board (ARB) the opportunity to comment on the Northeast Gateway Construction Management Plan (Air Quality Elements) (Plan). This Plan provides an opportunity to ensure the cleanest possible construction practices while constructing the Northeast Gateway site. Eliminating and minimizing air quality impacts from the construction of this project is vital to protecting the health of nearby communities.

Overall, we find that the Plan contains measures that will achieve reductions in emissions generated by onsite construction activity. Specifically, the Dust Control Mitigation Plan and the use of the electricity infrastructure surrounding the construction site over electrical generators powered by internal combustion are helpful in reducing emissions.

Documents like this Plan are important to the public as they can help to provide transparency and accountability while following through with commitments made during the environmental review period. It is important to develop specific actions to ensure that the public is well informed about the project and proposed solutions to the project's potential impacts. Although several measures in the Plan provide sufficient detail, others need further clarification in order to ensure proper implementation and enforcement of the measures included in the Plan as well as ensure meaningful public engagement. This further clarification will help ensure the project ultimately avoids or substantially lessens the significant and unavoidable impact to air quality identified in the 2002 Draft Environmental Impact Report and Final Environmental Impact Report, and achieves the less-than-significant impacts determination made in the 2012 Addendum, by implementing all feasible mitigation.

General Recommendations

For both this and subsequent Subject Plans, consider the following:

1) Coordinate and consult with the community on construction and operations related vehicle circulation, identify selected routes that divert traffic away from neighborhood streets and is least impactful to the surrounding communities. Include details of the agreed upon truck routes in the Plan. Meaningful coordination with the community takes time, and to ensure that project development stays on schedule, we recommend that this work be initiated as soon as possible if you have not already done so.

2) Specify the public review release date and expected content for each of the remaining Subject Plans for this project, subject to Mitigation Measure PO-1 (Stakeholder Review of Air Quality and Trucking Plans). It is expected that the remaining Subject Plans will be released in a timeframe that will allow for meaningful public review and response by the City of Oakland and project developer prior to when they are scheduled according to the Standard Conditions of Approval and Mitigation Monitoring and Reporting Program.

3) Include Plan requirements in the contractual agreement between Prologis and the construction management company in order to strengthen enforceability.

Construction Related Recommendations

To ensure that the Plan meets the goals of Mitigation Measure SCA Air-2, and to ensure that the project's construction-related impacts to air quality remain less than significant, ARB recommends clarifying several measures, strengthening enforceability, and including additional measures that ARB staff finds feasible and critical to reducing emissions and protecting public health. Details of these recommendations are below:

1) Define "late model" under Emission Control Mitigation Plan, protocol "a". We suggest requiring all medium-heavy and heavy-heavy duty trucks, including any alternative fuel vehicles, meet or exceed 2010 emission standards. In addition, consider clarifying the parameters of this measure by requiring all off-road vehicles and equipment meet Tier 4 engine standards. If Tier 4 is not available, the off-road equipment should meet Tier 3 engine standards. Also, consider requiring each contracted fleet to provide an ARB Certificate of Compliance to the onsite Project Compliance Manager prior to commencing operations.

2) Clarify the intention of "low-emission diesel fuel" in the Emission Control Mitigation Plan, protocol "a". This type of fuel is already standard in California; therefore, it is unclear what additional control this measure is offering. As written, this protocol also seems to limit equipment onsite to diesel power. Please consider editing to allow for the flexibility to use zero and near-zero emission equipment as well.

3) Define "alternative fuel construction equipment" under Emission Control Mitigation Plan protocol "b". Without specifying equipment type, it is difficult to determine if this protocol provides appropriate mitigation. We recommend requiring the use of electric construction tools or amending the Plan to identify a target for the minimum amount of electric power tools that will be used onsite, explaining how this measure will be enforced, and clarifying for the public how the target was derived. In addition, we suggest requiring all off-road vehicles and equipment meet Tier 4 engine standards. If Tier 4 is not available, the off-road equipment should meet Tier 3 engine standards.

4) In Emission Control Mitigation Plan measure "f", there are several areas where further clarification and strengthening of the provision is needed:

    a. In addition to monitoring and facilitating implementation of the mitigation measures, the Project Compliance Manager should also ensure compliance with mitigation measures and the Plan. Specify that the Project Compliance Manager will refer any non-compliant fleets to the Bay Area Air Quality Management District for investigation or potential penalties.
    b. Clarify which contractors are subject to this provision. It is our expectation that all contractors should be subject to oversight by the Project Compliance Manager.
    c. Specify what the Daily Inspection Logs will include and how often they will be reviewed by the Project Compliance Manager.

5) In the Emission Control Mitigation Plan, define the phrases "extent that it is readily available" under protocol "a", "extent that the equipment is readily available and cost effective" under protocol "b", and "extent feasible" under protocol "c". As currently written, it is unclear what criteria will be used, making it difficult to ensure implementation and enforcement of the protocols.

6) Consider requiring each equipment operator or sub-contractor to show proof of compliance for each on-road vehicle subject to ARB's Periodic Smoke Inspection Program prior to operating at the site. Additionally, any off-road equipment that

exhibits conditions outside of the manufacturer's specifications, or emits excessive visible smoke, should be prohibited from operating on-site. Please detail how these requirements will be enforced, in the Plan.

We understand that the Plan relates directly to construction activities at the project site. However, we want to take this opportunity to also support the incorporation of zero and near-zero emission technologies, especially for yard and on-road trucks, that are commercially available throughout operation of the facility. ARB's Technology and Fuels Assessments provide information on the current and projected development of mobile source technologies and fuels, including current and anticipated costs at widespread deployment. The assessments can be found at http://www.arb.ca.gov/msprog/tech/tech.htm. Additionally, please consider implementing, and planning accordingly for, the necessary infrastructure to support the zero emission and near-zero emission technology vehicles and equipment that will be operating at the Northeast Gateway in the future. There are several ways ARB could support implementing these recommendations, including technical assistance and funding programs. More information on ARB funding programs can be found at http://www.arb.ca.gov/ba/fininfo.htm.

Closing

ARB staff appreciates the opportunity to comment on the Plan. We are pleased to provide assistance for successful implementation and enforcement of this effort that serves the region's distribution and air quality needs, while protecting public health. If you would like to understand more about ARB's freight related work, please see our Sustainable Freight: Pathways to Zero and Near-Zero Emissions Discussion Document at http://www.arb.ca.gov/gmp/sfti/sfti.htm.

Please include ARB on the City of Oakland's Stakeholder List to receive information on the Subject Plans, pursuant to Mitigation Measure PO-1. If you have questions, please contact Ms. Robbie Morris, Air Pollution Specialist, Freight Transport Branch, at (916) 327-0006 or via email at Robbie.Morris@arb.ca.gov.

Sincerely,

Heather Arias, Chief
Freight Transport Branch
Transportation and Toxics Division

cc: See next page.

cc: Mr. Connell Dunning
Transportation Team Supervisor
U.S. Environmental Protection Agency,
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75 Hawthorne Street, ENF-4-2
San Francisco, California 94105

Ms. Margaret Gordon
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Bay Area Air Quality Management
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Oakland, CA 94607

Ms. Robbie Morris
Air Pollution Specialist
Freight Transport Branch
Transportation and Toxics Division

Attachment D

Revised Air Quality Plan for Construction Prepared by Prologis (titled "Northeast Gateway A-D. Construction Management Plan" including related documents; dated August 30, 2016)

PROLOGIS.

August 30, 2016

Darin Ranelletti, Deputy Director
City of Oakland – Bureau of Planning
250 Frank Ogawa Plaza, Suite 3315
Oakland, CA 94612

Via Email

RE: DRX151553 - Oakland Global Logistics Center #1 – Response to Air Quality Stakeholder Comments to SCA-MMRP Public Outreach Element (Mitigation Measure PO-1)

Dear Darin:

We are in receipt of the Stakeholder comments to the construction related Air Quality Standard Conditions of Approval (SCA AIR-1 and SCA AIR-2), which you forwarded via email on June 7, 2016. Subsequent to the conference call we had with various stakeholders on 8/3/16, and for your use in staff recommendation that the public outreach process has been satisfied, we are pleased to present the following responses:

Global Responses:
We received comments from several different stakeholder groups relating to the same topic, which we address by providing the following clarifications:

1. EIR Date/Update – Several comments pertained to the EIR for the project being 10+ years old. We are working from the entitlements provided under the 2012 Development Agreement and SCA-MMRP as amended by City Council 7/16/2013, and includes the 2012 OARB Initial Study/EIR Addendum.
2. Sustainable Design/Attributes – Several groups commented on the lack of Green Building and/or sustainable design elements. The air quality plans submitted for review pertained primarily to the air quality measures during construction. There is a separate Mitigation Measure (MM4.4-6) that relates to energy conserving fixtures and design. To that end, this project will meet and exceed the minimum requirements for MM4.4-6, as well as acheive a LEED Gold certification. Some specific examples of sustainable project design include but not are limited to: building finish floor above the 50-year projected sea level rise, high reflectance "cool" TPO roof, low VOC paints, high recycled content building materials, water efficient irrigation and plantings, energy efficient LED lighting, and low E glazing.
3. Operational Issues – There were several comments pertaining to operational issues that will be addressed at a separate time. The purpose of this phase of public outreach was to get feedback regarding **construction related** air quality items only. The future Air Quality Operations Plan will be subject to the same stakeholder review and any operational comments will be addressed at that time.
4. Future Tenant Improvements - The Project currently under consideration is a "Cold Shell", meaning that no tenant improvements ("TI") are being constructed. The Cold Shell does not involve any interior improvements such as warehouse lighting, office/restroom buildouts, equipment, or racking. The space is unoccupiable until a TI permit is approved, for which the Landlord (Prologis) will have approval rights over. As part of the LEED process, Prologis will have an TI Guidelines exhibit to the Tenant lease, which will

3353 Gateway Blvd., Fremont, California 94538 United States Main +1 510.661.4000 Fax +1 510.565.4320

require the Tenant to implement certain sustainable elements into their design, for example – low flow toilets, or 240v+ plugs for truck refrigerated units. It is important to note that the Cold Shell building design will not preclude mitigations to emmissions during Operations phase.

5. Covered Elsewhere in SCA-MMRP – Several comments address items covered elsewhere in the SCA-MMRP, not specifically a part of Air Quality conditions.

Specific Responses:

1. West Oakland Environmental Indicators Project (WOEIP) Comments:

Comment 1: Nothing about solar
Response: Solar (rooftop or carport) is not a project requirement. We do note that the rooftop is solar-ready - if an energy off-taker is determined in the future, the roof structure has been designed to take an ancillary load of 3 to 5 psf and could be added on.

Comment 2: Shuttle Services do not bring cars into West Oakland
Response: See global response #3 - future Air Quality Operations Plan.

Comment 3: No traffic study cars or trucks
Response: See global response #1 – EIR Update.

Comment 4: There's not an emission reduction plan
Response: See global response #3 - future Air Quality Operations Plan.

Comment 5: EIR is over ten years old
Response: See global response #1 – EIR Update.

Comment 6: No zero emission plan or new technology
Response: See global response #3 - future Air Quality Operations Plan.

Comment 7: No Green Infrastructure
Response: See global response #2 – sustainable design.

Comment 8: No use of electric truck for local freight transportation
Response: See global response #3 - future Air Quality Operations Plan.

Comment 9: No spraying of water from an enclosed fence during construction.
Response: Water must be used during construction to keep dust down. All water used will be contained onsite, behind the fence.

Comment 10: No hours of operations
Response: See global response #4. Standard hours of operations are per SCA NOI-1, Mon – Sat, 7am to 7pm, other hours with prior approval by the City. See CMP, Section 7a.

Comment 11: Nothing in the plan about greenhouse gases reduction.
Response: See global response #4. Not a part of Air Quality. See SCA GCC-1, Greenhouse Gas Reduction. Timing is at Certificate of Occupancy, not prior to permits.

Comment 12: The item on the warehouse is not subject to Planning Commission.
Response: Confirmed, staff approves conformance with Project Design Guidelines.

Comment 13: We don't if there will be indoor air filtration for workers.

Response: Project will comply with mandatory LEED Indoor Environmental Quality Prerequisite #1 – Minimum IAQ performance.

Comment 14: There nothing about recycling and no waste added to the project.
Response: Not a part of Air Quality. See SCA UTL-2, CMP Section 10.

2. Ditching Dirty Diesel Asterick #5 – Charging Stations and Sustainable Freight Policy:

* **This Prologis project includes 55 Trucks, 78 trailer parking stalls, 171 parking stalls and only 2 electric charging stations (for passenger vehicles only we believe).**

There is no mention of utility design , planning , and infrastructure for future Heavy Duty charging stations , forklifts, and cargo handling equipment. It would be very helpful to have ARB provide aggressive guidance here in accordance with its Sustainable Freight Policy. If this policy is to be "Transformative" as the governor has declared it must seriously weigh in on projects such as this in a comprehensive manner. If the current plans do not account for the future energy needs of zero emission HD trucks it will probably be prohibitively expensive to install these needed technologies later.

Response: EV chargers are for passenger vehicle charging only and are provided voluntarily by Prologis. Forklift charging stations are typically provided with tenant improvements as their location is critical to a user's operations. As we understand it, the Sustainable Freight Action Plan is in the implementation phase, with proposed pilot projects already in motion. By virtue of geography, the Project is located within close proximity to intermodal, first-mile, last-mile,and transportation infrastructure of the freight supply chain, which are all goals of the Sustainable Freight Action Plan.

3. ACPH Diesel Emissions Bullet Point #5 – Truck Plug-in Capability

- Another way to minimize idling, particularly for highly polluting refrigerated truck units (so this might be an operations measure), is utilizing truck plug-in capability. If it is feasible, it would be great to include this into the Plan as a pollution reduction measure.

Response: If Prologis leases to a tenant that has refrigerated storage space, it is standard practice to install charging outlets at dock doors designated for cold deliveries. Tenant is not known at this time so this item is still to be determined, but it is commonly part of Tenant Improvements. As we develop the Air Quality Operations Plan, we will work with the City to incorporate appropriate operations requirements regarding charging outlets at dock doors, which would be enforced via TI Guidelines within the Tenant's lease.

4. BAAQMD Attachment re: SCA-AIR-1 – Dust Monitoring

The Northeast Gateway Construction Management Plan submitted to comply with SCA-AIR-1 includes all the construction related mitigation measures listed in SCA-AIR-2, but does not provide the specificity needed to "explain how the project applicant will comply". There are a number of measures that provide an "option" for compliance; in these instances, Air District staff recommends that the applicant identify the criteria for choosing one option over another and identify the process for making that decision. For example, measure (a) requires the Project to increase dust control watering when wind speeds exceed 15 miles per hour; and measure (k) requires soil moisture to be maintained at a minimum of 12 percent; and measure (l) requires all excavation, grading, and demolition activities to be suspended when wind speeds exceed 20 miles per hour. The Plan should identify specifically how wind speeds and soil moisture will be monitored and who is required to maintain compliance logs.

Response: The contractor monitoring process will include: 1) Checking weather reports daily prior to starting construction activity to prepare for wind speeds as necessary. 2) Monitoring weather and dust as day progresses by setting up an anemometer wind speed sensor and checking periodically. 3) Increasing dust control watering as wind speeds increase to maintain minimum 12% moisture content, or to a point at which the earth becomes tacky. See CMP, Section 2, Dust Mitigation Control Plan.

5. BAAQMD Attachment re: measure (u) – CARB verification

Measure (u) requires all equipment used on the construction site and subject to Title 13, Section 2449 of the California Code of Regulations ("California Air Resources Board Off-Road Diesel Regulations") to meet emissions requirements one year in advance of any fleet deadlines. To comply, the proposed Plan indicates that "The project applicant shall provide written documentation that fleet requirements have been met." It is not clear who the written documentation will be submitted to and who will ensure that the appropriate equipment is used at the construction site. Air District staff recommends that this and all projects at the Oakland Army Base submit off-road registration documents approved by the Air Resources Board to determine a fleet's compliance with this requirement. In addition, Air District staff also recommends that only Tier 4 off-road engines be used at the OAB, and if Tier 4 off-road engines are not available for a particular use, then Tier 3 off-road engines be used.

Response: See CMP Section 2, Emission Control Mitigation Plan, part e:
All contractors will be bound by contract to comply with the requirements of CCR Title 13, Section 2449. All written documentation that fleet requirements have been met will be submitted to the City of Oakland for record.
See CMP Section 2, Emission Control Mitigation Plan, part h:
All contractors will be encouraged to use Tier 4 off-road engines for all equipment brought to the site if available. At a minimum, required to use Tier 3 off-road engines for all equipment brought on-site. Contractors shall provide documentation from CARBS DOORS website with fleet summary. Compliance officer to use this documentation to verify equipment meets either Tier 4 orTier 3 requirement.

6. BAAQMD Attachment re: measure (v) – Low VOC Coatings

Measure (v) requires the use of low VOC "coatings beyond local requirements (i.e., BAAQMD Regulation 8, Rule 3: Architectural Coatings)." Air District staff recommends that the Plan identify what the current regulations require and demonstrate how the Project will reduce VOC emissions beyond these requirements.

Response: All coatings will meet VOC Content requirements specified in the attached Project Specification – See Attachment A. This specification meets or exceeds the limits per BAAQMD Regulation 8, Rule 3.

7. ARB Construction Related Recommendations ("CRR's") #1 – CARB verification

1) **Define "late model" under Emission Control Mitigation Plan, protocol "a". We suggest requiring all medium-heavy and heavy-heavy duty trucks, including any alternative fuel vehicles, meet or exceed 2010 emission standards. In addition, consider clarifying the parameters of this measure by requiring all off-road vehicles and equipment meet Tier 4 engine standards. If Tier 4 is not available, the off-road equipment should meet Tier 3 engine standards. Also, consider requiring each contracted fleet to provide an ARB Certificate of Compliance to the onsite Project Compliance Manager prior to commencing operations.**

Response: See CMP Section 2, Emission Control Mitigation Plan, part a & h:
All Contractors will be required to use minimum Tier 3 off-road engines for all equipment brought on-site. Contractors shall provide documentation from CARBS DOORS(Diesel Off-road Online Reporting System) website with their fleet summary. Compliance officer to use this documentation to verify equipment meets Tier 4 or Tier 3 requirement.

8. ARB CRR's #2 – Low Emmission Fuel

Clarify the intention of "low-emission diesel fuel" in the Emission Control Mitigation Plan, protocol "a". This type of fuel is already standard in California; therefore, it is unclear what additional control this measure is offering. As written, this protocol also seems to limit equipment onsite to diesel power. Please consider editing to allow for the flexibility to use zero and near-zero emission equipment as well.

Response: See CMP Section 2, Emission Control Mitigation Plan, part a - d:
Fuel being used will be compliant with California standards and consistent with regulatory requirements for ULSD (Ultra Low Sulfur Diesel). Contractors shall use late model (defined as Tier 4 or Tier 3 heavy-duty diesel-powered equipment, as well as zero and near-zero emission equipment to the extent that it is readily available in the San Francisco Bay Area. Electric boom lifts, scissors lifts, and small tools will be utilized to the extent feasible.

9. ARB CRR's #3 – Alternative Fuel Equipment

Define "alternative fuel construction equipment" under Emission Control Mitigation Plan protocol "b". Without specifying equipment type, it is difficult to determine if this protocol provides appropriate mitigation. We recommend requiring the use of electric construction tools or amending the Plan to identify a target for the minimum amount of electric power tools that will be used onsite, explaining how this measure will be enforced, and clarifying for the public how the target was derived. In addition, we suggest requiring all off-road vehicles and

Response: See CMP Section 2, Emission Control Mitigation Plan, part e:
Temporary electric service from existing infrastructure will be provided on the job-site for contractors to use for small tools and equipment.

10. ARB CRR's #4 – measure (f) response

In addition to monitoring and facilitating implementation of the mitigation measures, the Project Compliance Manager should also ensure compliance with mitigation measures and the Plan. Specify that the Project Compliance Manager will refer any non-compliant fleets to the Bay Area Air Quality Management District for investigation or potential penalties.

Response: See CMP Section 2, Emission Control Mitigation Plan, part f:
The Project Compliance Manager (Randy Knaus) will monitor and facilitate the implementation of mitigation measures. Any off-road equipment that exhibits conditions outside of the manufacturer's specifications, or emits excessive visible smoke, shall be prohibited from operating on-site. All contractors will be subject to this provision and will maintain Inspection Logs daily throughout the project. In addition,the Compliance Manager will complete ARB courses for Visible Emissions Evaluation to enhance ability to ensure equipment is in compliance.

Please note that not every comment was individually addressed in the specific comments section as the responses may have been redundant to other specific responses or covered by one of the global responses.

If you have any questions or comments regarding the responses to the stakeholder review comments, please do not hesitate to contact me.

Sincerely,

Cory Chung
Development Manager

Cc: John Monetta, City of Oakland
Bill Quesada, City of Oakland
Jeff Major, Prologis
Janet Frentzel, Prologis
Jakub Swander, Whiting-Turner
Adam Smith, Whiting-Turner
Steve Rodriguez, Whiting-Turner

Encl: Attachment A – Painting Specification for Low VOC Content Applications
Attachment B – Construction Management Plan, Rev. 3 – August 30, 2016

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SECTION 099123

INTERIOR PAINTING

SUMMARY

A. **Section Includes**: Surface preparation and the application of paint systems on interior substrates as scheduled at the end of the section.

PART 1 - GENERAL

1.1 RELATED DOCUMENTS

A. Drawings and general provisions of the Contract, including General Conditions, and other Division 01 Sections, apply to this Section.

1.2 LEED REQUIREMENTS

A. VOC Content: For field applications that are inside the weatherproofing system, paints and coatings shall comply with VOC content limits of authorities having jurisdiction and the following VOC content limits:

1. Flat Paints and Coatings: 50 g/L.
2. Nonflat Paints and Coatings: 150 g/L.
3. Dry-Fog Coatings: 400 g/L.
4. Primers, Sealers, and Undercoaters: 200 g/L.
5. Anticorrosive and Antirust Paints Applied to Ferrous Metals: 250 g/L.
6. Zinc-Rich Industrial Maintenance Primers: 340 g/L.
7. Pretreatment Wash Primers: 420 g/L.
8. Shellacs, Clear: 730 g/L.
9. Shellacs, Pigmented: 550 g/L.

1.3 LEED SUBMITTALS

A. Product Data: For paints and coatings, indicating VOC content.

1.1 ACTION SUBMITTALS

A. Product Data: **For each type of product**. Include preparation requirements and application instructions.

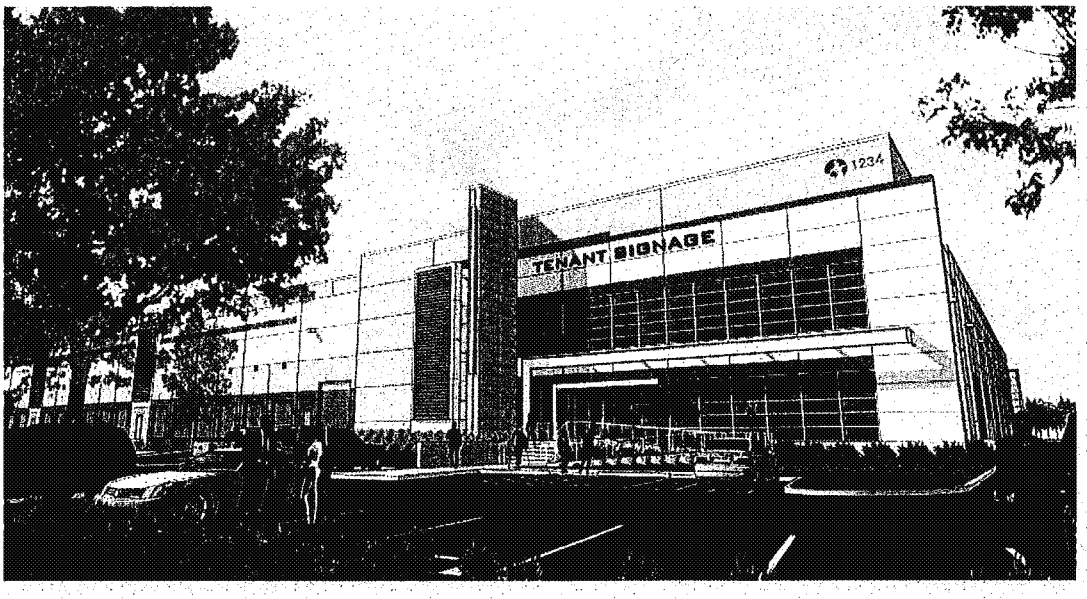
B. **Samples for Verification**: For each type of paint system and in each color and gloss of topcoat.

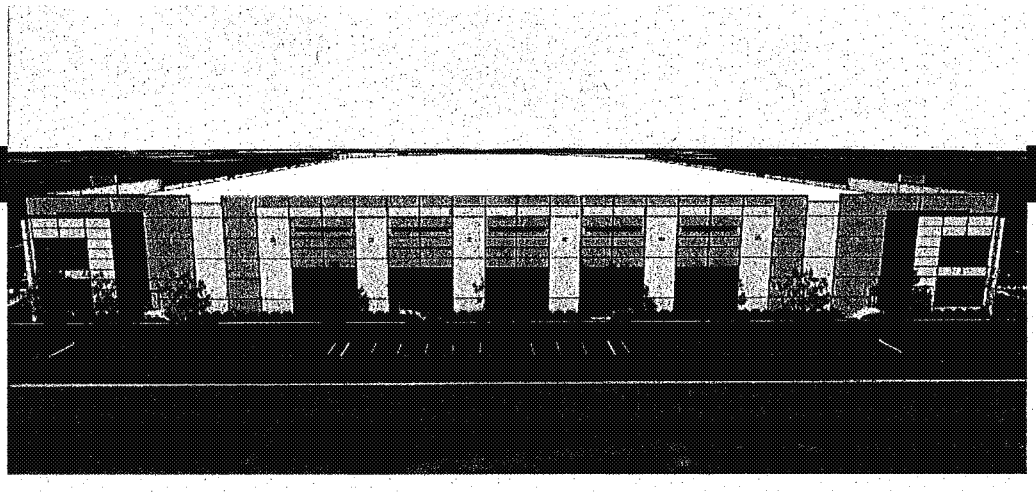
1. Submit Samples on rigid backing, 8 inches square.

C. **Product List**: Include color designations.

NORTHEAST GATEWAY
CONSTRUCTION MANAGEMENT PLAN

Original: April 15th, 2016
Rev #1: July 18th, 2016
Rev #2: July 27th, 2016
Rev #3: August 30th, 2016





THE WHITING-TURNER CONTRACTING COMPANY
4690 Chabot Drive, Suite 120
Pleasanton, California 94588

STEVE RODRIGUEZ
Assistant Project Manager
Office: 925-271-6020
Mobile: 925-351-4622

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WHITING-TURNER

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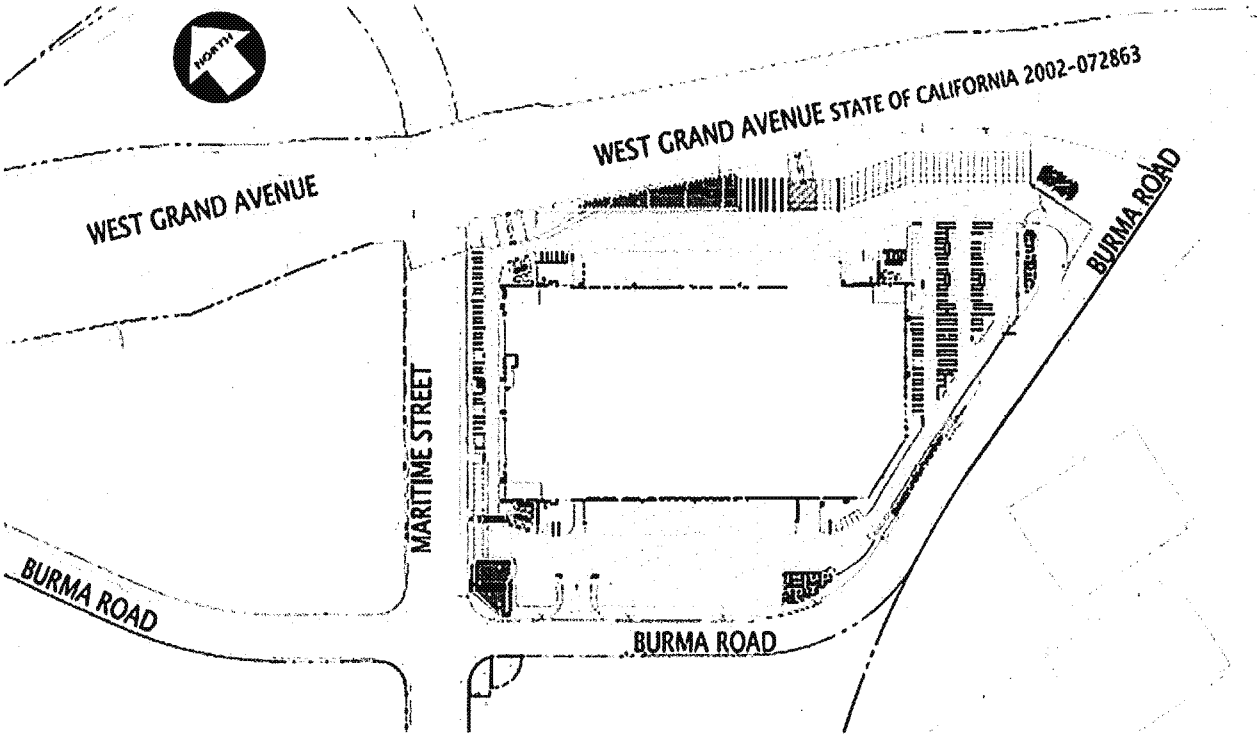
1. Project Overview and General Information



On the Northeast Gateway site Prologis will construct a new 256,000 sf warehouse on a site covering approximately 702,000sf bordered by Maritime Street, Burma Road and West Grand Ave. The project site improvements will include new underground utilities, landscaping, concrete and ac paving and bio-swales. The new warehouse building will include 55 truck docks, 78 trailer parking stalls, 171 auto parking stalls and two electric vehicle charging stations.

SCA-AIR-2 Construction Related Air Pollution Controls

Mitigation Implementation/Monitoring: Ongoing throughout demolition, grading and/or construction.

Requirements:

During Construction, the project applicant shall require the construction contractor to implement all of the following applicable measures recommended by the Bay Area Air Quality Management District (BAAQMD):

a. Water all exposed surfaces of active construction areas at least twice daily (using reclaimed water if possible). Watering should be sufficient to prevent airborne dust from leaving the site. Increased watering frequency may be necessary whenever wind speeds exceed 15 miles per hour. Reclaimed water should be used whenever possible.

b. Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard (i.e., the minimum required space between the top of the load and the top of the trailer).

c. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.

d. Pave all roadways, driveways, sidewalks, etc. as soon as feasible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used.

e. Enclose, cover, water twice daily or apply (non-toxic) soil stabilizers to exposed stockpiles (dirt, sand, etc.).

f. Requirement: Limit vehicle speeds on unpaved roads to 15 miles per hour.

g. Idling times on all diesel-fueled commercial vehicles over 10,000 lbs. shall be minimized either by shutting equipment off when not is use or reducing the maximum idling time to five minutes (as required by Title 13, Section 2485, of the California Code of Regulations. Clear signage to this effect shall be provided for construction workers at all access points.

h. Idling times on all diesel-fueled off-road vehicles over 25 horsepower shall be shall be minimized either by shutting equipment off when not is use or reducing the maximum idling time to five minutes and fleet operators must develop a written idling policy (as required by Title 13, Section 2449 of the California Code of Regulations.)

i. All construction equipment shall be maintained and properly tuned in accordance with the manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.

j. Post a publicly visible sign that includes the contractor's name and telephone number to contact regarding dust complaints. When contacted, the contractor shall respond and take corrective action within 48 hours. The telephone numbers of contacts at the City and the BAAQMD shall also be visible. This information may be posted on other required on-site signage.

k. All exposed surfaces shall be watered at a frequency adequate to maintain minimum soil moisture of 12 percent. Moisture content can be verified by lab samples or moisture probe.

l. All excavation, grading, and demolition activities shall be suspended when average wind speeds exceed 20 mph.

m. Install sandbags or other erosion control measures to prevent silt runoff to public roadways.

n. Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for one month or more).

o. Designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress.

p. Install appropriate wind breaks (e.g., trees, fences) on the windward side(s) of actively disturbed areas of the construction site to minimize wind blown dust. Wind breaks must have a maximum 50 percent air porosity.

q. Vegetative ground cover (e.g., fast-germinating native grass seed) shall be planted in disturbed areas as soon as possible and watered appropriately until vegetation is established.

r. The simultaneous occurrence of excavation, grading, and ground-disturbing construction activities on the same area at any one time shall be limited. Activities shall be phased to reduce the amount of disturbed surfaces at any one time.

s. All trucks and equipment, including tires, shall be washed off prior to leaving the site. Tire washing station will be included at each construction entrance. Water will be contained on-site and reused where possible.

t. Site accesses to a distance of 50 feet from the paved road shall be treated with a 6 to 12 inch compacted layer of wood chips, mulch, or gravel over filter fabric.

u. All equipment to be used on the construction site and subject to the requirements of Title 13, Section 2449 of the California Code of Regulations ("California Air Resources Board Off-Road Diesel Regulations") must meet Emissions and Performance Requirements one year in advance of any fleet deadlines. The project applicant shall provide written documentation that the fleet requirements have been met.

v. Use low VOC (i.e., ROG) coatings beyond the local requirements (i.e., BAAQMD Regulation 8, Rule 3: Architectural Coatings).

Dust Control Mitigation Plan:

The Erosion Control Plan (Exhibit B) was submitted to the City as part of the 02/08/2016 Issue for Permit Drawings. In addition to the dust control measures included in The Erosion Control Plan the following items will be implemented to control dust -

a. Use water trucks to water exposed surfaces during construction activities at least twice daily or more frequently if winds exceed 15 mph. Suspend excavation, grading, and demolition activities when average wind speed exceeds 20 mph. Maintain minimum soil moisture of 12% as indicated by laboratory samples or a moisture meter. Use reclaimed water for dust mitigation whenever feasible. Monitoring process will include:

1) Checking weather reports daily prior to starting construction activity to prepare for wind speeds as necessary.
2) Monitoring weather and dust as day progresses by setting up an anemometer wind speed sensor and checking periodically.
3) Increasing dust control watering as wind speeds increase to maintain minimum 12% moisture content, or to a point at which the earth becomes tacky.

b. Cover truck loads with tarpaulins or keep loads 2 feet below the sideboard of the truck bed to eliminate wind contact with soil or other loaded materials.

c. Require all operators tracking dirt/mud onto public roadways to have a wet power vacuum sweeper present daily during these activities and remove tracked dirt/mud at the end of each day or more frequently if needed.

d. Install construction area entrances at all ingress and egress sites to ensure dirt is kept off of public roads. Construction area entrances will be built using fabric and 3x5 rock to facilitate tire soil removal prior to leaving the site (or as defined by the guidelines in the Best Management Practice Handbook). Ingress/egress sites will also provide dry brushing of loose soil from tires and fenders.

e. As soon as practical and prior to rainy season, cover all access roads and/or permanent roads and building pads with aggregate or asphalt concrete to mitigate tracking of dirt and/or mud offsite.

f. Cover all inactive soil material stockpiles with plastic sheeting or non-toxic soil binders. Water all active stockpiles to maintain 12% moisture.

g. Install fencing with attached windscreen fabric on the windward side of the actively disturbed area of the construction site.

h. Replant vegetation in disturbed areas as quickly as possible.

i. Limit simultaneous occurrence of excavation, grading, and ground disturbance activities on the same area at any one time when feasible.

j. Draft and implement a Project SWPPP. The onsite QSP (Randy Knaus) will monitor runoff before, during, and after rain events. Deficiencies will be logged and corrected immediately. Inactive construction areas will be properly addressed with BMPs to eliminate erosion. Required BMPs will be outlined in the SWPPP and enforced with reporting and inspection.

k. Post signage and enforce 15 mph speed limit requirement for unpaved roads (Exhibit G).

l. Post signage and enforce dust complaint reporting requirement (Exhibit H). Take corrective action to remedy complaints within no more than 48 hours after receiving the complaint.

m. The Project Dust Compliance Manager (Randy Knaus) will monitor and facilitate the implementation of mitigation measures. The Contractor will maintain Daily Inspection Logs throughout the Project.

n. Limit inactive construction areas (previously graded areas inactive for one month or more) by installing planting, finished hardscape, and paving as soon as possible.

o. Designate Randy Knaus (WT Superintendent) as the person to monitor the dust control program and to order increased watering, as necessary.

p. Install fencing with attached windscreen fabric on the windward side of the actively disturbed area of the construction site.

q. Replant vegetation in disturbed areas as quickly as possible.

r. Limit simultaneous occurrence of excavation, grading, and ground disturbance activities on the same area at any one time when feasible.

s. Tire washing station will be included at each construction entrance and all equipment, including tires will be washed off prior to leaving the site.

t. Install construction area entrances at all ingress and egress sites to ensure dirt is kept off of public roads. Construction area entrances will be built using fabric and 3x5 rock to facilitate tire soil removal prior to leaving the site (or as defined by the guidelines in the Best Management Practice Handbook). Ingress/ egress sites will also provide dry brushing of loose soil from tires and fenders

u. All contractors will be bound by contract to comply with the requirements of CCR Title 13, Section 2449. All written documentation that fleet requirements have been met will be submitted to the City of Oakland for record.

v. Install coatings meeting VOC content requirements specified in Project Specification.

Emission Control Mitigation Plan:

To reduce emissions generated by equipment operating onsite the following protocols will be implemented –

Equipment and Fuel Requirements

a. All contractors will be encouraged to use Tier 4 off-road engines for all equipment brought to the site, as available. At a minimum, contractors will be required to use Tier 3 off-road engines for all equipment brought on-site. All contractors will be encouraged to use post 2010 model water trucks, as available. Contractors shall provide Reporting and Labeling documentation required and enforced by CARB. In addition, each contractor shall submit specific list of equipment being proposed for this project site. Compliance officer to use this documentation to verify equipment meets requirement meets either Tier 4 or Tier 3 engine requirement.

b. Fuel being used will be compliant with California standards and consistent with regulatory requirements for Ultra Low Sulfur Diesel (USLD). Use late model (defined as Tier 4, manufactured post 2008, or Tier 3, manufactured post 2006) heavy-duty diesel-powered equipment, as well as zero and near-zero emission equipment at the Project Site to the extent that it is readily available in the San Francisco Bay Area.

c. Utilize alternative fuel construction equipment (i.e., compressed natural gas, liquid petroleum gas, and unleaded gasoline) to the extent that the equipment is readily available and cost effective in the San Francisco Bay Area.

d. Electric boom lifts, scissor lifts, and small tools will be utilized to the extent feasible. Use low-emission diesel fuel for all heavy-duty diesel-powered equipment.

e. Rely on the electricity infrastructure surrounding the construction sites rather than electrical generators powered by internal combustion engines to the extent feasible. Temporary electric service from existing infrastructure will be provided on the job-site for contractors to use for small tools and equipment.

f. Keep all construction equipment properly tuned by a certified mechanic in accordance with the manufacturer's specifications. Operators will provide the Contractor with written documentation of equipment maintenance for all equipment to be used onsite.

g. All contractors will be bound by contract to comply with the requirements of CCR Title 13, Section 2449 (CARB Off-Road Diesel Regulations). All written documentation that fleet requirements for equipment to be used onsite have been met will be submitted to the City of Oakland for record.

h. The CARB Off-Road Diesel Vehicle Regulations will be enforced on this project using the requirements currently in effect and enforced by CARB. All emission standards and related requirements set forth in the CARB Regulations apply on the schedules set forth in the Regulations.
https://www.arb.ca.gov/msprog/ordiesel/ordiesel.htm

The requirements outlined below are currently in effect and being enforced by CARB:

Idling

Equipment operators must limit their unnecessary idling to 5 minutes. There are exceptions for vehicles that need to idle to perform work (such as a crane providing hydraulic power to the boom), vehicles being serviced, or in a queue waiting for work. See Exhibit J for signage describing the Project Idling Policy.

Disclosure, Reporting and Labeling

Sellers of any equipment to be used on the Project must provide disclosure of the Off-Road regulation (exact language provided in the regulation) on the bill of sale or invoice, and must keep records that the disclosure was provided for three years after the sale. The seller must also report the vehicle sale to CARB via DOORS within 30 days of the sale.

Reporting can be completed using DOORS (Diesel Off-road online Reporting System), which is CARB's free online reporting tool for the Off-Road regulation. Additionally, hard copy reporting forms may be submitted. All equipment providers must review and update their information by March 1 of each year that annual reporting is required. Large fleets (fleet size > 5,000 HP) must report annually from 2012 to 2023, medium fleets from 2016 to 2023, and small fleets (fleet size < 2,500 HP) from 2018 to 2028. For each annual reporting date, a fleet must report any changes to the fleet, hour meter readings (for low-use vehicles and vehicles used a majority of the time, but not solely, for agricultural operations), and also must submit the Responsible Official Affirmation of Reporting (ROAR) form. All of these items should be submitted using DOORS. In the event that a fleet cannot, or does not want to meet the fleet average emissions target in a given year, it may instead choose to comply with the BACT (Best Available Control Technology) requirements, which requires installation of VDECS (Verified Diesel Emission Control Strategies), ie. exhaust retrofits, on a certain percentage of their fleet.

All fleet equipment used onsite shall be properly labeled. After a fleet reports their vehicles to CARB, each vehicle is assigned a unique Equipment Identification Number (EIN). The fleet must label its vehicles within

30 days of receiving EINs. Labeling provisions of the Off-Road regulation were amended in December 2010 to require labels on both sides of each vehicle. Additionally, fleets reported as 'captive attainment area fleets' must have labels with a green background instead of red.

Restrictions on Adding Vehicles

The Off-Road regulation restricts fleets from adding vehicles with older tier engines. Contractors adding fleet equipment to be used on the Project shall comply with the following restrictions at a minimum of one year in advance of dates listed below.

Ban on adding Tier 0s – Effective January 1, 2014, a fleet may not add a vehicle with a Tier 0 engine to its fleet. (Note no Tier 0 engines will be permitted onsite).

Prohibition on adding Tier 1s – Also effective January 1, 2014, for large and medium fleets, and January 1 2016 for small fleets, a fleet may not add any vehicle with Tier 1 engine. The engine tier must be tier 2 or higher. (Note no Tier 1 engines will be permitted onsite).

Prohibition on adding Tier 2s – Beginning January 1, 2018, for large and medium fleets, and January 1, 2023, for small fleets, a fleet may not add a vehicle with a Tier 2 engine to its fleet. The engine tier must be Tier 3 or higher. (Note no Tier 2 engines will be permitted onsite).

Enforcement

i. Signage will be posted notifying Contractors that all equipment onsite is subject to the requirements of CCR Title 13, Section 2449 (CARB Off-Road Diesel Regulations) and must meet Emissions and Performance Requirements one year in advance of any fleet deadlines and enforced with inspection and reporting.

j. The Project Compliance Manager (Randy Knaus) will monitor and facilitate the implementation of mitigation measures. Any off-road equipment that exhibits conditions outside of the manufacturer's specifications, or emits excessive visible smoke, shall be prohibited from operating on-site. All contractors will be subject to this provision and will maintain Inspection Logs daily throughout the project. Compliance Manager will complete online ARB courses for Visible Emissions Evaluation to enhance ability to ensure fleets are in compliance with CARB Regulations.

k. Post signage limiting truck and equipment idling time to five minutes or less, in accordance with CCR Title 13, Section 2485 & 2449. (Exhibit J)

l. A program to enforce and monitor vehicle compliance will be developed to ensure that vehicles associated with the Project comply with applicable local, regional, state, and federal air quality requirements. The program will include a gate check component to control vehicle access to and from the Project site and may include a voluntary decal program (i.e., "sticker program") whereby vehicles determined to be in compliance with Project requirements will be issued an exterior decal to assist in identifying compliant vehicles.

SCA-CULT-1: Archaeological Resources

Mitigation Implementation/Monitoring: Ongoing throughout demolition, grading and/or construction.

Requirements:

Pursuant to CEQA Guidelines section 15064.5 (f), "provisions for historical or unique archaeological resources accidentally discovered during construction" should be instituted.

Archaeological Resource Discovery Plan:

a. Halt all activities within a 50-foot radius of discovery of prehistoric or historic subsurface cultural resources, contact a qualified archaeologist or paleontologist to review discovery, and immediately notify the City.

b. Determine avoidance measures and/or further actions in consultation with City and a qualified archaeologist or paleontologist.

SCA-CULT-3: Paleontological Resources

Mitigation Implementation/Monitoring: Ongoing throughout demolition, grading and/or construction.

Requirements:

Pursuant to Section 15064.5 of the CEQA Guidelines in the event of an unanticipated discovery of a paleontological resource during ground disturbing activities the following provisions shall be instituted:

Paleontological Resource Discovery Plan:

a. Halt all activities within a 50-foot radius of discovery of prehistoric or historic subsurface cultural resources, to review discovery, and immediately notify the City.

b. Determine avoidance measures and/or further actions in consultation with City and a qualified archaeologist or paleontologist. Basin Research Associates, Inc. Ph: 510-430-8441

SCA-CULT-2: Human Remains

Mitigation Implementation/Monitoring: Ongoing throughout demolition, grading and/or construction.

Requirements:

Pursuant to Section 15064.5 of the CEQA Guidelines in the event of an unanticipated discovery of human skeletal remains during ground disturbing activities the following provisions shall be instituted:

Human Remains Discovery Plan:

a. Halt all activities upon discovery of human skeletal remains, contact the Alameda County Coroner to review discovery, and immediately notify the City.

b. Cease all activities within a 50-foot radius of discovery if the Alameda County Coroner determines that the remains are Native American, until appropriate arrangements are made.

4. Geology and Soils- Erosion and Sedimentation Controls

SCA-GEO-1: Erosion & Sedimentation Plan

Prior to issuance of a demolition, grading, or building permit; and ongoing throughout demolition, grading, and/or construction:

Requirements:

The project applicant shall obtain a grading permit if required by the Oakland Grading Regulations pursuant to Section 15.04.660 of the Oakland Municipal Code. The grading permit application shall include an erosion and sedimentation control plan for review and approval by the Building Services Division. The erosion and sedimentation control plan shall include all necessary measures to be taken to prevent excessive storm water runoff or carrying by storm water runoff of solid materials on to lands of adjacent property owners, public streets, or to creeks as a result of conditions created by grading operations. The plan shall include, but not be limited to, such measures as short-term erosion control planting, waterproof slope covering, check dams, interceptor ditches, benches, storm drains, dissipation structures, diversion dikes, retarding berms and barriers, devices to trap, store and filter out sediment, and storm water retention basins. Off-site work by the project applicant may be necessary. The project applicant shall obtain permission or easements necessary for off-site work. There shall be a clear notation that the plan is subject to changes as changing conditions occur. Calculations of anticipated storm water runoff and sediment volumes shall be included, if required by the Director of Development or designee. The plan shall specify that, after construction is complete, the project applicant shall ensure that the storm drain system shall be inspected and that the project applicant shall clear the system of any debris or sediment.

Erosion and Sediment Control Action:

An Erosion Control Plan (Exhibit B) was submitted to the Oakland Building Services Department as required for a grading permit pursuant to Section 15.04.660 of the Oakland Municipal Code. As required by code the Erosion Control Plan provides for the following:

a. Prevents excessive storm water runoff

b. Utilizes appropriate short-term erosion control methods, waterproof slope covering, check dams, interceptor ditches, benches, storm drains, dissipation structures, diversion dikes, retarding berms and barriers, storm water retention basins, and devices to trap, store, and filter sediment.

c. The storm drain system shall be inspected to verify that the onsite system is cleared of debris and/or sediment. A copy of the survey shall be submitted to the City for review and approval.

d. Grading will be prohibited between October 15 and April 15 unless written authorization is obtained from the City Building Services Division.

SCA-HAZ-1: Best Management Practices for Soil and Groundwater Hazards

Mitigation Implementation/Monitoring: Ongoing throughout demolition, grading, and/or construction activities.

Requirements:
The project applicant shall implement all of the following Best Management Practices (BMPs) regarding potential soil and groundwater hazards:

a. Soil generated by construction activities shall be stockpiled onsite in a secure and safe manner or if designated for off-site disposal at a permitted facility, the soil shall be loaded, transported and disposed of in a safe and secure manner. All contaminated soils determined to be hazardous or non-hazardous waste must be adequately profiled (sampled) prior to acceptable reuse or disposal at an appropriate off-site facility. Specific sampling and handling and transport procedures for reuse or disposal shall be in accordance with applicable local, state and federal agencies laws, in particular, the Regional Water Quality Control Board (RWQCB) and/ or the Alameda County Department of Environmental Health (ACDEH) and policies of the City of Oakland. The excavation, on-site management, and off-site disposal of soil from Project areas within the OARB shall follow the DTSC-approved RAP/RMP.

b. Groundwater pumped from the subsurface shall be contained onsite in a secure and safe manner, prior to treatment and disposal, to ensure environmental and health issues are resolved pursuant to applicable laws and policies of the City of Oakland, the RWQCB and/or the ACDEH. The on-site management and off-site disposal of groundwater extracted from Project areas within the OARB shall follow the DTSC-approved RAP/RMP for Project areas within the OARB. Engineering controls shall be utilized, which include impermeable barriers to prohibit groundwater and vapor intrusion into the building (pursuant to the Standard Condition of Approval regarding Radon or Vapor Intrusion from Soil and Groundwater Sources.

c. Prior to issuance of any demolition, grading, or building permit, the applicant shall submit for review and approval by the City of Oakland, written verification that the appropriate federal, state or county oversight authorities, including but not limited to the RWQCB and/or the ACDEH, have granted all required clearances and confirmed that the all applicable standards, regulations and conditions for all previous contamination at the site. The applicant also shall provide evidence from the City's Fire Department, Office of Emergency Services, indicating compliance with the Standard Condition of Approval requiring a Site Review by the Fire Services Division pursuant to City Ordinance No. 12323, and compliance with the Standard Condition of Approval requiring a Phase I and/or Phase II Reports.

Hazards and Hazardous Material Mitigation Plan:

See Exhibit O for closure reports related to RMP/RAP. See Exhibit N for Fire Safety Phasing Plan.

All subcontractors shall be required by to comply with the RAP/RMP and Soils Management Plan which includes provisions for the following:

a. All soil stockpiles shall be consolidated in a safe and secure manner.

b. Soil shall be profiled prior to off-haul and disposal.

c. All soils determined to be unsuitable for reuse onsite shall be loaded, transported and disposed of in a secure and safe manner and in accordance with applicable local, state, and federal laws, regulations, and/or policies.

d. Groundwater pumped onsite shall be contained in a safe and secure manner and will only be disposed of at permitted facilities.

SCA-HAZ-2: Hazards Best Management Practices

See Exhibit O for closure reports related to RMP/RAP
Mitigation Implementation/Monitoring: Ongoing throughout demolition, grading, and/or construction activities.

Requirements:

The project applicant and construction contractor shall ensure Best Management Practices (BMPs) are implemented as part of construction to minimize the potential negative effects to groundwater and soils. These shall include the following:

a. Follow manufacture's recommendations on use, storage, and disposal of chemical products used in construction.

b. Avoid overtopping construction equipment fuel gas tanks.

c. During routine maintenance of construction equipment, properly contain and remove grease and oils.

d. Properly dispose of discarded containers of fuels and other chemicals.

e. Ensure that construction would not have a significant impact on the environment or pose a substantial health risk to construction workers and the occupants of the proposed development. Soil sampling and chemical analyses of samples shall be performed to determine the extent of potential contamination beneath all USTs, elevator shafts, clarifiers, and subsurface hydraulic lifts when on-site demolition, or construction activities would potentially affect a particular development or building.

f. If soil, groundwater or other environmental medium with suspected contamination is encountered unexpectedly during construction activities (e.g., identified by odor or visual staining, or if any underground storage tanks, abandoned drums or other hazardous materials or wastes are encountered), the applicant shall cease work in the vicinity of the suspect material, the area shall be secured as necessary, and the applicant shall take all appropriate measures to protect human health and the environment. Appropriate measures shall include notification of regulatory agency(ies) and implementation of the actions described in the City's Standard Conditions of Approval (and DTSC-approved RAP/RMP for Project area within the OARB), as necessary, to identify the nature and extent of contamination. Work shall not resume in the area(s) affected until the measures have been implemented under the oversight of the City or regulatory agency, as appropriate.

Hazards Best Management Practices Mitigation Plan:

a. During construction comply with the RAP/RMP and Soils Management Plan.

b. Prepare a Project Storm Water Pollution Prevention Plan (SWPPP) that includes site hazardous materials and waste management BMPs, proper procedures for storing and handling construction materials onsite, and cleanup measures for accidental releases.

c. Collect environmental samples if suspected contamination, abandoned drums, USTs, elevator shafts, clarifiers, or subsurface hydraulic lifts are encountered during construction, and immediately notify Mark Arniola at (510) 238-7371.

d. Prepare task-specific Health and Safety Plan for construction activities in areas with known or suspected contamination.

e. Follow recommendations provided by a qualified environmental consultant for the profiling, handling, treating, transportation, and/or disposal of any other materials classified as potentially hazardous waste.) (Farallon Consulting, LLC Ph: 510-879-6800)

SCA-HYD-1: Storm Water Pollution Prevention Plan (SWPPP)

Mitigation Implementation/Monitoring: Prior to and ongoing throughout demolition, grading, and/or construction activities.

Requirements:

The project applicant must obtain coverage under the General Construction Activity Storm Water Permit (General Construction Permit) issued by the State Water Resources Control Board (SWRCB). The project applicant must file a notice of intent (NOI) with the SWRCB. The project applicant will be required to prepare a storm water pollution prevention plan (SWPPP) and submit the plan for review and approval by the Building Services Division. At a minimum, the SWPPP shall include a description of construction materials, practices, and equipment storage and maintenance; a list of pollutants likely to contact storm water; site-specific erosion and sedimentation control practices; a list of provisions to eliminate or reduce discharge of materials to storm water; Best Management Practices (BMPs), and an inspection and monitoring program. Prior to the issuance of any construction-related permits, the project applicant shall submit to the Building Services Division a copy of the SWPPP and evidence of submittal of the NOI to the SWRCB. Implementation of the SWPPP shall start with the commencement of construction and continue through the completion of the project. After construction is completed, the project applicant shall submit a notice of termination to the SWRCB.

Storm Water Pollution Prevention Action Items:

a. Prepare a construction SWPPP signed by a Qualified SWPPP Developer (QSD).

b. File a NOI with the SWRCB.

c. Submit SWPPP to the Water Board and City for review and approval.

d. File a NOT with the SWRCB at the completion of construction.

e. On behalf of the Developer and/or its Contractor, a QSP will perform periodic inspections to confirm compliance.

SCA-NOI-1: Days/Hours of Construction Operation

Mitigation Implementation/Monitoring: Ongoing throughout demolition, grading, and/or construction activities. The project applicant shall require construction contractors to limit standard construction activities as follows:

Requirements:

The project applicant shall require construction contractors to limit standard construction activities as follows:

a. Construction activities are limited to between 7:00 a.m. and 7:00 p.m. Monday through Saturday, except that barging and unloading of soil shall be allowed 24 hours per day, 7 days per week for about 15 months.

b. Any construction activity proposed to occur outside of the standard hours of 7:00 a.m. to 7:00 p.m. Monday through Saturday for special activities (such as concrete pouring which may require more continuous amounts of time) shall be evaluated on a case by case basis, with criteria including the proximity of residential uses and a consideration of resident's preferences for whether the activity is acceptable if the overall duration of construction is shortened and such construction activities shall only be allowed with the prior written authorization of the Building Services Division. The project applicant shall also submit an air quality report prepared by a qualified professional evaluating the air quality impacts of the special activities, if the duration of each activity exceeds 6 months.

c. No construction activity shall take place on Sundays or Federal holidays, except as noted above.

d. Construction activities include but are not limited to: truck idling, moving equipment (including trucks, elevators, etc) or materials, deliveries, and construction meetings held on-site in a non-enclosed area.

e. Applicant shall use temporary power poles instead of generators where feasible.

f. All requests to Building Services to work outside normal work days & hours require a Neighborhood Survey (Exhibit P) to be circulated at least 10-days in advance of proposed work to nearby residents and businesses within 300 feet of the job site. A draft of the Neighborhood Survey needs to be approved by Building Services prior to circulating it for community input. Results of the survey are forwarded to Building Services 2 days in advance of scheduled work, to be considered prior to granting written authorization.

Construction Work Hours Plan:

Developer and/or its Contractor will specify in the Project Plans, install signage, and perform periodic inspections, including gate checks, to confirm the following actions:

a. Construction activities will be conducted Monday through Saturday from 7:00am to 7:00 pm. (Exhibit H)

b. Sunday and holiday hours will be from 7:00 am to 4:00 pm with prior City approval.

c. Utilize temporary power poles instead of generators when feasible.

SCA-NOI-2: Noise Control & SCA-NOI-5: Operational Noise – General

Mitigation Implementation/Monitoring: Ongoing throughout demolition, grading, and/or construction activities. Noise levels from the activity, property, or any mechanical equipment on site shall comply with the performance standards of Section 17.120 of the Oakland Planning Code and Section 8.18 of the Oakland Municipal Code. If noise levels exceed these standards, the activity causing the noise shall be abated until appropriate noise reduction measures have been installed and compliance verified by the Planning and Zoning Division and Building Services. To reduce noise impacts due to construction, the project applicant shall require construction contractors to implement a site-specific noise reduction program, subject to the Planning and Zoning Division and the Building Services Division review and approval, which includes the following measures:

Requirements:

Noise levels from the activity, property, or any mechanical equipment on site shall comply with the performance standards of Section 17.120 of the Oakland Planning Code and Section 8.18 of the Oakland Municipal Code. If noise levels exceed these standards, the activity causing the noise shall be abated until appropriate noise reduction measures have been installed and compliance verified by the Planning and Zoning Division and Building Services.

To reduce noise impacts due to construction, the project applicant shall require construction contractors to implement a site-specific noise reduction program, subject to the Planning and Zoning Division and the Building Services Division review and approval, which includes the following measures:

a. Equipment and trucks used for project construction shall utilize the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures and acoustically-attenuating shields or shrouds, wherever feasible).

b. Except as provided herein, Impact tools (e.g., jack hammers, pavement breakers, and rock drills) used for project construction shall be hydraulically or electrically powered to avoid noise associated with compressed air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used; this muffler can lower noise levels from the exhaust by up to about 10 dBA. External jackets on the tools themselves shall be used, if such jackets are commercially available and this could achieve a reduction of 5 dBA. Quieter procedures shall be used, such as drills rather than impact equipment, whenever such procedures are available and consistent with construction procedures.

c. Stationary noise sources shall be located as far from adjacent receptors as possible, and they shall be muffled and enclosed within temporary sheds, incorporate insulation barriers, or use other measures as determined by the City to provide equivalent noise reduction.

d. The noisiest phases of construction shall be limited to less than 10 days at a time. Exceptions may be allowed if the City determines an extension is necessary and all available noise reduction controls are implemented.

Noise Control Mitigation Plans:

Developer and/or its Contractor will specify in the Project Plans, install signage (Exhibit H), and perform periodic inspections to confirm the following actions:

a. Use BACTs for noise control on construction equipment and trucks.

b. Use hydraulically or electrically powered impact tools.

c. Use exhaust mufflers when pneumatically powered tools are imperative.

d. Locate stationary noise sources as far from receptors as possible.

e. Limit the noisiest phases of construction to periods of no more than 10 consecutive days.

f. Comply with decibel levels and other aspects of the City of Oakland Noise Ordinance.

SCA-NOI-3: Noise Complaint Procedures

Mitigation Implementation/Monitoring: Ongoing throughout demolition, grading, and/or construction activities. Prior to the issuance of each building permit, along with the submission of construction documents, the project applicant shall submit to the Building Services Division a list of measures to respond to and track complaints pertaining to construction noise. These measures shall include:

Requirements:

Prior to the issuance of each building permit, along with the submission of construction documents, the project applicant shall submit to the Building Services Division a list of measures to respond to and track complaints pertaining to construction noise. These measures shall include:

a. A procedure and phone numbers for notifying the Building Services Division staff and Oakland Police Department; (during regular construction hours and off-hours);

b. A sign posted on-site pertaining with permitted construction days and hours and complaint procedures and who to notify in the event of a problem. The sign shall also include a listing of both the City and construction contractor's telephone numbers (during regular construction hours and off-hours);

c. The designation of an on-site construction complaint and enforcement manager for the project;

d. Notification of neighbors and occupants within 300 feet of the project construction area at least 30 days in advance of extreme noise generating activities about the estimated duration of the activity; and

e. A preconstruction meeting shall be held with the job inspectors and the general contractor/on-site project manager to confirm that noise measures and practices (including construction hours, neighborhood notification, posted signs, etc.) are completed.

Noise Complaint Mitigation Plan:

Developer and/or its Contractor will perform periodic inspections to confirm the following actions:

a. The project team will hold a pre-construction meeting with the Building Services Division staff to discuss noise control measures and to provide an opportunity for inspection and verification of noise control measures.

b. The project team will post signage with construction hours of operation and contact information for the Building Services Department, Oakland Police Department and the Contractor's noise enforcement representatives. Randy Knaus and Steve Rodriguez are the Contractor's noise enforcement representatives for this project. Randy and Steve are responsible for documenting complaints in the Noise Complaint Log and remedying complaints within 48 hours after receiving the complaint.

c. The project team will notify neighbors and occupants within 300 feet of the project site at least 30 days in advance of extreme noise generating activities.

d. All noise complaints received will be documented in the Noise Complaint Log (Exhibit I). At a minimum the following information will be documented in the log: date of complaint, contact information for person providing a noise complaint, reason for the complaint, action taken and/or resolution. Additionally, an email will be notified within 48 hours with an explanation of the corrective measures taken, if applicable. Complaint Logs (Exhibit I) will be maintained up to date and shall be submitted to the Building Services Division monthly and upon request.

SCA-NOI-6: Pile Driving and Other Extreme Noise Generators

Mitigation Implementation/Monitoring: Ongoing throughout demolition, grading, and/or construction activities.

Requirements:

To further reduce potential pier drilling, pile driving and/or other extreme noise generating construction impacts greater than 90dBA, a set of site-specific noise attenuation measures shall be completed under the supervision of a qualified acoustical consultant. Prior to commencing construction, a plan for such measures shall be submitted for review and approval by the Planning and Zoning Division and the Building Services Division to ensure that maximum feasible noise attenuation will be achieved. This plan shall be based on the final design of the project. A third-party peer review, paid for by the project applicant, may be required to assist the City in evaluating the feasibility and effectiveness of the noise reduction plan submitted by the project applicant. The criterion for approving the plan shall be a determination that maximum feasible noise attenuation will be achieved. A special inspection deposit is required to ensure compliance with the noise reduction plan. The amount of the deposit shall be determined by the Building Official, and the deposit shall be submitted by the project applicant concurrent with submittal of the noise reduction plan. The noise reduction plan shall include, but not be limited to, an evaluation of implementing the following measures. These attenuation measures shall include as many of the following control strategies as applicable to the site and construction activity:

a. Erect temporary plywood noise barriers around the construction site, particularly along on sites adjacent to residential buildings.

b. Implement "quiet" pile driving technology (such as pre-drilling of piles, the use of more than one pile driver to shorten the total pile driving duration), where feasible, in consideration of geotechnical and structural requirements and conditions.

c. Utilize noise control blankets on the building structure as the building is erected to reduce noise emission from the site.

d. Evaluate the feasibility of noise control at the receivers by temporarily improving the noise reduction capability of adjacent buildings by the use of sound blankets for example and implement such measure if such measures are feasible and would noticeably reduce noise impacts.

e. Monitor the effectiveness of noise attenuation measures by taking noise measurements.

Extreme Noise Generator Mitigation Plan:

Developer, its Contractor, and/or its consultant will:

a. In the event of a noise complaint, will contract with a qualified acoustical engineer to access construction noise levels at City approved monitoring locations, in order to verify compliance with Oakland Noise Regulations related to construction. The consultant will produce a site-specific noise reduction plan with recommended noise control measures for review and approval by Building Services, and the project sponsors will apply all prescribed noise reduction measures in this plan.

b. Developer and/or its Contractor will perform periodic inspections to confirm compliance.

c. Hire qualified noise consultant for initial noise assessment and provide written letter with findings. See Exhibit R – Noise Consultant Review Letter.

SCA-PSU-2: Fire Safety Phasing Plan – Mitigation 4.9-3

Mitigation Implementation/Monitoring: Prior to issuance of a demolition, grading, and/or construction and concurrent with any p-job submittal permit.

Requirments:

The Port and City shall require developers within their respective jurisdictions to notify OES of their plans in advance of construction or remediation activities. Each developer proposing construction in the redevelopment project area would be required to notify OES prior to initiation of construction, so that OES may plan emergency access and egress taking into consideration possible conflicts or interference during the construction phase. The developer would also be required to notify OES once construction is complete.

Fire Safety Phasing Plan:

The Developer or its Contractor will:

a. Notify California Emergency Management Agency (CalEMA, formerly OES) prior to and at the completion of construction.

b. Submit a separate fire safety phasing plan (Exhibit N) 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.

SCA-TRANS-2: Construction Traffic and Parking

Mitigation Implementation/Monitoring: Prior to the issuance of a demolition, grading or building permit; and on-going throughout demolition, grading, and/or construction.

Requirement:

The project sponsor and construction contractor shall meet with appropriate City of Oakland agencies to determine traffic management strategies to reduce, to the maximum extent feasible, traffic congestion and the effects of parking demand by construction workers during construction of this project (see also SCA TRANS-1, especially "h") and other nearby projects that could be simultaneously under construction. The project sponsor shall develop a construction management plan. The plan shall be submitted to EBMUD, the Port, and Caltrans for their review and comment ten (10) business days before submittal to the City. The project sponsor shall consider in good faith such comments and revise the plan as appropriate. The revised plan shall be submitted for review and approval by the City's Planning and Zoning Division, the Building Services Division, and the Transportation Services Division. The plan shall include at least the following items and requirements:

a. A set of comprehensive traffic control measures, including scheduling of major truck trips and deliveries to avoid peak traffic hours, detour signs if required, lane closure procedures, signs, cones for drivers, and designated construction access routes.

b. Notification procedures for adjacent project sponsors and public safety personnel regarding when major deliveries, detours, and lane closures will occur.

c. Location of construction staging areas for materials, equipment, and vehicles at an approved location.

d. A process for responding to, and tracking, complaints pertaining to construction activity, including identification of an onsite complaint manager. The manager shall determine the cause of the complaints and shall take prompt action to correct the problem. Planning and Zoning shall be informed who the Manager is prior to the issuance of the first permit issued by Building Services.

e. Provision for accommodation of pedestrian flow.

f. Provision for parking management and spaces for all construction workers to ensure that construction workers do not park in on-street spaces (see also SCA TRANS-1, especially "h").

g. Any damage to the street caused by heavy equipment, or as a result of this construction, shall be repaired, at the applicant's expense, within one week of the occurrence of the damage (or excessive wear), unless further damage/excessive wear may continue; in such case, repair shall occur prior to issuance of a final inspection of the building permit. All damage that is a threat to public health or safety shall be repaired immediately. The street shall be restored to its condition prior to the new construction as established by the City Building Inspector and/or photo documentation, at the applicant's expense, before the issuance of a Certificate of Occupancy.

h. Any heavy equipment brought to the construction site shall be transported by truck, where feasible.

i. No materials or equipment shall be stored on the traveled roadway at any time.

j. Prior to construction, a portable toilet facility and a debris box shall be installed on the site, and properly maintained through project completion.

k. All equipment shall be equipped with mufflers.

l. Prior to the end of each work day during construction, the contractor or contractors shall pick up and properly dispose of all litter resulting from or related to the project, whether located on the property, within the public rights-of-way, or properties of adjacent or nearby neighbors. Specifically, to further implement SCA TRANS-2,

m. A traffic construction management analysis was performed which recommended certain improvements to the Adeline/5th and Adeline/3rd Street and Adeline Street intersection, which is discussed under construction impacts of the Traffic and Transportation section of the 2012 OARB Initial Study/Addendum. The requirement for these improvements is not applicable to Prologis's vertical project.

Construction Traffic and Parking Mitigation Plan:

The Developer, its Contractor, or its consultant will prepare a Traffic Control Plan if encroachment into the public right-of-way is required. When required, a Traffic Control Plan will be submitted to EBMUD, the Port, and CalTrans for review and comment no less than 10 days prior to submittal to the City. Incorporate comments and revise plan as appropriate.

a. Submit the Traffic Control Plan to the City for review and approval prior to undertaking any project construction that affects pedestrian or vehicular circulation in the public right-of-way.

b. Schedule major truck trips and deliveries to avoid peak traffic hours.

c. Designate construction access routes, construction staging areas, remediation staging areas, construction and visitor parking areas, and pedestrian walkways. Delineate these areas on Project plans. (Exhibit D & F) All truck traffic involving vehicles over 2 tons are restricted to pre-approved truck route. This will be a contractual requirement. In addition, this requirement will be communicated at the each subcontractor preconstruction meeting and weekly subcontractor meetings

d. Notify adjacent property owners and occupants and public safety personnel and erect electronic message boards in advance of major deliveries, detours, and/or lane closures. (Exhibit K)

e. Survey and document existing conditions prior to construction. Repair damage to streets caused by construction equipment within one week of occurrence unless damage is anticipated to continue. Immediately repair damage that is a threat to public health or safety.

f. Transport heavy equipment to the site by truck/trailer.

g. Require all operators tracking dirt/mud onto public roadways to have a wet power vacuum sweeper present daily during these activities and remove tracked dirt/mud at the end of each day or more frequently if needed. (See Dust Control Mitigation Plan)

h. Install construction area entrances at all ingress and egress sites to ensure dirt is kept off of public roads. (See Exhibit B and Dust Control Mitigation Plan)

i. Draft and implement a Project SWPPP. Required BMPs will be outlined in the SWPPP and enforced with reporting and inspection.

j. Inspect construction area and vicinity daily, and collect and properly dispose of construction-related litter, whether located on the property, within the public rights-of-way, or adjacent properties.

k. Post signage and enforce traffic control measures with reporting and/or inspection.

l. Develop a process for receiving, responding to, and tracking complaints. (See Exhibit I)

m. The Project Compliance Manager Randy Knaus will monitor and facilitate the implementation of mitigation measures. The Compliance Manager will maintain Daily Inspection Logs throughout the Project. (See exhibit M)

n. All equipment will be equipped with mufflers to reduce pollutants and noise. Developer, its Contractor, and/ or its consultant will perform periodic inspections to confirm compliance.

o. An updated Project Truck Log (Exhibit L) will be submitted to Building Services monthly and upon request. The log will summarize all deliveries and off-hauls involving weights (truck + haul load) of 2 to 5 tons, and > 5 tons.

p. Project Truck Log (Exhibit L) and pre-and post-construction videos (Exhibit Q) will be taken to assess potential wear and tear solely due to traffic directly and specifically attributable to construction of the North East Gateway.

SCA-UTL-2: Waste Reduction and Recycling

Mitigation Implementation/Monitoring: Prior to the issuance of a demolition, grading or building permit.

Requirements:

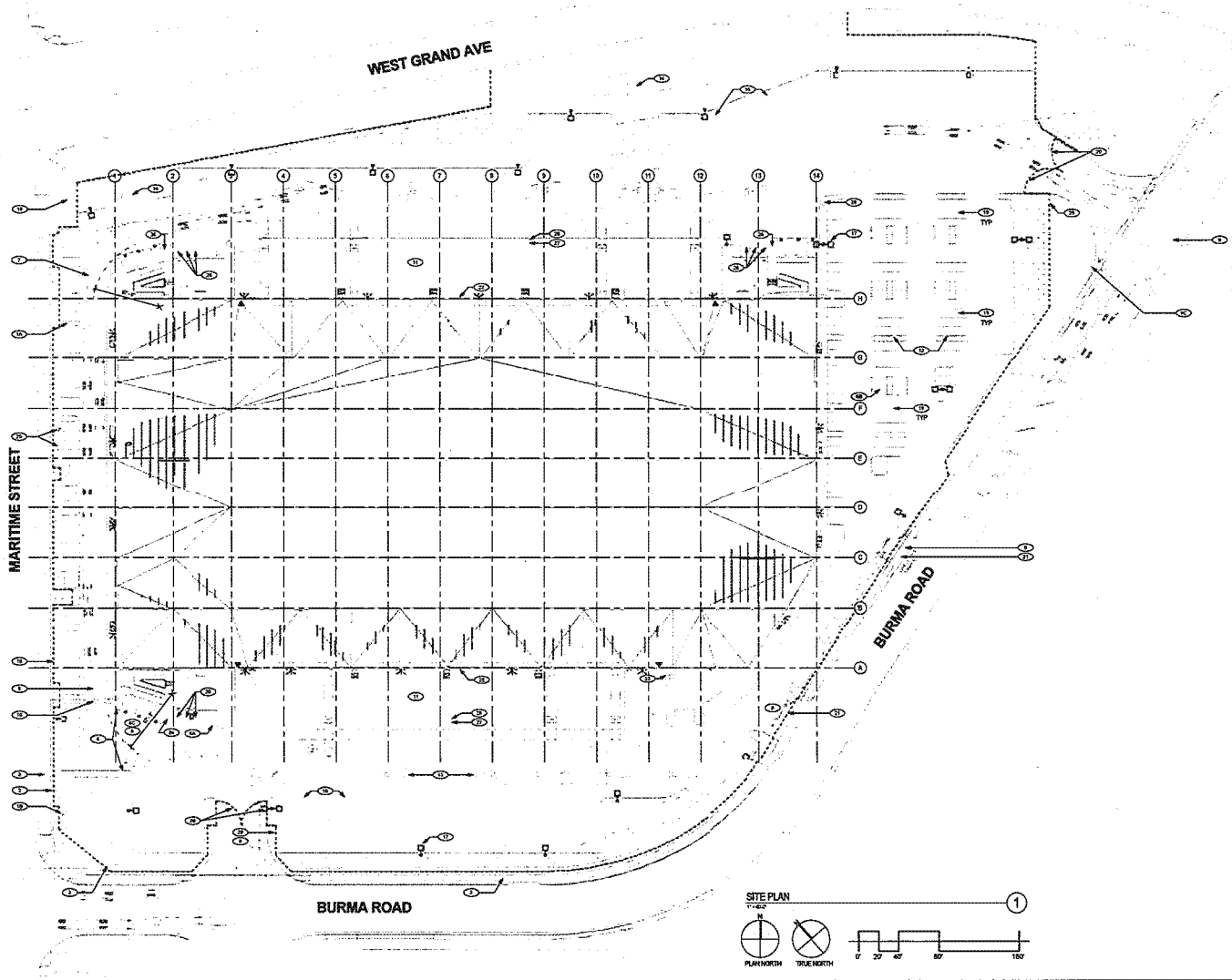
The project applicant will submit a Construction & Demolition Waste Reduction and Recycling Plan (WRRP) and an Operational Diversion Plan (ODP) for review and approval by the Public Works Agency. Chapter 15.34 of the Oakland Municipal Code outlines requirements for reducing waste and optimizing construction and demolition (C&D) recycling. Affected projects include all new construction, renovations/alterations/modifications with construction values of $50,000 or more (except R-3), and all demolition (including soft demo). The WRRP must specify the methods by which the development will divert C&D debris waste generated by the proposed project from landfill disposal in accordance with current City requirements. Current standards, FAQs, and forms are available at *http://www2.oaklandnet.com/Government/o/PWA/o/FE/s/GAR/OAK024368* or in the Green Building Resource Center. After approval of the plan, the project applicant shall implement the plan.

Waste Reduction and Recycling Action:

The Developer, its Contractor, or its consultant will:

a. Prepare a Waste Reduction and Recycling Plan. Submit the plan to the City for review and approval.

b. Identify and track all waste for applicability of reuse or diversion.



SITE STATISTICS

PARCEL NUMBER:	018 050701000
ZONING:	D-CE
HEIGHT - CENTRAL BUSINESS DISTRICT:	N/A
HEIGHT - COMMERCIAL CORRIDOR:	N/A
MAXIMUM BUILDING HEIGHT:	85'-0" (PER OAKLAND ZONING 17.101F.050)
MAXIMUM FLOOR AREA RATIO:	5 (PER OAKLAND ZONING 17.101F.050)
GENERAL PLAN:	BUSINESS MIX
CONDO CONVERSION IMPACT AREA:	NO
CITY COUNCIL DISTRICT:	CCD3
S26 SERVICE DISTRICT:	1
PORT OF OAKLAND JURISDICTION:	NO
LOCAL HISTORIC PROPERTY CATEGORY:	LOCAL REGISTER
LOCAL HISTORIC DISTRICT:	
OCHS RATING:	
CONSTRUCTION DATE:	
LOCAL LANDMARK:	NO
NATIONAL HISTORIC LANDMARK :	NO
HERITAGE PROPERTY:	NO
DESIGNATED HISTORIC DISTRICT:	NO
MILLS ACT	NO
WHIPSNAKE CRITICAL HABITAT:	NO
FLOOD ZONE:	NO
HAYWARD FAULT ZONE:	NO
LIQUEFACTION HAZARD ZONE:	YES, LIQUEFACTION SEVERITY 5
WILD FIRE ASSESSMENT DISTRICT:	NO
TOTAL SITE AREA =	702,071.2175 G.S.F. = 16.12 ACRES
TOTAL BLDG AREA =	258,136 G.S.F.
SITE COVERAGE =	36.76 %
TOTAL VEHICLE PARKING =	234 STALLS = .84 / 1000 S.F.
TOTAL TRAILER PARKING =	73 TRAILER STALLS (12' X 50')
PARKING STANDARDS (17.116.290)	
STANDARD PARKING STALLS	18' DEEP X 8.5' WIDE
COMPACT PARKING STALLS	15' DEEP X 7.5' WIDE (50% MAX)
PARALLEL PARKING STALLS	26.5' DEEP X 7.5' WIDE
DRIVE ISLE WIDTH (17.116.210) AT 90 DEGREE PARKING:	21 FEET MINIMUM
REQUIRED PARKING PER ZONING CODE:	
OFFICE (17.116.060 C. BUSINESS):	1 / 600 S.F.
INDUSTRIAL ACTIVITIES (17.116.090)	1 / 1500 S.F. OR 1 FOR EACH 3 EMPLOYEES (WHICHEVER IS GREATER)
REQUIRED PARKING BY USE:	
OFFICE = (8,348 S.F. @ 1/600 S.F.)	14 STALLS
WAREHOUSE = (247,787 S.F. @ 1/1500 S.F.)	165 STALLS
TOTAL PARKING REQUIRED =	179 STALLS = .70 / 1000 S.F.
TOTAL PARKING PROVIDED =	178 STALLS = .70 / 1000 S.F.

