Message

From: Damian Breen [dbreen@baaqmd.gov]
Sent: 7/31/2017 7:46:13 PM
To: Kaplan, Rebecca [RKaplan@oaklandnet.com]
CC: dgonzalez@portofoakland.com; elizabeth.yura@arb.ca.gov; cynthia.marvin@arb.ca.gov; cclevenger@alamedactc.org; Grow, Richard [Grow.Richard@epa.gov]; rsinkoff@portoakland.com; cmuka@portoakland.com; Henry Hilken [HHilken@baaqmd.gov]; Cappio, Claudia [CCappio@oaklandnet.com]; anna.lee@acgov.org; Jack Broadbent [jack@baaqmd.gov]; Nichols, Matthew [MDNichols@oaklandnet.com]; tlengyel@alamedactc.org; adao@alamedactc.org; mmaloney@mtc.ca.gov; abockelman@mtc.ca.gov; mdavis@portofoakland.com; Thao, Sheng [SThao@oaklandnet.com]; R Kaplan [kaplanforoakland@gmail.com]
Subject: Re: Thanks for meeting on Port/Army base air quality, and update.

Dear director Kaplan,

The Air District will follow up with them on participation in zero emissions demonstrations. Please forward their contact information

Thank you,

Damian

Sent from my iPhone

On Jul 31, 2017, at 12:12 PM, Kaplan, Rebecca <RKaplan@oaklandnet.com> wrote:

> Good afternoon, and I hope all is well with you. Thanks very much for participating in the multi-agency discussion of strategies to clean up air pollution for the areas in and around the Port/Army base in Oakland. I look forward to continuing to work together to make progress on tangible steps to improve air quality and public health for our communities.
>
> In the meantime, I wanted to share a piece of good news. I followed up with the Cold Storage company for the Port (Dreisbach) about the question of whether trucks will be able to plug in while loading/unloading, to avoid truck idling. GOOD News, I have received confirmation (from Jason Dreisbach) that Yes, they will include electric plug-in capacity for ALL truck loading/unloading spots at their facility, so those trucks would not need to idle there. Also, we discussed that they are also interested in participating in zero emission truck pilot program – who would like to follow up with them on that program?
>
> Thanks much and Best wishes!
>
> Rebecca Kaplan
> Oakland City Council member at-large
> Chairperson, Alameda County Transportation Commission
> Boardmember, Bay Area Air Quality Management District.

Message

From: Kaplan, Rebecca [RKaplan@oaklandnet.com]
Sent: 7/31/2017 7:12:52 PM
To: dgonzalez@portofoakland.com; elizabeth.yura@arb.ca.gov; cynthia.marvin@arb.ca.gov; dbreen@baaqmd.gov; cclevenger@alamedactc.org; Grow, Richard [Grow.Richard@epa.gov]; rsinkoff@portoakland.com; cmuka@portoakland.com; Hhilken@baaqmd.gov; Cappio, Claudia [CCappio@oaklandnet.com]; anna.lee@acgov.org; jbroadbent@baaqmd.gov; Nichols, Matthew [MDNichols@oaklandnet.com]; tlengyel@alamedactc.org; adao@alamedactc.org; mmaloney@mtc.ca.gov; abockelman@mtc.ca.gov; mdavis@portofoakland.com; Thao, Sheng [SThao@oaklandnet.com]; Kaplan, Rebecca [RKaplan@oaklandnet.com]; R Kaplan [kaplanforoakland@gmail.com]
Subject: Thanks for meeting on Port/Army base air quality, and update.

Good afternoon, and I hope all is well with you. Thanks very much for participating in the multi-agency discussion of strategies to clean up air pollution for the areas in and around the Port/Army base in Oakland. I look forward to continuing to work together to make progress on tangible steps to improve air quality and public health for our communities.

In the meantime, I wanted to share a piece of good news. I followed up with the Cold Storage company for the Port (Dreisbach) about the question of whether trucks will be able to plug in while loading/unloading, to avoid truck idling. GOOD News, I have received confirmation (from Jason Dreisbach) that Yes, they will include electric plug-in capacity for ALL truck loading/unloading spots at their facility, so those trucks would not need to idle there. Also, we discussed that they are also interested in participating in zero emission truck pilot program – who would like to follow up with them on that program?

Thanks much and Best wishes!

Rebecca Kaplan
Oakland City Council member at-large
Chairperson, Alameda County Transportation Commission
Boardmember, Bay Area Air Quality Management District.

Message

From: Rivera, Yvette (OST) [yvette.rivera@dot.gov]
Sent: 7/31/2017 7:10:05 PM
To: Grow, Richard [Grow.Richard@epa.gov]
Subject: Automatic reply: 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

Hello. Thank you for your message. I am away from the office and unable to respond to your message. If your message is urgent, please feel free to contact Ryan.Fitzpatrick@dot.gov or Patrice.Wilson@dot.gov Otherwise, I will respond upon my return on August 14th.

Sincerely,

Yvette Rivera

Message

From: O'Lone, Mary [OLone.Mary@epa.gov]
Sent: 7/31/2017 7:09:42 PM
To: Grow, Richard [Grow.Richard@epa.gov]
Subject: Automatic reply: 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

I will be out of the office until Monday, August 7, 2017. If you need to reach someone immediately, please contact Johahna Johnson at 202-564-6119. Otherwise, I will respond to your email when I return.

Thanks, Mary

Message

From: Margaret Gordon Personal Email / Ex. 6
Sent: 7/28/2017 5:43:06 PM
To: McGowan, Patricia [PMcGowan@oaklandnet.com]; Grow, Richard [Grow.Richard@epa.gov]
Subject: Re: Air Quality Plan: 45-day notice for operations of ConGlobal Container Depot and Maintenance Yard, 11 Burma Road, Oakland CA

Patricia,

Thank you for the email, update information and place add Richard Grow USEPA to the listserve.

Ms.Margaret Gordon

On Thu, Jul 27, 2017 at 5:18 PM, McGowan, Patricia <PMcGowan@oaklandnet.com> wrote:

To all Oakland Army Base Stakeholders:

This e-mail will serve as the 45-day notice, as required by OARB SCA/MMRP Mitigation PO-1, that the diesel emission reduction and air quality plan related to operations of the proposed ConGlobal Container Depot will be available for review around September 11, 2017 or shortly thereafter.

You previously received a 45-day notice about this, on February 3, 2017. We are re-issuing the 45-day notice, and starting the 45 days over, because submittal of the draft plan was delayed by the applicant until now.

ConGlobal is currently operating at the Port of Oakland at 555 Maritime St. They are proposing to relocate a portion of their operations to the City's portion of the former Oakland Army base. ConGlobal operates container storage yards where empty shipping containers are stacked and stored on a short-term basis, as well as doing light maintenance, repair, washing and touch-up painting of the containers. The proposed location is 11 Burma Road which is part of Prologis' New Central Gateway site. A location map as well as a more detailed description of their operations will be included in the draft Plan.

Please contact me if you have any questions,

Patricia McGowan

Patricia McGowan, Environmental Coordinator | City of Oakland | Bureau of Planning | 250 Frank H. Ogawa, Suite 3315 | Oakland, CA 94612 | Phone: (510) 238-3588 | Fax: (510) 238-6538 | Email: PMcGowan@oaklandnet.com | Website: www.oaklandnet.com/planning

--

Ms. Margaret Gordon/Co-Director
West Oakland Environmental Indicators Project
349 Mandela Parkway
Oakland, CA 94607
Personal Phone / Ex. 6
www.woeip.org

Message

From: Margaret Gordon Personal Email / Ex. 6
Sent: 7/28/2017 5:39:19 PM
To: Grow, Richard [Grow.Richard@epa.gov]
Subject: Fwd: Air Quality Plan: 45-day notice for operations of ConGlobal Container Depot and Maintenance Yard, 11 Burma Road, Oakland CA
Attachments: AQ Plan - 45-Day Notice - Prologis (ConGlobal) Construction & Operations .msg; Prologis AQ Notice - February 9, 2017.pdf; Untitled Attachment; AQ Plan - 45-Day Notice - Prologis Operations at CE-1 .msg

FYI,

Ms.M

---------- Forwarded message ----------
From: **Alison Kirk** <AKirk@baaqmd.gov>
Date: Fri, Jul 28, 2017 at 10:31 AM
Subject: RE: Air Quality Plan: 45-day notice for operations of ConGlobal Container Depot and Maintenance Yard, 11 Burma Road, Oakland CA
To: "McGowan, Patricia" <PMcGowan@oaklandnet.com>, Brian Beveridge Personal Email / Ex. 6 Margaret Gordon Personal Email / Ex. 6 Robyn Hodges Personal Email / Ex. 6 en Houston Personal Email / Ex. 6 Jess Dervin-Ackerman <Jess@sfbaysc.org'>, Jahmese Myres' <jahmese@workingeastbay.org>, Gene Hazzard Personal Email / Ex. 6 Ray Kidd Personal Email / Ex. 6 Steve Personal Email / Ex. 6 Kate O'Hara <kate@workingeastbay.org>, Libby Stahl <libby@impacttransportation.com>, Mark McClure <mmcclure@californiagroup.com>, Megan Morodomi <mmorodomi@californiagroup.com>, 'Cory Chung <cchung@prologis.com>, "jmajor@prologis.com" <'jmajor@prologis.com'>, "Maile.smith@ngem.com" <'Maile.smith@ngem.com'>, James Heilbronner <jamesh@archdim.com>, Joanne Park <joannep@archdim.com>, Brent Bucknum <brent@hyphae.net>, Bill Aboudi <bill@oaklandmss.com'>, Momina Jalil <momina@cecginc.com>, Jack Broadbent <jack@baaqmd.gov>, Henry Hilken <HHilken@baaqmd.gov>, Jean Roggenkamp <jroggenkamp@baaqmd.gov>, David Vintze <DVintze@baaqmd.gov>, Jack Kitowski <jkitowski@arb.ca.gov>, Cynthia Marvin <cmarvin@arb.ca.gov>, "robbie.morris@arb.ca.gov" <'robbie.morris@arb.ca.gov'>, "sydney.vergis@arb.ca.gov" <'sydney.vergis@arb.ca.gov'>, "rebecca.flournoy@acgov.org" <'rebecca.flournoy@acgov.org'>, "Yura, Elizabeth" <eyura@arb.ca.gov>, "'Arias, Heather" <Heather.Arias@arb.ca.gov>, Hector Castaneda <hcastane@arb.ca.gov>, Richard Grow <grow.richard@epa.gov>, "Anna.lee@acgov.org" <'Anna.lee@acgov.org'>, "stew.sonnerberg@dot.gov" <'stew.sonnerberg@dot.gov'>, "McElhaney, Lynette" <lmcelhaney@oaklandnet.com>, "Cook, Brigitte" <BCook@oaklandnet.com>, "Wald, Zachary" <ZWald@oaklandnet.com>, "Kaplan, Rebecca" <RKaplan@oaklandnet.com>, "Thao, Sheng" <SThao@oaklandnet.com>, "Davenport, Kevin" <KDavenport@oaklandnet.com>, "Cole, Doug" <DCole@oaklandnet.com>, "Cappio, Claudia" <CCappio@oaklandnet.com>, "Monetta, John" <JMonetta@oaklandnet.com>, "Ranelletti, Darin" <DRanelletti@oaklandnet.com>, "Wald, Mark" <MWald@oaklandcityattorney.org>, Richard Sinkoff <rsinkoff@portoakland.com>, Diane Heintz <dheintz@portoakland.com>, "tleong@portoakland.com" <'tleong@portoakland.com'>, "Spoerl, Peter" <PSpoerl@oaklandcityattorney.org>, Andrea Gardner <agardner@portoakland.com>

Hello Patricia,

Thank you for this notice.

I just went through the previous 45-day notice emails to better understand this notice. I thought it might be helpful to share what I learned with the group and have you confirm what I found.

In February, we received three 45-Day notices from John Monetta:

2/3/17 – 45-Day Notice **Construction and Operations** for ConGlobal (attached)

2/3/17 – 45-Day notice Prologis **Operations** at CE-1 (attached)

2/9/17 – 45-day Notice – Prologis (Phase 3) **Construction** for warehouse (trade & logistics) use within either the Central Gateway and/or Southeast Gateway (attached)

The notice we received yesterday (below) is the new 45-day notice for **Operations** for Conglobal.

So just to confirm:

1. The Construction portion of the ConGlobal was already issued and folded into a construction plan we have already received?
2. And, we have still yet to receive the 45-Day notices for operations for both CE-1 and the Central Gateway and/or Southeast Gateway portions of the project?

Thanks for confirming.

Sincerely,

Alison Kirk

Senior Environmental Planner

415-749-5169

From: McGowan, Patricia [mailto:PMcGowan@oaklandnet.com]
Sent: Thursday, July 27, 2017 5:18 PM
To: Brian Beveridg Personal Email / Ex. 6 'Margaret Gordon' Personal Email / Ex. 6 Robyn Hodges <rehher123@gmail.com>; Ken Houston <getit@sprint.blackberry.net>; Jess Dervin-Ackerman <Jess@sfbaysc.org'>; Jahmese Myres' <jahmese@workingeastbay.org>; Gene Hazzard Personal Email / Ex. 6 Ray Kidd < Personal Email / Ex. 6 Steve Lowe < Personal Email / Ex. 6 , Kate O'Hara <kate@workingeastbay.org>; Libby Stahl <libby@impacttransportation.com>; 'Mark McClure' <mmcclure@californiagroup.com>; 'Megan Morodomi' <mmorodomi@californiagroup.com>; 'Cory Chung <cchung@prologis.com>; 'jmajor@prologis.com'; 'Maile.smith@ngem.com'; 'James Heilbronner' <jamesh@archdim.com>; 'Joanne Park' <joannep@archdim.com>; 'Brent Bucknum' <brent@hyphae.net>; Bill Aboudi <bill@oaklandmss.com'>; Momina Jalil <momina@cecginc.com>; Jack Broadbent <jack@baaqmd.gov>; Henry Hilken <HHilken@baaqmd.gov>; Alison Kirk <AKirk@baaqmd.gov>; Jean Roggenkamp <jroggenkamp@baaqmd.gov>; David Vintze <DVintze@baaqmd.gov>; Jack Kitowski <jkitowski@arb.ca.gov>; 'Cynthia Marvin' <cmarvin@arb.ca.gov>; 'robbie.morris@arb.ca.gov'; 'sydney.vergis@arb.ca.gov'; 'rebecca.flournoy@acgov.org'; 'Yura, Elizabeth' <eyura@arb.ca.gov>; 'Arias, Heather <Heather.Arias@arb.ca.gov>; Hector Castaneda <hcastane@arb.ca.gov>; 'Richard Grow' <grow.richard@epa.gov>; 'Anna.lee@acgov.org'; 'stew.sonnerberg@dot.gov'; McElhaney, Lynette <lmcelhaney@oaklandnet.com>; Cook, Brigitte <BCook@oaklandnet.com>; Wald, Zachary <ZWald@oaklandnet.com>; Kaplan, Rebecca <RKaplan@oaklandnet.com>; Thao, Sheng <SThao@oaklandnet.com>; Davenport, Kevin <KDavenport@oaklandnet.com>; Cole, Doug <DCole@oaklandnet.com>; Cappio, Claudia <CCappio@oaklandnet.com>; Monetta, John <JMonetta@oaklandnet.com>; Ranelletti, Darin <DRanelletti@oaklandnet.com>; McGowan, Patricia <PMcGowan@oaklandnet.com>; Wald, Mark <MWald@oaklandcityattorney.org>; 'Richard Sinkoff' <rsinkoff@portoakland.com>; Diane Heintz <dheintz@portoakland.com>; 'tleong@portoakland.com'; Spoerl, Peter <PSpoerl@oaklandcityattorney.org>; Andrea Gardner <agardner@portoakland.com>
Subject: Air Quality Plan: 45-day notice for operations of ConGlobal Container Depot and Maintenance Yard, 11 Burma Road, Oakland CA

To all Oakland Army Base Stakeholders:

This e-mail will serve as the 45-day notice, as required by OARB SCA/MMRP Mitigation PO-1, that the diesel emission reduction and air quality plan related to operations of the proposed ConGlobal Container Depot will be available for review around September 11, 2017 or shortly thereafter.

You previously received a 45-day notice about this, on February 3, 2017. We are re-issuing the 45-day notice, and starting the 45 days over, because submittal of the draft plan was delayed by the applicant until now.

ConGlobal is currently operating at the Port of Oakland at 555 Maritime St. They are proposing to relocate a portion of their operations to the City's portion of the former Oakland Army base. ConGlobal operates

container storage yards where empty shipping containers are stacked and stored on a short-term basis, as well as doing light maintenance, repair, washing and touch-up painting of the containers. The proposed location is 11 Burma Road which is part of Prologis' New Central Gateway site. A location map as well as a more detailed description of their operations will be included in the draft Plan.

Please contact me if you have any questions,

Patricia McGowan

Patricia McGowan, Environmental Coordinator | City of Oakland | Bureau of Planning | 250 Frank H. Ogawa, Suite 3315 | Oakland, CA 94612 | Phone: (510) 238-3588 | Fax: (510) 238-6538 | Email: PMcGowan@oaklandnet.com | Website: www.oaklandnet.com/planning

---------- Forwarded message ----------
From: "Monetta, John" <JMonetta@oaklandnet.com>
To: "'Jahmese Myres'" <jahmese@workingeastbay.org>, "Cole, Doug" <DCole@oaklandnet.com>, "Cappio, Claudia" <CCappio@oaklandnet.com>, "'Mark McClure'" <mmcclure@californiagroup.com>, "'Megan Morodomi'" <mmorodomi@californiagroup.com>, "'Joanne Park'" <joannep@archdim.com>, Jack Broadbent <jack@baaqmd.gov>, "'Hhilken@baaqmd.gov'" <'Hhilken@baaqmd.gov'>, "'akirk@baaqmd.gov'" <'akirk@baaqmd.gov'>, "'jroggenkamp@baaqmd.gov'" <'jroggenkamp@baaqmd.gov'>, David Vintze <DVintze@baaqmd.gov>, "'jkitowski@arb.ca.gov'" <'jkitowski@arb.ca.gov'>, "'Cynthia Marvin'" <cmarvin@arb.ca.gov>, "McElhaney, Lynette" <lmcelhaney@oaklandnet.com>, "Cook, Brigitte" <BCook@oaklandnet.com>, "Thao, Sheng" <SThao@oaklandnet.com>, "'rebecca.flournoy@acgov.org'" <'rebecca.flournoy@acgov.org'>, "'Richard Grow'" <grow.richard@epa.gov>, "'stew.sonnerberg@dot.gov'" <'stew.sonnerberg@dot.gov'>, "'Richard Sinkoff'" <rsinkoff@portoakland.com>, "'Anne Whittington'" <awhittington@portoakland.com>, "'tleong@portoakland.com'" <'tleong@portoakland.com'>, "'Brent Bucknum'" <brent@hyphae.net>, "'bill@oaklandmss.com'" <'bill@oaklandmss.com'>,
Personal Email / Ex. 6 "Margaret Gordon" Personal Email / Ex. 6
"'Cory'" <cchung@prologis.com>, "'jmajor@prologis.com'" <'jmajor@prologis.com'>, "'robbie.morris@arb.ca.gov'" <'robbie.morris@arb.ca.gov'>, "'sydney.vergis@arb.ca.gov'" <'sydney.vergis@arb.ca.gov'>, "Klein, Heather" <HKlein@oaklandnet.com>, "'Maile.smith@ngem.com'" <'Maile.smith@ngem.com'>, "'James Heilbronner'" <jamesh@archdim.com>, "Kaplan, Rebecca" <RKaplan@oaklandnet.com>, "'Anna.lee@acgov.org'" <'Anna.lee@acgov.org'>, "'Jess@sfbaysc.org'" <'Jess@sfbaysc.org'>, "eyura@arb.ca.gov" <eyura@arb.ca.gov>, "Heather.Arias@arb.ca.gov" <Heather.Arias@arb.ca.gov>
Cc:
Bcc:
Date: Fri, 10 Feb 2017 00:46:53 +0000
Subject: AQ Plan - 45-Day Notice - Prologis (Phase 3) Construction

To all Army Base Air Quality Stakeholders:

This email will serve as a 45-day notice, as required by OARB SCA/MMRP Mitigation PO-1, that the construction Air Quality Plans for Prologis' development Phase 3 will be made available for review on March 27, 2017, or shortly thereafter.

Please reference the attachment which illustrates the locations of the plans:

- CE-1 (Northeast Gateway) Operations Plan for a 256,000 SF warehouse (trade & logistics) will be available March 20, 2017

- Conglobal Construction & Operations Plan for chassis & container storage & repair yard within either the Central Gateway or Southeast Gateway will be available March 20, 2017

- Phase 3 Construction Plan for warehouse (trade & logistics) use within either the Central Gateway and/or Southeast Gateway will be available March 27, 2017

Please contact me if you have any questions.

Regards,

JOHN MONETTA *PROJECT MANAGER I*

CITY OF OAKLAND, City Administrator's Office

Oakland Army Base Project Implementation

250 Frank H. Ogawa Plaza, 5th Floor, Oakland CA 94612

Tel: 510.238.7125 Fax: 510.238.3691

--

Ms. Margaret Gordon/Co-Director
West Oakland Environmental Indicators Project
349 Mandela Parkway
Oakland, CA 94607
Personal Phone / Ex. 6 rect line
www.woeip.org

Message

From: Monetta, John [JMonetta@oaklandnet.com]
Sent: 2/3/2017 7:19:02 PM
To: 'Jahmese Myres' [jahmese@workingeastbay.org]; Cole, Doug [DCole@oaklandnet.com]; Cappio, Claudia [CCappio@oaklandnet.com]; 'Mark McClure' [mmcclure@californiagroup.com]; 'Megan Morodomi' [mmorodomi@californiagroup.com]; 'Joanne Park' [joannep@archdim.com]; Jack Broadbent [jack@baaqmd.gov]; 'Hhilken@baaqmd.gov'; 'akirk@baaqmd.gov'; 'jroggenkamp@baaqmd.gov'; David Vintze [DVintze@baaqmd.gov]; 'jkitowski@arb.ca.gov'; 'Cynthia Marvin' [cmarvin@arb.ca.gov]; McElhaney, Lynette [lmcelhaney@oaklandnet.com]; Cook, Brigitte [BCook@oaklandnet.com]; Thao, Sheng [SThao@oaklandnet.com]; 'rebecca.flournoy@acgov.org'; 'Richard Grow' [grow.richard@epa.gov]; 'stew.sonnerberg@dot.gov'; 'Richard Sinkoff' [rsinkoff@portoakland.com]; 'Anne Whittington' [awhittington@portoakland.com]; 'tleong@portoakland.com'; 'Brent Bucknum' [brent@hyphae.net]; 'bill@oaklandmss.com' Personal Phone / Ex. 6 'Margaret Gordon' Personal Phone / Ex. 6 'Cory' [cchung@prologis.com]; 'jmajor@prologis.com'; 'robbie.morris@arb.ca.gov'; 'sydney.vergis@arb.ca.gov'; Klein, Heather [HKlein@oaklandnet.com]; 'Maile.smith@ngem.com'; 'James Heilbronner' [jamesh@archdim.com]; Kaplan, Rebecca [RKaplan@oaklandnet.com]; 'Anna.lee@acgov.org'; 'Jess@sfbaysc.org'; Thao, Sheng [SThao@oaklandnet.com]; eyura@arb.ca.gov; Heather.Arias@arb.ca.gov
Subject: AQ Plan - 45-Day Notice - Prologis (ConGlobal) Construction & Operations

To all Army Base Air Quality Stakeholders:

This email will serve as a 45-day notice, as required by OARB SCA/MMRP Mitigation PO-1, that the construction and operations Air Quality Plans for Prologis' development for ConGlobal will be made available for review on March 20, 2017, or shortly thereafter.

Please contact me if you have any questions.