BIORETENTION AREAS

12' X 14' GRADE LEVEL SECTIONAL ROLL UP DOOR

8' X 10' DOCK LEVEL SECTIONAL ROLL UP DOOR

KEY NOTES

1A SITE SIGNAGE FOR REFERENCE ONLY - OVERALL DEVELOPMENT PYLON SIGN

1B SITE SIGNAGE FOR REFERENCE ONLY - BUILDING MONUMENT SIGN

1C SITE SIGNAGE FOR REFERENCE ONLY - CUSTOMER DIRECTORY SIGNS (2 TOTAL)

2 PROPERTY LINES TO REMAIN

3 50' WIDE (MIN 8.5M SIDEWALK) AT MARITIME AND BURMA RD

4 TYPICAL 8" TALL 12" WIDE CONCRETE CURBS

5 TYPICAL 4" WIDE TRAFFIC STRIPING

6A TYPICAL PARKING - STANDARD STALLS 18'-0" DEEP MIN 9' X 18' SHOWN THROUGHOUT

6B TYPICAL PARKING - COMPACT STALLS 15'-0" X 7.5' MIN (15'-0" X 7.5' SHOWN THROUGHOUT, 50%)

6C TYPICAL PARKING - ACCESSIBLE PARKING STALLS 9'-0" X 18' WITH 7' PARKING OVERHANG WITH 8' DRIVE AISLE IN 2.2' ZONE AS SHOWN

7 TYPICAL DRIVE AISLE, 22'-0" MIN (ACTUAL SIZES INDICATED)

8 PARKING AND DRIVE AISLES TO BE ASPHALTIC CONCRETE

9 PROPOSED LOCATION OF NEW SITE ACCESS DRIVE CURB CUT AT BURMA RD

10 NEW CONCRETE PEDESTRIAN WALKS 10'-0" WIDE MIN. ADA REQUIRED ALL SIDEWALKS TO BE ACCESSIBLE PATHS OF TRAVEL, SLOPE NOT EXCEED 1:20 (5%), INTERSECTION OF TRAVEL GRADE SLOPE NOT TO EXCEED 1:50 (2%) WHERE PARKING OVERHANG OCCURS, INCREASE WIDTH OF SIDEWALK TO 8'-0" MIN

11 TRUCK DOCK

12 TYP LANDSCAPE PLANTER AREA

13 SEMI TRACTOR TRAILER TEMPLATE SHOWN FOR REFERENCE ONLY

14 DI SITE BILLBOARD LOCATION (2 TOTAL)

15 8' TALL PAINTED WROUGHT IRON FENCE, SEE SPECS

16 TYP 12' X 50' TRAILER PARKING STALL

17 SITE LIGHTING, POLE MOUNTED LIGHT FIXTURE

18 SEE CIVIL DRAWINGS FOR EASEMENT LOCATIONS AND INFORMATION

19 PLANNED FUTURE STORAGE ZONES

20 SWINGING SECURITY GATES

21 SLIDING SECURITY GATE

22 PROPOSED BUILDING EXTERIOR WALLS TO BE SITE CAST TILT UP CONCRETE WALLS WITH REVEALS & TEXTURED PLASTER/STUCCO COATING AND A MULTI COLOR CONTRASTING PAINT PALETTE. EXTERIOR WALLS ARE ACCENTED WITH CLEAR GLASS, STEEL, COMPOSITE ALUMINUM PANELS AND ARCHITECTURAL METAL PANELS. SEE EXTERIOR ELEVATIONS

23 LOCATION OF BICYCLE PARKING TO ACCOMMODATE A TOTAL OF 18 BICYCLES, PER CALGREEN REQUIREMENTS

24 AREA OF ASSISTED RESCUE

25 ELECTRIC VEHICLE CHARGING STATIONS: TOTAL, SERVICING 4 PARKING SPOTS. PROVIDE CHARGE & STATION SIGNAGE

26 2 HIGH EFFICIENCY VEHICLE STALLS (HEV) - 9 TOTAL 8 (PROJECT GREATER THAN THE REQUIREMENT 10% OF TOTAL)

27 PROVIDE BOLLARDS AT FOUR CORNERS OF FH, CONTRACTOR TO COORD BOLLARDS TO NOT CONFLICT WITH FH

28 PARKING GARAGE, TYP, SEE CIVIL DWGS

29 PARKING GARAGE SIGN INTEGRATED INTO FENCE

RMW architecture & interiors
160 Pine Street
San Francisco, CA 94111
Tel 415.781.9800
Fax 415.788.5216
www.rmwa.com

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#	Description	Date
	ISSUE FOR PERMIT	10.29.20

ISSUE : ISSUE FOR PERMIT FEB 05 2019

OAKLAND GLOBAL LOGISTICS CENTER

PHASE 1, NORTH EAST GATEWAY
OAKLAND, CALIFORNIA

PROLOGIS

3353 GATEWAY BLVD
FREMONT, CALIFORNIA
94539

TELEPHONE: 510.494.1000

Date: Project No.: 15024.00

DATE:

Sheet Title: SITE PLAN

Sheet No.: A1.0.1

Released for Construction

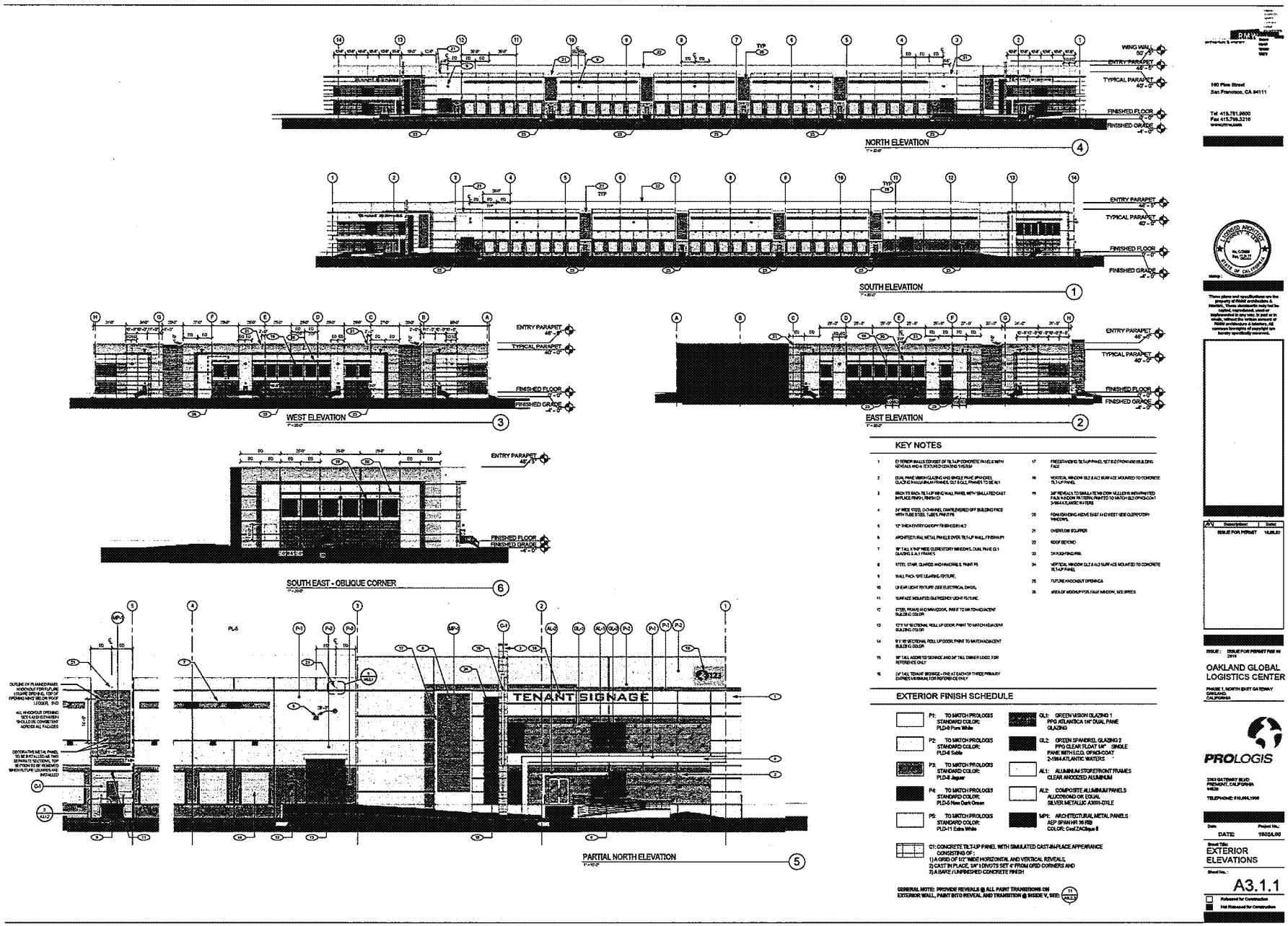
Not Released for Construction

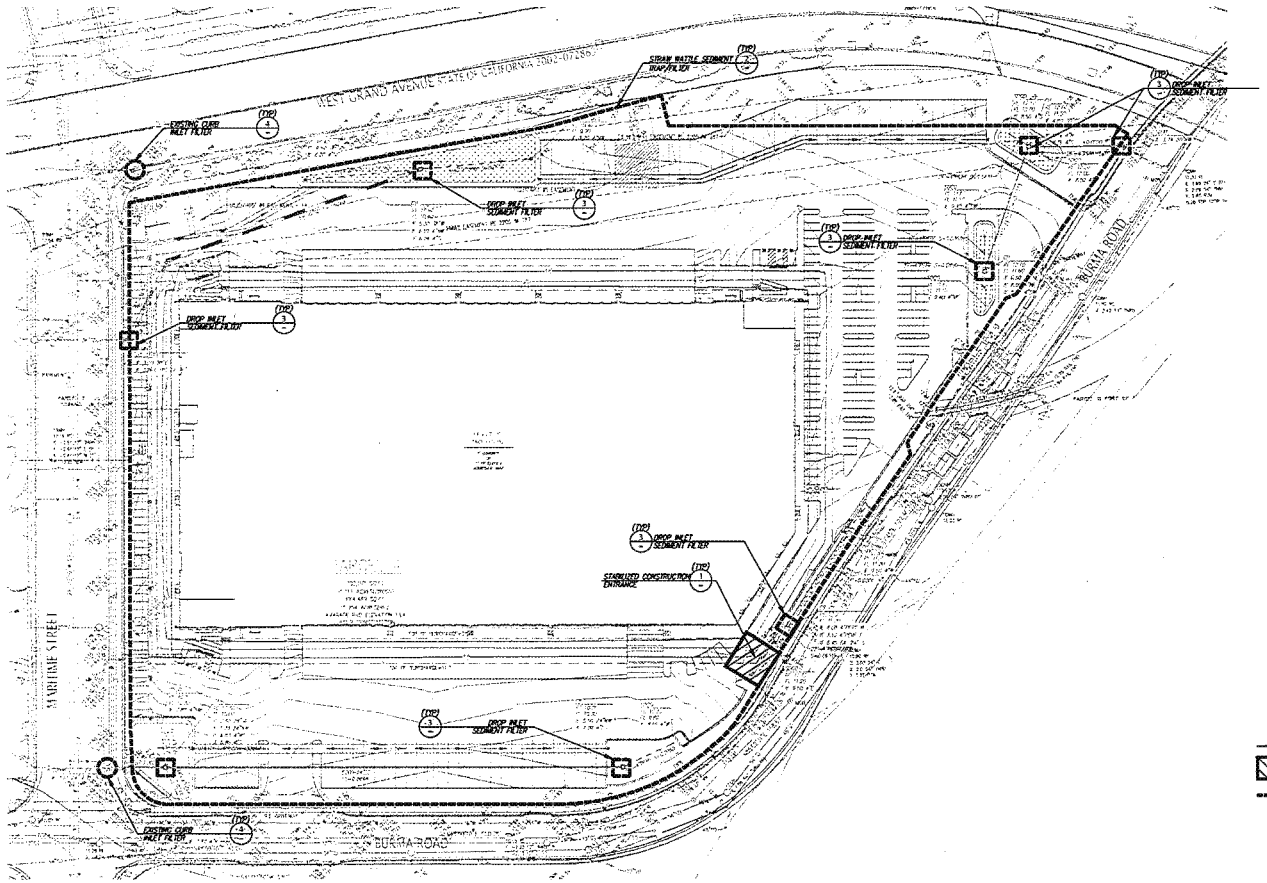
003903 2020-10-29

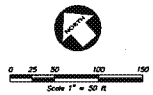
PROLOGIS

WT Working Turner

Exhibit A- Site Plan and Elevation

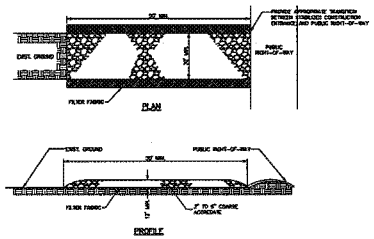




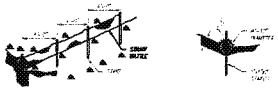


LEGEND

- STABILIZED CONSTRUCTION ENTRANCE
- STRAW WATTLE SEDIMENT TRAP/FILTER
- DROP INLET SEDIMENT FILTER
- EXISTING CURB INLET FILTER



STABILIZED CONSTRUCTION ENTRANCE (1)
NOT TO SCALE

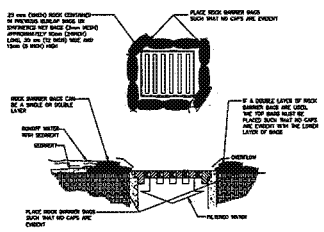


NOTE:

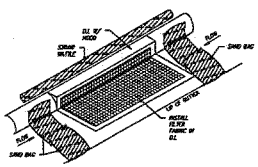
1. STRAW WATTLES ARE MADE FROM STRAW GRAIN TUBING-BIODEGRADABLE NETTING. THEY ARE APPROX. 6"-10" DIA AND 20-30 FT LONG.
2. STRAW WATTLES SHOW SEDIMENT AND RUNOFF WHERE AND WILL DIVERGE BY REDUCING SLOPE GRADIENT, INCREASING INFILTRATION RATES AND BY PRODUCING SMALL DEPRESSIONS BEHIND THE WATTLE FOR SEDIMENT.
3. STRAW WATTLE INSTALLATION REQUIRES THE PLACEMENT AND SECURE STAKING OF THE WATTLE IN A TRENCH 3"-4" DEEP, DUG ON CONTOUR. RUNOFF MUST NOT BE ALLOWED TO RUN UNDER OR AROUND WATTLE.

STRAW WATTLE SEDIMENT TRAP/FILTER (2)
NOT TO SCALE

Z:\STANDARDS\DETAILS\, EROSION CONTROL\ECO7.DWG



DROP INLET SEDIMENT FILTER UTILIZING ROCK BARRIER BAGS (3)
NOT TO SCALE



EXISTING CURB INLET FILTER DETAIL (4)
NOT TO SCALE

KIER & WRIGHT
CIVIL ENGINEERS & SURVEYORS, INC.
2850 Collier Canyon Road
Livermore, California 94551
Phone (925) 245-6788
Fax (925) 245-8796

#	Description	Date
	PERMIT SUBMITTAL	3-3-16

ISSUE: ISSUE FOR PERMIT FEB 26 2016

OAKLAND GLOBAL LOGISTICS CENTER

PHASE 1, NORTH EAST GATEWAY
OAKLAND, CALIFORNIA

PROLOGIS

2333 GATEWAY BLVD
FREMONT, CALIFORNIA
94538

TELEPHONE: 510.864.1000

Date	Project No.:
JAN. 2016	A13533-1

Sheet Title:
EROSION CONTROL PLAN

Sheet No.:
C6

☐ Released for Construction
■ Not Released for Construction

PROLOGIS

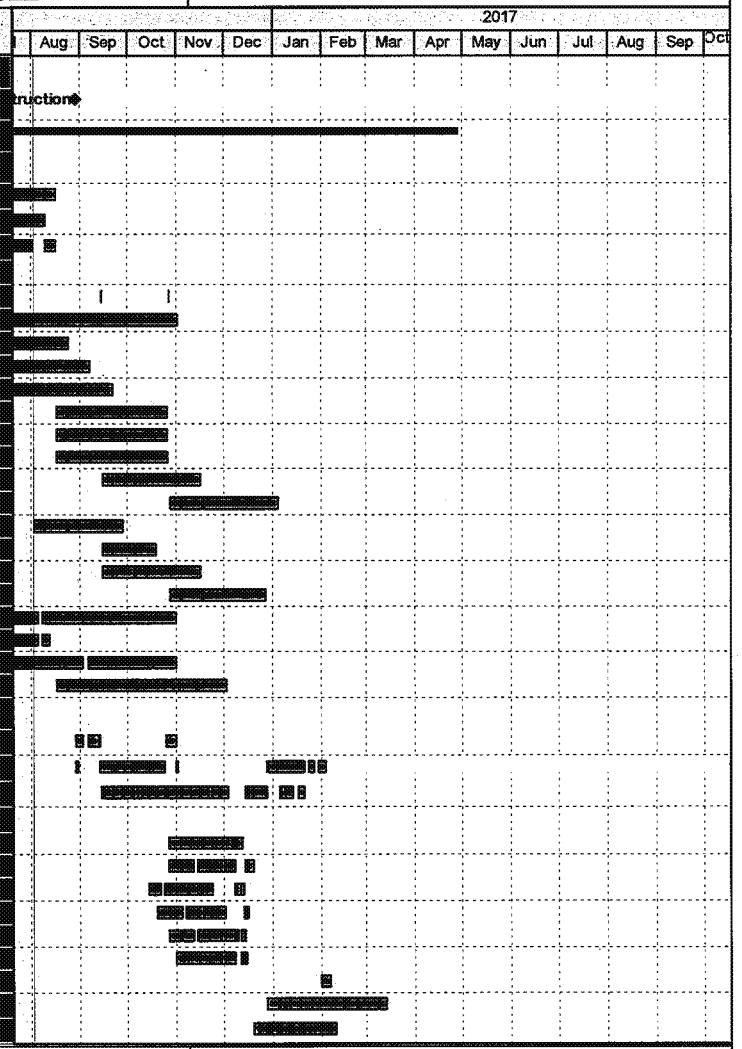
WT
WALTER T. KEENER

WHITING-TURNER CONTRACTING COMPANY
Page: 1 of 2

PROLOGIS - OAB NORTHEAST GATEWAY
PROJECT SCHEDULE

Prologis

Activity ID	Activity Name	OD	Start	Finish
	PROLOGIS PHASE 1 - Aug 4, 2016 Working	230	24-Feb-16 A	19-May-17
	PROJECT MILESTONES	199	25-Feb-16 A	28-Apr-17
	PROJECT SUMMARY	199	24-Feb-16 A	28-Apr-17
	PRECONSTRUCTION / CONTRACT / DESIGN	174	24-Feb-16 A	04-Jan-17
	BUDGET & GMP	65	24-Feb-16 A	16-Aug-16
	DESIGN DOCUMENTS & PERMITTING	35	24-Feb-16 A	10-Aug-16
	SUBCONTRACTOR BID / AWARD	31	09-May-16 A	16-Aug-16
	PROCUREMENT	174	22-Jun-16 A	04-Jan-17
	INCREMENTAL SUBMITTALS	61	18-Jul-16 A	27-Oct-16
	UNDERGROUND UTILITIES - EBMUD	80	12-Jul-16 A	01-Nov-16
	UNDERGROUND UTILITIES - WATER/SEWER/STORM	32	12-Jul-16 A	24-Aug-16
	UNDERGROUND UTILITIES- FIRE WATER	36	05-Jul-16 A	07-Sep-16
	CONCRETE	53	08-Jul-16 A	21-Sep-16
	BRBF'S	50	17-Aug-16	26-Oct-16
	COLUMNS & LEDGERS	50	17-Aug-16	26-Oct-16
	METAL STAIRS	50	17-Aug-16	26-Oct-16
	STOREFRONT	45	15-Sep-16	16-Nov-16
	METAL WALL PANELS	45	28-Oct-16	04-Jan-17
	HOLLOW METAL DOORS	40	03-Aug-16	28-Sep-16
	GLAZING SYSTEM	25	15-Sep-16	19-Oct-16
	OVERHEAD DOORS	45	15-Sep-16	16-Nov-16
	SITE PERIMETER FENCE	40	28-Oct-16	27-Dec-16
	FIRE PUMP	63	05-Jul-16 A	31-Oct-16
	FIRE SPRINKLER SYSTEM	39	22-Jun-16 A	12-Aug-16
	PANELIZED ROOF SYSTEM	63	18-Jul-16 A	31-Oct-16
	ELECTRICAL	75	17-Aug-16	02-Dec-16
	CONSTRUCTION	183	29-Aug-16	19-May-17
	MOBILIZATION/DEMO/SITE PREP	45	29-Aug-16	31-Oct-16
	SITE UTILITIES	168	29-Aug-16	28-Apr-17
	FOUNDATIONS & SOG	88	14-Sep-16	20-Jan-17
	SITECAST PANELS	77	14-Oct-16	06-Feb-17
	SITECAST FABRICATION - QUAD 1	31	27-Oct-16	12-Dec-16
	SITECAST FABRICATION - QUAD 2	36	27-Oct-16	19-Dec-16
	SITECAST FABRICATION - QUAD 3	41	14-Oct-16	13-Dec-16
	SITECAST FABRICATION - QUAD 4	40	20-Oct-16	16-Dec-16
	SITECAST FABRICATION - QUAD 5	33	27-Oct-16	14-Dec-16
	SITECAST FABRICATION - QUAD 6	31	01-Nov-16	15-Dec-16
	SITECAST ERECTION	4	01-Feb-17	06-Feb-17
	ROOF CONSTRUCTION & MEP EQUIPMENT	51	28-Dec-16	13-Mar-17
	EXTERIOR FINISHES	35	20-Dec-16	09-Feb-17



Date Date:03-Aug-16
Print Date: 18-Aug-16

Exhibit E - 8.4.16

TASK filter: All Activities
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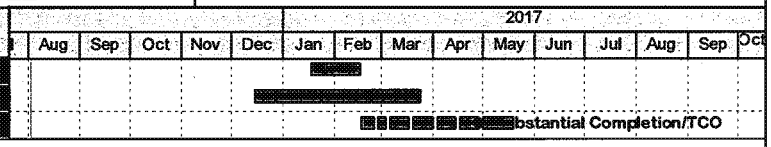
PROLOGIS WT Whiting-Turner

WHITING-TURNER CONTRACTING COMPANY
Page: 2 of 2

PROLOGIS - OAB NORTHEAST GATEWAY
PROJECT SCHEDULE

Prologis

Activity ID	Activity Name	OD	Start	Finish
	INTERIOR ROUGH-IN	22	18-Jan-17	16-Feb-17
	SITEWORK	68	15-Dec-16	24-Mar-17
	FINAL INSPECTIONS / PROJECT COMPLETION	65	17-Feb-17	19-May-17



Date Date:03-Aug-16
Print Date: 18-Aug-16

Exhibit E - 8.4.16

TASK filter: All Activities
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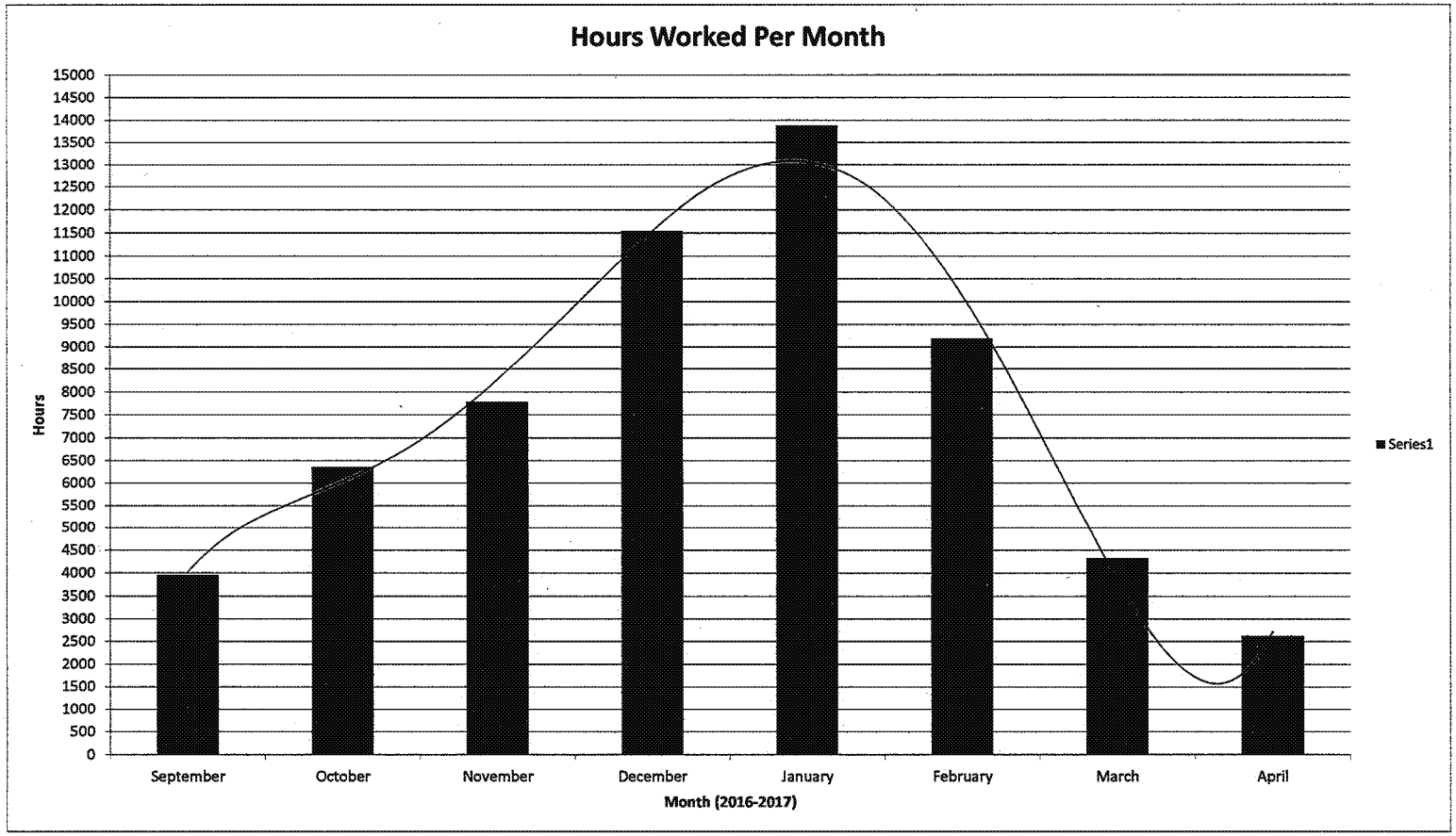
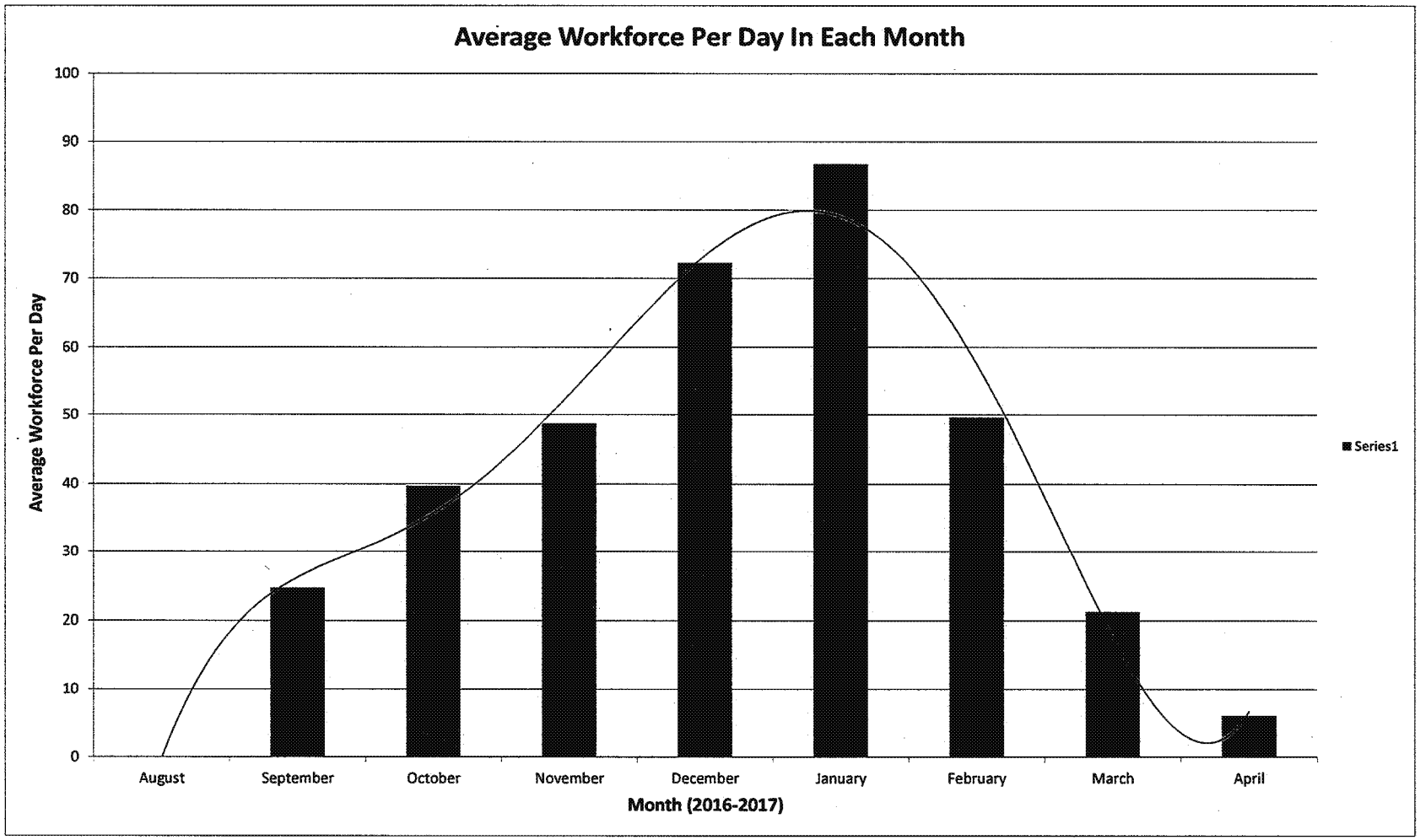
PROLOGIS
003907 2020-10-29

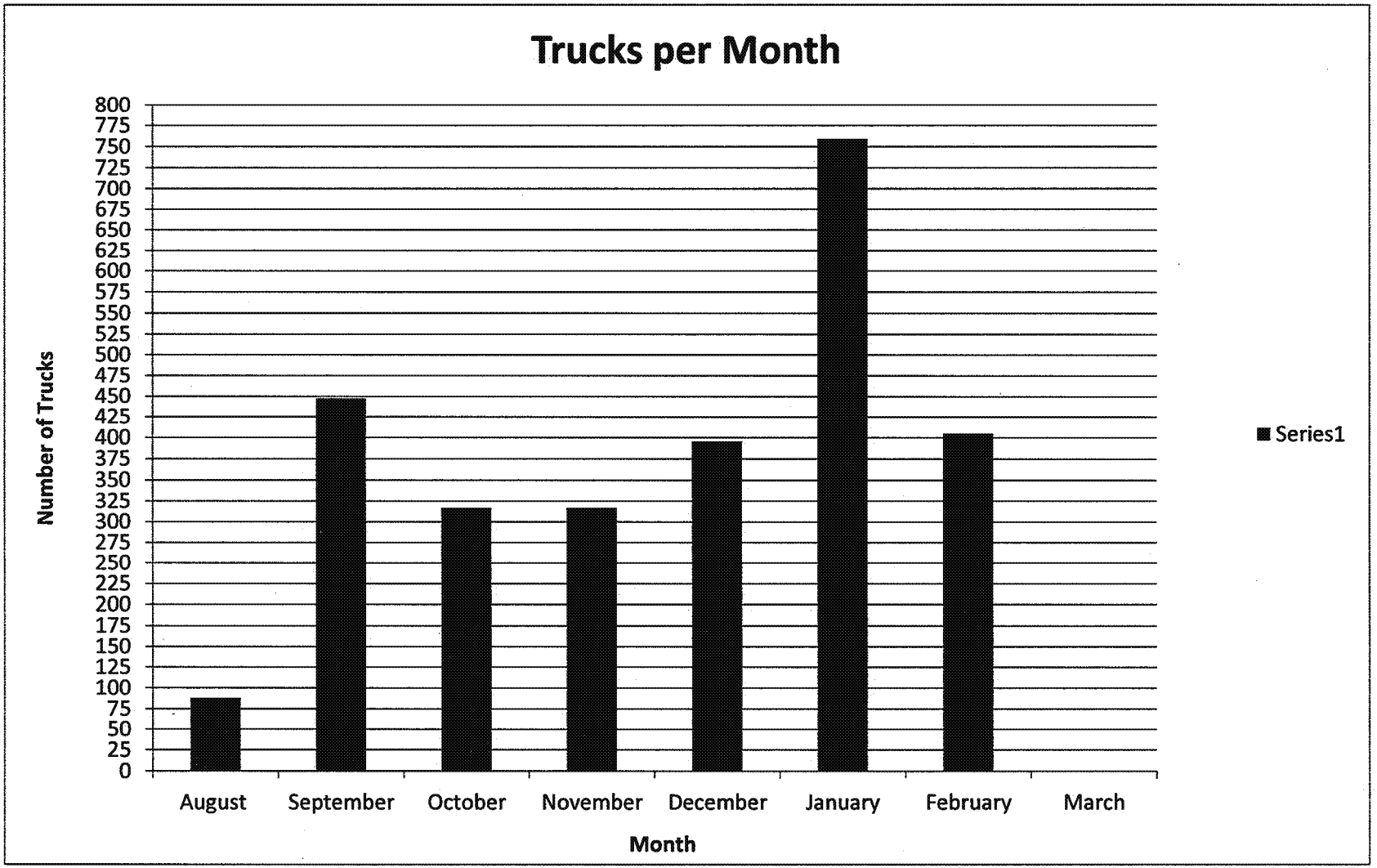
Exhibit C- Project Schedule



0030082020-10-28

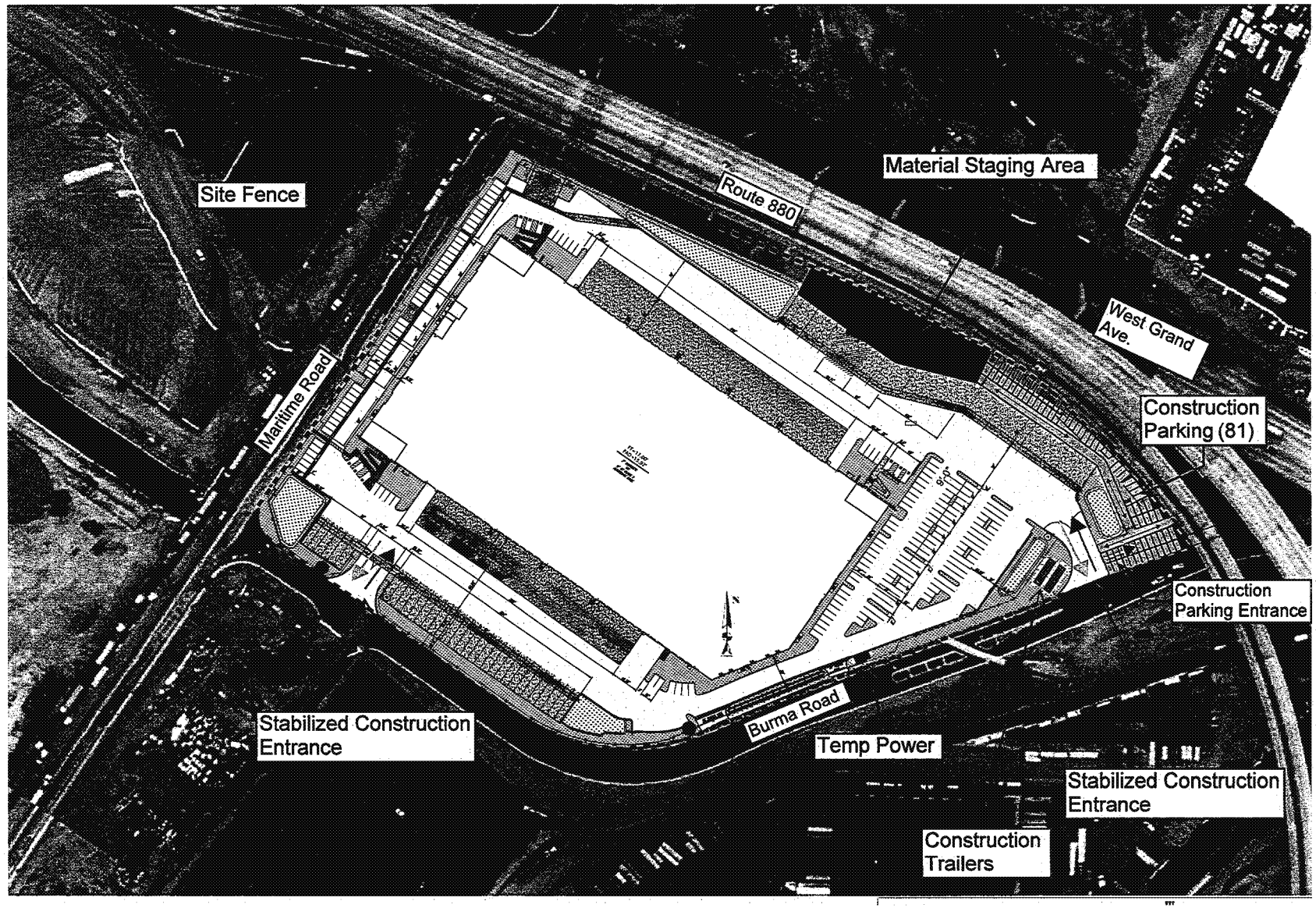


PROLOGIS
003909 2020-10-29



PROLOGIS
003910 2020-10-29

Exhibit D- Project Logistics Plan

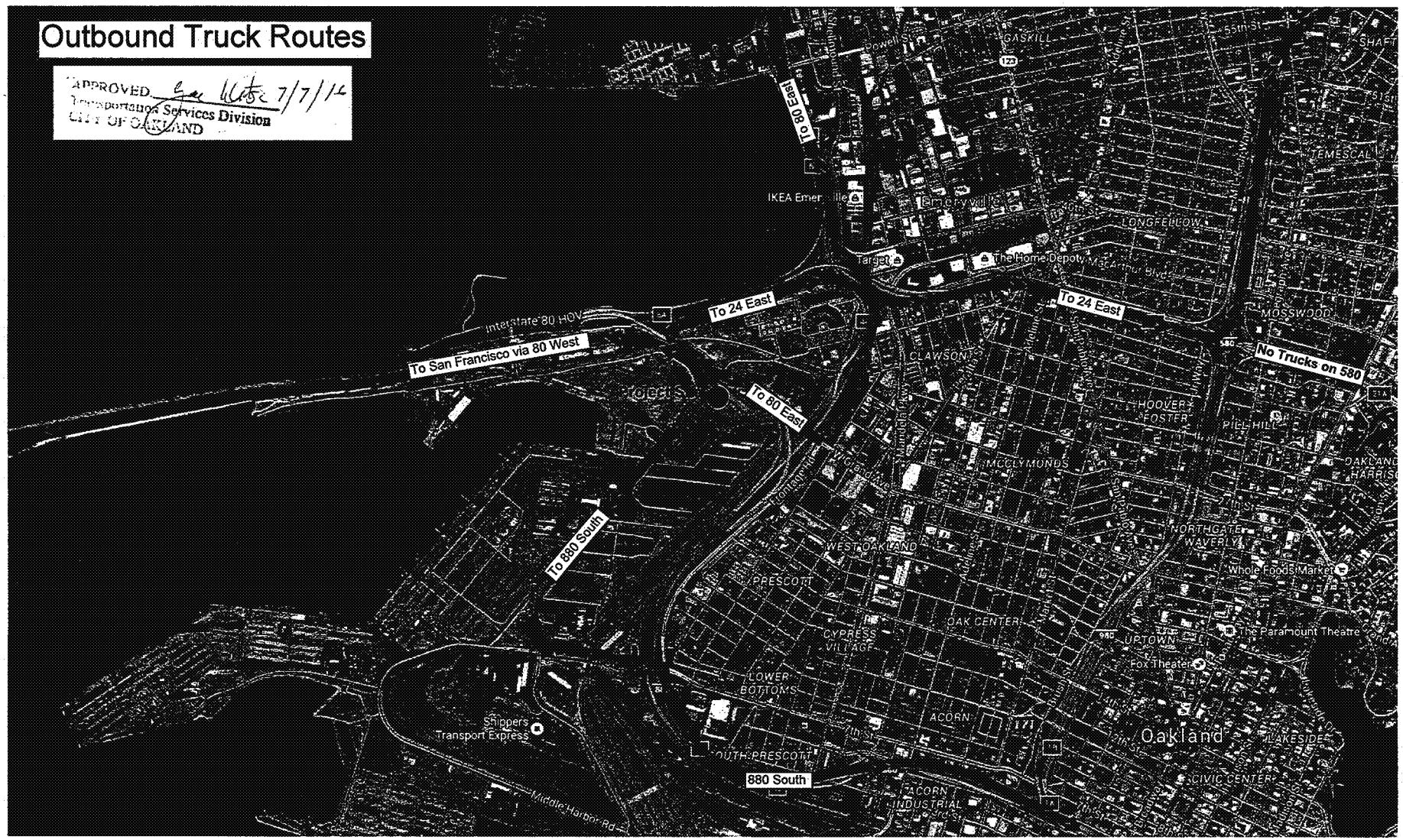


● Fire Hydrant
⊙ Construction Signage
- - - Construction Fence

*All truck queuing will be accommodated on-site. No queuing on public streets will be necessary.

The Developer, its Contractor, or its consultant will prepare a Traffic Control Plan if encroachment into the public right-of-way is required. When required, a Traffic Control Plan will be submitted to EBMUD, the Port, and CalTrans for review and comment no less than 10 days prior to submittal to the City. Incorporate comments and revise plan as appropriate.

Exhibit F- Approved Truck Haul Route



Inbound Truck Routes
APPROVED 7/7/14
Transportation Services Division
CITY OF OAKLAND
From 80 East (Exit West Grand)
From 80 West (Exit West Grand)
Right onto West Grand
Exit onto Brush St.
Right onto 7th St.
From 880 North (Exit 7th Street)
From 24 West
Interstate 80 HOV
IKEA Emer
Emeryville
The Home Depot
Shippers Transport Express
Middle Harbor Rd
Oakland
Whole Foods Market
The Paramount Theatre
Fox Theater

SPEED
LIMIT
15 MPH
ON UNPAVED ROADS

ATTENTION

PERMITTED CONSTRUCTION HOURS:
Monday-Friday 7AM-7PM

There will be no work on site outside of permitted hours without written permission from City of Oakland.

FOR CONCERNS REGARDING DUST, CONSTRUCTION NOISE, EROSION OR ANY CONSTRUCTION ACTIVITY ON THIS PROJECT PLEASE CONTACT:

During Construction Hours – Randy Knaus (925)-271-6023
After Construction Hours – Steve Rodriguez (925-)-271-6590

CITY OF OAKLAND CODE COMPLIANCE:
(510) 238-3381

OAKLAND POLICE DEPARTMENT 24 HR LINE:
(510) 777-3333

BAY AREA AIR QUALITY MANAGEMENT DISTRICT:
(800) 334-6367

Exhibit I - Log: Dust and Noise Complaints

Project Name: Prologis Northeast Gateway

Complaint Log

Name and Address of Notifier	Telephone Number and/or Email	Date and Time of Call/Email	Nature of Complaint (Traffic/Noise/Dust/Etc.)
	Received By	Directed To	
	Received By	Directed To	
	Received By	Directed T	

date: June, 2016

WT

0[illegible]20-10-29

IDLING POLICY

IDLING TIMES ON ALL DIESEL-FUELED COMMERCIAL VEHICLES OVER 10,000 LBS AND DIESEL-FUELED OFF-ROAD VEHICLES OVER 25 HORSEPOWER SHALL BE MINIMIZED EITHER BY SHUTTING EQUIPMENT OFF WHEN NOT IN USE OR REDUCING THE MAXIMUM IDLING TIME TO FIVE MINUTES.
(CCR TITLE 13, SECTION 2485 & 2449)

VIOLATIONS SUBJECT TO MINIMUM FINE OF $300.

G.W.C. WHITING
(1883-1974)

WILLARD HACKERMAN
PRESIDENT AND CEO

FOUNDED 1909

THE WHITING-TURNER CONTRACTING COMPANY

(INCORPORATED)

ENGINEERS AND CONTRACTORS

4690 CHABOT DRIVE, SUITE 120
PLEASANTON, CALIFORNIA 94588
925-485-0800
FAX 925-485-0854
www.whiting-turner.com

CONSTRUCTION MANAGEMENT
GENERAL CONTRACTING
DESIGN-BUILD
SPECIALTY CONTRACTING
OFFICE/HEADQUARTERS
RETAIL/SHOPPING CENTERS
HEALTHCARE
BIOTECH/PHARMACEUTICAL
HIGH TECH/CLEANROOM

INSTITUTIONAL
DATA CENTERS
SPORTS AND ENTERTAINMENT
INDUSTRIAL
WAREHOUSE/DISTRIBUTION
MULTI-FAMILY RESIDENTIAL
ENVIRONMENTAL
BRIDGES, CONCRETE

WRITER'S DIRECT NUMBER IS
925-271-6606

Dear Neighbors,

I am writing to inform you of the upcoming work at the Prologis Northeast Gateway project located in the City of Oakland. The project site is located on the cross streets of Maritime and Burma Road.

Commencement of construction work is scheduled to begin on or around 7/15/2016. Your property address is within a 300' radius of the project site and this letter is providing notice that construction activities involved with construction may exceed the 90dBA level for a period of 10 working days between 7/28/2016 and 8/11/16.

Any construction work over 90dBA is considered an extreme noise generating activity. The City of Oakland requires all property owners within 300' of the project to be notified 30 days prior to any extreme noise activities taking place. Any work over 90dBA will be performed between the hours of 8:00 a.m. and 4:00 p.m. Monday thru Friday. Construction work that may exceed 90dBA will include:

1. The installation and erection of concrete panels.
2. Removal of construction debris into trucks via excavators and front loader equipment.
3. Construction equipment including, but not limited to, excavators, loaders, mobile crane, and dump trucks.

Whiting-Turner looks forward to working closely with our new neighbors and would like to create a solid relationship with them. If a complaint shall arise, please contact the undersigned below, and all complaints received will be noted in a Complaint Log. The log will include at a minimum the following information: The date of complaint, contact information for all complainant(s), reason for complaint, action taken, and resolution notes. Corrective measures will be immediately taken to address any and all complaints, should they occur. Copies of the Complaint Log will be submitted to Inspections Services monthly and, if so desired, upon request. These noise complaint procedures will be posted along the perimeter of the construction site prior to the commencement of construction. Should you have any noise complaints during construction please follow these procedures.

Most of the extreme noise generating activities will take place during the excavation work during the early stages of the project. We will send additional notices as required for additional upcoming work. If you would like to receive email notifications in lieu of or in addition to a hard copy please provide your email address to Steve.Rodriguez@whiting-turner.com.

Additional project information may be requested should you have any questions by contacting the undersigned.

Sincerely,

Steve Rodriguez
Whiting-Turner Contracting Company
925-271-6590
Steve.Rodriguez@whiting-turner.com

PROLOGIS WT

G.W.C. WHITING
(1883-1974)

WILLARD HACKERMAN
PRESIDENT AND CEO

FOUNDED 1909

THE WHITING-TURNER CONTRACTING COMPANY

(INCORPORATED)

ENGINEERS AND CONTRACTORS

4690 CHABOT DRIVE, SUITE 120
PLEASANTON, CALIFORNIA 94588
925-485-0800
FAX 925-485-0854
www.whiting-turner.com

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WRITER'S DIRECT NUMBER IS
925-271-6606

Dear Neighbors,

Due to safety reasons, pedestrian traffic will be periodically shut down on Maritime Street between Tuesday 9/15/2016 and Friday 10/16/2016 while demolition and excavation activities are in progress. Pedestrian barricades will be set in place to re-route all pedestrian traffic to the detour per the approved Traffic Control Plan. Please reference the included closure plan exhibit from our Traffic Control Plan that shows the areas that will be closed. The shutdown dates will be posted on our website within 2 days prior to shut down.

If you should have any problems or questions we encourage you to call or stop by our construction trailer located on site.

Additional project information may be requested should you have any questions using the contact below.

Sincerely,
Steve Rodriguez
Whiting -Turner Contracting Company
925-271-6590
Steve.Rodriguez@whiting-turner.com

Exhibit L- Project Truck Log

Project: Prologis Northeast Gateway
Date:

Truck Information Form

Time In	Time Out	Vehicle Type	License Plate Number	Trucker's Name	Driver's Name	Material	Documentation [1]	Destination	Quantity

Documentation carried by the driver will include:

- Bills of lading or non-hazardous or hazardous waste manifests;
- Proof of insurance, valid registration, and current driver's license;
- Material profile information (reflecting chemical analysis results);
- Material weight records; and
- Complete copy of the Traffic Control Plan.

Project Name: Prologis Northeast Gateway

Construction Site Condition Log

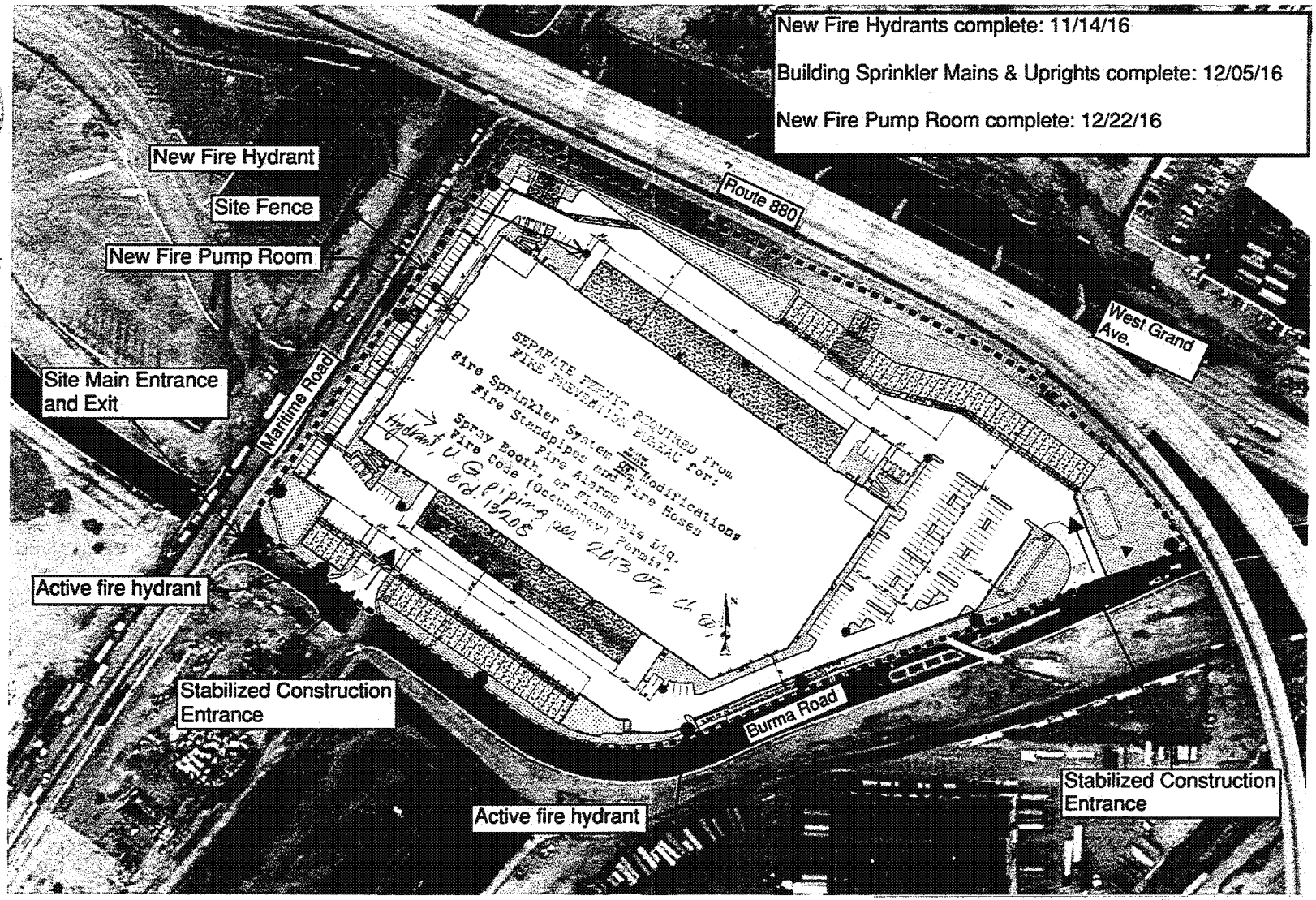
Location:	Decription of Damage:	Date:	Inspected

Exhibit N- Fire Safety Phasing Plan

Conceptual Review
As noted.

FIRE MARSHAL
APPROVED
BY
DATE 6-08-16
CITY OF OAKLAND

Subject to approval of shop drawings & hydraulic calcs.



● Existing Active Fire Hydrant
○ Construction Signage
● New Fire Hydrant
--- Construction Fence

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Table 1
Risk Management Plan and Remedial Action Plan Information
Northeast Gateway Property
Oakland, California

RAP/RMP Designation	Northing	Easting	Location/Description	Constituents of Concern	Summary of Actions	Final Report Reference	DTSC Remedial Action Certification Date
RMP 22	2126388.536	6041985.046	Bldg. T-816 was a hazardous waste accumulation shed. TPH was detected in a soil sample collected near the former shed. No VOCs or TPH were detected in groundwater.	TPH, PAHs, VOCs	No action required. TPH remains in soil less than remediation goals.	Mastic, 2011	3/15/2011
RMP 23	2126546.617	6041720.998	Facility 815 was a washrack with waste oil sump, associated sand trap, and two associated 550-gallon waste oil USTs (Tanks 7 and 8).	TPH, PAHs, VOCs, Metals	Tanks were removed in 1990. Other structures were removed and the area was overexcavated in 1999. TPH, VOCs, PAHs, and metals remain in soil less than remediation goals. TPH, VOCs, and PAHs remain in groundwater below remediation goals.	EKI, 2010	7/19/2010
RMP 24	2126541.346	6041784.181	An oil-water separator (OWS-2) was located near Facility 815, and was removed and overexcavated in 1999.	TPH, PAHs, VOCs, Metals	Overexcavated in 1999. TPH, VOCs, PAHs, and metals remain in soil below remediation goals. TPH, VOCs, and PAHs remain in groundwater less than remediation goals.	EKI, 2010	7/19/2010
RMP 25	2126479.042	6041875.34	Former Bldg. T-815 was a paint and solvent storage shed.	TPH, PAHs, VOCs, Metals	Shed was removed after 1999. TPH, VOCs, PAHs, and metals remain in soil less than remediation goals. TPH, and VOCs remain in groundwater less than remediation goals.	EKI, 2010	7/19/2010
RMP 87	2126504.825	6041606.784	Building 812 was a former vehicle and equipment maintenance shop.	TPH, PAHs, VOCs, Metals, PCBs	No action required. TPH, VOCs, PAHs, and metals remain in soil less than remediation goals. TPH, VOCs, and metal remain in groundwater less than remediation goals.	EKI, 2010	7/19/2010
RMP 88	2126383.153	6042258.566	Building 823 was a wood shop and heavy equipment maintenance shop with a paint room	TPH, PAHs, VOCs, Metals, PCBs	No action required. TPH, VOCs, and metals remain in soil less than remediation goals. TPH, VOCs, and metal remain in groundwater less than remediation goals.	EKI, 2010	7/19/2010
RMP 113	2126434.841	6042138.387	One former 1000-gallon fuel oil UST (Tank A, a.k.a. TK15).	TPH, PAHs, VOCs, Metals, PCBs	Tank A removed in 1990. TPH and VOCs remain in soil and groundwater less than remediation goals.	EKI, 2010	7/19/2010
RMP 114	2126527.224	6041477.077	One former 550-gallon waste oil UST (Tank 8A).	TPH, PAHs, VOCs, Metals, PCBs	Removed in 1996. TPH and metals remain in soil less than remediation goals. TPH, VOCs, PAHs, and metals remain in groundwater less than remediation goals.	EKI, 2010	7/19/2010
RMP 123	2126562.164	6041727.832	Two former 550-gallon waste oil USTs (Tanks 7 and 8).	TPH, PAHs, VOCs, Metals	UST 7 removed in 1990 and UST 8 removed in 1981. TPH, VOCs, PAHs, and metals remain in soil less than remediation goals. TPH, VOCs, and PAHs remain in groundwater less than remediation goals.	EKI, 2010	7/19/2010
RMP 159	2126588.287	6041712.97	Confirmation soil samples near a utility line with PAHs in soil at concentrations exceeding Remediation Goals	TPH, PAHs, VOCs	Soil excavation in 2013. TPH, VOCs, and PAHs remain in soil less than remediation goals.	AMEC, 2013	6/27/2013
RAP Site 5	NA	NA	VOCs in groundwater proximate to Buildings 808 and 823. Vinyl chloride detected in reconnaissance groundwater samples at concentrations exceeding remediation goals, but less than remediation goals in monitoring well samples.	VOCs	No action. VOCs remain in groundwater less than remediation goals.	EKI, 2009	6/8/2009 and 6/18/09

AMEC, 2013 - AMEC Environment & Infrastructure, Inc. letter regarding Request for Completion and Summary of Remediation Activities, RMP Locations 98 and 159, Former Oakland Army Base, Economic Development Conveyance Area, Oakland, California. June 18.
EKI, 2009 - Erler & Kalinowski, Inc., Completion Report for VOCs in Groundwater at Buildings 808 and 823, Former Oakland Army Base - EDC Area, Oakland, California. April 24.
EKI, 2010 - Erler & Kalinowski, Inc. letter regarding Request for Completion - RMP Locations 23, 24, 25, 87, 88, 113, 114, and 123 in the East Gateway Area, Former Oakland Army Base - EDC Area, Oakland, California. June 29.
Mastic, 2011 - Mastic Engineering and Consulting, Inc. letter regarding Revised Request for Completion - RMP Locations 7, 22, and 29, Former Oakland Army Base - Economic Development Conveyance Area, Oakland, California. February 25.
DTSC = California Department of Toxic Substances Control
PAHs = polycyclic aromatic hydrocarbons
PCBs = polychlorinated biphenyls
RAP = Remedial Action Plan
RMP = Risk Management Plan
TPH = total petroleum hydrocarbons
VOCs = volatile organic compounds

Department of Toxic Substances Control

Linda S. Adams
Acting Secretary for
Environmental Protection

Leonard E. Robinson
Acting Director
700 Heinz Avenue
Berkeley, California 94710-2721

Edmund G. Brown Jr.
Governor

REMEDIAL ACTION CERTIFICATION

Risk Management Plan Locations 7, 22, and 29
Oakland Gateway Development Area
700 Murmansk Street, Suite 3
Oakland, California 94607

---

1. Certification of Remedial Action:

I hereby certify that the foregoing information is true and correct to the best of my knowledge.

3/15/2011
Date

Henry Wong
Remedial Project Manager
Brownfields and Environmental Restoration Program

3/17/2011
Date

Karen M. Toth, P.E.
Unit Chief
Brownfields and Environmental Restoration Program

3/15/2011
Date

Gerard Aarons, PG 7430, CHG 771
Engineering Geologist,
Geological Services Unit
Office of Geology
Brownfields and Environmental Restoration Program

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003925 2020-10-29

2. **Certification Statement:** Based upon the information which is currently and actually known to the Department of Toxic Substances Control (DTSC),

__ DTSC has determined that all appropriate response actions have been completed, that all acceptable engineering practices were implemented and that no further removal/remedial action is necessary.

__ DTSC has determined, based upon a remedial investigation or site characterization that the site poses no significant threat to public health, welfare or the environment and therefore implementation of removal/remedial measures is not necessary.

X DTSC has determined that all appropriate removal/remedial actions have been completed and that all acceptable engineering practices were implemented; however, the site requires ongoing operation and maintenance (O&M) and monitoring efforts. The site will be deleted from the "active" site list following (1) a trial operation and maintenance period and (2) execution of a formal written settlement between the Department and the responsible parties, if appropriate. However, the site will be placed on the Department's list of sites undergoing O&M to ensure proper monitoring of long-term clean-up efforts.

3. **Site Name and Location:**

Risk Management Plan (RMP) Locations 7, 22, and 29
Oakland Gateway Development Area
700 Murmansk Street, Suite 3
Oakland, California 94607

A. List of any other names that have been used to identify the site:

RMP Locations
- RMP Location 7 – Former incinerator (Building 147) and an adjoining concrete garbage pit, 1 acre
- RMP Location 22 – Former hazardous waste accumulation shed (Building T-816), 0.1 acre
- RMP Location 29 – Hazardous material storage bay at the west end of Building 806, 0.8 acre

Alternative Names for the Project Site
- Gateway Development Area
- Former Oakland Army Base – Economic Development Conveyance Area
- Oakland Army Base (OARB)
- Base Realignment and Closure (BRAC) Parcels 3, 11, and 12
- Operable Units 1 and 4

B. Address of site if different from above:

RMP Location 7 is near Buildings 141 and 145 located the intersection of Burma Road and Bataan Avenue; RMP Location 22, is located near the intersection of Tobruk Street and Burma Road, RMP Location is located at the west end of Building 806 at West 19th Street, in the City of Oakland, California.

C. Assessor's Parcel Number: O000-0507-001-11
(This number starts with the letter "O" and follows by three zeros.)

D. DTSC Identification Numbers:

Site Code: 201537
EnviroStor ID: 01970016

4. Responsible Parties:

Landowner
City of Oakland

Contact Person:
Mr. Mark Arniola, P.G.
Environmental Program Specialist
Public Works Agency
Environmental Services Division
City of Oakland
250 Frank H. Ogawa Plaza, Suite 5301
Oakland, California 94612-2034
(510) 238-7371
marniola@oaklandnet.com

5. Brief History:

Prior to 1916, much of the area encompassing OARB was natural tidal marsh or shallow open water. Subsequent land reclamation activities in the general areas created the land where OARB is situated. The Army began operation at OARB in the early 1940s, closed the base in September 1999, and transferred 363.5 acres of property to the City of Oakland in July 2003. In August 2006, the City of Oakland deeded approximately half of the transferred area to the Port of Oakland. DTSC has renamed the transferred 363.5-acre property as the "Oakland Gateway Development Area."

On September 27, 2002, DTSC approved the Remedial Action Plan (RAP) and selected remedies for seven RAP Sites and approximately 150 RMP Locations.

RMP Locations and features include washracks, sumps, oil/water separators, miscellaneous operations, underground storage tanks, aboveground storage tanks, former industrial and chemical handling locations, historical spills and stains, lead in soil around buildings, former polychlorinated biphenyl (PCB)-transformers and equipment locations, storm drains and sanitary sewers, railroad tracks, and marine sediments. The RAP selects a presumptive remedy outlined in the Risk Management Plan (Appendix E of the RAP) for supplementing environmental data and implementing necessary cleanup actions during infrastructure installation or redevelopment.

On August 8, 2003, the City of Oakland and DTSC executed and recorded the *Covenant to Restrict Use of Property, Environmental Restriction* for the Oakland Gateway Development Area, which includes RMP Locations 7, 22, and 29. Since the former base property is not being remediated to residential or drinking water standards, the Covenant requires land and groundwater use restrictions and compliance with the RMP for proper soil and groundwater management.

6. RMP Locations 7, 22, and 29:

On February 25, 2011, the City of Oakland finalized the *Request for Completion - RMP Location 7, 22, and 29* documenting the achievement of the remedial action objectives.

RMP Location 7

RMP Location 7 is a one-acre area where a former incinerator (Building 147) and an adjoining concrete garbage pit were located. The Army constructed the 10-ton incinerator and adjoining 16' x 6' x 3.5' adjoining concrete garbage pit in 1948; the Army demolished the incinerator and pit in 1964. The Army's record does not indicate the types of waste that were burned in the incinerator or stored in the pit. Since 1964, the area has been a mostly paved and gravel surface open area used for trailer and cargo container storage. The area is currently undeveloped.

The Army and City of Oakland collected six soil samples and two groundwater samples and analyzed for volatile organic compounds (VOC), semi-volatile SVOCs, polycyclic aromatic hydrocarbons (PAH), total petroleum hydrocarbons as diesel (TPH-d), TPH as motor oil (TPH-mo), metals, PCBs, dioxins, and furans. Soil and groundwater analytical results do not show chemical of concern (COC) concentrations above remediation goals.

RMP Location 22

RMP Location 22 measure approximately 0.1 acre and is an area where a former is a location a former hazardous waste accumulation shed (Building T-816) was located. The building is no longer on site and is assumed to have been

demolished. The area is currently undeveloped. No additional operational record regarding Building T-816 was available for review.

The Army and City of Oakland collected five soil samples and one groundwater sample and analyzed for VOCs, SVOCs, PAHs, TPH-d, TPH-mo, metals, and PCBs. Soil and groundwater analytical results do not show COC concentrations above remediation goals.

RMP Location 29

RMP Location 29 is a hazardous material storage bay of approximately 0.8 acre at the west end of Building 806. Hazardous material stored in this area included chlorinated hydrocarbons, pesticide, insecticides, mercuric solutions, and flammable materials. According to the Army's August 2001 report, the western-most bay of Building 806 was also the designated storage area for radioactive items. The Army report indicates that no spills of radiological items have occurred and that the results of surveys conducted in 1999 were free from any evidence of radiological contamination.

The Army and City of Oakland collected nine soil samples and two groundwater samples and analyzed for VOCs, SVOCs, PAHs, TPH-d, TPH-mo, metals, pesticides, and PCBs. Soil and groundwater analytical results do not show COC concentrations above remediation goals.

Approval of Request for Completion

On March 15, 2011, DTSC approved the Request for Completion and concluded that the City of Oakland (a) had adequately investigated RMP Locations 7, 22, and 29, (b) had demonstrated achievement of the remedial action objectives, and (c) had implemented the required institutional control remedy for the subject RMP Locations.

All RAP Sites and RMP Locations within the Oakland Gateway Development Area, upon remedy implementation, continue to be parts of the RMP Implementation Area. The August 8, 2003 *Covenant to Restrict Use of Property, Environmental Restriction* requires landowner(s) to follow the risk management protocols set forth in the RMP regarding planning and implementation of earthwork construction, redevelopment, and/or post-development activities.

7. Type of Site:

Included in EnviroStor? Yes

RCRA Permitted Facility	_____	Bond Funded	_____
RCRA Facility Closure	_____	RP Funded	_____
NPL	_____	Federal Facility	_____

Other (i.e., walk-in): Please see Section 14.E of this Certification for project funding.

8. Size of Site:

RMP Locations 7, 22, and 29 encompass approximately two acres.

Small __X__ Medium _____ Large _____ Extra Large _____

9. Dates of Remedial Action

The Army and the City of Oakland investigated RMP Locations 7, 22, and 29 from 2000 through 2010. On August 8, 2003, the City of Oakland and DTSC executed and recorded the *Covenant to Restrict Use of Property, Environmental Restriction* for the Oakland Gateway Development Area, which includes RMP Locations 7, 22, and 29.

10. Response Action Taken on Site: (check appropriate action)

____ Initial removal or remedial action (site inspection/sampling)

__X__ Final remedial action

____ RCRA enforcement/closure action

____ No action, further investigation verified that no cleanup action at site was needed

A. Type of Remedial Action:

The RAP selects the following remedies for the RMP Locations:

- For locations where no contamination has been found to date, the area will be inspected and sampled in accordance with the RMP during redevelopment to confirm no contamination exists above remediation goals at these locations;
- For locations requiring additional soil and groundwater characterization, the areas will be inspected and sampled/monitored during redevelopment as outlined in the RMP;
- For locations requiring removal of an existing structure or sites where impacted soil is anticipated, the RMP assumes that an average of about 50 cubic yards of debris and contaminated soil

will be removed at each site and disposed as hazardous substances at an off-site permitted facility; and

- Implementation of institutional controls to:
  - Prohibit sensitive land uses;
  - Restrict construction of groundwater wells and extraction of groundwater without DTSC's approval;
  - Prevent disturbance of surface soil, subsurface soil, and groundwater monitoring wells, except as conducted pursuant to the RMP; and
  - Comply with the RMP for soil and groundwater management, maintenance of ground covers, mitigation during earthwork, management of below grade structures, and construction dewatering.

B. Estimated quantity of waste associated with the site (i.e., tons/gallons/ cubic yards) was:

1. _____ Waste Treated Amount: _____
2. _____ Untreated (capped sites) Amount: _____
3. _____ Soil Removed Amount: _____
4. _____ Wastewater Removed Amount: _____
5. __X__ Institutional Controls
   The institutional controls remedy applies to all Oakland Gateway Development Area property including RMP Locations 7, 22, and 29.

11. Cleanup Levels/Standards

A. What were the cleanup standards established by DTSC pursuant to the final remedial action plan or workplan (if cleanup occurred as the result of a removal action workplan or interim remedial measures prior to development of a RAP)?

The RAP specifies risk-based remediation goals for meeting the remedial action objectives based on commercial and industrial reuses. Remediation goals for most chemicals are risk-based and represent the lowest calculated values of the non-carcinogenic or carcinogenic risk goal for each chemical of concern (COC) that are protective of all potentially exposed populations. However, some remediation goals are based on other chemical-specific parameters (such as potential leachability of a

chemical from soil to groundwater) when these values are more stringent that the calculated human health goals.

The RAP, Table 7-11 lists numerical cleanup targets as the soil and groundwater remediation goals that correspond to a 1×10^{-6} incremental lifetime cancer risk for each COC. When more than ten carcinogenic COCs are present at concentrations exceeding remediation goals, the overarching remedial action objective is the cumulative target risk level of 1×10^{-5} for carcinogenic COCs applicable at each RAP Site and RMP Location.

Remediation goals represent the maximum allowable concentrations for the respective COCs and cannot be increased to allocate amongst the residual COCs to meet the overarching cumulative risk of 1×10^{-5}. However, remediation goals can be adjusted downward, as need, if the cumulative cancer risk level exceeds 1×10^{-5} or the total hazard index (HI) exceeds 1. Remedial action objectives are achieved when residual COCs in soil and groundwater are no greater than a cumulative HI of 1 or a cumulative carcinogenic risk of 1×10^{-5} for each potentially exposed population.

The Army investigated RMP Locations 7, 22, and 29 from 2000 through 2010. COC concentrations in soil and groundwater samples are below remediation goals. The number of samples and types of analyses at the subject RMP Locations are adequate to demonstrate that the remedial action objectives established in the DTSC-approved RAP/RMP have been met. RMP Locations 7, 22, and 29 are not significant sources of soil and groundwater contamination and no significant data gaps are evident.

B. Were the specified cleanup standards met? Yes __X__ No _____

C. If "no", why not:

12. DTSC Involvement in the Remedial Action:

A. Did DTSC order the Removal Action?

Yes _____ No __X__ Date of Order _____

B. Did DTSC review and approve (check appropriate action and indicate date of review/approval if done):

_____ Sampling Analysis Procedures Date: _____

_____ Health & Safety Protections Date: _____

_____ Removal/Disposal Procedures Date: _____

__X__ Remedial Action Plan Date: September 27, 2002

_____ Removal Action Workplan Date: _____

C. If site was abated by a responsible party, did DTSC receive a signed statement from a licensed professional on all Remedial Action?

Yes __X__ No ____ Name: Bethany P. Flynn, P.G., 5710

D. Did a registered engineer or geologist verify that acceptable engineering practices were implemented?

Yes __X__ No ____ Name: Gerard Aarons, P.G., 7430

E. Did DTSC confirm completion of all remedial action?

Yes __X__ No ____ Date of verification: March 15, 2011

F. Did DTSC (directly or through a contractor) actually perform the Remedial Action?
Yes ____ No __X__

G. Was there a community relations plan in place?
Yes __X__ No ____

H. Was a remedial action plan or removal action workplan developed for this site?
Yes __X__ No ____

I. Did DTSC hold a public meeting regarding the draft RAW or RAP?
Yes __X__ No ____

J. Were public comments addressed?
Yes __X__ No ____
Date of DTSC analysis and response: September 27, 2002

K. Are all of the facts cited above adequately documented in the DTSC files?
Yes __X__ No ____

If no, identify areas where documentation is lacking.

_____

13. EPA Involvement in the Remedial Action:

A. Was the EPA involved in the site cleanup?
Yes _X_ No ____

B. If yes, did EPA concur with all remedial actions?
Yes _X_ No ____

C. EPA comments: EPA staff provided consultative services on this project.

EPA staff involved in cleanup:

Xuan-Mai Tran
Remedial Project Manager
U.S. Environmental Protection Agency
Region IX
Federal Facilities Cleanup Branch
75 Hawthorne Street, (SFD-8-2)
San Francisco, California 94105
(415) 972-3002
Tran.Xuan-Mai@epamail.epa.gov

14. Other Regulatory Agency Involvement in the Cleanup Action:

Agency:	Activity:
_X_ RWQCB	The Regional Water Quality Control Board staff provided consultative services on this project.
____ ARB	_____
____ CHP	_____
____ Caltrans	_____
____ Other	_____

Name of contact persons and agency:

George Leyva, P.G.
Project Manager
California Regional Water Quality Control Board
1515 Clay Street, Suite 1400
Oakland, California 94612
(510) 622-2379
gleyva@waterboards.ca.gov

15. Post-Closure / Post-Remedy Activities:

A. Will there be post-closure / post-remedy activities at this site? (e.g., Operation and Maintenance)
Yes _X_ No ____

If yes, describe:

On August 8, 2003, the City of Oakland and DTSC executed and recorded the *Covenant to Restrict Use of Property, Environmental Restriction* (Series No. 2003466371) for the Oakland Gateway Development Area, which includes RMP Locations 7, 22, and 29. The City of Oakland implemented the institutional control remedy by recording the Covenant with the Alameda County Assessor's Office. Since the former base property is not being remediated to residential and drinking water standards, the Covenant requires land and groundwater use restrictions and compliance with the RMP for proper soil and groundwater management. The RMP is Appendix E to the September 27, 2002 DTSC-approved RAP.

The remedial action objectives were based on commercial and industrial land uses. Since residual chemicals in soil and groundwater at the site render the property not suitable for unrestricted use, five-year statutory reviews are required for RMP Locations 7, 22, and 29. The trigger date for a statutory five-year review was the mobilization date of first remedy implementation for the Oakland Gateway Development Area project (i.e., Building 1 RAP Site on November 28, 2005). The City of Oakland has submitted the draft Five-Year Review Report in June 2010.

B. Have post-closure plans been prepared and approved by DTSC?
Yes ____ No _X_
Post-closure plan is not required or necessary for this site.

C. What is the estimated duration of post-closure (including operations and maintenance activities) activities?

Unless ended in accordance with the *Covenant to Restriction Use of Property, Environmental Restriction*, by law, or by DTSC in the exercise of its discretion, the Covenant and five-year review requirements shall continue in effect in perpetuity.

D. Are deed restrictions proposed or in place? Yes _X_ No ____

If yes, have deed restrictions been recorded with the County recorder?

Yes _X_ No _____ Date: August 8, 2003

If no, who is responsible for assuring that the deed restrictions are recorded?

_____

Who is the DTSC contact person?

Henry Wong
Hazardous Substances Engineer
Brownfields and Environmental Restoration Program
(510) 540-3770
hwong@dtsc.ca.gov

E. Has cost recovery been initiated? Yes _X_ No _____

Has DTSC received all payments? Yes _____ No _X_

If yes, amount received $ _____; _____% of DTSC costs billed.

On November 13, 2008, DTSC determined that the Army has failed to meet certain obligations of the Memorandum of Agreement (MOA) entered into between the Army, DTSC, RWQCB in April 2003. Specifically, the Army has failed to provide funds for DTSC and RWQCB oversight under Section 27.1 of the MOA. Section 27.1 requires that oversight funds will be "... provided through the Defense/State Memorandum of Agreement (DSMOA), executed August 21, 1992 ... or some other appropriate mechanism as agreed upon by the parties ..."

To date the Army has not provided alternative mechanism for payment of oversight costs to DTSC and RWQCB. Accordingly, DTSC and RWQCB have not been paid for oversight costs since July 2008. The Army's and DTSC's management teams are working toward a resolution on this issue.

F. Were local planning agencies notified of the cleanup action?

Yes _X_ No _____ If yes, the name and address of agency:

Mark Arniola, P.G.
Environmental Program Specialist
Public Works Agency
Environmental Services Division
City of Oakland
250 Frank H. Ogawa Plaza, Suite 5301
Oakland, California 94612-2034
(510) 238-7371

marniola@oaklandnet.com

16. **Expenditure of Funds and Source:**

(Information to be supplied by Accounting Unit)

Funding Source and Amount Expended:

_____ HWCA $ _____ _____ HSA $ _____
_____ HSCF $ _____ _____ RCRA$ _____
_____ RP $ _____ _____ Other $ _____
_____ Federal Cooperative Agreement $ _____

17. **Problems Encountered Which Caused Major Delays:** None

18. **Accomplishment Unique to the Project:** None

19. **Final Use of Site:** The City of Oakland plans to develop RMP Locations 7, 22, and 29 and vicinity areas for commercial and industrial land uses.