Regards,

JOHN MONETTA *PROJECT MANAGER I*
CITY OF OAKLAND, City Administrator's Office
Oakland Army Base Project Implementation
250 Frank H. Ogawa Plaza, 5th Floor, Oakland CA 94612
Tel: 510.238.7125 Fax: 510.238.3691

Message

From: Machol, Ben [Machol.Ben@epa.gov]
Sent: 9/13/2017 3:05:12 PM
To: Grow, Richard [Grow.Richard@epa.gov]; McDaniel, Penelope [MCDANIEL.PENELOPE@EPA.GOV]
Subject: RE: REMINDER: 2nd Planning Meeting for Port of Oakland / OAB - 09/15/2017

Ok…I've move things around and will be able to attend. Should be interesting…

Ben Machol, P.E.
Manager, Technology & Partnerships Office
U.S. Environmental Protection Agency, Region 9
75 Hawthorne St. (AIR-9)
San Francisco, CA 94105
machol.ben@epa.gov
(415) 972-3770

From: Grow, Richard
Sent: Wednesday, September 13, 2017 6:04 AM
To: McDaniel, Penelope <MCDANIEL.PENELOPE@EPA.GOV>; Machol, Ben <Machol.Ben@epa.gov>; Donnell Choy (dchoy@portoakland.com) <dchoy@portoakland.com>
Subject: Fw: REMINDER: 2nd Planning Meeting for Port of Oakland / OAB - 09/15/2017

I plan to attend but will be unable to juggle documents much before then as outlook access from Navajo has been rather shaky. Curious whether Penny or others made it on to the tech call last Friday and what may have been learned.

From: Aloha de Guzman <adeguzman@baaqmd.gov>
Sent: Tuesday, September 12, 2017 11:56 AM
To: ccappio@oaklandnet.com; mdnichols@oaklandnet.com; tlengyel@alamedaactc.org; adao@alamedaactc.org; abockelman@mtc.ca.gov; mmaloney@mtc.ca.gov; bsanchez@mtc.ca.gov; Jack Broadbent; Cynthia.marvin@arb.ca.gov; Elizabeth.yura@arb.ca.gov; Grow, Richard; mdavis@portoakland.com; Diego Gonzalez; Lee, Anna, Public Health, OOD; cclevenger@alamedaactc.org; rsinkoff@portoakland.com; Catherine Mukai; Henry Hilken; kaplanforoakland@gmail.com; Ranyee Chiang; Angie Ayers
Cc: Sheng Thao ; dbreen@baaqmd.gov
Subject: REMINDER: 2nd Planning Meeting for Port of Oakland / OAB - 09/15/2017

Hello everyone,

Just a friendly reminder that the 2nd planning meeting for the Port of Oakland/OAB is scheduled for this **Friday, September 15, 2017** from 12 pm – 2 pm. Located at ACTC Offices at 1111 Broadway Suite 800 Room D Oakland Ca, 94607.

Lunch will be served at this meeting. If you have any questions or concerns, please feel free to reach out to either myself or Sheng Thao at Sthao@oaklandnet.com

Thank you!

Regards,

Aloha for Mr. Breen -

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 Ex. 6 - Personal Privacy

adeguzman@baaqmd.gov| www.baaqmd.gov

Message

From: Machol, Ben [Machol.Ben@epa.gov]
Sent: 9/13/2017 2:14:45 PM
To: Grow, Richard [Grow.Richard@epa.gov]; McDaniel, Penelope [MCDANIEL.PENELOPE@EPA.GOV]
Subject: RE: REMINDER: 2nd Planning Meeting for Port of Oakland / OAB - 09/15/2017

Penny and I were both on the call on Friday. This is the first I've seen a time for the meeting on Friday. I have a meeting with Elizabeth that ends at noon that day; if I can't reschedule at this late date, I may be challenged to make it to Oakland.

Ben Machol, P.E.
Manager, Technology & Partnerships Office
U.S. Environmental Protection Agency, Region 9
75 Hawthorne St. (AIR-9)
San Francisco, CA 94105
machol.ben@epa.gov
(415) 972-3770

From: Grow, Richard
Sent: Wednesday, September 13, 2017 6:04 AM
To: McDaniel, Penelope <MCDANIEL.PENELOPE@EPA.GOV>; Machol, Ben <Machol.Ben@epa.gov>; Donnell Choy (dchoy@portoakland.com) <dchoy@portoakland.com>
Subject: Fw: REMINDER: 2nd Planning Meeting for Port of Oakland / OAB - 09/15/2017

I plan to attend but will be unable to juggle documents much before then as outlook access from Navajo has been rather shaky. Curious whether Penny or others made it on to the tech call last Friday and what may have been learned.

From: Aloha de Guzman <adeguzman@baaqmd.gov>
Sent: Tuesday, September 12, 2017 11:56 AM
To: ccappio@oaklandnet.com; mdnichols@oaklandnet.com; tlengyel@alamedaactc.org; adao@alamedaactc.org; abockelman@mtc.ca.gov; mmaloney@mtc.ca.gov; bsanchez@mtc.ca.gov; Jack Broadbent; Cynthia.marvin@arb.ca.gov; Elizabeth.yura@arb.ca.gov; Grow, Richard; mdavis@portoakland.com; Diego Gonzalez; Lee, Anna, Public Health, OOD; cclevenger@alamedaactc.org; rsinkoff@portoakland.com; Catherine Mukai; Henry Hilken; kaplanforoakland@gmail.com; Ranyee Chiang; Angie Ayers
Cc: Sheng Thao ; dbreen@baaqmd.gov
Subject: REMINDER: 2nd Planning Meeting for Port of Oakland / OAB - 09/15/2017

Hello everyone,

Just a friendly reminder that the 2nd planning meeting for the Port of Oakland/OAB is scheduled for this **Friday, September 15, 2017** from 12 pm – 2 pm. Located at ACTC Offices at 1111 Broadway Suite 800 Room D Oakland Ca, 94607.

Lunch will be served at this meeting. If you have any questions or concerns, please feel free to reach out to either myself or Sheng Thao at Sthao@oaklandnet.com

Thank you!

Regards,

Aloha for Mr. Breen -

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| Ex. 6 - Personal Privacy

adeguzman@baaqmd.gov| www.baaqmd.gov

Message

From: Monetta, John [JMonetta@oaklandnet.com]
Sent: 2/10/2017 12:46:53 AM
To: 'Jahmese Myres' [jahmese@workingeastbay.org]; Cole, Doug [DCole@oaklandnet.com]; Cappio, Claudia [CCappio@oaklandnet.com]; 'Mark McClure' [mmcclure@californiagroup.com]; 'Megan Morodomi' [mmorodomi@californiagroup.com]; 'Joanne Park' [joannep@archdim.com]; Jack Broadbent [jack@baaqmd.gov]; 'Hhilken@baaqmd.gov'; 'akirk@baaqmd.gov'; 'jroggenkamp@baaqmd.gov'; David Vintze [DVintze@baaqmd.gov]; 'jkitowski@arb.ca.gov'; cmarvin@arb.ca.gov; McElhaney, Lynette [lmcelhaney@oaklandnet.com]; Cook, Brigitte [BCook@oaklandnet.com]; Thao, Sheng [SThao@oaklandnet.com]; 'rebecca.flournoy@acgov.org'; Grow, Richard [Grow.Richard@epa.gov]; 'stew.sonnerberg@dot.gov'; rsinkoff@portoakland.com; awhittington@portoakland.com; 'tleong@portoakland.com'; 'Brent Bucknum' [brent@hyphae.net]; 'bill@oaklandmss.com'; 'brian.woeip@gmail.com'; 'Margaret Gordon' [margaret.woeip@gmail.com]; 'Cory' [cchung@prologis.com]; 'jmajor@prologis.com'; 'robbie.morris@arb.ca.gov'; 'sydney.vergis@arb.ca.gov'; Klein, Heather [HKlein@oaklandnet.com]; 'Maile.smith@ngem.com'; 'James Heilbronner' [jamesh@archdim.com]; Kaplan, Rebecca [RKaplan@oaklandnet.com]; 'Anna.lee@acgov.org'; 'Jess@sfbaysc.org'; Thao, Sheng [SThao@oaklandnet.com]; eyura@arb.ca.gov; Heather.Arias@arb.ca.gov
Subject: AQ Plan - 45-Day Notice - Prologis (Phase 3) Construction
Attachments: Prologis AQ Notice - February 9, 2017.pdf

To all Army Base Air Quality Stakeholders:

This email will serve as a 45-day notice, as required by OARB SCA/MMRP Mitigation PO-1, that the construction Air Quality Plans for Prologis' development Phase 3 will be made available for review on March 27, 2017, or shortly thereafter.

Please reference the attachment which illustrates the locations of the plans:

- CE-1 (Northeast Gateway) Operations Plan for a 256,000 SF warehouse (trade & logistics) will be available March 20, 2017
- Conglobal Construction & Operations Plan for chassis & container storage & repair yard within either the Central Gateway or Southeast Gateway will be available March 20, 2017
- Phase 3 Construction Plan for warehouse (trade & logistics) use within either the Central Gateway and/or Southeast Gateway will be available March 27, 2017

Please contact me if you have any questions.

Regards,

JOHN MONETTA *PROJECT MANAGER I*
CITY OF OAKLAND, City Administrator's Office
Oakland Army Base Project Implementation
250 Frank H. Ogawa Plaza, 5th Floor, Oakland CA 94612
Tel: 510.238.7125 Fax: 510.238.3691

Message

From: Monetta, John [JMonetta@oaklandnet.com]
Sent: 2/3/2017 7:16:11 PM
To: 'Jahmese Myres' [jahmese@workingeastbay.org]; Cole, Doug [DCole@oaklandnet.com]; Cappio, Claudia [CCappio@oaklandnet.com]; 'Mark McClure' [mmcclure@californiagroup.com]; 'Megan Morodomi' [mmorodomi@californiagroup.com]; 'Joanne Park' [joannep@archdim.com]; Jack Broadbent [jack@baaqmd.gov]; 'Hhilken@baaqmd.gov'; 'akirk@baaqmd.gov'; 'jroggenkamp@baaqmd.gov'; David Vintze [DVintze@baaqmd.gov]; 'jkitowski@arb.ca.gov'; 'Cynthia Marvin' [cmarvin@arb.ca.gov]; McElhaney, Lynette [lmcelhaney@oaklandnet.com]; Cook, Brigitte [BCook@oaklandnet.com]; Thao, Sheng [SThao@oaklandnet.com]; 'rebecca.flournoy@acgov.org'; 'Richard Grow' [grow.richard@epa.gov]; 'stew.sonnerberg@dot.gov'; 'Richard Sinkoff' [rsinkoff@portoakland.com]; 'Anne Whittington' [awhittington@portoakland.com]; 'tleong@portoakland.com'; 'Brent Bucknum' [brent@hyphae.net]; 'bill@oaklandmss.com'; 'brian.woeip@gmail.com'; 'Margaret Gordon' [margaret.woeip@gmail.com]; 'Cory' [cchung@prologis.com]; 'jmajor@prologis.com'; 'robbie.morris@arb.ca.gov'; 'sydney.vergis@arb.ca.gov'; Klein, Heather [HKlein@oaklandnet.com]; 'Maile.smith@ngem.com'; 'James Heilbronner' [jamesh@archdim.com]; Kaplan, Rebecca [RKaplan@oaklandnet.com]; 'Anna.lee@acgov.org'; 'Jess@sfbaysc.org'; Thao, Sheng [SThao@oaklandnet.com]; eyura@arb.ca.gov; Heather.Arias@arb.ca.gov
Subject: AQ Plan - 45-Day Notice - Prologis Operations at CE-1

To all Army Base Air Quality Stakeholders:

This email will serve as a 45-day notice, as required by OARB SCA/MMRP Mitigation PO-1, that the Air Quality Plans for Prologis' operations at CE-1 will be made available for review on March 20, 2017, or shortly thereafter.

Please contact me if you have any questions.

Regards,

JOHN MONETTA *PROJECT MANAGER I*
CITY OF OAKLAND, City Administrator's Office
Oakland Army Base Project Implementation
250 Frank H. Ogawa Plaza, 5th Floor, Oakland CA 94612
Tel: 510.238.7125 Fax: 510.238.3691

Message

From: Aloha de Guzman [adeguzman@baaqmd.gov]
Sent: 9/12/2017 6:56:36 PM
To: ccappio@oaklandnet.com; mdnichols@oaklandnet.com; tlengyel@alamedaactc.org; adao@alamedaactc.org; abockelman@mtc.ca.gov; mmaloney@mtc.ca.gov; bsanchez@mtc.ca.gov; Jack Broadbent [jack@baaqmd.gov]; Cynthia.marvin@arb.ca.gov; Elizabeth.yura@arb.ca.gov; Grow, Richard [Grow.Richard@epa.gov]; mdavis@portoakland.com; Diego Gonzalez [dgonzalez@portoakland.com]; Lee, Anna, Public Health, OOD [anna.lee@acgov.org]; cclevenger@alamedaactc.org; rsinkoff@portoakland.com; Catherine Mukai [cmukai@portoakland.com]; Henry Hilken [HHilken@baaqmd.gov]; Ex. 6 - Personal Privacy Ranyee Chiang [rchiang@baaqmd.gov]; Angie Ayers [aayers@alamedactc.org]
CC: Sheng Thao [sthao@oaklandnet.com]; dbreen@baaqmd.gov
Subject: REMINDER: 2nd Planning Meeting for Port of Oakland / OAB - 09/15/2017

Hello everyone,

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Lunch will be served at this meeting. If you have any questions or concerns, please feel free to reach out to either myself or Sheng Thao at Sthao@oaklandnet.com

Thank you!

Regards,

Aloha for Mr. Breen -

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 Ex. 6 - Personal Privacy
adeguzman@baaqmd.gov | www.baaqmd.gov

Message

From: Brian Beveridge Ex. 6 - Personal Privacy
Sent: 7/28/2017 12:55:39 AM
To: McGowan, Patricia [PMcGowan@oaklandnet.com]
CC: Ex. 6 - Personal Privacy Ex. 6 - Personal Privacy K Ex. 6 - Personal Privacy Ex. 6 - Personal Privacy ahmese Myres' [jahmese@workingeastbay.org]; Ex. 6 - Personal Privacy [genehazzard@gmail.com]; R Ex. 6 - Personal Privacy Steve Lowe [steve@urbanspace.biz]; Kate O'Hara [kate@workingeastbay.org]; Libby Stahl [libby@impacttransportation.com]; Mark McClure [mmcclure@californiagroup.com]; Megan Morodomi [mmorodomi@californiagroup.com]; 'Cory Chung [cchung@prologis.com]; James Heilbronner [jamesh@archdim.com]; Joanne Park [joannep@archdim.com]; Brent Bucknum [brent@hyphae.net]; Momina Jalil [momina@cecginc.com]; jbroadbent@baaqmd.gov; Henry Hilken [Hhilken@baaqmd.gov]; Alison Kirk [akirk@baaqmd.gov]; Jean Roggenkamp [jroggenkamp@baaqmd.gov]; David Vintze [DVintze@baaqmd.gov]; Jack Kitowski [jkitowski@arb.ca.gov]; cmarvin@arb.ca.gov; Yura, Elizabeth [eyura@arb.ca.gov]; 'Arias, Heather [Heather.Arias@arb.ca.gov]; Hector Castaneda [hcastane@arb.ca.gov]; Grow, Richard [Grow.Richard@epa.gov]; McElhaney, Lynette [lmcelhaney@oaklandnet.com]; Cook, Brigitte [BCook@oaklandnet.com]; Wald, Zachary [ZWald@oaklandnet.com]; Kaplan, Rebecca [RKaplan@oaklandnet.com]; Thao, Sheng [SThao@oaklandnet.com]; Davenport, Kevin [KDavenport@oaklandnet.com]; Cole, Doug [DCole@oaklandnet.com]; Cappio, Claudia [CCappio@oaklandnet.com]; Monetta, John [JMonetta@oaklandnet.com]; Ranelletti, Darin [DRanelletti@oaklandnet.com]; Wald, Mark [MWald@oaklandcityattorney.org]; rsinkoff@portoakland.com; Diane Heintz [dheintz@portoakland.com]; Spoerl, Peter [PSpoerl@oaklandcityattorney.org]; Andrea Gardner [agardner@portoakland.com]; Lee, Anna, Public Health, CAPE [Anna.Lee@acgov.org]
Subject: Re: Air Quality Plan: 45-day notice for operations of ConGlobal Container Depot and Maintenance Yard, 11 Burma Road, Oakland CA

Hello Ms. McGowan
Is this notice the 45 day notice prior to the 17 day public review of a draft plan? If so, the policy was intended to allow a public discussion of issue that stakeholders feel should be addressed in the draft plan. In other words, the 45 day period is intended to inform the draft prior to its creation. When will the city or developer hold a public meeting to gather input and concerns for the draft plan?

Also, many important addresses on this list have bad syntax. Ann Lee-ACHD, Stuart Sonnenburg-USDOT, Robbie Morris - CARB, Sydney Virgis-CARB, Rebecca Flournoy-ACGOV, Tim Leong-Port of O, Bill Abouti-OMSS, Jim Major-ProLogis.
thank you,

"(Community) resilience can be understood as place-based cultural practice that defines how residents survive in neighborhoods that already look broken, yet function due to existing social networks, tacit knowledge, and local histories." - Hector Fernando Burga

BRIAN BEVERIDGE, Co-Director
West Oakland Environmental Indicators Project
349 Mandela Pkwy.
Oakland, Ca. 94607
510-257-5645
WWW.WOEIP.ORG

On Thu, Jul 27, 2017 at 5:18 PM, McGowan, Patricia <PMcGowan@oaklandnet.com> wrote:

> To all Oakland Army Base Stakeholders:

This e-mail will serve as the 45-day notice, as required by OARB SCA/MMRP Mitigation PO-1, that the diesel emission reduction and air quality plan related to operations of the proposed ConGlobal Container Depot will be available for review around September 11, 2017 or shortly thereafter.

You previously received a 45-day notice about this, on February 3, 2017. We are re-issuing the 45-day notice, and starting the 45 days over, because submittal of the draft plan was delayed by the applicant until now.

ConGlobal is currently operating at the Port of Oakland at 555 Maritime St. They are proposing to relocate a portion of their operations to the City's portion of the former Oakland Army base. ConGlobal operates container storage yards where empty shipping containers are stacked and stored on a short-term basis, as well as doing light maintenance, repair, washing and touch-up painting of the containers. The proposed location is 11 Burma Road which is part of Prologis' New Central Gateway site. A location map as well as a more detailed description of their operations will be included in the draft Plan.

Please contact me if you have any questions,

Patricia McGowan

Patricia McGowan, Environmental Coordinator | City of Oakland | Bureau of Planning | 250 Frank H. Ogawa, Suite 3315 | Oakland, CA 94612 | Phone: (510) 238-3588 | Fax: (510) 238-6538 | Email: PMcGowan@oaklandnet.com | Website: www.oaklandnet.com/planning

Message

From: Adenike Adeyeye [aadeyeye@earthjustice.org]
Sent: 11/13/2017 6:52:01 PM
To: Grow, Richard [Grow.Richard@epa.gov]; ryan.fitzpatrick@dot.gov; Title VI Complaints [Title_VI_Complaints@epa.gov]
CC: pcort@earthjustice.org; Margaret Gordon Ex. 6 - Personal Privacy Brian Beveridge Ex. 6 - Personal Privacy
Subject: West Oakland Title VI complaint: Letter submitted to Port of Oakland last week
Attachments: 2017-11-08 Letter to Port Board.pdf

Dear Richard, Ryan, and Velveta –

Attached you will find a letter that West Oakland Environmental Indicators Project, Earthjustice, and allied organizations submitted to the Port of Oakland last week regarding the approval of a lease at the former Oakland Army Base. The letter raises concerns about the lack of community engagement to address environmental impacts.

Please let me know if you have any questions about the letter or would like additional information.

Best,

Adenike

Adenike Adeyeye
Senior Research & Policy Analyst / Advocacy Representative
50 California Street, Suite 500
San Francisco, CA 94111
T: 415.217.2000
F: 415.217.2040
earthjustice.org

EARTHJUSTICE

The information contained in this email message may be privileged, confidential and protected from disclosure. If you are not the intended recipient, any dissemination, distribution or copying is strictly prohibited. If you think that you have received this email message in error, please notify the sender by reply email and delete the message and any attachments.

November 8, 2017

Joan H. Story
President, Board of Port Commissioners
Port of Oakland
30 Water Street
Oakland, CA 94607

Subject: **Ordinance and Resolution to approve Lease with CenterPoint-Oakland Development I, LLC for a Transload and Distribution Facility on the Former Oakland Army Base**

Dear Ms. Story and Members of the Board of Port Commissioners,

These comments are submitted on behalf of the signatories below to request that the Board of Port Commissioners ("Board") delay approval of the lease with CenterPoint-Oakland Development I, LLC ("Developer") until the Board and Port of Oakland ("Port") ensure that the Developer will take all possible steps to minimize air pollution impacts and to be a good neighbor to surrounding communities.

The Board should delay action on this item until the Port has completed a public process on the environmental and public health impacts of this facility. The Port held a series of public meetings regarding this project, but those meetings focused on jobs. West Oakland Environmental Indicators Project requested that the Port include environmental issues in these meetings and Port staff told West Oakland Environmental Indicators Project that environmental issues would be addressed later. Yet, the environmental and public health impacts never were addressed and this proposal reflects that oversight. This dismissal of community requests to provide input on environmental concerns is part of a disturbing pattern highlighted in the April 4, 2017 Title VI complaint filed with the U.S. Department of Transportation and U.S. Environmental Protection Agency (see Attachment).

As the Bay Area Air Quality Management District ("District") noted in its November 3, 2017 letter to the Board, the proposal does not comply with many of the criteria in the Oakland Army

Base's Environmental Impact Report Standard Conditions of Approval/Mitigation Monitoring and Reporting Program (SCA/MMRP). The Agenda Report for this item states that the Developer will comply with the SCA/MMRP, but the Port has not taken any action yet to fulfill the SCA/MMRP's requirements. We agree with the comments submitted by the District and urge the Board to heed the District's recommendations regarding the SCA/MMRP.

In addition, the Agenda Report does not include all of the mitigation requirements that were included in the City of Oakland's ("City's") agreement with Prologis for its lease at the former Oakland Army Base. For example, the Prologis agreement requires Prologis to limit idling to three minutes and to use "zero and near-zero emission equipment at the Project Site to the extent that it is readily available in the San Francisco Bay Area."[1] At the very least, the Port should require the Developer to meet the same requirements that Prologis has committed to achieve.

The Board should ensure that its ordinance and resolution, if adopted, clearly state that the Developer must utilize zero and near zero emission technology[2] everywhere possible. To achieve the directives in the SCA/MMRP, the Port also will need to fund emission reduction programs at the Port and in the communities the Port impacts. The Board should work with the District and the California Air Resources Board to facilitate the widespread adoption of zero and near zero emission technologies throughout the former Oakland Army Base and in impacted communities.

To reduce emissions and improve air quality in impacted communities, the Port must adopt a different approach to planning for construction and operation of facilities at the former Oakland Army Base. The Port proposes to continue its pattern of treating the construction and operation phases as two distinct entities, even though facility design can affect emissions associated with facility operation. The Port should require developers to construct and design facilities to maximize emission reduction potential and facilitate the use of zero and near zero emission technologies during the operation phase.

Using zero and near zero emission vehicles and equipment at the Oakland Army Base is critically important due to the impact the development will have on West Oakland and communities all along the freeways that serve the Port. West Oakland is a community of color that faces disproportionate environmental impacts, which are caused in part by pollution generated at or associated with the Port (see Attachment, pp. 9-21). Other communities along freeways serving the Port (such as the I-880 corridor) also experience disproportionate impacts due in part to the truck traffic moving through their communities to the Port. Approving this lease without a public process and without clear instructions to use zero and near zero emission technologies during construction and operation will lock in years of unnecessary, dangerous emissions from the use of combustion fuel technologies where zero and near zero emission alternatives are available.

The Port has an opportunity here to send a message to the community: including more stringent emission reduction requirements for the Developer would signal that the Port intends to start

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[1] Prologis Oakland Global Logistics Center. "Diesel Emissions Reduction and Air Quality Plan for Construction of CE-2: Southeast Gateway Parcel, CC-1: New Central Gateway Parcel," p. 7 (August 13, 2017).

[2] We define "near zero emission" technologies to include technologies that allow vehicles and equipment to operate fully zero-emissions for some period of time (such as hybrid electric vehicles).

making real changes that benefit the health and wellbeing of West Oakland residents. Allowing the lease to proceed as-is sends a far different message. We urge the Port to delay action on this item and to revise the ordinance and resolution so that they set clear and stringent emission reduction requirements for the Developer.

Thank you for the opportunity to comment.