Department of Toxic Substances Control

Linda S. Adams
Secretary for
Environmental Protection

Maziar Movassaghi
Acting Director
700 Heinz Avenue
Berkeley, California 94710-2721

Arnold Schwarzenegger
Governor

July 19, 2010

Mr. Mark Arniola, P.G.
Environmental Program Specialist
Public Works Agency
Environmental Services Division
City of Oakland
250 Frank H. Ogawa Plaza, Suite 5301
Oakland, California 94612-2034
marniola@oaklandnet.com

DTSC APPROVAL, COMPLETION REQUEST, RMP LOCATIONS 23, 24, 25, 87, 88, 113, 114, and 123, FORMER OAKLAND ARMY BASE – ECONOMIC DEVELOPMENT CONVEYANCE AREA, OAKLAND, CALIFORNIA

Dear Mr. Arniola:

The Department of Toxic Substances Control (DTSC) has received the June 29, 2010 *Request for Completion – RMP Locations 23, 24, 25, 87, 88, 113, 114, and 123 in the East Gateway Area* (Completion Request). The Completion Request reports the remedial action implemented at eight Risk Management Plan (RMP) Locations totaling approximately 1.55-acre within the East Gateway Area of the Former Oakland Army Base – Economic Development Conveyance Area (also known as the Oakland Gateway Development Area) in Oakland, California. The City of Oakland is requesting completion of the following eight RMP Locations:

- RMP Location 23 – Former Facility 815 consisted of a washrack, a sand trap, and five collection sumps,
- RMP Location 24 – Former oil water separator (OWS-2) near former Facility 815,
- RMP Location 25 – Former Building T-815 used as a paint and solvent storage shed,
- RMP Location 87 – Building 812,
- RMP Location 88 – Building 823,
- RMP Location 113 – Former 1,000-gallon fuel oil Underground Storage Tank-A (UST-A),
- RMP Location 114 – Former 550-gallon waste oil UST-8A, and

Mr. Mark Arniola
July 19, 2010
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- RMP Location 123 – Two former 550-gallon waste oil USTs (Tanks 7 and 8).

In 1999, the Army excavated the RMP Location 23 area and removed stained soils associated with the sand trap and washrack; however, the Army encountered an active fire main, fire hydrant, and power poles on the north side of excavation. Residual chemical of concern (COC) concentrations in soil at the north sidewall have slightly exceeded remediation goals. The City of Oakland has created a new RMP Location identified as "*RMP Location 159 – Residual soil at North Side of Building 815 Excavation.*" RMP Location 159 will be addressed during future site redevelopment.

The September 27, 2002 DTSC-approved Remedial Action Plan (RAP) for the former Oakland Army Base requires remediation of RAP Sites and RMP Locations. The Completion Request reports soil and groundwater data at the RMP Locations 23, 24, 25, 87, 88, 113, 114, and 123, summarizes previous impacted-soil removal activities at RMP Locations 23, 113, and 123, and demonstrates that the residual COC concentrations at these RMP Locations meet the remedial action objectives specified in the RAP. The City of Oakland plans to develop the East Gateway Area for commercial and industrial land uses.

On June 25, 2010, DTSC provided comments on the draft Completion Request. The City of Oakland has responded to DTSC's comments and revised the Completion Request satisfactorily. Based on the information presented in the Completion Request, DTSC concludes that the City of Oakland (a) has investigated RMP Locations 23, 24, 25, 87, 88, 113, 114, and 123 adequately, (b) has removed impacted-soil from RMP Locations 23, 113, and 123, (c) has demonstrated achievement of the remedial action objectives, and (d) has implemented the required institutional control remedy for the subject RMP Locations. DTSC hereby approves the Completion Request and concurs with identification of RMP Location 159.

Please note that all RMP Locations and RAP Sites, upon remedy implementation, continue to be parts of the RMP Implementation Area. Such areas will still be subject to the risk management protocols set forth in the RMP regarding planning and implementation of earthwork construction, redevelopment, and/or post-development activities. In the event that the City of Oakland, future landowners, and/or developers discover unknown contamination and the RMP cannot address such new contamination, DTSC reserves the right to require additional environmental work, as appropriate.

If you have any questions, please contact me at (510) 540-3770.

Sincerely,

Henry Wong
Remedial Project Manager
Brownfields and Environmental Restoration Program

Email Distribution:

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Mr. Mark Arniola
July 19, 2010
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Mr. George Leyva, P.G.
Project Manager
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Mr. Scott Armstrong
Army's BRAC Environmental Coordinator for
Oakland Gateway Development Area
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Department of Toxic Substances Control

Matthew Rodriquez
Secretary for
Environmental Protection

Deborah O. Raphael, Director
700 Heinz Avenue
Berkeley, California 94710-2721

Edmund G. Brown Jr.
Governor

REMEDIAL ACTION CERTIFICATION

RMP Locations 98 and 159
Oakland Gateway Development Area
700 Murmansk Street, Suite 3
Oakland, California 94607

---

1. **Certification of Remedial Action:**

I hereby certify that the foregoing information is true and correct to the best of my knowledge.

Henry Wong, P.E.
Remedial Project Manager
Brownfields and Environmental Restoration Program

6/27/2013
Date

Karen M. Toth, P.E.
Unit Chief
Brownfields and Environmental Restoration Program

6/26/2013
Date

Gerard Aarons, PG 7430, CHG 771
Engineering Geologist
Geological Services Unit
Office of Geology
Brownfields and Environmental Restoration Program

6/27/2013
Date

2. **Certification Statement:** Based upon the information which is currently and actually known to the Department of Toxic Substances Control (DTSC),

__ DTSC has determined that all appropriate response actions have been completed, that all acceptable engineering practices were implemented and that no further removal/remedial action is necessary.

__ DTSC has determined, based upon a remedial investigation or site characterization that the site poses no significant threat to public health, welfare or the environment and therefore implementation of removal/remedial measures is not necessary.

_X_ DTSC has determined that all appropriate removal/remedial actions have been completed and that all acceptable engineering practices were implemented; however, the site requires ongoing operation and maintenance (O&M) and monitoring efforts. The site will be deleted from the "active" site list following (1) a trial operation and maintenance period and (2) execution of a formal written settlement between the Department and the responsible parties, if appropriate. However, the site will be placed on the Department's list of sites undergoing O&M to ensure proper monitoring of long-term clean-up efforts.

3. **Site Name and Location:**

RMP Locations 98 and 159
Oakland Gateway Development Area
700 Murmansk Street, Suite 3
Oakland, California 94607

A. List of any other names that have been used to identify the site:

<u>RMP Locations</u>

- RMP Location 98: A former 550-gallon gasoline above ground storage tank (AST) located west of Building 14
- RMP Location 159: The location of a former sand trap and vehicle wash rack

<u>Alternative Names for the Project Site</u>

- Base Realignment and Closure Parcels 4 and 11
- Operable Unit 1
- Gateway Development Area
- Former Oakland Army Base – Economic Development Conveyance Area
- Oakland Army Base

B. Address of site if different from above:

RMP Location 98 is located on the south side of Burma Road, west of its intersection with Maritime Street, in the City of Oakland, California. RMP Location 159 is located on the south side of Urkraine Street, east of its intersection with Maritime Street, in the City of Oakland, California.

C. Assessor's Parcel Number: O000-0507-001-11
(This number starts with the letter "O" and is followed by three zeros.)

D. DTSC Identification Numbers:

Site Code: 201537
EnviroStor ID: 01970016

4. Responsible Parties:

Landowner
City of Oakland

Contact Person:
Mr. Mark Arniola, P.G.
Environmental Program Specialist
Public Works Agency
Environmental Services Division
City of Oakland
250 Frank H. Ogawa Plaza, Suite 5301
Oakland, California 94612-2034
(510) 238-7371
marniola@oaklandnet.com

5. Project History:

Prior to 1916, much of the area encompassing the former Oakland Army Base was natural tidal marsh or shallow open water. Subsequent land reclamation activities in the general areas created the land where the Army property is situated. The Army began operation at the former Oakland Army Base in the early 1940s, closed the base in September 1999, and transferred 363.5 acres of property to the City of Oakland in July 2003. In August 2006 the City of Oakland deeded approximately half of the transferred area to the Port of Oakland. DTSC has renamed the transferred 363.5-acre property as the "Oakland Gateway Development Area."

On September 27, 2002, DTSC approved the Remedial Action Plan (RAP) and selected remedies for seven RAP Sites and approximately 150 Risk

Management Plan (RMP) Locations. RAP Sites are large areas with contaminated soil and/or groundwater that must be remediated before infrastructure installation or redevelopment. In contrast, RMP Locations and features include washracks, sumps, oil/water separators, miscellaneous operations, underground storage tanks, aboveground storage tanks, former industrial and chemical handling locations, historical spills and stains, lead in soil around buildings, former polychlorinated biphenyl (PCB)-transformers and equipment locations, storm drains and sanitary sewers, railroad tracks, and marine sediments. The RAP has selected a presumptive remedy outlined in the Risk Management Plan (Appendix E of the RAP) for supplementing environmental data and implementing necessary cleanup actions during infrastructure installation or redevelopment.

On August 8, 2003, the City of Oakland and DTSC executed and recorded the *Covenant to Restrict Use of Property, Environmental Restriction* (Covenant) for the Oakland Gateway Development Area, which includes RMP Locations 98 and 159. Since the former base property is not being remediated to residential or drinking water standards, the Covenant requires land and groundwater use restrictions and compliance with the RMP for proper soil and groundwater management.

6. RMP Locations 98 and 159:

On June 18, 2013, the City of Oakland finalized the *Request for Completion and Summary of Remediation Activities RMP Locations 98 and 159* (Completion Request) (a) presenting soil and groundwater data collected by the Army and supplemented by the City of Oakland, (b) summarizing the soil remediation activities, (c) evaluating whether the data satisfy RMP sampling requirements, and (d) documenting achievement of the remedial action objectives at the RMP Locations.

RMP Location 98

RMP Location 98 is the former 550-gallon gasoline AST located near the southwest corner of Building 14. The AST was removed in 1998; its installation date is unknown. The AST was reportedly used to store unleaded gasoline drained from vehicles before they were loaded onto ships and to fuel vehicles off-loaded from ships. The RAP identifies lead impacted soil at RMP Location 98.

- *1997 through 2000 Investigation*:

  In July 1997, August 1998, and February 2000, the Army collected a total of 17 soil samples at depths from the ground surface to 7 feet below ground surface (bgs). The soil samples were analyzed for volatile organic compounds (VOCs), polycyclic aromatic hydrocarbons (PAHs), total petroleum hydrocarbons in gasoline range (TPH-g), TPH in diesel range

(TPH-d), TPH in motor oil range (TPH-mo), and metals. For these 17 soil samples, lead concentrations in two samples at 2 feet bgs and 1.5 feet bgs were detected at 2,910 mg/kg and 883 mg/kg, respectively, above the lead remediation goal of 750 mg/kg. All other chemicals of concern (COCs) were detected with soil concentrations below the remediation goals.

In July 1997 and August 1998, the Army collected five grab groundwater samples from four borings for VOC, TPH-g, TPH-d, TPH-mo, and metal analyses. All COCs were detected with groundwater concentrations below remediation goals.

- *2011 Remediation*:

In June 2011 the City of Oakland excavated the lead-impacted soil to a depth of three feet within a 10-foot by 30-foot area. Five soil samples (RMP98CS001 through RMP98CS005) were collected from the four sidewalls and the bottom for lead analysis. The analytical result of bottom sample (RMP98CS005) indicated the lead was present at a concentration of 950 mg/kg. The sidewall samples were all below the remediation goal. In July 2011 the City of Oakland continued excavation down to the water table (approximately 5 feet bgs). Following the over-excavation extension, a soil sample (RMP98CS007) was collected from the excavation bottom for lead analysis; the lead concentration was detected at a concentration of 19 mg/kg in this bottom confirmation sample.

During the initial excavation activities conducted in June 2011, an area of stained soil with a petroleum-like odor was encountered in the northeast corner of the excavation. A sample of this material (RMP98CS006) was collected and submitted for VOC, PAH, PCB, TPH-d, TPH-g, and TPH-mo analyses. Analytical results indicated the presence of VOCs, PAHs, and TPH-d at concentrations above the respective remediation goals. In July 2011 the excavation was extended five feet beyond the initial boundary to "chase" the petroleum impacted material. Following this over-excavation, three additional sidewall samples (RMP 98CS008 through RMP 98CS010) and one bottom sample (RMP98CS011) were collected for VOC, PAH, and TPH-d analyses. All COC concentrations from the four additional confirmation samples were below remediation goal.

- *2012 Data Gap Investigation*:

In April 2012 the City of Oakland conducted a data gap investigation to further evaluate the extent of lead in soil near sampling location ICFAS04S01, because the July 2011 excavation was obstructed by the presence of a tenant trailer and a buried electrical power line. Nine soil samples were collected from four borings (RMP98SL001 through RMP98SL004) advanced to 3.5 feet bgs. Analytical results from the nine soil samples indicated that the 2 to 2.5-

feet bgs sample in three of the four borings had lead concentrations that exceeded the remediation goal. Concentrations at the 2 to 2.5-feet bgs samples ranged from 340 mg/kg (RMP98SL003-2-2.5) to 12,000 mg/kg (RMP98SL002-2.5). None of the samples collected from 3 to 3.5-feet bgs depths exceeded the lead remediation goal. No evidence of petroleum hydrocarbons (visual or olfactory) was identified within the soil samples suggesting that the lead contamination may not have been associated with the 550-gallon gasoline AST.

- *2013 Remediation*:

  In February 2013 the City of Oakland excavated the lead-impacted area identified in April 2012 to a depth of 3 feet. Following the excavation, five soil samples (RMP98CS012 through RMP98CS016) were collected from the four sidewalls and bottom for lead analysis.

  In addition, soil was excavated in an area down to 1.5 feet bgs that was not excavated during the 2011 excavation due to the presence of a buried electrical power line. Care was taken to avoid damaging the electrical line that was encountered within a concrete covered utility conduit at a depth of 1.5 feet bgs. Once the concrete overlying the electric line was uncovered, a bucket width (3 feet) was excavated west of the electrical line to collect one soil sample (RMP98CS017) for VOC, semi-volatile organic compounds (SVOCs), TPH-d, and lead analyses.

  Analytical results from soil samples (RMP98CS012 through RMP98CS017) were detected with COCs below remediation goals.

  Four-point composite samples collected from the excavated soil placed into the two stockpiles were also analyzed for VOCs, SVOCs, PCBs, TPH-g, TPH-d, TPH-mo, and metals. Based on the analytical results, approximately 28 cubic yards of soil was disposed of as a RCRA hazardous waste at a landfill in Buttonwillow, California. Another 28 cubic yards of soil was disposed of as nonhazardous solid waste at at Keller Canyon Landfill in Bay Point, California.

RMP Location 159

RMP Location 159 is located at the northwestern corner of Facility 815. Former Facility 815 (RMP Location 23) consisted of a vehicle washrack, a sand trap, an oil water separator (RMP Location 24), and two waste oil underground storage tanks (USTs) (RMP Location 123). The two RMP Location 123 USTs were removed in 1990 and Facility 815 and the associated RMP Locations 23 and 24 features were dismantled and removed in 1999. Excavation, over-excavation, confirmation sampling and soil and groundwater investigations performed at Facility 815 resulted in completion of RMP Locations 24 and 123 and all but the

northwestern portion of RMP Location 23. The northwestern portion of RMP 23 was subsequently split apart from RMP Location 23 and identified as new RMP Location 159. DTSC approved the completion request for RMP Locations 23, 24, and 123 in July 2010.

- *1999 Army Excavation of Former Facility 815*:

  During excavation at the Former Facility 815 (i.e., RMP Location 23) in November 1999, the Army collected nine confirmation soil samples (11S26, 11S28 through 11S31, 11S35, 11S36, and 11S41) at the northeastern sidewall, which are in the southwestern margin of RMP Location 159. Stained soil was present on the northeastern excavation sidewall, indicative of COC impacted soil; however, excavation was halted due to the presence of a fire main, two power poles, and a fire hydrant located near the northeastern limit of the excavation. Analytical results of excavation soil samples 11S31, 11S35, and 11S41 indicated that COCs were present above their respective remediation goals at northeastern sidewall of the Former Facility 815.

  In December 1999, the Army subsequently collected 11 soil samples from five borings (11S42 through 11S45 and 11S47) drilled during a data gap investigation along a transect parallel to the excavation just north of the power poles to determine if COCs were present within soil just north fire main, power poles, and the fire hydrant that halted excavation in November 1999. In January 2000, two additional soil samples were collected from one boring (11S46) located west the Former Facility 815. Analytical results of excavation soil samples 11S31, 11S35, and 11S41 indicated that COCs were present above their respective remediation goals at northeastern sidewall of the Former Facility 815. Soil samples collected in December 1999 and January 2000 were below laboratory reporting levels or detected at concentrations below remediation goals.

  Groundwater samples were previously collected from five wells and seven grab groundwater soil borings in the vicinity of the Former Facility 815 for VOC, PAH, PCB, pesticide, petroleum hydrocarbons, and metal analyses. All analytes in the groundwater samples were detected at concentrations below their respective remediation goals.

- *2010 Creation of RMP 159*:

  During the review of a completion request for RMP Location 23 in early 2010, DTSC designated the northeastern sidewall, where samples 11S31, 11S35, and 11S41 were located, as RMP Location 159. Analytical results of excavation confirmation samples 11S31, 11S35, and 11S41 indicated that COCs were present above their respective remediation goals at RMP Location 159 as follows:

- TPH-d was detected at a concentration of 11,000 mg/kg at 6-feet bgs in soil sample 11S31 (TPH-d remediation goal is 8,000 mg/kg),
- TPH-g was detected at a concentration of 2,500 mg/kg at 5.5-feet bgs in soil sample 11S41 (TPH-g remediation goal is 2,400 mg/kg),
- Total xylenes were detected at a concentration of 2.5 mg/kg at 5.5-feet in soil sample 11S41 and at a concentration of 1.66 mg/kg at 3.5 feet bgs in soil sample 11S35 (total xylenes remediation goal is 1 mg/kg),
- Naphthalene was detected at a concentration of 6 mg/kg at 5.5-feet in soil sample 11S41 (naphthalene remediation goal is 4.9 mg/kg),
- Chrysene was detected at a concentration of 7.7 mg/kg at a depth of 3.5-feet in soil sample 11S35 (chrysene remediation goal is 4.7 mg/kg).

- *2013 Soil Excavation*:

In February 2013 the City of Oakland excavated a 2-foot by 20-foot trench to approximately 6 feet bgs at RMP Location 159. Following the excavation, five soil samples (RMP 159CS001 through RMP 159CS005) were collected from the four sidewalls and bottom for VOC, SVOCs, TPH-g, TPH-d, and TPH-mo analyses. Soil analytical results do not show COC concentrations above remediation goals.

One four-point composite sample collected from the excavated soil was also analyzed for VOCs, SVOCs, PCBs, TPHs, and metals. Based on the analytical results, approximately 9 cubic yards of soil was disposed of as non-hazardous solid waste at a permitted landfill in Bay Point, California.

The excavation was backfilled in March 2013 with clean fill to a depth of approximately 2.5 feet bgs. From 2.5 feet bgs to the surface, the excavation was backfilled with 2-sack sand cement slurry to insure that areas near the sewer line would be supported.

A 2-foot by 20-foot trench was the only area excavated out of the proposed 7-foot by 43-foot excavation to encompass sample location 11S31 due to the presence of buried utility lines, the fire main, two power poles, and a fire hydrant. In addition to a water line that was previously known to run the down the middle of the proposed excavation, an AT&T distribution line was identified by Underground Service Alert and an unknown utility was identified during the geophysical utility clearance. The unknown utility was determined to be a 6-inch sewer line located approximately 2 feet bgs.

The excavations conducted at RMP Location 159 in 1999 and 2013 removed the maximum amount of soil that could be accessed without risking worker safety or causing damage to underground utilities. The residual TPH-d concentration at soil sample location 11S31 at 6 feet bgs contains TPH-d at 11,000 mg/kg (remediation goal is 8,000 mg/kg). Since TPH-d concentrations at 11S26 (9.4 mg/kg), 11S28 (1.4 mg/kg), 11S35 (530 mg/kg excavated), 11S42 at 2 feet bgs (5 mg/kg), 11S42 at 5 feet bgs (5 mg/kg), and 11S42 at 5.5 feet bgs (4 mg/kg) were all collected within approximately 12 feet of location 11S31, it seems the elevated TPH-d concentration at 11S31 is well bounded.

RMP Location 159 is still part of the RMP Implementation Area and hence subject to the risk management protocols set forth in the RMP regarding planning and implementation of earthwork construction or other redevelopment or post-development subsurface construction activities.

Approval of Completion Request

On June 27, 2013, DTSC approved the June 18, 2013 Completion Request and concluded that the City of Oakland (a) had adequately assessed, investigated, and remediated RMP Locations 98 and 159, (b) had demonstrated achievement of the remedial action objectives, and (c) had implemented the required institutional control remedy for the subject areas.

All RAP Sites and RMP Locations within the Oakland Gateway Development Area, upon remedy implementation, continue to be parts of the RMP Implementation Area. The August 8, 2003 *Covenant to Restrict Use of Property, Environmental Restriction* requires landowner(s) to follow the risk management protocols set forth in the RMP regarding planning and implementation of earthwork construction, redevelopment, and/or post-development activities.

7. Type of Site:

Included in EnviroStor? Yes

RCRA Permitted Facility	_____	Bond Funded	_____
RCRA Facility Closure	_____	RP Funded	_____
NPL	_____	Federal Facility	_____
Other (i.e., walk-in):	X		

8. Size of Site:

Approximately 810 square feet

Small X Medium _____ Large _____ Extra Large _____

9. Dates of Remedial Action

The Army, City of Oakland, and Port of Oakland assessed, investigated and remediated RMP Locations 98 and 159 from April 2002 through June 2013. On August 8, 2003, the City of Oakland and DTSC executed and recorded the *Covenant to Restrict Use of Property, Environmental Restriction* for the Oakland Gateway Development Area, which includes RMP Locations 98 and 159.

10. Response Action Taken on Site: (check appropriate action)

____ Initial removal or remedial action (site inspection/sampling)

_X_ Final remedial action

____ RCRA enforcement/closure action

____ No action, further investigation verified that no cleanup action at site was needed

A. Type of Remedial Action:

The RAP selects the following remedies:

- In-situ chemical oxidation/reduction; and
- Implementation of institutional controls to:
  - Prohibit sensitive land uses;
  - Restrict construction of groundwater wells and extraction of groundwater without DTSC's approval;
  - Prevent disturbance of surface soil, subsurface soil, and groundwater monitoring wells, except as conducted pursuant to the RMP; and
  - Comply with the RMP for soil and groundwater management, maintenance of ground covers, mitigation during earthwork, management of below grade structures, and construction dewatering.

B. Estimated quantity of remediation waste/hazardous waste associated with the site (i.e., tons/gallons/ cubic yards) was:

1. _____ Waste Treated Off-Site Amount: _____
2. _____ Untreated (capped sites) Amount: _____
3. _X_ Soil Removed Amount: 65 cubic yards

4. _____ Groundwater Disposed Off-Site Amount: _____

5. __X__ Institutional Controls
The institutional controls remedy applies to all Oakland Gateway Development Area property including RMP Locations 98 and 159.

11. Cleanup Levels/Standards

A. What were the cleanup standards established by DTSC pursuant to the final remedial action plan or workplan (if cleanup occurred as the result of a removal action workplan or interim remedial measures prior to development of a RAP)?

The RAP, Table 7-11 lists numerical cleanup targets as the soil and groundwater remediation goals that correspond to a 1×10^{-6} incremental lifetime cancer risk for each COC. When more than ten carcinogenic COCs are present at concentrations exceeding remediation goals, the overarching remedial action objective is the cumulative target risk level of 1×10^{-5} for carcinogenic COCs applicable at each RAP Site and RMP Location.

Remediation goals represent the maximum allowable concentrations for the respective COCs and cannot be increased to allocate amongst the residual COCs to meet the overarching cumulative risk of 1×10^{-5}. However, remediation goals can be adjusted downward, as need, if the cumulative cancer risk level exceeds 1×10^{-5} or the total hazard index (HI) exceeds 1. Remedial action objectives are achieved when residual COCs in soil and groundwater are no greater than a cumulative HI of 1 or a cumulative carcinogenic risk of 1×10^{-5} for each potentially exposed population.

B. Were the specified cleanup standards met? Yes __X__ No _____

C. If "no", why not:

12. DTSC Involvement in the Remedial Action:

A. Did DTSC order the Removal Action?

Yes _____ No __X__ Date of Order _____

B. Did DTSC review and approve (check appropriate action and indicate date of review/approval if done):

_____ Sampling Analysis Procedures Date: _____

_____ Health & Safety Protections Date: _____

_____ Removal/Disposal Procedures Date: _____

__X__ Remedial Action Plan Date: September 27, 2002

_____ Removal Action Workplan Date: _____

C. If site was abated by a responsible party, did DTSC receive a signed statement from a licensed professional on all Remedial Action?

Yes __X__ No ____ Name: Bethany P. Flynn, PG 5710

D. Did a registered engineer or geologist verify that acceptable engineering practices were implemented?

Yes __X__ No ____ Name: Gerard Aarons, PG 7430
Henry Wong, P.E., C81458

E. Did DTSC confirm completion of all remedial action?

Yes __X__ No ____ Date of verification: June 27, 2013

F. Did DTSC (directly or through a contractor) actually perform the Remedial Action?
Yes ____ No __X__

G. Was there a community relations plan in place?
Yes __X__ No ____

H. Was a remedial action plan or removal action workplan developed for this site?
Yes __X__ No ____

I. Did DTSC hold a public meeting regarding the draft RAW or RAP?
Yes __X__ No ____

J. Were public comments addressed?
Yes __X__ No ____
Date of DTSC analysis and response: September 27, 2002

K. Are all of the facts cited above adequately documented in the DTSC files?
Yes __X__ No ____

If no, identify areas where documentation is lacking.

_____

13. EPA Involvement in the Remedial Action:

A. Was the EPA involved in the site cleanup?
Yes _X_ No ____

B. If yes, did EPA concur with all remedial actions?
Yes _X_ No ____

C. EPA comments: EPA staff provided consultative services on this project.

EPA staff involved in cleanup:

Xuan-Mai Tran
Remedial Project Manager
U.S. Environmental Protection Agency
Region IX
Federal Facilities Cleanup Branch
75 Hawthorne Street, (SFD-8-2)
San Francisco, California 94105
(415) 972-3002
tran.xuan-mai@epamail.epa.gov

14. Other Regulatory Agency Involvement in the Cleanup Action:

Agency:	Activity:
_X_ RWQCB	The Regional Water Quality Control Board staff provided consultative services on this project.
____ ARB	_____
____ CHP	_____
____ Caltrans	_____
____ Other	_____

Name of contact persons and agency:

George Leyva, PG
Project Manager
California Regional Water Quality Control Board

1515 Clay Street, Suite 1400
Oakland, California 94612
(510) 622-2352
george.leyva@waterboards.ca.gov

15. Post-Closure / Post-Remedy Activities:

A. Will there be post-closure / post-remedy activities at this site? (e.g., Operation and Maintenance)
Yes _X_ No ____

If yes, describe:

On August 8, 2003, the City of Oakland and DTSC executed and recorded the *Covenant to Restrict Use of Property, Environmental Restriction* (Alameda County Series Number 2003466371) for the Oakland Gateway Development Area, which includes Building 991 RAP Site. The City of Oakland implemented the institutional control remedy by recording the Covenant with the Alameda County Assessor's Office. Since the former base property is not being remediated to residential and drinking water standards, the Covenant requires land and groundwater use restrictions and compliance with the RMP for proper soil and groundwater management. The RMP is Appendix E to the September 27, 2002 DTSC-approved RAP.

The remedial action objectives were based on commercial and industrial land uses. Since residual chemicals in soil and groundwater at the site render the property not suitable for unrestricted use, five-year statutory reviews are required for RMP Locations 98 and 159. The trigger date for a statutory five-year review was the mobilization date of first remedy implementation for the Port-owned portion of the Oakland Gateway Development Area project (i.e., UST 11/12/13 RAP Site on August 1, 2007). On August 30, 2012, the Port of Oakland submitted the draft Five-Year Review to DTSC for review. DTSC plans to complete its review of the Five-Year Review by July 2013.

B. Have post-closure plans been prepared and approved by DTSC?
Yes ____ No _X_
A post-closure plan is not required or necessary for this site.

C. What is the estimated duration of post-closure (including operations and maintenance activities) activities?

Unless ended in accordance with the *Covenant to Restriction Use of Property, Environmental Restriction*, by law, or by DTSC in the exercise of

its discretion, the Covenant and five-year review requirements shall continue in effect in perpetuity.

D. Are deed restrictions proposed or in place? Yes _X_ No ____

If yes, have deed restrictions been recorded with the County recorder?

Yes _X_ No _____ Date: August 8, 2003

If no, who is responsible for assuring that the deed restrictions are recorded?

_____

Who is the DTSC contact person?

Henry Wong, P.E.
Hazardous Substances Engineer
Brownfields and Environmental Restoration Program
(510) 540-3770
henry.wong@dtsc.ca.gov

E. Has cost recovery been initiated? Yes _X_ No _____

Has DTSC received all payments? Yes _____ No _X_

If yes, amount received $ _____; _____% of DTSC costs billed.

On November 13, 2008, DTSC determined that the Army has failed to meet certain obligations of the Memorandum of Agreement (MOA) entered into between the Army, DTSC, and RWQCB in April 2003. Specifically, the Army has failed to provide funds for DTSC and RWQCB oversight under Section 27.1 of the MOA. Section 27.1 requires that oversight funds will be "... provided through the Defense/State Memorandum of Agreement (DSMOA), executed on August 21, 1992 ... or some other appropriate mechanism as agreed upon by the parties..." Accordingly, DTSC and RWQCB have not been paid for oversight costs since July 2008.

The City's, Port's, Army's and DTSC's management teams are working toward a resolution on this issue.

F. Were local planning agencies notified of the cleanup action?

Yes _X_ No _____ If yes, the name and address of agency:

Mark Arniola, PG

Environmental Program Specialist
Public Works Agency
Environmental Services Division
City of Oakland
250 Frank H. Ogawa Plaza, Suite 5301
Oakland, California 94612-2034
(510) 238-7371
marniola@oaklandnet.com

16. **Expenditure of Funds and Source:**

(Information to be supplied by Accounting Unit)

Funding Source and Amount Expended:

_____ HWCA $ _____ _____ HSA $ _____
_____ HSCF $ _____ _____ RCRA$ _____
_____ RP $ _____ _____ Other $ _____
_____ Federal Cooperative Agreement $ _____

17. **Problems Encountered Which Caused Major Delays:** None

18. **Accomplishment Unique to the Project:** None

19. **Final Use of Site:** The City of Oakland plans to develop RMP Locations 98 and 159 and vicinity for commercial and industrial land uses.

Department of Toxic Substances Control

Linda S. Adams
Secretary for
Environmental Protection

Maziar Movassaghi
Acting Director
700 Heinz Avenue
Berkeley, California 94710-2721

Arnold Schwarzenegger
Governor

REMEDIAL ACTION CERTIFICATION

Buildings 808 and 823 Remedial Action Plan Site
Oakland Gateway Development Area
700 Murmansk Street, Suite 3
Oakland, California 94607

---

1. **Certification of Remedial Action:**

I hereby certify that the foregoing information is true and correct to the best of my knowledge.

Henry Wong
Remedial Project Manager

6/18/2009
Date

Dot Lofstrom, P.G.
Leader
East Bay Urban Infill Team

6-18-09
Date

REGISTERED PROFESSIONAL ENGINEER
DANIEL EDWARD MURPHY
No. 049465
Exp. 9/30/2010
CIVIL
STATE OF CALIFORNIA

Daniel Murphy, P.E.
DTSC Civil Engineer in Responsible Charge

6/18/09
Date

2. **Certification Statement:** Based upon the information which is currently and actually known to the Department of Toxic Substances Control (DTSC),

__ DTSC has determined that all appropriate response actions have been completed, that all acceptable engineering practices were implemented and that no further removal/remedial action is necessary.

__ DTSC has determined, based upon a remedial investigation or site characterization that the site poses no significant threat to public health, welfare or the environment and therefore implementation of removal/remedial measures is not necessary.

X DTSC has determined that all appropriate removal/remedial actions have been completed and that all acceptable engineering practices were implemented; however, the site requires ongoing operation and maintenance (O&M) and monitoring efforts. The site will be deleted from the "active" site list following (1) a trial operation and maintenance period and (2) execution of a formal written settlement between the Department and the responsible parties, if appropriate. However, the site will be placed on the Department's list of sites undergoing O&M to ensure proper monitoring of long-term clean-up efforts.

3. **Site Name and Location:**

Buildings 808 and 823 Remedial Action Plan (RAP) Site
(aka: VOCs in Groundwater at Buildings 808 and 823)
Oakland Gateway Development Area
700 Murmansk Street, Suite 3
Oakland, California 94607

A. List of any other names that have been used to identify the site:

VOCs in Groundwater at Buildings 808 and 823
Former Oakland Army Base – Economic Development Conveyance Area
Oakland Army Base
A portion of Base Realignment and Closure (BRAC) Parcel 11
A portion of Operable Unit 1

B. Address of site if different from above:

Areas east of 2413 Ukraine Street, Oakland, California

C. Assessor's Parcel Number: O000-0507-001-11

D. DTSC Identification Numbers:

Operable Unit:	Buildings 808 and 823
Site Code:	201537
EnviroStor ID:	01970016

4. Responsible Parties:

Landowner
City of Oakland

Contact Person
Mr. Mark Arniola
Environmental Program Specialist
Public Works Agency
Environmental Services Division
City of Oakland
250 Frank H. Ogawa Plaza, Suite 5301
Oakland, California 94612-2034
(510) 238-7371
marniola@oaklandnet.com

Relationship to Site: *Contact person for responsible party*

5. Brief Description and History of the Site:

The Buildings 808 and 823 RAP Site, also known as "VOCs in Groundwater at Buildings 808 and 823," is an approximately 1.3-acre site within the former Oakland Army Base (OARB), Oakland, California. Prior to 1916, much of the area encompassing the OARB was natural tidal marsh or shallow open water. Subsequent to 1916, land was created and industrial buildings constructed that predate OARB activities.

The Army constructed Building 808 in 1942 and used it as a general purpose warehouse. Building 808 is currently occupied by a commercial tenant, Lighting by Steinheimer, and is used as a warehouse and production office for lighting and set design. Inactive railroad tracks are adjacent to Building 808.

The Army also constructed Building 823 in 1942. Army historical documents show that Building 823 contained a paint room, paint booth finishing room, and carpenter shop. Currently, Building 823 is occupied by a commercial tenant, Arthur Freyer Lighting, and is used as a warehouse and production office for lighting design. Records indicate that Army personnel stripped paint at Building

823 with chemicals such as chlorinated solvents. Other reports indicate that Building 823 was also used as a heavy equipment maintenance facility. Specific locations and types of equipment and chemicals that were involved with these historical operations by the Army are unknown.

Vinyl chloride and lesser concentrations of other volatile organic compounds (VOCs) were present in shallow groundwater in an area north of Building 808 and south of Building 823. No significant soil contamination has been identified and the source of the VOCs in shallow groundwater is not known. Possible sources include Building 823, and storm drains and sanitary sewers that run through the area.

Maximum VOC concentrations detected in shallow groundwater from grab groundwater locations near Buildings 808 and 823 are vinyl chloride at 267 micrograms per liter (µg/L), cis-1,2 dichloroethene at 13 µg/L, trans 1,2 dichloroethene at 3.6 µg/L, trichloroethene at 4.1 µg/L, and 1,1 dichloroethene at 2 µg/L. VOCs in shallow groundwater near Buildings 808 and 823 appear to be in steady state and are not migrating.

The lateral extent of VOC-impacted shallow groundwater was further delineated as part of the City of Oakland's Phase II Investigation in May 2002. Vinyl chloride at concentrations of less than 5 µg/L were detected in groundwater samples collected along the southern edge of this area. VOC-impacted groundwater near Buildings 808 and 823 was defined as a RAP Site because vinyl chloride in two grab groundwater samples (Locations 11S49 and 11S50 with 267 and 111 µg/L of vinyl chloride, respectively) collected in January 2000 exceeded the remediation goal of 32 µg/L.

On September 27, 2002, DTSC approved the RAP for the former Oakland Army Base. The RAP selected in-situ bioremediation of vinyl chloride in groundwater, groundwater monitoring, and institutional controls as the remedy for the Buildings 808 and 823 RAP Site.

On May 19, 2003, the City of Oakland and DTSC entered into a Consent Agreement to bind the City to enter into environmental restrictions for the Oakland Gateway Development Area as necessary to protect human health and the environment, and to require the remediation of the former base by the City in accordance with the RAP and associated Risk Management Plan (RMP). The RMP is Appendix E to the September 27, 2002 DTSC-approved RAP.

On August 6, 2003, Governor Davis approved the early transfer of approximately 363.5 acres of the former Oakland Army Base to the City of Oakland. The Buildings 808 and 823 RAP Site is a portion of the transferred property.

On August 8, 2003, the City of Oakland and DTSC executed and recorded the *Covenant to Restrict Use of Property, Environmental Restriction* (Covenant) for the Oakland Gateway Development Area, which includes the Buildings 808 and 823 RAP Site. The City of Oakland implemented the institutional control remedy by recording the Covenant with the Alameda County Assessor's Office. Since the former base property is not being remediated to residential or drinking water standards to allow for unrestricted reuse, the Covenant requires land and groundwater use restrictions and compliance with the RMP for proper soil and groundwater management.

On October 24, 2005, DTSC approved the *Pre-Design Investigation Memorandum* (PDIM) for additional four quarters of groundwater monitoring to better define the plume boundary and to aid preparation of the remedial design document. Vinyl chloride is the only COC for the Buildings 808 and 823 RAP Site. The maximum detected concentration of vinyl chloride in groundwater from four recent quarterly monitoring events was 26 µg/L, which is below the remediation goal of 32 µg/L. All other VOCs were below the respective remediation goals.

On March 20, 2009, DTSC issued the "Risk Management Plan Modification" letter specifying new language for RMP, Section 6.2 regarding vapor intrusion mitigation measures. This RMP Modification requires additional evaluation and consultation with DTSC if new buildings were to be constructed at the Buildings 808 and 823 RAP Site and vicinity areas.

6. Type of Site:

Included in EnviroStor? Yes

RCRA Permitted Facility	_____	Bond Funded	_____
RCRA Facility Closure	_____	RP Funded	_____
NPL	_____	Federal Facility	_____

Other (i.e., walk-in): Please see Section 14.E of this Certification.

7. Size of Site:

Approximately 1.3 Acres

Small _____ Medium __X__ Large _____ Extra Large _____

8. Dates of Remedial Action

The City of Oakland conducted four quarterly groundwater monitoring events pursuant to the DTSC-approved PDIM from December 2005 to September 2006. On April 24, 2009, the City of Oakland submitted the final Completion Report summarizing the monitoring activities, presenting analytical data, and requesting closure of the subject RAP Site.

9. Response Action Taken on Site: (check appropriate action)

____ *Initial removal or remedial action (site inspection/sampling)*

_X_ Final remedial action

____ RCRA enforcement/closure action

____ No action, further investigation verified that no cleanup action at site was needed

A. Type of Remedial Action:

The RAP selected the following remedy for the Buildings 808 and 823 RAP Site:

- In-situ bioremediation of vinyl chloride in groundwater and groundwater monitoring;
- Remediation to allow for planned land uses (i.e., commercial and industrial) consistent with the Amended Reuse Plan; and
- Implementation of institutional controls to:
  - Prohibit sensitive land uses;
  - Restrict construction of groundwater wells and extraction of groundwater without DTSC's approval;
  - Prevent disturbance of surface soil, subsurface soil, and groundwater monitoring wells, except as conducted pursuant to the RMP; and
  - Comply with the RMP for soil and groundwater management, maintenance of ground covers, mitigation during earthwork, management of below grade structures, and construction dewatering.

B. Estimated quantity of waste associated with the site (i.e., tons/gallons/ cubic yards) was:

1. _____ Waste Treated Amount: _____

2. _____ Untreated (capped sites) Amount: _____

3. _____ Soil Removed Amount: _____

4. _____ Wastewater Removed Amount: _____

5. _____ Institutional Controls Amount: 1.3 Acres

10. Cleanup Levels/Standards

A. What were the cleanup standards established by DTSC pursuant to the final remedial action plan (RAP) or workplan (if cleanup occurred as the result of a removal action workplan (RAW) or interim remedial measures (IRM) prior to development of a RAP)?

Risk-based remediation goals developed for OARB are utilized to meet the remedial action objectives. These goals were developed and presented in the RAP, including the rationale, calculation, and input parameters used in establishing the remediation goals. Remediation goals for most chemical are risk-based and represent the lowest calculated values of the non-carcinogenic or carcinogenic risk goal for each chemical of concern that are protective of all potentially exposed populations. However, some remediation goals are based on other chemical-specific parameters (such as potential leachability of a chemical from soil to groundwater) when these values are more stringent that the calculated human health goals.

<u>Achievement of the Remedial Action Objectives</u>

Are COC concentrations below the respective remediation goals?

Vinyl chloride is the only COC for the Buildings 808 and 823 RAP Site. The maximum detected concentration of vinyl chloride in groundwater from four recent quarterly monitoring events was 26 µg/L, which is below the remediation goal of 32 µg/L. All other VOCs were below the respective remediation goals.

Are cumulative excess cancer risk less than 1.0E-05 and non-cancer hazard index less than 1 for potential human receptors?

Using the maximum detected vinyl chloride of 26 µg/L and other VOC concentrations from the 2005 and 2006 groundwater data sets and all soil

data, the cumulative risks and hazardous index (HI) for the indoor commercial worker (i.e., potential human receptors) are as follows:

Groundwater Risk:	8.1E-07		
Soil Risk:	2.0E-07		
Total Risk:	1.1E-06	→	*Less than 1.0E-05*

Groundwater HI:	3.6E-04		
Soil HI:	1.9E-04		
Total HI:	5.5E-04	→	*Less than 1*

The total risk and hazard index are less than the remedial action objectives.

B. Were the specified cleanup standards met? Yes __X__ No _____

C. If "no", why not:

11. DTSC Involvement in the Remedial Action:

A. Did DTSC order the Removal Action?

Yes _____ No __X__ Date of Order _____

B. Did DTSC review and approve (check appropriate action and indicate date of review/approval if done):

_____ Sampling Analysis Procedures Date: _____

_____ Health & Safety Protections Date: _____

_____ Removal/Disposal Procedures Date: _____

__X__ Remedial Action Plan Date: September 27, 2002

_____ Removal Action Workplan Date: _____

C. If site was abated by a responsible party, did DTSC receive a signed statement from a licensed professional on all Remedial Action?

Yes __X__ No ____ Name: Michael Steiger, P.E., C63348

D. Did a registered engineer or geologist verify that acceptable engineering practices were implemented?

Yes _X_ No ____ Name: Daniel Murphy, P.E., C49465

E. Did DTSC confirm completion of all Remedial Action?

Yes _X_ No ____ Date of verification: June 8, 2009

F. Did DTSC (directly or through a contractor) actually perform the Remedial Action?
Yes ____ No _X_

G. Was there a community relations plan in place?
Yes _X_ No ____

H. Was a remedial action plan or removal action workplan developed for this site?
Yes _X_ No ____

I. Did DTSC hold a public meeting regarding the draft RAW or RAP?
Yes _X_ No ____

J. Were public comments addressed?
Yes _X_ No ____
Date of DTSC analysis and response: September 27, 2002

K. Are all of the facts cited above adequately documented in the DTSC files?
Yes _X_ No ____

If no, identify areas where documentation is lacking.

_____

12. EPA Involvement in the Remedial Action:

A. Was the EPA involved in the site cleanup?
Yes _X_ No ____

B. If yes, did EPA concur with all remedial actions?
Yes _X_ No ____

C. EPA comments: EPA staff provided consultative services on this project.

EPA staff involved in cleanup:

Xuan-Mai Tran

Remedial Project Manager
U.S. Environmental Protection Agency
Region IX
Federal Facilities Cleanup Branch
75 Hawthorne Street, (SFD-8-2)
San Francisco, California 94105
(415) 972-3002

13. Other Regulatory Agency Involvement in the Cleanup Action:

Agency:	Activity:
____ RWQCB	The Regional Water Quality Control Board (RWQCB) staff provided consultative services on this project.
____ ARB	_____
____ CHP	_____
____ Caltrans	_____
____ Other	_____

Name of contact persons and agency:

Devender Narala
Project Manager
California Regional Water Quality Control Board
1515 Clay Street, Suite 1400
Oakland, California 94612
(510) 622-2309

14. Post-Closure / Post-Remedy Activities:

A. Will there be post-closure / post-remedy activities at this site? (e.g., Operation and Maintenance)
Yes _X_ No ____

If yes, describe:

On August 8, 2003, the City of Oakland and DTSC executed and recorded the *Covenant to Restrict Use of Property, Environmental Restriction* (Covenant) for the Oakland Gateway Development Area, which includes

the Buildings 808 and 823 RAP Site. The City of Oakland implemented the institutional control remedy by recording the Covenant with the Alameda County Assessor's Office. Since the former base property is not being remediated to residential and drinking water standards to allow for unrestricted reuse, the Covenant requires land and groundwater use restrictions and compliance with the RMP for proper soil and groundwater management. The RMP is Appendix E to the September 27, 2002 DTSC-approved RAP.

The City of Oakland and DTSC executed the *Covenant to Restrict Use of Property, Environmental Restriction* on August 8, 2003, which:

- Prohibit sensitive land uses;
- Restrict construction of groundwater wells and extraction of groundwater without DTSC's approval;
- Prevent disturbance of surface soil, subsurface soil, and groundwater monitoring wells, except as conducted pursuant to the RMP; and
- Comply with the RMP for soil and groundwater management, maintenance of ground covers, mitigation during earthwork, management of below grade structures, and construction dewatering.

The remedial action objectives were based on commercial and industrial land uses. Since residual chemicals in soil and groundwater at the site render the property not suitable for unrestricted use, five-year statutory reviews are required for the Buildings 808 and 823 RAP Site. The trigger date for a statutory five-year review was the mobilization date of first remedy implementation for the Oakland Gateway Development Area project (i.e., Building 1 RAP Site on November 28, 2005). Therefore, DTSC should review and approve the first statutory five-year review report on or before November 28, 2010. As a result, DTSC shall receive the first Draft Five-Year Review Report in May 2010.

B. Have post-closure plans been prepared and approved by DTSC?
Yes ____ No _X__
Post-closure plan is not required or necessary for this site.

C. What is the estimated duration of post-closure (including operations and maintenance activities) activities?

Unless ended in accordance with the *Covenant to Restriction Use of Property, Environmental Restriction*, by law, or by DTSC in the exercise of its discretion, the covenant and five-year review requirements shall continue in effect in perpetuity.

D. Are deed restrictions proposed or in place? Yes _X__No ____

If yes, have deed restrictions been recorded with the County recorder?

Yes _X_ No _____ Date: August 8, 2003

If no, who is responsible for assuring that the deed restrictions are recorded?

_____

Who is the DTSC contact person?

Henry Wong, (510) 540-3770
Name/Phone Number

E. Has cost recovery been initiated? Yes _X_ No _____

Has DTSC received all payments? Yes _____ No _X_

If yes, amount received $ _____; _____% of DTSC costs billed.

On November 13, 2008, DTSC determined that the Army has failed to meet certain obligations of the Memorandum of Agreement (MOA) enter into between the Army, DTSC, RWQCB in April 2003. Specifically, the Army has failed to provide funds for DTSC and RWQCB oversight under Section 27.1 of the MOA. Section 27.1 requires that oversight funds will be "... provided through the Defense/State Memorandum of Agreement (DSMOA), executed August 21, 1992 ... or some other appropriate mechanism as agreed upon by the parties..."

To date the Army has provided no alternative mechanism for payment of oversight costs to DTSC and RWQCB. Accordingly, DTSC and RWQCB have not been paid for oversight costs since July 2008.

F. Were local planning agencies notified of the cleanup action?

Yes _X_ No _____ If yes, the name and address of agency:

Mark Arniola, P.G.
Environmental Program Specialist
Public Works Agency
Environmental Services Division
City of Oakland
250 Frank H. Ogawa Plaza, Suite 5301
Oakland, California 94612-2034
(510) 238-7371

marniola@oaklandnet.com

15. Expenditure of Funds and Source:

(Information to be supplied by Accounting Unit)

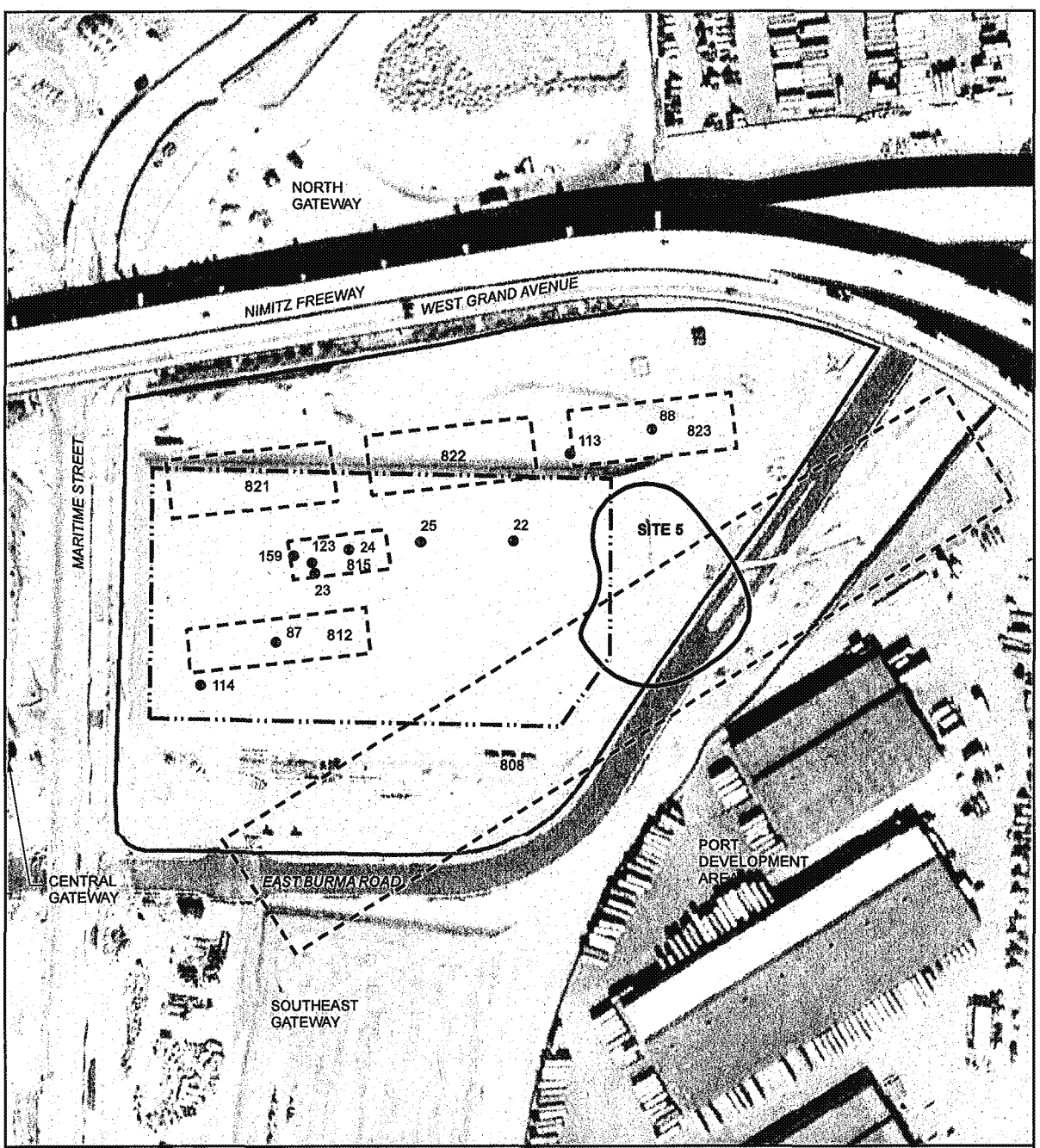
Funding Source and Amount Expended:

_____ HWCA $ _____ _____ HSA $ _____
_____ HSCF $ _____ _____ RCRA$ _____
_____ RP $ _____ _____ Other $ _____
_____ Federal Cooperative Agreement $ _____

16. Problems Encountered Which Caused Major Delays: None.

17. Accomplishment Unique to the Project: None.

18. Final Use of Site: The City of Oakland plans to develop the site for commercial and/or industrial land uses.



LEGEND

- RMP LOCATION
- REMEDIAL ACTION PLAN
- SITE BOUNDARY
- APPROXIMATE PROPOSED FUTURE BUILDING LOCATION
- APPROXIMATE FORMER BUILDING LOCATION

N

0 200
SCALE IN FEET

NOTES:
812 = FORMER BUILDING DESIGNATION
113 = RMP NUMBER
RMP = REMEDIAL ACTION PLAN

FARALLON CONSULTING
Washington: Issaquah | Bellingham | Seattle
Oregon: Portland | Bend | Baker City
California: Oakland | Sacramento | Irvine
Quality Service for Environmental Solutions | farallonconsulting.com

FIGURE 1
SITE PLAN
NORTHEAST GATEWAY PROPERTY
OAKLAND, CALIFORNIA

FARALLON PN: 1071-009

Drawn By: tperrin | Checked By: SA | Date: 5/10/2016 | Disc Reference:
Document Path: G:\Projects\1071 Prologis\1071009 2015 Due Diligence\009 Oakland Army Base\GIS\Figure NE_RMP-RAP-Future-Former-Bldg.mxd

PROLOGIS WT Wilhelm Terrace

003971 2020-10-29

NEIGHBORHOOD SURVEY/ NOTICE

Project Name

Project Address

RE: PROPOSED SATURDAY WORK SCHEDULE: [Insert Dates]

Dear Neighbor:

[Explain the purpose of letter is to inform neighbors that a 'request' has been made to Building Services to authorize work on numerous upcoming Saturdays, and that input from neighbors is being solicited.)

[Insert explanation of WHY this work needs to be accomplished outside of normal working DAYS or HOURS (i.e. M-F, 7am – 7pm).

[Explain the site management measures that are and will remain in place to control noise, dust, parking, traffic and other impacts related to this job site].

WHAT: Scope of Construction Activity that you are requesting to do, including size of work force, equipment to be used, etc... **[Work scope must be limited to relatively quiet work to satisfy the Oakland Noise Ordinance limit of 55 dba on weekends in residential areas. No material deliveries, off hauling, or other loud unenclosed activities]**

WHERE: Work location to be limited to inside only with windows and doors closed.

WHEN: 9am – 5pm, Saturdays from xx/xx/xx to yy/yy/yy. **[Our Office will only authorize up to 4 Saturdays at a time, until a track record of complaint-free performance is established that we can support. We also reserve the right to withdraw Saturday authorization for failure to satisfy important construction-related Planning Conditions of Approval]**

Please forward your comments, questions, or concerns to (contact info for project managers, including phone # and email address] or to Bill Quesada, Oakland Building Services, (510) 238-6345, bquesada@oaklandnet.com.

For emergencies or site complaints regarding this construction site, please contact the job superintendent (contact # and email of the on-site job superintendent). **[The GC must maintain a job superintendent on-site all day for each requested Saturday, to manage construction and complaints. No subs working alone].**

Municon Consultants

Vibration Monitoring, Construction Instrumentation, Photo Surveys

July 29, 2016

The Whiting-Turner Contracting Company
4690 Chabot Drive, Suite 120
Pleasanton, California 94588
Attn: Ryan Dotson

RE: **OAKLAND GLOBAL LOGISTICS CENTER PHASE I, NORTH EAST GATEWAY, OAKLAND, CA**
SUBJECT: **Proposal for Pre-construction and Post-Construction Haul Route Video Survey**

Please find herein our proposal for the truck haul route video survey for your project at **Oakland Global Logistics Center Phase I, North East Gateway, Oakland, California (the Project).** With extensive experience with all phases of construction monitoring and litigation mitigation in urban environments, we are uniquely qualified to handle this assignment. We have over 24 years of experience in the execution and document control for large and small scale pre-construction photo and video surveys.

**** * We are Reliable * ****

We have over 24 years of experience and a strong record of repeat clients.

**** * We are Experienced * ****

We have conducted more pre-construction photo surveys than other West Coast firms.

**** * We are Safety Conscious * ****

We hold regular weekly "toolbox" safety meetings as our personnel are regularly tending our equipment on or adjacent to contractor heavy construction sites.

**** * We are Certified * ****

▪ CA UCP - UDBE (12867) ▪ CA DGS-SBE (18229) ▪
SF HRC LBE/W CMD 31810741 ▪ SBA SBE (Woman-Owned) 79-9371554
CA DIR # 1000002530

PROLOGIS WT Whiting-Turner

Municon Consultants

Vibration Monitoring, Construction Instrumentation, Photo Surveys

PRE-CONSTRUCTION PHOTO AND VIDEO SURVEYS

Municon specializes in pre-construction photo and video surveys with large numbers of buildings (as many as 350) and the document control of data. We have performed photo surveys for the Cathedral Hill Hospital, the San Francisco City Hall, the Transbay Terminal demolition, demolition of San Francisco Pier 36, the Warren Avenue/BART/UPRR undercrossing in Fremont, the BART Oakland Airport Connector, and multiple other public works and private projects in San Francisco and the Bay Area. We have performed video surveys of the route leading to the Harry Tracy Water Treatment Plant, the project site for the Warren Avenue Undercrossing in Fremont, the route to the Calaveras Dam, and multiple other public works and private projects in San Francisco and the Bay Area.

PROJECT DESCRIPTION

On the Northeast Gateway site Prologis will construct a new 256,000 sf warehouse on a site covering approximately 702,000sf bordered by Maritime Street, Burma Road and West Grand Ave. The project site improvements will include new underground utilities, landscaping, concrete and ac paving and bio-swales. The new warehouse building will include 55 truck docks, 78 trailer parking stalls, 171 auto parking stalls and two electric vehicle charging stations.

Yours truly,
MUNICON Consultants

Aemero L. Hailemichael

Aemero L. Hailemichael

Barry C. Roth

Barry Roth, P.E. 16090
Principal Engineer

\\FILE-SERVER\Administration\proposals\Oakland Private Jobs\Whiting Turner-West Oakland\Pavement Video Survey Proposal.doc

Municon Consultants

Vibration Monitoring, Construction Instrumentation, Photo Surveys

1.00 PRE- AND POST-CONSTRUCTION VIDEO SURVEY OF TRUCK HAUL ROUTES.

1.01 General.

You have informed us that you need a pre- and post-construction video survey of the approved inbound and outbound truck haul routes of your project. The truck haul route map shows the use of city streets, freeway on- and-off ramps and city streets. We will perform a video survey of the pavement conditions of the streets you identified as truck haul routes. Maritime Street from West Grand Avenue to 7th Street, West Grand avenue from Frontage Road to Maritime Street and E. Burma Road which runs alongside the site, 7th Street from Maritime Street to Brush Street and Brush Street from 7th Street to 19th Street.

Our video survey is not a "Pavement condition evaluation" as we will offer no recommendations or conclusions as to the causes of distress observed or remaining service life of the pavement, and we will not perform deflectometer or other tests on the pavement.

1.10 Scope.

1.11 PRE-CONSTRUCTION VIDEO SURVEY

Municon will perform a pre-construction video survey of pavement conditions of **Maritime Street** from West Grand Avenue to 7th Street, **West Grand Avenue** from Frontage Road to Maritime Street, **Burma Road** from its intersection with Maritime Street to its end at the cul de sac of Burma, **7th Street** from Maritime Street to Brush Street and **Brush Street** from 7th Street to 19th Street. We will survey all the lanes, sidewalks, gutters and other existing facilities. We will document existing conditions in high definition digital videography using a HD digital video camera. We will contemporaneously narrate the video with descriptions of the location being viewed and any distress, damage or other anomalies, the direction of the camera view, and the date and time at the time of videotaping. We will perform the video survey of the pavement conditions for a:

LUMP SUM.....**$6,000.**

1.12 POST-CONSTRUCTION VIDEO SURVEY

Upon the end of your project, Municon will perform a post-construction video survey of pavement conditions of the same roads documented in our pre-construction video survey. We will perform the post-construction video survey of the pavement conditions for a:

LUMP SUM.....**$6,000.**

Municon Consultants
Vibration Monitoring, Construction Instrumentation, Photo Surveys

1.13 WORK PRODUCTS –VIDEO SURVEY RECORDS.

We will submit to you two (2) bound copies of our report, which will include DVDs (or, if permitted, USB storage device) with the original HD video files as recorded, a letter describing our survey and attesting to taking the video, and a site plan showing the areas surveyed. Electronic copies of the documentation will be included on the DVDs.

The costs for preparing the documentation and production of our reports are included in the costs for the survey above.

1.20 TIMING AND SCHEDULE.

We anticipate that we can complete our video survey in one full day in the field, including travel time. We request one week of advance notice, if possible, to begin work on the surveys.

Processing of the data and report production require additional office efforts beyond the field time. Reports will be delivered within two (2) weeks of the completion of the field survey.

VIDEO SURVEY TOTAL.....$12,000.

*** * * No sections 2, 3 or 4 in this proposal * * ***

Municon Consultants

Vibration Monitoring, Construction Instrumentation, Photo Surveys

5.00 CONTRACTUAL TERMS CONDITIONS & LIMITATIONS.

1. Authorization can be by simple purchase order or professional agreement referencing this proposal.

2. No certified payrolls; we are not a contractor, labor, trade nor union signatory. No retention. Payment within 30 days of invoicing.

3. We will provide insurance up to our existing limits and statutory workers compensation limits.

4. No indemnification of any person's active negligence.

5. Access arrangements to be provided by project owner unless explicitly offered herein.

6. Unless specifically called for or explicitly offered herein, written interpretations or professional opinions, and other data reports are not included.

7. Usage rates for equipment apply for each month, or part of a month, the equipment is deployed for use on your project. These rates will apply each month, if your work durations exceed our estimates.

We believe that the estimate and proposal herein addresses the requirements of the permit conditions for photo documentation, and we look forward to working with you on this project. All work proposed here will be under the direction of the undersigned.

Yours truly,
MUNICON Consultants

Aemero L. Hailemichael

Aemero L. Hailemichael

Barry C. Roth

Barry Roth, P.E. 16090
Principal Engineer

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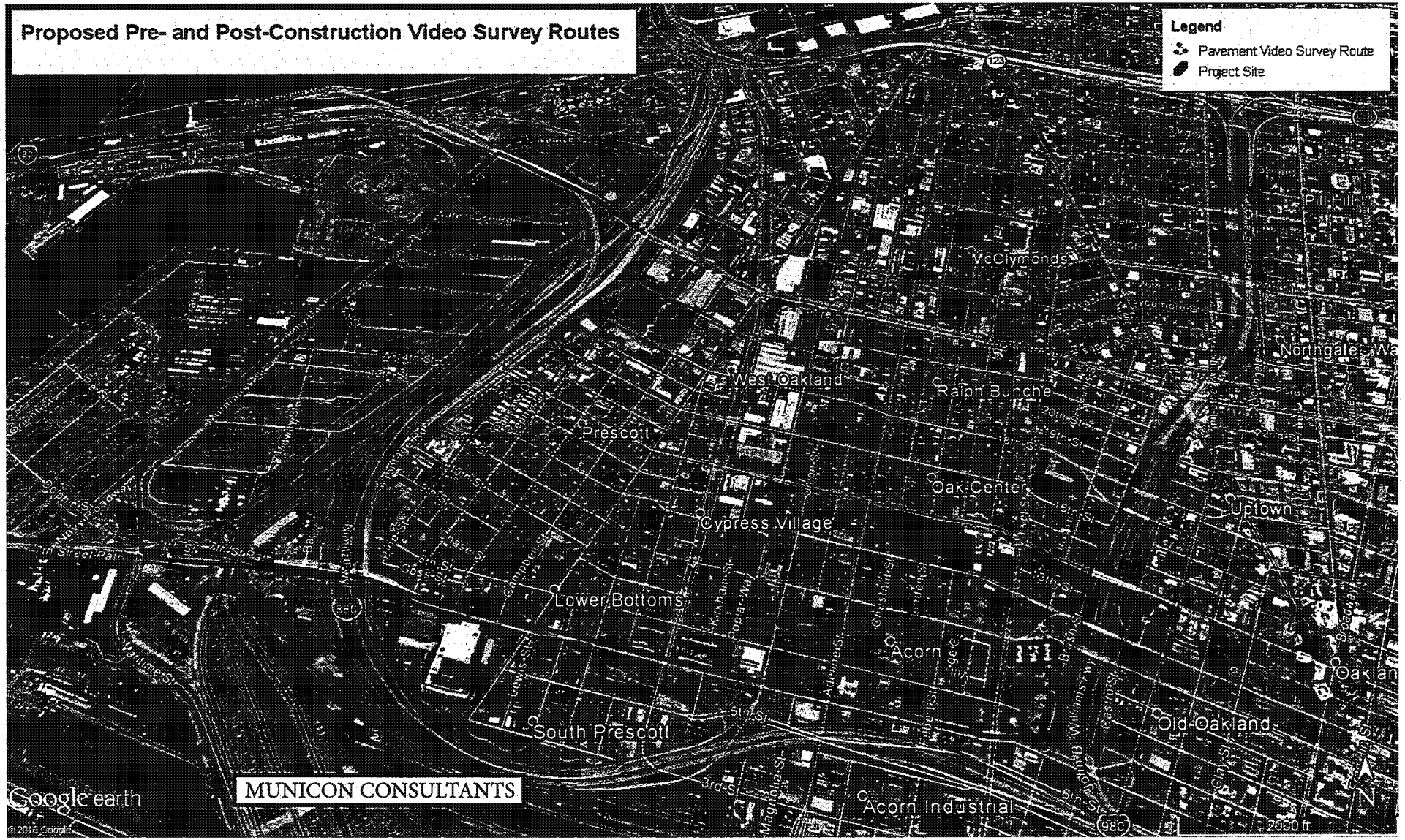
Exhibit Q- Preconstruction Video



JGL ACOUSTICS, INC

July 15, 2016

Prologis, L.P.
3353 Gateway Blvd.
Fremont, CA 94538

Attention: Cory Chung
Subject: Oakland Global Logistics Center, Phase 1
Construction Noise Impacts

Ladies & Gentlemen:

This report addresses the issue of construction noise impacts from the proposed project located on the south side of West Grand Avenue between Maritime Street and Burma Road in Oakland, CA. Figure 1 shows the site location relative to the nearby freeways with the proposed project location highlighted in yellow. The proposed project will consist of a single warehouse building with an approximate floor area of 256, 216 square feet. The building will have loading docks on the north and south sides and a parking lot in the northeast corner. Figure 2 presents a site plan for the project. This report specifically addresses the issue of environmental noise impacts resulting from the construction of the Phase 1 building.

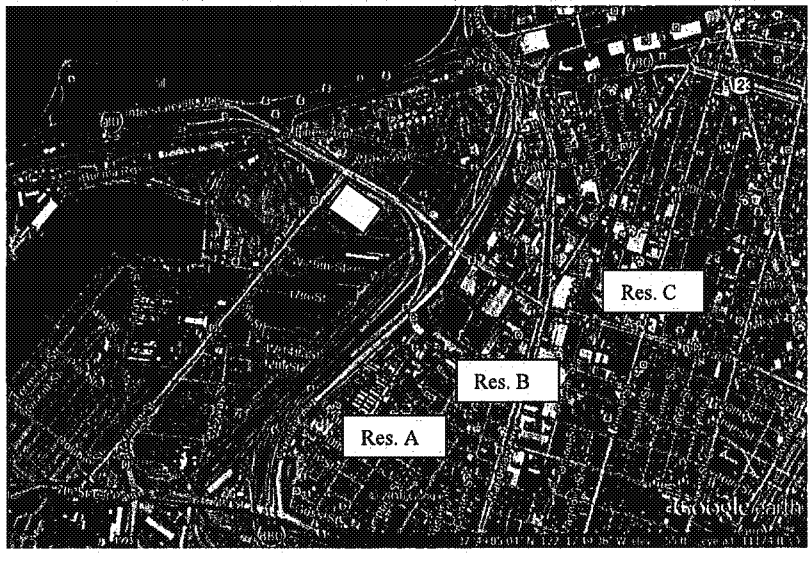


Figure 1.

Aerial view showing the location of the site (shown in yellow) relative to nearby freeways and nearest residences (shown by red triangles).

PROLOGIS WT Wilding Turner

JGL ACOUSTICS, INC

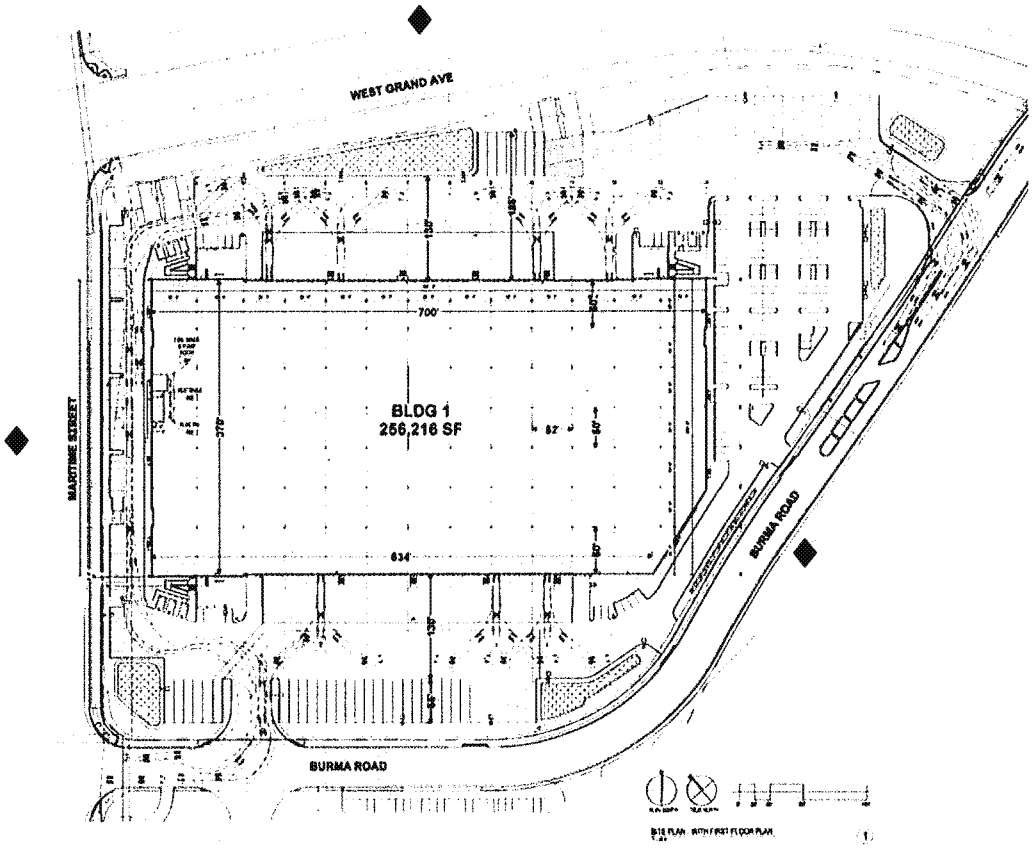


Figure 2. Site plan for the Phase 1 building showing noise model receiver locations.

As shown in Figure 2 the project is surrounded on all sides by local streets, and beyond these streets is additional industrial property. The nearest residential property is on the east side of I-880, more than 2,500 feet southeast of the proposed project.

Standard Conditions of Approval

This project has received several conditions of approval related to noise. SCA NOI-1 requires that construction activities are limited to 7:00 AM to 7:00 PM Monday through Saturday. It is my understanding that concrete work will occur outside of the allowed

construction hours for a period of 6 days to pour the building slab and 8 days to pour the tilt up walls. It will be important to ensure that late night construction work meets the requirements of OMC 8.18.020 relating to nuisance noise impacts to residential areas.

Oakland Construction Noise Ordinance

Table 17.120.04 in the Oakland Noise Ordinance establishes maximum allowable noise levels for construction projects impacting industrial, commercial, and residential receiving properties. The maximum allowable noise level during the 7 AM to 7 PM weekday period on commercial and industrial property is 85 dB for short term operations and 70 dBA for long term operations. . The maximum allowable noise level during the 7 AM to 7 PM weekday period on residential property is 80 dBA for short term operations and 65 dBA for long term operations. On weekends the maximum allowable levels are 15 dBA lower for short term operations and 10 dBA lower for long term operations.

Construction Noise Sources

According to the Contractor, Table 1 presents a listing of the major noise sources associated with the late night construction phase of this project. Table 2 identifies the noise sources that are expected to operate during normal construction hours. Equipment sound levels and usage factors were obtained from the FHWA Construction Noise Handbook. The usage factor represents the percentage of the time that the noise source is generating its maximum noise level.

Late night work is expected to last for 6 days to pour the building floor slab, with as many as 13 concrete trucks per hour and start times beginning as early as 1:00 AM and as late as 4:00 AM. Late night work for pouring the tilt up walls is expected to last for 8 days, with as many as 8 trucks per hour and a proposed start time of 4 AM. At any one time, the maximum number of concrete trucks on the construction site is expected to be 7.

Predicted Construction Noise Levels

Construction noise levels were computed in the vicinity of the subject project using the internationally recognized computer model CadnaA (ver. 4.6.156). The assessment of late night operations assumed continuous operation of 7 concrete trucks on site with 4 diesel generators to create power for the lights. The total on-site sound power level for all of the late night sources is126 dB (ref. 1 picowatt), taking into account the usage factor and the total number of concrete truck on site at one time. The predicted total late night construction noise level at the adjacent properties and at the nearest residences is shown in Table 3.

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Table 1. Late night noise sources and expected source noise level.

Source Description	Number of Sources/Hr.	Usage Factor (%)	LpA (dBA @ 50 feet)	Est. LwA (dB ref. 1 pW)
Concrete Trucks	13	40%	85	117
Generator (lights)	4	100%	80	112

Table 2. Construction noise sources and noise levels occurring from 7 AM to 7 PM.

Source Description	Number of Sources	Usage Factor (%)	LpA (dBA @ 50 feet)	Est. LwA (dB ref. 1 pW)
Grading Scraper	1	40	85	117
Loader	2	40	80	112
Grader	1	40	85	117
Water Truck	2	40	84	116
Skip Loader	2	40	80	112
Paving Machine	1	50	85	117
Roller Compactor	1	20	85	117
Vibratory Plate Compactor	1	20	80	112
Transfer Dump Truck	1	40	84	116
Power Tool Generator	2	50	82	114
Power Tool Compressor	1	40	80	112
Backhoe	2	40	80	112
Dump Truck	2	40	84	116
Concrete Truck	2	40	85	117
Concrete Pump	1	20	82	114
Concrete Saw	1	50	85	117
Crawler Crane	1	16	85	117
Diesel Boom Lift	2	20	85	117
Diesel Forklift	2	50	85	117
Street Sweeper	1	50	85	117
Excavator	1	40	85	117
Diesel Scissor Lift	1	20	85	117

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Table 3. Predicted late night noise levels (dBA).

Receiver	Distance to Nearest Source	Predicted	Max. Allowed
Across Maritime St.	120 feet	68.7	70
Across Burma Rd.	296 feet	68.6	70
Across W. Grand Ave.	120 feet	62.3	70
Residence A	2,516 feet	44.5	45
Residence B	2,621 feet	44.6	45
Residence C	3,661 feet	40.9	45

The predicted construction noise level shown in Table 3 meet the requirements of the Oakland noise ordinance. It should be emphasized that the nearest residences are all located on the other side of I-880, and the background noise level from this freeway will likely exceed the predicted construction noise levels by a significant margin, even in the middle of the night. As a result, it is extremely unlikely that the construction noise would be audible in the residential area.

Table 4 presents the predicted daytime noise level at each of the six receiver locations of interest. Interestingly enough, the total sound power level of all 31 daytime noise sources is virtually the same as the late night noise sources. As a result, the predicted daytime noise levels are nearly the same as the predicted nighttime noise levels.

Table 4. Predicted daytime noise levels (dBA).

Receiver	Distance to Nearest Source	Predicted	Max. Allowed
Across Maritime St.	120 feet	67.7	70
Across Burma Rd.	296 feet	66.6	70
Across W. Grand Ave.	120 feet	62.3	70
Residence A	2,516 feet	44.1	65
Residence B	2,621 feet	44.2	65
Residence C	3,661 feet	40.5	65

Note that the predicted daytime noise levels are at or below the maximum allowed noise levels, so the proposed project is expected to fully comply with the Oakland noise ordinance.

JGL ACOUSTICS, INC.

If you have any questions or comments regarding these findings, do not hesitate to contact me directly.

Very truly yours,
JGL Acoustics, Inc.

Jerry G. Lilly, P.E., FASA
President
Member INCE (*Bd. Cert.*), ASHRAE, ASTM, NCAC

Attachment E

Air Quality Plan Implementation at Army Base – Tentative Timeline

Oakland Army Base Redevelopment Project
Tentative Timeline for Air Quality Plan Implementation (subject to change)
September 8, 2016

Horizontal Infrastructure				
Site	**Developer**	**Facility Type**	**Construction-Phase Air Quality Plan**	**Construction Timeline**
Entire Site (City portion of Army Base)	City/CCIG	Infrastructure (e.g., streets & utilities)	Approved Dec. 2013	Dec. 2013 – Jun. 2017

Vertical Development						
Site	**Developer**	**Facility Type**	**Construction-Phase Air Quality Plan Estimated Timeline**	**Construction Estimated Timeline**	**Operational-Phase Air Quality Plan Estimated Timeline**	**Estimated Start of Operations**
Northeast Gateway[1]	Prologis	Trade & Logistics Warehouse	Mar. – Sep. 2016	Sep. 2016 – Jun. 2017	Jan. – Jun. 2017	Jun. 2017
New Central Gateway – Phase 1[2]	Prologis	Ancillary Maritime Support Services	Sep. – Nov. 2016	Nov. 2016 – Mar. 2017	Oct. 2016 – Mar. 2017	Mar. 2017
West Gateway	Oakland Bulk & Oversized Terminal	Marine Bulk Terminal	Oct. 2016 – Mar. 2017	Mar. 2017 – Aug. 2018	Mar. – Aug. 2018	Aug. 2018
Southeast Gateway[3]	Prologis	Trade & Logistics Warehouse	Feb. – Jul. 2017	Jul. 2017 – Mar. 2018	Oct. 2017 – Mar. 2018	Mar. 2018
New Central Gateway – Phase 2[4]	Prologis	Trade & Logistics Warehouse	Mar. – Aug. 2017	Aug. 2017 – Apr. 2018	Nov. 2017 – Apr. 2018	Apr. 2018
AMS Site	OMSS	Ancillary Maritime Support Services	May – Sep. 2017	Sep. 2017 – Dec. 2017	Jul. – Dec. 2017	Dec. 2017
North Gateway 1	CASS	Recycling	May – Sep. 2017	Sep. 2017 – Feb. 2019	Sep. 2018 – Feb. 2019	Feb. 2019
North Gateway 2	CWS	Recycling	Oct. 2017 – Mar. 2018	Mar. 2018 – Sep. 2020	Apr. – Sep. 2020	Sep. 2020
MH-1[5]	CCIG	Trade & Logistics Warehouse	Nov. 2019 – Apr. 2020	Apr. 2020 – Mar. 2021	Oct. 2020 – Mar. 2021	Mar. 2021

[1] "Northeast Gateway" is the northern portion of the East Gateway area.
[2] "New Central Gateway" is the eastern portion of the former Central Gateway area.
[3] "Southeast Gateway" is the southern portion of the East Gateway area.
[4] "New Central Gateway" is the eastern portion of the former Central Gateway area.
[5] "MH-1" is the western portion of the former Central Gateway area.