Sincerely,

Adenike Adeyeye
Senior Research and Policy Analyst
Earthjustice

Margaret Gordon and Brian Beveridge
Directors
West Oakland Environmental Indicators Project

Luis Amezcua
Chair
Sierra Club, Northern Alameda County Group

Rev. Earl W. Koteen
Sunflower Alliance

Kevin D. Hamilton, RRT, CEO
Central California Asthma Collaborative

Frank Gallo
Ditching Dirty Diesel Collaborative

Jimmy O'Dea
Senior Vehicles Analyst
Union of Concerned Scientists

Bill Magavern
Policy Director
Coalition for Clean Air

Bradley Angel
Executive Director
Greenaction for Health and Environmental Justice

Joel Ervice
Associate Director
Regional Asthma Management and Prevention

Taylor Thomas
Research & Policy Analyst
East Yard Communities for Environmental Justice

Attachment: Complaint Under Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (April 4, 2017).

Cc: Ryan Fitzpatrick, U.S. Department of Transportation
Velveta Golightly-Howell, U.S Environmental Protection Agency (EPA)
Richard Grow, U.S. Environmental Protection Agency (EPA)
Yana Garcia, California Environmental Protection Agency

ATTACHMENT

Complaint Under Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d
(April 4, 2017)

By electronic and certified U.S .mail

April 4, 2017

Attn: Ryan Fitzpatrick
Lead Civil Rights Analyst, Department of Transportation
Departmental Office of Civil Rights
1200 New Jersey Ave., S.E.
Washington, D.C. 20590
ryan.fitzpatrick@dot.gov

Attn: Velveta Golightly-Howell
Director, Office of Civil Rights
United States Environmental Protection Agency
U.S. EPA Office of Civil Rights (Mail Code 1201A)
1200 Pennsylvania Ave., NW
Washington, D.C. 20460
Title_VI_Complaints@epa.gov

Attn: Daria Neil
Deputy Chief, Federal Coordination and Compliance Section
Civil Rights Division
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530
Daria.neal@usdoj.gov

Re: **Complaint Under Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d**

On behalf of the communities of West Oakland, the West Oakland Environmental Indicators Project (WOEIP or "Complainant") submits this Complaint regarding the City of Oakland's ("City") pattern of neglect and systemic disregard for the health and wellbeing of West Oakland's residents, as demonstrated by its continuous authorizations of expanded freight infrastructure activities at the Port of Oakland and the former Oakland Army Base ("OAB") while failing to ensure adequate health and safety protections for the surrounding community. Complainant also files this complaint against the Port and the Board of Port Commissioners (collectively referred to as "Port"), for continuously expanding the Port's maritime, shipping, and transport activities in a manner that similarly exposes West Oakland residents to severe air pollution emissions without adequate mitigation.

The City and Port have engaged in the activities described in this Complaint to manipulate decision making and push through harmful expansions of freight activities for decades. Both parties have refused to engage in a meaningful analysis or process by which to address the negative health and environmental implications of their actions. Time and time

again, both the City and Port have dismissed the consistent input and opposition to their actions from directly impacted West Oakland residents, nearly 80% of whom are people of color, as well as from other agencies concerned about the problems such activities are creating.

The most recent example of the actions that are the subject of this Complaint is the City's approval of the first of a series of development-specific air quality management plans authorizing the construction of a new large-scale global trade and logistics development project located on OAB property. On October 4, 2016, the City Administrator approved a construction management plan for the Northeast Gateway development project site of the OAB, allowing developers, Prologis and the California Capital and Investment Group ("CCIG") to break ground on November 1, 2016, and begin construction for an expansive new warehouse and logistics development project – the "Oakland Global Logistics Center" – the full effects of which neither the City nor the Port have fully analyzed or addressed. This approval, and the City's continued authorization of new development and expanded activities at the Port and OAB create an unjustified disproportionate adverse impact on the basis of race, in violation of Title VI of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000d to 2000d-7, and the implementing regulations of the United States Department of Transportation ("DOT"), 49 C.F.R. Part 21, and the United States Environmental Protection Agency ("EPA"), 40 C.F.R. Part 7.

Title VI prohibits entities receiving federal financial assistance from engaging in activities that subject individuals to discrimination on the basis of race, color, or national origin. 42 U.S.C. § 2000d. Both the City and Port receive federal financial assistance from DOT, EPA and other federal agencies.[1] They are, therefore, subject to Title VI's prohibition against discrimination. The City and Port violate that prohibition by forcing through freight expansion projects that disproportionately subject the communities of color that surround both the Port and OAB properties to air pollution and other serious health threats on the basis of their race.

As an initial step in addressing the violations set forth in this complaint, Complainant requests that the DOT Departmental Office of Civil Rights and the EPA Office of Civil Rights accept this Complaint, and investigate whether the City and Port have indeed violated, and/or continue to violate Title VI of the Civil Rights Act and its implementing regulations in issuing their approvals to expand freight-related activities at the Port and OAB.[2] For reasons of economy, Complainant further requests that these investigations be consolidated and that EPA and DOT collaborate and coordinate the development and implementation of remedial approaches designed to address the City's and Port's violations. Because both the City and Port are most consistently funded by DOT in matters pertaining to the approvals and the activities at issue here, DOT is well poised to take the lead role at the federal level. Complainant also includes the Civil Rights Division of the Department of Justice in this Complaint, in anticipation

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[1] While not the subject of this complaint, the Port, which operates as a fully independent department of the City, receives substantial federal assistance in the form of monetary grants and gifts consisting of real property from the Department of Defense, the United States Army, and the United States Department of Homeland Security.

[2] Complainant also specifically requests that if either DOT or EPA rejects this complaint, the other agency conduct an investigation alone or jointly with other federal agencies, as appropriate, in accordance with federal regulations. *See* 28 C.F.R. § 42.408(b) ("Where a federal agency lacks jurisdiction over a complaint, the agency shall, wherever possible, refer the complaint to another federal agency . . . .").

that they too would play an active role in coordinating these federal investigative and enforcement actions, consistent with the mission of the Federal Coordination & Compliance Section.

In order to remedy the violations set forth in detail below, Complainant requests that DOT and EPA condition all future grants and awards of federal funds to the City and Port on both entities furnishing adequate assurances that their actions with respect to the activities taking place at the Port and OAB properties will address disproportionate impacts on the surrounding community. Specifically, WOEIP requests that the City and Port implement and adhere to appropriately tailored, updated mitigation measures that will address the harmful externalities of the Port's industrial and freight activities – including any and all new and expanded activities occurring at the OAB – and that both the City and Port commit to a meaningful, continuous process for receiving and incorporating input from the West Oakland community.

I. PARTIES

A. Complainant

WOEIP is a neighborhood resident-led, community-based environmental justice organization located in West Oakland, California. The organization is dedicated to achieving healthy homes, healthy jobs, and healthy neighborhoods for all who live, work, learn and play in their community. Through engaging in research projects and participating in agency advisory committees as well as stakeholder groups, WOEIP focuses on leveraging community power to support residents in developing and achieving their own vision for healthy neighborhoods, which includes, among other things, clean soil and vibrant surroundings, clean air and clean water, and a resident-led comprehensive vision for redevelopment and economic revitalization in and around West Oakland.[3]

B. Recipients

The City is a municipal corporation, ordained and established under the California Constitution. *See* Charter of the City of Oakland art. I. § 100[4]; *see, also*, Cal. Const. art. XI, § 5. As such, the City has the right and the power to make and enforce all laws and regulations relating to its municipal affairs. Charter of the City of Oakland art I. § 106. The City is a recipient of federal funds, as detailed below.

The Port was established in 1927. It operates as a fully independent City department, created by the City pursuant to the City's governing charter. Charter of the City of Oakland art. VII, §700. In creating the Port Department, the City vested "exclusive control and management" of the Port in the Board of Port Commissioners, which is comprised of members nominated by

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[3] *See* West Oakland Environmental Indicators Project website, *available at* https://www.woeip.org (last accessed, March 28, 2017).

[4] *Available at*: https://www.municode.com/library/ca/oakland/codes/code_of_ordinances?nodeId=THCHOA_ARTVIIPOOA (last accessed on March 28, 2017).

the City's Mayor and appointed by the City Council. *Id.* §701. The Board of Port Commissioners has "complete and exclusive power" over the "Port Area." *Id.* All moneys appropriated by the Board and all revenue from the operation of the Port are under the exclusive control of the Board and are deposited in a special "Port Revenue Fund" in the City's treasury. *Id.* §§ 717(2), (3). Like the City, the Port is a recipient of federal funds, as detailed below.

II. JURISDICTION

The prohibition against racial discrimination set forth in Title VI applies to all recipients of federal funds: "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." 42 U.S.C. § 200d. The acceptance of federal funds in itself creates an obligation on the part of the recipient to comply with Title VI and the federal agencies' implementing regulations.

As explained below, the City and Port are recipients of federal funds and implement programs or activities receiving continuous federal financial assistance. They are, therefore, subject to the requirements of Title VI and its applicable implementing regulations.

A. Program or Activity

Title VI defines a program or activity as "all of the operations of . . . a department, agency, special purpose district, or other instrumentality of a State or of a local government . . . any part of which is extended Federal financial assistance." 42 U.S.C. § 2000d-4a. Accordingly, if any part of a listed entity receives federal funds, the whole entity is covered by Title VI. *Ass'n. of Mex.-Am. Educ. v. California*, 195 F.3d 465, 474-5 (9th Cir. 1999), rev'd in part on other grounds, 231 F.3d 572 (9th Cir. 2000) (en banc).

The actions undertaken by the City and Port are taken as part of a program or activity because the City is its own municipal government entity, and the Port is a department of the City as set forth in the City's charter. Charter of the City of Oakland art. VII, §§ 700, 701. Indeed, the City created the Port's Board of Commissioners specifically to act for and on behalf of the City in any matter within the jurisdiction of the Board, which includes all areas that are part of the Port's operations. Charter of the City of Oakland art. VII, §701. Both the City and Port, including the Board of Port Commissioners, receive federal funds, as explained below.

The City Administrator is also appointed by the City's Mayor, subject to confirmation by the City Council, and is directly accountable to the Mayor's office. *See*, City of Oakland Municipal Code, Title 2, Ch. 2.29, sec. 170 (establishing the Office of the City Administrator). The Administrator is responsible for the day-to-day administrative and fiscal operations of the City, and directs City agencies and departments to ensure the goals and policy directives of the Mayor and City Council are implemented. *See, id.* The responsibilities of the Administrator's Office include: enforcing all laws, ordinances, and policies of the Council; attending all meetings of the Council, Council Committees, boards, and commissions; making recommendations to the Council concerning City affairs; controlling and administering the financial affairs of the City and keeping the Council apprised of these affairs; preparing or directing preparation of the plans,

specifications, and contracts for work the Mayor or Council may order; and coordinating all projects, policies, and directives assigned to the Administrator by the Council or by the Mayor.[5] Accordingly, the specific actions and approvals undertaken by the City Administrator are also part of a program or activity, as they are taken with the full authority of the City. As outlined below, the infrastructure, shipping, transport, and logistics programs and activities approved by the City, Port, and the City Administrator that are the basis for this Complaint receive federal financial assistance.

B. Federal Financing/Federal Financial Assistance

The City and Port receive federal financial assistance as defined in DOT's and EPA's Title VI implementing regulations.

1. DOT Funds Received by the City and Port

DOT regulations define "[r]ecipient" as "any State . . . or any political subdivision thereof, or instrumentality thereof, any public or private agency, institution, or organization, or other entity, or any individual, in any State . . . to whom Federal financial assistance is extended, directly or through another recipient. . . ." 49 C.F.R. § 21.23.

In Fiscal Year (FY) 2010, the City of Oakland received a considerable Transportation Investment Generating Economic Recovery (TIGER) planning grant in the amount of $2 million to support the City's estimated $9,220,000 planning efforts for "sustainable transit oriented planning" at the "[OAB] Redevelopment Area."[6] According to the grant description, DOT's grant of these funds was aimed at aiding the City's development of "an Infrastructure Master Plan", and associated environmental review, "to direct needed utilities and roadway improvements for the former [OAB]."[7] The project considered under the terms of this grant also involved a "Specific Plan" and associated environmental review "to guide future development in West Oakland" and to specifically develop a framework for addressing "undervalued and blighted land in the West Oakland community" where the per capita income was, in that year, less than fifty percent of the county average.[8]

DOT has also awarded substantial TIGER funds to the Port. For example, in FY 2012 DOT awarded the Port approximately $15 million in TIGER grant funds to develop a new Port

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[5] City of Oakland, *City Administration: Welcome*, available at: http://www2.oaklandnet.com/government/o/CityAdministration/index.htm (last accessed March 30, 2017).
[6] *See*, United States Department of Transportation, *US DOT TIGER II Planning Grants*, *available at*: https://www.transportation.gov/sites/dot.gov/files/docs/TIGER%202%20Planning%20GRANTS%20Highlights.pdf (last accessed March 30, 2017).
[7] *See*, United States Department of Transportation, *US DOT TIGER II Planning Grants*, *available at*: https://www.transportation.gov/sites/dot.gov/files/docs/TIGER%202%20Planning%20GRANTS%20Highlights.pdf (last accessed March 30, 2017).
[8] *See*, United States Department of Transportation, *US DOT TIGER II Planning Grants*, *available at*: https://www.transportation.gov/sites/dot.gov/files/docs/TIGER%202%20Planning%20GRANTS%20Highlights.pdf (last accessed March 30, 2017).

Rail Terminal serving Port property.[9] Moreover, DOT consistently funds the Port with large grants specifically intended for airport improvements. While these funds do not directly benefit the OAB properties at issue here, the duration and scale of this funding is important to note. The following is a list of DOT's airport improvement program grants to the Port between FY 2008 and FY 2016:

FY 2008 - $11,967,919
FY 2009 - $18,317,487
FY 2010 - $15,706,402
FY 2011 - $7,559,904
FY 2012 - $32,753,747
FY 2013 - $18,245,770
FY 2014 - $41,578,114
FY 2015 - $11,395,060
FY 2016 - $7,324,847

In FYs 2013 and 2014, the Port was also sub-granted $983,928 and $312,263, respectively, in funds originating from DOT, but awarded to the California Department of Transportation (Caltrans) to pay for ongoing operations at the Port.[10]

2. EPA Funds Received by the City and Port

Similar to DOT's regulations, EPA's Title VI regulations define a "[r]ecipient" as "any State or its political subdivision, any instrumentality of a State or its political subdivision, any public or private agency, institution, organization, or other entity, or any person to which Federal financial assistance is extended directly or through another recipient . . . ." 40 C.F.R. § 7.25.

Between FY 2006 and FY 2010, the City received two consecutive two-year block grants totaling $800,000 over the course of four years, from EPA, to ensure brownfield cleanup, including clean up in and around the community of West Oakland.[11]

Starting in 2013, EPA awarded the Port $282,293 to reduce air pollution from the Port's gantry cranes, through EPA's National Clean Diesel Reduction Program.[12] In FY 2014 EPA also

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[9] *See* United States Department of Transportation, *TIGER 2012 Awards, available at:* https://www.transportation.gov/sites/dot.gov/files/docs/fy2012tiger_0.pdf (last accessed March 30, 2017).
[10] USASpending.gov, *Recipient Profile: Port of Oakland, available at:* https://www.usaspending.gov/transparency/Pages/RecipientProfile.aspx?DUNSNumber=009235326&FiscalYear=2013 (last accessed March 30, 2017).
[11] *See*, USASpending.gov, *Recipient Profile: City of Oakland California, available at:* https://www.usaspending.gov/transparency/Pages/RecipientProfile.aspx?DUNSNumber=137137977&FiscalYear=2010 (last accessed, March 30, 2017), and see USASpending.gov, *Award Summary: City of Oakland, available at*: https://www.usaspending.gov/transparency/Pages/AwardSummary.aspx?awardId=14192643 (last accessed, March 30, 2017).
[12] *See*, USASpending.gov, *Award Summary: Board of Port of Commissioners of the Port of* [sic], available at: https://www.usaspending.gov/transparency/Pages/AwardSummary.aspx?awardId=12519152 (last accessed, March 30, 2017).

awarded the Port and additional $415,932 through the same program,[13] and in FY 2015, EPA granted another $133,639 to the Port, to support the Port's continued efforts to reduce air pollution from port-related operations.[14]

C. Timeliness

This complaint is timely because it is based on the City's and the City Administrator's continuous and ongoing approvals of a series of construction and operation management plans concerning the OAB "Gateway" Redevelopment Project, which is one part of a multi-stage large scale development project called the Oakland Global Logistics Center development, and is likewise part of the Port's continued expansion of its shipping, receiving, storage distribution and freight transport activities. Both DOT and EPA instruct Title VI complainants to file their complaints within 180 days of the alleged discriminatory act.[15] 49 C.F.R. § 21.11(b) (DOT Title VI regulations); 40 C.F.R. § 7.120(b) (EPA Title VI regulations).

On October 4, 2016, the City approved a construction management plan that allowed Prologis and CCIG to break ground on the Northeast Gateway OAB site on November 1, 2016.[16] The operation management plan for the Northeast Gateway project, and the construction and operation management plans for the remaining "Gateway" areas of the OAB remain subject to ongoing similar approvals from the City. The City's October 4, 2016 action is, therefore, one of many piecemealed development-related approvals that will continue to occur.

This complaint is timely because it is filed within 180 days of the City's October 4, 2017 approval and subsequent construction at the Northeast Gateway site. Moreover, because the actions alleged in this Complaint are part of a long history of discriminatory actions that are both ongoing, and slated to continue in subsequent approval processes, Complaint requests that DOT and EPA waive any potential objections related to the 180-day deadline. 49 C.F.R. § 21.11(b); 40 C.F.R. § 7.120(b).

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[13] *See*, USASpending.gov, recipient profile for the "Port of Oakland" and "Board of Port Commissioners," FY 2014, DUNS no. 009235326, available at: https://www.usaspending.gov/transparency/Pages/RecipientProfile.aspx?DUNSNumber=009235326&FiscalYear=2014 (last accessed, March 30, 2017).

[14] USASpending.gov, *Recipient Profile: Board of Port Commissioners of the Port of Oa* [sic], *available at:* https://www.usaspending.gov/transparency/Pages/RecipientProfile.aspx?DUNSNumber=009235326&FiscalYear=2015 (last accessed, March 30, 2017).

[15] DOT and EPA, moreover, have the authority and the discretion to waive or extend the 180-day deadline. 49 C.F.R. § 21.11(b); 40 C.F.R. § 7.120(b).

[16] *See,* Annie Sciacca, *Oakland Army Base redevelopment project breaks ground*, East Bay Times, (November 1, 2016), *available at:* http://www.eastbaytimes.com/2016/11/01/oakland-army-base-redevelopment-project-breaks-ground/ (last accessed, March 30, 2017).

D. Other Prudential Factors and/or Jurisdictional Considerations

This Complaint satisfies all other jurisdictional and prudential considerations laid out in both DOT's and EPA's regulations implementing Title VI. The Complaint also meets EPA's guidance set forth its Interim Case Resolution Manual.[17]

Specifically, this Complaint is submitted to both agencies in writing, by and on behalf of a Complainant group that is authorized to submit such a complaint to redress the adverse impacts this group experiences directly and which other, similarly situated residents also experience as a result of both the Port's and City's violations of Title VI.

DOT and EPA have subject matter jurisdiction over this Complaint because it alleges discrimination based on race in violation of Title VI of the Civil Rights Act of 1964. This Complaint also contains unique civil rights allegations that have not been alleged in any court or administrative proceeding, and which are specific to the City's and Port's systemic pattern of issuing project approvals and/or engaging in activity at and surrounding the Port and OAB properties in a manner that causes disproportionate effects to the surrounding residential community, on the basis of race.

Moreover, this Complaint seeks unique relief from DOT and EPA — compliance with Title VI. Complainant asks DOT and EPA to investigate this Complaint and take steps to remedy noncompliance with Title VI by the City and Port, including conditioning any and all future federal funding. This relief is not available through other means.

III. FACTUAL BACKGROUND

A. The Residents and Community of West Oakland

1. West Oakland's History and Demographics

West Oakland is a diverse community with a rich history and a historically vibrant culture dating back to the late nineteenth century. In the 1800s and early 1900s, West Oakland was home to many European, Japanese, and Chinese immigrants, Mexicans, and a large number of African Americans who migrated from the South for jobs in the auto and rail industries. As military activities expanded at the OAB, and new job opportunities in the Port's shipyards increased, West Oakland experienced an even greater influx of mostly small-business growth,

[17] *See, e.g.*, United States Environmental Protection Agency, *Case Resolution Manual*, Chapter 2 (January 2017), *available at* https://www.epa.gov/sites/production/files/2017-01/documents/final_epa_ogc_ecrco_crm_january_11_2017.pdf (last accessed, March 30, 2017).

which, in addition to the OAB's activities included many local shops that were owned by, and served, West Oakland residents.[18]

In the late 1900's, however, West Oakland experienced a decline in its relative economic vitality.[19] While it remains a mostly working-class community, the median household income in zip code 94607, which encompasses most of West Oakland today, is $35,837.[20] For comparison, the median income of Alameda County is $67,169.[21] Over 30% of individuals living in zip code 94607 live below the poverty level.[22] In Alameda County as a whole, only 13.5% of individuals live below the poverty level.[23] As *Figure 1* indicates, poverty has been a long term issue in West Oakland, with the entire community experiencing either persistent (five decades long), or frequent (three to four decades long), high poverty rates.

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[18] *See, e.g.*, Oakland Base Reuse Authority, *Gateway to the East Bay: Final Reuse Plan for the Oakland Army Base*, Ch. 1.1 "[OAB] Location, History and Setting", p. 13 (July 31, 2012) (describing some of the historical background of the region, and in particular of the OAB, and its surroundings), *available at* http://www2.oaklandnet.com/government/o/CityAdministration/d/NeighborhoodInvestment/o/OaklandArmyBase/DOWD008829 (last accessed April 3, 2017).

[19] County of Alameda, CA, *Demographics, available at* https://www.acgov.org/about/demographics.htm (last accessed March 30, 2017); United States Census Bureau, *American FactFinder*, citing 2011-2015 American Community Survey 5-Year Estimates, *available at* https://factfinder.census.gov/faces/nav/jsf/pages/index.xhtml (last accessed March 30, 2017).

[20] United States Census Bureau. *American FactFinder*, citing 2011-2015 American Community Survey 5-Year Estimates, *available at* https://factfinder.census.gov/faces/nav/jsf/pages/index.xhtml (last accessed March 30, 2017).

[21] County of Alameda, CA, *Demographics, available at* https://www.acgov.org/about/demographics.htm (last accessed March 30, 2017).

[22] United States Census Bureau. *American FactFinder*, citing 2011-2015 American Community Survey 5-Year Estimates, *available at* https://factfinder.census.gov/faces/nav/jsf/pages/index.xhtml (last accessed March 30, 2017).

[23] County of Alameda, CA, *Demographics, available at* https://www.acgov.org/about/demographics.htm (last accessed March 30, 2017).