003987 2020-10-29

Oakland Army Base Redevelopment Project
Tentative Timeline for Air Quality Plan Implementation (subject to change)
September 8, 2016

Air Quality Plan Components

The list below identifies which air quality-related requirements from the Oakland Army Base Standard Conditions of Approval / Mitigation Monitoring and Reporting Program ("SCAMMRP") are anticipated to be addressed in the Construction-Phase Air Quality Plan and the Operational-Phase Air Quality Plan.

Construction-Phase Air Quality Plan:

- Construction Management Plan (SCA AIR-1)
- Construction-Related Air Pollution Controls (SCA AIR-2)
- Construction Traffic and Parking (SCA TRANS-2)
- Traffic Control Plan – Hazardous Materials (Mitigation 4.3-13)

Operational-Phase Air Quality Plan:

- Truck Management Plan (Mitigation 4.3-7)
- Maritime and Rail-Related Emissions Reduction Plan (Mitigation 4.4-3b)
- Truck Diesel Emission Reduction Plan (Mitigation 4.4-4)
- Transportation Control Measures (Mitigation 4.4-5)
- Energy-Conserving Fixtures and Designs (Mitigation 4.4-6)
- Demonstration Projects (Mitigation 5.4-1)
- Parking and Transportation Demand Management (SCA TRANS-1)

ASSOCIATION OF BAY AREA GOVERNMENTS
Representing City and County Governments of the San Francisco Bay Area
ABAG

Mr. David R. Lloyd
Office of Land and Emergency Response
Office of Brownfields and Land Revitalization
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W., MC:5105T
Washington, DC 20460

December 18, 2015

R09-16-A-003

RE: Transmittal Letter

Dear Mr. Lloyd:

This constitutes the Transmittal Letter for the Association of Bay Area Government's Brownfields Coalition Assessment Grant application.

Applicant:	Association of Bay Area Governments
DUNS number:	07-907-392000000
Funding Requested	
Grant type:	Brownfields Coalition Assessment Grant
Amount:	$600,000
Contamination:	Hazardous Substances ($300,000) and Petroleum Products ($300,000)
Location:	Cities of Oakland, San Leandro, and Hayward and County of Alameda California
Contacts:	Project Manager JoAnna Bullock, Senior Planner and Grants Administrator MetroCenter, 101 8th Street, Oakland, CA 510 464-7968 office 510 464-7985 fax joannab@abag.ca.gov
	Chief Executive Ezra Rapport, Executive Director MetroCenter, 101 8th Street, Oakland, CA 510 464-7900 office 510 464-7985 fax ezrar@abag.ca.gov
Date submitted:	December 18, 2015
Project Period:	July 2016 – July 2019
Population:	180,000

Thank you for your consideration of our grant application. We hope that we have developed a compelling justification for funding site assessments in the along the San Francisco Bay Area and look forward to advancing this important work to transform the East 14th Street/Mission Boulevard corridor.

Respectfully,

Ezra Rapport
Executive Director

1. COMMUNITY NEED

1.a Economic and Community Benefits

1.a.i. Targeted Community Description: The target area is located in the cities of Oakland, San Leandro and Hayward as well as the Ashland and Cherryland Census Designated Places in unincorporated Alameda County, within the East Bay of the San Francisco Bay Area. Together with the Association of Bay Area Governments (the coalition lead), these jurisdictions make up the coalition.

The coalition's proposal focuses on a 15 mile corridor of downtowns and mixed-use neighborhoods that have been identified by coalition members as Priority Development Areas (PDAs)—places with adopted local plans for sustainable, location-efficient redevelopment that also support the Bay Area's regional vision for an equitable, low carbon future.

The corridor is defined by the East Bay's historic main street—known as International Boulevard in Oakland, East 14th Street in San Leandro, and Mission Boulevard in unincorporated Alameda County and Hayward—and five adjacent Bay Area Rapid Transit (BART) stations. It served as a primary road and streetcar route through the East Bay from its urbanization in the 19th century until the completion of Interstates 880 and 580 in the late 1950s and continues to be a critical link between Oakland and Hayward. The five BART stations within the target area connect its residents to nearly a million jobs, as well as educational and cultural opportunities throughout the region.[1] To complement BART, the region's first Bus Rapid Transit (BRT) route will begin service in the corridor in 2017.

Historically, the corridor was an employment center with abundant industrial and commercial jobs, particularly for people of color.[2] Major corporations including Magnavox, General Electric and Montgomery Ward operated large scale divisions beginning in the 1920s through the mid-1970s. A significant portion of the Bay Area's African American and Latino residents formed communities in the corridor. As the target area's neighborhoods experienced suburban flight and industry moved away, jobs dwindled and the area began to fall into significant decline.[3] Accompanying this decline was a spike in crime, blight and the abandonment of commercial and industrial buildings and parcels—many of which are known or suspected brownfields.

Today the corridor is characterized by vacant lots, abandoned industrial facilities, gas stations, and dilapidated structures occupied by auto-repair shops, liquor stores, nail salons, and storefront churches. The current economic recovery has provided very limited benefits to the area while creating displacement pressure on corridor residents and businesses.[4] Environmental contamination—both documented and perceived—continues to pose an obstacle to community health and economic development.

1.a.ii. Demographic Information: As Table 1 illustrates, sensitive populations with greater susceptibility to many of the contaminants and cumulative environmental issues in the target area make up a disproportionate share of its residents—including minorities, the unemployed, the poor, children, and very young children. The target area also has high concentrations of populations with multiple risk factors that can exacerbate exposure to contaminants and cumulative issues, including children living in poverty (triple the rate in Alameda County and nearly double the state and national

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[1] Association of Bay Area Governments. (2013). *Plan Bay Area: Final Forecast of Jobs, Population and Housing.*

[2] Johnson, Marilyn S. (1993). *The Second Gold Rush: Oakland and the East Bay in World War II.*

[3] Self, Robert O. (2003). *American Babylon: race and the struggle for postwar Oakland.*

[4] Zuk, Miriam. (2015). *Regional Early Warning System for Displacement.* (Data on Target Area: http://www.urbandisplacement.org/research, accessed November 30, 2015)

rate), and the percentage of new single mothers in poverty (more than double the county rate and a well above the state rate).[5]

Table 1. Demographic Information

	Target Area	Remainder of Target Area Jurisdictions (portion outside target area)	Alameda County	California	United States
Population	191,000	512,000	1,560,000	38,100,000	314,000,000
% Minority	90%	64%	67%	61%	37%
% Unemployed	15%	10%	10%	11%	9%
Poverty Rate	22%	8%	9%	16%	16%
% Children (under 18)	27%	20%	22%	24%	23%
% Children in Poverty (under 18)	9%	3%	3%	5%	5%
% Very Young Children (under 5)	8%	6%	5%	7%	6%
Single mothers in poverty as % of women that gave birth in past year	24%	12%	10%	16%	18%
% Senior Citizens (over 65)	9%	14%	12%	12%	14%
Median HH Income	$42,826	$76,550	$ 73,775	$ 61,489	$ 53,482

Source for all data: 2009-2014 American Community Survey (ACS) (numbers rounded)

1.a.iii. Description of Brownfields: Suspected and known brownfields are present throughout the corridor, located directly adjacent to the homes, schools and parks of the sensitive populations disproportionately represented in its communities. Built before the advent of modern environmental standards, the corridor is a checkerboard of industrial, residential, civic and commercial land uses. Industrial operations that once attracted working families in search of better lives are now sources of contamination, blight and disinvestment that damage the health and welfare of an at-risk population. Oakland's General Electric (GE) transformer assembly plant provided 300 middle wage jobs during its operation between 1927 and 1975. Today, it remains abandoned with no solid plans for reuse, its soils contaminated with polychlorinated biphenyls (PCBs) from coolants and lubricants in electrical equipment.[6] Groundwater contamination from trichloroethylene (TCE) (commonly used to clean metal parts)[7] extends beyond the site, which is surrounded on two sides by neighborhoods. Residents of these neighborhoods, which are in the top 4 percentile statewide for impaired water risk and face elevated levels of toxic releases, have the highest cancer mortality rate in Alameda County—more than 60% above the county as a whole and well above neighborhoods with similar demographic characteristics.[8] These neighborhoods also have elevated incidence of low birth weight–which, like cancer, has been identified as a potential impact of PCB and TCE exposure, and

[5] 2009-2014 American Community Survey (ACS)
[6] CA DTSC Public Notice, "Approval of Final Remediation Plan, Former General Electric Facility," July 2011
[7] Ibid
[8] California Office of Environmental Health Hazard Assessment *Enviroscreen*, 2015; Alameda County Public Health Department, *Alameda County Vital Statistics Files 2011-2013*

which is especially harmful to a community with a high proportion of young children and single mothers in poverty.[9] Between mid-June and mid-December 2015, 485 violent crimes were recorded in a one-mile radius of the site, including 96 robberies and 3 murders.[10]

The GE plant is a microcosm of the impact of brownfields on the corridor; a symbol of disinvestment, poor health, and lost opportunity. It is one of 670 brownfields in the target area identified by the California Department of Toxic Substances Control (DTSC),[11] all of which are located within 1,000 feet of a residential area and many of which share a property line with a residence. 170 of the sites identified by DTSC remain open, including 90 Leaking Underground Storage Tanks (LUST)—primarily former gas and service stations. Frequently identified contaminants at the LUST sites include TPH (particularly benzene) as well as PCBs, TCEs and PCEs—creating soil, groundwater, and indoor air contamination. A wide variety of contaminants have been identified at the other open cleanup sites, reflecting a diversity of historic land uses that available records indicate ranged from heavy manufacturing plants (producing glass containers, plastic, and many other products) to an excavation pit and a bulk petroleum distribution facility. Frequently identified contaminants from these sites include PCE, PCBs and TCEs, with contamination from volatile organic compounds (VOCs), TCA, and lead also found at several locations.[12]

In addition to known brownfields left behind by historic land uses, many businesses operating today in the target area are associated with contaminants. This includes 65 gas stations, 81 laundromats, and 529 manufacturing businesses.[13] Like identified brownfields in the target area, all of these businesses are within 1,000 feet of a residential area, which as noted in *Demographic Information* are made up of a disproportionate share of sensitive populations such as children in poverty.

1.a.vi. Cumulative Environmental Issues: Contributing to the risks created by brownfields, one operating and nine non-operating hazardous waste facilities are within one mile or less of the target area, among them an active electronics and universal waste recycling plant and several plating and beverage container companies.[14] The target area is also adjacent Interstate 880, which is used heavily by trucks in route to the Port of Oakland, one of the busiest ports in the country, leading to elevated particulate matter emissions—particularly during commute hours when trucks idle.[15] Exposure is increased by the frequent use of operable windows to ventilate homes and other buildings, as well as the proximity of public spaces such as playgrounds and parks to I-880 and to the target area's other high-pollution roadway, International Blvd/East 14th St/Mission Blvd.

Based upon a cumulative analysis of all mobile and stationary sources of pollution, the target area was identified by the Bay Area Air Quality Management District (BAAQMD) as a cumulative impact area, reflecting elevated levels of Toxic Air Contaminants (TAC) and fine particulate matter (PM).[16] BAAQMD also designated the target area a CARE community—a designation used to identify communities with sensitive populations overburdened by air quality and other environmental risks.[17] In addition to these challenges, much of the target area is underserved by grocery stores, has a deficit of parks relative to population compared to other parts of the county, and is more susceptible to the

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[9] Alameda County Public Health Department, *Alameda County Vital Statistics Files 2011-2013*; 2009-2014 ACS

[10] Oakland Police Department and crimemapping.com, accessed 12/13/15

[11] DTSC *Geotracker Database*, accessed 12/14/15

[12] Ibid.

[13] Dunn and Bradstreet NETS data 2014

[14] DTSC *EnviroStor Database*, accessed 12/16/15

[15] Ibid

[16] MTC and ABAG. (2013). *Plan Bay Area Environmental Impact Report*

[17] BAAQMD Community Air Risk Evaluation Program (CARE), http://www.baaqmd.gov/plans-and-climate/community-air-risk-evaluation-care-program, accessed 12/16/15

urban heat island effect than other areas.[18]

1.b. Impacts on Targeted Communities: Target area residents have dramatically lower health outcomes than residents of adjacent neighborhoods, Alameda County, and California. Many of these negative outcomes are potentially linked to exposure to the contaminants present in target area brownfields—which can take place through direct contact, overland flow dispersion of toxic compounds, wind, groundwater drainage and vapor intrusion—and the cumulative environmental issues in the area. The presence of sensitive populations highlighted above in *Demographic Information* likely exacerbates the impact of these exposures.

The cancer mortality rate, which is a potential effect of exposure to the PCBs and TCE contamination in the target area, ranges from 168 per 10,000 to 230 per 10,000 in the zip codes within the target area, compared to 146 per 10,000 in Alameda County and 131 per 10,000 in California. Asthma hospitalization, potentially liked to exposure to the high levels of PM and TAC in the target area, is 40% above the county and 240% percent above the state for children under 5 and 44% above the county and 350% percent above the state overall. The prevalence of diabetes and obesity are 17% and 28% above county averages, respectively.[19]

Hospitalization from violent assault (which includes murder) is 200% higher in target area zip codes than the county, resulting from a higher crime rate potentially related to blight and lack of access to opportunity. Reflecting the confluence of multiple risk factors, life expectancy at birth in parts of the target area is 70, 10 years below the county average and as many as 29 years below wealthier communities in the county. This ranks 117th worldwide, equal to Bangladesh.[20]

In addition to explicit health and safety impacts, vacant brownfields contribute to a land use pattern that does not provide the basic necessities needed by community members such as community centers, grocery stores and parks. The underutilization of the area's land also represents a missed opportunity to provide space for job training, small business incubation, and much-needed housing within walking distance of inexpensive public transit that in less than half an hour reaches the region's major job centers and educational opportunities (and in the process provides an environmentally sustainable commute mode).

1.c. Financial Need

1.c.i. Economic Conditions: Regional and local funding is not available to conduct the assessments that will be supported by this grant. In 2011, the State of California eliminated Redevelopment Agencies, which had utilized tax increment financing for the acquisition, assessment, remediation, and reuse of blighted properties—including many brownfields. The elimination of Redevelopment resulted in an estimated $28 million budget shortfall for the City of Oakland in Fiscal Years 2011-12 and 2012-13 alone.[21] In Alameda County, this figure is $60 million annually, and in Hayward $5 million annually.[22] The loss of Redevelopment compounded longstanding fiscal crises in coalition jurisdictions, which face rising costs for government services coupled with stagnant sales taxes and local property taxes capped by state law at 1%.

The area's protracted industrial decline, beginning with the closure of major factories in the 1960s and 1970s and compounded by decades of vacancy on the large parcels of land left behind (many of them known or suspected brownfields), has contributed to the persistently high unemployment and

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[18] Greenbelt Alliance; UC-Berkeley (2014). *Mapping Climate Change Exposures*

[19] All data in this paragraph: Alameda County Public Health Department, *Alameda County Vital Statistics Files, 2011-2013*

[20] Ibid., US Central Intelligence Agency (2013). *2013 CIA Factbook.*

[21] City of Oakland Press Release, 11/29/11 "Community and Economic Development Agency Dissolved", http://www2.oaklandnet.com/Government/o/CEDA/index.htm, accessed 12/18/ 14

[22] City of Hayward, 2012 *Comprehensive Annual Financial Report* http://www.hayward-ca.gov/CITY-GOVERNMENT/DEPARTMENTS/FINANCE/documents/2012/FY2012_Hayward_CAFR.pdf, accessed 12/18/14

poverty rates highlighted in *Demographic Information.* The GE plant closure described above, which cost the area 350 jobs, was part of a broader trend of lost economic opportunity: between 1950 and 1970, Oakland alone lost 10,000 jobs alone, many of them like GE along the International Blvd/East 14th Street corridor. The resulting lack of buying power has for decades depressed sales taxes—a critical revenue source for California cities and a potential source of funding for remediation and cleanup. This was exacerbated by the closure of major department stores along the corridor, including a 9 story Montgomery Ward in 1989 in Oakland and Mervyn's 340,000 flagship store and headquarters in Hayward. The area's industrial decline also led to dramatically lower home values and rental rates, as highlighted in *Economic Effects of Brownfields* below.

Together, these factors severely limit the ability of any of the Coalition members to address the shared brownfields challenge alone. The formation of the Coalition and its collaborative proposal reflect the need to work together to overcome an economic and fiscal obstacle that no member can tackle individually.

1.c.ii. Economic Effects of Brownfields: The prevalence of vacant and underutilized parcels in the target area contributes to a lack of economic activity, reducing potential demand for local businesses, dampening sales and property taxes while also reducing opportunities for community-building and visual surveillance—potentially facilitating the hubs of criminal activity on the corridor.[23] Data collected by the US Postal service indicates that vacancies at business addresses are 24% higher in target area Census Block groups with clusters of four or more brownfields than elsewhere in Alameda County.[24]

These conditions have created a negative perception among businesses and potential investors that are reflected in rents and property values. A comparison on Loopnet.com in December 2015 found that the average price of retail space along the corridor averages $19/square foot; in contrast, rents along three retail corridors in surrounding areas averaged $26/sf (Castro Valley Blvd), $34/sf (Alameda Park St), and $54/s (Oakland Lakeshore/Grand).[25] According to the 2014 American Community Survey, the median residential rent in the corridor is $1,150—17% below the rent in other parts of coalition jurisdictions and 20% below Alameda County. Negative perceptions are also reflected in home values, which are a proxy for property taxes: At $250,000, the median home value in the target area is $200,000 below neighborhoods elsewhere in coalition jurisdictions and more than $230,000 below Alameda County.[26] These figures underscore the opportunity costs created by underutilized known or suspected brownfields. While no comprehensive analysis has been completed of the economic impact of blight and brownfields on the corridor, if the median value of the corridor's 28,000 homes were equal to the County, these homes would generate approximately $90 million each year in additional property taxes.[27]

Combined with other risk factors, the preponderance of vacant lots and blight created by known and suspected brownfields has reduced access to opportunity for local residents by limiting the number of potential jobs and local services within target area communities, contributing to the disproportionately high unemployment and poverty rates illustrated in *Table 1.*

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[23] For example, the northern part of the corridor is known as a hub for child trafficking in the western United States: http://www.sfgate.com/crime/article/How-girls-fall-into-clutches-of-pimps-4705407.php, accessed 12/1/15.

[24] HUD, 2014, *HUD Aggregated USPS Administrative Data On Address Vacancies*; Calculations by ABAG.

[25] Loopnet.com: http://www.loopnet.com/xNet/MainSite/Listing/Search/SearchResults.aspx#/Retail/For-Lease/clARYC$BAQIBDYVTQG2U20JAtunRyAThQkABAACoB4xcwAEAANgphV7A, accessed 12/1/15. Note that Loopnet is a site to advertise properties, not a comprehensive data source.

[26] 2009-2014 American Community Survey.

[27] ACS 2009-2014; Assumes a typical 1.2% property tax rate in the target area (including locally imposed and voter adopted taxes)

2. Project Description and Feasibility of Success

2.a. Project Description, Project Timing and Site Selection

2.a.i. Project Description: This grant will fund 20 Phase I and 6 Phase II environmental site assessments (ESAs) of high-impact suspected brownfields, implementing an integrated regional and local strategy for environmental, social and economic sustainability. In 2013, Bay Area elected officials adopted Plan Bay Area—a blueprint for growth and transportation investment that achieves the State of California's GHG emissions reduction target for the region. The foundation of Plan Bay Area's sustainable growth strategy is a network of Priority Development Areas (PDAs)—transit-rich places planned by cities for mixed-income housing, commercial development, and local services. The PDAs that make up the target area are expected to add 44,000 new housing units and 58,000 new jobs by 2040.[28] Land use plans recently adopted by coalition members for these PDAs set the stage for implementation by identifying opportunity sites for a mix of housing, employment, local services, and public spaces to create dense walkable communities. These sites are typically vacant, large enough for significant redevelopment that fulfills a community vision, and in need of assessment to confirm or remove suspicion of the presence of contaminants.

Because a comprehensive environmental review was conducted as part of each local PDA plan, projects on opportunity sites are exempt from most aspects of the entitlement process—reducing much of the uncertainty associated with development in disinvested areas. However, parcel-level analysis of potential contamination has still not been completed on most sites. Combined with longstanding concerns about known and suspected brownfields, the uncertainty surrounding many sites presents a barrier to both private and public investment. The perceived complexity and potential delays involved in conducting assessments deter investors from taking on the additional cost and instead investing in an area with fewer perceived issues. The ESAs funded by this grant will fill this gap, setting the stage for catalyst projects that align with local and regional plans, as well as state and federal sustainability principles.

The Memorandum of Agreement (MOA) established between coalition members at the outset of the grant will create a framework for defining site selection criteria, conducting site selection, creating a community engagement plan, and selecting consultants to perform ESAs. A minimum of four sites will be assessed in each jurisdiction. To prime the assessed sites for reuse, the coalition will conduct preliminary schematic design with engagement from Bay Area LISC, which has funded numerous reuse projects, set the stage for a more detailed cleanup plan.

The activities funded by this grant will position the high-impact sites selected by coalition members to acquire and leverage funding sources such as the state of California's Affordable Housing and Sustainable Communities program, the Golden State Acquisition Fund, the Bay Area Transit-Oriented Affordable Housing fund and the DTSC revolving loan fund, as well as to forge public-private partnerships and to take advantage of the influx of private capital seeking development sites in the Bay Area.

Outputs: 20 Phase I and 6 Phase II ESAs; 6 Preliminary Schematic Site Designs; Priority Sites Inventory; at least 7 Community Meetings

Outcomes: $230-$560 Million in investment; 2,050-4,100 Jobs; $7-$14 Million in ongoing revenues; Reduced community exposure to contaminants; Improved health outcomes

2.a.ii. Project Timing: The project is anticipated to commence in spring 2016 and close in spring 2019. Within a month of the grant award, the coalition members will sign a Memorandum of Agreement and the Association of Bay Area Governments (the project sponsor) will complete a Work Plan and schedule that will be included in the Cooperative Agreement with EPA. Project tasks and milestones established in the Work Plan will be tracked on a weekly basis and reported to EPA

[28] ABAG and MTC (2013). *Plan Bay Area Final Forecast of Jobs, Population and Housing*

as part of the Quarterly Report. The report will identify percentage completion of each task and progress toward milestones. In the case of delays, ABAG will provide EPA's project manager with an explanation for the delay and identify corrective action.
ABAG will coordinate site selection, contractor selection and oversight, public outreach, site access, and development of reuse strategy, working with Coalition Members through the process formalized in the MOA.

Table 2. Project Schedule

	Q2 2016	Q3 2016	Q4 2016	Q1 2017	Q2 2017	Q3 2017	Q4 2017	Q1 2018	Q2 2018
Notice of Award	x								
MOA Adoption	x								
Issue RFP & Consultant Selection		x							
Contract Award									
Site Selection		x	x	x					
Public Engagement	x	x		x			x		x
Assessments					x	x	x	x	
Schematic Designs							x	x	x

2.a.iii. Site Selection: Through the MOA, coalition members will establish a governance structure for establishing site selection criteria and for selecting sites. Detailed criteria will expand upon several general principles, prioritizing parcels that are: identified as opportunity sites with significant redevelopment potential in locally adopted plans; within 1/2 mile of frequent transit service; and meet EPA Brownfield site eligibility guidelines. Each coalition member jurisdiction will submit a set of preliminary priority sites from which a final set will be identified utilizing the process established by the coalition. A minimum of four ESAs will be performed in each local coalition member's jurisdiction.
Coalition members will pursue securing Site Access Agreements and once agreements are in place, public and privately-owned sites will be assessed. If access cannot be obtained for a blighted vacant priority site, coalition members may consider utilizing state laws such as the Gatto Act to gain access, or another site on the priority list may be assessed instead. Assessment sites are expected to be evenly divided between those with suspected petroleum contamination and those with suspected hazardous substances contamination.

2.b. Task Description and Budget Table

2.b.i. Task Description: With the exception of reporting, project tasks will be performed in collaboration with local jurisdiction and community based partners. ABAG staff will convene a series of meetings with local jurisdiction partners to assist with the process of developing a list of sites. Sites under consideration for inclusion on the list will first be screened using EPA site eligibility criteria and vetted with the California Department of Toxic Substances Control (DTSC). While the list is under development, we will convene community organization partners and begin the community engagement process. Regular meetings with local jurisdiction and community organization partners will be convened for the duration of the project.

Task 1 – Partner Engagement and Site Identification ***$35,472***

Local jurisdiction partners will develop an initial list of potential sites. Sites will be evaluated using the criteria and process established by the Coalition following adoption of the MOA. The list of potential sites will be vetted using EPA guidelines and in consultation with the community

organization partners, resulting in a final list of sites and site access as discussed in *Site Selection.*
Outputs: MOA, Priority sites inventory; Site assessment list
Staff time: Senior Regional Planner: 11.1 hours/month @88.68/hour for 36 months = $35,472
Total: $35,472
Cost Basis (Petroleum Products): $17,736 Cost Basis (Hazardous Substances): $17,736

Task 2 – Community Engagement ***$34,318***
Community engagement efforts are an integral component of the MOA and will include community communication materials, regular community briefings, project web site, and messaging developed by local jurisdictions and community based organization partners. This effort will be coordinated by ABAG's Communication Specialist in collaboration with community organization partners resulting in a community engagement plan, at least five community meetings and two focus group meetings.
Outputs: Community engagement plan, Minimum five community meetings; Minimum two focus group meetings
Cost Basis
Pass-through: Capacity building for Community Based Organizations = $5,000
Supplies: printed material, website = $4,698
Staff time: Communication Specialist: 5.5 hours/month @$98.10/hour for 36 months = $19,620
Total: $34,318
Cost Basis (Petroleum Products): $17,159 Cost Basis (Hazardous Substances): $17,159

Task 3 – Phase I and Phase II Assessments ***$460,000***
The partnership will conduct a thorough consultant selection process to identify the most appropriate firm for this project. This portion of the project includes consultants performing Phase I and II Environmental Assessments as well as Quality Assurance Project Plans, Health and Safety Plans, Sampling and Analysis Plans, and other related reports as warranted.
Outputs: 20 Phase I ESAs; 6 Phase II ESAs
Cost Basis
Contractual: 20 Phase I ESAs @ $8,000 per Phase I ESA = $160,000
Contractual: 6 Phase II ESAs @ 50,000 per Phase II ESA = $300,000
Total: $460,000
Cost Basis (Petroleum Products):$230,000 Cost Basis (Hazardous Substances): $230,000

Task 4 –Preliminary Schematic Designs ***$13,302***
As land reuse is one of the primary goals of the project, ABAG staff and the project partnership will produce schematic designs for up to five sites that are deemed locations with high redevelopment potential and aligned with adopted local plans. Bay Area LISC will be consulted regarding feasibility.
Outputs: 6 Preliminary Schematic Designs
Cost Basis
Staff time: Regional Planner: 12.5 hours/month @88.68/hour for 12 months = $13,302
Total: $13,302
Cost Basis (Petroleum Products): $6,651 Cost Basis (Hazardous Substances): $6,651

Task 5 - Project Management and Reporting **$56,908**
This task includes staff time for general oversight of the project ACRES and general reporting requirements for the grant award. ABAG project staff will hold weekly project meetings to monitor progress, identify and develop strategies to resolve issues that arise, and generate quarterly reports.
Outputs: Quarterly Reports
Cost Basis

Staff time: Senior Regional Planner: 2.7 hours/month @$110.12/ hour for 36 months = $15,416
Senior Regional Planner: 5.5 hours/month@ $88.68/hour for 36 months = $17,736
Finance Specialist: 2.2 hours/month @ $76.35/hour for 36 months = $6,108
Indirect costs of financial and performance reporting: = $17,648
Total: $56,908
Cost Basis (Petroleum Products): $28,454 Cost Basis (Hazardous Substances): $28,454

2.b.ii. Budget Table: Separate budget tables are included for the hazardous substance and petroleum work that distinguish hazardous substances related tasks from petroleum related tasks.

Table 3. Hazardous Substance Budget

Budget Categories	Task 1	Task 2	Task 3	Task 4	Task 5	Total
Personnel	$17,736	$9,810		$6,651	$19,630	**$53,827**
Indirect Cost					$8,824	**$8,824**
Travel		$100				**$100**
Website		$475				**$475**
Printing		$630				**$630**
Contractual			$230,000			**$230,000**
CBO Support		$5,000				**$5,000**
Meetings		$1,144				**$1,144**
Total	**$17,736**	**$17,159**	**$230,000**	**$6,651**	**$28,454**	**$300,000**

Table 4. Petroleum Products Budget

Budget Categories	Task 1	Task 2	Task 3	Task 4	Task 5	Total
Personnel	$17,736	$9,810		$6,651	$19,630	**$53,827**
Indirect Cost					$8,824	**$8,824**
Travel		$100				**$100**
Website		$475				**$475**
Printing		$630				**$630**
Contractual			$230,000			**$230,000**
CBO Support		$5,000				**$5,000**
Meetings		$1,144				**$1,144**
Total	**$17,736**	**$17,159**	**$230,000**	**$6,651**	**$28,454**	**$300,000**

2.c. Ability to Leverage: ABAG is a regional planning agency that enables its members to develop sustainable projects. The coalition members have resources and leveraging opportunities to bring projects along this corridor to redevelopment. The coalition proposal is designed to position projects in corridor opportunity sites to attract investment that leverages existing and future funding sources, providing a substantial return on investment for the ESAs funded by the EPA.
Existing sources for cleanup and redevelopment include: the California DTSC Revolving Loan Fund, which provides up to $2.5M in low-cost financing for cleanup to facilitate projects similar to those anticipated on corridor opportunity sites; the California Water Resources Board's $200M Storm Water Grant Program, which can be used to fund new public spaces such as parks and community gardens identified on brownfield sites in community plans; the $400M state Affordable Housing and Sustainable Communities fund, which provides grants for mixed-income housing, active

transportation and green infrastructure in PDAs (including more than $7M won by Coalition Members in 2015); more than $100M in annual Low-Income Housing Tax Credits available to Bay Area Community Development Finance Institutions (such as community partner Bay Area LISC) to support affordable housing and community facilities; the $60M Transit Oriented Affordable Housing (TOAH) fund administered by MTC in partnership with ABAG. In addition to these existing sources, a range of potential new sources are under discussion, such as a Bay Area regional housing bond (potentially $500M annually) and a state housing bond similar to Proposition 1C ($3B), which was used successfully to support multiple brownfields reuse projects.

Local government partners may also choose to utilize California's Gatto Act to recover cleanup costs in cases where assessments reveal contamination for which there is a viable responsible party. The City of Oakland, for example, previously negotiated a $700,000 settlement from Chevron Corporation for cleanup of contamination characterized under a prior US EPA Assessment Grant for Oakland's Uptown Area.

In future years, coalition members may also establish Enhanced Infrastructure Finance Districts (EIFD), which would also become a source of leveraging. Enabled by a recent state law, EIFDs permit limited tax increment financing to fund infrastructure as well as remediation in areas (such as target area PDAs) consistent with regional Sustainable Communities Strategies (i.e. Plan Bay Area).

3 Community Engagement and Partnerships

3.a. Plan for Involving Targeted Community & Other Stakeholders; and Communicating Project Outcomes

3.a.i. Community Involvement Plan: The coalition's proposal leverages deep relationships with community stakeholders built during recent local and regional initiatives including Plan Bay Area, the HUD-funded Regional Prosperity Strategy, and recently adopted plans for the corridor's Priority Development Areas. After completing the MOA, coalition members will work with established partner community organizations to develop a community engagement plan tailored to the needs of the corridor's communities. We anticipate the community engagement plan will include the following:

- Convene five public meetings to: share information including project overview, composition and goals of the coalition, desired project outcomes, and timeline; receive input and feedback from community groups, property owners, local businesses and residents about site selection and land reuse planning; and share outcomes and discuss next steps
- Hold focus group meetings with interested members of the community to receive detailed input into project goals, site selection, and reuse planning
- Develop printed and online material on the overall project, opportunities for engagement, ESAs, and reuse planning; disseminate brochures in heavily traveled places along the corridor where they will be highly visible and accessible

3.a.ii. Communicating progress: The coalition will utilize methods that have proven successful in past regional and local planning initiatives. We are confident these methods will prove useful for this project but are continuously seeking best practices and open to modifying our approach if more effective methods are discovered. We anticipate that these will include:

- Establish community assistance telephone line to respond to inquiries from interested parties and residents; this will be particularly helpful for those without access to internet
- Create a web site that describes short and long term plans for the corridor, provides status of projects, and updates on overall progress (with translation as appropriate)

3.b. Partnerships with Government Agencies

3.b.i. Local/State Environmental Authority: The **California Department of Toxic Substances Control** (DTSC) oversees the investigation and remediation of Brownfield sites in the state. The target area is located in DTSC's Region IX Brownfield program. DTSC will be available to consult on the grant and provide input on site selection and other key decisions, as well as provide guidance on opportunities obtain future cleanup funding through sources such as its voluntary cleanup program and revolving loan fund.

3.b.ii. Other relevant Governmental Partnerships: ABAG is the sister organization to the Metropolitan Transportation Commission, which oversees regional transportation project funding. Together, ABAG and MTC are responsible for developing and implementing Plan Bay Area. In addition, ABAG maintains strong longstanding relationships with other regional planning and regulatory organizations including the San Francisco Regional Water Quality Control Board, Bay Area Air Quality Management District, and the County of Alameda's Department of Health Services and Public Health Department.

3.c. Partnerships with Community Organizations

3.c.i. Community Organization Description and Role: Community organization partners for this project include organizations that participated in the development of Plan Bay Area and community plans in coalition jurisdictions. ABAG and local coalition members have long standing relationships with many of these organizations and has successfully worked with them on many issues including housing, land use and social justice.

These organizations serve large communities along the corridor and focus on a number of issues including housing, open space and social equity. In addition to the organizations named, we will build on relationships and capacity developed through the HUD Sustainable Communities Grant. The coalition's goal is to design the work so that community organizations can maximize their effectiveness. To ensure community participation in this project, the budget includes funds to increase capacity and support these vital organizations.

Within 3 months of establishment of the MOA, ABAG will convene the community partners to provide a project overview, develop the community engagement plan, and solicit input about issues relevant to their areas of expertise. With assistance from the Coalition, community organization partners will organize and conduct public meetings in the portions of the corridor in which they have an established presence.

OCCUR is a community organization that brings together East Bay residents, merchants and governments to stimulate the economic development potential of emerging communities; it will focus on outreach and meeting facilitation. The **Unity Council** is a non-profit community development corporation with expertise in mixed-use development and building health communities; the Unity Council will provide insight into the development process as well as conduct outreach. **TRANSFORM** is a sustainable transportation organization active across the Bay Area and California, with a particular focus on the East Bay; TRANSFORM will focus on meeting facilitation and technical assistance around Transit-Oriented Development. **Greenbelt Alliance** is a Bay Area non-profit with expertise in meeting facilitation and smart growth policy; it will focus on meeting facilitation and providing technical assistance around conservation. **Bay Area LISC** is a community development finance institution (CDFI) responsible for distributing federal low-income tax credits and providing comprehensive place-based support to low income communities; LISC, which has built nearly 12,000 homes and apartments and over 1.4M square feet of community-serving development in the East Bay and larger Bay Area, will provide insight into funding strategies for projects on opportunity sites.

4. Project Benefits

4.a.i. Health and/or Welfare Benefits: The ESAs and reuse strategies funded by this grant are an important step in addressing the severe health impacts discussed in *Community Need.* Assessment followed by cleanup and redevelopment will help eliminate the risks of exposure to site contaminants, thereby protecting nearby and sensitive populations such as children and young single mothers in poverty. Reducing the population's exposure to contaminants will have the long term effect of potentially reducing cancer rates, increasing life expectancy and improving quality of life while also reducing risks to workers involved in future construction projects on these sites. Assessments that remove suspicions of contamination would provide the additional level of certainty required for public and private investment, allowing projects that implement community priorities to move ahead.

As local PDA plans recommend land uses that serve the existing community, including parks and affordable housing, the redevelopment of opportunity sites facilitated by this grant will combine health, welfare and economic benefits. In addition to creating job opportunities and reducing blight, many projects will provide services that address the immediate challenges facing corridor residents. Health and wellness centers, for example, are integrated into recent mixed-use housing developments in the area such as the Lion Creek Crossings in Oakland, a Phoenix Award winner. Other recent projects, such as the REACH Ashland Youth Center, a park with youth services, provide comprehensive wrap-around services including literacy, job training, and health.

Bringing new homes and businesses into target area will also help address disproportionately high levels of obesity and diabetes by increasing the number of local services, such as grocery stores, that can be reached on foot while also supporting higher levels of transit service. Consistent with local plans, projects on opportunity sites will provide easements for new pedestrian and bicycle connections, improving opportunities for active transportation and increasing greenspace. By increasing the use of sustainable modes of transportation, reuse will also help reduce emissions associated with asthma such as TAC and PM.

4.a.ii. Environmental Benefits: The ESAs funded by this grant will facilitate the removal of an array of contaminants that have for years damaged the soil, groundwater, stormwater, and indoor air quality of the target area such as PCBs, TCE, PCE, and TPH. In addition to addressing community environmental quality, contaminant removal will reduce risks to the health of the San Francisco Estuary from contaminated stormwater and the East Bay's water supply from groundwater contamination. The ESAs will also provide clarity on the relative risk of different sites, allowing future cleanup efforts to focus on locations that pose the greatest risks.

As development in the target area advances—spurred by the brownfield revitalization that this project and major transit investments will support—transportation options will expand and travel along the corridor will shift toward more sustainable modes. This will help reduce the pollution associated with auto travel, reducing concentrations of PM and TAC due to growing congestion on I-880. The addition of urban greening as amenities and required mitigation measures in new projects will also play an important role in comprehensively addressing air quality and other potential environmental and health risks. Parks, for example, will mitigate air quality impacts by adding trees that filter airborne contaminants while also mitigating soil and groundwater contamination through stormwater features such as bioswales that remove silt and pollution from surface runoff water.

4.b. Environmental Benefits from Infrastructure/Sustainable Reuse

4.b.i. Policies, Planning and Other Tools: The project will leverage a host of local and regional policies, tools and infrastructure investments. Community plans adopted across the target area provide zoning, anti-displacement and environmental mitigation measures that together support the development of affordable and mixed-income housing, retention of local residents, and increased

transportation choices, and healthier. Green building programs in each of the coalition partner cities will help insure that redevelop in the corridor is energy-efficient and promotes human health.

Supporting these policy tools is: regional technical assistance on placemaking, active transportation, and parking management provided by ABAG and the Metropolitan Transportation Commission through the regional PDA planning program; forthcoming Healthy Communities guidelines from the Bay Area Air Quality Management District; and stormwater best management practices disseminated by the SF Estuary Partnership.

Redevelopment in the target area spurred by the grant will leverage major federal, state and regional transit investments, including: the $200 million East Bay BRT, the first full Bus Rapid Transit route in the Bay Area; more than $1B in improvements to BART to increase frequency, capacity and safety; and multiple complete streets projects that support active transportation funded by Plan Bay 2013 regional transportation funding.

4.b.ii. Integrating Equitable Development or Livability Principles: The project will implement HUD-DOT-EPA Livability Principles as well as the equitable development policies integrated in the adopted local and regional plans of coalition members. To achieve HUD-DOT-EPA Livability Principles, it will **provide more transportation choices** by focusing mixed-use development at transit-supportive densities within walking distance of frequent, affordable public transit (BART and East Bay BRT), improving the public realm and travel conditions for healthy, active transportation such as walking and bicycling; **promote equitable, affordable housing** by setting the stage for projects that implement community plans calling for mixed-income housing that serves all age groups and backgrounds, addresses displacement pressures that are increasingly pushing low-income Bay Area families to move to outer areas of the region with higher transportation costs, and building homes in places with strong green building codes; **enhance economic competitiveness** by reducing the blight in the target area to make it more attractive to investors and small businesses, enlarging the customer base for local shops and services, setting the stage for major job-producing projects envisioned in local plans, and increasing access to transit that reaches the region's major employment and educational opportunities within ½ hour ; **support existing communities** by facilitating land recycling that will revitalize the corridor's communities, make efficient use of existing infrastructure, and focusing development on opportunity sites identified in plans driven by existing communities; **coordinate and leverage federal policies and investment** by taking an integrated implementation approach that aligns with recent federal investments including East Bay BART ($81M FTA Small Starts Grant), eight pilot projects in the target area to support equitable transit-oriented development and job creation (through the Bay Area's $5M HUD Sustainable Communities Grant), and hundreds of energy retrofits and renewable energy installations funded through Renewable Energy and Consumer Energy Efficiency Tax Credits; and **value communities and neighborhoods** by facilitating future development that includes much-needed public space, public realm improvements, and health care and other supportive services currently not adequately provided—improving community health, safety and walkability.

The project will also implement Play Bay Area policy to increase community stability and support affordable housing in transit-rich.[29] By helping build the mixed-income projects identified in local plans for opportunity sites, it implements anti-displacement policies in community plans for target area neighborhoods, such as the International Blvd TOD Plan's policy to provide equitable housing choices that leverage East Bay BRT stops[30] and the Ashland/Cherryland Business District Specific

[29] ABAG and MTC (2013), *Plan Bay Area*

[30] City of Oakland (2011). *International Blvd TOD Plan*

Plan's policy to reinforce the area's cultural diversity by promoting the area as a cultural and economy center.[31]

4.c Economic and Community Benefits

4.c.i. Economic and Other Benefits: Completion of these assessments will build a pipeline of mixed-use transit-oriented projects in locally identified opportunity sites along the corridor, positioning these struggling neighborhoods to take advantage of private investment and new local, state and regional funding. In addition to a growing pool of private real estate investment, new competitive public funding sources such as California's Affordable Housing and Sustainable Communities (AHSC) program (which uses the proceeds of Cap and Trade auctions) have emerged to support affordable housing and active transportation. The target area is among the most competitive in the state for this funding as a result of its demographic and environmental challenges; in the fund's first year alone, the corridor received $13 million in funding which will support construction of 220 units, leveraging $60 million in additional funds. The fund more than triples in 2016 and is expected to grow further in future years, increasing the timeliness of completing ESAs. The anticipated economic benefit of redevelopment facilitated by this grant is estimated at between $230 million to $560 million in immediate benefits and between $7 million to $14 million in ongoing annual local government revenue—enough to fund 35 to 70 mid-level police officers. Job creation is estimated at between 1,600 to 3,200 immediate jobs and between 450 and 900 ongoing positions supported by the redevelopment. One to two thousand new mixed-income homes are expected, as well as commercial development, community services and retail.[32] A 1% increase in the value of existing homes in the corridor spurred by reinvestment would create approximately $10 million in additional property taxes per year.

4.c.ii: Job Creation Potential: Partnerships with Workforce Development Programs: The Coalition will identify a process for integrating workforce development programs into the assessment, cleanup and redevelopment of sites for which ESAs are conducted. This will involve consulting with and identifying partners such as the Alameda County Workforce Investment Board (WIB) and recent EPA Environmental Workforce Development and Job Training Grantees in Oakland and Richmond. In the redevelopment process, local first source hiring policies would leverage workforce development programs as well.

5 Programmatic Capability and Past Performance

5.a. Programmatic Capability: ABAG is the Council of Governments for the San Francisco Bay Area and is well qualified to undertake the role of administering the Brownfields Coalition Assessment grant. As the designated regional planning agency for the Bay Area, ABAG has a long standing history of successfully tackling complex regional issues such as housing, hazard mitigation, resilience, economic development, regional land use, and the conservation. The staff that will administer the grant are directed by the Executive Director, the Finance Director and Planning Director. **JoAnna Bullock** is a Senior Planner and Grant Administrator; she will oversee the overall project ensuring that coalition partnerships, community engagement and site assessments are managed and projected outcomes are achieved. She has 30 years of project management experience and expertise in grant management, environmental issues including hazardous waste sites and community engagement. **Mark Shorett** is a Senior Regional Planner; he will lead day to day

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[31] County of Alameda (2014).

[32] Calculations in this paragraph based upon National Association of Homebuilders *Economic Impact of Home Building in a Typical Local Area* (2015), assuming between 10 and 20 100-unit multifamily housing projects as a result of redevelopment, consistent with a parcel size of 2 acres at 50 du/acre per local zoning. Similarly sized projects in the area include the Marea Alta apartments and Fruitvale Transit Village.

engagement with coalition members and community partners. Currently managing PDA Implementation and the East Bay Corridor Initiative, he has twelve years of experience in project management, redevelopment, urban design (including schematic architectural and site design), and economic development.

Through a consensus process established in the MOA, ABAG and other coalition members will hire contractors with the expertise required to conduct the ESAs involved in completing the grant. All procurements will follow EPA requirements.

5.b. Audit Findings: ABAG's most recent audit did not disclose any significant deficiencies, or material weaknesses or instances of noncompliance material to the basic financial statements. ABAG has implemented procedures to ensure compliance with all reporting requirements of federal grants and maintain evidence of submission accordingly.

5.c. Past Performance and Accomplishments

5.c.i. Currently or Has Ever Received an EPA Brownfields Grant (N/A)

5.c.ii. Has Not Received an EPA Brownfields Grant but has Received Other Federal or Non-Federal Assistance Agreements:

Purpose: ABAG's Resilience Program has received five grant awards from the US Geological Survey (USGS) since 2010 (a total of $412, 087) to advance hazard mitigation and recovery efforts in the region including: "Using Risk Communication Research for Improved Integration of Hazard, Risk, and Mitigation Information into ABAG's Bay Area Earthquake Website" (2010, $80,000); "A Sub-Regional Review of Earthquake-related Hazards in the San Francisco Bay Area" (2012, $80,000); "Bay Area Population and Earthquake Risk" (2013, $93,000); "Local Government Resilience Toolkit" (2014, $90,816); "Bay Area Housing Risk Communication" (2015, $68,271). ABAG also received a Smart Growth Implementation Assistance grant from the Environmental Protection Agency (EPA)'s Smart Growth Program (2014, $93,000), entitled Creating Safe, Smart Growth Strategies for the San Francisco Bay Area.

Accomplishments: ABAG utilized 2010 and 2012 USGS grants to redesign its natural hazards resilience website and to improve overall communication of risk and distribute mitigation strategies to local governments and the general public. The 2013 USGS grant enabled ABAG to assess the overlapping risks of disaster-vulnerable housing types, vulnerable populations, and areas subject to earthquakes and current and future flooding; this effort culminated in a suite of strategies for local governments for housing and community resilience. ABAG utilized a 2014 grant to refine a selection of these strategies to assist local governments in adopting mitigation and adaptation actions such as soft-story ordinances. A 2015 grant is enabling ABAG to more accurately model housing loss during major disasters and to improve tools to assist residents in retrofitting their homes and preparing for disasters.

The EPA Smart Growth Implementation Assistance grant leveraged the USGS 2013 grant to develop responsive, regionally-appropriate strategies to address the housing and vulnerable population risks identified in the project for both existing and future development.

2. Compliance with Grant Requirements: Our staff worked cooperatively with USGS; tasks were performed according to work plans, work products were delivered on schedule, terms and conditions of past grants were strictly adhered to, all reporting requirements were met, and the grants were properly closed. Staff worked closely with USGS, meeting monthly to develop the deliverable and ensure that the schedule was met.

ATTACHMENT A

Letter from California Department of Toxic Substances Control

Department of Toxic Substances Control

Matthew Rodriquez
Secretary for
Environmental Protection

Barbara A. Lee, Director
700 Heinz Avenue
Berkeley, California 94710-2721

Edmund G. Brown Jr.
Governor

November 20, 2015

Ms. Noemi Emeric-Ford
Site Assessment Manager
Brownfields and Site Assessment Section
USEPA Region 9
600 Wilshire Boulevard
Los Angeles, California 90017-3212

Dear Ms. Emeric-Ford:

The California Department of Toxic Substances Control (DTSC) has lead regulatory responsibility for investigating and remediating hazardous substances release sites in California. DTSC fully supports the Association of Bay Area Governments (ABAG) grant application for a $600,000 ($300,000 for hazardous substances and $300,000 for petroleum) Community-wide U.S. EPA Brownfields Coalition Assessment Grant for the East 14th Street/Mission Boulevard corridor in Oakland, San Leandro, Hayward and unincorporated Alameda County. ABAG is submitting the application on behalf of itself, the Cities of Oakland, San Leandro, Hayward and Alameda County.

The coalition proposes to use the Community-Wide Assessment Grant, to assess sites identified by the local jurisdictions based on previous land use and location. Assessments would focus on areas within low-income neighborhoods that have been disproportionately impacted by pollutants and contamination. These Brownfields funds would help advance the growth of housing, local businesses and services within these communities.

We appreciate the opportunity to voice our support for this crucial funding.

Please contact me at (510) 540-3833 or janet.naito@dtsc.ca.gov if you have any questions.

Sincerely,

Janet Naito, Branch Chief
Berkeley Cleanup Operations Branch
Brownfields and Environmental Restoration Program

cc: JoAnna Bullock (via electronic mail to: JoAnnaB@abag.ca.gov)
Association of Bay Area Governments

ATTACHMENT B

Memorandum of Agreement

East Bay Corridor Brownfields Coalition

MEMORANDUM OF AGREEMENT
EAST BAY CORRIDOR BROWNFIELDS COALITION

This Memorandum of Agreement (MOA) is entered into by and between the following participating entities:
Association of Bay Area Governments
County of Alameda
City of Hayward
City of Oakland
City of San Leandro

I. Purpose of the Agreement

The purpose of this agreement sets out the terms by which the participating entities will work together to implement a Brownfields site identification and assessment program along the East Bay Corridor. This agreement will remain in effect from July 2016 to June 2019 and Senior Regional Planner Mark Shorett will be the key contact for ABAG.
This agreement sets out the terms by which the County of Alameda and the Cities of Oakland and Hayward will meet, make decisions, select sites, hire consultants and work with stakeholders and the communities surrounding the project area.

II. Background

In September 2013, the East Bay Corridors Initiative was formed as an implementation strategy for realizing Plan Bay Area, the region's long range sustainable growth plan. The East Bay Corridor is divided into two segments: the Oakland-Union City Corridor and the San Pablo Corridor. This agreement concerns a significant portion of the Oakland-Union City segment.

The activities to be undertaken by coalition Participants of the East Bay Corridor Initiative include:

- develop strategies to create thriving neighborhoods and downtowns
- identify and develop funding sources for plan implementation
- endorse joint applications by coalition Participants for grants and other funding that support agreed upon strategies

The East Bay Corridor Brownfields Coalition Assessments align well with the activities of the East Bay Corridors Initiative. Identifying and conducting site assessments along the Oakland, San Leandro, Hayward, Alameda County segment of the corridor will improve public health, advance implementation of local plans, increase marketability of land and greatly enhance land re-use along the corridor.

III. Proposed Activities

The Participants of the coalition will undertake the following activities.

- Meet on a regular basis as determined by coalition Participants
- In partnership with community organizations, develop a robust community engagement plan
- Allocate funding to increase capacity of community organization partners
- Develop a site selection process that prioritizes sites with high redevelopment impact potential

- Hire most appropriate and qualified consultants to conduct site assessments
- Assist with the development of land re-use plans

IV. Roles and Responsibilities
Each Participant of the coalition will have the following responsibilities:

- Each coalition Participant will assign a representative to the EBC Brownfields Program
- Each coalition Participant will participate in regular meetings, development of public engagement plan, site selection and consultant hiring process

V. Structure and Governance
For ease of formation and administration and to maintain flexibility, the East Bay Corridor Brownfields Coalition is structured as an unincorporated association of local and regional public entities. The coalition Participants agree that this MOA is independent of any other contract(s) or agreement(s) between or among the coalition Participants, or the contracts(s) or agreement(s) between or among any Corridor Jurisdiction that are promulgated to implement a grant or local plan.

Each coalition Participant will assign a representative and these representatives will collectively coordinate activities undertaken pursuant to this MOA. Through a unanimous vote representatives may establish rules related to decision making for the coalition.

Every representative has the right to appoint an alternative to the coalition.

VI. Participant Resources and Compensation
The coalition Participants acknowledge that the East Bay Corridor Brownfields Coalition is likely to require some investment of resource to be effective. Each coalition Participant will assign staff, at no cost, to act as its representative.

Financial support will be provided to community and non-profit organizations to facilitate their active participation in the project.

VII. Withdrawal and Termination
This MOA will continue until terminated by majority vote of the representatives, but coalition Participants may withdraw from this MOA on sixty (60) days notice to other coalition Participants. If a coalition Participant withdraws from the coalition, management of active Phase I and II assessments in their jurisdiction will be transferred to ABAG.

VIII. Amendments
This MOA may be amended by written agreement executed by the Participants in the same manner as this MOA.

IX. Effective Date
This MOA is effective upon the date the Participants execute the MOA

X. Signatures of Parties' Principals

ATTACHMENT C

Letters of Support

East Bay Corridor Brownfields Coalition Participants

ALAMEDA COUNTY COMMUNITY DEVELOPMENT AGENCY

PLANNING DEPARTMENT

Chris Bazar
Agency Director

Albert Lopez
Planning Director

224
West Winton Ave.
Room 1[illegible]

Hayward
California
94544

phone
510.670.5400
fax
510.785.8793

www.acgov.org/cda

December 14, 2015

Ezra Rapport, Executive Director
Association of Bay Area Governments (ABAG)
101 8th Street
Oakland, CA 94607

Dear Mr. Rapport:

The County of Alameda is pleased to commit to supporting and participating in the U.S. EPA Brownfields Coalition Assessment Grant for the East 14th Street/Mission Boulevard corridor in Oakland, San Leandro, Hayward and unincorporated Alameda County submitted by the Association of Bay Area Governments (ABAG). ABAG is submitting the application on behalf of itself, the Cities of Oakland, San Leandro and Hayward and Alameda County. This grant supports implementation of the County's Ashland-Cherryland Business District (ABCD) Specific Plan, Plan Bay Area, and our ongoing partnership to collaborate with ABAG and our neighboring jurisdictions through the East Bay Corridors Initiative.

The grant award would set the stage for the redevelopment of key opportunity properties identified by community members and in the ABCD Specific Plan. Strong support exists for creating much-needed community services, mixed-income housing, and economic development in this area, but ongoing concerns regarding environmental issues have limited the potential for achieving these objectives. The recent loss of our redevelopment agency and our ongoing budgetary limitations has also contributed to these challenges. In concert with ABAG and coalition jurisdictions, we will utilize this grant to assess our highest priority potential brownfield sites, engage community members, and work collaboratively with our neighboring jurisdictions.

The grant would leverage multiple grant-funded city projects, including our update to the Ashland-Cherryland Specific Plan funded by MTC and ABAG, the REACH youth center, and multiple streetscape improvements. We view this application as an opportunity to build on these resources and implement a collaborative vision for the transit corridors that connect us to our neighboring cities and the East Bay.

Please feel free to contact us with any questions regarding these commitments.

Sincerely,

Albert Lopez
Planning Director

CITY OF
HAYWARD
HEART OF THE BAY

November 20, 2015

Ezra Rapport, Executive Director
Association of Bay Area Governments (ABAG)
101 8th Street
Oakland, CA 94607

Dear Mr. Rapport:

The City of Hayward is pleased to commit to supporting and participating in the U.S. EPA Brownfields Coalition Assessment Grant for the East 14th Street/Mission Boulevard corridor in Oakland, San Leandro, Hayward and unincorporated Alameda County submitted by the Association of Bay Area Governments (ABAG). ABAG is submitting the application on behalf of itself, the Cities of Oakland, San Leandro and Hayward and Alameda County. This grant supports implementation of the City's Mission Blvd Corridor Specific Plan/Form-Based Code and South Hayward/Mission Boulevard Form-Based Code, Plan Bay Area, and the East Bay Corridors Initiative—our ongoing effort to collaborate with ABAG and our neighboring East Bay jurisdictions.

The grant award would set the stage for the redevelopment of key opportunity properties identified in our recently adopted plans for Mission Boulevard. Strong support exists for creating new mixed-income housing, community services, and job-creating land uses in this area. However, ongoing concerns regarding environmental issues have limited somewhat the potential for achieving these objectives. The recent loss of our redevelopment agency and our ongoing budgetary limitations has also contributed to these challenges. In concert with ABAG and coalition jurisdictions, we will utilize this grant to assess our highest priority potential brownfield sites, engage community members, and work collaboratively with our neighboring jurisdictions.

The grant would leverage multiple grant-funded city efforts, including the current Downtown Hayward Specific Plan project, transportation improvements to Mission Boulevard and Foothill Boulevard, and redevelopment sites along Mission Boulevard and in Downtown. We view this application as an opportunity to build on these resources and implement a collaborative vision for the transit corridors that connect our cities. Please feel free to contact me with any questions regarding these commitments.

Sincerely,

David Rizk
Development Services Director
City of Hayward

Development Services Department
777 B Street, Hayward, CA 94541-5007
Tel: 510/583-4234 Fax: 510/583-3650 TDD: 510/247-3340 Website: www.hayward-ca.gov

CITY OF OAKLAND

DALZIEL BUILDING • 250 FRANK H. OGAWA PLAZA, SUITE 3315 • OAKLAND, CALIFORNIA 94612-2032

Office of the City Administrator
Department of Economic and Workforce Development

(510) 238-3627
FAX (510) 238-2226
TDD (510) 238-3254

December 17, 2015

Ezra Rapport, Executive Director
Association of Bay Area Governments (ABAG)
101 8th Street
Oakland, CA 94607

Dear Mr. Rapport,

The City of Oakland is pleased to commit to supporting and participating in the U.S. EPA Brownfields Coalition Assessment Grant for the International Boulevard/East 14th Street/Mission Boulevard corridor, including five Bay Area Rapid Transit (BART) station areas, in Oakland, San Leandro, Hayward and unincorporated Alameda County submitted by the Association of Bay Area Governments (ABAG). ABAG is submitting the application on behalf of itself, the Cities of Oakland, San Leandro and Hayward and Alameda County. This grant supports implementation of the City's recently adopted Coliseum Area Specific Plan, International Boulevard Transit-Oriented Development (TOD) plan, Plan Bay Area, and our ongoing partnership with ABAG and our neighboring jurisdictions in the East Bay Corridors Initiative.

The grant award would set the stage for the redevelopment of key opportunity properties identified by community members. Our recent planning efforts have created momentum for implementing community priorities (i.e. affordable housing, local parks, and job creation) on these sites, but ongoing concerns regarding safety and environmental issues have limited public and private capacity for redevelopment. In addition, the loss of redevelopment agencies and city budgetary limitations has significantly diminished our resources to fund the type of effort that would be supported by this grant. In concert with ABAG and coalition jurisdictions, we will utilize this grant to assess our highest priority potential brownfield sites, engage community members, and continue to participate in the creation of a successful transit corridor between Oakland and Hayward.

The grant would leverage multiple planning and infrastructure investments, including the Oakland Sustainable Neighborhoods Initiative (OSNI) and International Blvd TOD Plan supported by the California Strategic Growth Council (SGC), the East Bay Bus Rapid Transit (BRT) project funded by AC Transit, ongoing investments in BART and improvements to International Blvd and other streets in the corridor funded by the Alameda County Transportation Commission. This application provides an opportunity to build upon these resources while implementing a collaborative local, regional, and corridor vision for smart, healthy, equitable development.

Sincerely,

Mark Sawicki
Director
Economic & Workforce Development Department

City of San Leandro
Civic Center, 835 E. 14th Street
San Leandro, California 94577
www.sanleandro.org

December 3, 2015

Ezra Rapport, Executive Director
Association of Bay Area Governments (ABAG)
101 8th Street
Oakland, CA 94607

Dear Mr. Rapport,

The City of San Leandro is pleased to support and participate in the U.S. EPA Brownfields Coalition Assessment Grant for the East 14th Street/Mission Boulevard corridor in Oakland, San Leandro, Hayward and unincorporated Alameda County submitted by the Association of Bay Area Governments (ABAG). ABAG is submitting the application on behalf of itself, the Cities of Oakland, San Leandro and Hayward and Alameda County. This grant supports implementation of two key City specific plans, the Downtown TOD Strategy and East 14th South Area Strategy, as well as Plan Bay Area and our ongoing partnership with ABAG and neighboring East Bay jurisdictions through the East Bay Corridors Initiative.

The grant award would set the stage for the redevelopment of key opportunity properties identified by the City Council and community in our adopted Downtown and East 14th Street plans. Strong public support exists for creating much-needed community services, mixed-income housing, and economic development in these areas, but ongoing concerns regarding environmental issues are a factor in developing some of the opportunity sites. The recent loss of our redevelopment agency and our ongoing budgetary limitations have also contributed to these challenges. In concert with ABAG and coalition jurisdictions, we will utilize this grant to assess our highest priority potential brownfield sites, engage community members, and work collaboratively with our neighboring jurisdictions.

The grant would leverage multiple and recent grant-funded City projects including streetscape improvements in the Downtown TOD plan area and the Bay Fair TOD Specific Plan currently underway. We view this application as an opportunity to build on these resources and implement a collaborative vision for the transit corridors that connect us to our neighboring cities and the East Bay.

Please feel free to contact Tom Liao, Deputy Community Development Director, 510-577-6003, with any questions regarding these commitments.

Sincerely,

Cynthia Battenberg, Community Development Director

Pauline Russo Cutter, Mayor

City Council: Deborah Cox, Jim Prola, Benny Lee, Ursula Reed, Corina N. López, Lee Thomas

CITY OF SAN LEANDRO INCORPORATED 1872

ATTACHMENT D

Letters of Support

East Bay Corridor Brownfields Coalition

Community Organization Partners

GREENBELT ALLIANCE

San Francisco Office
312 Sutter Street, Suite 510
San Francisco, CA 94108
(415) 543-6771

December 17, 2015

Ezra Rapport, Executive Director
Association of Bay Area Governments
101 8th Street
Oakland, CA 94607

RE: U.S. EPA Brownfields Coalition Assessment Grant for the East 14th Street/Mission Boulevard corridor

Dear Mr. Rapport:

Greenbelt Alliance is the champion of the places that make the Bay Area special. We ensure the right development happens in the right places. Through land-us policy and planning expertise, engagement with decision makers, and efforts to educate and engage Bay Area residents, we work to protect the region's open spaces and make sure cities grow in a way that creates great neighborhoods for everyone.

Greenbelt Alliance has worked with community leaders and residents across the Bay Area to develop plans and approaches to bring development that will help meet community needs to areas around transit stations and along major transportation corridors. Done right, growth of this type will help reduce pressure to sprawl into the Bay Area's greenbelt, mitigate our region's impact on the climate, revitalize long neglected areas, and provide homes and access to jobs for Bay Area residents most in need.

Because of its consistency with our objectives, **Greenbelt Alliance supports the U.S. EPA Brownfields Coalition Assessment Grant for the East 14th Street/Mission Boulevard corridor in Oakland, San Leandro, Hayward and unincorporated Alameda County submitted by the Association of Bay Area Governments (ABAG).** ABAG is submitting the application on behalf of itself, the Cities of Oakland, San Leandro and Hayward and Alameda County.

The East 14th Street/Mission Boulevard corridor has a rich cultural history and formerly served as an employment center, particularly for people of color. This major corridor provides a critical linkage between East Bay cities and is home to a diverse group of residents. Though the corridor has received little in the way of public and private investment over the past three decades, its importance in the regional long range sustainable growth plan make it a major focus for future growth and development.

004019 2020-10-29

The grant award would set the stage for the redevelopment of key opportunity properties identified by local jurisdictions and community members. The funds will be utilized to assess high priority potential brownfield sites, work collaboratively with neighboring jurisdictions, and engage community members. The desired outcome is to advance land reuse and promote growth and development along the corridor.

Greenbelt Alliance looks forward to participating in the community engagement process and the overall project. We anticipate that this will be a successful project that has the potential to improve services and increase mixed-income housing and economic development in East 14th Street/Mission Boulevard communities.

Sincerely

Jeremy Madsen
Executive Director

LISC Bay Area

December 14, 2015

Ezra Rapport, Executive Director
Association of Bay Area Governments
101 8th Street
Oakland, CA 94607

Dear Mr. Rapport,

Bay Area Local Initiatives Support Corporation (LISC) supports the U.S. EPA Brownfields Coalition Assessment Grant for the East 14th Street/Mission Boulevard corridor in Oakland, San Leandro, Hayward and unincorporated Alameda County submitted by the Association of Bay Area Governments (ABAG). ABAG is submitting the application on behalf of itself, the Cities of Oakland, San Leandro and Hayward and Alameda County.

The East 14th Street/Mission Boulevard corridor has a rich cultural history and formerly served as an employment center, particularly for people of color. This major corridor provides a critical linkage between east bay cities and is home to a diverse group of residents. Though the corridor has received little in the way of public and private investment over the past three decades, its importance in the regional long range sustainable growth plan make it a major focus for future growth and development.

The grant award would set the stage for the redevelopment of key opportunity properties identified by local jurisdictions and community members. The funds will be utilized to assess high priority potential brownfield sites, work collaboratively with neighboring jurisdictions, and engage community members. The desired outcome is to advance land reuse and promote growth and development along the corridor.

Bay Area LISC will participate in the community engagement plan and the overall project. We look forward to successful project outcomes which have the potential to improve services and increase mixed-income housing and economic development in our communities.

Sincerely,

Marsha G. Murrington
Director of Economic Development

LOCAL INITIATIVES SUPPORT CORPORATION
369 Pine Street, Suite 350 • San Francisco, CA 94104 • Phone 415-397-7322 • Fax 415-397-8605
WWW.BAYAREALISC.ORG

OCCUR

Creating Communities of Opportunity

December 16, 2015

Ezra Rapport, Executive Director
Association of Bay Area Governments
101 8th Street
Oakland, CA 94607

Dear Mr. Rapport,

OCCUR supports the U.S. EPA Brownfields Coalition Assessment Grant for the East 14th Street/Mission Boulevard corridor in Oakland, San Leandro, Hayward and unincorporated Alameda County submitted by the Association of Bay Area Governments (ABAG). ABAG is submitting the application of behalf of itself, the Cities of Oakland, San Leandro and Hayward and Alameda County.

The East 14th Street/Mission Boulevard corridor has a rich cultural history and formerly served as an employment center, particularly for people of color. This major corridor provides a critical linkage between east bay cities and is home to diverse group of residents. Though the corridor has received little in the way of public and private investment over the past three decades, its importance in the regional long range sustainable growth plan make it a major focus for future growth and development.

The Grant award would set the stage for the redevelopment of key opportunity properties identified by local jurisdictions and community members.The funds will be utilized to assess high priority potential Brownfields sites, work collaboratively with neighboring jurisdictions, and engage community members. The desired outcome is to advance land reuse and promote growth and development along the corridor.

OCCUR will participate in the community engagement plan and the overall project. We look forward to successful project outcomes which have the potential to improve services and increase mixed-income housing and economic development in our communities.

Sincerely,

Sondra Alexander
Executive Director

1330 Broadway, Suite 905 | Oakland, CA 94612 ph (510) 839-2440 fax (510) 268-9065 occur@sbcglobal.net
www.occurnow.org

TransForm

Our communities. Our transportation. Our future.

December 11, 2015

Ezra Rapport, Executive Director
Association of Bay Area Governments
101 8th Street
Oakland, CA 94607

Dear Mr. Rapport,

TransForm supports the U.S. EPA Brownfields Coalition Assessment Grant for the East 14th Street/Mission Boulevard corridor in Oakland, San Leandro, Hayward and unincorporated Alameda County submitted by the Association of Bay Area Governments (ABAG). ABAG is submitting the application on behalf of itself; Alameda County; and the Cities of Oakland, San Leandro and Hayward.

The East 14th Street/Mission Boulevard corridor has a rich cultural history and formerly served as an employment center, particularly for people of color. This major corridor provides a critical linkage between East Bay cities and is home to a diverse group of residents. Though the corridor has received little in the way of public and private investment over the past three decades, its importance in the regional long range sustainable growth plan make it a major focus for future growth and development. The grant award would set the stage for the redevelopment of key opportunity properties identified by local jurisdictions and community members. The funds will be utilized to assess high priority potential brownfield sites, work collaboratively with neighboring jurisdictions, and engage community members. The desired outcome is to advance land reuse and promote growth and development along the corridor.

TransForm will participate in the community engagement plan and the overall project. We look forward to successful project outcomes which have the potential to improve services and increase mixed-income housing and economic development in our communities.

Sincerely

Stuart Cohen

Stuart Cohen
Executive Director

MAIN OFFICE: 436 14TH STREET, SUITE 600, OAKLAND, CA 94612 | T: 510.740.3150 |
SACRAMENTO: 717 K STREET, SUITE 300, SACRAMENTO, CA 95814 | T: 916.441.0204 |
SILICON VALLEY: 48 SOUTH 7TH STREET, SUITE 103, SAN JOSE, CA 95112 | T: 408.406.8074 |

WWW.TRANSFORMCA.ORG

THE UNITY COUNCIL

Date: December 9, 2015

The Unity Council supports the U.S. EPA Brownfields Coalition Assessment Grant for the East 14th Street/Mission Boulevard corridor in Oakland, San Leandro, Hayward, and unincorporated Alameda County submitted by the Association of Bay Area Governments (ABAG). ABAG is submitting the application on behalf of itself, the Cities of Oakland, San Leandro, and Hayward and Alameda County.

The East 14th Street/Mission Boulevard corridor has a rich cultural history. This major corridor provides a critical linkage between East Bay cities and is home to a diverse group of residents. Though the corridor has received little in the way of public and private investment over the past three decades, its importance in the regional long range sustainable growth plan make it a major focus for future growth and development. In light of the current Bus Rapid Transit line in development along International Boulevard/E. 14th Street, this vital artery is poised to play a center role in the area's ability to undergo sustainable growth.

The grant award would set the stage for the redevelopment of key opportunity properties identified by local jurisdictions and community members. The funds will be utilized to assess high priority potential Brownfield sites, work collaboratively with neighboring jurisdictions, and engage community members. The desired outcome is to advance land reuse and promote growth and development along the corridor.

The Unity Council will participate in the community engagement plan and the overall project. We look forward to successful project outcomes including improved services and increased mixed-income housing and economic development in our communities.

Sincerely,

X

Erin Patch
Executive Vice President

The Unity Council
1900 Fruitvale Ave Ste 2A, Oakland, CA 94601
510-535-6900 Office • 510-534-7771 Fax • www.unitycouncil.org

OMB Number: 4040-0004
Expiration Date: 8/31/2016

Application for Federal Assistance SF-424

* 1. Type of Submission:
- [ ] Preapplication
- [x] Application
- [ ] Changed/Corrected Application

* 2. Type of Application:
- [x] New
- [ ] Continuation
- [ ] Revision

* If Revision, select appropriate letter(s):

* Other (Specify):

* 3. Date Received: 12/18/2015

4. Applicant Identifier:

5a. Federal Entity Identifier:

5b. Federal Award Identifier:

State Use Only:

6. Date Received by State:

7. State Application Identifier:

8. APPLICANT INFORMATION:

* a. Legal Name: Association of Bay Area Governments

* b. Employer/Taxpayer Identification Number (EIN/TIN): 94-2832478

* c. Organizational DUNS: 0790739200000

d. Address:

* Street1: MetroCenter, 101 8th Street
Street2:
* City: Oakland
County/Parish:
* State: CA: California
Province:
* Country: USA: UNITED STATES
* Zip / Postal Code: 94607-4756

e. Organizational Unit:

Department Name: Planning Department

Division Name:

f. Name and contact information of person to be contacted on matters involving this application:

Prefix: Ms.
* First Name: JoAnna
Middle Name:
* Last Name: Bullock
Suffix:

Title: Senior Grants Administrator

Organizational Affiliation: Association of Bay Area Governments

* Telephone Number: 510 464-7968
Fax Number: 510 464-7985

* Email: joannab@abag.ca.gov

004025 2020-10-29

Application for Federal Assistance SF-424

*** 9. Type of Applicant 1: Select Applicant Type:**

E: Regional Organization

Type of Applicant 2: Select Applicant Type:

Type of Applicant 3: Select Applicant Type:

* Other (specify):

*** 10. Name of Federal Agency:**

Environmental Protection Agency

11. Catalog of Federal Domestic Assistance Number:

66.818

CFDA Title:

Brownfields Assessment and Cleanup Cooperative Agreements

*** 12. Funding Opportunity Number:**

EPA-OSWER-OBLR-15-04

* Title:

FY16 Guidelines for Brownfields Assessment Grants

13. Competition Identification Number:

Title:

14. Areas Affected by Project (Cities, Counties, States, etc.):

Add Attachment | Delete Attachment | View Attachment

*** 15. Descriptive Title of Applicant's Project:**

East Bay Corridor Brownfields Coalition Assessments

Attach supporting documents as specified in agency instructions.

Add Attachments | Delete Attachments | View Attachments

Application for Federal Assistance SF-424

16. Congressional Districts Of:

* a. Applicant CA-013 * b. Program/Project CA-013

Attach an additional list of Program/Project Congressional Districts if needed.

Add Attachment | Delete Attachment | View Attachment

17. Proposed Project:

* a. Start Date: 07/01/2016 * b. End Date: 06/30/2017

18. Estimated Funding ($):

* a. Federal	600,000.00
* b. Applicant	0.00
* c. State	0.00
* d. Local	0.00
* e. Other	0.00
* f. Program Income	0.00
* g. TOTAL	600,000.00

*** 19. Is Application Subject to Review By State Under Executive Order 12372 Process?**

☒ a. This application was made available to the State under the Executive Order 12372 Process for review on 12/18/2015.

☐ b. Program is subject to E.O. 12372 but has not been selected by the State for review.

☐ c. Program is not covered by E.O. 12372.

*** 20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes," provide explanation in attachment.)**

☐ Yes ☒ No

If "Yes", provide explanation and attach

Add Attachment | Delete Attachment | View Attachment

21. *By signing this application, I certify (1) to the statements contained in the list of certifications and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 218, Section 1001)**

☒ ** I AGREE

** The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions.

Authorized Representative:

Prefix: Ms. * First Name: JoAnna

Middle Name:

* Last Name: Bullock

Suffix:

* Title: Senior Grants Administrator

* Telephone Number: 510 464-7968 Fax Number: 510 464-7985

* Email: joannab@abag.ca.gov

* Signature of Authorized Representative: JoAnna Bullock * Date Signed: 12/18/2015

004027 2020-10-29

Message

From: Butt, Tom [tom.butt@intres.com]
Sent: 10/4/2017 4:06:42 PM
Subject: TOM BUTT E-FORUM: Richmond Confidential and Richmond Ferry -- Haas Institute Embraces the Dark Side

Only Eli Moore and the Hass Institute can find a way to make a lemon out of lemonade, finding a way to anticipate Richmond ferry service with pessimism and cynicism. These are the same people who helped kill the Global Campus because they saw only adverse impacts and tried to hold it hostage to their untenable demands.

I have advocated for Richmond ferry service for years because it offers so much for Richmond residents. It will increase access to jobs, promote tourism and provide incentives for housing construction and new businesses.

Moore and the Haas Institute are singularly obsessed with "gentrification" in Richmond, although our city continues to have among the lowest rents and housing prices in the Bay Area. Moore worries that not enough housing will be built, that not enough job training will be provided, that people won't be able to find the ferry – and if they find it, they can't afford it.

> Moore and others, however, see a different approach. They stress that the ferry — and the development that comes with it —should not happen without investments in other services like job training programs, affordable housing initiatives, and fair-chance hiring policies. They argue these extra services are necessary for all Richmond community members to be able to benefit and take advantage of their changing city.
>
> According to Moore, however, the greatest barrier for many Richmond residents isn't cost or logistics: It's knowledge. He recounted meeting young Richmond locals who have never ventured as far as the Miller Knox Regional Shoreline in Point Richmond. "If you're not even going that far," said Moore, "then you're not going to feel comfortable or familiar with what it would take to go to San Francisco and set up interviews for jobs, or enroll in classes."

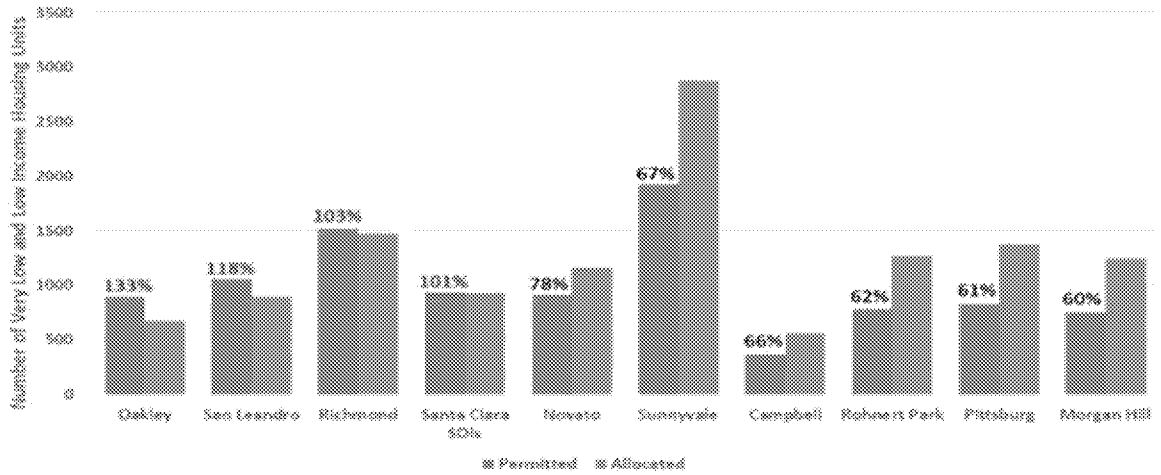
Well, Richmond is actually doing quite well in all these respects. According to the Hass Institute, itself, Richmond is one of the few cities that has actually exceeded its RHNA (Regional Housing Needs Assessment) goals, and Richmond already operates an award-winning job training program. Because of Richmond's aggressive inclusionary zoning, all new for sale housing adds millions to Richmond's affordable housing fund.