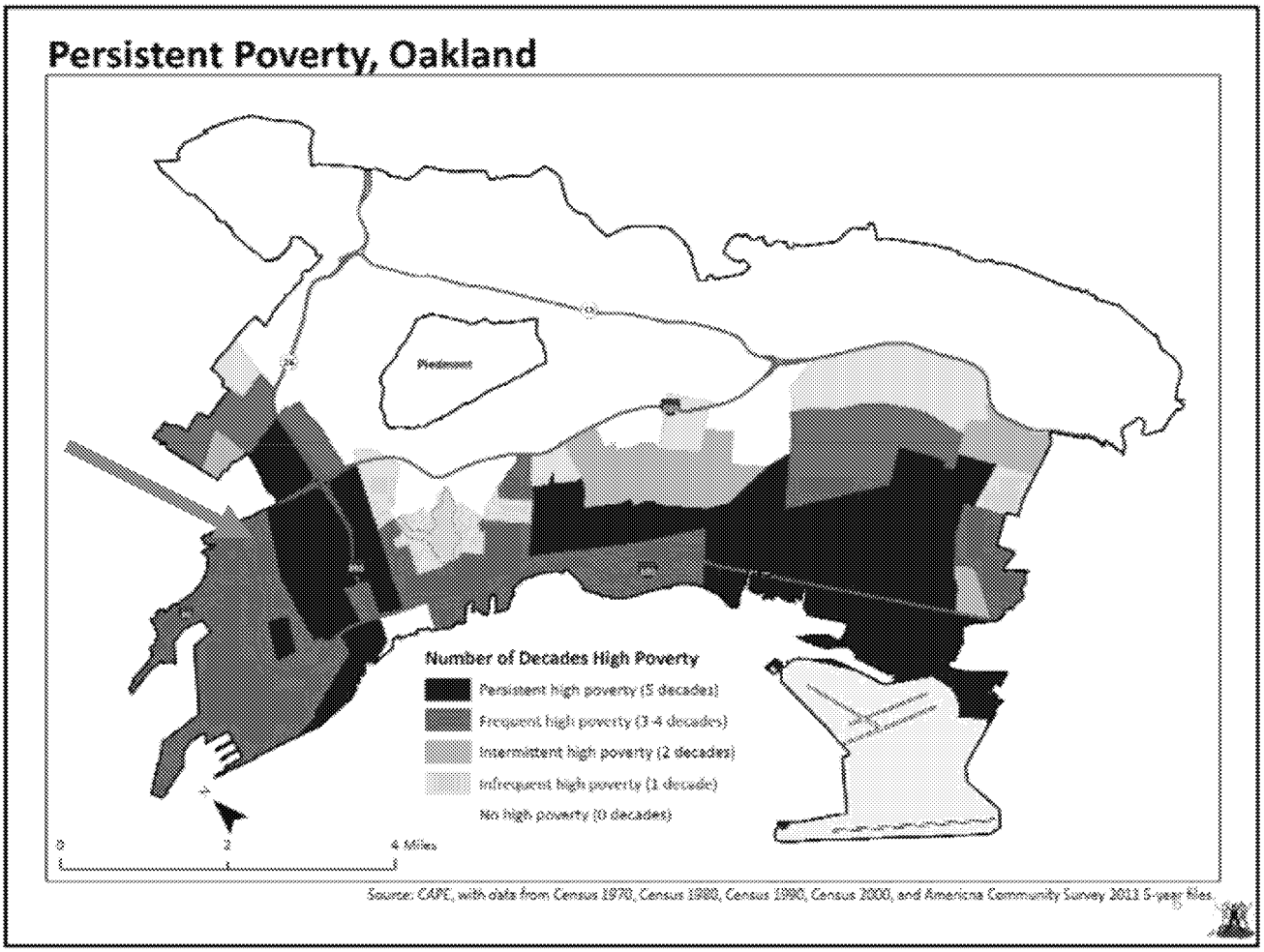

Figure 1 Map of areas of persistent poverty in Oakland (with arrow pointing to West Oakland).[24]

Most importantly for the purpose of this Complaint, and the allegations set forth herein, West Oakland remains primarily a community of color. Approximately 49 percent of West Oakland residents today are Black, 17 percent identify as Latino, 15 percent identify as White, and nearly 13 percent identify as Asian.[25] In Alameda County overall, 51 percent of Alameda County residents are White, only 12 percent are Black, 30 percent are Asian, and 23 percent are Latino.[26]

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[24] Alameda County Public Health Department, *East and West Oakland Health Data Existing Cumulative Health Impacts*, West Oakland Resident Action Council (RAC) Meeting (September 5, 2015), p. 6.
[25] Alameda County Public Health Department, *East and West Oakland Health Data Existing Cumulative Health Impacts,* West Oakland Resident Action Council (RAC) Meeting (September 5, 2015), p. 3.
[26] United States Census Bureau, *Quick Facts: Alameda County, California* (2015), *available at* https://www.census.gov/quickfacts/table/PST045216/06001 (last accessed March 30, 2017).

2. Health and Pollution Burdens Affecting West Oakland

The largely residential community of West Oakland is surrounded by the Port and OAB, and by freeways. Specifically, as shown in *Figure 2*, three interstate freeways, the I-580, I-880 and I-980 freeways, surround West Oakland with the Port and OAB surrounding the community to the West and South.

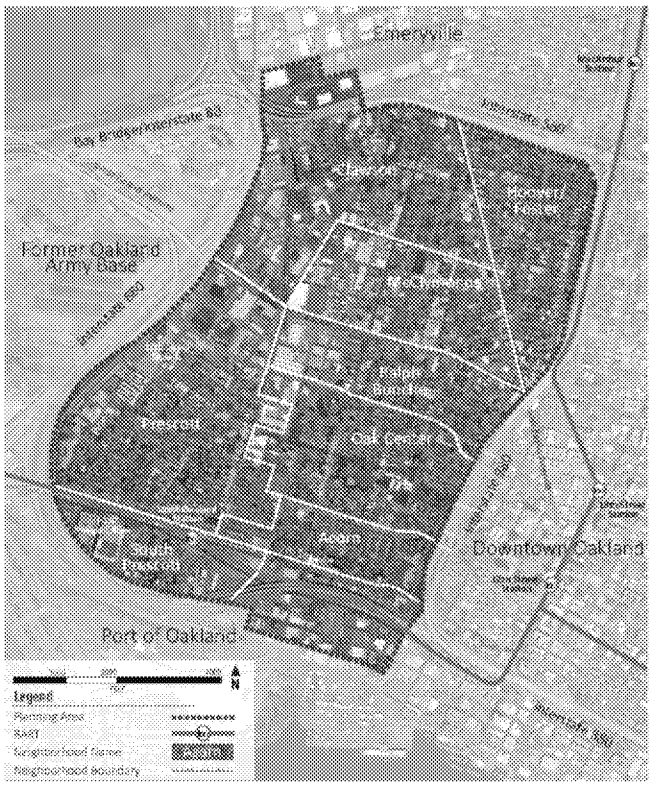

Figure 2 Map of the community of West Oakland.[27]

In addition to housing the Port, which is the fifth busiest container port in the United States, West Oakland is also home to two rail yards, with expansive and growing rail road tracks that are owned and operated by Union Pacific ("UP"), and the Burlington Northern and Santa Fe Railroad Company ("BNSF"). While not pictured above, West Oakland also has numerous trucking-based distribution centers and a host of related businesses including mechanical and body repair shops as well as large diesel gas stations that serve various activities taking place at the Port and OAB.

Thus, while this community has many aspects of unique physical beauty, including many nineteenth century Victorian-era historical buildings, an important and meaningful history, as

[27] City of Oakland, *West Oakland Specific Plan* (area map), *available at* http://www2.oaklandnet.com/Government/o/PBN/OurOrganization/PlanningZoning/OAK028334 (last accessed, April 3, 2017).

well as vibrant cultural traditions, today, its residents experience an overwhelming and disproportionate burden of health and environmental risks caused by the activities surrounding their homes and schools. For example, the Oakland Unified School District (OUSD) has identified the three elementary schools, two middle schools, and three high schools located in West Oakland and serving the West Oakland community as showing the highest "environmental stress indicators" based on students' exposure to poor air quality and inadequate access to healthy foods, among other environmental risks.

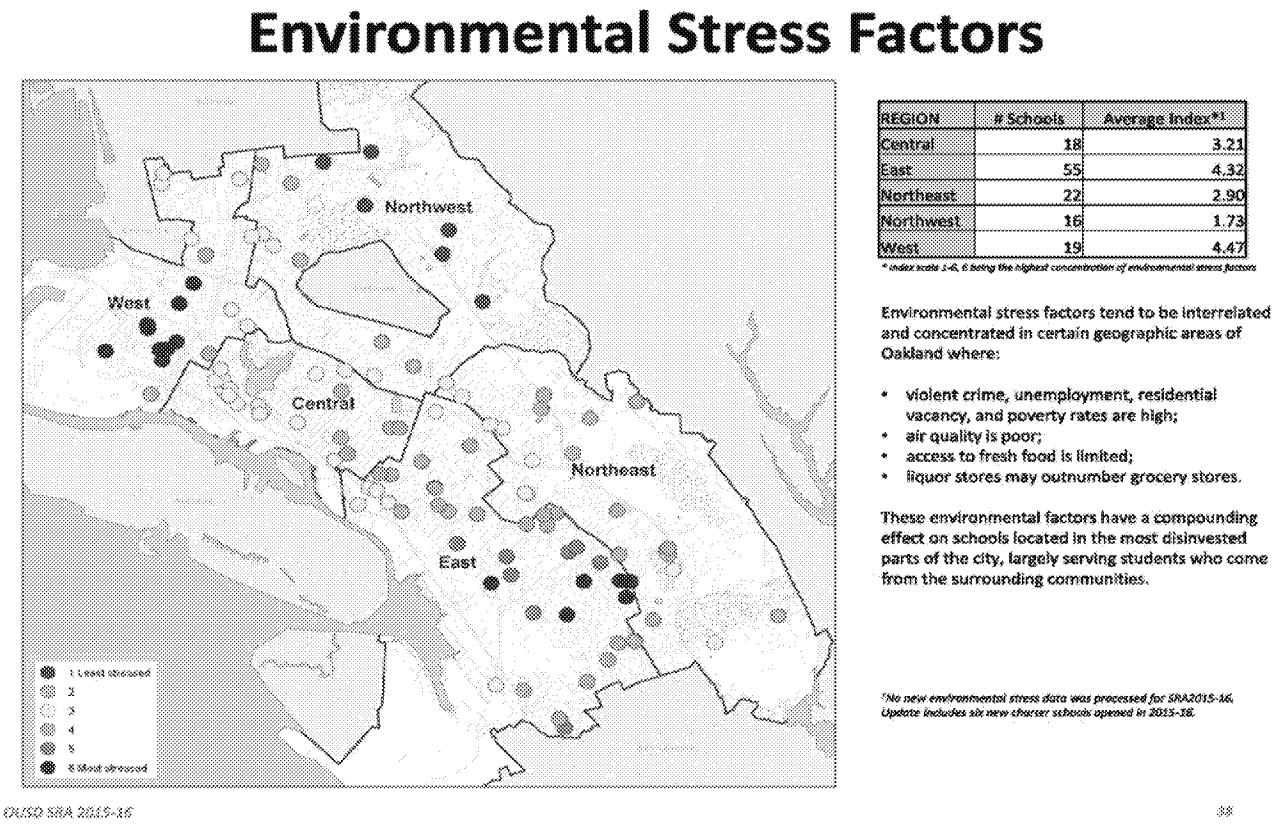

Figure 3 Environmental stress factors by school.

In addition, there are two preschools and at least one formal, reported day-care center, which, while not included in the OUSD map above, are located in close proximity to the Port and the

freeways surrounding West Oakland.[28] These childcare facilities are exposed to the same stress indicators, including poor air quality, as the OUSD-reported schools shown in *Figure 3*, yet with potentially even more devastating impacts, considering the age and size of the children attending these care facilities.

Notably, most of the pollution burden West Oakland residents shoulder directly results from the activities taking place at and around the Port and OAB. Trucks serving the Port bring heavy air pollutant emissions, including emissions of diesel particulate matter; the traffic they cause disrupts neighborhoods, and damages local streets that were not intended for heavy trucks.

Air pollution has been proven to cause and/or exacerbate respiratory and cardiovascular illness, and can trigger asthma attacks.[29] Diesel particulate matter emitted by heavy duty trucks and other freight vehicles and equipment like ships and trains, is a known carcinogen. The California Air Resources Board ("ARB") has found that West Oakland residents are "exposed to diesel particulate matter ambient concentrations that are almost three times the average background diesel particulate matter ambient concentrations in the [Bay Area Air Quality Management District]."[30] Indeed, West Oakland residents experience a lifetime potential cancer risk of 1,200 excess cancers per million due to diesel particulate matter emissions. In comparison, the ARB found an excess cancer risk due to diesel particulate matter of 480 excess cancers per million across the entire San Francisco Bay Area.[31] The risk that West Oakland residents face is nearly three times the risk that Bay Area residents generally face. Diesel particulate matter emissions from the Port alone are responsible for a risk of approximately 200 excess cancers per million.[32]

In 2008, the ARB conducted a diesel particulate matter Health Risk Assessment in West Oakland. The 2005 baseline emission inventory used in the assessment showed that heavy duty trucks accounted for 112 tons per year of diesel particulate matter emissions, or 13% of the total

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[28] Harriett Tubman Preschool is located on 3rd street, in the Hoover/Foster neighborhood of West Oakland, adjacent to the I-580 and I-980 intersections, which experience heavy traffic to reach the Port and Port facilities. See, map location, *available at*: https://www.google.com/maps/place/Harriet+R+Tubman+CDC/@37.8236086,-122.2731381,15z/data=!4m5!3m4!1s0x0:0x1b8f115e05028cb2!8m2!3d37.8236086!4d-122.2731381 (last accessed, March 30, 2017). The Baby Academy and Infant Day Care Center is also located in Wes Oakland's Prescott neighborhood, which is adjacent to the I-880 or "Nimitz Freeway" that feeds directly onto frontage roads serving the Port. See, map location, *available at*: https://www.google.com/maps/place/The+Baby+Academy+Infant+Care+%26+Preschool/@37.8094548,-122.2975516,15z/data=!4m5!3m4!1s0x0:0x891cc2ecd329e327!8m2!3d37.8094548!4d-122.2975516 (last accessed, March 30, 2017).