One wonders why Moore and the Hass Institute haven't chosen Berkeley, Oakland or even Vallejo as their anti-gentrification target. The reason is that Richmond's RPA-controlled City Council offers a unique collaboration in their strange and cynical ideas about growth and prosperity.

Tom Butt

CHART 11

Best Performing Jurisdictions on Percent of Low Income and Very Low Income Allocations Permitted



*Jurisdictions were only included in this analysis if their combined very low and low income allocation was above 500 units across the 3rd and 4th RHNA Cycles. Note that SOIs stands for "Spheres of Influence," meaning that the jurisdiction falls under the joint authority of an adjoining city and the respective county

http://richmondconfidential.org/2017/10/03/new-richmond-ferry-terminal-can-it-stimulate-development-and-benefit-all-residents/

RichmondConfidential

Richmond Confidential

Richmond, California News, Information, Art and Events.

New Richmond ferry terminal: can it stimulate development and benefit all residents?

A WETA ferry docked in San Francisco in 2014. Richmond will break ground on a new ferry terminal in the coming weeks. (Photo by Jack Snell)

By Sara HarrisonPosted October 3, 2017 9:09 pm

This month, construction crews will finally break ground on the Richmond Ferry Terminal project. After years of planning, the local ferry, which will run from an existing wharf next to the Ford building to the Embarcadero in downtown San Francisco, will more directly connect the city to the S.F. economy.

Advocates and developers hope that the ferry's short, 30-minute trip will encourage more Bay Area residents to consider Richmond as a place to work, live, and explore on the weekends. But tenants' rights groups and researchers are more cautious about the effects this new connection could have on Richmond's already strained housing market.

"Essentially, it stimulates economic development in Richmond," said Mayor Tom Butt, a major early proponent of the project. He went on to praise the ferry, saying that it would give commuters a way to travel between Richmond and San Francisco "without having to get on the freeway or even to get on the overcrowded BART."

With worsening traffic and a BART system that is overcrowded during commuting hours, people across the Bay Area are increasingly opting to take ferries. While BART reported the first dips in ridership in six years, the Water Emergency Transportation

Authority (WETA) reported a 78 percent increase in ferry ridership since 2012, a trend that continued with a record-high 289,000 passengers taking WETA ferries in the month of July.

Bobby Winston, the proprietor of Bay Crossings, an online publication that focuses on Bay Area maritime and ferry issues, is thrilled by the change. "When I started advocating for ferries 20 years ago, the problem was keeping ferries from being canceled for lack of ridership," he remembered. "Today, it's exactly the opposite. We have problems of people being left on the dock because there's just no room."

Butt believes the ferry will have numerous positive outcomes for Richmond, including increasing tourism at the World War II Home Front and Craneway and rehabilitating Richmond's image. According to the mayor, "having a ferry here helps emphasize the fact that we are in fact a waterfront city and that we have the amenities that other waterfront cities have."

While gains in tourism may be modest — ferry operators on the Bay report a more than 50 percent decrease in ridership over the weekends — the ferry will certainly appeal to many commuters.

On a recent Wednesday afternoon in San Francisco, the line for the Vallejo ferry stretched more than 500 feet past the dock, curling around the front of the Ferry Building. "It's such a relaxing experience," enthused M. Fedyn, a Vallejo native whose been commuting by ferry for nearly 10 years. "It's comfortable, there's a lot of room on the boat, they serve snacks, treats, cocktails. It's absolutely the best way to commute into the city."

As housing prices and traffic continue to increase in the Bay Area, Butt is hoping that ferry service will give people who may "work in some tech industry in San Francisco, an opportunity to live in Richmond at a very low rate compared to say San Francisco or Oakland."

Butt isn't the only one banking on the ferry to bring business to Richmond. East Bay Modern Real Estate, a real estate firm that sells units at the Cove at Marina Bay development, is using the ferry to advertise their properties. "Prices surely will not remain this low," their website proclaims, "especially

with the launch of the Richmond Ferry service to San Francisco slated to begin in early 2018."

Eli Moore, a researcher at UC Berkeley's Haas Institute, who has studied gentrification in Richmond, describes the ferry "as being a conduit of opportunity," adding that it's "potentially a real game-changer in terms of access that residents have to jobs."

But he was guardedly optimistic, warning that the conduit might not be equally available to everyone. WETA tickets can cost as much as $14.20/ride, so not all Richmond residents will be able to afford the service.

The wharf's location — far from BART and most bus lines — adds another challenge, making it difficult for anyone without a car to easily reach the ferry.

According to Moore, however, the greatest barrier for many Richmond residents isn't cost or logistics: It's knowledge. He recounted meeting young Richmond locals who have never ventured as far as the Miller Knox Regional Shoreline in Point Richmond. "If you're not even going that far," said Moore, "then you're not going to feel comfortable or familiar with what it would take to go to San Francisco and set up interviews for jobs, or enroll in classes."

The impact of access to regional ferries can be seen in nearby Vallejo, where the ferry has been a central part of the city's now-booming housing market. The once bankrupt city now boasts the "hottest" market in the country, according to Realtor.com, topping San Francisco and San Jose.

The "hotness" index, which measures how fast homes are selling (and also how many clicks they gather on Realtor.com), shows that as home prices continue to skyrocket, residents are looking farther afield. Home prices in Vallejo rose an incredible 11.5 percent this year, according to Zillow, and are predicted to rise another 4.5 percent in 2018.

Vallejo has become popular in recent years because the city combines relatively low housing prices with a ferry that provides a fast and easy commuting option into San Francisco.

Janel Letostak moved from San Francisco to Vallejo two years ago. She and her husband chose the city

largely because they "couldn't afford anywhere else." Now, she commutes to her job in San Francisco on the ferry. "It's better than driving in that awful traffic," she explained, referring to the chronic congestion on Interstate 80.

Although the change may not be immediate, Bay Crossings' Bobby Winston says the Richmond ferry could be equally transformative.

"You know people don't just sell their house and move over night," Winston said. "It's going to have a real effect for Richmond, though. It really will. It's gonna put Richmond on the map."

When asked about the potential impact ferry service could have on the Richmond housing market, Butt was unequivocal. "I think we need a boom," he stated. "Any way we can stimulate construction of new housing is a good thing for everybody."

Moore and others, however, see a different approach. They stress that the ferry — and the development that comes with it —should not happen without investments in other services like job training programs, affordable housing initiatives, and fair-chance hiring policies. They argue these extra services are necessary for all Richmond community members to be able to benefit and take advantage of their changing city.

Moore says that, while the city of Richmond has been pretty committed to dealing with gentrification head-on, officials need to start considering how projects like the ferry will impact all of their constituents.

"There's still a lot of work to be done," he said.

Filed under: Development, Economy, Featured, Front, Gentrification

Tagged: commute, economic development, ferry

One Comment

1. *Commenter*

October 3, 2017 at 11:14 pm

I'm really tired of the people who complain about the things that are changing for the better in Richmond. The ferry service

is a POSITIVE thing, period. The 12 & MacDonald development is a POSITIVE thing, period. The Richmond of years past has NOT been a positive thing, PERIOD. Let us not forget that Richmond has been a violent and dysfunctional place where 16 year old girls can get gang raped by 20 to 30 men at their own prom dance. Where young men with no employable skills spend their days shooting at rivals on our freeways and at innocents who are simply walking home. This is not something you want to preserve or that is worth preserving.
Those of you who are not embracing the positive changes happening in Richmond today would do better to take a long hard look at YOURSELVES and consider what YOU can do to better your own lives rather than sitting around with your hand out waiting for someone else to do something for you and whining and crying whenever you see something positive happening for the city.

Want to receive TOM BUTT E-FORUM and other action alerts on Richmond political and community issues delivered to your email address? Email your name and email address and/or the names and email addresses of others who would like to be placed on the mailing list and the message "subscribe" to tom.butt@intres.com. Comments, arguments and corrections are welcome. Tom Butt is mayor of Richmond, CA. When opinions and views expressed, without other attribution, in TOM BUTT E-FORUM, they are those of Tom Butt and do not reflect official views or positions of the City of Richmond or the Richmond City Council unless otherwise noted. Visit the Tom Butt website for additional information about Tom Butt's activities on the Richmond City Council: http://www.tombutt.com. Subscription to this service is at the personal discretion of the recipient and may be terminated by responding with "unsubscribe." It may take a few days to remove addresses from the distribution list.

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To the extent that content is excerpted under the fair use doctrine from other media, I urge readers to subscribe to the print versions of these media to help support professional journalism and the businesses that publish news, and I urge readers to log in to the online versions to access additional content, related content and unrelated news. I especially appreciate local sources of news that include the *East Bay Times*, the *San Francisco Chronicle*, *Richmond Confidential* and the *East Bay Express*.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

EXTERNAL CIVIL RIGHTS COMPLIANCE OFFICE
OFFICE OF GENERAL COUNSEL

October 11, 2017

Return Receipt Requested
Certified Mail#: 7015 3010 0001 1267 2461

In Reply Refer to:
EPA File No. 08R-97-R9

Barbara A. Lee, Director
Department of Toxic Substances Control
P.O. Box 806
Sacramento, CA 95812-0806

Re: Closure of Administrative Complaint No. 08R-97-R9

Dear Director Lee:

This letter is to advise you that the U.S. Environmental Protection Agency's (EPA) External Civil Rights Compliance Office (ECRCO) (formerly, the Office of Civil Rights (OCR)) is administratively closing, as of the date of this letter, EPA File No. 08R-97-R9 against the California Department of Toxic Substances Control (DTSC). This complaint generally alleged that DTSC violated Title VI of the Civil Rights Act of 1964, as amended, 42 United States Code 2000d *et seq.* (Title VI) and EPA's nondiscrimination regulation found at 40 Code of Federal Regulations (C.F.R.) Part 7.

EPA ECRCO is responsible for enforcing several federal civil rights laws that prohibit discrimination on the bases of race, color, national origin (including limited-English proficiency), disability, sex and age in programs or activities that receive federal financial assistance from EPA.

On June 5, 1997, EPA received a complaint that was filed on behalf of the Chester Street Block Club Association (CSBCA). The complaint specifically alleged that DTSC subjected the African-American and Latino residents of the South Prescott Park neighborhood in Oakland, California to discrimination based on race, color, or national origin when it approved the California Department of Transportation's (CalTrans) Removal Action Work plans (RAWs)[1] for remediation of contaminated soil to meet cleanup criteria for the

1 Final Feasibility Study/Remedial Action Plan, South Prescott Neighborhood Park (CalTrans March 1998); Final

intended recreational use of developing the area as a park. The complaint further alleged that DTSC discriminated by approving the RAWs which, allegedly, failed to require adequate remediation of South Prescott Park.[2] The complaint alleged that the choice of remediation to a recreational standard was not adequate given the health of residents and other sources of pollution in the community. The complaint also alleged that the recreational cleanup approved in the RAWs for this African American and Latino community would not have been selected for a white community and, even if it was, it would not have the same adverse impacts.[3]

On September 11, 1997, EPA accepted the complaint for investigation.[4] As discussed below, ECRCO obtained credible information during the course of this investigation indicating that the issue raised by the complaint has been resolved. EPA's Office of Land and Emergency Management (OLEM) reviewed South Prescott Park's clean-up remedy decision documents and confirmed that the clean-up of the South Prescott Park area exceeded the remediation required to satisfy standards for recreational use. As a result, there are no current issues appropriate for further resolution. Accordingly, EPA File Number 08R-97-R9 is administratively closed as of the date of this letter.[5]

During its investigation, ECRCO gathered and reviewed information relevant to the complaint. This information included the complaint submitted to ECRCO and information relating to the remediation of the South Prescott Park site, including the RAWs, Final Feasibility Study - Remedial Action Plan (FS/RAP), Design and Implementation Plan (RDIP)[6] and Remediation Completion Report (RCP).[7]

As part of its investigation, ECRCO attempted to contact the complainant on several occasions, both in writing and by telephone, to obtain additional information from the complainant about its concerns and to discuss the remediation of South Prescott Park. However, the complainant did not respond to our attempts to reach out to the complainant.

BACKGROUND

In 1989, the Loma Prieta Earthquake destroyed the double deck Cypress Freeway in Oakland, California.[8] CalTrans "designed the replacement of the Cypress Freeway so as to circumvent West Oakland, which the original Cypress Freeway had bisected."[9] The new freeway alignment

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Feasibility Study/Remedial Action Plan Interstate 880, Cypress Replacement Project, Oakland, California (CalTrans June 1995); Final Removal Action Plan, Soundwall Installation, Former SPTCO Rail Yard, Oakland, California (CalTrans May 1997).

2 Administrative Complaint No. 08R-97-R9 (June 10, 1997)

3 Administrative Complaint No. 08R-97-R9 (June 10, 1997)

4 Letter from Rafael DeLeon, Acting Director EPA OCR, to Jesse Huff, Director DTSC (Sept. 11, 1997).

5 ECRCO Case Resolution Manual, § 3.4 (January 12, 2017).

6 Remedial Design and Implementation Plan (RDIP), South Prescott Neighborhood Park (CalTrans August 1999).

7 South Prescott Neighborhood Park Remediation Completion Report (RCP) (CalTrans May 18, 2001).

8 *Id.* at 1.

9 *Id.*

was planned to pass alongside Oakland's South neighborhood.[10] Therefore, in order to reduce potential noise impacts in the neighborhood, CalTrans, along with local agencies and citizens, proposed a tree-lined green space buffer, which then further evolved into the idea for a landscaped community park with concrete walkways and children's play equipment.[11]

In 1992, CalTrans began subsurface investigation of the areas to be included in the park. These areas included "two automobile salvage yards, a portion of a railroad yard, and abandoned former residential lots."[12] During the investigation of the areas, CalTrans found that lead and polynuclear aromatic hydrocarbons were site-wide contaminants that required remediation."[13] In addition, the investigation found the existence of pesticide chlordane, diesel fuel, higher boiling point petroleum hydrocarbons, volatile aromatics, volatile aliphatic hydrocarbons, and polychlorinated biphenyls, but to a much lesser extent.[14] CalTrans used the findings of the site investigation to develop a risk assessment in 1997.[15] Based on the risk assessment, CalTrans established cleanup goals for the site that reduced the estimated health risks to "acceptable protective levels."[16]

CalTrans then submitted a Final Feasibility Study/ Remedial Action Plan (FS/RAP) to the DTSC in March 1998.[17] The FS/RAP recapped the findings of previous site assessments and outlined the results of the remedial alternatives available. These were:

Alternative 1: No Action
Alternative 2: Soil Excavation with Off-Site Disposal
Alternative 3: Soil Excavation with Off-Site Thermal Desorption Treatment and Disposal.[18]

The FS/RAP outlined the following: contaminants of concerns (COCs) (both carcinogenic and non-carcinogenic); receptors; the pathways; Remedial Action Objectives (RAOs); and the final remedy selected. The COC's identified were as follows:

Carcinogenic:
1-Metals (arsenic, beryllium)
2-PCBs (aroclor 1254, aroclor 1260)
3-Pesticides (chlordane, DEE, DDT, Dieldrin Heptachlor, and others)
and

10 *Id.*
11 *Id.*
12 *Id.*
13 *Id.*
14 *Id.*
15 *Id.*
16 *Id.*
17 Final Feasibility Study/ Remedial Action Plan (FS/RAP) (Cal Trans March 1998)
18 *Id. at 4-5.*

Non-Carcinogenic:
1-Metals (antimony, cadmium, Cooper, Lead, Nickel, Thallium, and Zinc.
2-SVOCs (Anthracene, Phenanthrene, Pyrene)[19]

The FS/RAP stated that the future land use was anticipated to be recreational, and as such, cleanup levels were set for that use. To that end, CalTrans explained that Alternative 2 had been selected "because it will meet the Remedial Action Objectives (RAOs), will be protective of human health and the environment and complies with Applicable or Relevant and Appropriate Requirement (ARARs)."[20] DTSC approved the cleanup criteria for the intended recreational use[21] and in 1999, remedial excavation work began at the site.

Site Remediation

As set forth in the RCP, "areas containing excessive levels of contamination were excavated, the soils removed to a designated stockpile site, and confirmation samples collected from within the excavations."[22] In November 1999, the excavators removed a total of "17,000 yd^3 of soil over the next 2-plus months."[23] During the course of the remedial excavations, two underground storage tanks were found near the site of South Prescott Neighborhood Park. The excavators removed the tanks and a groundwater study was conducted in which was "found no lasting contamination problems associated with the tanks."[24] CalTrans reported that "[s]tatistical analyses of the confirmation sample analytical results indicate that the cleanup goals for the park were easily met."[25]

As a result of the removal of the contaminated soil, the cleanup results reached for the park were:[26]

Contaminant	Cleanup Goal	95%UCL**
Lead	400 mg/kg*	264 mg/kg
Arsenic	19.0 mg/kg	5.6 mg/kg

19 *Id.* at 4.
20 *Id.* at 11. The FS/RAP explains:

> Remedial Action Objectives (RAOs) are goals developed for media-specific or area-specific protection of human health and the environment. RAOs for protecting public health address both chemical concentrations and potential exposure routes. Protection can be achieved by either reducing concentrations and/or reducing potential exposures. RAOs for protecting the environment typically seek to minimize impacts on resources by addressing the media of concern and the target cleanup levels. RAOs are developed from information obtained from previous investigations, review of pertinent laws, regulations and other criteria. The RAO for the Site is to reduce the immediate risks to human health and to reduce potential sources of shallow groundwater contamination. *Id.* at 54.

21 *See* RDIP §1.3, at 2.
22 RCP, at 1.
23 *Id.*
24 *Id.* at 1-2.
25 *Id.* at 2.
26 *Id.*

Chlordane	1.77 mg/kg	.29 mg/kg
Benzo(a)pyrene	.40 mg/kg	.10 mg/kg

* With no single result over 840 mg/kg

** Upper confidence limits (UCL) on the true mean concentrations after the remediation was completed.

CalTrans reported that the "the excavated soils were taken to a designated nearby stockpile site for disposal characterization sampling."[27]

The final remediation step was "the emplacement of a 3-foot-thick cover of clean, imported soil over the entire graded, post-excavation park site." [28] The material used for the cover came from a 20-foot-deep excavation made for the replacement Cypress Freeway/Seventh Street undercrossing near the park site and a quarry located in Fremont, California.[29] According to the RCP, "both sources were tested and approved for use as cover material at the park site by the City of Oakland and DTSC." [30]

Results of Site Remediation

In October 2000, the construction for the South Prescott Park was completed and it was deeded to the City of Oakland.[31] In May 25, 2001, DTSC asserted that all appropriate response actions had been completed, all acceptable engineering practices had been implemented and that no further removal/remedial action is necessary.[32]

Based on its review of the available information referenced above, EPA determined that DTSC achieved a degree of cleanup originally included in the cleanup plan. Furthermore, based upon review of the confirmation sampling results, OLEM confirmed on February 22, 2017, that risk-based soil cleanup levels based on recreational future land use for four risk driver contaminants (lead, arsenic, chlordane, and benzo(a)pyrene) either met or were below the FS/RAP cleanup levels. In addition, the excavated areas were backfilled with 3 feet of imported clean fill over the entire park site and soil sources were tested and approved for use as cover material at the park. Therefore, as the remediation has exceeded what was required under the FS/RAP, the allegation accepted for investigation stemming from the remedy selected in the FS/RAP is no longer grounded in fact.

27 *Id.*
28 *Id.*
29 *Id.*
30 *Id.*
31 *Id.*
32 Remedial Action Certification Form (CalTrans May 25, 2001).

Conclusion

Based on the foregoing, there are no current issues appropriate for further resolution. Accordingly, ECRCO is administratively closing this complaint (EPA File No. 08R-97-R9) as of the date of this letter.

This letter sets forth EPA's disposition of the referenced complaint. This letter is not a formal statement of EPA policy and should not be relied upon, cited, or construed as such. Please do not hesitate to contact me at (202) 564-9649, or at Dorka.Lilian@epa.gov, regarding any questions you may have.

Sincerely,

Lilian S. Dorka, Director
External Civil Rights Compliance Office
Office of General Counsel

cc: Kenneth Redden
Acting Associate General Counsel
Civil Rights and Finance Law Office

Deborah Jordan
Acting Deputy Regional Administrator
Acting Deputy Civil Rights Official
EPA, Region 9

Message

From: Fitzpatrick, Ryan (OST) [ryan.fitzpatrick@dot.gov]
Sent: 4/25/2017 12:49:34 PM
To: Grow, Richard [Grow.Richard@epa.gov]; Temple, Kurt [Temple.Kurt@epa.gov]
CC: Rivera, Yvette (OST) [yvette.rivera@dot.gov]
Subject: RE: Pls cc West Oakland acknowledgement letters
Attachments: 2017-0213 Acknowledgment Letter SIGNED.pdf

Attached.

Ryan N. Fitzpatrick, Esq.
Lead Civil Rights Analyst
Departmental Office of Civil Rights
Office of the Secretary
U.S. Department of Transportation
W78-312
(202) 366-1979

From: Grow, Richard [mailto:Grow.Richard@epa.gov]
Sent: Monday, April 24, 2017 8:48 PM
To: Temple, Kurt; Fitzpatrick, Ryan (OST)
Subject: Pls cc West Oakland acknowledgement letters

Kurt & Ryan

Based on our phone conversations I have been telling my management that acknowledgement (of receipt of the complaint) letters have gone out, at least from EPA. Please provide copies. Thanks

Richard

U.S. Department of
Transportation
Office of the Secretary
of Transportation

1200 New Jersey Avenue, SE
Suite W78-340
Washington, DC 20590

Via Overnight Mail

April 13, 2017

In Reply Refer To: S-32
DOT# 2017-0093

Ms. Yana Garcia
Mr. Paul Cort
Earthjustice
50 California Street, Ste. 500
San Francisco, CA 94111

Subject: Receipt of Title VI Complaint

Dear Ms. Garcia and Mr. Cort:

This is to acknowledge our receipt of your complaint against the City and Port of Oakland (the City and the Port, respectively). In the complaint, your client, the West Oakland Environmental Indicators Project, alleges that the City and the Port are discriminating on the basis of race in connection with the redevelopment of the former Oakland Army Base in violation of Title VI of the Civil Rights Act of 1964 (Title VI). 42 U.S.C. § 2000d, *et seq.*

The U.S. Department of Transportation (DOT) will process this complaint to determine jurisdiction and will review the complaint to determine whether it will be accepted for investigation pursuant to DOT's regulations at 49 C.F.R. Part 21, implementing Title VI.

Please be advised that no recipient or other person shall intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Section 601 of Title VI or this part, or because he or she has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this part. 49 C.F.R. Part 21.11(e).

Please do not hesitate to contact Ryan Fitzpatrick, Lead Civil Rights Analyst in DOT's

Departmental Office of Civil Rights, with any questions about the complaint process. He can be reached at (202) 366-1979, or ryan.fitzpatrick@dot.gov.

Sincerely,

Yvette Rivera
Associate Director
Departmental Office of Civil Rights
U.S. Department of Transportation

cc:

Pattie Tom, MARAD
Mamie Mallory, FAA
Libby Schaaf, Mayor, City of Oakland (with attachment)
J. Christopher Lytle, Executive Director, Port of Oakland (with attachment)

Appointment

From: Fitzpatrick, Ryan (OST) [ryan.fitzpatrick@dot.gov]
Sent: 9/6/2017 8:13:49 PM
To: Fitzpatrick, Ryan (OST) [ryan.fitzpatrick@dot.gov]; O'Lone, Mary [olone.mary@epa.gov]; Johnson, Johahna [Johnson.Johahna@epa.gov]; Keeler, Katsumi [Keeler.Katsumi@epa.gov]; Rhines, Dale [rhines.dale@epa.gov]; Rivera, Yvette (OST) [yvette.rivera@dot.gov]; Jang, Deeana (OST) [deeana.jang@dot.gov]; Caro-Lopez, Howard (OST) [howard.caro-lopez@dot.gov]; Carlson, Terence (OST) [Terence.Carlson@dot.gov]; Huezo, Hector (OST) [hector.o.huezo@dot.gov]; Kizito-Ramos, Rachel (MARAD) [Rachel.Kizito-Ramos@dot.gov]; Hart, Daryl (MARAD) [daryl.hart@dot.gov]; Dorka, Lilian [Dorka.Lilian@epa.gov]; Temple, Kurt [Temple.Kurt@epa.gov]; McGhee, Debra [mcghee.debra@epa.gov]; Grow, Richard [Grow.Richard@epa.gov]; Strauss, Alexis [Strauss.Alexis@epa.gov]

Subject: FW: Oakland updates and check-in
Location: Teleconference

Start: 9/7/2017 7:00:00 PM
End: 9/7/2017 8:00:00 PM
Show Time As: Tentative

-----Original Appointment-----
From: Fitzpatrick, Ryan (OST) [mailto:ryan.fitzpatrick@dot.gov]
Sent: Thursday, August 31, 2017 12:23 PM
To: Fitzpatrick, Ryan (OST); Rivera, Yvette (OST); Jang, Deeana (OST); Caro-Lopez, Howard (OST); Carlson, Terence (OST); Huezo, Hector (OST); Kizito-Ramos, Rachel (MARAD); Hart, Daryl (MARAD); Dorka, Lilian; Temple, Kurt; McGhee, Debra; Grow, Richard; Strauss, Alexis
Subject: Oakland updates and check-in
When: Thursday, September 07, 2017 3:00 PM-4:00 PM (UTC-05:00) Eastern Time (US & Canada).
Where: Teleconference

I changed the date to Thursday, September 7. That Tuesday was proving difficult for several parties.

Hey team:

With the September 26 date set for the City and the Port's visit to DC, I think we should have a teleconference to discuss what we need to do to prepare that meeting and get us all working on the same page. We can discuss our roles in preparing any material, such as draft outlines for agreements, that we'll need for the meeting, to ensure that we are prepared and can make the most of this opportunity.

I'd like to do this as early in September as possible, and suggested this time and date. If this won't work, we can move it, but I think its important for us to do it soon so we have time to prepare. September is going to be busy. If I left anyone off the invite, please forward this to them.

Thanks,

Ryan

Conference Line/Code / Ex. 6

Appointment

From: Keeler, Katsumi [Keeler.Katsumi@epa.gov]
Sent: 8/9/2017 4:57:42 PM
To: Keeler, Katsumi [Keeler.Katsumi@epa.gov]; Dorka, Lilian [Dorka.Lilian@epa.gov]; Temple, Kurt [Temple.Kurt@epa.gov]; Rhines, Dale [rhines.dale@epa.gov]; Grow, Richard [Grow.Richard@epa.gov]; Johnson, Johahna [Johnson.Johahna@epa.gov]; Farrell, Ericka [Farrell.Ericka@epa.gov]; Garnett, Desean [Garnett.Desean@epa.gov]
CC: Strauss, Alexis [Strauss.Alexis@epa.gov]

Subject: FW: Initial discussion with Earthjustice re Port of Oakland case
Location: DCRoomARN2528/DC-ARN-OCR-Rooms & Conference Line/Code / Ex. 6

Start: 8/17/2017 7:00:00 PM
End: 8/17/2017 8:00:00 PM
Show Time As: Busy

Thanks for sitting in for me. You will really just be listening. The call should be with Earthjustice & their clients – not just the lawyers which I think it has been in the past.

Ryan & Lilian will lead it. She tries to let Ryan lead it, but last time she took over to clarify a few things with the City & Port. I had to explain some envt'l stuff while on mute so she could understand what they were talking about, but for this call there really shouldn't be that kind of need.

I think it will be a little update for them on the call with the City & Port & how informal resolution works.
Maybe by next week we will be under new ground rules.

-----Original Appointment-----
From: Keeler, Katsumi
Sent: Wednesday, August 09, 2017 12:58 PM
To: Keeler, Katsumi; Dorka, Lilian; Temple, Kurt; Rhines, Dale; Grow, Richard; O'Lone, Mary; Johnson, Johahna; Farrell, Ericka; Garnett, Desean
Cc: Strauss, Alexis
Subject: Initial discussion with Earthjustice re Port of Oakland case
When: Thursday, August 17, 2017 3:00 PM-4:00 PM (UTC-05:00) Eastern Time (US & Canada).
Where: DCRoomARN2528/DC-ARN-OCR-Rooms Conference Line/Code / Ex. 6

Message

From: O'Lone, Mary [OLone.Mary@epa.gov]
Sent: 11/15/2017 4:23:18 PM
To: Johnson, Johahna [Johnson.Johahna@epa.gov]
Subject: FW: Title VI : DOT#2017-0092 and EPA File Nos. 13R-17-R9; 14R-17-R9
Attachments: City and Port Joint Proposed Informal Resolution Agreement.pdf; ATT00001.htm; City and Port DRAFT Informal Resolution Agreement REDLINE to EPA DOT Draft.pdf; ATT00002.htm; CLEAN Port Draft Informal Resolution Agreement.docx; ATT00003.htm; City and Port DRAFT Informal Resolution Agreement REDLINE to EPA DOT Draft.mmo.pdf

Johahna-
You are my West Oakland backup, correct?
FYI, I went through City/Port proposed Agreement & provided general comments for me to talk from tomorrow & so you can get a sense of what they are proposing. Look at the PDF with mmo at the end of the name.

Thanks, Mary

Mary M. O'Lone
Civil Rights and Finance Law Office
Office of General Counsel, US EPA
1200 Pennsylvania Avenue, NW
Washington, DC 20460
(202) 564-4992

From: Temple, Kurt
Sent: Monday, November 13, 2017 12:08 PM
To: yvette.rivera@dot.gov; charles.james@dot.gov; ryan.fitzpatrick@dot.gov; Jang, Deeana (OST) <deeana.jang@dot.gov>
Cc: Rhines, Dale <rhines.dale@epa.gov>; Rhodes, Julia <Rhodes.Julia@epa.gov>; Dorka, Lilian <Dorka.Lilian@epa.gov>; McGhee, Debra <mcghee.debra@epa.gov>; Strauss, Alexis <Strauss.Alexis@epa.gov>; Garnett, Desean <Garnett.Desean@epa.gov>; Grow, Richard <Grow.Richard@epa.gov>; O'Lone, Mary <OLone.Mary@epa.gov>; Keeler, Katsumi <Keeler.Katsumi@epa.gov>
Subject: FW: Title VI : DOT#2017-0092 and EPA File Nos. 13R-17-R9; 14R-17-R9

Hello everyone. We received the attached response and mark-up of the Framework document to Directors Dorka and James from the City and the Port in the Oakland matter. We are reviewing the documents now. Once everyone has had a chance to review, we at EPA plan to meet internally to discuss and then would like to set up a joint meeting with DOT. We recognize that next week is a short week with the Thanksgiving holiday, but would it be possible to have an EPA/DOT conversation next Monday or Tuesday? Please let us know and feel free to suggest alternatives.

Thank you.

Kurt T. Temple
Senior Advisor
External Civil Rights Compliance Office
EPA Office of General Counsel
1200 Pennsylvania Avenue, NW
Room 2524R
Washington, D.C. 20460
202-564-7299

Begin forwarded message:

From: "Michele Heffes" <mheffes@portoakland.com>
To: "charles.james@dot.gov" <charles.james@dot.gov>, "Dorka, Lilian" <Dorka.Lilian@epa.gov>
Cc: "Parker, Barbara" <BParker@oaklandcityattorney.org>, "Bee, Maria" <MBee@oaklandcityattorney.org>, "Cappio, Claudia (CCappio@oaklandnet.com)" <CCappio@oaklandnet.com>, "Danny Wan" <dwan@portoakland.com>, "Michele Heffes" <mheffes@portoakland.com>, "Chris Lytle" <clytle@portoakland.com>, "Michele Heffes" <mheffes@portoakland.com>, "Smith, Jamie" <JSmith@OaklandCityAttorney.org>, "Laurice Henry-Ross" <lhenry@portoakland.com>
Subject: Title VI : DOT#2017-0092 and EPA File Nos. 13R-17-R9; 14R-17-R9

Dear Ms. Dorka and Mr. James:

Attached please find a November 10, 2017, letter (including the 2 referenced attachments) from Oakland City Attorney, Barbara J. Parker, and Port Attorney, Danny Wan, concerning the above-referenced matter. Hard copies will be sent via First Class Mail. Please let me know if you have any questions.

Michele

Michele Heffes
Assistant Port Attorney
Port Attorney's Office
530 Water Street
Oakland, CA 94607
Phone: (510) 627-1348
mheffes@portoakland.com

ATTORNEY-CLIENT PRIVILEGED

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BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT

Assessment of Limited English Proficient Populations and Current Services

Bay Area Air Quality Management District
939 Ellis Street
San Francisco, California 94109
(415) 749-4900
http://www.baaqmd.gov

2010

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ASSESSMENT OF LIMITED ENGLISH PROFICIENT POPULATIONS AND CURRENT SERVICES

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

November 15, 2010

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The Bay Area Air Quality Management District acknowledges the Bay Area Environmental Health Collaborative and their 30 member organizations for advocacy in improving language access to the Bay Area public.

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Introduction

The jurisdiction of the Bay Area Air Quality Management District (Air District) encompasses the 7 million people in the nine Bay Area counties, including the southern portion of Sonoma County and the southwest portion of Solano County. The region's population is diverse, with many residents speaking languages other than English. According to the American Community Survey 2006-2008, approximately 40% of the Bay Area population speaks a language other than English[1]. Specifically, 18.3% of the Bay Area population, or over a million people, speak English "less than very well."

The Air District recognizes that to effectively reach and engage the diverse population of the region, it must strive to provide residents with meaningful access to services and with materials in languages other than English. The Air District currently has a number of practices in place for providing services and materials in languages other than English, to both the general public and the industry-specific populations that utilize its varied services, such as permit, compliance assistance and grant programs. The Air District developed this assessment to better understand its effectiveness at communication with individuals who have limited English proficiency and also to begin identifying how to better meet the language needs of the Bay Area population with limited English proficiency.

Staff reviewed law and guidance addressing services to Limited English Proficient (LEP) populations, including Title VI of the Civil Rights Act, federal Executive Order 13166, U.S. EPA Guidance and California's Dymally-Alatorre Act. A summary of findings are presented in the section titled *Law and Guidance*.

[1] American Community Survey, 2006 – 2008.

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Staff used the U.S. Census American Community Survey and California State Department of Education enrollment figures to analyze the languages most frequently spoken by LEP persons in the region.

This report also presents the next steps the Air District will take to provide improved access to District services to LEP persons. These steps are summarized in the section titled *Summary and Next Steps*.

In developing the report, staff identified the Air District website as a key portal for dissemination of District information and services, and therefore a target for quick implementation of improvements. A set of proposed enhancements to the Air District's website are presented in the section of the report titled *Summary and Next Steps.*

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Law and Guidance

As a first step in this process, Air District staff reviewed federal and state legislation and guidance that address language access assistance for limited-English-proficient individuals. This review is intended to provide overall guidance in assessing the Air District's services to LEP populations and determining potential enhancements to these services.

Federal Law and Guidance

Title VI of the Civil Rights Act of 1964 prohibits agencies that receive federal financial assistance from discriminating on the basis of national origin.[2] In 1974, the United States Supreme Court determined that language-based discrimination was a method of national origin discrimination.[3] California Government Code §11135 also prohibits discrimination by agencies that receive state funding.

In 2000, federal Executive Order 13166 stated that recipients of federal funding "must take reasonable steps to ensure meaningful access to their programs and activities by LEP persons." As a recipient of federal funds, the Air District is subject to Executive Order 13166 and is expected to take reasonable steps to provide meaningful access to LEP individuals.

The U.S. Department of Justice has issued guidance designed to assist agencies in implementing Executive Order 13166. The guidance document lists four factors to be considered in determining what constitutes reasonable steps to ensure meaningful access: (1) the number or proportion of LEP persons in the eligible service population; (2) the frequency with which LEP individuals come into contact with the program; (3) the importance of the service provided by the program; and (4) the resources available to the recipient.

---

[2] Title 42, Chapter 21, Subchapter V, § 2000d of United States Code.
[3] Asian American Justice Center and Mexican American Legal Defense & Educational Fund. "Language Rights: An Integration Agenda for Immigrant Communities - A Proactive agenda to assist newcomers and English Language Learners Briefing Book." November 2007, p. 11.

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The Air District is a federal funding recipient via the Environmental Protection Agency and the Department of Transportation. Staff reviewed EPA's *Guidance to Environmental Agency Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons,* published in the Federal Register/Vol. 69, No. 122, FRL 7776-6 and the Department of Transportation *Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient Persons*, published in the Federal Register/Vol. 70, No. 239, Docket No. OST-2001-8696. Both guidance documents outline a four factor analysis based on the U.S. DOJ's four factor analysis.[4]

State Law and Guidance

Adopted in 1973, California's Dymally-Alatorre Act states that agencies serving a "substantial number of non-English-speaking people" must employ a "sufficient number of qualified bilingual persons in public contact positions" so as to provide the same level of services to non-English-speaking individuals as English-speakers[5]. It also states that materials explaining services available to the public and oral or written notification of their availability should be translated into any non-English language spoken by a substantial number of the public served by the local agency.[6]

Summary Analysis

In summary, these documents provide general guidelines for the Air District and allow for a degree of flexibility in meeting the language access requirements, based on the Air District's population, services and resources. As there are currently no prescriptive rules for public agencies regarding LEP services, a District-wide policy and plan regarding services to LEP

[4] While this Assessment addresses some of the elements of the four factor analysis, it is not designed to serve as the District's four factor analysis.
[5] Section 7293 of California Government Code.
[6] Section 7295 of California Government Code.

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populations, tailored to the Air District's population, services and resources would assist the District in providing services to LEP populations. The policy would state the Air District's commitment to providing services to LEP populations. The plan would provide guidance to staff, allowing them to better plan and accommodate language access needs.

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Limited English Proficiency Population Analysis

U.S. EPA guidance states that "individuals who do not speak English as their primary language and who have limited ability to read, write, speak or understand English can be Limited English Proficient and may be entitled to language assistance with respect to a particular type of service, benefit or encounter."

As recommended in the U.S. EPA Guidance's four factor analysis, staff reviewed the number and proportion of LEP persons in the population served by the Air District. These data were reviewed regionally and on a county by county basis.[7]

The Air District reviewed linguistic demographic data from the U.S. Census Bureau's American Community Survey of 2006-2008 for each of the Bay Area counties. The ACS provides information as to whether residents speak a language in addition to English, which language and whether the resident speaks English *very well* or *less than very well.* For this assessment, the Air District used the number of individuals who speak English *less than very well* as proxy for Limited English Proficient populations. For those individuals speaking English *less than very well*, staff then looked at the language they spoke in addition to English to identify what languages the Air District needs to consider in providing LEP services.

Table I summarizes the languages spoken most frequently by those age five and older who speak English *less than very well*. Regionally, the non-English languages spoken most frequently by LEP populations are Spanish – 8.3%, where 8.3% represents 8.3% of the Bay Area population, Chinese[8] - 3.8%, Vietnamese - 1.5%, Tagalog - 1.2%, Korean - 0.5% and

[7] Although the Air District serves only portions of Sonoma and Solano counties, for the purpose of this analysis the LEP population of the entire county was reviewed.
[8] ACS date combines Cantonese- and Mandarin-speaking individuals into the group "Chinese."

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Russian - 0.4%. Figure 1 displays the geographic distribution by county of the top four languages: Spanish, Chinese, Tagalog and Vietnamese.

Summary Analysis

Based on the review of the region wide and county data, Chinese (Cantonese and Mandarin), Spanish, Tagalog and Vietnamese will be considered priority languages for the Air District's regional initiatives and services, as the LEP populations that speak each of these languages represents at least 1% of the regional population. For more localized services and outreach, staff will provide materials and services based on the LEP demographics in the affected population and program area. For example, Air District efforts affecting the County of Santa Clara specifically will need to consider Korean language needs, as nearly 12,000 LEP Korean-speaking individuals reside there. Likewise, localized efforts in San Francisco will need to consider Russian language needs as nearly 10,000 LEP Russian-speaking individuals reside there.

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Table 1: Proportion and Total of Limited English Proficient Population by County and Language

	Total County Population over 5 years of age	Population over 5 years of age that speak English *less than very well*					
		Spanish	Chinese	Vietnamese	Tagalog	Korean	Russian
Alameda	1,355,463	114,426	60,488	15,457	15,509	7,947	2,230
		8.4%	4.5%	1.1%	1.1%	0.6%	0.2%
Contra Costa	950,997	80,833	10,956	2,914	6,297	3,165	2,683
		8.5%	1.2%	0.3%	0.7%	0.3%	0.3%
Marin	233,435	14,911	957	1,005	22	401	316
		6.4%	0.4%	0.4%	0.0%	0.2%	0.1%
Napa	124,128	19,195	75	152	1326	220	No data*
		15.5%	0.1%	0.1 %	1.1%	0.2%	No data*
San Francisco	756,411	41,983	93,528	7,308	10,656	3,280	9,929
		5.6%	12.4%	1.0%	1.4%	0.4%	1.3%
San Mateo	655,416	58,521	20,098	1,550	14,585	2,442	2,241
		8.9%	3.1%	0.2%	2.2%	0.4%	0.3%
Santa Clara	1,604,166	147,189	56,985	66,344	16,866	11,944	6,394
		9.2%	3.6%	4.1%	1.1%	0.7%	0.4%
Solano	379,525	28,059	1,029	862	9,179	581	103
		7.4%	0.3%	0.2%	2.4%	0.2%	0.0%
Sonoma	434,890	42,063	1,143	1,104	536	648	205
		9.7%	0.3%	0.3%	0.1%	0.1%	0.0%
Sub-total	6,370,303	547,180	245,259	96,696	73,650	30,628	24,101
		8.4%	**3.8%**	**1.5%**	**1.2%**	**0.5%**	**0.4%**

Source: American Community Survey, 2006-2008 and Metropolitan Transportation Commission's Plan for Special Language Services to Limited English Proficient Populations, 2010.

*Note: Data for Napa County not available in standard form.

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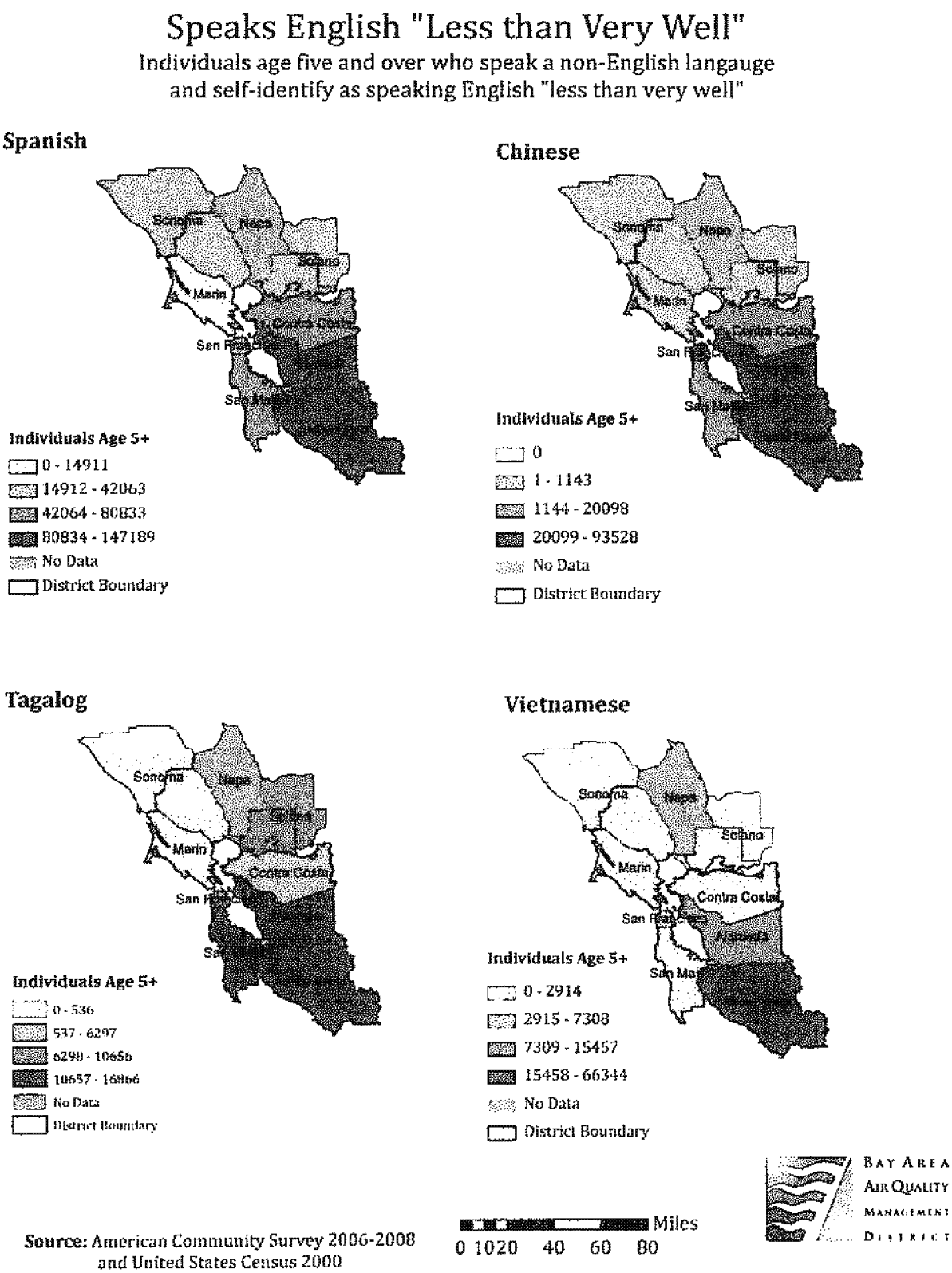
Figure 1: Limited English Proficient Population by County



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Assessment of Current Air District Services for LEP Populations

Air District Practices

The Air District currently provides services and materials for LEP populations through its various programs, including compliance assistance, rule development, planning, grants, public education and general communications. These practices are summarized in Table 2.

Telephone Assistance

The Air District odor complaint line relies on an on-demand simultaneous translation service, *Tele-Interpreters*, that staff can utilize whenever non-English calls are received. A brochure detailing available services is included in Appendix II. The service provides simultaneous translation in over 150 different languages, including all of those identified as major LEP languages in the *LEP Population Analysis* section of this report. Staff used this service on an average of 5 calls a month from September 2009 to August 2010. Of those calls, more than 60% were in Spanish, 19% were in Mandarin, 12% were in Vietnamese, and 7% were in Cantonese.

On occasion, Air District employees who are bilingual assist with non-English language phone calls. The Air District currently has approximately 50 employees who are fluent in 17 different languages, including: Cantonese, Farsi, French, German, Greek, Gujarati, Hebrew, Hindi, Japanese, Mandarin, Portuguese, Punjabi, Russian, Spanish, Tagalog and Vietnamese.

In addition, several of the Air District's telephone lines have pre-recorded information in other languages, including the wood smoke burn status line and the wood smoke telephone alerts sign-up line. These phone numbers have been published in ethnic media publications and ethnic media television news programs and public affairs shows.

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Enforcement and Compliance Assistance

The Air District has provided compliance assistance to regulated industries in other languages when requested. *Compliance Advisories*, documents that instruct industries how to comply with Air District regulations, have been provided in Spanish, Chinese, Korean and Russian. *Compliance Schools*, which are free courses offered by the Air District to educate regulated industries on how to comply with air quality regulations, have been conducted in Spanish and Vietnamese. These courses are most frequently offered to small businesses.

Also, signage for idling reduction regulations for heavy duty diesel trucks has been posted at the Port of Oakland and throughout West Oakland, facilities in Berkeley, the Port of San Francisco, South San Francisco, and in the Bayview Hunters Point neighborhood in San Francisco in Chinese, Punjabi, Spanish and Vietnamese.

Grants

Outreach and assistance for Air District administered grants programs have been conducted in Spanish, Cantonese, Hindi, Mandarin, Punjabi and Vietnamese. This includes in-person assistance offered at the Air District's help center, OT411 at the Port of Oakland, as well as during inspections of drayage trucks that have received grants.

Public Education

The Air District's major educational campaigns—Spare the Air and Winter Spare the Air—are conducted primarily in English, but also reach out to LEP communities via Public Service Announcements in Spanish, as well as television and radio appearances in Spanish, Cantonese and Mandarin. Educational materials for these campaigns are available in Spanish and Chinese. Additionally, bilingual staffers promote these campaigns at community events throughout the region.

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General Communication

The Air District has provided language assistance for a number of Air District programs and meetings by noticing meetings in Spanish and providing simultaneous translation services at the meetings. However, the simultaneous translation services have rarely been utilized.

Additional Air District practices are included in Table 2 on the following page.

Summary Analysis

Overall, the Air District is providing language assistance in a number of ways. However, language assistance is not always publicized effectively and is not provided in a consistent manner across Air District programs. Language access services could be more effective with appropriate notification and promotion of these services. The services could also be enhanced through a District-wide policy specifying under what conditions language assistance should be provided and how it should be provided.

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Table 2: Current Air District Practices

Current District Practices	Communications & Outreach	Compliance & Enforcement	Permits	Planning & Rule Development	Strategic Incentives
PRINTED MATERIALS					
Materials translated upon request	X	X	X	X	X
Community workshops/meeting notices	X	X	X	X	X
Select informational brochures available in other languages	X	X	X	X	X
Signage for truck idling regulations posted in various languages**	X	X			
Compliance tips available in other languages***		X			
IN-PERSON ASSISTANCE					
Bilingual staff available to assist with public inquires*	X	X	X	X	X
Simultaneous translation available at community meetings or off-site locations	X	X	X	X	X
Industry compliance schools conducted in multiple languages		X			
Drayage truck grant inspections have been conducted in various languages		X			X
TELEPHONE ASSISTANCE					
Live support connects to translation service that offers 150 language options		X			
Informational phone lines:: Clean Air Plan voice mailbox, 877-4NOBURN line, Winter Spare the Air Alerts telephone sign ups	X	X		X	
OTHER					
Reach out to ethnic media via press releases, radio and television	X				
Meetings held in communities with high LEP populations	X	X	X	X	X

*Languages include: *Cantonese, Farsi, French, German, Greek, Hebrew, Hindi, Japanese, Mandarin, Portuguese, Punjabi, Russian, Spanish, Tagalog and Vietnamese.*
**Languages include: *Chinese, Punjabi, Spanish and Vietnamese.*
***Depending on institutional knowledge and demand of the industry. Languages have included: *Chinese, Korean, Russian, Spanish and Vietnamese.*

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Website Analysis

Staff identified the Air District website as a key portal of dissemination of District information and services, and therefore a target for quick implementation of language access improvements. To identify immediate improvements that could be made staff looked to other public agency websites. Staff conducted a cursory analysis of internet-based multi-lingual communications by other California air districts, Bay Area regional agencies and other partner agencies.

Overall, staff found that three air districts, South Coast, Santa Barbara and San Joaquin Valley, offer links to non-English content on their main websites. South Coast, San Joaquin Valley and Sacramento Metropolitan air districts provide a notice that language assistance is available in other languages. Additionally, seven air districts, including the Bay Area, offer basic information about air quality in non-English languages. However, the availability of these materials and language assistance is not clearly stated on the main website, and thus is difficult to find for all air districts, except those that offer links from the main websites. A summary of this analysis is presented in Table 3.

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Table 3: Non-English Content on California Air Districts Websites

Air District	Links to non-English language content on the home page	Notice of availability of language assistance in non-English languages	Basic information about the air district in non-English languages	Basic information about air quality in non-English languages	Permits or applications in non-English languages
Amador County					
Antelope Valley					
Bay Area				S, C, V, R	
Butte County					
Colusa County					
Eastern Kern					
El Dorado County					
Feather River					
Glen County					
Great Basin Unified					
Lake County					
Mendocino County					
Mojave Desert					
Monterey Bay Unified					
North Coast Unified					
Northern Sierra					
Placer County					
Sacramento Metro		C, K, R, S, U, V		S	
San Diego County					
San Joaquin Valley	S, Hm	S, Hm		S, Hm	
San Luis Obispo County					
Santa Barbara	S			S	
Shasta County					
Siskiyou County					
South Coast	S, C, K	S, C, K	S, C, K	S, C, K	
Tehama County					
Tuolumne County					
Ventura County				S	
Yolo-Solano County				S	

Key:

C= Chinese K=Korean S=Spanish V=Vietnamese
Hm = Hmong R=Russian U=Ukrainian

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Staff also reviewed websites of regional agencies and state partner agencies for models to provide non-English content. Staff found that some agencies do offer language assistance, however, the notice for assistance is usually in English. Staff also found that while many agency websites offer basic information about their programs, they have no central location for information in a specific language. In general, transit operators provided the most non-English information and in a greater variety of languages. A summary of this analysis is presented in Table 4.

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Table 4: Local Multi-Jurisdictional and State Agencies Websites

Local Agency	Links to non-English language content on the home page	Notice of availability of language assistance in non-English languages	Basic information about the agency in non-English languages	Basic information about applicable programs in non-English languages	Permits or applications in non-English languages
LOCAL MULTI-JURISDICTIONAL AGENCIES:					
Association of Bay Area Governments					
Bay Area Rapid Transit	C, F, G, I, J, K, S		C, F, G, I, J, K, S	C, F, G, I, J, K, S	
Bay Conservation and Development Commission					
Bay Area Air Quality Management District				S, C, V, R	
Bay Conservation and Development Commission					
Central Contra Costa Sanitary District				S	
East Bay Municipal Utility District				S	
East Bay Regional Park District	S		S	S	
Golden Gate Bridge, Highway & Transportation District	C, F, G, I, J, K, P, S, V	C, F, G, I, J, K, P, S, V		C, F, G, I, J, K, P, S, V	
Metropolitan Transportation Commission	C, S	1*	C, S	C, S	
Mid-Peninsula Regional Open Space District	C, Hi, J, K, S, T, V			C, Hi, J, K, S, T, V	
Port of Oakland		1*			
San Mateo County Harbor District					
Transbay JPA					
West Bay Sanitary District					
STATE AGENCIES:					
California Air Resources Board		S, 1*		C, K, Pu, S	
Department of Toxic Substances Control	A, C, Kh, K, R, S, T, V	1*		A, C, Kh, K, R, S, T, V	
Office of Environmental Health Hazards Assessment		1* (S only)		Ca, C, K, L, R, S, T, V	

Key:

A= Armenian	F= French	I=Italian	Kh=Khmer	Pu=Punjabi	T=Tagalog
Ca=Cambodian	G=German	J=Japanese	L=Laotian	R=Russian	V=Vietnamese
C=Chinese	Hi=Hindi	K=Korean	P=Portuguese	S=Spanish	

1* Agency states in English the availability of language access services

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Summary Analysis

As a result of these two website analyses and based on guidance provided by U.S. EPA, staff will implement the following modifications to the Bay Area Air District websites:

- Place a link on the main websites, www.baaqmd.gov and www.sparetheair.gov to information in Spanish, Chinese, Tagalog and Vietnamese
- Identify and translate "vital" information and/or documents that will be provided in additional languages, such as: public notices, advisories, general air quality information, description of Air District
- Implement automated translation function on all Air District web pages.

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Summary and Next Steps

Summary

Improved LEP services will better allow non-English speaking residents to participate in processes that affect local air quality efforts. Staff reviewed existing laws and guidance regarding language access for public agencies, limited English proficiency population characteristics for the Bay Area, as well as current Air District language access practices. The law and guidance documents provide general guidelines for agencies and allow for a degree of flexibility in meeting requirements, based on service population, services provided and resources available.

Staff determined that the non-English languages spoken most frequently by LEP persons in the region are: Spanish – 8.4%, Chinese - 3.8%, Vietnamese -1.5%, Tagalog -1.2%, Korean - 0.5% and Russian - 0.4%. Spanish, Chinese, Vietnamese and Tagalog will be considered priority languages for LEP services for Air District regional initiatives and services, as the LEP populations for each of these languages represents at least 1% of the regional population. For more localized services and outreach, staff will evaluate more specific language needs by area. For example, although Korean and Russian LEP individuals fall below 1% of the regional population, there are almost 12,000 Korean-speaking LEP residents in Santa Clara County and almost 10,000 Russian-speaking LEP residents in San Francisco.

The Air District provides language assistance in many ways. However, language assistance is not always publicized effectively and is not provided in a consistent manner throughout Air District programs. Effectiveness of language assistance services would be improved with appropriate notification and promotion of these services. The services could also

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be enhanced through a District-wide policy and plan specifying under what conditions language assistance should be provided and how it should be provided.

Next Steps

Staff will implement several next steps in order to provide further access to Air District services to LEP persons:

- **Multilingual voicemail box** - Establish a multilingual voicemail box for members of the LEP community to contact the Air District. Post the voicemail box number on the Air District's website as well as appropriate ethnic media outlets
- **Telephone Assistance** – Evaluate the feasibility of utilizing simultaneous translation service on the main district communications line, 415-749-4900, and implement if feasible.
- **Notice of Language Assistance Availability for Public Meetings** – Include standard text on all meeting notices indicating that language assistance is available with advance notice and print this information in multiple languages. Language assistance requests can be received through the multilingual voice mailbox.
- **Website improvements** – Place a link on the main websites, www.baaqmd.gov and www.sparetheair.org, to information provided in Spanish, Chinese, Tagalog and Vietnamese. Identify and translate "vital" information and/or documents that will be provided in additional languages. Continue to evaluate and implement additional website improvements.
- **Evaluation of Service-Specific LEP Populations** – Collect information on the language needs of the distinct industries served by the Air District, such as industries targeted for incentive programs and permitted facilities.

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- **Develop an Air District-wide *Public Participation Policy*** for engaging Bay Area stakeholders, including, but not limited to LEP populations.
- **Develop a *Public Engagement Plan*** that outlines a comprehensive set of strategies for communicating with Air District stakeholders, such as: limited English proficient populations; minority populations; CARE impacted communities[9]; city and county governments; nongovernmental organizations and community-based organizations; urban, rural and suburban populations; businesses and business/industrial associations/organizations. . The *Plan* will address a range of Air District programs, such as: rule development, permitting, compliance assistance, enforcement, air quality planning, grants and incentives, and public education.

Conclusion

The Air District developed this assessment to better understand its effectiveness at communication with individuals who have limited English proficiency and also to begin identifying how to better meet the language needs of the Bay Area population with limited English proficiency. This assessment determined that the effectiveness of current language assistance services by the Air District can be improved and that overall language assistance services could be enhanced. The assessment identified next steps that Air District staff will take

[9] The Community Air Risk Evaluation (CARE) program evaluates and reduces health risks associated with exposures to outdoor toxic air contaminants (TACs) in the Bay Area. The program examines TAC emissions from point sources, area sources and on-road and off-road mobile sources with an emphasis on diesel exhaust, a major contributor to airborne health risk in California. In 2009, the program identified CARE impacted communities, or communities within the San Francisco Bay Area that are likely to face the highest health risks from toxic air contaminants (TAC) . The following communities were identified as CARE impacted communities: 1. portions of the City of Concord; 2. western Contra Costa county, including portions of the Cities of Richmond and San Pablo; 3. western Alameda County along the Interstate-880 corridor, including portions of the Cities of Berkeley, Oakland, San Leandro, San Lorenzo, and Hayward; 4. portions of the City of San Jose; 5. eastern San Mateo County, including portions of the Cities of Redwood City and East Palo Alto; and 6. eastern portions of the City and County of San Francisco.

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to improve the effectiveness of language assistance services and to enhance services to limited English proficient populations.

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Appendix I: Data by County by School District

Overview of Data by County by School District

In Appendix I, data is displayed by county by school district for each county within the Air District's jurisdiction. Data provided by the California Department of Education 2008-2009 displays students enrolled as English Learners.

School districts in counties within the Air District's jurisdiction are organized in different ways. In some counties, unified school districts (k-12) make up the entirety of the county. Other counties comprise elementary, secondary and high districts, or just elementary and high districts. For the purposes of this report, where areas were represented by two districts, elementary districts were favored to present data. Complete data is available at the California Department of Education website. Also, please note that district boundaries were provided by the United States Census 2000 and may have subsequently changed. Complete district boundary maps for the state of California are available at the United States Census website.

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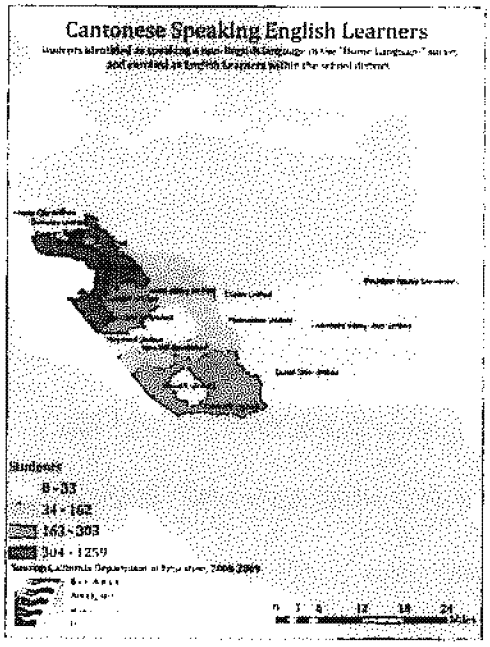
Appendix I: Data by County by School District

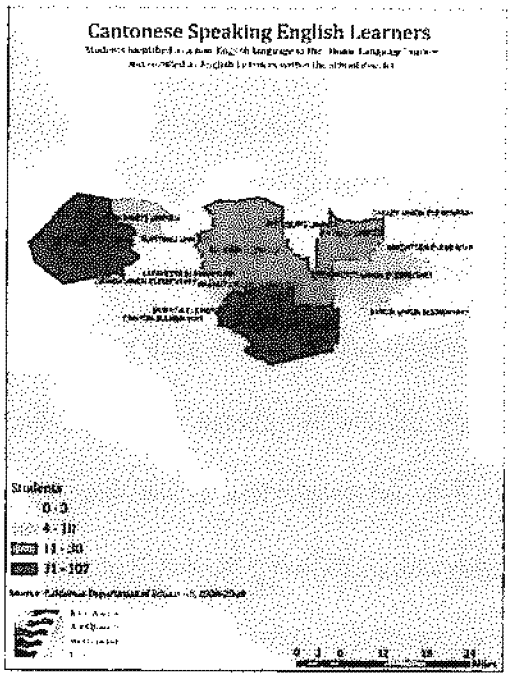
Cantonese

Alameda County



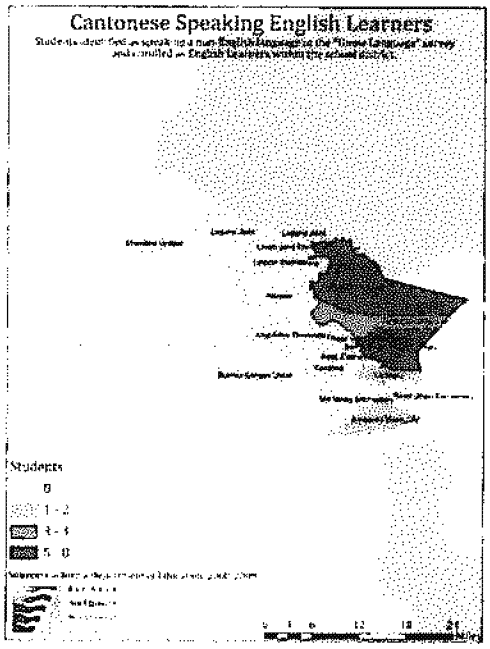
Displays unified districts only

Contra Costa County



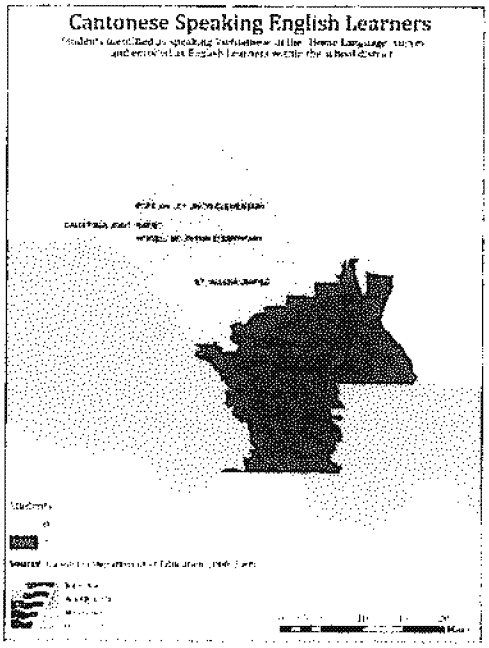
Displays unified and elementary districts

Marin County



Displays unified and elementary districts

Napa County



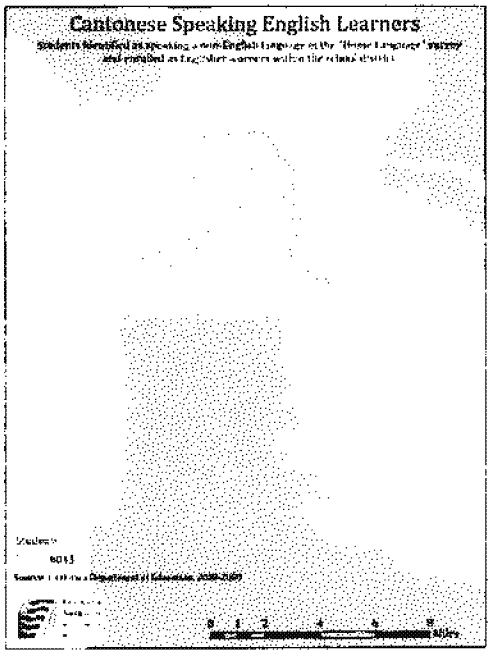
Displays unified and elementary districts

Data provided by the California Department of Education 2008-2009 and the United States Census 2000.

Appendix I: Data by County by School District

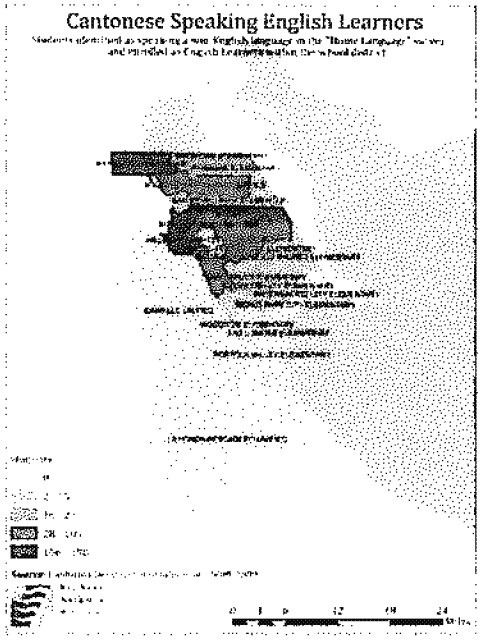
Cantonese

San Francisco County



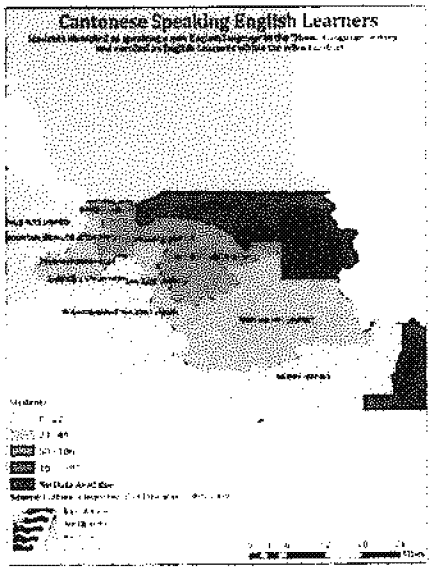
Displays unified districts only

San Mateo County



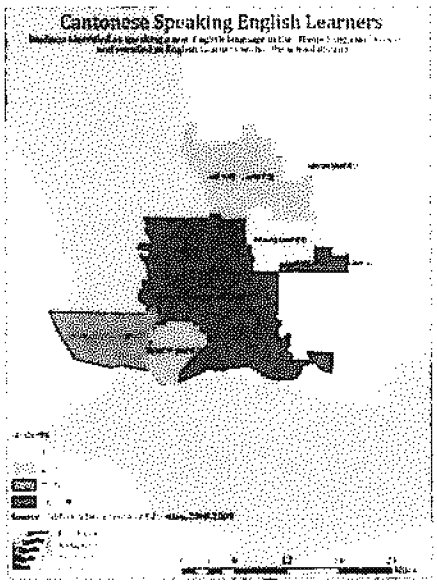
Displays unified and elementary districts

Santa Clara County



Displays unified, elementary and high districts

Solano County



Displays unified districts only

Data provided by the California Department of Education 2008-2009 and the United States Census 2000.

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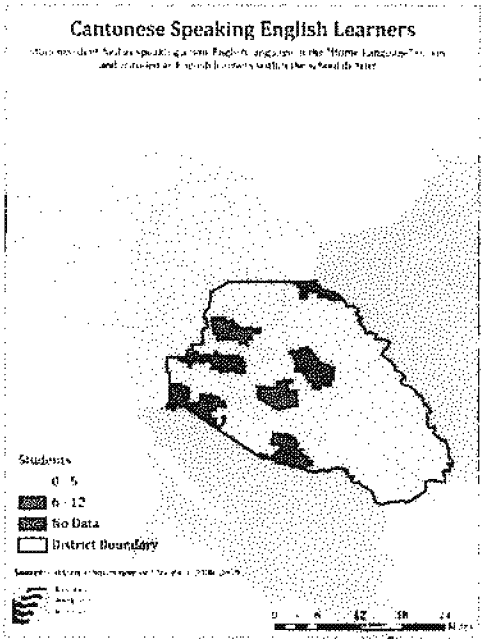
Appendix I: Data by County by School District

Cantonese

Sonoma County



Displays unified, elementary and high districts

Data provided by the California Department of Education 2008-2009 and the United States Census 2000.

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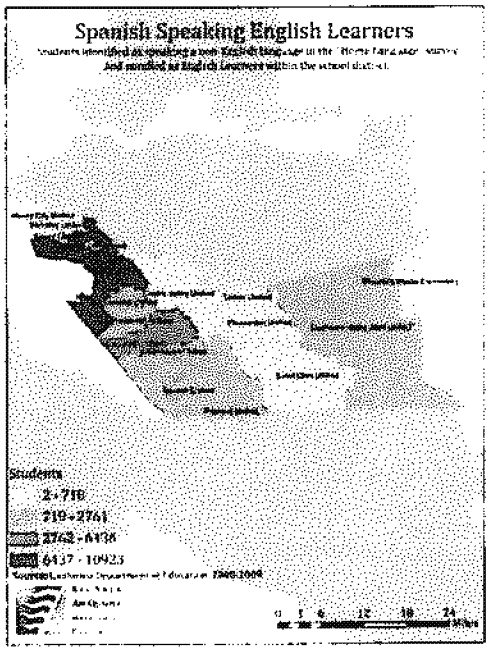
Appendix I: Data by County by School District

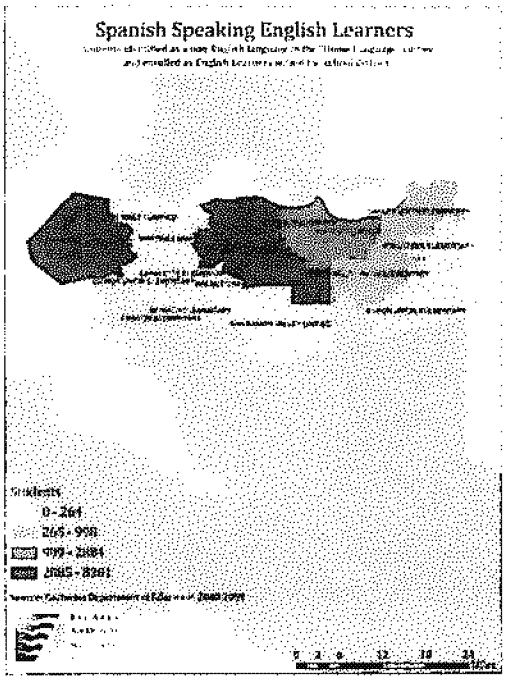
Spanish

Alameda County



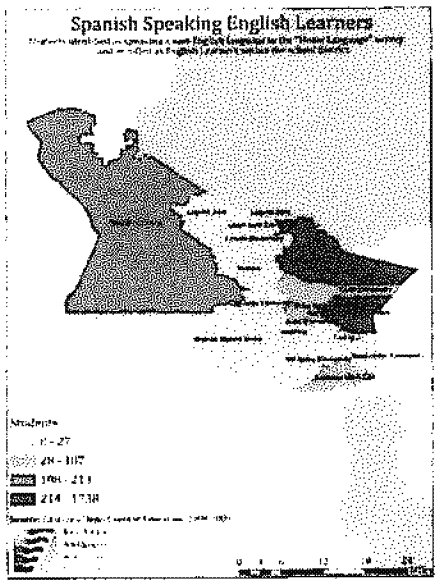
Displays unified districts only

Contra Costa County



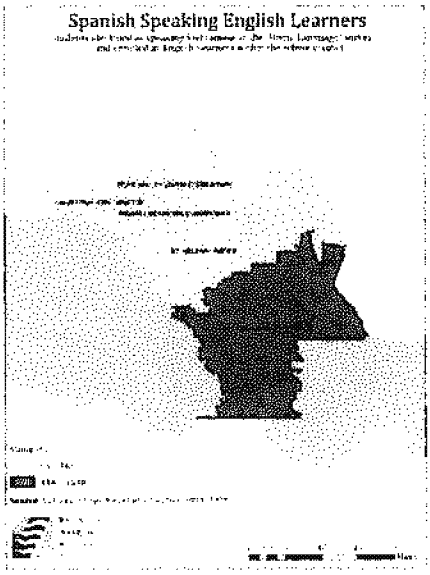
Displays unified and elementary districts

Marin County



Displays unified and elementary districts

Napa County



Displays unified and elementary districts

Data provided by the California Department of Education 2008-2009 and the United States Census 2000.

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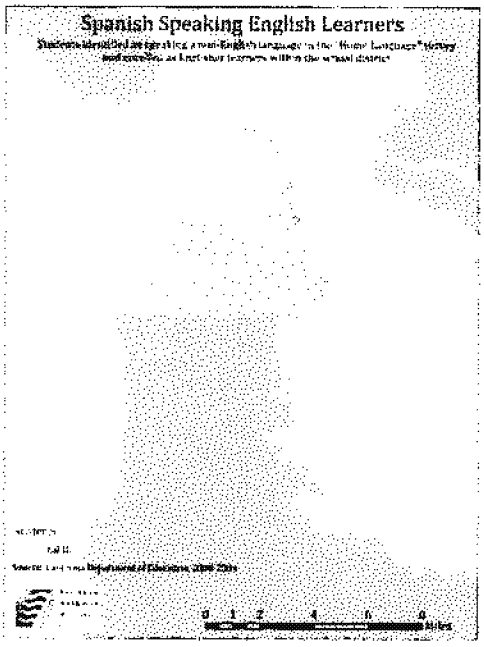
Appendix I: Data by County by School District

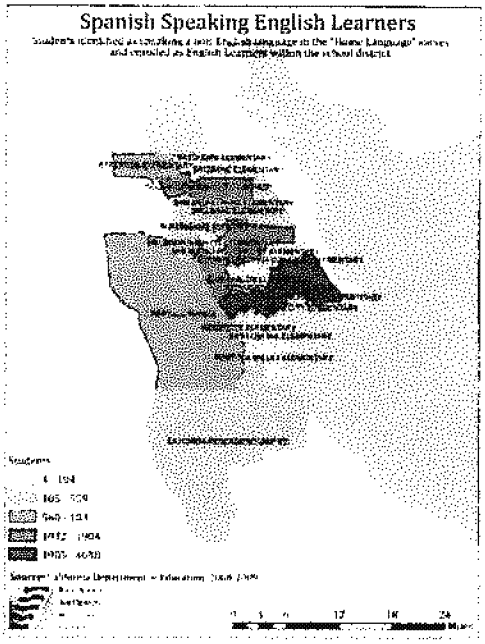
Spanish

San Francisco County



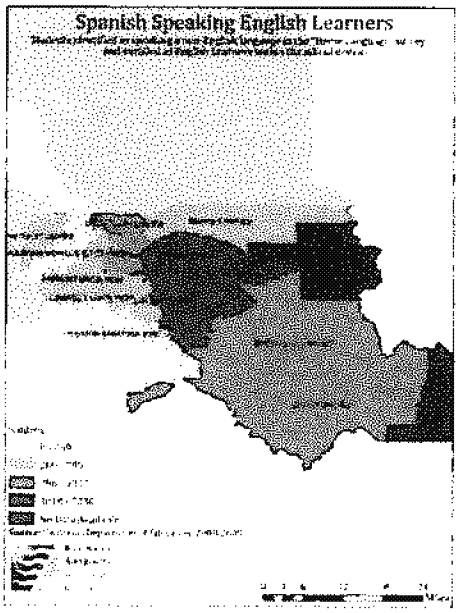
Displays unified districts only

San Mateo County



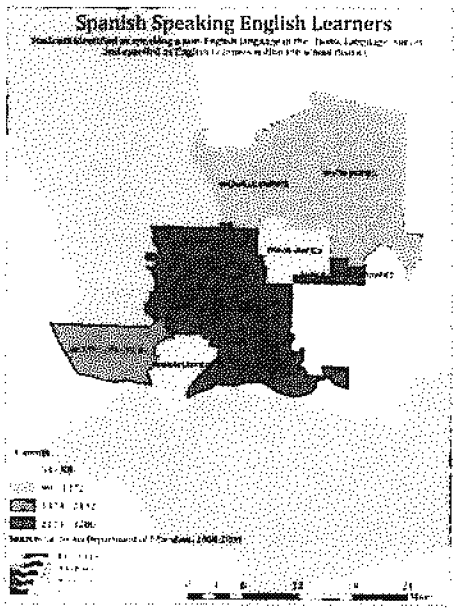
Displays unified and elementary districts

Santa Clara County



Displays unified, elementary and high districts

Solano County



Displays unified districts only

Data provided by the California Department of Education 2008-2009 and the United States Census 2000.

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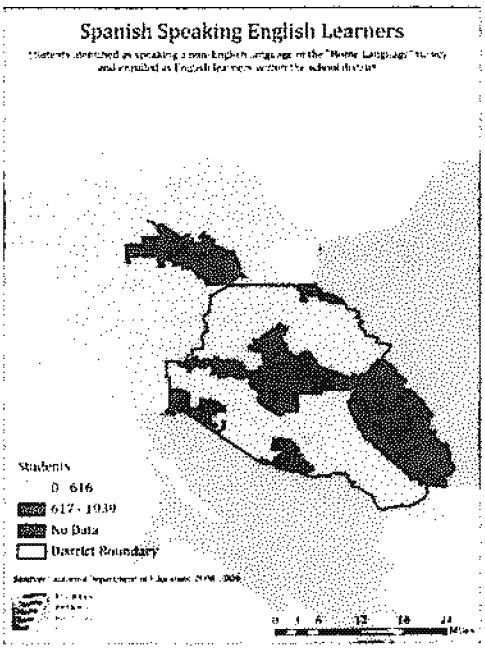
Appendix I: Data by County by School District

Spanish

Sonoma County



Displays unified, elementary and high districts

Data provided by the California Department of Education 2008-2009 and the United States Census 2000.

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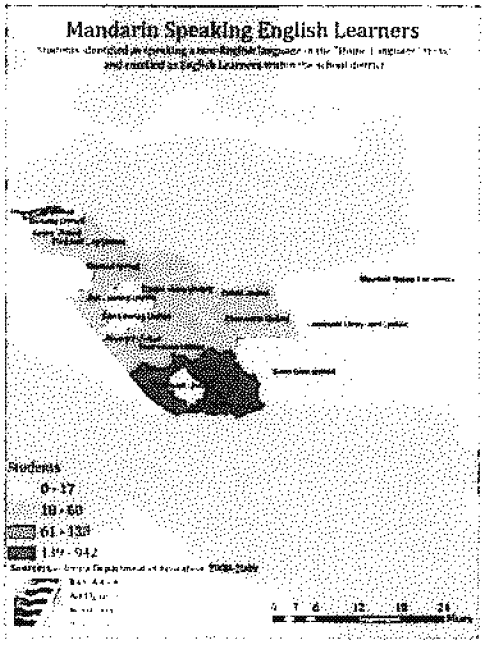
Appendix I: Data by County by School District

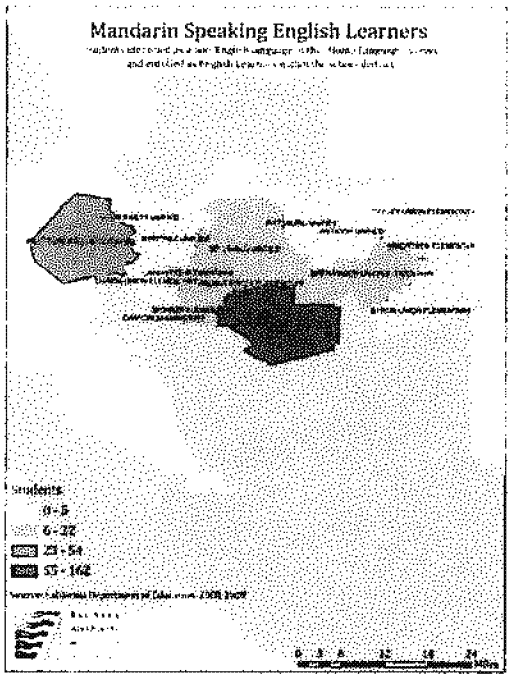
Mandarin

Alameda County



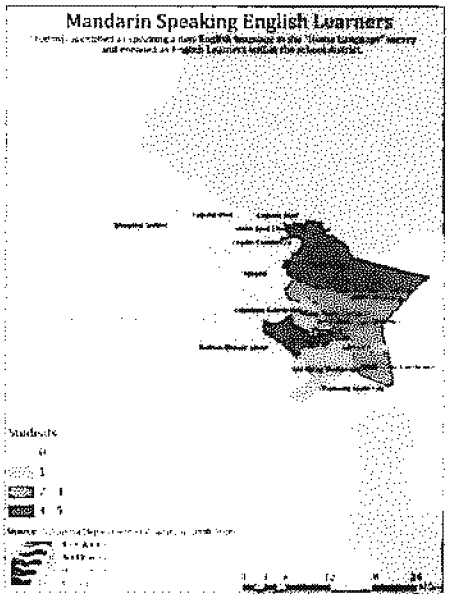
Displays unified districts only

Contra Costa County



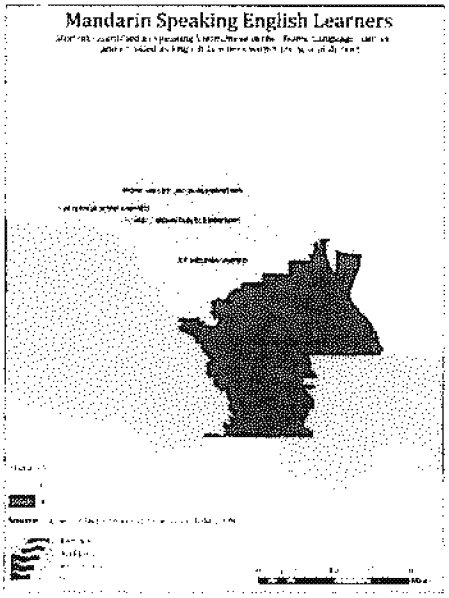
Displays unified and elementary districts

Marin County



Displays unified and elementary districts

Napa County



Displays unified and elementary districts

Data provided by the California Department of Education 2008-2009 and the United States Census 2000.

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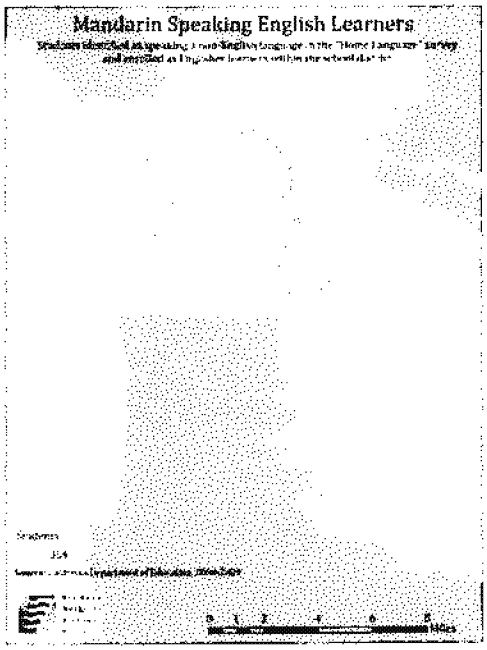
Appendix I: Data by County by School District

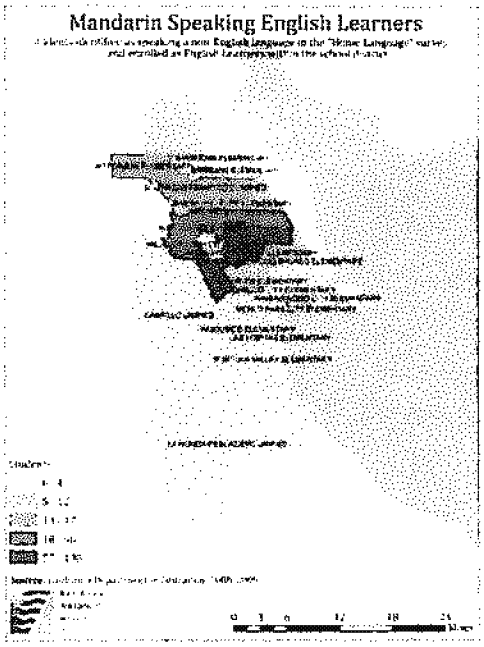
Mandarin

San Francisco County



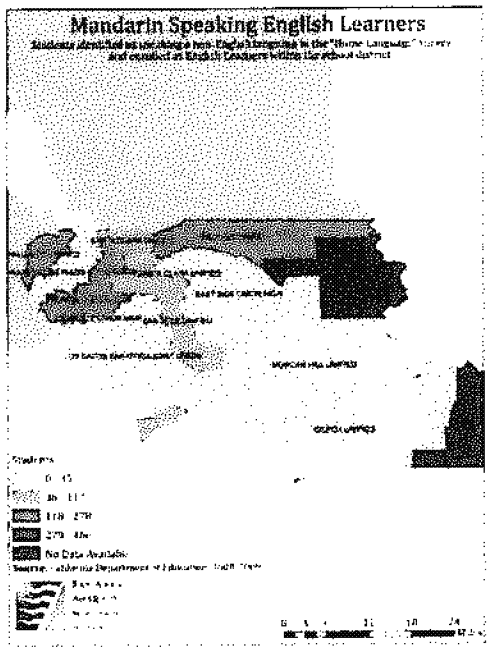
Displays unified districts only

San Mateo County



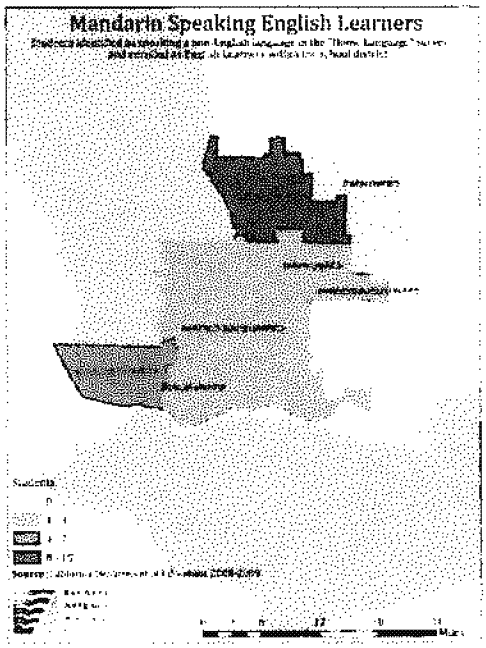
Displays unified and elementary

Santa Clara County



Displays unified, elementary and high districts

Solano County



Displays unified districts only

Data provided by the California Department of Education 2008-2009 and the United States Census 2000.

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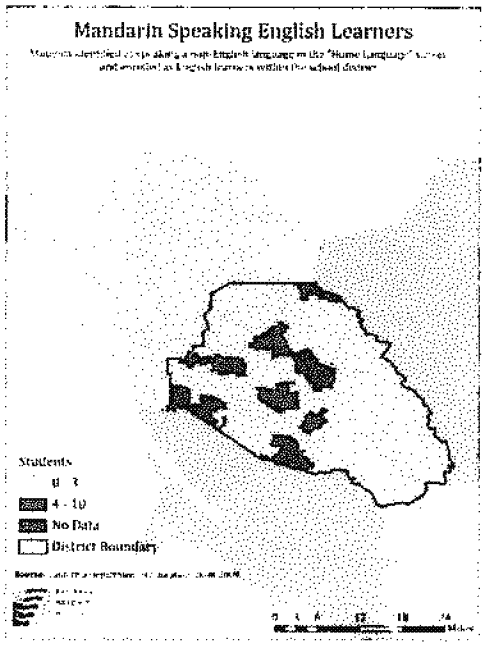
Appendix I: Data by County by School District

Mandarin

Sonoma County



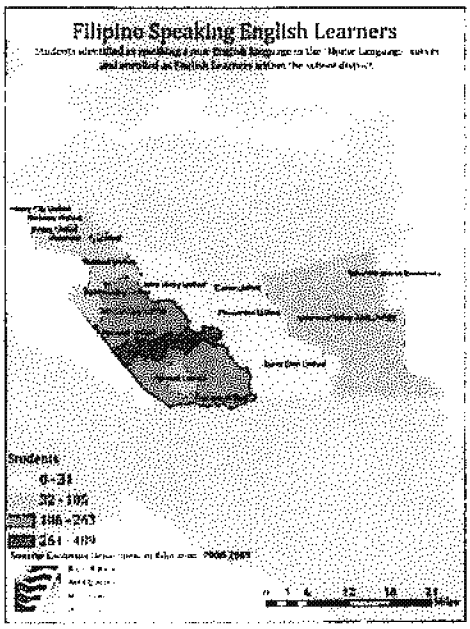
Displays unified, elementary and high districts

Data provided by the California Department of Education 2008-2009 and the United States Census 2000.

Appendix I: Data by County by School District

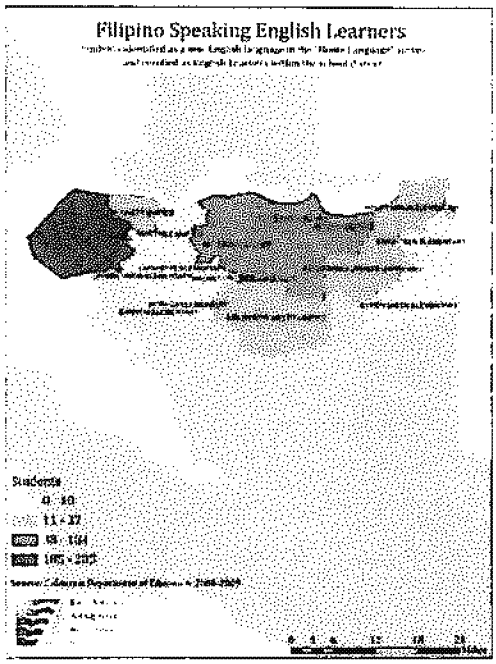
Filipino

Alameda County



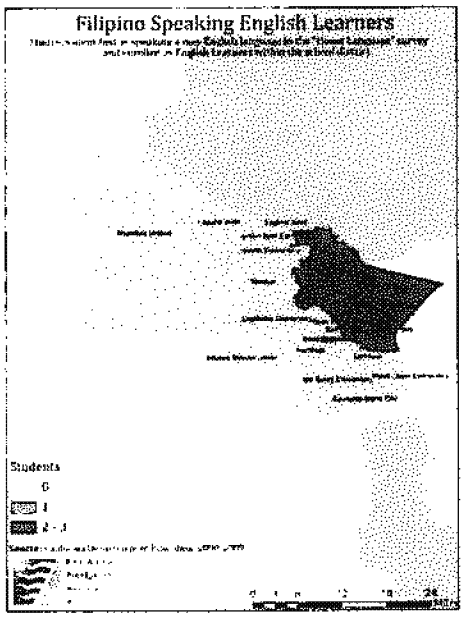
Displays unified districts only

Contra Costa County



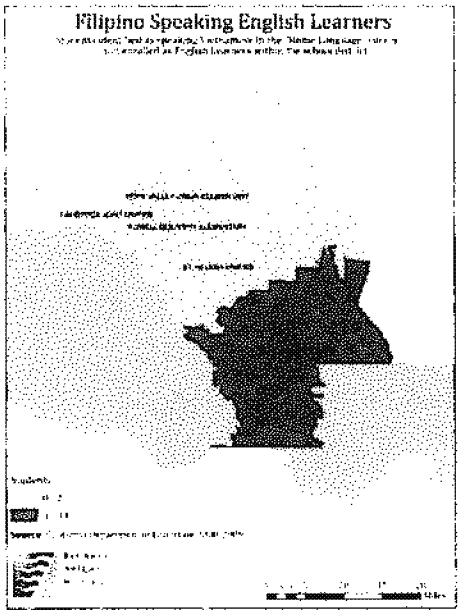
Displays unified and elementary districts

Marin County



Displays unified and elementary districts

Napa County



Displays unified and elementary districts

Data provided by the California Department of Education 2008-2009 and the United States Census 2000.

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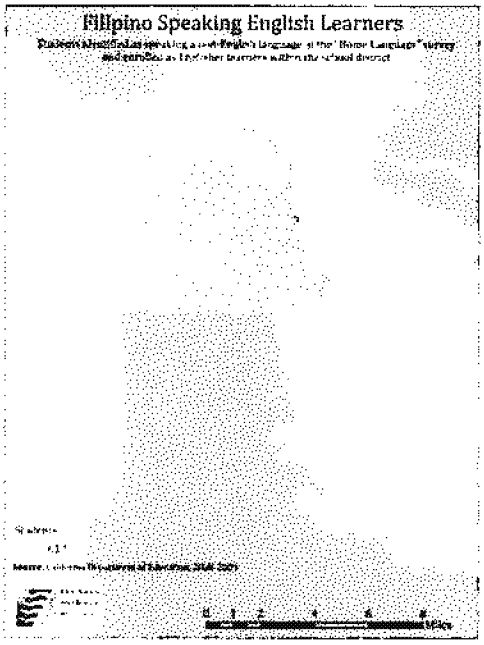
Appendix I: Data by County by School District

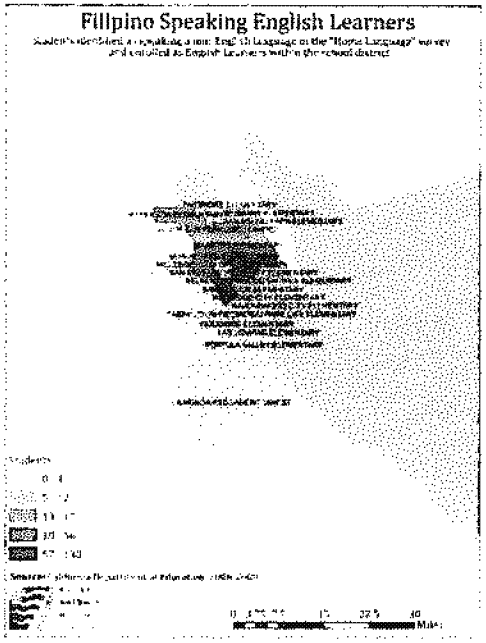
Filipino

San Francisco County



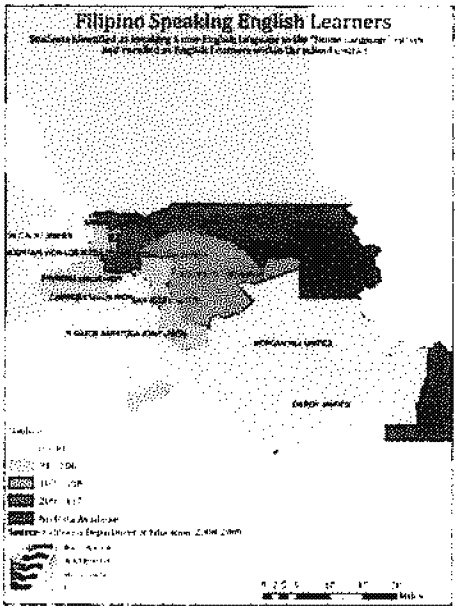
Displays unified districts only

San Mateo County



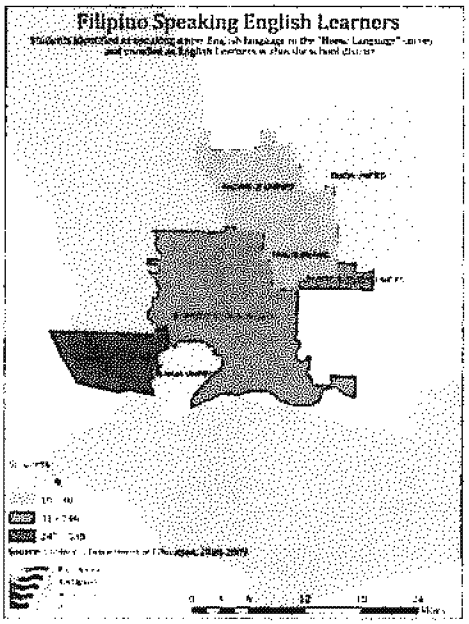
Displays unified and elementary districts

Santa Clara County



Displays unified, elementary and high districts

Solano County



Displays unified districts only

Data provided by the California Department of Education 2008-2009 and the United States Census 2000.

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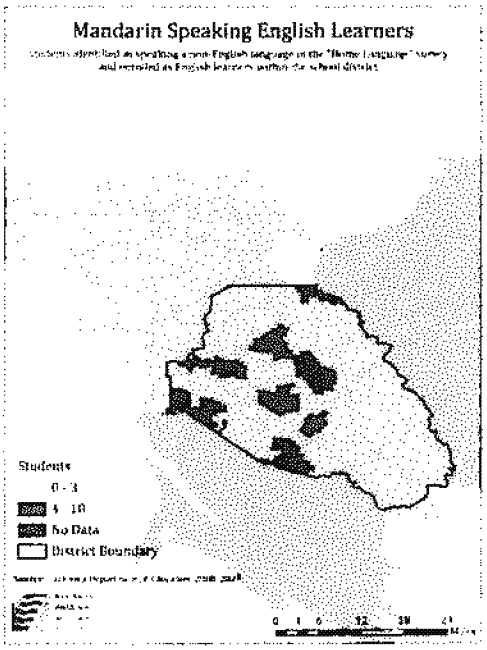
Appendix I: Data by County by School District

Filipino

Sonoma County



Displays unified, elementary and high districts

Data provided by the California Department of Education 2008-2009 and the United States Census 2000.

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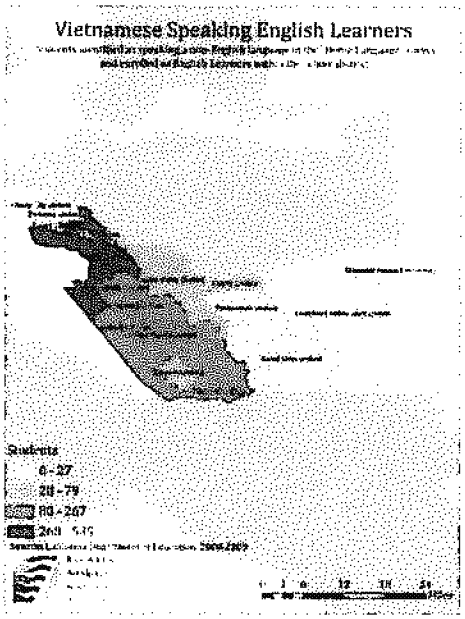
Appendix I: Data by County by School District

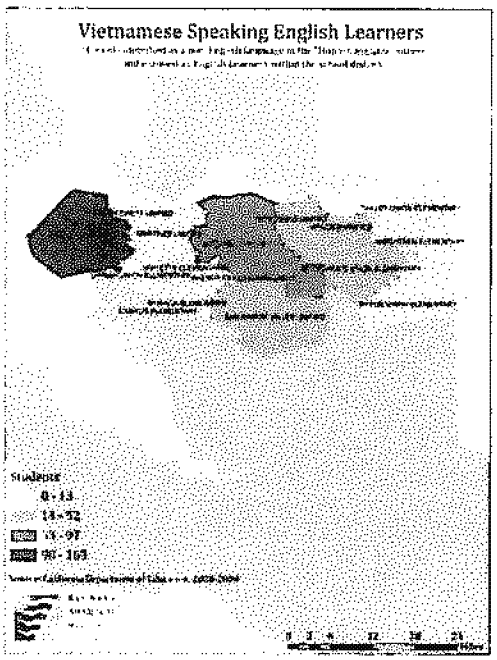
Vietnamese

Alameda County



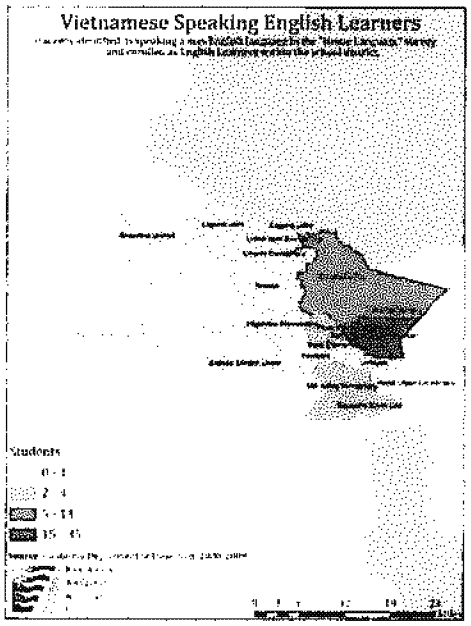
Displays unified districts only

Contra Costa County



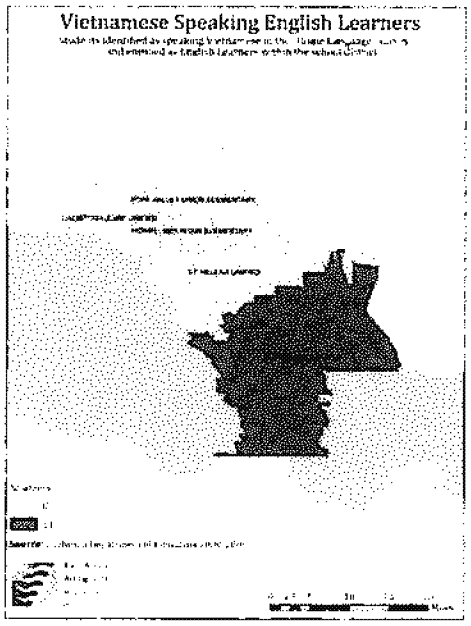
Displays unified and elementary districts

Marin County



Displays unified and elementary districts

Napa County



Displays unified and elementary districts

Data provided by the California Department of Education 2008-2009 and the United States Census 2000.

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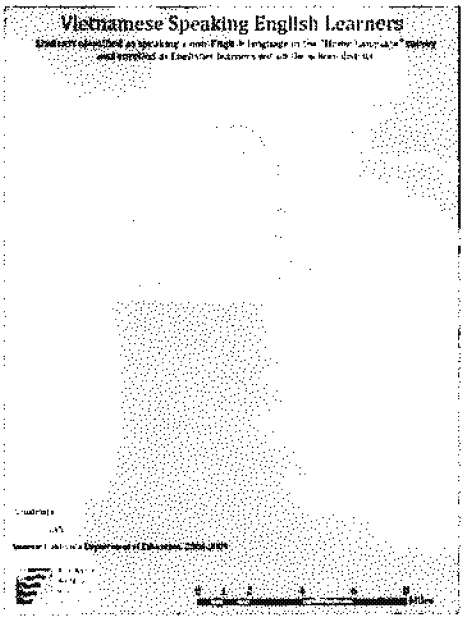
Appendix I: Data by County by School District

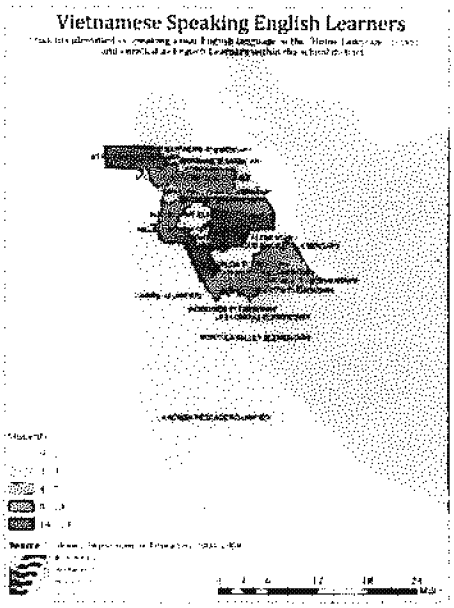
Vietnamese

San Francisco County



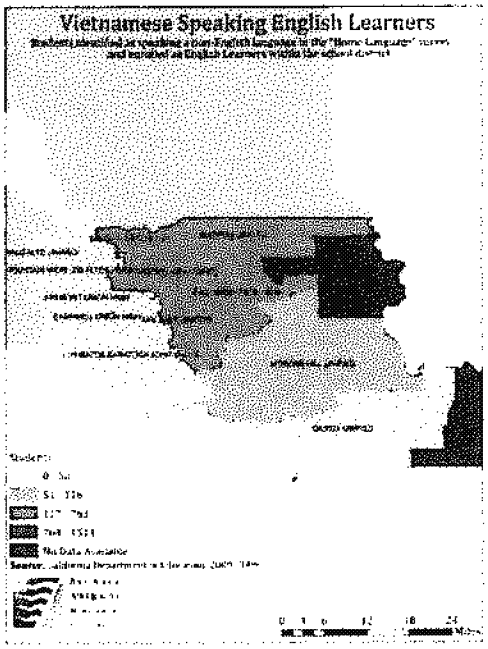
Displays unified districts only

San Mateo County



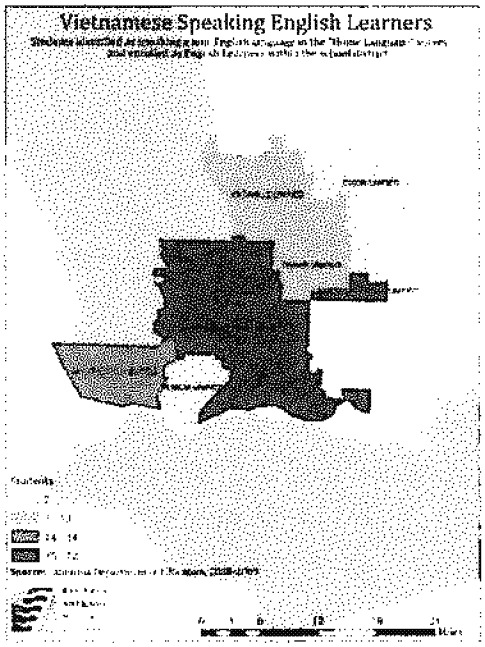
Displays unified and elementary districts

Santa Clara County



Displays unified, elementary and high districts

Solano County



Displays unified districts only

Data provided by the California Department of Education 2008-2009 and the United States Census 2000.

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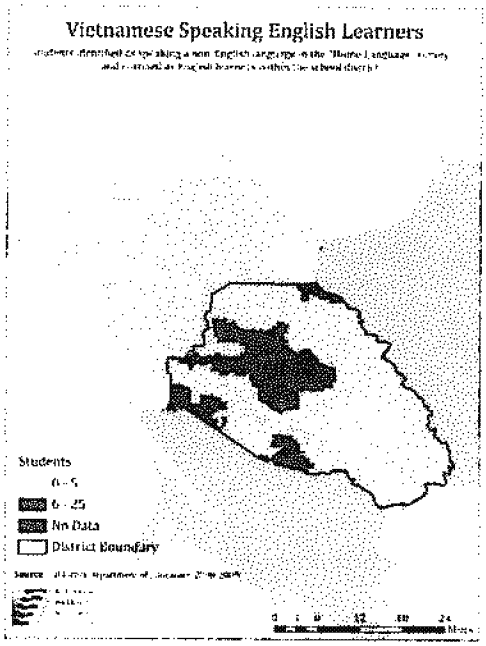
Appendix I: Data by County by School District

Vietnamese

Sonoma County

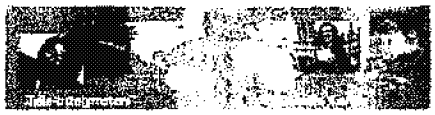


Displays unified, elementary and high districts

Data provided by the California Department of Education 2008-2009 and the United States Census 2000.

004089 2020-10-29

Appendix II: Tele-Interpreters Brochure



How To Use Tele-Interpreters' OPI Service

Dial the Tele-Interpreters' agent at:
800-822-5552

↓

Provide the agent with your language requirement

↓

State your access code: **5026**

↓

The Tele-Interpreters' agent will connect you to an interpreter

Helpful Hints When Working With An Interpreter

- Briefly inform the interpreter regarding the nature of the call.
- Remember you are in control of the call and the line of questioning. The interpreter's responsibility is to facilitate communications.
- Use short sentences where possible. Pause at the end of a complete thought to allow for interpretation.
- Speak distinctly, especially if using a speakerphone.
- Do not expect "word for word" interpretations as languages differ in grammatical structures and ways of expressing ideas.

Tele-Interpreters

Tele-Interpreters
1-800-822-5552 or 1-888-326-2686
Access Code: 5026

Phonetic Aid: Say / Please Hold / As you Bridge
Multilingual Calls To Tele-Interpreters

Arabic	dakhikah min fadlok	One minute please
Armenian	funthrooman spasek	Please Hold
Cambodian	som jham ma ylet	Could you please hold
Cantonese	ching dang-jan	Please hold
Dutch	een moment, a-sil-ubliee	One moment please
Farsi/Persian	ot fen, yek dagneeghe' sab konned	One minute please
French	un mowment see voo play	One moment please
German	einen moment bitte	One moment please
Hindi	eyk minut hold key-g-a	One minute please
Hmong	taw ed ptah	Please hold
Italian	un momento per favore	One moment please
Japanese	sho sho omachi-kudasai	Please hold for a moment
Korean	jam can man yo	One moment please
Mandarin	qing-hou	Please hold
Mien	lee zua tang	Please wait
Portuguese	um momento por fah-vor	One moment please
Punjabi	ik second tellema ji	Wait one second please
Russian	odg-nee min-utoo, po-zhal-u-esta	One minute please
Spanish	un momento por fah-vor	One moment please
Tagalog	isang saglit lamang-po	One moment please
Taiwanese	chin dam yee chur	Please hold
Vietnamese	xin-ka mai	Please hold

Tele-Interpreters

We Speak Your Language

"Show us your language so we can provide a telephone interpreter."

1-800-822-5552

Arabic — اللغة العربية اشر لنا في لغتك لكي نستطيع توفير مترجم عن طريق الهاتف.	Japanese — 日本語 [illegible]
Armenian — Հայերեն [illegible]	Korean — 한국어 [illegible]
Cambodian — ខ្មែរ [illegible]	Laotian — ລາວ [illegible]
Cantonese — 廣東話 [illegible]	Mandarin — 國語 [illegible]
Farsi — فارسی [illegible]	Polish — Polski Proszę wskaż swój język abyśmy mogli zapewnić Usługę tłumaczenia telefonicznego.
French — Français Indiquez-nous quelle langue vous parlez et [illegible] un interprète par téléphone	Portuguese — Português Mostre-nos sua língua para que possamos [illegible] um intérprete pelo telefone
German — Deutsch Zeigen Sie bitte auf Ihre Sprache, so dass wir einen Dolmetscher per Telefon zur Verfügung stellen können.	Punjabi — ਪੰਜਾਬੀ [illegible]
Greek — Ελληνικά [illegible]	Russian — Русский язык [illegible]
Haitian Creole — Kreyol Ayisyen Montre nou ki lang ou pale, nap kapabe [illegible] ki pral entèprete pou ou nan telefòn.	Spanish — Español Por favor, dígale en qué idioma habla que podemos proporcionarle un intérprete por teléfono.
Hindi — हिन्दी [illegible]	Tagalog — Tagalog [illegible]
Hmong — Hmoob [illegible]	Thai — ภาษาไทย [illegible]
Italian — Italiano [illegible]	Vietnamese — Tiếng Việt [illegible]

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Appendix III: Members of the Bay Area Environmental Health Collaborative

American Lung Association of California
American Lung Association of California
Asthma Community Advocates
Bayview Hunters Point Community Advocates
Bluewater Network
Breathe California, Golden Gate Partnership
Chinese Progressive Association
Communities for a Better Environment (CBE)
Community Action To Fight Asthma
Community Clinic Consortium of Contra Costa
Community Focus
Community Health Initiative
Concerned Residents of Contra Costa County
Contra Costa Child Care Council
Contra Costa Community Services
Contra Costa Council
Contra Costa Health Services
Contra Costa Health Services
Environmental Law and Justice Clinic, Golden Gate University School of Law (ELJC)
Ethnic Health Institute
Greenaction for Environmental Health & Justice
Healthy 880 Communities
Hunters View Mothers Committee
John Muir Health
Kaiser Permanente
La Clinica de La Raza
Martinez Unified School District
Mt. Diablo Unified School District
Natural Resources Defense Council
Neighborhood House of North Richmond
Oakland-Berkeley Community Action to Fight Asthma
Our Children's Earth Foundation
Parents For A Safer Environment
People Organizing to Demand Environmental and Economic Rights
Regional Asthma Management and Prevention Initiative
Regional Asthma Management and Prevention Initiative
Regional Asthma Management and Prevention Initiative
San Francisco Asthma Task Force
San Francisco Asthma Task Force
San Francisco Department of Public Health
Shields-Reid Community Center
Sierra Club
Transportation Solutions Defense and Education Fund (TRANSDEF)
Union of Concerned Scientists
West County Toxics Coalition
Youth United for Community Action

004091 2020-10-29

Message

From: Redden, Kenneth [Redden.Kenneth@epa.gov]
Sent: 8/9/2017 2:41:17 PM
To: O'Lone, Mary [OLone.Mary@epa.gov]
CC: Johnson, Johahna [Johnson.Johahna@epa.gov]; Biffl, Betsy [Biffl.Betsy@epa.gov]
Subject: RE: Availability of Earthjustice for Port of Oakland meeting

2:30pm meeting with Lilian.

From: O'Lone, Mary
Sent: Wednesday, August 09, 2017 10:40 AM
To: Redden, Kenneth <Redden.Kenneth@epa.gov>
Cc: Johnson, Johahna <Johnson.Johahna@epa.gov>; Biffl, Betsy <Biffl.Betsy@epa.gov>
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If your discussion with her is not before that due date, I will plan to follow my process & tell her that I will wait on the legal review until after she has reviewed and addressed as appropriate comments from others.

Thanks, Mary

Mary M. O'Lone
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Washington, DC 20460
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To: Fitzpatrick, Ryan (OST) <ryan.fitzpatrick@dot.gov>; Grow, Richard <Grow.Richard@epa.gov>; Keeler, Katsumi <Keeler.Katsumi@epa.gov>
Cc: Temple, Kurt <Temple.Kurt@epa.gov>; Rhines, Dale <rhines.dale@epa.gov>; O'Lone, Mary <OLone.Mary@epa.gov>; Farrell, Ericka <Farrell.Ericka@epa.gov>; Garnett, Desean <Garnett.Desean@epa.gov>
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The 8/17 time works for me (3pm EST).

I think we can tell Paul that we had our first joint conversation with City and Port, and leave it at that. No reason not to, and I want the complainants to know we're being forthright.

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Sent: Tuesday, August 8, 2017 6:38 PM
To: Keeler, Katsumi
Cc: Temple, Kurt; Rhines, Dale; O'Lone, Mary; Farrell, Ericka; ryan.fitzpatrick@dot.gov; Garnett, Desean; Grow, Richard
Subject: Re: Availability of Earthjustice for Port of Oakland meeting

Thanks we need to also include Ryan and Region 9 in this coordination. I can do 8/17 at noon pst (3:00 est). Will that work?

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Sent from my iPhone

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<Picture (Device Independent Bitmap) 1.jpg>

Katsumi Keeler
Case Manager
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External Civil Rights Compliance Office
U.S. Environmental Protection Agency

Phone: 202-564-2347
Email: keeler.katsumi@epa.gov

1200 Pennsylvania Avenue, N.W.
Clinton Federal Building North
Room 2524, Mailcode 2310A
Washington, D.C. 20460

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Sent: 8/9/2017 2:39:57 PM
To: Redden, Kenneth [Redden.Kenneth@epa.gov]
CC: Johnson, Johahna [Johnson.Johahna@epa.gov]; Biffl, Betsy [Biffl.Betsy@epa.gov]
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Sent: Tuesday, August 08, 2017 10:28 PM
To: Dorka, Lilian <Dorka.Lilian@epa.gov>; Keeler, Katsumi <Keeler.Katsumi@epa.gov>
Cc: Temple, Kurt <Temple.Kurt@epa.gov>; Rhines, Dale <rhines.dale@epa.gov>; O'Lone, Mary <OLone.Mary@epa.gov>; Farrell, Ericka <Farrell.Ericka@epa.gov>; Fitzpatrick, Ryan (OST) <ryan.fitzpatrick@dot.gov>; Garnett, Desean <Garnett.Desean@epa.gov>
Subject: Re: Availability of Earthjustice for Port of Oakland meeting

Noon 8/17 works for me. Let's hear from Desean, but I doubt Alexis will want us to work around her schedule.

Seems like Paul has given you OK to proceed with all at once, and complainants role is so sensitive with all things EJustice, but whatever you're comfortable with. BTW reminder that Paul is ex-R9 and quick to understand our processes and constraints.

Richard

From: Dorka, Lilian
Sent: Tuesday, August 8, 2017 6:38 PM
To: Keeler, Katsumi
Cc: Temple, Kurt; Rhines, Dale; O'Lone, Mary; Farrell, Ericka; ryan.fitzpatrick@dot.gov; Garnett, Desean; Grow, Richard
Subject: Re: Availability of Earthjustice for Port of Oakland meeting

Thanks we need to also include Ryan and Region 9 in this coordination. I can do 8/17 at noon pst (3:00 est). Will that work?

In the meantime though, I'm wondering if we should have a brief convo w just Paul to give him a heads up that

we have had a prelim convo w recipients-- just so that we don't wait until next Thursday? Or do folks think it's best to just wait until next Thursday to have any conversation?

Sent from my iPhone

On Aug 8, 2017, at 4:14 PM, Keeler, Katsumi <Keeler.Katsumi@epa.gov> wrote:

> I just received a call back from Paul Cort and he stated that he wants one of the August 17th times because he needs to allow for the inclusion of his clients. He stated that, because complainant inclusion is a major issue, they need to be included in this initial discussion.
>
> I told Mr. Cort that I would get back to him about the August 17th time. Please let me know if I can schedule this. Thanks.
>
> _____
>
> **From:** Keeler, Katsumi
> **Sent:** Tuesday, August 08, 2017 3:37 PM
> **To:** Dorka, Lilian <Dorka.Lilian@epa.gov>
> **Cc:** Temple, Kurt <Temple.Kurt@epa.gov>; Rhines, Dale <rhines.dale@epa.gov>; O'Lone, Mary <olone.mary@epa.gov>
> **Subject:** Availability of Earthjustice for Port of Oakland meeting
>
> Paul Cort stated that Earthjustice cannot do Wednesday or Thursday, but can do August 17 anytime between noon and 4 pm PSD. He said his second choice is Monday, August 14th at 10-11 a.m. or after 2 p.m. I didn't ask about Friday the 11th. I have a call in for him to call me back but I can also send him an email. Please let me know your preference. Thanks.
>
> <Picture (Device Independent Bitmap) 1.jpg>
>
> Katsumi Keeler
> Case Manager
> Office of General Counsel
> External Civil Rights Compliance Office
> U.S. Environmental Protection Agency
>
> Phone: 202-564-2347
> Email: keeler.katsumi@epa.gov
>
> 1200 Pennsylvania Avenue, N.W.
> Clinton Federal Building North
> Room 2524, Mailcode 2310A
> Washington, D.C. 20460

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Please consider the environment before printing this email.

Message

From: O'Lone, Mary [OLone.Mary@epa.gov]
Sent: 8/9/2017 1:23:41 PM
To: Redden, Kenneth [Redden.Kenneth@epa.gov]
CC: Johnson, Johahna [Johnson.Johahna@epa.gov]; Biffl, Betsy [Biffl.Betsy@epa.gov]
Subject: FW: Availability of Earthjustice for Port of Oakland meeting

Ken-
Note that it isn't just simultaneous review with the Region – it is also simultaneous review within ECRCO. Even if we have to comment concurrently with the Region & then again another time after the Region's & our comments are incorporated/ignored, could ECRCO at least make sure that they finish their internal review before they circulate it to us?

Katsumi's comment was relatively minor this time, but in the past his comments come in at all points & require more work & more emails btwn him & Lilian than this. Now that they have a Deputy, a senior policy advisor, & a team leader, I don't think it is too much to ask that they manage to complete their internal review/deal with the back & forth on comments from their own staff before they circulate a document outside ECRCO.

Lilian's team concept of everybody being ccd on everything & everybody being involved or invited to every meeting wastes too much time. I don't know about the others in CRPG, but I have to slog through long email trails to figure out if there is even something I need to deal with or need to be concerned about.

There has to be a happy medium between transparency all over the place & complete opacity. We seem to only get one or the other.

Thanks, Mary

Mary M. O'Lone
Civil Rights and Finance Law Office
Office of General Counsel, US EPA
1200 Pennsylvania Avenue, NW
Washington, DC 20460
(202) 564-4992

From: Dorka, Lilian
Sent: Wednesday, August 09, 2017 8:51 AM
To: Fitzpatrick, Ryan (OST) <ryan.fitzpatrick@dot.gov>; Grow, Richard <Grow.Richard@epa.gov>; Keeler, Katsumi <Keeler.Katsumi@epa.gov>
Cc: Temple, Kurt <Temple.Kurt@epa.gov>; Rhines, Dale <rhines.dale@epa.gov>; O'Lone, Mary <OLone.Mary@epa.gov>; Farrell, Ericka <Farrell.Ericka@epa.gov>; Garnett, Desean <Garnett.Desean@epa.gov>
Subject: RE: Availability of Earthjustice for Port of Oakland meeting

Yeah, I agree with that. Do you think you could give him a quick call Ryan just to say we will talk on the 17th but just wanted to touch base, etc?

From: Fitzpatrick, Ryan (OST) [mailto:ryan.fitzpatrick@dot.gov]
Sent: Wednesday, August 9, 2017 8:32 AM
To: Grow, Richard <Grow.Richard@epa.gov>; Dorka, Lilian <Dorka.Lilian@epa.gov>; Keeler, Katsumi <Keeler.Katsumi@epa.gov>
Cc: Temple, Kurt <Temple.Kurt@epa.gov>; Rhines, Dale <rhines.dale@epa.gov>; O'Lone, Mary <OLone.Mary@epa.gov>;

Farrell, Ericka <Farrell.Ericka@epa.gov>; Garnett, Desean <Garnett.Desean@epa.gov>
Subject: RE: Availability of Earthjustice for Port of Oakland meeting

The 8/17 time works for me (3pm EST).

I think we can tell Paul that we had our first joint conversation with City and Port, and leave it at that. No reason not to, and I want the complainants to know we're being forthright.

Ryan N. Fitzpatrick, Esq.
Lead Civil Rights Analyst
Departmental Office of Civil Rights
Office of the Secretary
U.S. Department of Transportation
W78-312
(202) 366-1979

From: Grow, Richard [mailto:Grow.Richard@epa.gov]
Sent: Tuesday, August 08, 2017 10:28 PM
To: Dorka, Lilian <Dorka.Lilian@epa.gov>; Keeler, Katsumi <Keeler.Katsumi@epa.gov>
Cc: Temple, Kurt <Temple.Kurt@epa.gov>; Rhines, Dale <rhines.dale@epa.gov>; O'Lone, Mary <OLone.Mary@epa.gov>; Farrell, Ericka <Farrell.Ericka@epa.gov>; Fitzpatrick, Ryan (OST) <ryan.fitzpatrick@dot.gov>; Garnett, Desean <Garnett.Desean@epa.gov>
Subject: Re: Availability of Earthjustice for Port of Oakland meeting

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Seems like Paul has given you OK to proceed with all at once, and complainants role is so sensitive with all things EJustice, but whatever you're comfortable with. BTW reminder that Paul is ex-R9 and quick to understand our processes and constraints.

Richard

From: Dorka, Lilian
Sent: Tuesday, August 8, 2017 6:38 PM
To: Keeler, Katsumi
Cc: Temple, Kurt; Rhines, Dale; O'Lone, Mary; Farrell, Ericka; ryan.fitzpatrick@dot.gov; Garnett, Desean; Grow, Richard
Subject: Re: Availability of Earthjustice for Port of Oakland meeting

Thanks we need to also include Ryan and Region 9 in this coordination. I can do 8/17 at noon pst (3:00 est). Will that work?

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Sent from my iPhone

On Aug 8, 2017, at 4:14 PM, Keeler, Katsumi <Keeler.Katsumi@epa.gov> wrote:

I just received a call back from Paul Cort and he stated that he wants one of the August 17th times because he needs to allow for the inclusion of his clients. He stated that, because complainant inclusion is a major issue, they need to be included in this initial discussion.

I told Mr. Cort that I would get back to him about the August 17th time. Please let me know if I can schedule this. Thanks.

From: Keeler, Katsumi
Sent: Tuesday, August 08, 2017 3:37 PM
To: Dorka, Lilian <Dorka.Lilian@epa.gov>
Cc: Temple, Kurt <Temple.Kurt@epa.gov>; Rhines, Dale <rhines.dale@epa.gov>; O'Lone, Mary <olone.mary@epa.gov>
Subject: Availability of Earthjustice for Port of Oakland meeting

Paul Cort stated that Earthjustice cannot do Wednesday or Thursday, but can do August 17 anytime between noon and 4 pm PSD. He said his second choice is Monday, August 14th at 10-11 a.m. or after 2 p.m. I didn't ask about Friday the 11th. I have a call in for him to call me back but I can also send him an email. Please let me know your preference. Thanks.

<Picture (Device Independent Bitmap) 1.jpg>

Katsumi Keeler
Case Manager
Office of General Counsel
External Civil Rights Compliance Office
U.S. Environmental Protection Agency

Phone: 202-564-2347
Email: keeler.katsumi@epa.gov

1200 Pennsylvania Avenue, N.W.
Clinton Federal Building North
Room 2524, Mailcode 2310A
Washington, D.C. 20460

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Please consider the environment before printing this email.

Message

From: O'Lone, Mary [OLone.Mary@epa.gov]
Sent: 12/21/2017 10:17:19 PM
To: Johnson, Johahna [Johnson.Johahna@epa.gov]
CC: Temple, Kurt [Temple.Kurt@epa.gov]; Biffl, Betsy [Biffl.Betsy@epa.gov]
Subject: FW: Oakland Draft Informal Resolution Agreement -- EPA Consolidated Edits/Comments
Attachments: 2017.12.21 Oakland Draft Informal Resolution Agreement EPA Consolidated Review.docx; 2017.12.21 Oakland Draft Informal Resolution Agreement EPA Consolidated Review CLEAN.docx

Importance: High

Kurt-
I turn into a pumpkin shortly & will be back on the 4th.
I am forwarding this to Johahna as my backup, but she will be out next week too.
I am also flagging it for Betsy as she is holding down the fort.
What are you thinking as far as a timeline and next steps. I see you didn't say anything to DOT about either.

Thanks, Mary

Mary M. O'Lone
Civil Rights and Finance Law Office
Office of General Counsel, US EPA
1200 Pennsylvania Avenue, NW
Washington, DC 20460
(202) 564-4992

From: Temple, Kurt
Sent: Thursday, December 21, 2017 5:14 PM
To: ryan.fitzpatrick@dot.gov; yvette.rivera@dot.gov; Jang, Deeana (OST) <deeana.jang@dot.gov>
Cc: Dorka, Lilian <Dorka.Lilian@epa.gov>; Strauss, Alexis <Strauss.Alexis@epa.gov>; Rhines, Dale <rhines.dale@epa.gov>; Redden, Kenneth <Redden.Kenneth@epa.gov>; Rhodes, Julia <Rhodes.Julia@epa.gov>; O'Lone, Mary <OLone.Mary@epa.gov>; Keeler, Katsumi <Keeler.Katsumi@epa.gov>; Grow, Richard <Grow.Richard@epa.gov>; Garnett, Desean <Garnett.Desean@epa.gov>; Israels, Ken <Israels.Ken@epa.gov>
Subject: Oakland Draft Informal Resolution Agreement -- EPA Consolidated Edits/Comments
Importance: High

Deliberative Process / Ex. 5

Happy Holidays everyone on this email!

Kurt T. Temple
Senior Advisor
External Civil Rights Compliance Office
EPA Office of General Counsel
1200 Pennsylvania Avenue, NW
Room 2524R
Washington, D.C. 20460
202-564-7299

Message

From: Rhodes, Julia [Rhodes.Julia@epa.gov]
Sent: 12/21/2017 1:24:38 PM
To: O'Lone, Mary [OLone.Mary@epa.gov]; Johnson, Johahna [Johnson.Johahna@epa.gov]
Subject: RE: West Oakland - RE: How about this as a cover note?

Hi Mary, So, is there something further that I need to review in the agreement or will you send it forward today?

Julia Rhodes
Assistant General Counsel for the Civil Rights Practice Group
Civil Rights and Finance Law Office
Office of General Counsel
Environmental Protection Agency
1200 Pennsylvania Avenue, NW, 2399A
Washington, DC 20460
Phone: 202.564.1417

From: O'Lone, Mary
Sent: Thursday, December 21, 2017 8:00 AM
To: Rhodes, Julia <Rhodes.Julia@epa.gov>; Johnson, Johahna <Johnson.Johahna@epa.gov>
Subject: West Oakland - RE: How about this as a cover note?

JAR-
I have gone through & addressed the couple of comments addressed to me.
I am done with this . . . for now.

Thanks, Mary

Mary M. O'Lone
Civil Rights and Finance Law Office
Office of General Counsel, US EPA
1200 Pennsylvania Avenue, NW
Washington, DC 20460
(202) 564-4992

From: Rhodes, Julia
Sent: Wednesday, December 20, 2017 4:54 PM
To: O'Lone, Mary <OLone.Mary@epa.gov>; Johnson, Johahna <Johnson.Johahna@epa.gov>
Subject: RE: How about this as a cover note?

Hi Mary,

Attached are my comments.

Julia Rhodes
Assistant General Counsel for the Civil Rights Practice Group
Civil Rights and Finance Law Office
Office of General Counsel
Environmental Protection Agency
1200 Pennsylvania Avenue, NW, 2399A
Washington, DC 20460

Phone: 202.564.1417

From: O'Lone, Mary
Sent: Wednesday, December 20, 2017 4:11 PM
To: Johnson, Johahna <Johnson.Johahna@epa.gov>
Cc: Rhodes, Julia <Rhodes.Julia@epa.gov>
Subject: RE: How about this as a cover note?

I sent the wrong set of comments.
Thanks you Julia for the catch on MDEQ.
These are my West Oakland comments.

Thanks, Mary

Mary M. O'Lone
Civil Rights and Finance Law Office
Office of General Counsel, US EPA
1200 Pennsylvania Avenue, NW
Washington, DC 20460
(202) 564-4992

From: O'Lone, Mary
Sent: Tuesday, December 19, 2017 5:40 PM
To: Johnson, Johahna <Johnson.Johahna@epa.gov>
Cc: Julia Rhodes (Rhodes.Julia@epa.gov) <Rhodes.Julia@epa.gov>
Subject: FW: How about this as a cover note?

I am ccing Johahna as my West Oakland backup.
I gave her the low down earlier today on the cases where she is my back up.

Other than an options paper for Kevin mentioned in previous email, this Agreement is the only thing I can think of that might move a bit while I am out.

Thanks, Mary

Mary M. O'Lone
Civil Rights and Finance Law Office
Office of General Counsel, US EPA
1200 Pennsylvania Avenue, NW
Washington, DC 20460
(202) 564-4992

From: O'Lone, Mary
Sent: Tuesday, December 19, 2017 10:29 AM
To: Rhodes, Julia <Rhodes.Julia@epa.gov>
Subject: RE: How about this as a cover note?

Julia- I am fine with your edits to the note. I have included a version of them in the document itself.
Here are my comments on the draft Agreement.

Thanks, Mary

Mary M. O'Lone
Civil Rights and Finance Law Office
Office of General Counsel, US EPA
1200 Pennsylvania Avenue, NW
Washington, DC 20460
(202) 564-4992

From: Rhodes, Julia
Sent: Monday, December 18, 2017 1:32 PM
To: O'Lone, Mary <OLone.Mary@epa.gov>
Subject: RE: How about this as a cover note?

Below are my edits.

Julia Rhodes
Assistant General Counsel for the Civil Rights Practice Group
Civil Rights and Finance Law Office
Office of General Counsel
Environmental Protection Agency
1200 Pennsylvania Avenue, NW, 2399A
Washington, DC 20460
Phone: 202.564.1417

From: O'Lone, Mary
Sent: Monday, December 18, 2017 1:10 PM
To: Rhodes, Julia <Rhodes.Julia@epa.gov>
Subject: How about this as a cover note?

Deliberative Process / Ex. 5

Thanks, Mary

Mary M. O'Lone
Civil Rights and Finance Law Office
Office of General Counsel, US EPA
1200 Pennsylvania Avenue, NW
Washington, DC 20460
(202) 564-4992

Message

From: O'Lone, Mary [OLone.Mary@epa.gov]
Sent: 9/14/2017 2:51:36 PM
To: Johnson, Johahna [Johnson.Johahna@epa.gov]
Subject: West Oakland - my comments on draft Agreement
Attachments: Oakland Draft General Resolution Framework 9.13.17 RNF DJ MARAD comments.mmo.docx

Deliberative Process / Ex. 5

Thanks, Mary

Mary M. O'Lone
Civil Rights and Finance Law Office
Office of General Counsel, US EPA
1200 Pennsylvania Avenue, NW
Washington, DC 20460
(202) 564-4992

From: Fitzpatrick, Ryan (OST) [mailto:ryan.fitzpatrick@dot.gov]
Sent: Wednesday, September 13, 2017 11:04 AM
To: Dorka, Lilian <Dorka.Lilian@epa.gov>; Temple, Kurt <Temple.Kurt@epa.gov>; McGhee, Debra <mcghee.debra@epa.gov>; Rhines, Dale <rhines.dale@epa.gov>; Keeler, Katsumi <Keeler.Katsumi@epa.gov>; Johnson, Johahna <Johnson.Johahna@epa.gov>; O'Lone, Mary <OLone.Mary@epa.gov>; Grow, Richard <Grow.Richard@epa.gov>; Garnett, Desean <Garnett.Desean@epa.gov>; Rivera, Yvette (OST) <yvette.rivera@dot.gov>; Jang, Deeana (OST) <deeana.jang@dot.gov>; Caro-Lopez, Howard (OST) <howard.caro-lopez@dot.gov>; Huezo, Hector (OST) <hector.o.huezo@dot.gov>; Cockfield, Erva (OST) <erva.cockfield@dot.gov>; Hart, Daryl (MARAD) <daryl.hart@dot.gov>; Kizito-Ramos, Rachel (MARAD) <Rachel.Kizito-Ramos@dot.gov>
Subject: RE: As Agreed -- Follow up on Last week's Convo to discuss Draft Framework/DOT Comments, etc.

For discussion, I've attached DOT's comments on the EPA framework. Thanks again for taking the initiative on developing this.

Ryan

Ryan N. Fitzpatrick, Esq.
Lead Civil Rights Analyst
Departmental Office of Civil Rights
Office of the Secretary
U.S. Department of Transportation
W78-312
(202) 366-1979

-----Original Appointment-----
From: Dorka, Lilian [mailto:Dorka.Lilian@epa.gov]
Sent: Tuesday, September 12, 2017 2:29 PM
To: Dorka, Lilian; Temple, Kurt; McGhee, Debra; Rhines, Dale; Keeler, Katsumi; Johnson, Johahna; O'Lone, Mary; Grow, Richard; Garnett, Desean; Fitzpatrick, Ryan (OST); Rivera, Yvette (OST); Jang, Deeana (OST)
Subject: As Agreed -- Follow up on Last week's Convo to discuss Draft Framework/DOT Comments, etc.
When: Thursday, September 14, 2017 4:00 PM-5:00 PM (UTC-05:00) Eastern Time (US & Canada).
Where: Conference Call 1-866-299-3188 Code: 202-564-8151#

Call #

Conference Line/Code / Ex. 6

Message

From: McGhee, Debra [mcghee.debra@epa.gov]
Sent: 9/13/2017 3:41:31 PM
To: O'Lone, Mary [OLone.Mary@epa.gov]; Johnson, Johahna [Johnson.Johahna@epa.gov]; Keeler, Katsumi [Keeler.Katsumi@epa.gov]
Subject: FW: As Agreed -- Follow up on Last week's Convo to discuss Draft Framework/DOT Comments, etc.
Attachments: Oakland Draft General Resolution Framework 9.13.17 RNF DJ MARAD comments.docx

Saved to the Shared Working File on the I drive.

Uploaded to deliberative section of official case file and logged in.

Debra E. McGhee
Team Lead
External Civil Rights Compliance Office
Office Phone: 202-564-4646

"Commit yourself to the noble struggle for human rights. You will make a greater person of yourself, a greater nation of your country, and a finer world to live in." *~~ Martin Luther King, Jr. , 18th April, 1959*

From: Fitzpatrick, Ryan (OST) [mailto:ryan.fitzpatrick@dot.gov]
Sent: Wednesday, September 13, 2017 11:04 AM
To: Dorka, Lilian <Dorka.Lilian@epa.gov>; Temple, Kurt <Temple.Kurt@epa.gov>; McGhee, Debra <mcghee.debra@epa.gov>; Rhines, Dale <rhines.dale@epa.gov>; Keeler, Katsumi <Keeler.Katsumi@epa.gov>; Johnson, Johahna <Johnson.Johahna@epa.gov>; O'Lone, Mary <OLone.Mary@epa.gov>; Grow, Richard <Grow.Richard@epa.gov>; Garnett, Desean <Garnett.Desean@epa.gov>; Rivera, Yvette (OST) <yvette.rivera@dot.gov>; Jang, Deeana (OST) <deeana.jang@dot.gov>; Caro-Lopez, Howard (OST) <howard.caro-lopez@dot.gov>; Huezo, Hector (OST) <hector.o.huezo@dot.gov>; Cockfield, Erva (OST) <erva.cockfield@dot.gov>; Hart, Daryl (MARAD) <daryl.hart@dot.gov>; Kizito-Ramos, Rachel (MARAD) <Rachel.Kizito-Ramos@dot.gov>
Subject: RE: As Agreed -- Follow up on Last week's Convo to discuss Draft Framework/DOT Comments, etc.

For discussion, I've attached DOT's comments on the EPA framework. Thanks again for taking the initiative on developing this.

Ryan

Ryan N. Fitzpatrick, Esq.
Lead Civil Rights Analyst
Departmental Office of Civil Rights
Office of the Secretary
U.S. Department of Transportation
W78-312
(202) 366-1979

-----Original Appointment-----
From: Dorka, Lilian [mailto:Dorka.Lilian@epa.gov]
Sent: Tuesday, September 12, 2017 2:29 PM
To: Dorka, Lilian; Temple, Kurt; McGhee, Debra; Rhines, Dale; Keeler, Katsumi; Johnson, Johahna; O'Lone, Mary; Grow, Richard; Garnett, Desean; Fitzpatrick, Ryan (OST); Rivera, Yvette (OST); Jang, Deeana (OST)
Subject: As Agreed -- Follow up on Last week's Convo to discuss Draft Framework/DOT Comments, etc.

When: Thursday, September 14, 2017 4:00 PM-5:00 PM (UTC-05:00) Eastern Time (US & Canada).
Where: Conference Call 1-866-299-3188 Code: 202-564-8151#

Call #

Conference Line/Code / Ex. 6

Message

From: O'Lone, Mary [OLone.Mary@epa.gov]
Sent: 9/12/2017 10:11:40 PM
To: Temple, Kurt [Temple.Kurt@epa.gov]
CC: McGhee, Debra [mcghee.debra@epa.gov]; Johnson, Johahna [Johnson.Johahna@epa.gov]
Subject: RE: West Oakland - Contacting attorneys for Port & City

FYI. I got a call a call back from Barbara's office. A staff attorney there (Daniel Rossi) will give me a call tomorrow who can answer our questions.

Thanks, Mary

Mary M. O'Lone
Civil Rights and Finance Law Office
Office of General Counsel, US EPA
1200 Pennsylvania Avenue, NW
Washington, DC 20460
(202) 564-4992

From: Temple, Kurt
Sent: Tuesday, September 12, 2017 4:25 PM
To: O'Lone, Mary <OLone.Mary@epa.gov>
Cc: Rhines, Dale <rhines.dale@epa.gov>; McGhee, Debra <mcghee.debra@epa.gov>; Johnson, Johahna <Johnson.Johahna@epa.gov>
Subject: Re: West Oakland - Contacting attorneys for Port & City

Thanks

Sent from my iPhone

On Sep 12, 2017, at 3:28 PM, O'Lone, Mary <OLone.Mary@epa.gov> wrote:

> FYI.
>
> I left message on Michele's voicemail explaining what we were interested in talking about.
>
> I left message on Barbara's assistant's voicemail with the basic question & asking if I should be talking to them or to Beveridge & Diamond. I said if I didn't hear from the City by tomorrow, I would try B&D.
> Thanks, Mary
>
> Mary M. O'Lone
> Civil Rights and Finance Law Office
> Office of General Counsel, US EPA
> 1200 Pennsylvania Avenue, NW
> Washington, DC 20460
> (202) 564-4992
>
> ---
>
> **From:** Temple, Kurt
> **Sent:** Tuesday, September 12, 2017 8:16 AM
> **To:** O'Lone, Mary <OLone.Mary@epa.gov>; Rhines, Dale <rhines.dale@epa.gov>; McGhee, Debra <mcghee.debra@epa.gov>

Cc: Johnson, Johahna <johnson.johahna@epa.gov>
Subject: RE: West Oakland - Contacting attorneys for Port & City

Michele Heffes
Assistant Port Attorney
Port Attorney's Office
530 Water Street
Oakland, CA 94607
Phone: (510) 627-1348
mheffes@portoakland.com

Barbara Parker, City Attorney for Oakland, is the one that submitted the City's response. Her phone number is (510) 238-3601. Stacey Sublett (former EPA), though, is the one that sent the response by email to Lilian. It may be worth reaching out to her first.
BEVERIDGE & DIAMOND, P.C.
1350 I Street, NW, Suite 700, Washington, DC 20005
T +1.202.789.6074 F +1.202.789.6190 SSublett@bdlaw.com

Kurt

From: Temple, Kurt
Sent: Tuesday, September 12, 2017 8:09 AM
To: O'Lone, Mary <olone.mary@epa.gov>; Rhines, Dale <rhines.dale@epa.gov>; McGhee, Debra <mcghee.debra@epa.gov>
Cc: Johnson, Johahna <johnson.johahna@epa.gov>
Subject: RE: West Oakland - Contacting attorneys for Port & City

Mary: I was walking when I responded to your last email, so hence my note that I would follow up. I actually reached out yesterday to Michelle Heffes from the Port to set something up. I didn't get a hold of her so I didn't leave a specific message. Just to call back. She called back very early this morning, like 1 am-ish. She said she is out of the country but can talk if we are able to reach out to her by voice or email with some times.

I would ask you and Debra to coordinate on talking with her at this point, as I am at FOIA training all day today, tomorrow and half of Thursday. If you don't have her email or contact, I will send. I haven't done anything with the City. Also, I talked to Ryan Fitzpatrick and he is okay with us handling this issue.

Kurt

From: O'Lone, Mary
Sent: Monday, September 11, 2017 6:19 PM
To: Temple, Kurt <Temple.Kurt@epa.gov>; Rhines, Dale <rhines.dale@epa.gov>; McGhee, Debra <mcghee.debra@epa.gov>
Cc: Johnson, Johahna <johnson.johahna@epa.gov>
Subject: West Oakland - Contacting attorneys for Port & City

All-
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Thanks, Mary

Mary M. O'Lone
Civil Rights and Finance Law Office
Office of General Counsel, US EPA
1200 Pennsylvania Avenue, NW
Washington, DC 20460
(202) 564-4992

Message

From: Temple, Kurt [Temple.Kurt@epa.gov]
Sent: 9/12/2017 8:24:56 PM
To: O'Lone, Mary [OLone.Mary@epa.gov]
CC: Rhines, Dale [rhines.dale@epa.gov]; McGhee, Debra [mcghee.debra@epa.gov]; Johnson, Johahna [Johnson.Johahna@epa.gov]
Subject: Re: West Oakland - Contacting attorneys for Port & City

Thanks

Sent from my iPhone

On Sep 12, 2017, at 3:28 PM, O'Lone, Mary <OLone.Mary@epa.gov> wrote:

FYI.

I left message on Michele's voicemail explaining what we were interested in talking about.

I left message on Barbara's assistant's voicemail with the basic question & asking if I should be talking to them or to Beveridge & Diamond. I said if I didn't hear from the City by tomorrow, I would try B&D. Thanks, Mary

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1200 Pennsylvania Avenue, NW
Washington, DC 20460
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From: Temple, Kurt
Sent: Tuesday, September 12, 2017 8:16 AM
To: O'Lone, Mary <OLone.Mary@epa.gov>; Rhines, Dale <rhines.dale@epa.gov>; McGhee, Debra <mcghee.debra@epa.gov>
Cc: Johnson, Johahna <Johnson.Johahna@epa.gov>
Subject: RE: West Oakland - Contacting attorneys for Port & City

Michele Heffes
Assistant Port Attorney
Port Attorney's Office
530 Water Street
Oakland, CA 94607
Phone: (510) 627-1348
mheffes@portoakland.com

Barbara Parker, City Attorney for Oakland, is the one that submitted the City's response. Her phone number is (510) 238-3601. Stacey Sublett (former EPA), though, is the one that sent the response by email to Lilian. It may be worth reaching out to her first.
BEVERIDGE & DIAMOND, P.C.
1350 I Street, NW, Suite 700, Washington, DC 20005
T +1.202.789.6074 F +1.202.789.6190 SSublett@bdlaw.com

Kurt

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To: O'Lone, Mary <olone.mary@epa.gov>; Rhines, Dale <rhines.dale@epa.gov>; McGhee, Debra <mcghee.debra@epa.gov>
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To: Temple, Kurt <Temple.Kurt@epa.gov>; Rhines, Dale <rhines.dale@epa.gov>; McGhee, Debra <mcghee.debra@epa.gov>
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1200 Pennsylvania Avenue, NW
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(202) 564-4992

Message

From: O'Lone, Mary [OLone.Mary@epa.gov]
Sent: 9/12/2017 1:44:56 PM
To: Temple, Kurt [Temple.Kurt@epa.gov]; Rhines, Dale [rhines.dale@epa.gov]; McGhee, Debra [mcghee.debra@epa.gov]
CC: Johnson, Johahna [Johnson.Johahna@epa.gov]
Subject: RE: West Oakland - Contacting attorneys for Port & City

Thanks for all the contact information. I think we go with the employee attorney (Barbara) & cc Stacey. Barbara can decide if they need to pay outside counsel for this.

Thanks, Mary

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1200 Pennsylvania Avenue, NW
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Washington, DC 20460
(202) 564-4992

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From: O'Lone, Mary [OLone.Mary@epa.gov]
Sent: 9/12/2017 1:41:03 PM
To: Temple, Kurt [Temple.Kurt@epa.gov]; Rhines, Dale [rhines.dale@epa.gov]; McGhee, Debra [mcghee.debra@epa.gov]
CC: Johnson, Johahna [Johnson.Johahna@epa.gov]
Subject: RE: West Oakland - Contacting attorneys for Port & City

Will do.

Thanks, Mary

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Washington, DC 20460
(202) 564-4992

Message

From: Temple, Kurt [Temple.Kurt@epa.gov]
Sent: 9/12/2017 12:15:46 PM
To: O'Lone, Mary [OLone.Mary@epa.gov]; Rhines, Dale [rhines.dale@epa.gov]; McGhee, Debra [mcghee.debra@epa.gov]
CC: Johnson, Johahna [Johnson.Johahna@epa.gov]
Subject: RE: West Oakland - Contacting attorneys for Port & City

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Office of General Counsel, US EPA
1200 Pennsylvania Avenue, NW
Washington, DC 20460
(202) 564-4992

Message

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Sent: 9/12/2017 12:09:07 PM
To: O'Lone, Mary [OLone.Mary@epa.gov]; Rhines, Dale [rhines.dale@epa.gov]; McGhee, Debra [mcghee.debra@epa.gov]
CC: Johnson, Johahna [Johnson.Johahna@epa.gov]
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From: Temple, Kurt [Temple.Kurt@epa.gov]
Sent: 9/12/2017 11:40:16 AM
To: O'Lone, Mary [OLone.Mary@epa.gov]
CC: Rhines, Dale [rhines.dale@epa.gov]; McGhee, Debra [mcghee.debra@epa.gov]; Johnson, Johahna [Johnson.Johahna@epa.gov]
Subject: Re: West Oakland - Contacting attorneys for Port & City

I'll connect with you this morning

Sent from my iPhone

On Sep 11, 2017, at 6:18 PM, O'Lone, Mary <OLone.Mary@epa.gov> wrote:

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Washington, DC 20460
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Message

From: O'Lone, Mary [OLone.Mary@epa.gov]
Sent: 9/11/2017 10:18:38 PM
To: Temple, Kurt [Temple.Kurt@epa.gov]; Rhines, Dale [rhines.dale@epa.gov]; McGhee, Debra [mcghee.debra@epa.gov]
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Message

From: McGhee, Debra [mcghee.debra@epa.gov]
Sent: 9/22/2017 4:56:41 PM
To: Johnson, Johahna [Johnson.Johahna@epa.gov]
Subject: RE: Preparation for September 26 Meeting with Oakland Port and City

Yeah. Sorry about that. I drew it up yesterday and circulated amongst some of the players for comments and didn't receive any --- so it languished. Thanks for the reminder.

Debra E. McGhee
Team Lead
External Civil Rights Compliance Office
Office Phone: 202-564-4646

"Commit yourself to the noble struggle for human rights. You will make a greater person of yourself, a greater nation of your country, and a finer world to live in." *-- Martin Luther King, Jr. , 18th April, 1959*

From: Johnson, Johahna
Sent: Friday, September 22, 2017 12:43 PM
To: McGhee, Debra <mcghee.debra@epa.gov>
Subject: RE: Preparation for September 26 Meeting with Oakland Port and City

Debra,

In your invitation you indicated that an agenda would be circulated prior to the meeting. I thought maybe I had missed it but I noticed that you sent it about 20 minutes ago.

Thanks,

Johahna Johnson
Civil Rights and Finance Law Office
Office of General Counsel
U.S. Environmental Protection Agency
(202) 564-6119

From: McGhee, Debra
Sent: Friday, September 22, 2017 12:39 PM
To: Johnson, Johahna <Johnson.Johahna@epa.gov>
Subject: RE: Preparation for September 26 Meeting with Oakland Port and City

Hi, Johahna—Lilian says we don't need an agenda for this call. We will be going through the agenda for the meeting this week. See you soon.

Debra E. McGhee
Team Lead

External Civil Rights Compliance Office
Office Phone: 202-564-4646

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-----Original Appointment-----
From: Johnson, Johahna
Sent: Friday, September 22, 2017 11:25 AM
To: McGhee, Debra
Subject: Tentative: Preparation for September 26 Meeting with Oakland Port and City
When: Friday, September 22, 2017 2:00 PM-3:00 PM (UTC-05:00) Eastern Time (US & Canada).
Where: Conference Call//ECRCO Conference Room

Hi Debra,

Can you please resend the agenda? I can't locate it. Thank you!

Message

From: McGhee, Debra [mcghee.debra@epa.gov]
Sent: 9/22/2017 4:39:05 PM
To: Johnson, Johahna [Johnson.Johahna@epa.gov]
Subject: RE: Preparation for September 26 Meeting with Oakland Port and City

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When: Friday, September 22, 2017 2:00 PM-3:00 PM (UTC-05:00) Eastern Time (US & Canada).
Where: Conference Call//ECRCO Conference Room

Hi Debra,

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Message

From: Redden, Kenneth [Redden.Kenneth@epa.gov]
Sent: 9/22/2017 12:20:18 AM
To: Johnson, Johahna [Johnson.Johahna@epa.gov]
Subject: Fwd: Oakland meeting on Tuesday

Looks like I won't be there for Tuesday's meeting!

Sent from my iPhone

Begin forwarded message:

> **From:** "Redden, Kenneth" <Redden.Kenneth@epa.gov>
> **Date:** September 21, 2017 at 7:56:05 PM EDT
> **To:** "Packard, Elise" <Packard.Elise@epa.gov>
> **Subject: Re: Oakland meeting on Tuesday**
>
> Ok thanks.
>
> Sent from my iPhone
>
> On Sep 21, 2017, at 5:27 PM, Packard, Elise <Packard.Elise@epa.gov> wrote:
>
> > Don't think so.
> >
> > Elise B. Packard
> > Acting Principal Deputy General Counsel
> > U.S. EPA Office of General Counsel, Rm. 4020
> > (202) 564-7729
> >
> > ---
> >
> > **From:** Redden, Kenneth
> > **Sent:** Thursday, September 21, 2017 2:42 PM
> > **To:** Packard, Elise <Packard.Elise@epa.gov>
> > **Subject:** Fwd: Oakland meeting on Tuesday
> >
> > Elise,
> >
> > Is my attendance at the Oakland meeting necessary?
> >
> > Sent from my iPhone
> >
> > Begin forwarded message:
> >
> > > **From:** "Johnson, Johahna" <Johnson.Johahna@epa.gov>
> > > **Date:** September 21, 2017 at 10:20:48 AM EDT
> > > **To:** "Redden, Kenneth" <Redden.Kenneth@epa.gov>
> > > **Subject: RE: Oakland meeting on Tuesday**
> > >
> > > Hi Ken,
> > >
> > > I do not think your attendance is critical but would be very

welcomed and appreciated by ECRCO.

Representatives from the City of Oakland the Port of Oakland will be traveling to EPA to discuss the Title VI complaint and the draft resolution framework sent by ECRCO and DOT. ECRCO has scheduled an internal meeting tomorrow to develop the agenda. I believe that Kevin is planning on providing welcoming remarks but I do not know if they would like CRFLO to do the same. I can keep you posted on the agenda.

Thank you,

Johahna Johnson
Civil Rights and Finance Law Office
Office of General Counsel
U.S. Environmental Protection Agency
(202) 564-6119

-----Original Message-----
From: Redden, Kenneth
Sent: Thursday, September 21, 2017 9:08 AM
To: Johnson, Johahna <Johnson.Johahna@epa.gov>
Subject: Oakland meeting on Tuesday

Hi Johahna,

Do I need to come to the Oakland meeting on Tuesday?

Message

From: O'Lone, Mary [OLone.Mary@epa.gov]
Sent: 8/29/2017 9:26:18 PM
To: Johnson, Johahna [Johnson.Johahna@epa.gov]
Subject: FW: Oakland Production Log.xlsx

FYI. Did I already email you about this?
Debra is trying to be helpful & the list will be useful if the case managers actually do keep it up to date.
But she also points out that they still aren't allowed to put the documents they'll list there in the Shared Civil Rights folder on the I drive so we can have access to them.

Thanks, Mary

Mary M. O'Lone
Civil Rights and Finance Law Office
Office of General Counsel, US EPA
1200 Pennsylvania Avenue, NW
Washington, DC 20460
(202) 564-4992

From: McGhee, Debra
Sent: Tuesday, August 22, 2017 3:27 PM
To: O'Lone, Mary <OLone.Mary@epa.gov>; Keeler, Katsumi <Keeler.Katsumi@epa.gov>; Rhines, Dale <rhines.dale@epa.gov>
Cc: Johnson, Johahna <Johnson.Johahna@epa.gov>
Subject: RE: Oakland Production Log.xlsx

For the time being, until we get the Title VI library migrated over to a drive that CRFLO also uses, I plan to keep the log up to date and share via E-mail. That will give the attorney working on the case a chance to see a list of everything we've got on hand and ask for specific documents which I can then load to the shared drive.

Debra E. McGhee
Team Lead
External Civil Rights Compliance Office
Office Phone: 202-564-4646

"Commit yourself to the noble struggle for human rights. You will make a greater person of yourself, a greater nation of your country, and a finer world to live in." ~~ *Martin Luther King, Jr. , 18th April, 1959*

From: O'Lone, Mary
Sent: Tuesday, August 22, 2017 3:08 PM
To: McGhee, Debra <mcghee.debra@epa.gov>; Keeler, Katsumi <Keeler.Katsumi@epa.gov>; Rhines, Dale <rhines.dale@epa.gov>
Cc: Johnson, Johahna <Johnson.Johahna@epa.gov>
Subject: RE: Oakland Production Log.xlsx

Good idea. No add'l thoughts on columns.

If this log is to keep track of the admin record (not all the drafts case managers produce of various IPs, SCAMPS, timelines, briefing papers), then I agree that it would be good for CRFLO reviewers (not just ECRCO reviewers) to have access to those documents.

It is the official admin record type material that is described in this spreadsheet (correspondence, ROCs, evidence) that I was suggesting could be stored in the I Drive's Shared Civil Rights folder so ECRCO managers & CRFLO attorneys would all have access necessary for each of us to conduct our respective reviews.

Thanks, Mary

Mary M. O'Lone
Civil Rights and Finance Law Office
Office of General Counsel, US EPA
1200 Pennsylvania Avenue, NW
Washington, DC 20460
(202) 564-4992

From: McGhee, Debra
Sent: Friday, August 18, 2017 10:58 AM
To: Keeler, Katsumi <Keeler.Katsumi@epa.gov>; O'Lone, Mary <OLone.Mary@epa.gov>; Rhines, Dale <rhines.dale@epa.gov>
Cc: Johnson, Johahna <Johnson.Johahna@epa.gov>
Subject: Oakland Production Log.xlsx

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The idea here is that a reviewer or team member could go to ONE SHEET and scan it to figure out what documents we have on hand in a case, and where those documents are stored. It would be important for team members to be disciplined about saving documents to the Title VI Library and listing them on the spreadsheet, however, once that was done, we'd have a sort of table of contents for all the materials related to the case. (R

(Right now the Title VI library is stored on a drive that only ECRCO can access, but I hope we can change that one of these days.)

I have only entered one item related to this case so far because I wanted to share the template and find out if there are other columns that we should add. I'll add a date stamp or header to the Template marking it as "DELIBERATIVE." (Just thought of that).

Do you have any modifications or additions to suggest?

Message

From: O'Lone, Mary [OLone.Mary@epa.gov]
Sent: 9/20/2017 11:51:08 AM
To: Johnson, Johahna [Johnson.Johahna@epa.gov]
Subject: RE: DRAFT FRAMEWORK FOR INFORMAL RESOLUTION AGREEMENT - In Prep for 9/26/17 Meeting with Port of Oakland and City of Oakland

Except, as I commented before, I don't know what it means that the Port & City are entering into it jointly. But I guess the City & Port can ask that question & Debra & Lilian can explain it. They are each entering into to it individually & each have their own set of commitments.

In ECRCO's mind does jointly that mean if the City meets its commitments & the Port doesn't, ECRCO & DOT won't close the case against the City because they signed onto it jointly? Is this some sort of joint liability? Maybe you can ask them that today – what does it mean for them to sign on jointly?

Thanks, Mary

Mary M. O'Lone
Civil Rights and Finance Law Office
Office of General Counsel, US EPA
1200 Pennsylvania Avenue, NW
Washington, DC 20460
(202) 564-4992

From: O'Lone, Mary
Sent: Wednesday, September 20, 2017 7:45 AM
To: Johnson, Johahna <Johnson.Johahna@epa.gov>
Subject: FW: DRAFT FRAMEWORK FOR INFORMAL RESOLUTION AGREEMENT - In Prep for 9/26/17 Meeting with Port of Oakland and City of Oakland
Importance: High

Looks like she took all my comments and decided that including all of our boilerplate was the way to go.

Thanks, Mary

Mary M. O'Lone
Civil Rights and Finance Law Office
Office of General Counsel, US EPA
1200 Pennsylvania Avenue, NW
Washington, DC 20460
(202) 564-4992

From: Dorka, Lilian
Sent: Tuesday, September 19, 2017 7:13 PM
To: MBee@oaklandcityattorney.org; mheffes@portoakland.com
Cc: Packard, Elise <Packard.Elise@epa.gov>; Minoli, Kevin <Minoli.Kevin@epa.gov>; Temple, Kurt <Temple.Kurt@epa.gov>; Rhines, Dale <rhines.dale@epa.gov>; McGhee, Debra <mcghee.debra@epa.gov>; Redden, Kenneth <Redden.Kenneth@epa.gov>; O'Lone, Mary <OLone.Mary@epa.gov>; Johnson, Johahna <Johnson.Johahna@epa.gov>; Keeler, Katsumi <Keeler.Katsumi@epa.gov>; Fitzpatrick, Ryan (OST) <ryan.fitzpatrick@dot.gov>; Rivera, Yvette (OST) <yvette.rivera@dot.gov>; Jang, Deeana (OST) <deeana.jang@dot.gov>; Charles.james@dot.gov; Strauss, Alexis <Strauss.Alexis@epa.gov>; Grow, Richard <Grow.Richard@epa.gov>; Garnett,

Desean <Garnett.Desean@epa.gov>
Subject: DRAFT FRAMEWORK FOR INFORMAL RESOLUTION AGREEMENT - In Prep for 9/26/17 Meeting with Port of Oakland and City of Oakland
Importance: High

Hello Maria and Michele,

EPA and DOT look forward to our meeting next Tuesday to discuss informal resolution of the Title VI complaint filed with our Agencies (DOT #2017-0093 and EPA File Nos. 13R-17-R9; 14R-17-R9). As promised, we are sharing the attached **Draft Framework for an Informal Resolution Agreement** which we hope will assist with our discussion next Tuesday. Please don't hesitate to contact us if you have any questions at this time and, again, we look forward to seeing you soon.

Lilian

Lilian Sotolongo Dorka, Esq.
Director, External Civil Rights Compliance Office
EPA, Office of General Counsel
202-564-9649
WJC-N Room 2450

Message

From: O'Lone, Mary [OLone.Mary@epa.gov]
Sent: 8/22/2017 7:08:18 PM
To: McGhee, Debra [mcghee.debra@epa.gov]; Keeler, Katsumi [Keeler.Katsumi@epa.gov]; Rhines, Dale [rhines.dale@epa.gov]
CC: Johnson, Johahna [Johnson.Johahna@epa.gov]
Subject: RE: Oakland Production Log.xlsx

Good idea. No add'l thoughts on columns.

If this log is to keep track of the admin record (not all the drafts case managers produce of various IPs, SCAMPS, timelines, briefing papers), then I agree that it would be good for CRFLO reviewers (not just ECRCO reviewers) to have access to those documents.

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Thanks, Mary

Mary M. O'Lone
Civil Rights and Finance Law Office
Office of General Counsel, US EPA
1200 Pennsylvania Avenue, NW
Washington, DC 20460
(202) 564-4992

From: McGhee, Debra
Sent: Friday, August 18, 2017 10:58 AM
To: Keeler, Katsumi <Keeler.Katsumi@epa.gov>; O'Lone, Mary <OLone.Mary@epa.gov>; Rhines, Dale <rhines.dale@epa.gov>
Cc: Johnson, Johahna <Johnson.Johahna@epa.gov>
Subject: Oakland Production Log.xlsx

I'd like to suggest that we use this log, or one like it, throughout the City of Oakland case. This log is modeled on one that DOJ shared with us during the last training.

The idea here is that a reviewer or team member could go to ONE SHEET and scan it to figure out what documents we have on hand in a case, and where those documents are stored. It would be important for team members to be disciplined about saving documents to the Title VI Library and listing them on the spreadsheet, however, once that was done, we'd have a sort of table of contents for all the materials related to the case. (R

(Right now the Title VI library is stored on a drive that only ECRCO can access, but I hope we can change that one of these days.)

I have only entered one item related to this case so far because I wanted to share the template and find out if there are other columns that we should add. I'll add a date stamp or header to the Template marking it as "DELIBERATIVE." (Just thought of that).

Do you have any modifications or additions to suggest?

Message

From: Rhines, Dale [rhines.dale@epa.gov]
Sent: 8/21/2017 6:07:16 PM
To: McGhee, Debra [mcghee.debra@epa.gov]; Keeler, Katsumi [Keeler.Katsumi@epa.gov]; O'Lone, Mary [OLone.Mary@epa.gov]
CC: Johnson, Johahna [Johnson.Johahna@epa.gov]
Subject: RE: Oakland Production Log.xlsx

Agreed- this will be useful to help track a number of moving parts that are bound to be part of this complaint.

From: McGhee, Debra
Sent: Friday, August 18, 2017 10:58 AM
To: Keeler, Katsumi <Keeler.Katsumi@epa.gov>; O'Lone, Mary <OLone.Mary@epa.gov>; Rhines, Dale <rhines.dale@epa.gov>
Cc: Johnson, Johahna <Johnson.Johahna@epa.gov>
Subject: Oakland Production Log.xlsx

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Do you have any modifications or additions to suggest?

Message

From: O'Lone, Mary [OLone.Mary@epa.gov]
Sent: 9/20/2017 11:44:32 AM
To: Johnson, Johahna [Johnson.Johahna@epa.gov]
Subject: FW: DRAFT FRAMEWORK FOR INFORMAL RESOLUTION AGREEMENT - In Prep for 9/26/17 Meeting with Port of Oakland and City of Oakland
Attachments: 2017 09 19 DRAFT FRAMEWORK of Informal Reolution Agreement to Share with OAKLAND City and Port.docx

Importance: High

Looks like she took all my comments and decided that including all of our boilerplate was the way to go.

Thanks, Mary

Mary M. O'Lone
Civil Rights and Finance Law Office
Office of General Counsel, US EPA
1200 Pennsylvania Avenue, NW
Washington, DC 20460
(202) 564-4992

From: Dorka, Lilian
Sent: Tuesday, September 19, 2017 7:13 PM
To: MBee@oaklandcityattorney.org; mheffes@portoakland.com
Cc: Packard, Elise <Packard.Elise@epa.gov>; Minoli, Kevin <Minoli.Kevin@epa.gov>; Temple, Kurt <Temple.Kurt@epa.gov>; Rhines, Dale <rhines.dale@epa.gov>; McGhee, Debra <mcghee.debra@epa.gov>; Redden, Kenneth <Redden.Kenneth@epa.gov>; O'Lone, Mary <OLone.Mary@epa.gov>; Johnson, Johahna <Johnson.Johahna@epa.gov>; Keeler, Katsumi <Keeler.Katsumi@epa.gov>; Fitzpatrick, Ryan (OST) <ryan.fitzpatrick@dot.gov>; Rivera, Yvette (OST) <yvette.rivera@dot.gov>; Jang, Deeana (OST) <deeana.jang@dot.gov>; Charles.james@dot.gov; Strauss, Alexis <Strauss.Alexis@epa.gov>; Grow, Richard <Grow.Richard@epa.gov>; Garnett, Desean <Garnett.Desean@epa.gov>
Subject: DRAFT FRAMEWORK FOR INFORMAL RESOLUTION AGREEMENT - In Prep for 9/26/17 Meeting with Port of Oakland and City of Oakland
Importance: High

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Lilian

Lilian Sotolongo Dorka, Esq.
Director, External Civil Rights Compliance Office
EPA, Office of General Counsel
202-564-9649
WJC-N Room 2450

Message

From: McGhee, Debra [mcghee.debra@epa.gov]
Sent: 8/18/2017 2:57:47 PM
To: Keeler, Katsumi [Keeler.Katsumi@epa.gov]; O'Lone, Mary [OLone.Mary@epa.gov]; Rhines, Dale [rhines.dale@epa.gov]
CC: Johnson, Johahna [Johnson.Johahna@epa.gov]
Subject: Oakland Production Log.xlsx
Attachments: Oakland Production Log.xlsx

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Do you have any modifications or additions to suggest?

Message

From: Temple, Kurt [Temple.Kurt@epa.gov]
Sent: 9/26/2017 8:38:41 PM
To: O'Lone, Mary [OLone.Mary@epa.gov]
CC: Johnson, Johahna [Johnson.Johahna@epa.gov]
Subject: RE: DRAFT FRAMEWORK FOR INFORMAL RESOLUTION AGREEMENT - In Prep for 9/26/17 Meeting with Port of Oakland and City of Oakland

Yes. Thanks. Kurt

From: O'Lone, Mary
Sent: Tuesday, September 26, 2017 4:37 PM
To: Temple, Kurt <Temple.Kurt@epa.gov>
Cc: Johnson, Johahna <Johnson.Johahna@epa.gov>
Subject: RE: DRAFT FRAMEWORK FOR INFORMAL RESOLUTION AGREEMENT - In Prep for 9/26/17 Meeting with Port of Oakland and City of Oakland

Kurt-
Did I close the loop with you before the meeting?
I talked to Maria & Claudia before the meeting about the City operating like the Port when working through negotiations. It is all behind closed doors until they approve the final product. I think their outside counsel repeated a version of that during the meeting too.
Thanks, Mary

Mary M. O'Lone
Civil Rights and Finance Law Office
Office of General Counsel, US EPA
1200 Pennsylvania Avenue, NW
Washington, DC 20460
(202) 564-4992

From: O'Lone, Mary
Sent: Tuesday, September 26, 2017 12:34 PM
To: Temple, Kurt <Temple.Kurt@epa.gov>
Cc: Johnson, Johahna <Johnson.Johahna@epa.gov>
Subject: RE: DRAFT FRAMEWORK FOR INFORMAL RESOLUTION AGREEMENT - In Prep for 9/26/17 Meeting with Port of Oakland and City of Oakland

I will be there today & will try to buttonhole the City attorney before the meeting about the public/private nature of negotiations.

On the jointly front, my comment isn't about having one or two agreements – they can both sign onto the one agreement with EPA and DOT. My question is about what them agreeing jointly means. Or now what does co-obligate mean.

As a practical matter – what do you think those words mean for the City & the Port?

Thanks, Mary

Mary M. O'Lone
Civil Rights and Finance Law Office

Office of General Counsel, US EPA
1200 Pennsylvania Avenue, NW
Washington, DC 20460
(202) 564-4992

From: Temple, Kurt
Sent: Tuesday, September 26, 2017 10:45 AM
To: O'Lone, Mary <OLone.Mary@epa.gov>
Cc: Johnson, Johahna <Johnson.Johahna@epa.gov>
Subject: RE: DRAFT FRAMEWORK FOR INFORMAL RESOLUTION AGREEMENT - In Prep for 9/26/17 Meeting with Port of Oakland and City of Oakland

Mary: Also, your last note to me on connecting with the City (9/12), was that Daniel Rossi from the City was going to call you. Did he not call you back? And were you able to connect with anyone at Beveridge and Diamond? It's probably true that the City and the Port operate the same way, but Lilian and I will try to pull Barbara aside before the meeting just to be sure. Kurt

From: "O'Lone, Mary" <OLone.Mary@epa.gov>
Date: September 25, 2017 at 5:13:49 PM EDT
To: "Temple, Kurt" <Temple.Kurt@epa.gov>
Cc: "Johnson, Johahna" <Johnson.Johahna@epa.gov>, "McGhee, Debra" <mcghee.debra@epa.gov>
Subject: FW: DRAFT FRAMEWORK FOR INFORMAL RESOLUTION AGREEMENT - In Prep for 9/26/17 Meeting with Port of Oakland and City of Oakland

Kurt,
Regarding one of our comments that was not adopted -- can you please explain what it means for the Port & the City to sign the informal resolution Agreement jointly? It appears twice in the draft Agreement.

I think there is a high probability the question will come up in your meeting tomorrow. If it does, ECRCO will need to field it.

Also, while Debra & I spoke with the Port attorney, we never connected with the attorney from the City about any public release of the draft Agreement before it is signed. The upshot of what the Port attorney explained is that all of the negotiations & the deliberations of the Board on the Agreement would not be public. They might vote on it in public after it is all agreed to. The Port attorney thought the City probably operated the same way. It looks as though I will not be attending the meeting tomorrow, so you might want to buttonhole the City attorney beforehand just to confirm that.

Thanks, Mary

Mary M. O'Lone
Civil Rights and Finance Law Office
Office of General Counsel, US EPA
1200 Pennsylvania Avenue, NW
Washington, DC 20460
(202) 564-4992

From: Dorka, Lilian
Sent: Tuesday, September 19, 2017 7:13 PM
To: MBee@oaklandcityattorney.org; mheffes@portoakland.com
Cc: Packard, Elise <Packard.Elise@epa.gov>; Minoli, Kevin <Minoli.Kevin@epa.gov>; Temple, Kurt <Temple.Kurt@epa.gov>; Rhines, Dale <rhines.dale@epa.gov>; McGhee, Debra <mcghee.debra@epa.gov>; Redden, Kenneth <Redden.Kenneth@epa.gov>; O'Lone, Mary <OLone.Mary@epa.gov>; Johnson, Johahna <Johnson.Johahna@epa.gov>; Keeler, Katsumi <Keeler.Katsumi@epa.gov>; Fitzpatrick, Ryan (OST) <ryan.fitzpatrick@dot.gov>; Rivera, Yvette (OST) <yvette.rivera@dot.gov>; Jang, Deeana (OST) <deeana.jang@dot.gov>; Charles.james@dot.gov; Strauss, Alexis <Strauss.Alexis@epa.gov>; Grow, Richard <Grow.Richard@epa.gov>; Garnett, Desean <Garnett.Desean@epa.gov>
Subject: DRAFT FRAMEWORK FOR INFORMAL RESOLUTION AGREEMENT - In Prep for 9/26/17 Meeting with Port of Oakland and City of Oakland
Importance: High

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Lilian

Lilian Sotolongo Dorka, Esq.
Director, External Civil Rights Compliance Office
EPA, Office of General Counsel
202-564-9649
WJC-N Room 2450

<2017 09 19 DRAFT FRAMEWORK of Informal Reolution Agreement to Share with OAKLAND City and Port.docx>

Message

From: O'Lone, Mary [OLone.Mary@epa.gov]
Sent: 9/5/2017 2:53:20 PM
To: Johnson, Johahna [Johnson.Johahna@epa.gov]
Subject: FW: Draft Framework for Oakland Agreement
Attachments: Oakland Draft RA 9.1.17.docx

I think I skipped right over it to Felicia's email.
Then on down. I will look at it & get you something tomorrow.
I have to look at the recipient's responses too.

Thanks, Mary

Mary M. O'Lone
Civil Rights and Finance Law Office
Office of General Counsel, US EPA
1200 Pennsylvania Avenue, NW
Washington, DC 20460
(202) 564-4992

From: Temple, Kurt
Sent: Friday, September 01, 2017 3:51 PM
To: O'Lone, Mary <OLone.Mary@epa.gov>; Johnson, Johahna <Johnson.Johahna@epa.gov>; Grow, Richard <Grow.Richard@epa.gov>; Garnett, Desean <Garnett.Desean@epa.gov>
Cc: Dorka, Lilian <Dorka.Lilian@epa.gov>; Strauss, Alexis <Strauss.Alexis@epa.gov>; Redden, Kenneth <Redden.Kenneth@epa.gov>; Rhines, Dale <rhines.dale@epa.gov>; McGhee, Debra <mcghee.debra@epa.gov>; Keeler, Katsumi <Keeler.Katsumi@epa.gov>
Subject: Draft Framework for Oakland Agreement

Good afternoon **CRFLO and Region 9** colleagues. In anticipation of our joint conversation with DOT scheduled for next Thursday, and in the interest of time, I am forwarding to you both the draft/deliberative framework for an informal resolution agreement that we have been talking about developing and ultimately intend to share with the City and the Port. **CRFLO and Region 9**, we appreciate your review and edits/comments before we share this document with DOT. We would like to get this to DOT at least by next Thursday morning in advance of the joint conversation. Please let us know if you have any questions or concerns. Remember that this is a first draft (special thanks to **Debra** and **Katsumi** for helping us get a jumpstart on this) and we really appreciate and need your input in fleshing this document out.

Thanks for all of your help and have a great Labor Day weekend.

Kurt T. Temple
Senior Advisor
External Civil Rights Compliance Office
EPA Office of General Counsel
1200 Pennsylvania Avenue, NW
Room 2524R
Washington, D.C. 20460
202-564-7299

Message

From: O'Lone, Mary [OLone.Mary@epa.gov]
Sent: 9/5/2017 2:49:37 PM
To: Johnson, Johahna [Johnson.Johahna@epa.gov]
Subject: RE: Oakland In-Person Meeting with Oakland (Port and City)

I haven't seen anything.
I think DOT was supposed to draft & circulate.
I can check with Debra or Ryan.

Thanks, Mary

Mary M. O'Lone
Civil Rights and Finance Law Office
Office of General Counsel, US EPA
1200 Pennsylvania Avenue, NW
Washington, DC 20460
(202) 564-4992

From: Johnson, Johahna
Sent: Friday, September 01, 2017 11:15 AM
To: O'Lone, Mary <OLone.Mary@epa.gov>
Subject: FW: Oakland In-Person Meeting with Oakland (Port and City)
Importance: High

Hi Mary,

Following up on Lilian's email below, I was wondering if you happened to have received a copy of the draft Oakland agreement to review? I don't recall seeing it yet.

Thanks,

Johahna Johnson
Civil Rights and Finance Law Office
Office of General Counsel
U.S. Environmental Protection Agency
(202) 564-6119

From: Dorka, Lilian
Sent: Thursday, August 31, 2017 2:58 PM
To: Grow, Richard <Grow.Richard@epa.gov>; ryan.fitzpatrick@dot.gov; yvette.rivera@dot.gov; deeana.jang@dot.gov; howard.caro-lopez@dot.gov; Temple, Kurt <Temple.Kurt@epa.gov>; McGhee, Debra <mcghee.debra@epa.gov>; Strauss, Alexis <Strauss.Alexis@epa.gov>; Garnett, Desean <Garnett.Desean@epa.gov>; O'Lone, Mary <OLone.Mary@epa.gov>; Johnson, Johahna <Johnson.Johahna@epa.gov>; Rhines, Dale <rhines.dale@epa.gov>; Redden, Kenneth <Redden.Kenneth@epa.gov>
Cc: Trudeau, Shaun <Trudeau.Shaun@epa.gov>; Mills, Derek <Mills.Derek@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>; Minoli, Kevin <Minoli.Kevin@epa.gov>
Subject: RE: Oakland In-Person Meeting with Oakland (Port and City)
Importance: High

Hello Everyone – I just got off the phone with Michele Heffes (Atty. for Port of Oakland) to finalize the time for our in-person meeting with the Port and City on September 26th here in DC. We settled on 1:00-3:00 PM (Eastern). We confirmed that the meeting will be held here at EPA and that we would send out all of the logistics (room numbers, Conf. Call info (for folks in region 9)) later, through a Calendar Invite.

> P/S: DEREK and SHAUN -- Copying you as well as Kevin and Elise on this as Kevin wanted more specific info for his calendar (to "welcome" guests, etc.) Also, could you please let me know who I need to contact to reserve the OGC Conference Room (4045) for this?

Other Details:

Also, Michele and I talked about our commitment to draft a "framework" of a draft Informal Resolution Agreement. She asked when they might see it (EPA took the first pen on this and plans to share with DOT for discussion by next Thursday - latest, after we finish our internal coordination.)

I have committed to the Port Atty. That we will share our draft framework with them (City and Port) the week before our meeting so that they can review and discuss and we can have a productive meeting on the 26th. (Ideally, we need to share with them by September 19th.)

Hopefully, we can all meet next Thursday to discuss next steps and plan for the 26th. More to come …
. Thanks Team!

Lilian

Message

From: Johnson, Johahna [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=53C6F67C6EBE444C8FEE57557732A196-JOHNSON, JO]
Sent: 8/7/2017 2:14:48 PM
To: O'Lone, Mary [olone.mary@epa.gov]
Subject: RE: West Oakland EIP Civil Rights Complaint against City of Oakland and Port of Oakland, DOT # 2017-0093, EPA File Nos. 13R-17-R9 and 14R-17-R9

Just to close the loop on this, per our conversation, ECRCO has not circulated a final IP draft (and may not do so given their plan to pursue early informal resolution).

Johahna Johnson
Civil Rights and Finance Law Office
Office of General Counsel
U.S. Environmental Protection Agency
(202) 564-6119

From: O'Lone, Mary
Sent: Monday, August 7, 2017 9:52 AM
To: Johnson, Johahna <Johnson.Johahna@epa.gov>
Subject: RE: West Oakland EIP Civil Rights Complaint against City of Oakland and Port of Oakland, DOT # 2017-0093, EPA File Nos. 13R-17-R9 and 14R-17-R9

OK, I will cover the call today with attorneys representing the City and Port of Oakland.

Here is my understanding of where West Oakland stands:

Intro call today to let recipients know generally about the process.

There is no draft IP from ECRCO circulating for comment. Will there ever be one?

I have a draft IP from DOT – is it FYI or to comment on?

If it is to comment on is it to add in EPA stuff or to comment on DOT's plan relevant only to DOT?

If you don't know, I will check with Kurt.

Thanks, Mary

Mary M. O'Lone
Civil Rights and Finance Law Office
Office of General Counsel, US EPA
1200 Pennsylvania Avenue, NW
Washington, DC 20460
(202) 564-4992

From: Johnson, Johahna
Sent: Monday, August 07, 2017 9:27 AM
To: O'Lone, Mary <OLone.Mary@epa.gov>
Subject: FW: West Oakland EIP Civil Rights Complaint against City of Oakland and Port of Oakland, DOT # 2017-0093, EPA File Nos. 13R-17-R9 and 14R-17-R9

FYI – background for this afternoon's call.

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Ericka Farrell
Case Manager
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202-564-0717

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Are you available tomorrow, Tuesday 8/1, at 3 pm ET for a call? Please let me know your availability and I will circulate a conference call-in number.

Thank you,
Allison Torrence

Allison A. Torrence

Jenner & Block LLP
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Allison A. Torrence

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Appointment

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Sent: 8/7/2017 1:25:53 PM
To: Fitzpatrick, Ryan (OST) [ryan.fitzpatrick@dot.gov]

Subject: Meeting Forward Notification: City and Port of Oakland complaint discussion

Start: 8/7/2017 1:30:00 PM
End: 8/7/2017 2:00:00 PM
Show Time As: Busy

Your meeting was forwarded

Johnson, Johahna has forwarded your meeting request to additional people.

Meeting

City and Port of Oakland complaint discussion

Meeting Time

Monday, August 7, 2017 3:30 PM - Monday, August 7, 2017 4:30 PM

Recipients

O'Lone, Mary

All times listed are in the following time zone: (UTC-05:00) Eastern Time (US & Canada)

Appointment

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Subject: FW: City and Port of Oakland complaint discussion
Location: Teleconference

Start: 8/7/2017 7:30:00 PM
End: 8/7/2017 8:30:00 PM
Show Time As: Tentative

-----Original Appointment-----
From: Fitzpatrick, Ryan (OST) [mailto:ryan.fitzpatrick@dot.gov]
Sent: Wednesday, August 2, 2017 8:45 AM
To: Fitzpatrick, Ryan (OST); Jang, Deeana (OST); Dorka, Lilian; Farrell, Ericka; Temple, Kurt; Keeler, Katsumi; Rhines, Dale; Grow, Richard; Johnson, Johahna; Garnett, Desean; Caro-Lopez, Howard (OST); Burroughs, Marian (OST); Kizito-Ramos, Rachel (MARAD); Hart, Daryl (MARAD)
Subject: City and Port of Oakland complaint discussion
When: Monday, August 7, 2017 3:30 PM-4:30 PM (UTC-05:00) Eastern Time (US & Canada).
Where: Teleconference

Good morning:

This meeting was requested by the attorneys representing the City and Port of Oakland. The purpose is to introduce ourselves and answer questions about our Title VI investigative processes.

Conference Line/Code / Ex. 6

Message

From: Johnson, Johahna [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=53C6F67C6EBE444C8FEE57557732A196-JOHNSON, JO]
Sent: 8/7/2017 1:24:59 PM
To: O'Lone, Mary [olone.mary@epa.gov]
Subject: FW: Meeting with DOT on City of Oakland
Attachments: 13R-17-R9 City of Oakland Complaint Investigation Plan 07272017.docx

FYI.

Johahna Johnson
Civil Rights and Finance Law Office
Office of General Counsel
U.S. Environmental Protection Agency
(202) 564-6119

From: Farrell, Ericka
Sent: Wednesday, August 2, 2017 10:16 AM
To: Johnson, Johahna <Johnson.Johahna@epa.gov>
Subject: RE: Meeting with DOT on City of Oakland

Briefly we are in a team meeting right now. We are wrapping up so I can go through more thoroughly and come up with some questions for DOT. I had started an ECRCO IP but I have not completed. I have attached my draft but it is incomplete.

Ericka Farrell
Case Manager
External Civil Rights Compliance Office
202-564-0717

From: Johnson, Johahna
Sent: Wednesday, August 02, 2017 10:12 AM
To: Farrell, Ericka <Farrell.Ericka@epa.gov>
Subject: RE: Meeting with DOT on City of Oakland

Yes, thank you, but unfortunately have not had a chance to review. Have you looked at it?

Johahna Johnson
Civil Rights and Finance Law Office
Office of General Counsel
U.S. Environmental Protection Agency
(202) 564-6119

From: Farrell, Ericka
Sent: Wednesday, August 2, 2017 9:59 AM
To: Johnson, Johahna <Johnson.Johahna@epa.gov>
Subject: RE: Meeting with DOT on City of Oakland

Okay. Did you get a copy of DOT Investigative plan?

Ericka Farrell
Case Manager

External Civil Rights Compliance Office
202-564-0717

From: Johnson, Johahna
Sent: Wednesday, August 02, 2017 9:28 AM
To: Farrell, Ericka <Farrell.Ericka@epa.gov>
Subject: RE: Meeting with DOT on City of Oakland

Hi Ericka,

Thank you for the invitation. I was planning on calling in to the meeting.

Thanks again,

Johahna Johnson
Civil Rights and Finance Law Office
Office of General Counsel
U.S. Environmental Protection Agency
(202) 564-6119

From: Farrell, Ericka
Sent: Wednesday, August 2, 2017 9:26 AM
To: Johnson, Johahna <Johnson.Johahna@epa.gov>
Subject: Meeting with DOT on City of Oakland

Good Morning Johahna,

Are you going to leave with us later to go over to DOT?

Ericka S. Farrell
Case Manager
External Civil Rights Compliance Office
202-564-0717

Message

From: Johnson, Johahna [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=53C6F67C6EBE444C8FEE57557732A196-JOHNSON, JO]
Sent: 11/15/2017 4:27:06 PM
To: O'Lone, Mary [olone.mary@epa.gov]
Subject: RE: Title VI : DOT#2017-0092 and EPA File Nos. 13R-17-R9; 14R-17-R9

Ok, thanks. I am still not clear on the back-up role, as I am guessing it is different from being a second chair. Am I supposed to attend all the meetings/review the documents vs. fill in when you are not available?

Johahna Johnson
Civil Rights and Finance Law Office
Office of General Counsel
U.S. Environmental Protection Agency
(202) 564-6119

From: O'Lone, Mary
Sent: Wednesday, November 15, 2017 11:23 AM
To: Johnson, Johahna <Johnson.Johahna@epa.gov>
Subject: FW: Title VI : DOT#2017-0092 and EPA File Nos. 13R-17-R9; 14R-17-R9

Johahna-
You are my West Oakland backup, correct?
FYI, I went through City/Port proposed Agreement & provided general comments for me to talk from tomorrow & so you can get a sense of what they are proposing. Look at the PDF with mmo at the end of the name.

Thanks, Mary

Mary M. O'Lone
Civil Rights and Finance Law Office
Office of General Counsel, US EPA
1200 Pennsylvania Avenue, NW
Washington, DC 20460
(202) 564-4992

From: Temple, Kurt
Sent: Monday, November 13, 2017 12:08 PM
To: yvette.rivera@dot.gov; charles.james@dot.gov; ryan.fitzpatrick@dot.gov; Jang, Deeana (OST) <deeana.jang@dot.gov>
Cc: Rhines, Dale <rhines.dale@epa.gov>; Rhodes, Julia <Rhodes.Julia@epa.gov>; Dorka, Lilian <Dorka.Lilian@epa.gov>; McGhee, Debra <mcghee.debra@epa.gov>; Strauss, Alexis <Strauss.Alexis@epa.gov>; Garnett, Desean <Garnett.Desean@epa.gov>; Grow, Richard <Grow.Richard@epa.gov>; O'Lone, Mary <OLone.Mary@epa.gov>; Keeler, Katsumi <Keeler.Katsumi@epa.gov>
Subject: FW: Title VI : DOT#2017-0092 and EPA File Nos. 13R-17-R9; 14R-17-R9

Hello everyone. We received the attached response and mark-up of the Framework document to Directors Dorka and James from the City and the Port in the Oakland matter. We are reviewing the documents now. Once everyone has had a chance to review, we at EPA plan to meet internally to discuss and then would like to set up a joint meeting with DOT. We recognize that next week is a short week with the Thanksgiving holiday, but would it be possible to have an EPA/DOT conversation next Monday or Tuesday? Please let us know and feel free to suggest alternatives.

Thank you.

Kurt T. Temple
Senior Advisor
External Civil Rights Compliance Office
EPA Office of General Counsel
1200 Pennsylvania Avenue, NW
Room 2524R
Washington, D.C. 20460
202-564-7299

Begin forwarded message:

From: "Michele Heffes" <mheffes@portoakland.com>
To: "charles.james@dot.gov" <charles.james@dot.gov>, "Dorka, Lilian" <Dorka.Lilian@epa.gov>
Cc: "Parker, Barbara" <BParker@oaklandcityattorney.org>, "Bee, Maria" <MBee@oaklandcityattorney.org>, "Cappio, Claudia (CCappio@oaklandnet.com)" <CCappio@oaklandnet.com>, "Danny Wan" <dwan@portoakland.com>, "Michele Heffes" <mheffes@portoakland.com>, "Chris Lytle" <clytle@portoakland.com>, "Michele Heffes" <mheffes@portoakland.com>, "Smith, Jamie" <JSmith@OaklandCityAttorney.org>, "Laurice Henry-Ross" <lhenry@portoakland.com>
Subject: Title VI : DOT#2017-0092 and EPA File Nos. 13R-17-R9; 14R-17-R9

Dear Ms. Dorka and Mr. James:

Attached please find a November 10, 2017, letter (including the 2 referenced attachments) from Oakland City Attorney, Barbara J. Parker, and Port Attorney, Danny Wan, concerning the above-referenced matter. Hard copies will be sent via First Class Mail. Please let me know if you have any questions.

Michele

Michele Heffes
Assistant Port Attorney
Port Attorney's Office
530 Water Street
Oakland, CA 94607
Phone: (510) 627-1348
mheffes@portoakland.com

ATTORNEY-CLIENT PRIVILEGED

CONFIDENTIAL COMMUNICATION

This email message and any attachments are intended only for the use of the addressee named above and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If you are not the intended recipient, any dissemination, distribution, or copying is strictly prohibited. If you received this email message in error, please immediately notify the sender by replying to this email message or by telephone. Thank you.

Message

From: Johnson, Johahna [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=53C6F67C6EBE444C8FEE57557732A196-JOHNSON, JO]
Sent: 7/19/2017 8:59:40 PM
To: Wilson, Adam [wilson.adam@epa.gov]
Subject: FW: Oakland T6 Complaint
Attachments: REACTIVE DESK STATEMENT - Acceptance for Investigation - Oakland City and Port complaint 7-18-17.docx

Importance: High

As I was looking through this desk statement, I noticed the statement in bold and thought of our earlier conversation regarding confidentiality. Hope this helps clarify!

Johahna Johnson
Civil Rights and Finance Law Office
Office of General Counsel
U.S. Environmental Protection Agency
(202) 564-6119

Message

From: Johnson, Johahna [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=53C6F67C6EBE444C8FEE57557732A196-JOHNSON, JO]
Sent: 9/22/2017 4:42:53 PM
To: McGhee, Debra [mcghee.debra@epa.gov]
Subject: RE: Preparation for September 26 Meeting with Oakland Port and City

Debra,

In your invitation you indicated that an agenda would be circulated prior to the meeting. I thought maybe I had missed it but I noticed that you sent it about 20 minutes ago.

Thanks,

Johahna Johnson
Civil Rights and Finance Law Office
Office of General Counsel
U.S. Environmental Protection Agency
(202) 564-6119

From: McGhee, Debra
Sent: Friday, September 22, 2017 12:39 PM
To: Johnson, Johahna <Johnson.Johahna@epa.gov>
Subject: RE: Preparation for September 26 Meeting with Oakland Port and City

Hi, Johahna—Lilian says we don't need an agenda for this call. We will be going through the agenda for the meeting this week. See you soon.

Debra E. McGhee
Team Lead
External Civil Rights Compliance Office
Office Phone: 202-564-4646

"Commit yourself to the noble struggle for human rights. You will make a greater person of yourself, a greater nation of your country, and a finer world to live in." *-- Martin Luther King, Jr. , 18th April, 1959*

-----Original Appointment-----
From: Johnson, Johahna
Sent: Friday, September 22, 2017 11:25 AM
To: McGhee, Debra
Subject: Tentative: Preparation for September 26 Meeting with Oakland Port and City
When: Friday, September 22, 2017 2:00 PM-3:00 PM (UTC-05:00) Eastern Time (US & Canada).
Where: Conference Call//ECRCO Conference Room

Hi Debra,

Can you please resend the agenda? I can't locate it. Thank you!

Appointment

From: Johnson, Johahna [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=53C6F67C6EBE444C8FEE57557732A196-JOHNSON, JO]
Sent: 9/22/2017 3:25:23 PM
To: McGhee, Debra [mcghee.debra@epa.gov]

Subject: Tentative: Preparation for September 26 Meeting with Oakland Port and City
Location: Conference Call//ECRCO Conference Room

Start: 9/22/2017 6:00:00 PM
End: 9/22/2017 7:00:00 PM
Show Time As: Busy

Hi Debra,

Can you please resend the agenda? I can't locate it. Thank you!

Message

From: Johnson, Johahna [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=53C6F67C6EBE444C8FEE57557732A196-JOHNSON, JO]
Sent: 9/22/2017 3:21:43 PM
To: O'Lone, Mary [olone.mary@epa.gov]
Subject: RE: DRAFT FRAMEWORK FOR INFORMAL RESOLUTION AGREEMENT - In Prep for 9/26/17 Meeting with Port of Oakland and City of Oakland

I agree that we will need to raise this issue again.

Johahna Johnson
Civil Rights and Finance Law Office
Office of General Counsel
U.S. Environmental Protection Agency
(202) 564-6119

From: O'Lone, Mary
Sent: Wednesday, September 20, 2017 8:06 AM
To: Johnson, Johahna <Johnson.Johahna@epa.gov>
Subject: RE: DRAFT FRAMEWORK FOR INFORMAL RESOLUTION AGREEMENT - In Prep for 9/26/17 Meeting with Port of Oakland and City of Oakland

Actually, if anyone is signing it jointly – it is EPA & DOT. It is more like we have to jointly agree the commitments have been met then we let them off the hook. But the City and the Port are entering into the Agreement individually. The Mayor can't bind the Port and the Chairman can't bind the City – so how are they doing it jointly? Or do I not understand what jointly means.

Thanks, Mary

Mary M. O'Lone
Civil Rights and Finance Law Office
Office of General Counsel, US EPA
1200 Pennsylvania Avenue, NW
Washington, DC 20460
(202) 564-4992

From: O'Lone, Mary
Sent: Wednesday, September 20, 2017 7:51 AM
To: Johnson, Johahna <Johnson.Johahna@epa.gov>
Subject: RE: DRAFT FRAMEWORK FOR INFORMAL RESOLUTION AGREEMENT - In Prep for 9/26/17 Meeting with Port of Oakland and City of Oakland

Except, as I commented before, I don't know what it means that the Port & City are entering into it jointly. But I guess the City & Port can ask that question & Debra & Lilian can explain it. They are each entering into to it individually & each have their own set of commitments.

In ECRCO's mind does jointly that mean if the City meets its commitments & the Port doesn't, ECRCO & DOT won't close the case against the City because they signed onto it jointly? Is this some sort of joint liability? Maybe you can ask them that today – what does it mean for them to sign on jointly?

Thanks, Mary

Mary M. O'Lone
Civil Rights and Finance Law Office
Office of General Counsel, US EPA
1200 Pennsylvania Avenue, NW
Washington, DC 20460
(202) 564-4992

From: O'Lone, Mary
Sent: Wednesday, September 20, 2017 7:45 AM
To: Johnson, Johahna <Johnson.Johahna@epa.gov>
Subject: FW: DRAFT FRAMEWORK FOR INFORMAL RESOLUTION AGREEMENT - In Prep for 9/26/17 Meeting with Port of Oakland and City of Oakland
Importance: High

Looks like she took all my comments and decided that including all of our boilerplate was the way to go.

Thanks, Mary

Mary M. O'Lone
Civil Rights and Finance Law Office
Office of General Counsel, US EPA
1200 Pennsylvania Avenue, NW
Washington, DC 20460
(202) 564-4992

From: Dorka, Lilian
Sent: Tuesday, September 19, 2017 7:13 PM
To: MBee@oaklandcityattorney.org; mheffes@portoakland.com
Cc: Packard, Elise <Packard.Elise@epa.gov>; Minoli, Kevin <Minoli.Kevin@epa.gov>; Temple, Kurt <Temple.Kurt@epa.gov>; Rhines, Dale <rhines.dale@epa.gov>; McGhee, Debra <mcghee.debra@epa.gov>; Redden, Kenneth <Redden.Kenneth@epa.gov>; O'Lone, Mary <OLone.Mary@epa.gov>; Johnson, Johahna <Johnson.Johahna@epa.gov>; Keeler, Katsumi <Keeler.Katsumi@epa.gov>; Fitzpatrick, Ryan (OST) <ryan.fitzpatrick@dot.gov>; Rivera, Yvette (OST) <yvette.rivera@dot.gov>; Jang, Deeana (OST) <deeana.jang@dot.gov>; Charles.james@dot.gov; Strauss, Alexis <Strauss.Alexis@epa.gov>; Grow, Richard <Grow.Richard@epa.gov>; Garnett, Desean <Garnett.Desean@epa.gov>
Subject: DRAFT FRAMEWORK FOR INFORMAL RESOLUTION AGREEMENT - In Prep for 9/26/17 Meeting with Port of Oakland and City of Oakland
Importance: High

Hello Maria and Michele,

EPA and DOT look forward to our meeting next Tuesday to discuss informal resolution of the Title VI complaint filed with our Agencies (DOT #2017-0093 and EPA File Nos. 13R-17-R9; 14R-17-R9). As promised, we are sharing the attached **Draft Framework for an Informal Resolution Agreement** which we hope will assist with our discussion next Tuesday. Please don't hesitate to contact us if you have any questions at this time and, again, we look forward to seeing you soon.

Lilian

Lilian Sotolongo Dorka, Esq.
Director, External Civil Rights Compliance Office

EPA, Office of General Counsel
202-564-9649
WJC-N Room 2450

Message

From: Johnson, Johahna [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=53C6F67C6EBE444C8FEE57557732A196-JOHNSON, JO]
Sent: 9/22/2017 11:11:21 AM
To: Redden, Kenneth [Redden.Kenneth@epa.gov]
Subject: RE: Oakland meeting on Tuesday

Thanks for the update!

Johahna Johnson
Civil Rights and Finance Law Office
Office of General Counsel
U.S. Environmental Protection Agency
(202) 564-6119

From: Redden, Kenneth
Sent: Thursday, September 21, 2017 8:20 PM
To: Johnson, Johahna <Johnson.Johahna@epa.gov>
Subject: Fwd: Oakland meeting on Tuesday

Looks like I won't be there for Tuesday's meeting!

Sent from my iPhone

Begin forwarded message:

> **From:** "Redden, Kenneth" <Redden.Kenneth@epa.gov>
> **Date:** September 21, 2017 at 7:56:05 PM EDT
> **To:** "Packard, Elise" <Packard.Elise@epa.gov>
> **Subject: Re: Oakland meeting on Tuesday**
>
> Ok thanks.
>
> Sent from my iPhone
>
> On Sep 21, 2017, at 5:27 PM, Packard, Elise <Packard.Elise@epa.gov> wrote:
>
>> Don't think so.
>>
>> Elise B. Packard
>> Acting Principal Deputy General Counsel
>> U.S. EPA Office of General Counsel, Rm. 4020
>> (202) 564-7729
>>
>> ---
>>
>> **From:** Redden, Kenneth
>> **Sent:** Thursday, September 21, 2017 2:42 PM
>> **To:** Packard, Elise <Packard.Elise@epa.gov>
>> **Subject:** Fwd: Oakland meeting on Tuesday
>>
>> Elise,

Is my attendance at the Oakland meeting necessary?

Sent from my iPhone

Begin forwarded message:

> **From:** "Johnson, Johahna" <Johnson.Johahna@epa.gov>
> **Date:** September 21, 2017 at 10:20:48 AM EDT
> **To:** "Redden, Kenneth" <Redden.Kenneth@epa.gov>
> **Subject: RE: Oakland meeting on Tuesday**
>
> Hi Ken,
>
> I do not think your attendance is critical but would be very welcomed and appreciated by ECRCO.
>
> Representatives from the City of Oakland the Port of Oakland will be traveling to EPA to discuss the Title VI complaint and the draft resolution framework sent by ECRCO and DOT. ECRCO has scheduled an internal meeting tomorrow to develop the agenda. I believe that Kevin is planning on providing welcoming remarks but I do not know if they would like CRFLO to do the same. I can keep you posted on the agenda.
>
> Thank you,
>
> Johahna Johnson
> Civil Rights and Finance Law Office
> Office of General Counsel
> U.S. Environmental Protection Agency
> (202) 564-6119
>
> -----Original Message-----
> From: Redden, Kenneth
> Sent: Thursday, September 21, 2017 9:08 AM
> To: Johnson, Johahna <Johnson.Johahna@epa.gov>
> Subject: Oakland meeting on Tuesday
>
> Hi Johahna,
>
> Do I need to come to the Oakland meeting on Tuesday?

Message

From: Johnson, Johahna [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=53C6F67C6EBE444C8FEE57557732A196-JOHNSON, JO]
Sent: 7/18/2017 3:51:28 PM
To: O'Lone, Mary [olone.mary@epa.gov]
Subject: FW: Oakland T6 Complaint
Attachments: Oakland Joint Acceptance Letter DRAFT RECIPIENTS - 7-18-17.doc; Oakland Joint Acceptance Letter DRAFT CMPLNTS - 7-18-17.doc

Did Kurt send this draft to you prior to sending to DOT?

Johahna Johnson
Civil Rights and Finance Law Office
Office of General Counsel
U.S. Environmental Protection Agency
(202) 564-6119

-----Original Message-----
From: Temple, Kurt
Sent: Tuesday, July 18, 2017 10:54 AM
To: Rivera, Yvette (OST) <yvette.rivera@dot.gov>; Dorka, Lilian <Dorka.Lilian@epa.gov>
Cc: Johnson, Johahna <Johnson.Johahna@epa.gov>; O'Lone, Mary <OLone.Mary@epa.gov>; Redden, Kenneth <Redden.Kenneth@epa.gov>; Farrell, Ericka <Farrell.Ericka@epa.gov>; Keeler, Katsumi <Keeler.Katsumi@epa.gov>; Grow, Richard <Grow.Richard@epa.gov>; Garnett, Desean <Garnett.Desean@epa.gov>; Neal, Daria (CRT) <Daria.Neal@usdoj.gov>; Jang, Deeana (OST) <deeana.jang@dot.gov>; Caro-Lopez, Howard (OST) <howard.caro-lopez@dot.gov>; Fitzpatrick, Ryan (OST) <ryan.fitzpatrick@dot.gov>; Ferguson, Selina (OST) <Selina.Ferguson@dot.gov>
Subject: RE: Oakland T6 Complaint

Yvette: Attached are the most recent drafts of the joint acceptance letters for your review and approval. We added some clarifying edits to the draft you sent forward last week. You will see those changes highlighted in the text. Also, DOT needs to insert its file number into the subject line. Please let me know if you have any questions about what we have done, or if you're ready to exchange signatures on final drafts. Thanks for your help.

Kurt T. Temple
Senior Advisor
External Civil Rights Compliance Office
EPA Office of General Counsel
1200 Pennsylvania Avenue, NW
Room 2524B
Washington, D.C. 20460
202-564-7299

-----Original Message-----
From: Rivera, Yvette (OST) [mailto:yvette.rivera@dot.gov]
Sent: Thursday, July 13, 2017 3:49 PM
To: Dorka, Lilian <Dorka.Lilian@epa.gov>; Temple, Kurt <Temple.Kurt@epa.gov>
Cc: Johnson, Johahna <Johnson.Johahna@epa.gov>; O'Lone, Mary <OLone.Mary@epa.gov>; Redden, Kenneth <Redden.Kenneth@epa.gov>; Farrell, Ericka <Farrell.Ericka@epa.gov>; Keeler, Katsumi <Keeler.Katsumi@epa.gov>; Grow, Richard <Grow.Richard@epa.gov>; Garnett, Desean <Garnett.Desean@epa.gov>; Neal, Daria (CRT) <Daria.Neal@usdoj.gov>; Jang, Deeana (OST) <deeana.jang@dot.gov>; Caro-Lopez, Howard (OST) <howard.caro-lopez@dot.gov>; Fitzpatrick, Ryan (OST) <ryan.fitzpatrick@dot.gov>; Ferguson, Selina (OST) <Selina.Ferguson@dot.gov>
Subject: RE: Oakland T6 Complaint

Dear Lily,

We have an approved version of the OAB letter. Please see the attached. If you have no objections, we can execute the letter and get the original to you for signature tomorrow. Thank you!

Yvette

-----Original Message-----
From: Dorka, Lilian [mailto:Dorka.Lilian@epa.gov]
Sent: Thursday, July 13, 2017 12:29 PM
To: Rivera, Yvette (OST) <yvette.rivera@dot.gov>; Temple, Kurt <Temple.Kurt@epa.gov>
Cc: Johnson, Johahna <Johnson.Johahna@epa.gov>; O'Lone, Mary <OLone.Mary@epa.gov>; Redden, Kenneth <Redden.Kenneth@epa.gov>; Farrell, Ericka <Farrell.Ericka@epa.gov>; Keeler, Katsumi

<Keeler.Katsumi@epa.gov>; Grow, Richard <Grow.Richard@epa.gov>; Garnett, Desean <Garnett.Desean@epa.gov>; Neal, Daria (CRT) <Daria.Neal@usdoj.gov>; Jang, Deeana (OST) <deeana.jang@dot.gov>; Caro-Lopez, Howard (OST) <howard.caro-lopez@dot.gov>
Subject: RE: Oakland T6 Complaint

Hi Yvette, just following up on this. Thanks! Lily

-----Original Message-----
From: Rivera, Yvette (OST) [mailto:yvette.rivera@dot.gov]
Sent: Friday, July 7, 2017 2:51 PM
To: Temple, Kurt <Temple.Kurt@epa.gov>
Cc: Goerke, Ariadne <Goerke.Ariadne@epa.gov>; O'Lone, Mary <OLone.Mary@epa.gov>; Redden, Kenneth <Redden.Kenneth@epa.gov>; Farrell, Ericka <Farrell.Ericka@epa.gov>; Keeler, Katsumi <Keeler.Katsumi@epa.gov>; Grow, Richard <Grow.Richard@epa.gov>; Dorka, Lilian <Dorka.Lilian@epa.gov>; Garnett, Desean <Garnett.Desean@epa.gov>; Neal, Daria (CRT) <Daria.Neal@usdoj.gov>; Jang, Deeana (OST) <deeana.jang@dot.gov>; Caro-Lopez, Howard (OST) <howard.caro-lopez@dot.gov>
Subject: RE: Oakland T6 Complaint

Thank you Kurt. We will get right on it. Hoping that we can respond by Monday or Tuesday. Again, thank you. Have a nice weekend! Yvette

-----Original Message-----
From: Temple, Kurt [mailto:Temple.Kurt@epa.gov]
Sent: Friday, July 07, 2017 2:13 PM
To: Rivera, Yvette (OST) <yvette.rivera@dot.gov>
Cc: Goerke, Ariadne <Goerke.Ariadne@epa.gov>; O'Lone, Mary <OLone.Mary@epa.gov>; Redden, Kenneth <Redden.Kenneth@epa.gov>; Farrell, Ericka <Farrell.Ericka@epa.gov>; Keeler, Katsumi <Keeler.Katsumi@epa.gov>; Grow, Richard <Grow.Richard@epa.gov>; Dorka, Lilian <Dorka.Lilian@epa.gov>; Garnett, Desean <Garnett.Desean@epa.gov>; Neal, Daria (CRT) <Daria.Neal@usdoj.gov>; Jang, Deeana (OST) <deeana.jang@dot.gov>; Caro-Lopez, Howard (OST) <howard.caro-lopez@dot.gov>
Subject: Oakland T6 Complaint

Hello Yvette. Thanks for the good conversation yesterday regarding the Oakland T6 matter. As we promised on the call, I have attached for DOT's review draft joint acceptance letters to complainant and recipients. In drafting these letters, we utilized the format that we cleared in the joint DOT/EPA Brandywine matter. Let us know if DOT has any edits, comments or concerns. We look forward to issuing these letters soon. Please give me a call if you need anything.

Sincerely,

Kurt T. Temple
Senior Advisor
External Civil Rights Compliance Office
EPA Office of General Counsel
1200 Pennsylvania Avenue, NW
Room 2524B
Washington, D.C. 20460
202-564-7299

Message

From: Johnson, Johahna [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=53C6F67C6EBE444C8FEE57557732A196-JOHNSON, JO]
Sent: 9/21/2017 2:20:48 PM
To: Redden, Kenneth [Redden.Kenneth@epa.gov]
Subject: RE: Oakland meeting on Tuesday

Hi Ken,

I do not think your attendance is critical but would be very welcomed and appreciated by ECRCO.

Representatives from the City of Oakland the Port of Oakland will be traveling to EPA to discuss the Title VI complaint and the draft resolution framework sent by ECRCO and DOT. ECRCO has scheduled an internal meeting tomorrow to develop the agenda. I believe that Kevin is planning on providing welcoming remarks but I do not know if they would like CRFLO to do the same. I can keep you posted on the agenda.

Thank you,

Johahna Johnson
Civil Rights and Finance Law Office
Office of General Counsel
U.S. Environmental Protection Agency
(202) 564-6119

-----Original Message-----
From: Redden, Kenneth
Sent: Thursday, September 21, 2017 9:08 AM
To: Johnson, Johahna <Johnson.Johahna@epa.gov>
Subject: Oakland meeting on Tuesday

Hi Johahna,

Do I need to come to the Oakland meeting on Tuesday?

Message

From: Johnson, Johahna [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=53C6F67C6EBE444C8FEE57557732A196-JOHNSON, JO]
Sent: 9/20/2017 11:47:38 AM
To: O'Lone, Mary [olone.mary@epa.gov]
Subject: RE: DRAFT FRAMEWORK FOR INFORMAL RESOLUTION AGREEMENT - In Prep for 9/26/17 Meeting with Port of Oakland and City of Oakland

Great! I had not opened it yet... wasn't sure what the final result looked like!

Johahna Johnson
Civil Rights and Finance Law Office
Office of General Counsel
U.S. Environmental Protection Agency
(202) 564-6119

From: O'Lone, Mary
Sent: Wednesday, September 20, 2017 7:45 AM
To: Johnson, Johahna <Johnson.Johahna@epa.gov>
Subject: FW: DRAFT FRAMEWORK FOR INFORMAL RESOLUTION AGREEMENT - In Prep for 9/26/17 Meeting with Port of Oakland and City of Oakland
Importance: High

Looks like she took all my comments and decided that including all of our boilerplate was the way to go.

Thanks, Mary

Mary M. O'Lone
Civil Rights and Finance Law Office
Office of General Counsel, US EPA
1200 Pennsylvania Avenue, NW
Washington, DC 20460
(202) 564-4992

From: Dorka, Lilian
Sent: Tuesday, September 19, 2017 7:13 PM
To: MBee@oaklandcityattorney.org; mheffes@portoakland.com
Cc: Packard, Elise <Packard.Elise@epa.gov>; Minoli, Kevin <Minoli.Kevin@epa.gov>; Temple, Kurt <Temple.Kurt@epa.gov>; Rhines, Dale <rhines.dale@epa.gov>; McGhee, Debra <mcghee.debra@epa.gov>; Redden, Kenneth <Redden.Kenneth@epa.gov>; O'Lone, Mary <OLone.Mary@epa.gov>; Johnson, Johahna <Johnson.Johahna@epa.gov>; Keeler, Katsumi <Keeler.Katsumi@epa.gov>; Fitzpatrick, Ryan (OST) <ryan.fitzpatrick@dot.gov>; Rivera, Yvette (OST) <yvette.rivera@dot.gov>; Jang, Deeana (OST) <deeana.jang@dot.gov>; Charles.james@dot.gov; Strauss, Alexis <Strauss.Alexis@epa.gov>; Grow, Richard <Grow.Richard@epa.gov>; Garnett, Desean <Garnett.Desean@epa.gov>
Subject: DRAFT FRAMEWORK FOR INFORMAL RESOLUTION AGREEMENT - In Prep for 9/26/17 Meeting with Port of Oakland and City of Oakland
Importance: High

Hello Maria and Michele,

EPA and DOT look forward to our meeting next Tuesday to discuss informal resolution of the Title VI complaint filed with our Agencies (DOT #2017-0093 and EPA File Nos. 13R-17-R9; 14R-17-R9). As promised, we are sharing the attached **Draft Framework for an Informal Resolution Agreement** which we hope will assist with our discussion next Tuesday. Please don't hesitate to contact us if you have any questions at this time and, again, we look forward to seeing you soon.

Lilian

Lilian Sotolongo Dorka, Esq.
Director, External Civil Rights Compliance Office
EPA, Office of General Counsel
202-564-9649
WJC-N Room 2450

Message

From: Johnson, Johahna [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=53C6F67C6EBE444C8FEE57557732A196-JOHNSON, JO]
Sent: 8/18/2017 11:21:25 AM
To: O'Lone, Mary [olone.mary@epa.gov]
Subject: FW: Community benefits agreement and EIP: City of Oakland 30-Day Response to Notification of Acceptance for Investigation of Title VI Administrative Complaint (DOT# 2017-0093, EPA File No. 13R-17-R9)
Attachments: Attachments - 8.17.17 City of Oakland Letter to EPA and DOT.PDF; 2017-08-16 Final Draft City of 2017-08-17 City of Oakland Letter to DOT ....pdf

Johahna Johnson
Civil Rights and Finance Law Office
Office of General Counsel
U.S. Environmental Protection Agency
(202) 564-6119

From: Grow, Richard
Sent: Thursday, August 17, 2017 6:26 PM
To: Temple, Kurt <Temple.Kurt@epa.gov>; Fitzpatrick, Ryan (OST) <ryan.fitzpatrick@dot.gov>; Johnson, Johahna <Johnson.Johahna@epa.gov>
Cc: Dorka, Lilian <Dorka.Lilian@epa.gov>; Strauss, Alexis <Strauss.Alexis@epa.gov>
Subject: Community benefits agreement and EIP: City of Oakland 30-Day Response to Notification of Acceptance for Investigation of Title VI Administrative Complaint (DOT# 2017-0093, EPA File No. 13R-17-R9)

Kurt, Ryan, Johanna

Deliberative Process / Ex. 5

Richard

From: Dorka, Lilian
Sent: Thursday, August 17, 2017 2:49 PM
To: Stacey J. Sublett <SSublett@bdlaw.com>
Cc: James M. Auslander <JAuslander@bdlaw.com>; ryan.fitzpatrick@dot.gov; Temple, Kurt <Temple.Kurt@epa.gov>; Rhines, Dale <rhines.dale@epa.gov>; Rivera, Yvette (OST) <yvette.rivera@dot.gov>; Keeler, Katsumi <Keeler.Katsumi@epa.gov>; McGhee, Debra <mcghee.debra@epa.gov>; Farrell, Ericka <Farrell.Ericka@epa.gov>; O'Lone, Mary <OLone.Mary@epa.gov>; Johnson, Johahna <Johnson.Johahna@epa.gov>; Grow, Richard <Grow.Richard@epa.gov>; Garnett, Desean <Garnett.Desean@epa.gov>; Strauss, Alexis <Strauss.Alexis@epa.gov>
Subject: RE: City of Oakland 30-Day Response to Notification of Acceptance for Investigation of Title VI Administrative Complaint (DOT# 2017-0093, EPA File No. 13R-17-R9)

Thanks very much Stacey, hope you are doing well. Lilian

From: Stacey J. Sublett [mailto:SSublett@bdlaw.com]
Sent: Thursday, August 17, 2017 4:45 PM
To: Dorka, Lilian <Dorka.Lilian@epa.gov>; ryan.fitzpatrick@dot.gov
Cc: James M. Auslander <JAuslander@bdlaw.com>
Subject: City of Oakland 30-Day Response to Notification of Acceptance for Investigation of Title VI Administrative Complaint (DOT# 2017-0093, EPA File No. 13R-17-R9)

Dear Lilian and Ryan,

I hope that all is well.

On behalf of our client, the City of Oakland, please find enclosed a letter and accompanying attachments in response to your July 18, 2017 Notification of Acceptance for Investigation of Administrative Complaint (DOT #2017-0093 and EPA File No. 13R-17-R9).

We look forward to further discussions regarding this matter in the near future.

Regards,
Stacey

Stacey J. Sublett
Associate

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CITY OF OAKLAND

ONE FRANK H. OGAWA PLAZA • 6TH FLOOR • OAKLAND, CALIFORNIA 94612

Office of the City Attorney
Barbara J. Parker
City Attorney

(510) 238-3601
FAX: (510) 238-6500
TTY/TDD: (510) 238-3254

August 17, 2017

VIA EMAIL AND FEDEX OVERNIGHT MAIL

Mr. Charles E. James, Sr.
Director
Office of the Secretary of Transportation
Departmental Office of Civil Rights
U.S. Department of Transportation
1200 New Jersey Avenue, SE
Washington, D.C. 20590

Ms. Lilian S. Dorka
Director
External Civil Rights Compliance Office
Office of General Counsel
U.S. Environmental Protection Agency
Mail Code 1201A
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460

Re: City of Oakland 30-Day Response to Title VI Administrative Complaint (DOT# 2017-0093, EPA File No. 13R-17-R9)

Dear Mr. James and Ms. Dorka:

The City of Oakland (City) appreciates the opportunity to provide this written 30-day response to your July 18, 2017 Notification of Acceptance for Investigation regarding the April 4, 2017 Title VI complaint by the West Oakland Environmental Indicators Project (WOEIP) directed to the City and the Port of Oakland (Port).[1] The City also welcomes further discussions on the potential for informal resolution of this matter, as you encouraged in your July 18 letter

[1] The information contained in this letter is shared in the interest of aiding DOT and EPA in this matter. The City has attempted to include all relevant facts, but reserves the right to modify, correct, or supplement this information as warranted.

and during our August 7, 2017 meeting. The latter conversation was informative, and the City values the ongoing prospect of working collaboratively with the U.S. Department of Transportation (DOT) and the U.S. Environmental Protection Agency (EPA) (collectively referred to as the "Agencies") to develop mutually agreeable and practicable solutions to meet our collective goals.

While we look forward to continuing our dialogue, the City will take this opportunity, as afforded in your letter and regulations, for "responding to, rebutting, or denying the issues that have been accepted for investigation." WOEIP's April 4 complaint, asserting that the City and Port are not in compliance with Title VI of the Civil Rights Act of 1964 (Title VI), is surprising and disappointing. It is inconsistent with the City's significant past collaboration with WOEIP, the Port, and other federal, state, and local stakeholders, in its work on the Oakland Army Base (OAB) Redevelopment Project (Project). The Project constitutes critically important infrastructure for the region with community-wide benefits, including significant job creation. This response and our ensuing discussions provide a meaningful opportunity to review the more than fifteen years of public participation and successful outcomes, including improved air quality, in connection with the Project.

This letter focuses on the City's portion of the former OAB, referred to as the Gateway Development Area. The Port of Oakland has sole control of the remainder (roughly half) of the former OAB site comprising the Port Development Area. Likewise, the Port exercises exclusive jurisdiction over the Port facilities and operations. The Port is submitting a separate letter responding to the WOEIP complaint.

Recognizing the Agencies' longstanding engagement with the City and the Port, we will highlight the extensive existing record of the City's actions over the past fifteen years, many of which are not reflected in the present complaint. In light of that record, and applicable law, the City maintains its compliance with the obligations of Title VI. Based on the information provided herein, the City respectfully requests that DOT and EPA close any investigation and dismiss WOEIP's complaint. At a minimum, the City wishes to further discuss opportunities for mutually beneficial informal resolution with the Agencies based on the full record.

I. Overview and Summary

The City is proud of the diversity of its residents and its policies and laws that demonstrate our commitment to transparent and open government. These policies and laws go beyond the minimum requirements of state law. The health and welfare of all Oakland residents a top priority for the City. Accordingly, as the City has continued to foster economic growth, including at the former OAB site in conjunction with the Port, the City has undertaken far-reaching efforts to involve and empower WOEIP and other community stakeholders. Due to its proactive efforts over its long history, the City is not aware of any accusations that it violated Title VI prior to WOEIP's claims, nor has the City been found in violation of Title VI. This record of public participation and accommodation, specifically as it pertains to the OAB Project, belies WOEIP's present claims of exclusion and discrimination.

Throughout the development of the Project, at various stages, WOEIP and other community groups have been closely involved and participated extensively with the City in collaborative and negotiated resolution of issues of concern regarding the Project. The OAB Reuse Plan, adopted in July 2002, was based on over four years of work with public agencies, community groups, and dedicated citizens. Its intention was to reuse the Army Base in a way that would be environmentally beneficial for Oakland, with particular regard for West Oakland residents due to their proximity to the OAB and history of environmental issues in the area, as well as the larger region. The goals and community benefits of the Reuse Plan remain at the core of the City's efforts at the Gateway Development Area today, and include:

- Long-term sustainable job creation and economic development for Oakland residents and businesses;
- Job training and job placement programs which link Oakland residents with jobs at the OAB;
- Balanced land uses which are compatible with local development;
- Remediation of site contamination;
- Improved air, water and environmental quality, locally and regionally;
- Improved efficiency of Port operations;
- Increased public access to and along the Oakland waterfront; and
- Community involvement.

To ensure community involvement in the planning for OAB reuse, the West Oakland Community Advisory Group (WOCAG) was established in 1996. Almost 20 years later, WOCAG continues to meet on a regular basis and receives updates on implementation actions. One member of the WOEIP, Brian Beveridge, currently serves as WOCAG's Chairperson.

The substantial engagement and participation noted above was memorialized by WOEIP and other community organizations[2] in a 2012 Cooperation Agreement (attached), which – on its first page – acknowledged the "strong slate of benefits and opportunities for West Oakland and the wider Oakland community by way of the [OAB Project]." That agreement was the product of lengthy negotiations, in which WOEIP recognized the Project's considerable community benefits and opportunities for West Oakland, including its air quality monitoring and mitigation measures. Though WOEIP incorrectly claims that the Project significantly changed between 2002 and mid-2012, WOEIP was fully aware of the nature of the Project in late 2012. Its participation in the Project, reflected in the Cooperation Agreement and elsewhere, casts doubt upon WOEIP's Title VI claims of discrimination from a single City construction management plan approval and implementation of previously addressed measures.

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[2] In addition to the City and WOEIP, signatories to the Cooperation Agreement included: the Alameda County Building and Construction Trades Council; the Central Labor Council of Alameda County; People United for a Better Life in Oakland; East Bay Alliance for a Sustainable Economy; ACCE Institute; Oakland Community Organizations; International Longshore and Warehouse Union, Local 6; International Associations of Machinists and Aerospace Workers, Local 1546; and the Teamsters Joint Council. *See* Cooperation Agreement, at 1 (December 20, 2012).

Equally important, on the merits, neither of the identified issues provides a basis for discrimination under Title VI. The Agencies' investigation, per the July 18 letter, addresses the City's compliance with its Title VI obligations as it concerns the following two issues:

(1) [The] October 4, 2016, approval and/or involvement in approval of a construction management plan and permission for ground-breaking on the Northeast Gateway development project site of the Oakland Army Base; and

(2) The City and Port's methods, including their public participation processes, for approving and authorizing new development and expanded activities at the Port of Oakland and Oakland Army Base.[3]

Both issues have the same scope as they pertain to the City, *i.e.*, they are limited to the City-owned portion of the former OAB site. The Port can sue and be sued in its own name. It is governed by its own Board, and exclusively controls and manages Port property, facilities, and revenues. The City has no control over the Port's actions on the portions of the OAB that the Port exclusively owns. Nor does the City oversee operations at the Port, including commerce, shipping, navigation, and development of waterfront properties (e.g., piers, wharves, docks, and warehouses).[4] However, the City and Port do coordinate their respective activities, as practicable, including on improving air quality.

In response to the first issue, the City maintains that its project-specific approval of the construction management plan for a logistics warehouse on the OAB Northeast Gateway site did not cause disparate adverse impacts to West Oakland. The City's approval of the construction-related air quality plan adheres to and implements the Project's Standard Conditions of Approval/Mitigation Monitoring and Reporting Program (SCA/MMRP) approved in 2012. In July 2013, the City Council revised the SCA/MMRP to require additional public participation. This process for public participation was followed during the preparation of the construction management plan for the Northeast Gateway site. With the approved construction management plan for the Northeast Gateway site, the City required state-of-the-art best management practices, including high standards for off-road diesel construction equipment and electric power for portable construction equipment, among many other air quality requirements for construction of this building. WOEIP and other stakeholders will have a full opportunity to review and comment on numerous mitigation measures specified in the Mitigation Measure Public Outreach PO-1 of the SCA/MMRP when implementation of those mitigation measures is timely.

Contrary to the allegations in the complaint, the City's methods and public participation processes for approving Project development and activities have been broadly inclusive and have incorporated robust and transparent public participation. As noted, the public, including WOEIP,

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[3] DOT and EPA, *Notification of Acceptance for Investigation (DOT#2017-0093, EPA File Nos. 13R-17-R)* at 2 (July 18, 2017).
[4] *See* Article VII, Section 700, Charter of the City of Oakland.

has had numerous opportunities over many years to help shape the Project and its associated requirements, including those to protect air quality. The 2002 OAB Reuse Plan was developed with extensive public input, including input from WOCAG. Subsequently, the related 2002 Environmental Impact Report (EIR) was developed following all the required public participation requirements as specified in the California Environmental Quality Act (CEQA).

Additionally, in 2013 the City modified the Project's mitigation program to include a mitigation measure specifically related to public outreach. Mitigation Measure Public Outreach - 1 (PO-1) allows public input to decision makers far beyond what is typically required. This participation has led to several measures, as identified below, demonstrably improving air quality in Oakland. The City and its developer, Prologis, continue to meet and exceed all Project conditions and actively engage the public in the mitigation measures specified in PO-1. WOEIP's allegations that it has been excluded or ignored during the planning and implementation of the Prologis development are simply not true, as evidenced by the discussion below.

As you indicated during our August 7, 2017 meeting, the existing record based on your active involvement obviates more fact-finding. The City believes that DOT and EPA would benefit from a summary of the more than fifteen years of facts that will provide perspective and context when considering these issues. On the two prior occasions that WOEIP has written to federal agencies invoking Title VI, the City has provided a detailed and substantive response demonstrating its robust public participation process and fully compliant decision making, and no action under Title VI was necessary. For example, DOT's March 20, 2013 response to WOEIP's January 29, 2013 allegation of discrimination in the City's TIGER planning grant noted that "[s]ince the master plan is not yet complete, FHWA believes there will be additional opportunities for the public to provide input on the master plan." The same is true today, given the preliminary and phased nature of construction and operations plans still in process.

The City's October 4, 2016 approval for the Northeast Gateway Construction-Related Air Quality Plan and its public process do not violate Title VI, as we explain in more detail in the sections that follow. The City reiterates, however, that its principal interest is continued pursuit of mutually favorable solutions and inclusive processes regarding the Gateway Area development. The absence of a Title VI violation *does not diminish* the City's receptivity to the concerns of West Oakland residents and commitment to addressing those concerns.

II. Background

The former OAB operated as a U.S. Army facility adjacent to the Port. In 2000, after the OAB's closure, the Oakland City Council divided the site and surrounding properties into the 430-acre Oakland Army Base Redevelopment Project Area, including the Gateway Development Area owned by the City, and the Port Development Area owned by the Port. Neighboring the

OAB site is the seventh busiest container port in the United States, owned by the Port.[5] The Port includes three container terminals and two intermodal rail facilities, which provide maritime-related services for the Oakland waterfront.

The former OAB's redevelopment has featured constant improvements in air quality protections and consistent public outreach and engagement in the planning process, including the residents of West Oakland. The geographic conditions were considered throughout the planning of the OAB and the Port, because both the Gateway Area of the OAB, and the Port are fixed areas, separated from West Oakland by a multi-lane elevated freeway and extensive railroad tracks. Furthermore, West Oakland has freeways on its other three sides, creating a large residential and business community that is surrounded on all four sides by wide and very actively used freeways. It is in this context that the City and Port have actively engaged the public and stakeholders in the promulgation and the approval of plans to develop the OAB Project, resulting in numerous economic benefits and environmental improvements to the residents of West Oakland.

A. *2002 Base Reuse Plan and EIR*

The City, as lead agency for the OAB Redevelopment Project, prepared a draft EIR for the Project area, in accordance with the requirements of CEQA, which considered the impacts of developing 1,800 acres, including the Port of Oakland, expansion of railyards, and extensive rebuilding of public infrastructure, resulting in the commercial/industrial redevelopment of the former OAB site. In addition to meeting the demanding requirements of the CEQA process, the development of the EIR involved a great deal of public engagement and cross-jurisdictional collaboration.

The City prepared and issued a Notice of Preparation of the Draft EIR in August 2001, followed by a Planning Commission meeting in September 2001 to collect public comments on its scope. These comments were both included and addressed in the Draft EIR, which itself was provided for review and comment by government agencies and the public. The Draft EIR was also provided to stakeholders who had provided input on the EIR's scope, to relevant agencies, and to those who requested a copy. Additionally, copies were placed in libraries throughout Oakland, provided at the Planning Department for the City, and copies were posted on the City's website.

Distribution of the Draft EIR started a 45-day public review and comment period between April 29 and June 12, 2002, which included giving the Port an opportunity to consult with the City and submit comments. A June 5, 2002 public hearing was also held at the Oakland Planning Commission, at which several parties, including a representative of the West Oakland Citizens Advisory Group (WOCAG), provided comments. WOEIP did not comment on the

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[5] Ramboll Environ, *2015 Seaport Air Emissions Inventory – Final Report*, at 1 (October 2016) (hereinafter "*2015 Seaport Air Emissions Inventory*"), at http://www.portofoakland.com/files/PDF/Port%20of%20Oakland%202015%20Seaport%20Emissions%20Inventory%20Final-11Oct2016.pdf.

2002 EIR, despite having these opportunities to do so. All comments submitted to the City were addressed in the final version of the EIR. On July 31, 2002, the City issued the Final EIR and Response to Comments, certified the EIR, and adopted the Final OAB Reuse Plan. The Final EIR was not challenged in any administrative or other legal proceedings.

B. *Community Outreach 2007-2011 and Development of Community Benefit Programs*

In 2007, the City issued a report, titled "Pre-Development Planning for the OAB Gateway Development Area," addressing the plans for the Gateway Area. In January 2008, the City issued a Request for Qualifications seeking bids to redevelop approximately 100 acres of the Gateway Development Area. Approximately one dozen proposals were submitted, which were reviewed by a technical advisory group consisting of real estate, engineering, planning, and finance professionals. Additionally, the Mayor appointed a 12-person Review Panel to evaluate the proposals, including representatives from WOCAG, the West Oakland Commerce Association, Oakland Chamber of Commerce, City of Oakland, Alameda Co. Labor Council, the African American Chamber of Commerce, and other business and community groups. Following this review, the City issued a Request for Proposals for a Master Developer for the Gateway Development Area. Ultimately, after this extensive and fully-transparent public process, the City selected a master developer for the Gateway Development Area and in 2012 started negotiating a Lease Disposition and Development Agreement (LDDA) with the selected master developer.

In March 2011, the City of Oakland executed an agreement for the TIGER II Planning Grant it received in the amount of $2 million from DOT. Proceeds of the TIGER II Planning Grant were used to fund master planning for infrastructure for the OAB Project ($1.6M) and the development of the West Oakland Specific Plan (WOSP) ($0.4M). Implementation of both planning efforts required the formation of technical as well as community advisory committees that would provide input on area plan issues and concerns, as well as continued outreach to keep the community apprised of Project development and opportunities for input.

The results of this extensive community outreach for both input and involvement culminated in City Council actions to adopt unprecedented Project-specific job policies applicable to development at the Gateway Development Area. The City has incorporated into both construction and development-related agreements an adopted Community Benefits Matrix of terms related to jobs, contracting, and environmental policies to be complied with by the City, ground lessees, developers, and tenants. Because of community input, the City has adopted new local participation policies under the City's Local Business Enterprise/Small Local Business Enterprise (LBE/SLBE) program and construction jobs, each of which have a 50% local business and local resident participation, in addition to hiring percentage requirements for residents within West Oakland zip code neighborhoods.

Following the application and receipt of major public infrastructure funding, the City commenced construction in October 2013 on required public infrastructure and site preparation improvements necessary to support proposed development under the adopted Master Plan and Lease Disposition and Development Agreements. During the construction of public

improvements, beginning four years ago, the City has exceeded the anticipated community benefit and job creation goals established by the community through the City Council. A final audit of the City's overall performance will be available after the City completes the public backbone infrastructure improvements phase of the Project, expected by January 2018.

C. *2012 Amended Base Reuse Plan and EIR Addendum*

In 2012, the City adopted an amended OAB Reuse Plan, supported by an Addendum to the 2002 Final EIR. The Plan was amended based on the land uses identified in the Request for Proposals described above to focus on "strategic industries that are expected to grow over time and provide a range of sustainable, well-paying jobs that fit with the workforce skills of Oakland residents and meet or surpass the City's Living Wage Ordinance." The amended Reuse Plan includes logistics distribution warehouses, a maritime terminal for bulk cargo, 15 acres of truck parking and truck support services, and 27 acres to accommodate two large recycling facilities which will relocate from West Oakland residential neighborhoods. Relocation of these recycling companies will remove a significant source of truck traffic, air pollution, and noise from the West Oakland neighborhood.

The 2012 OAB Initial Study concluded that the revised project would result in no new significant impacts or substantial increase in previously identified significant impacts, and therefore recommended an Addendum to the 2002 EIR be adopted, consistent with section 15164(a) of the California Code of Regulations. In adopting the Addendum, the City Council also adopted an updated SCA/MMRP.

The Initial Study analyzed the cumulative effects of 17 different environmental aspects of the 2012 Project changes. This analysis included a comparison of construction- and operation-related air quality impacts of the Project in 2002 and 2012, following all methodologies and protocols of the Bay Area Air Quality Management District (BAAQMD). The analysis concluded that the air quality impacts of the Project would be *lower* than those identified in the 2002 EIR and that no further review such as a supplemental EIR was required.[6] Mitigation measures were updated as part of the 2012 Addendum, including the most current BAAQMD recommended mitigation measures and best management practices, reflected in the SCA/MMRP. The 2012 Addendum was not challenged by WOEIP, West Oakland residents, or any other person or entity.

As noted, the amended Base Reuse Plan also takes significant steps to improve air quality in West Oakland by relocating two large recycling companies from West Oakland to the former OAB. These recycling companies and all other businesses at the OAB will be subject to the implementation of rigorous air quality mitigation measures. The development of this amended plan was completed with the involvement of various Oakland community groups, including

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[6] *See* 2012 Oakland Army Base Project Initial Study/Addendum, at 146, at http://www2.oaklandnet.com/government/o/PBN/OurServices/Application/OAK035061.

WOEIP, demonstrated by the previously referenced Cooperation Agreement, on which both WOEIP co-directors are signatories.

D. *2013 Development Agreement, Rezoning and Design Standards; Addition of Mitigation Measure Public Outreach PO-1*

As summarized previously, the City undertook a transparent process seeking a master developer for the OAB Gateway Development Area. In July 2013, the City entered into a development Agreement with Prologis CCIG Oakland Global LLC, and also undertook the rezoning and development of design standards for the Gateway Development Area. These actions were undertaken in the public forum, with public meetings held by City boards and commissions including the Planning Commission, the Landmark Preservation Advisory Board, the Community and Economic Development Committee of the City Council, and the Oakland City Council.

At that time, the City Council also added a mitigation measure to the SCA/MMRP, previously adopted with the 2012 Addendum, specifically related to future public participation. Mitigation Measure Public Outreach PO-1, "Stakeholder Review of Air Quality and Trucking Plans," specifically outlines a public engagement process to be undertaken for mitigation measures "related to potential air quality and trucking impacts on the surrounding area during construction and operation of the Project."[7] As specified by Mitigation Measure PO-1, the City shall maintain a list of stakeholders (which includes WOEIP), who are interested in receiving information on the development of these plans, and hold quarterly meetings to discuss plan development and air quality monitoring results and other actions. This mitigation measure further specifies that these stakeholders must receive 45-days' notice before the release of the draft subject plans. After that 45-day notice, a Notice of Plan Review shall be issued, giving stakeholders and all members of the public 17 days to comment on draft subject plans. Mitigation Measure PO-1 also provides that "City staff shall provide the City Council with an informational presentation of each approved subject plan within 90 days after the City Administrator's approval of such Subject Plan. Such presentation includes a summary of the public outreach implemented pursuant to this mitigation measure and the requirements and goals of the applicable approved subject plan." This constitutes an unprecedented level of public review undertaken during the implementation of mitigation measures for a development project.

This process as specified in Mitigation Measure PO-1 was followed during the review and approval of the Northeast Gateway Construction-Related Air Quality Plan, one of the two issues noted in your July 18, 2017 letter. Even before the review of that air quality plan, the public participation process of MM PO-1 was followed in the summer of 2013, prior to the construction of the horizontal infrastructure at the OAB. As summarized in the City Council Report of February 11, 2014, the draft Air Quality Plan for Construction of the Horizontal

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[7] *See* SCA/MMRP Mitigation PO-1, at 46, at http://www2.oaklandnet.com/oakca1/groups/ceda/documents/report/oak042281.pdf.

Infrastructure was improved by comments received from community stakeholders prior to it being approved by the City Administrator.

In addition to the air quality mitigation measures in the adopted SCA/MMRP, there is a 117-page Air Quality Monitoring Program Workplan that has been implemented since Fall 2013. This plan included the installation of three air quality monitors that provide daily monitoring at the former OAB site and two representative locations in West Oakland. The results have been summarized into quarterly reports since the fourth-quarter of 2013 and are available online at http://ngem.com/OAB_AQM/. Ambient air quality standards are established by EPA for diesel fine particulate matter (PM2.5). The three-year (2014-2016) annual ambient air PM2.5 concentrations at the three air quality monitors in West Oakland and at the OAB, referred to in the report as AQM-1, AQM-2, and AQM-3, were below the annual air quality standard for PM2.5.[8] So while there is concern about air quality in West Oakland, the data from the actual air quality monitors shows that the annual concentrations of PM2.5 meet EPA's standard, and there are ongoing efforts to prolong the emissions reduction trend.

E. *WOEIP's Previous Concerns and City Response*

Despite the addition of a mitigation measure that outlines a public process and engagement for air quality and trucking plans, as well as WOEIP's signature on the above-referenced Cooperation Agreement, in 2013 WOEIP contacted state and federal regulators complaining of the CEQA analysis that supported the Base Reuse Plan and suggesting that the City violated Title VI in the use of its federal funding. The City prepared a detailed response (attached). State and federal regulators took no action, finding insufficient basis in WOEIP's accusations (attached).

In May 2014, WOEIP sent a letter to the City and Port, copying the Agencies, alleging that the relocation of the U.S. Customs Examination Station (CES) from the OAB into an industrial area of West Oakland and the lack of a truck management plan (TMP) constituted a Title VI violation. In an attempt to resolve these concerns, the City and Port met with WOEIP and further responded to its concerns in writing (attached). These discussions and the City's written response outlined steps the City had taken, and additional steps the City intended to take, to further limit trucking impacts in West Oakland. Steps the City has already taken to limit trucking impacts include the establishment of truck routes in West Oakland (2006); industrial rezoning in West Oakland (2008) which included restrictions on trucking and truck related activities, plus prohibiting certain activities near residential zones; and a new Specific Plan for West Oakland (2014) that adopts the City's policies for future development and exact zoning regulations for West Oakland. WOEIP was actively involved in the development of this Specific Plan, and extensive public participation occurred from 2011 to 2014. Additional steps that the City will take as outlined in the July 2014 letter include developing a truck management plan, implementing the restrictions on new trucking and truck-related activities per the WOSP, and developing a comprehensive enforcement strategy related to trucking regulations.

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[8] OAB Air Quality Monitoring Portal, *2016 Fourth Quarter Report*, at http://ngem.com/OAB_AQM/,.

F. *Basis of Current WOEIP Complaint and the Northeast Gateway Construction Management Plan*

After WOEIP's May 2014 letter, the City took further actions to prevent air quality-related impacts on the residents of West Oakland and to improve public process. The City engaged in a 7-month public review and comment process per Mitigation Measure PO-1 of the SCA/MMRP, resulting in the adoption of the Northeast Gateway Construction Management Plan on October 4, 2016, which relates to reducing air quality impacts during the construction of a logistics warehouse at the Northeast Gateway site. In addition, the City took other measures to minimize and divert truck traffic and truck-dependent businesses from West Oakland's residential streets, as discussed further below.

The Northeast Gateway Construction Management Plan was subject to the public participation process the City Council adopted and codified as Mitigation Measure PO-1. The required 45-day notice prior to the release of a draft plan was issued on March 2, 2016. A stakeholder presentation of the initial version of the construction-related air quality plan took place at a quarterly stakeholder meeting on March 3, 2016. This meeting included community-based organizations, community residents, and interested governmental agencies. Using input received at that meeting, a draft version of the construction-related air quality plan was submitted to the City on April 25, 2016, and was released to stakeholders on May 13, 2016 for the required 17-day public review period. Written comments were received, reviewed, and considered. The draft plan was revised on July 18, July 27, and August 30, 2016, based on input the City received. When the developer, Prologis, submitted the final draft construction-related air quality plan on August 30, 2016, it also provided responses to substantive comments from stakeholders, including WOEIP, and public agencies.[9]

As evidenced by its content, the Northeast Gateway Construction-Related Air Quality Plan ("Plan") has not only gone above and beyond agency-required best practices in several respects, but also has resulted in a comprehensive and effective set of measures to reduce air quality impacts during construction. Examples of requirements from the Plan include: a wind speed sensor will be required on-site to determine when site/soil watering is necessary during high winds; diesel emission reductions will be realized during construction through the use of Tier 4 off-road construction equipment, with Tier 3 equipment only being allowed when Tier 4 is unavailable; no Tier 1 or Tier 2 equipment will be allowed at all during construction of the building; portable construction equipment will be required to use on-site electricity instead of diesel generators; and a Compliance Manager will be required to maintain daily logs and complete training from the California Air Resources Board for emissions evaluations.

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[9] Prologis, *Final Northeast Gateway Air Quality Plan for Construction* (August 30, 2016), at http://www2.oaklandnet.com/oakca1/groups/ceda/documents/agenda/oak061034.pdf.

WOEIP, Ditching Dirty Diesel, Alameda County Public Health Department, the Bay Area Air Quality Management District and the California Air Resources Board all commented on the Plan. In addition, City staff and Prologis met on numerous occasions to go over the plan and conducted a site visit with the Port and California Air Resources Board staff. Throughout this process, Prologis undertook three separate revisions of the Plan in response to and incorporating many of the comments from City staff, air quality agencies, and stakeholders. In summary, this process resulted in a Plan that was improved by agency and public input, and which requires stricter monitoring and more effective enforcement, the use of lower-emission diesel off-road construction equipment, the use of portable electric equipment, and better documentation of compliance during construction. Follow-up actions during construction have shown compliance with the Plan.

G. *Other Recent City Actions on Air Quality*

In addition to public process improvements, the City is taking steps to improve the air quality in West Oakland by reducing truck traffic within West Oakland and attendant diesel emissions.[10] The City has maintained truck parking and truck services on City property since 2006 at a cost of roughly $2 million, and has committed to developing 15-acres for truck parking and services at the OAB site, alleviating the need for these trucks to seek these services in West Oakland. The WOSP, adopted in July 2014 after a three-year public participation process, in tandem with a full separate EIR under CEQA, has redirected heavy industrial and truck intensive activities out of West Oakland's industrial areas and channeled them to the former OAB site, elsewhere in Oakland, or out of the region. This Plan was the outcome of a multiyear process including participation by Margaret Gordon of WOEIP as a member of the steering committee.

In 2014, the City also rezoned West Oakland, prohibiting new trucking and truck-related activities and additionally restricting new warehousing, storage, and distribution facilities. Oakland Municipal Code Section 10.52.120 prohibits trucking except on approved trucking routes and on specified freeways. In 2006, truck routes for West Oakland were approved and codified in the Municipal Code so that trucks traveling to the Port or OAB use Interstate 880 and its five exits, which allow direct access to the former OAB site or to the Port. Trucks may use non-truck route city streets in West Oakland only to make local deliveries or to serve industrial-zoned areas, which are primarily adjacent and within four to six blocks of I-880. These actions have regulated and restricted where trucks are allowed such that only the freeways around West Oakland and a very limited number of streets in West Oakland can be used by trucks serving the Port and the OAB Project.

Beyond measures related to the reduced use of emission-heavy trucking activities and the location where such trucks can drive, the City has many other actions underway to improve air quality. Such actions include banning the storage and handling of coal and coke at bulk materials facilities throughout the City with Resolution No. 86234 C.M.S. Additionally, the City is well

[10] The Port has taken several steps, as well, directed at air quality. The Port conducted air emissions inventories in 2005, 2012, and 2015. The Port of Oakland *2015 Seaport Air Emissions Inventory - Final Report* shows a 98% reduction in diesel particulate matter from Port-service trucks from 2005 to 2015.

underway in the process of moving two recycling businesses out of West Oakland: Custom Alloy Scrap Sales (CASS) and California Waste Solutions (CWS). For future warehouses at the Port and OAB, consistent with the Port's current practice of requiring refrigerated warehouses to provide "plug-in" infrastructure, the City plans to apply the same requirements for any future refrigerated warehouses. The requirement for Tier 3 and 4 construction equipment, along with other requirements of the approved Northeast Gateway Construction-Related Air Quality Plan, will further reduce diesel emissions. These actions, individually and collectively, will significantly reduce further diesel emissions and air pollutants adjacent to West Oakland.

H. *Ongoing Efforts*

The EPA convened a stakeholder meeting in December 2016, and the City continues in its efforts to meet with interested parties regarding the development of air quality plans, working with the BAAQMD and the California Air Resources Board.[11] Since early 2017, Prologis has submitted to the City three draft air quality plans, which are currently being reviewed by City staff prior to undertaking the public outreach process outlined in Mitigation Measure PO-1.

The City and the Port are currently in the planning stages for the development of a truck management plan as outlined in Mitigation Measure 4.3-7. This truck management plan will be developed over the next year and will build upon the previous truck management plan developed by the Port in 2009. The City and the Port are currently preparing a public engagement plan for development of the truck management plan, that will involve meaningful communication with and seek input from the West Oakland community and other interested parties. The public engagement plan, which will guide this effort, is being prepared with input from DOT's Office of Civil Rights, the City of Oakland's Department of Race and Equity, the Port of Oakland's Division of Social Responsibility, the consulting firm Envirocom, and community-based organizations in West Oakland. The City is committed to making the public engagement for the truck management plan as inclusive and meaningful and productive as possible. A series of public meetings and other forms of outreach are anticipated to begin in September 2017. In addition, City and Port staff received further Title VI training from DOT's Office of Civil Rights on May 3, 2017, as part of DOT's routinely scheduled trainings nationwide.

As these facts show, the City and the Port have a lengthy record of taking consistent and measurable actions to protect the air quality of West Oakland, and to continuously improve public participation in informing development decisions and requirements for the OAB. Many of these changes have come in direct response to WOEIP input. The City's actions comply with Title VI. The City, however, remains receptive to suggestions for additional process improvements, and to further related discussions with DOT and EPA.

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[11] We note that, in follow up to the December 2016 EPA meeting, the City has invited WOEIP to meet and discuss how to improve the stakeholder process, but to date, WOEIP has declined. Recently, WOEIP has cited its preference to pursue a Title VI complaint as a basis for declining to meet.

III. The City actions identified in EPA's and DOT's Notification of Acceptance of Investigation do not support a Title VI disparate impact violation.

As described above, the City's construction management plan approval and public process for its Northeast Gateway development at the former OAB site do not cause a disparate adverse impact on air quality for West Oakland residents. In fact, emissions of diesel particulate matter are declining. Applying these facts to the demanding applicable legal standards of Title VI does not yield a violation. Further constructive dialogue regarding the City's Northeast Gateway actions should proceed in a more appropriate context outside of Title VI, as it has for more than fifteen years.

A. *Legal Standard: Title VI of the Civil Rights Act of 1964*

Title VI places an onerous burden for a finding of noncompliance, requiring evidence of harm caused by discriminatory use of federal funds.[12] Specifically, Section 601 mandates that:

> No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.[13]

Section 602 further "authorize[s] and direct[s]" federal departments and agencies that extend federal financial assistance to "effectuate the provisions of section [601] . . . by issuing rules, regulations, or orders of general applicability." This language provides "a directive to federal agencies engaged in the distribution of public funds," and, therefore, does not authorize a private right of action.[14]

WOEIP does not allege intentional discrimination, and none exists. Individual agency regulations promulgated under Section 602 also prohibit policies or practices that have a disparate impact. Both EPA and DOT's Title VI implementing regulations broadly state that the actions of a recipient of agency assistance may not have discriminatory effects based upon race, color, or national origin.[15]

A Title VI violation based upon disparate impact requires that the challenged policy or practice caused the disparate harm, and without adequate justification.[16] This analysis begins by identifying adequate proof of disparate impact. In order to make this prima facie finding of

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[12] *See Elston v. Talladega Cty. Bd.of Educ.*, 997 F.2d 1394, 1407 (11th Cir. 1993).
[13] 42 U.S.C. 2000d.
[14] *See Alexander v. Sandoval*, 532 U.S. 275, 289 (2001) (internal quotation marks and citation omitted).
[15] 40 C.F.R. Part 7 (EPA); 49 C.F.R. Part 21 (DOT).
[16] *Metropolitan Housing Development Corp. v. Village of Arlington Heights*, 558 F.2d 1283, 1290 (7th Cir. 1977).

disparate impact, the reviewing agencies must establish: (1) the challenged policy/practice;[17] (2) sufficient harm impacting the specific community; (3) significant disparity, such that the identified harm disproportionately impacts the protected community; and (4) evidence that the policy or practice at issue was the *cause* of the alleged harm.[18]

Even an investigating agency finding of prima facie evidence of disparate impact does not constitute proof of the ultimate fact of discrimination, which requires an additional determination of whether the recipient's conduct "was based upon legitimate, nondiscriminatory reasons and therefore permissible."[19] If the recipient can demonstrate "substantial legitimate justification" for the challenged practice, the burden of proof again shifts and the investigating agency can assess whether there are "equally effective alternative practices" that would result in a less discriminatory outcome or whether other evidence shows that the proffered justification is a pretext for intentional discrimination.[20]

B. *The record does not evidence a disparate impact caused by the City's approval of the Prologis construction management plan or the City's underlying approval process.*

The required elements for disparate impact are not present here for either of the two issues accepted for investigation. The causation criterion is most lacking, as WOEIP's complaint fails to link the City's October 2016 approval of a single construction management plan or the overall public process for the Gateway Development Area to any actionable adverse, disparate impact. Moreover, questions exist as to whether WOEIP's complaint alleges harm or disparity with sufficient evidence to be cognizable under Title VI, in part because annual data from air quality monitors show not only regulatory compliance with the standards set by the EPA, but an overall *decline* in diesel particulate matter (PM2.5). Finally, the City's approvals of and methods for development of the OAB are based upon a substantial legitimate justification, to do what is necessary to advance the Gateway Development Area, within the bounds of City resources, its regulatory obligations, and its incorporation of public engagement in its decision making processes. The development and approval process applied by the City reflects incorporation of Title VI principles in line with agency guidance, such that no alternative process would lead to other outcomes or produce evidence that the justification was a pretext for discriminatory intent.

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[17] For the purposes of this letter, the City assumes that the challenged policy or practice at issue is each of the two bases for investigation identified in EPA and DOT's July 18, 2017 Notification of Acceptance of Investigation, and will not further address this element of the analysis.

[18] *N.Y.C. Envtl. Justice All. v. Giuliani,* 214 F.3d 65, 69 (2d Cir. 2000); U.S. Department of Justice, Civil Rights Division, *Title VI Legal Manual – Section VII, Proving Discrimination – Disparate Impact* (last updated on Feb. 10, 2017) (hereinafter "*DOJ Title VI Legal Manual*"), at https://www.justice.gov/crt/fcs/T6Manual7.

[19] *McDonnell Douglas Corp. v. Green*, 411 U.S. 792, 802 (1973) (applying the three-part disparate impact analysis in the Title VII context).

[20] *Elston*, 997 F.2d at 1407.

i. The identified City action and process for the Northeast Gateway development did not cause the alleged disparate harms to the residents of West Oakland.

Establishing causation is an essential part of Title VI analysis, requiring investigating agencies to determine whether the recipient's challenged action caused the alleged harm.[21] The necessary inquiry is whether the "recipient's policy in fact affects people of different races disproportionately."[22] Causation relies upon scientific evidence, and requires that "statistical disparities must be sufficiently substantial that they raise . . . an inference of causation."[23] Thus, causation demands a level of statistical certainty such that the disparity is not caused by chance or external factors.[24] Individual agencies may measure causation by concrete proof that connects a recipient's practice to an alleged harm, such as scientific evidence of a direct link, prediction of potentially significant exposures, and risks resulting from stressors created by the challenged policy or practice.[25] As the Supreme Court has said, robust evidence of causation is required for a finding of disparate impact to ensure that recipients are not "held liable for racial disparities that they did not create."[26]

WOEIP claims that most of the burden upon West Oakland, particularly diesel emissions, is due to the City's approval of the Northeast Gateway Construction-Related Air Quality Plan and the accompanying public process, which are the subjects of WOEIP's present Title VI complaint. No such causation exists. Specifically as it concerns diesel emissions, WOEIP's complaint does not account for the host of other sources in the area, many of which are fixed and have been present since the early 1960s. For example, West Oakland is surrounded on four sides by three interstate freeways – the I-580, I-880, and I-980 – and two heavily-used rail lines which are located on the south and west sides of West Oakland. Given this context, WOEIP's claim that the City's construction plan approval and public engagement methods are responsible for such impacts lacks the requisite scientific evidence for a finding of disparate impact.

In fact, evidence of air quality emissions suggests that the actions and methods applied by the City and the Port are having a *positive* impact, decreasing the overall emissions from the Port and the OAB as shown from 2002 to 2017. As summarized above, the data from the air quality monitors installed in West Oakland and at the OAB show significant improvement from 2014 to 2016. For example, there is an overall *decline* in PM2.5 at air quality monitor #1 from 19.8 $\mu g/m^3$ in 2014 to 6.37 $\mu g/m^3$ in 2016, and at air quality monitor #2 from 9.7 $\mu g/m^3$ in 2014 to 6.86 $\mu g/m^3$ in 2016. The Port's monitoring data similarly shows substantial declines.

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[21] *See Elston*, 997 F.2d at 1415.
[22] *See DOJ Title VI Legal Manual*, at 27-28.
[23] *Watson v. Fort Worth Bank and Trust*, 487 U.S. at 995 (O. Connor, J., plurality opinion).
[24] *See DOJ Title VI Legal Manual*, at 29-30 ("[T]he sole question at this phase of the case should be whether the recipient's policy in fact affected people of different races disproportionately.").
[25] *Id.* at 30.
[26] *Texas Dep't of Housing & Cmty. Affairs v. Inclusive Communities*, 135 S. Ct. 2507, 2523 (2015) (citing *Wards Cove Packing Co. v. Atonio,* 490 U.S. 642, 653 (1989)).

Additionally, the IS/Addendum from 2012 showed that the Project will generate significantly less overall emissions compared to the 2002 analysis.[27] These decreases are illustrative of the City's and the Port's dedicated efforts to improve air quality and to implement the mitigation measures, including those required in the stakeholder-informed Construction Management Plan. These measures include requirements for use of: wind speed sensors to regulate or stop construction activities during times of excessive wind; the cleanest diesel construction equipment referred to as Tier 4 (with Tier 3 allowed only if Tier 4 equipment is unavailable) so that reduced emission equipment is used to build this building; on-site electricity in lieu of diesel generators; and daily monitoring and enforcement by compliance managers for emissions evaluations.

The City also has taken broad measures to improve air quality in West Oakland from heavy-duty truck emissions, using the WOSP to channel heavy industrial and truck activities to the Port and out of West Oakland's industrial and residential areas. Further, through the WOSP, the City has rezoned portions of West Oakland to prohibit such truck-related activities, commensurate with limitations on new warehousing, storage, and distribution. The City's commitment to improve air quality in the West Oakland community is further demonstrated by the actions taken to move two recycling businesses, CASS and CWS, from their current locations in West Oakland to the former OAB site.

Agency guidance in the permitting context indicates that investigations for Title VI compliance are not necessary where the challenged action decreases overall emissions cited in the underlying Title VI complaint.[28] Where, as here, mitigation measures and efforts to decrease diesel emissions are showing success, a finding of Title VI noncompliance against the City would be unfounded, particularly concerning issues that it is currently taking significant, community-informed measures to successfully remedy.

ii. *WOEIP's complaint identifies no sufficient, demonstrable harm that produces a Title VI violation.*

In addition to causation, investigating agencies must determine whether the nature, size, or likelihood of the impact is sufficient to constitute an actionable "harm" under Title VI.[29]

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[27] 2012 Oakland Army Base Project Initial Study/Addendum, at Table 3.3-8.

[28] U.S. Environmental Protection Agency, *Draft Title VI Guidance for EPA Assistance Recipients Administering Environmental Permitting Programs (Draft Recipient Guidance) and Draft Revised Guidance for Investigating Title VI Administrative Complaints Challenging Permits (Draft Revised Investigation Guidance)*, 65 Fed Reg. 39650-01, 39676 (2000) (hereinafter "*EPA Draft Recipient Guidance*") ("If the impact is not adverse, the allegation will not form the basis of a finding of non-compliance with EPA's Title VI regulations and will be closed. If the permit action clearly leads to a decrease in adverse disparate impacts, it is not expected to form the basis of a finding of a recipient's non-compliance with EPA's Title VI regulations and will be closed.").

[29] *Coalition of Concerned Citizens Against I-670 v. Damian*, 608 F. Supp. 110, 127 (S.D. Ohio 1984) ("Under Title VI, plaintiffs must first establish that the proposed federally-aided administrative action involves some definite, measurable disparate impact.").

Allegations of miscellaneous harms do not suffice. For example, EPA's consideration of harm often involves technical analysis of health impacts affecting relevant communities, finding "[p]eer reviewed tools and methodologies are the most credible."[30] Further, determinations of harm are informed by "environmental laws, regulations, policy and science as touchstones for determining thresholds for what is adverse."[31] Accordingly, "[a]ir quality that adheres to such standards (e.g. air quality in an attainment area) is presumptively protective of public health in the general population . . . . and emissions of that pollutant should not be viewed as 'adverse' within the meaning of Title VI."[32] That is the case here.

West Oakland conditions decidedly can improve - and the City has actively engaged in bringing about those improvements. The City is implementing the SCA/MMRP, the 2014 WOSP, and the extensive local hire and job training programs required of Gateway Development Area lessees. The Gateway Development Area and Port emissions are in compliance with the health-based national standards for ambient air quality (NAAQS) established by the EPA under the Clean Air Act.[33] As the EPA's Environmental Appeals Board has stated, NAAQS compliance "is emblematic of achieving a level of public health protection that . . . . demonstrates that minority or low-income populations will not experience disproportionately high and adverse health or environmental effects due to exposure[.]"[34] In addition, as described above, emissions are *declining*.[35] Recent data from the Port's air emissions inventories show a 98% reduction in diesel particulate matter from trucks service at the Port from 2005 to 2015.[36] The factual record, coupled with the minimal amount of truck traffic associated with the City's October 4, 2016 construction management plan approval and its associated public participation process, do not support a cognizable "harm" as defined for Title VI purposes.

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[30] *See, e.g.,* U.S. Environmental Protection Agency, Office of Civil Rights, *Investigative Report for Title VI Administrative Complaint File No. 16R-99-R9* (Aug. 25, 2011), at 14 ("As with any Title VI determination concerning potentially discriminatory effects, the fundamental questions to be addressed are whether there is an adverse impact recognizable under Title VI which was created by an action of a recipient of Federal financial assistance and, if so, whether that impact is disparate. This investigation first considered the question of adversity and, in order to do so, conducted an exposure assessment."); *EPA Draft Recipient Guidance*, 65 Fed Reg. 39650-01, 39660 (2000).
[31] *EPA Draft Recipient Guidance*, 65 Fed. Reg. 39,654, 39,698 (June 27, 2000).
[32] *In the Matter of Brockton Power Co., LLC*, 2016 WL 8542559 at 15 (Mass. Dept. Env. Prot. 2016).
[33] *See* OAB Air Quality Monitoring Portal, at http://ngem.com/OAB_AQM.
[34] *In the Matter of Palmer Renewable Energy, LLC*, OADR Docket No. 2011-021 & 0122, Recommended Final Decision After Remand (July 9, 2012), 2012 MA ENV LEXIS 120, at 97, adopted in part, Final Decision (September 11, 2012).
[35] *EPA Investigations Guidance*, 65 Fed. Reg. at 39,698.
[36] *2015 Seaport Air Emissions Inventory* at 8.

iii. *WOEIP's complaint fails to demonstrate for Title VI purposes a relevant and statistically significant disparity in the alleged harms borne by a protected class of West Oakland residents.*

Finally, in addition to determining harm, investigating agencies must find a disparity in the adverse impact of the challenged policy or practice *within the population or area it affects* to conclude that the recipient has violated Title VI.[37] For example, in the EPA administrative case of *Angelita C. v. California Department of Pesticides Regulation*, No. 16R-99-R9, complainants alleged that a specific pesticide caused adverse health risks to Latino school children. EPA measured the disparity between the population of all students enrolled in California public schools, since all students "could potentially have been affected" depending on proximity.[38]

Here, the fundamental inquiry is whether a significant, disproportionate share[39] of the harm alleged and attributed to the City's actions and processes at the Gateway Development Area is borne by the "residents of color in West Oakland,"[40] as compared to others who "could potentially have been affected."[41] WOEIP's complaint relies on data and comparisons that are inconsistent and fail to illustrate any indicative correlation. For example, WOEIP cites different measures for the protected class of West Oakland residents, ranging from statistics on minorities in the City of Oakland (population of more than 420,000 people)[42] to all residents of West Oakland (population of 22,717)[43] to residents within the 94607 zip code (population of 24,978)[44], which encompasses some, but not all, of West Oakland. Similarly, the complaint's comparison of impacts on West Oakland against various base communities selectively uses statistics from the City of Oakland, to Alameda County, with a population of more than 1.6 million people,[45] to all of the San Francisco Bay Area, composed of nine counties and with a population of nearly 7.68

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[37] *Coalition of Bedford-Stuyvesant Block Ass'n v. Cuomo*, 651 F. Supp. 1202, 1209 (E.D.N.Y. 1987) ("Disproportionality, which is generally shown by inferences drawn from statistics, is a form of discrimination when such disproportionality is 'significant.'"); *DOJ Title VI Legal Manual* (citing *Hallmark Developers, Inc. v. Fulton Cty.*, 466 F.3d 1276, 1286 (11th Cir. 2006).

[38] EPA Office of Civil Rights, *Investigative Report for Title VI Admin. Complaint File No. 16-99-R9*, 32 (Aug. 25, 2011), at http://www.epa.gov/Civil Rights/TitleVIcases/ir-082511.pdf (hereinafter "*Investigative Report*").

[39] *Coalition of Bedford-Stuyvesant Block Ass'n*, 651 F. Supp. at 1209.

[40] Though unclear from the WOEIP complaint, we assume based on your July 17, 2017 letter that this is the relevant group for this matter.

[41] *Investigative Report*, *supra* note 38 at 32.

[42] U.S. Census Bureau, *State and County QuickFacts* (July 1, 2016), at https://www.census.gov/quickfacts/fact/table/oaklandcitycalifornia/PST045216.

[43] Alameda County Public Health Department, *East and West Oakland Health Data Existing Cumulative Health Impacts* (Sept. 3, 2015), at http://www.acphd.org/media/401560/cumulative-health-impacts-east-west-oakland.pdf (citing U.S. Census Demographic Profile Data from 2010).

[44] U.S. Census Bureau, 2010 Demographic Profile: 94607 (2010), at https://factfinder.census.gov/faces/nav/jsf/pages/community_facts.xhtml?src=bkmk.

[45] U.S. Census Bureau, *State & County QuickFacts* (July 1, 2016), at https://www.census.gov/quickfacts/fact/table/alamedacountycalifornia/PST045216.

million people.[46] This use of data inhibits disparate impact analysis and calls into question whether, strictly for Title VI legal purposes, the requisite disparity exists for a finding of noncompliance.[47]

C. *The City has a substantial legitimate justification for its approval of the construction plan and its process for authorizing new development and expanded activities at the Port and OAB.*

The City possesses a "substantial legitimate justification" for approval of the construction management plan and its methods for approving and authorizing new development at the Port and OAB. By incorporating extensive amounts of public input, the City has effectively balanced community demands, municipal resources, and practical considerations, with the overall goal of benefiting all Oakland residents whom the City is entrusted to serve – economically and environmentally.[48]

The City has spent more than a decade – and will continue – working with WOEIP and community groups, beyond the requirements of CEQA, to seek public input and implement the mitigation measures for the reuse of the OAB. The 2002 EIR and 2012 Initial Study/Addendum fully analyzed the impacts of such reuse. The land use and environmental analysis contained in both of those documents received extensive input from the community, which was considered and incorporated, to the extent practicable, into the final CEQA documents. Overall, the City's OAB development decisions were made by considering community input throughout the review and approval process.

The collaborative effort to redevelop OAB – between the community, City of Oakland, Port of Oakland, State of California, Alameda County Transportation Commission, and private development interests – is estimated to amount to a $1.2 billion public private partnership investment. To date, this investment has resulted in extensive environmental and geotechnical assessment and remediation, continued multi-location air quality monitoring, and the construction of new public infrastructure, with unprecedented construction job policies.

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[46] U.S. Census Bureau, *2016 Population Estimates* (March 2017), at https://www.census.gov/data/tables/2016/demo/popest/counties-total.html.

[47] *See Greater New Orleans Fair Housing Action Center v. U.S. Dept. of Housing and Urban Dev't*, 639 F.3d 1078, 1086 (D.C. Cir. 2011) ("To allow plaintiffs to pick a special subset of the affected localities to test for disparate impact would, just like allowing them to single out of the effects of a general formula element, expose almost any grant formula to litigation."); *Betsy v. Turtle Creek Associates*, 736 F.2d 983, 987 (4th Cir. 1984) ("The correct inquiry is whether the policy in question had a disproportionate impact on the minorities in the total group to which the policy was applied."); *Rich v. Martin Marietta Corp.*, 522 F.2d 333, 346 (10th Cir. 1975) (aggregation of group statistics for "blacks, women, Chicanos and [Asians] and American Indians" was inappropriate because it "rendered the statistics useless, particularly in view of the fact that [Asians] especially were heavily represented in the upper echelon of the labor force").

[48] *Wards Cove*, 490 U.S. at 659 (disparate impact can be justified where the challenged practice "serves, in a significant way, the legitimate employment goals of the employer").

Moreover, these public infrastructure improvements have helped lay the groundwork for the private investment that will transform the former OAB site into a modern logistics center. The first new facilities of the Oakland Global Trade and Logistics Center will open this year, adding new Class A industrial space, including a refrigerated warehouse and distribution facility, and increasing the Port's capacity. With a completion target of June 2020, this project will help improve air quality, neighborhood and roadway safety, create collectively 5,881 construction, direct, temporary, and permanent jobs, and will also help generate $187 million annually, along with $3.7 million annually in new tax revenue.

Despite facing practical and resource challenges, the City has utilized extensive measures to incorporate Title VI considerations into its decision-making processes and achieve the aforementioned progress. These measures include staff training, public outreach early and often, data collection for measuring significant adverse impacts, efforts to reduce any such impacts if observed, intergovernmental involvement with other regional agencies, and coordination with community groups. Notably, these measures are also cited in EPA guidance for incorporating Title VI measures into permitting programs.[49]

Accordingly, the City's challenged action and process are justified within the overall context of OAB development plan implementation, and lack evidence that this justification is a pretext for discriminatory intent. Instead, the City has consistently implemented best efforts, which have previously been endorsed by WOEIP, to approach the Project in a manner that not only incorporates community feedback, but aims to – and in fact does – benefit all residents.

IV. Conclusion

As recounted above, the City has a long history of dedicated engagement with its residents, including those in West Oakland, to develop policies and practices that will benefit the community as a whole. The decisions made and procedures used for the Northeast Gateway development are no different, and the net result of the City's actions has shown significant positive outcomes, particularly for air quality. In addition to fostering job creation and economic benefits in the surrounding area, the City and the Port have each used innovative measures to reduce diesel particulate matter emissions from their respective activities. The City and Port are working together and with other agencies and community organizations to continue making such progress in addressing the challenges the West Oakland community faces as development continues at the former OAB site.

DOT and EPA long have been involved in the OAB Project, a critical infrastructure development for the region, including the residents of West Oakland. The lengthy record does not evidence discrimination under Title VI; rather, the City has gone beyond its legal obligations. The OAB Project, and specifically the City's Gateway Development Area, is progressing in a legal manner that respects, accommodates, and benefits the interests of the West Oakland community. We appreciate DOT's and EPA's openness to working together to resolve any

[49] *EPA Investigations Guidance*, 65 Fed. Reg. at 39657.

issues that might prevent the benefits of these collaborative efforts from being realized. Accordingly, the City welcomes further participation by the Agencies and all parties, including WOEIP, as components of the Project move forward.

Sincerely,

Barbara Parker
City Attorney
City of Oakland

Enclosures

cc: The Honorable Libby Schaaf, Mayor, City of Oakland
Danny Wan, Port Attorney, Port of Oakland
Joan Story, President, Board of Port Commissioners, Port of Oakland

Message

From: Johnson, Johahna [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=53C6F67C6EBE444C8FEE57557732A196-JOHNSON, JO]
Sent: 9/5/2017 2:51:13 PM
To: O'Lone, Mary [olone.mary@epa.gov]
Subject: RE: Oakland In-Person Meeting with Oakland (Port and City)

Kurt circulated a draft on Friday after I had signed off. He requested review by Thursday morning but that is less than 72 hours.

Johahna Johnson
Civil Rights and Finance Law Office
Office of General Counsel
U.S. Environmental Protection Agency
(202) 564-6119

From: O'Lone, Mary
Sent: Tuesday, September 5, 2017 10:50 AM
To: Johnson, Johahna <Johnson.Johahna@epa.gov>
Subject: RE: Oakland In-Person Meeting with Oakland (Port and City)

I haven't seen anything.
I think DOT was supposed to draft & circulate.
I can check with Debra or Ryan.

Thanks, Mary

Mary M. O'Lone
Civil Rights and Finance Law Office
Office of General Counsel, US EPA
1200 Pennsylvania Avenue, NW
Washington, DC 20460
(202) 564-4992

From: Johnson, Johahna
Sent: Friday, September 01, 2017 11:15 AM
To: O'Lone, Mary <OLone.Mary@epa.gov>
Subject: FW: Oakland In-Person Meeting with Oakland (Port and City)
Importance: High

Hi Mary,

Following up on Lilian's email below, I was wondering if you happened to have received a copy of the draft Oakland agreement to review? I don't recall seeing it yet.

Thanks,

Johahna Johnson
Civil Rights and Finance Law Office
Office of General Counsel
U.S. Environmental Protection Agency
(202) 564-6119

From: Dorka, Lilian
Sent: Thursday, August 31, 2017 2:58 PM
To: Grow, Richard <Grow.Richard@epa.gov>; ryan.fitzpatrick@dot.gov; yvette.rivera@dot.gov; deeana.jang@dot.gov; howard.caro-lopez@dot.gov; Temple, Kurt <Temple.Kurt@epa.gov>; McGhee, Debra <mcghee.debra@epa.gov>; Strauss, Alexis <Strauss.Alexis@epa.gov>; Garnett, Desean <Garnett.Desean@epa.gov>; O'Lone, Mary <OLone.Mary@epa.gov>; Johnson, Johahna <Johnson.Johahna@epa.gov>; Rhines, Dale <rhines.dale@epa.gov>; Redden, Kenneth <Redden.Kenneth@epa.gov>
Cc: Trudeau, Shaun <Trudeau.Shaun@epa.gov>; Mills, Derek <Mills.Derek@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>; Minoli, Kevin <Minoli.Kevin@epa.gov>
Subject: RE: Oakland In-Person Meeting with Oakland (Port and City)
Importance: High

Hello Everyone – I just got off the phone with Michele Heffes (Atty. for Port of Oakland) to finalize the time for our in-person meeting with the Port and City on September 26th here in DC. We settled on 1:00-3:00 PM (Eastern). We confirmed that the meeting will be held here at EPA and that we would send out all of the logistics (room numbers, Conf. Call info (for folks in region 9)) later, through a Calendar Invite.

> P/S: DEREK and SHAUN -- Copying you as well as Kevin and Elise on this as Kevin wanted more specific info for his calendar (to "welcome" guests, etc.) Also, could you please let me know who I need to contact to reserve the OGC Conference Room (4045) for this?

Other Details:

Also, Michele and I talked about our commitment to draft a "framework" of a draft Informal Resolution Agreement. She asked when they might see it (EPA took the first pen on this and plans to share with DOT for discussion by next Thursday - latest, after we finish our internal coordination.)

I have committed to the Port Atty. That we will share our draft framework with them (City and Port) the week before our meeting so that they can review and discuss and we can have a productive meeting on the 26th. (Ideally, we need to share with them by September 19th.)

Hopefully, we can all meet next Thursday to discuss next steps and plan for the 26th. More to come …
. Thanks Team!

Lilian

Message

From: Johnson, Johahna [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=53C6F67C6EBE444C8FEE57557732A196-JOHNSON, JO]
Sent: 9/1/2017 3:15:23 PM
To: O'Lone, Mary [olone.mary@epa.gov]
Subject: FW: Oakland In-Person Meeting with Oakland (Port and City)

Importance: High

Hi Mary,

Following up on Lilian's email below, I was wondering if you happened to have received a copy of the draft Oakland agreement to review? I don't recall seeing it yet.

Thanks,

Johahna Johnson
Civil Rights and Finance Law Office
Office of General Counsel
U.S. Environmental Protection Agency
(202) 564-6119

From: Dorka, Lilian
Sent: Thursday, August 31, 2017 2:58 PM
To: Grow, Richard <Grow.Richard@epa.gov>; ryan.fitzpatrick@dot.gov; yvette.rivera@dot.gov; deeana.jang@dot.gov; howard.caro-lopez@dot.gov; Temple, Kurt <Temple.Kurt@epa.gov>; McGhee, Debra <mcghee.debra@epa.gov>; Strauss, Alexis <Strauss.Alexis@epa.gov>; Garnett, Desean <Garnett.Desean@epa.gov>; O'Lone, Mary <OLone.Mary@epa.gov>; Johnson, Johahna <Johnson.Johahna@epa.gov>; Rhines, Dale <rhines.dale@epa.gov>; Redden, Kenneth <Redden.Kenneth@epa.gov>
Cc: Trudeau, Shaun <Trudeau.Shaun@epa.gov>; Mills, Derek <Mills.Derek@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>; Minoli, Kevin <Minoli.Kevin@epa.gov>
Subject: RE: Oakland In-Person Meeting with Oakland (Port and City)
Importance: High

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> P/S: DEREK and SHAUN -- Copying you as well as Kevin and Elise on this as Kevin wanted more specific info for his calendar (to "welcome" guests, etc.) Also, could you please let me know who I need to contact to reserve the OGC Conference Room (4045) for this?

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Also, Michele and I talked about our commitment to draft a "framework" of a draft Informal Resolution Agreement. She asked when they might see it (EPA took the first pen on this and plans to share with DOT for discussion by next Thursday - latest, after we finish our internal coordination.)

I have committed to the Port Atty. That we will share our draft framework with them (City and Port) the week before our meeting so that they can review and discuss and we can have a productive meeting on the 26th. (Ideally, we need to share with them by September 19th.)

Hopefully, we can all meet next Thursday to discuss next steps and plan for the 26th. More to come …
. Thanks Team!

Lilian

Appointment

From: Keeler, Katsumi [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=490BDDB3993F4AC78A1E8185C44DB5C4-KEELER, KAT]
Sent: 8/9/2017 4:57:32 PM
To: Dorka, Lilian [Dorka.Lilian@epa.gov]; Temple, Kurt [Temple.Kurt@epa.gov]; Rhines, Dale [rhines.dale@epa.gov]; Grow, Richard [Grow.Richard@epa.gov]; O'Lone, Mary [olone.mary@epa.gov]; Johnson, Johahna [Johnson.Johahna@epa.gov]; Farrell, Ericka [Farrell.Ericka@epa.gov]; Garnett, Desean [Garnett.Desean@epa.gov]
CC: Strauss, Alexis [Strauss.Alexis@epa.gov]

Subject: Initial discussion with Earthjustice re Port of Oakland case
Location: DCRoomARN2528/DC-ARN-OCR-Rooms Conference Line/Code / Ex. 6

Start: 8/17/2017 7:00:00 PM
End: 8/17/2017 8:00:00 PM
Show Time As: Busy

Katsumi Keeler Case Manager
Erika
Kurt
Debra
Dale Rhines
Johahna

Desean Garnett
Richard Grow

Paul Cort

Margaret Gordan
Brian Beverage

DOT
Ryan Fitzpatrick
Yvette Rivera, Deputy Director

Appointment

From: Fitzpatrick, Ryan (OST) [ryan.fitzpatrick@dot.gov]
Sent: 4/12/2017 7:14:47 PM
To: Fitzpatrick, Ryan (OST) [ryan.fitzpatrick@dot.gov]; Keeler, Katsumi [Keeler.Katsumi@epa.gov]; Rivera, Yvette (OST) [yvette.rivera@dot.gov]; Temple, Kurt [Temple.Kurt@epa.gov]; Caro-Lopez, Howard (OST) [howard.caro-lopez@dot.gov]

Subject: FW: Oakland complaint investigation DOT and EPA
Location: Teleconference

Start: 4/13/2017 3:00:00 PM
End: 4/13/2017 4:00:00 PM
Show Time As: Busy

-----Original Appointment-----
From: Fitzpatrick, Ryan (OST) [mailto:ryan.fitzpatrick@dot.gov]
Sent: Tuesday, April 11, 2017 1:35 PM
To: Fitzpatrick, Ryan (OST); Rivera, Yvette (OST); Temple, Kurt; Caro-Lopez, Howard (OST)
Subject: Oakland complaint investigation DOT and EPA
When: Thursday, April 13, 2017 11:00 AM-12:00 PM (UTC-05:00) Eastern Time (US & Canada).
Where: Teleconference

To discuss the Earthjustice complaint filed against the Port and City of Oakland, with DOT and EPA

Conference Line/Code / Ex. 6

Message

From: O'Lone, Mary [OLone.Mary@epa.gov]
Sent: 9/27/2017 8:38:24 PM
To: Keeler, Katsumi [Keeler.Katsumi@epa.gov]
Subject: RE: West Oakland air monitoring stations already exist!

Are you responding to a question from someone else?
Your email isn't responsive to my 2 emails that I can tell.

Thanks, Mary

Mary M. O'Lone
Civil Rights and Finance Law Office
Office of General Counsel, US EPA
1200 Pennsylvania Avenue, NW
Washington, DC 20460
(202) 564-4992

From: Keeler, Katsumi
Sent: Wednesday, September 27, 2017 4:35 PM
To: O'Lone, Mary <OLone.Mary@epa.gov>; Dorka, Lilian <Dorka.Lilian@epa.gov>; Temple, Kurt <Temple.Kurt@epa.gov>; McGhee, Debra <mcghee.debra@epa.gov>; Rhines, Dale <rhines.dale@epa.gov>; Johnson, Johahna <Johnson.Johahna@epa.gov>
Subject: RE: West Oakland air monitoring stations already exist!

Yes, I think the BAAQMD site is the one represented by the icon with the white background. The 3 City sites have a blue background and they don't belong to the Bay Area District. Two of them are much closer to the Port and one is actually in the Port. Recall TCEQ's difficulties with acquiring a monitoring site and installing infrastructure in Beaumont. It's already been done in West Oakland.

From: O'Lone, Mary
Sent: Wednesday, September 27, 2017 4:11 PM
To: Keeler, Katsumi <Keeler.Katsumi@epa.gov>; Dorka, Lilian <Dorka.Lilian@epa.gov>; Temple, Kurt <Temple.Kurt@epa.gov>; McGhee, Debra <mcghee.debra@epa.gov>; Rhines, Dale <rhines.dale@epa.gov>; Johnson, Johahna <Johnson.Johahna@epa.gov>
Subject: RE: West Oakland air monitoring stations already exist!

Katsumi-
I don't think R9 forgot about those type of air monitors. I think they were talking about the types of air quality compliance monitoring & mitigation monitoring recommended by BAAQMD in the August 2017 OAB Action List that Richard circulated to everyone as an example several weeks ago. But we can confirm with Ken.

Thanks, Mary

Mary M. O'Lone
Civil Rights and Finance Law Office

Office of General Counsel, US EPA
1200 Pennsylvania Avenue, NW
Washington, DC 20460
(202) 564-4992

From: Keeler, Katsumi
Sent: Wednesday, September 27, 2017 3:36 PM
To: Dorka, Lilian <Dorka.Lilian@epa.gov>; Temple, Kurt <Temple.Kurt@epa.gov>; McGhee, Debra <mcghee.debra@epa.gov>; Rhines, Dale <rhines.dale@epa.gov>; O'Lone, Mary <OLone.Mary@epa.gov>; Johnson, Johanna <Johnson.Johanna@epa.gov>
Subject: West Oakland air monitoring stations already exist!

The City of Oakland, with assistance from the BAAQMD, is already running 3 ambient air monitoring stations in West Oakland for $PM_{2.5}$. The results are available to the public 24/7 via a dedicated website (with a 72-hour lag for processing and validation), and they actually speciate it to show how much of it is diesel particulate matter. I found this link in a news article from 2014, so maybe everyone had forgotten about it (or just didn't realize their importance to the current discussion). The blurb states that these sites were set up to present "air quality information collected before and during the construction of the Oakland Global Trade and Logistics Center at the former Oakland Army Base." This is, in large part, what we were asking for in the Agreement with respect to air monitoring.

See the screen shot and link below:

<< OLE Object: Picture (Device Independent Bitmap) >>

https://sites.google.com/a/ngem.com/oab_aqm/aqm-3

<< OLE Object: Picture (Device Independent Bitmap) >>

Katsumi Keeler
Case Manager
Office of General Counsel
External Civil Rights Compliance Office
U.S. Environmental Protection Agency

Phone: 202-564-2347
Email: keeler.katsumi@epa.gov

1200 Pennsylvania Avenue, N.W.
Clinton Federal Building North
Room 2524, Mailcode 2310A
Washington, D.C. 20460

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Please consider the environment before printing this email.

Message

From: McGhee, Debra [mcghee.debra@epa.gov]
Sent: 4/25/2017 1:54:18 PM
To: Keeler, Katsumi [Keeler.Katsumi@epa.gov]
Subject: RE: Oakland jurisdiction

I saw that. I discussed with her the research you had done and have shared. I recall, though, that Kevin M commented that it was "a good idea" to know if the Brownfield grant went to community or the city government. So, perhaps it is good to nail this down as well.

Debra E. McGhee
Team Lead
External Civil Rights Compliance Office
Office Phone: 202-564-4646

"Commit yourself to the noble struggle for human rights. You will make a greater person of yourself, a greater nation of your country, and a finer world to live in." *~~ Martin Luther King, Jr. , 18th April, 1959*

From: Keeler, Katsumi
Sent: Monday, April 24, 2017 6:09 PM
To: McGhee, Debra <mcghee.debra@epa.gov>
Subject: Fw: Oakland jurisdiction

fyi

From: Temple, Kurt
Sent: Monday, April 24, 2017 9:55 AM
To: Farrell, Ericka
Cc: Keeler, Katsumi
Subject: RE: Oakland jurisdiction

Thanks

From: Farrell, Ericka
Sent: Monday, April 24, 2017 9:53 AM
To: Temple, Kurt <Temple.Kurt@epa.gov>
Cc: Keeler, Katsumi <Keeler.Katsumi@epa.gov>
Subject: RE: Oakland jurisdiction

Good Morning Kurt,

I am reaching out to an OGC contact that Kevin suggested I speak with regarding the Brownfields grant but I also had a contact in the Brownfields office that I was going to contact as well.

Just trying to find out if the brownfields grant was given to the community or the state. If it was given to the community then Title VI enforcement will not apply.

Ericka Farrell
Case Manager
External Civil Rights Compliance Office
202-564-0717

From: Temple, Kurt
Sent: Monday, April 24, 2017 9:46 AM
To: Farrell, Ericka <Farrell.Ericka@epa.gov>
Cc: Keeler, Katsumi <Keeler.Katsumi@epa.gov>
Subject: FW: Oakland jurisdiction

Ericka/ Katsumi: See below. Do we have anything new on the FFA front?

Kurt

From: Temple, Kurt
Sent: Monday, April 24, 2017 9:44 AM
To: 'Fitzpatrick, Ryan (OST)' <ryan.fitzpatrick@dot.gov>
Subject: RE: Oakland jurisdiction

I don't know that we have anything solid at this point showing EPA funding for FY2017. We're having to dig deep here. I will check in with our Case Manager and circle back.

Kurt

From: Fitzpatrick, Ryan (OST) [mailto:ryan.fitzpatrick@dot.gov]
Sent: Monday, April 24, 2017 9:39 AM
To: Temple, Kurt <Temple.Kurt@epa.gov>
Subject: Oakland jurisdiction

Hey Kurt:

Any updates on EPA's jurisdictional analysis with regards to the City and Port of Oakland? We're still reviewing what I've come up with here, but it'd be helpful to know what EPA is seeing too.

Ryan

Ryan N. Fitzpatrick, Esq.
Lead Civil Rights Analyst
Departmental Office of Civil Rights
Office of the Secretary
U.S. Department of Transportation
W78-312
(202) 366-1979

Message

From: Keeler, Katsumi [Keeler.Katsumi@epa.gov]
Sent: 2/1/2018 3:38:58 PM
To: Keeler, Katsumi [Keeler.Katsumi@epa.gov]
Subject: Notes from Damian Breen presentation to BAAQMD Mobile Source Committee
Attachments: ATT48915

Not to

Deliberative Process / Ex. 5

Katsumi Keeler
Case Manager
Office of General Counsel

External Civil Rights Compliance Office
U.S. Environmental Protection Agency

Phone: 202-564-2347
Email: keeler.katsumi@epa.gov

1200 Pennsylvania Avenue, N.W.
Clinton Federal Building North
Room 2524, Mailcode 2310A
Washington, D.C. 20460

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Please consider the environment before printing this email.

Message

From: McGhee, Debra [mcghee.debra@epa.gov]
Sent: 9/27/2017 7:38:43 PM
To: Keeler, Katsumi [Keeler.Katsumi@epa.gov]
Subject: RE: West Oakland air monitoring stations already exist!

This is why I would like to have a fact-finding interview with Complainant to determine what they believe the city still lacks. It would be helpful to go back to complainant with the Recipient's defense and let them explain why the defense isn't valid.

Debra E. McGhee
Team Lead
External Civil Rights Compliance Office
Office Phone: 202-564-4646

"Commit yourself to the noble struggle for human rights. You will make a greater person of yourself, a greater nation of your country, and a finer world to live in." *~~ Martin Luther King, Jr. , 18th April, 1959*

From: Keeler, Katsumi
Sent: Wednesday, September 27, 2017 3:36 PM
To: Dorka, Lilian <Dorka.Lilian@epa.gov>; Temple, Kurt <Temple.Kurt@epa.gov>; McGhee, Debra <mcghee.debra@epa.gov>; Rhines, Dale <rhines.dale@epa.gov>; O'Lone, Mary <OLone.Mary@epa.gov>; Johnson, Johahna <Johnson.Johahna@epa.gov>
Subject: West Oakland air monitoring stations already exist!

The City of Oakland, with assistance from the BAAQMD, is already running 3 ambient air monitoring stations in West Oakland for $PM_{2.5}$. The results are available to the public 24/7 via a dedicated website (with a 72-hour lag for processing and validation), and they actually speciate it to show how much of it is diesel particulate matter. I found this link in a news article from 2014, so maybe everyone had forgotten about it (or just didn't realize their importance to the current discussion). The blurb states that these sites were set up to present "air quality information collected before and during the construction of the Oakland Global Trade and Logistics Center at the former Oakland Army Base." This is, in large part, what we were asking for in the Agreement with respect to air monitoring.

See the screen shot and link below:

<< OLE Object: Picture (Device Independent Bitmap) >>

https://sites.google.com/a/ngem.com/oab_aqm/aqm-3

<< OLE Object: Picture (Device Independent Bitmap) >>

Katsumi Keeler
Case Manager

Office of General Counsel
External Civil Rights Compliance Office
U.S. Environmental Protection Agency

Phone: 202-564-2347
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Please consider the environment before printing this email.

Message

From: Torrence, Allison A. [ATorrence@jenner.com]
Sent: 9/27/2017 6:44:32 PM
To: Keeler, Katsumi [Keeler.Katsumi@epa.gov]
Subject: RE: 2017-09-26 Meeting sign-in sheet - City of Oakland, Port of Oakland, U.S. DOT, and U.S. EPA

Thank you!

Allison

From: Keeler, Katsumi [mailto:Keeler.Katsumi@epa.gov]
Sent: Wednesday, September 27, 2017 1:37 PM
To: Dorka, Lilian <Dorka.Lilian@epa.gov>; Temple, Kurt <Temple.Kurt@epa.gov>; McGhee, Debra <mcghee.debra@epa.gov>; Strauss, Alexis <Strauss.Alexis@epa.gov>; Garnett, Desean <Garnett.Desean@epa.gov>; Grow, Richard <Grow.Richard@epa.gov>; O'Lone, Mary <OLone.Mary@epa.gov>; Johnson, Johahna <Johnson.Johahna@epa.gov>; Daryl.Hart@dot.gov; eric.shen@dot.gov; rachel.kizito-ramos@dot.gov; yvette.rivera@dot.gov; charles.james@dot.gov; ryan.fitzpatrick@dot.gov; erva.cockfield@dot.gov; mbee@oaklandcityattorney.org; ccappio@oaklandnet.com; dwan@portoakland.com; mheffes@portoakland.com; bparker@oaklandcityattorney.org; Torrence, Allison A. <ATorrence@jenner.com>; Minoli, Kevin <Minoli.Kevin@epa.gov>; Keeler, Katsumi <Keeler.Katsumi@epa.gov>
Subject: 2017-09-26 Meeting sign-in sheet - City of Oakland, Port of Oakland, U.S. DOT, and U.S. EPA

Attached is the sign-in sheet for the City of Oakland/Port of Oakland/U.S. DOT/U.S. EPA meeting on 9/26/17. Attended, but not listed on the sign-in sheet:

Kevin Minoli minoli.kevin@epa.gov
Alexis Strauss strauss.alexis@epa.gov
Desean Garnett garnett.desean@epa.gov
Richard Grow grow.richard@epa.gov

Allison A. Torrence

Jenner & Block LLP
353 N. Clark Street, Chicago, IL 60654-3456 | jenner.com
+1 312 923 8347 | TEL
ATorrence@jenner.com
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Message

From: Shen, Eric (MARAD) [eric.shen@dot.gov]
Sent: 9/27/2017 6:42:15 PM
To: Keeler, Katsumi [Keeler.Katsumi@epa.gov]
Subject: Automatic reply: 2017-09-26 Meeting sign-in sheet - City of Oakland, Port of Oakland, U.S. DOT, and U.S. EPA

I am on a temporary assignment from Sept. 25-27, 2017. If you need assitance, please John Hummer, Northern California Gateway Director at john.hummer@dot.gov.

Thank you.

Eric C. Shen, P.E., PTP, CPE
Director of Southern California Gateway Office
MARAD/USDOT

Personal Matters / Ex. 6

Message

From: Parker, Barbara [BParker@oaklandcityattorney.org]
Sent: 9/27/2017 6:36:55 PM
To: Keeler, Katsumi [Keeler.Katsumi@epa.gov]
Subject: Automatic reply: 2017-09-26 Meeting sign-in sheet - City of Oakland, Port of Oakland, U.S. DOT, and U.S. EPA

I will be out of the office Monday, September 25 through Wednesday, September 27, 2017. In my absence Chief Assistant City Attorney Doryanna Moreno will be acting for me. She can be reached at Personal Matters / Ex. 6 or dmoreno@oaklandcityattorney.org. You also may contact my executive assistant Jamie Sm Personal Matters / Ex. 6 or jsmith@oaklandcityattorney.org.

Thank you!

Barbara J. Parker
Oakland City Attorney
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Message

From: Bee, Maria [MBee@oaklandcityattorney.org]
Sent: 9/27/2017 6:36:54 PM
To: Keeler, Katsumi [Keeler.Katsumi@epa.gov]
Subject: Automatic reply: 2017-09-26 Meeting sign-in sheet - City of Oakland, Port of Oakland, U.S. DOT, and U.S. EPA

I will be out of the office until Thursday, September 28. I will respond to your email when I return to the office. If you have an urgent matter, please contact Erin Bernstein, ebernstein@oaklandcityattorney.org.

Thank you.

This is a confidential attorney-client communication. This email contains confidential attorney-client privileged information and is for the sole use of the intended recipient(s). Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message and any attachments. [v1.3]

Message

From: McGhee, Debra [mcghee.debra@epa.gov]
Sent: 4/20/2017 4:10:26 PM
To: Keeler, Katsumi [Keeler.Katsumi@epa.gov]
Subject: RE: Port of Oakland Title VI JR Review.pptx

Interesting. I can talk about this whenever you want to. Going upstairs at 1:00, though.

Debra E. McGhee
Team Lead
External Civil Rights Compliance Office
Office Phone: 202-564-4646

"Commit yourself to the noble struggle for human rights. You will make a greater person of yourself, a greater nation of your country, and a finer world to live in." *~~ Martin Luther King, Jr. , 18th April, 1959*

From: Keeler, Katsumi
Sent: Thursday, April 20, 2017 11:28 AM
To: McGhee, Debra <mcghee.debra@epa.gov>
Subject: Port of Oakland Title VI JR Review.pptx

<< File: Port of Oakland Title VI JR Review.pptx >>
Debra – Let's talk.

Message

From: O'Lone, Mary [OLone.Mary@epa.gov]
Sent: 4/13/2017 2:37:32 PM
To: Temple, Kurt [Temple.Kurt@epa.gov]; Keeler, Katsumi [Keeler.Katsumi@epa.gov]
Subject: RE: Oakland complaint investigation DOT and EPA

I'll come down.
I'm going to be with you all day anyway.

Thanks, Mary

Mary M. O'Lone
Civil Rights and Finance Law Office
Office of General Counsel, US EPA
1200 Pennsylvania Avenue, NW
Washington, DC 20460
(202) 564-4992

From: Temple, Kurt
Sent: Thursday, April 13, 2017 10:33 AM
To: O'Lone, Mary <OLone.Mary@epa.gov>; Keeler, Katsumi <Keeler.Katsumi@epa.gov>
Subject: RE: Oakland complaint investigation DOT and EPA

I am taking this call in my office if you wish to join me. Someone is in the conference room.

-----Original Appointment-----
From: Fitzpatrick, Ryan (OST) [mailto:ryan.fitzpatrick@dot.gov]
Sent: Tuesday, April 11, 2017 1:35 PM
To: Fitzpatrick, Ryan (OST); Rivera, Yvette (OST); Temple, Kurt; Caro-Lopez, Howard (OST)
Subject: Oakland complaint investigation DOT and EPA
When: Thursday, April 13, 2017 11:00 AM-12:00 PM (UTC-05:00) Eastern Time (US & Canada).
Where: Teleconference

To discuss the Earthjustice complaint filed against the Port and City of Oakland, with DOT and EPA

Conference Line/Code / Ex. 6

Message

From: Temple, Kurt [Temple.Kurt@epa.gov]
Sent: 4/13/2017 2:33:08 PM
To: O'Lone, Mary [OLone.Mary@epa.gov]; Keeler, Katsumi [Keeler.Katsumi@epa.gov]
Subject: RE: Oakland complaint investigation DOT and EPA

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-----Original Appointment-----
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Sent: Tuesday, April 11, 2017 1:35 PM
To: Fitzpatrick, Ryan (OST); Rivera, Yvette (OST); Temple, Kurt; Caro-Lopez, Howard (OST)
Subject: Oakland complaint investigation DOT and EPA
When: Thursday, April 13, 2017 11:00 AM-12:00 PM (UTC-05:00) Eastern Time (US & Canada).
Where: Teleconference

To discuss the Earthjustice complaint filed against the Port and City of Oakland, with DOT and EPA

Conference Line/Code / Ex. 6

Message

From: O'Lone, Mary [OLone.Mary@epa.gov]
Sent: 10/11/2017 9:17:59 PM
To: Keeler, Katsumi [Keeler.Katsumi@epa.gov]
Subject: RE: West Oakland air monitoring stations

Great. Thanks, Mary

Mary M. O'Lone
Civil Rights and Finance Law Office
Office of General Counsel, US EPA
1200 Pennsylvania Avenue, NW
Washington, DC 20460
(202) 564-4992

From: Keeler, Katsumi
Sent: Wednesday, October 11, 2017 4:39 PM
To: Dorka, Lilian <Dorka.Lilian@epa.gov>
Cc: O'Lone, Mary <OLone.Mary@epa.gov>; Rhines, Dale <rhines.dale@epa.gov>; Temple, Kurt <Temple.Kurt@epa.gov>; McGhee, Debra <mcghee.debra@epa.gov>; Johnson, Johahna <Johnson.Johahna@epa.gov>
Subject: West Oakland air monitoring stations

Lilian, just to close the loop on the West Oakland ambient air monitor discussion that Mary and I took offline, here's what appears to be good news:

There are at least 3 operating ambient air monitors in West Oakland monitoring for PM2.5 – the primary contaminant of concern. Recall that with Beaumont, TCEQ had 2 major concerns: an appropriate site and operating costs. These considerations appear to already be covered by the City of Oakland and the Port of Oakland in the three sites they've been operating. One of these sites is actually upwind of much of the Port, which will be very useful. There is also a 4th site operated by BAAQMD. These sites also collect elemental carbon samples, which is excellent because our concern is about more than just PM2.5, but about Diesel Particulate Matter (DPM), which the elemental carbon sampling is meant to address.

The historical and future data from these sites will make available information on:

1. How the air quality is changing over time;
2. Verification of recipients' claims of air quality improvements;
3. The effects of the expansion of Port activities to accommodate the much larger Post-Panamax OGVs; and
4. The impact of the change in land use from primarily commercial to primarily industrial.

<< OLE Object: Picture (Device Independent Bitmap) >>

Katsumi Keeler
Case Manager
Office of General Counsel
External Civil Rights Compliance Office

U.S. Environmental Protection Agency

Phone: 202-564-2347
Email: keeler.katsumi@epa.gov

1200 Pennsylvania Avenue, N.W.
Clinton Federal Building North
Room 2524, Mailcode 2310A
Washington, D.C. 20460

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Please consider the environment before printing this email.

Message

From: O'Lone, Mary [OLone.Mary@epa.gov]
Sent: 10/11/2017 8:16:22 PM
To: Keeler, Katsumi [Keeler.Katsumi@epa.gov]
Subject: RE: West Oakland air monitoring stations already exist!

Katsumi-
So maybe to show Lillian we closed the loop, respond to her email about taking it offline & say you & I are talked/corresponded and we don't think we need to have a group meeting.

You were flagging for us the good news that there are a series of PM2.5 monitors out there already that will provide exposure information for West Oakland. The monitoring data could be used to verify the recipients' claims of reductions that have taken place already & the monitors should be in place to monitor what happens as a result of the change in land use at the Oakland Army Base (from primarily commercial to industrial) and the appearance of the Post-Panamax OGVs.

That is what you were saying – right?

Thanks, Mary

Mary M. O'Lone
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1200 Pennsylvania Avenue, NW
Washington, DC 20460
(202) 564-4992

From: Keeler, Katsumi
Sent: Wednesday, October 11, 2017 1:22 PM
To: O'Lone, Mary <OLone.Mary@epa.gov>
Subject: RE: West Oakland air monitoring stations already exist!

Sorry, I meant Post-Panamax.

From: Keeler, Katsumi
Sent: Wednesday, October 11, 2017 1:22 PM
To: O'Lone, Mary <olone.mary@epa.gov>
Subject: RE: West Oakland air monitoring stations already exist!

Yes, I thought that came under the Good News category bc if they are already operating and the results are already available to the public, there only needs to be a few modifications to the systems and procedures. AND, now we have a history of PM2.5 concentrations in the area with which we (hopefully) can determine if the levels are getting better over time.

I think R9 is not crazy about the air monitoring idea, but I don't know how else to determine what the West Oakland Community is being exposed to. Most of the other health risk information is from modeling, which is one step

removed from the gold standard of actual air monitoring. The City and the Port claim the air is improving – and I agree. But now, we have the change in land use at the Oakland Army Base (from primarily commercial to industrial) and the appearance of the Post-Panama OGVs.

From: O'Lone, Mary
Sent: Wednesday, October 11, 2017 12:29 PM
To: Keeler, Katsumi <Keeler.Katsumi@epa.gov>
Subject: RE: West Oakland air monitoring stations already exist!

Katsumi-
We need to circle back & make sure I understand what your comment was about &/or that we are on the same page. Were you saying what I have under the Good news or were you saying something else?

Thanks, Mary

Mary M. O'Lone
Civil Rights and Finance Law Office
Office of General Counsel, US EPA
1200 Pennsylvania Avenue, NW
Washington, DC 20460
(202) 564-4992

From: O'Lone, Mary
Sent: Wednesday, September 27, 2017 5:12 PM
To: Keeler, Katsumi <Keeler.Katsumi@epa.gov>
Subject: RE: West Oakland air monitoring stations already exist!

Are you trying to tell us:
Good news -- there are a bunch of PM2.5 monitors already operating in West Oakland! This means there is existing monitoring infrastructure which will be able to help determine if the plan they develop pursuant to the Agreement is really working.

I read what you were saying as the main point of that provision was to get them to do air monitoring which they are already doing. So I was responding to that by saying the main point of that provision is not to get them to do air monitoring – it is to have them agree to develop a comprehensive mitigation plan that EPA & DOT will review.

PM 2.5 is a NAAQS pollutant, right? Or are you saying those 3 monitors you found are separate monitors from the NAAQS monitoring network?

Thanks, Mary

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From: Keeler, Katsumi
Sent: Wednesday, September 27, 2017 4:45 PM
To: O'Lone, Mary <OLone.Mary@epa.gov>
Subject: RE: West Oakland air monitoring stations already exist!

No, sorry, I think we're just focusing on different points (and I'm in too much of a hurry). My point is that mitigation measures are nice, but the proof that they are working is in the air monitoring. And an HRA based on the air monitoring. I will look closer at your messages tomorrow morning.

From: O'Lone, Mary
Sent: Wednesday, September 27, 2017 4:38 PM
To: Keeler, Katsumi <Keeler.Katsumi@epa.gov>
Subject: RE: West Oakland air monitoring stations already exist!

Are you responding to a question from someone else?
Your email isn't responsive to my 2 emails that I can tell.

Thanks, Mary

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Subject: RE: West Oakland air monitoring stations already exist!

Yes, I think the BAAQMD site is the one represented by the icon with the white background. The 3 City sites have a blue background and they don't belong to the Bay Area District. Two of them are much closer to the Port and one is actually in the Port. Recall TCEQ's difficulties with acquiring a monitoring site and installing infrastructure in Beaumont. It's already been done in West Oakland.

From: O'Lone, Mary
Sent: Wednesday, September 27, 2017 4:11 PM
To: Keeler, Katsumi <Keeler.Katsumi@epa.gov>; Dorka, Lilian <Dorka.Lilian@epa.gov>; Temple, Kurt <Temple.Kurt@epa.gov>; McGhee, Debra <mcghee.debra@epa.gov>; Rhines, Dale <rhines.dale@epa.gov>; Johnson,

Johanna <Johnson.Johahna@epa.gov>
Subject: RE: West Oakland air monitoring stations already exist!

Katsumi-
I don't think R9 forgot about those type of air monitors. I think they were talking about the types of air quality compliance monitoring & mitigation monitoring recommended by BAAQMD in the August 2017 OAB Action List that Richard circulated to everyone as an example several weeks ago. But we can confirm with Ken.

Thanks, Mary

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From: Keeler, Katsumi
Sent: Wednesday, September 27, 2017 3:36 PM
To: Dorka, Lilian <Dorka.Lilian@epa.gov>; Temple, Kurt <Temple.Kurt@epa.gov>; McGhee, Debra <mcghee.debra@epa.gov>; Rhines, Dale <rhines.dale@epa.gov>; O'Lone, Mary <OLone.Mary@epa.gov>; Johnson, Johahna <Johnson.Johahna@epa.gov>
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The City of Oakland, with assistance from the BAAQMD, is already running 3 ambient air monitoring stations in West Oakland for $PM_{2.5}$. The results are available to the public 24/7 via a dedicated website (with a 72-hour lag for processing and validation), and they actually speciate it to show how much of it is diesel particulate matter. I found this link in a news article from 2014, so maybe everyone had forgotten about it (or just didn't realize their importance to the current discussion). The blurb states that these sites were set up to present "air quality information collected before and during the construction of the Oakland Global Trade and Logistics Center at the former Oakland Army Base." This is, in large part, what we were asking for in the Agreement with respect to air monitoring.

See the screen shot and link below:

<< OLE Object: Picture (Device Independent Bitmap) >>

https://sites.google.com/a/ngem.com/oab_aqm/aqm-3

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Katsumi Keeler
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Email: keeler.katsumi@epa.gov

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Message

From: O'Lone, Mary [OLone.Mary@epa.gov]
Sent: 10/11/2017 4:29:25 PM
To: Keeler, Katsumi [Keeler.Katsumi@epa.gov]
Subject: RE: West Oakland air monitoring stations already exist!

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Appointment

From: Temple, Kurt [Temple.Kurt@epa.gov]
Sent: 9/6/2017 8:13:47 PM
To: O'Lone, Mary [OLone.Mary@epa.gov]; Johnson, Johahna [Johnson.Johahna@epa.gov]; Keeler, Katsumi [Keeler.Katsumi@epa.gov]; Rhines, Dale [rhines.dale@epa.gov]

Subject: FW: Oakland updates and check-in
Location: Teleconference

Start: 9/7/2017 7:00:00 PM
End: 9/7/2017 8:00:00 PM
Show Time As: Tentative

-----Original Appointment-----
From: Fitzpatrick, Ryan (OST) [mailto:ryan.fitzpatrick@dot.gov]
Sent: Thursday, August 31, 2017 12:23 PM
To: Fitzpatrick, Ryan (OST); Rivera, Yvette (OST); Jang, Deeana (OST); Caro-Lopez, Howard (OST); Carlson, Terence (OST); Huezo, Hector (OST); Kizito-Ramos, Rachel (MARAD); Hart, Daryl (MARAD); Dorka, Lilian; Temple, Kurt; McGhee, Debra; Grow, Richard; Strauss, Alexis
Subject: Oakland updates and check-in
When: Thursday, September 07, 2017 3:00 PM-4:00 PM (UTC-05:00) Eastern Time (US & Canada).
Where: Teleconference

I changed the date to Thursday, September 7. That Tuesday was proving difficult for several parties.

Hey team:

With the September 26 date set for the City and the Port's visit to DC, I think we should have a teleconference to discuss what we need to do to prepare that meeting and get us all working on the same page. We can discuss our roles in preparing any material, such as draft outlines for agreements, that we'll need for the meeting, to ensure that we are prepared and can make the most of this opportunity.

I'd like to do this as early in September as possible, and suggested this time and date. If this won't work, we can move it, but I think its important for us to do it soon so we have time to prepare. September is going to be busy. If I left anyone off the invite, please forward this to them.

Thanks,

Ryan

Conference Line/Code / Ex. 6

Message

From: Temple, Kurt [Temple.Kurt@epa.gov]
Sent: 9/6/2017 2:56:25 PM
To: McGhee, Debra [mcghee.debra@epa.gov]; Keeler, Katsumi [Keeler.Katsumi@epa.gov]
Subject: Oakland Draft RA 9.1.17 DG edits.docx
Attachments: Oakland Draft RA 9.1.17 DG edits.docx

This is the running updated agreement incorporating R9 edits.

Kurt

Message

From: Kizito-Ramos, Rachel (MARAD) [Rachel.Kizito-Ramos@dot.gov]
Sent: 9/28/2017 4:51:44 PM
To: Keeler, Katsumi [Keeler.Katsumi@epa.gov]
Subject: RE: 2017-09-26 Meeting sign-in sheet - City of Oakland, Port of Oakland, U.S. DOT, and U.S. EPA

Thank you for sending this.

Best,

Rachel

Kind Regards,

Rachel Kizito-Ramos, EEO Specialist, Office of Civil Rights
Maritime Administration, U.S. Department of Transportation, Office: 202.366.3449

From: Keeler, Katsumi [mailto:Keeler.Katsumi@epa.gov]
Sent: Wednesday, September 27, 2017 2:37 PM
To: Dorka, Lilian <Dorka.Lilian@epa.gov>; Temple, Kurt <Temple.Kurt@epa.gov>; McGhee, Debra <mcghee.debra@epa.gov>; Strauss, Alexis <Strauss.Alexis@epa.gov>; Garnett, Desean <Garnett.Desean@epa.gov>; Grow, Richard <Grow.Richard@epa.gov>; O'Lone, Mary <OLone.Mary@epa.gov>; Johnson, Johahna <Johnson.Johahna@epa.gov>; Hart, Daryl (MARAD) <daryl.hart@dot.gov>; Shen, Eric (MARAD) <eric.shen@dot.gov>; Kizito-Ramos, Rachel (MARAD) <Rachel.Kizito-Ramos@dot.gov>; Rivera, Yvette (OST) <yvette.rivera@dot.gov>; James, Charles (OST) <charles.james@dot.gov>; Fitzpatrick, Ryan (OST) <ryan.fitzpatrick@dot.gov>; Cockfield, Erva (OST) <erva.cockfield@dot.gov>; mbee@oaklandcityattorney.org; ccappio@oaklandnet.com; dwan@portoakland.com; mheffes@portoakland.com; bparker@oaklandcityattorney.org; atorrence@jenner.com; Minoli, Kevin <Minoli.Kevin@epa.gov>; Keeler, Katsumi <Keeler.Katsumi@epa.gov>
Subject: 2017-09-26 Meeting sign-in sheet - City of Oakland, Port of Oakland, U.S. DOT, and U.S. EPA

Attached is the sign-in sheet for the City of Oakland/Port of Oakland/U.S. DOT/U.S. EPA meeting on 9/26/17. Attended, but not listed on the sign-in sheet:

Kevin Minoli minoli.kevin@epa.gov
Alexis Strauss strauss.alexis@epa.gov
Desean Garnett garnett.desean@epa.gov
Richard Grow grow.richard@epa.gov

Message

From: O'Lone, Mary [OLone.Mary@epa.gov]
Sent: 9/27/2017 9:12:11 PM
To: Keeler, Katsumi [Keeler.Katsumi@epa.gov]
Subject: RE: West Oakland air monitoring stations already exist!

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Good news -- there are a bunch of PM2.5 monitors already operating in West Oakland! This means there is existing monitoring infrastructure which will be able to help determine if the plan they develop pursuant to the Agreement is really working.

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Thanks, Mary

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From: Keeler, Katsumi
Sent: Wednesday, September 27, 2017 3:36 PM
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Johanna <Johnson.Johahna@epa.gov>
Subject: West Oakland air monitoring stations already exist!

The City of Oakland, with assistance from the BAAQMD, is already running 3 ambient air monitoring stations in West Oakland for $PM_{2.5}$. The results are available to the public 24/7 via a dedicated website (with a 72-hour lag for processing and validation), and they actually speciate it to show how much of it is diesel particulate matter. I found this link in a news article from 2014, so maybe everyone had forgotten about it (or just didn't realize their importance to the current discussion). The blurb states that these sites were set up to present "air quality information collected before and during the construction of the Oakland Global Trade and Logistics Center at the former Oakland Army Base." This is, in large part, what we were asking for in the Agreement with respect to air monitoring.

See the screen shot and link below:

<< OLE Object: Picture (Device Independent Bitmap) >>

https://sites.google.com/a/ngem.com/oab_aqm/aqm-3

<< OLE Object: Picture (Device Independent Bitmap) >>

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