[29] Saffet Tanrikulu, Cuong Tran, and Scott Beaver, Bay Area Air Quality Management District, *Health Impact Analysis of Fine Particulate Matter in the San Francisco Bay Area* (September 2011), *available at* http://www.baaqmd.gov/~/media/files/planning-and-research/research-and-modeling/cost-analysis-of-fine-particulate-matter-in-the-bay-area.pdf (last accessed March 30, 2017).

[30] California Air Resources Board, *Diesel Particulate Matter Health Risk Assessment for the West Oakland Community*, p. 2, (December 2008).

[31] California Air Resources Board, *Diesel Particulate Matter Health Risk Assessment for the West Oakland Community*, p. 22, (December 2008).

[32] California Air Resources Board, *Diesel Particulate Matter Health Risk Assessment for the West Oakland Community*, p. 2, (December 2008).

diesel particulate matter emissions inventory for the West Oakland area, with the remaining diesel particulate matter emissions coming from trains and ships serving the Port area.[33] An estimated 2,800 medium sized, short distance trucks, also known as drayage trucks, serve the Port of Oakland multiple times per week, and there are approximately 10,000 truck trips to and from the Port, with an additional 1,400 truck trips daily between the Port and distribution centers in West Oakland.[34] These figures are expected to grow as the Port expands, which will result in additional truck traffic through the West Oakland community. Further expansions of the Port's activities will bring more ships and more trains to the area, further elevating the amount of diesel particulate matter in the air throughout West Oakland, and increasing the resulting adverse health impacts affecting West Oakland residents.

As demonstrated through ARB's 2008 Health Risk Assessment, truck traffic hurts communities and makes it more difficult to build thriving, resilient neighborhoods. People living on busy streets, with trucks rumbling by frequently, are more reluctant to go outside to exercise; residents have fewer opportunities to meet their neighbors and to build a close-knit community within their neighborhood.[35] If they are parents they are also more reluctant to let their children play outside. Closely connected communities can provide important physical and mental health benefits;[36] truck traffic impedes these benefits for residents of West Oakland.

Moreover, while diesel particulate matter emissions from the Port alone are responsible for approximately 200 excess cancers per million,[37] West Oakland residents are consistently exposed to a variety of other, cumulative impacts that result in poor health outcomes in the community. All-cause death rates in West Oakland are higher than all-cause death rates in the city of Oakland overall.[38] As a result, West Oakland has one of the lowest life expectancies of all communities in Oakland (see *Figure 4*).

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[33] California Air Resources Board, *Diesel Particulate Matter Health Risk Assessment for the West Oakland Community*, p. 15, Table 3 (December 2008).
[34] UC Berkeley Health Impact Group (UCBHIG), *Health Impact Assessment for the Port of Oakland*, University of California, Berkeley, CA, p. Air-6 (March 2010).
[35] UC Berkeley Health Impact Group (UCBHIG), *Health Impact Assessment for the Port of Oakland*, University of California, Berkeley, CA, p. Transportation-9 (March 2010) (showing that communities with higher traffic volumes are not as close-knit as communities with lower traffic volumes).
[36] UC Berkeley Health Impact Group (UCBHIG), *Health Impact Assessment for the Port of Oakland*, University of California, Berkeley, CA, p. Transportation-10 – Transportation-11 (March 2010).
[37] California Air Resources Board, *Diesel Particulate Matter Health Risk Assessment for the West Oakland Community*, p. 2, (December 2008).
[38] Alameda County Public Health Department, *East and West Oakland Health Data Existing Cumulative Health Impacts*, p. 13, West Oakland Resident Action Council (RAC) Meeting (September 5, 2015).

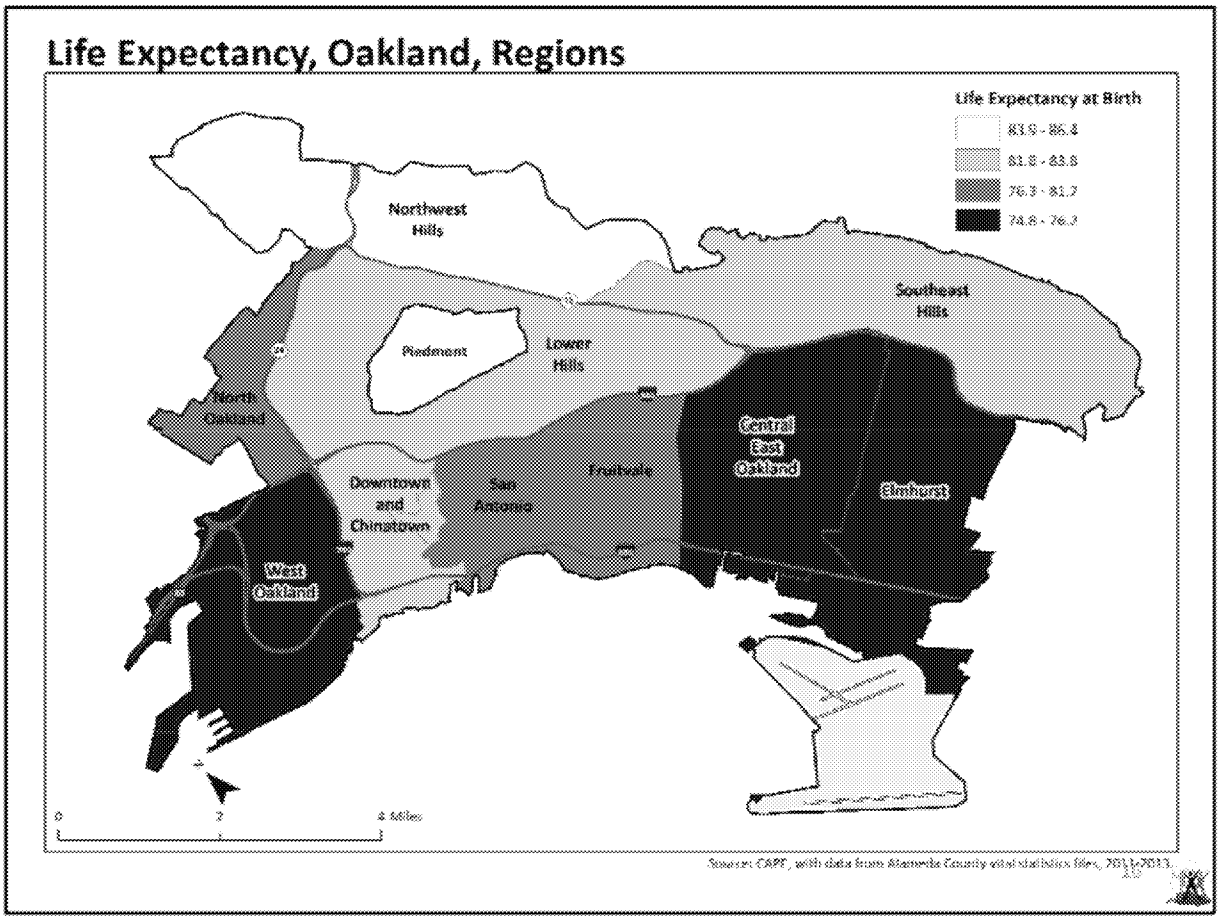

Figure 4 Life expectancies in Oakland's communities.[39]

When compared to other areas of Alameda County, West Oakland also has elevated rates of emergency room visits due to stroke-related and congestive heart failure hospitalizations, and asthma hospitalizations in children older than 5.[40]

B. History of the Port and Army Base

The Port is the fifth largest container port in the United States and the second largest in the State of California, behind the combined ports of Los Angeles and Long Beach. Established in 1927, the Port is home to 18 ship berths, 236 container cranes, two rail yards and approximately 500 pieces of cargo handling equipment, as well as 2,500 trucks. In 2016, the Port moved over 2 million 20-foot equivalent units of containers in and out of the Bay area.

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[39] Alameda County Public Health Department, *East and West Oakland Health Data Existing Cumulative Health Impacts*, p. 16, West Oakland Resident Action Council (RAC) Meeting (September 5, 2015).
[40] Alameda County Public Health Department, *East and West Oakland Health Data Existing Cumulative Health Impacts*, pp. 9-12, West Oakland Resident Action Council (RAC) Meeting (September 5, 2015).

OAB is a 425-acre facility located along the Oakland waterfront, just north of the Port and south of the eastern portion of the San Francisco Bay Bridge.[41] It was originally commissioned to serve as a United States Army base in 1941, and during World War II it developed to serve as a major cargo port.[42] Following the end of the war, OAB continued to serve as a shipping and rail terminal, providing logistical support for the subsequent Korean, Vietnam and Persian Gulf wars.[43] In 1995 the United States Defense Base Closure and Realignment Commission recommended closure of OAB, and it officially closed OAB's operations as an army base in 1999.[44]

Following its decision to close the base, the United States Department of Defense designated a local reuse authority – the Oakland Army Base Reuse Authority – as the entity charged with the oversight of all post-closure redevelopment at OAB.[45] In order to assist in informing and influencing the ongoing land use changes at OAB, prior to the completion of OAB's closure, the Reuse Authority established the West Oakland Community Advisory Group (WOCAG).[46] In line with its purpose, the WOCAG met for over ten years to discuss and present community recommendations relating to the new uses and businesses that would benefit West Oakland residents. These recommendations were collected, reviewed an compiled by the Redevelopment Agency until its dissolution, and they were, to an extent, incorporated into the early planning stages for the OAB closure.

In 2000, the Oakland City Council designated OAB and its surrounding properties as a "Redevelopment Area," then under the jurisdiction of the City's Redevelopment Agency, the Port and the County of Alameda, pursuant to a Joint Powers Agreement. The closure process was guided by a "Preliminary Redevelopment Plan" that was formulated with some early input from the WOCAG.[47] Pursuant to this "Preliminary Redevelopment Plan", the City broadly committed to the "redevelopment, rehabilitation, and revitalization of the area within the boundaries of the [OAB]" and its surroundings. [48] The City also sub-divided OAB into two general development areas, shown in *Figure 5*, below. The first was a 140-acre "Gateway Development Area," situated in the north and northwest portion of the sub-district, owned by the City and the OAB Redevelopment Agency. [49] The second was a 170-acre "Port Development

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[41] Oakland Base Reuse Authority, *Gateway to the East Bay: Final Reuse Plan for the Oakland Army Base*, Executive Summary, p. 1 (July 2012), *available at*: http://www2.oaklandnet.com/government/o/CityAdministration/d/NeighborhoodInvestment/o/OaklandArmyBase/DOWD008829 (last accessed April 3, 2017).
[42] *Id.*, p. 14.
[43] *Ibid.*
[44] *Ibid.*
[45] *Id.*, p. 15.
[46] *Id*, p. 16.
[47] *See* Redevelopment Plan for the Oakland Army Base Redevelopment Project, Adopted June 11, 2000, Amended and Restated on December 21, 2004 (Ordinance No. 12644 C.M.S.), and on June 7, 2005 (Ordinance No. 12672 C.M.S.), p. 2.
[48] City of Oakland, *Redevelopment Plan for the Oakland Army Base Redevelopment Project* (June 11, 2000)(Amended and restated December 21, 2004 and June 7, 2005), *available at* http://www2.oaklandnet.com/oakca1/groups/ceda/documents/report/oak030544.pdf.
[49] *See* LSA Associates for City of Oakland, *2012 Oakland Army Base Initial Study/Addendum*, Ch. 2, pp. 19-20 (May 2012), *available at* http://www2.oaklandnet.com/oakca1/groups/ceda/documents/report/oak035061.pdf.

Area" located in the west and southeast portions of the OAB, owned and operated by the Port.[50] In addition to these two main sub-areas, the City also designated two additional sub-districts – the "Maritime" sub-district, which is comprised of 1,290 acres owned and operated by the Port; and the "16th and Wood" sub-district – an additional 41 acres owned by various private entities.[51]

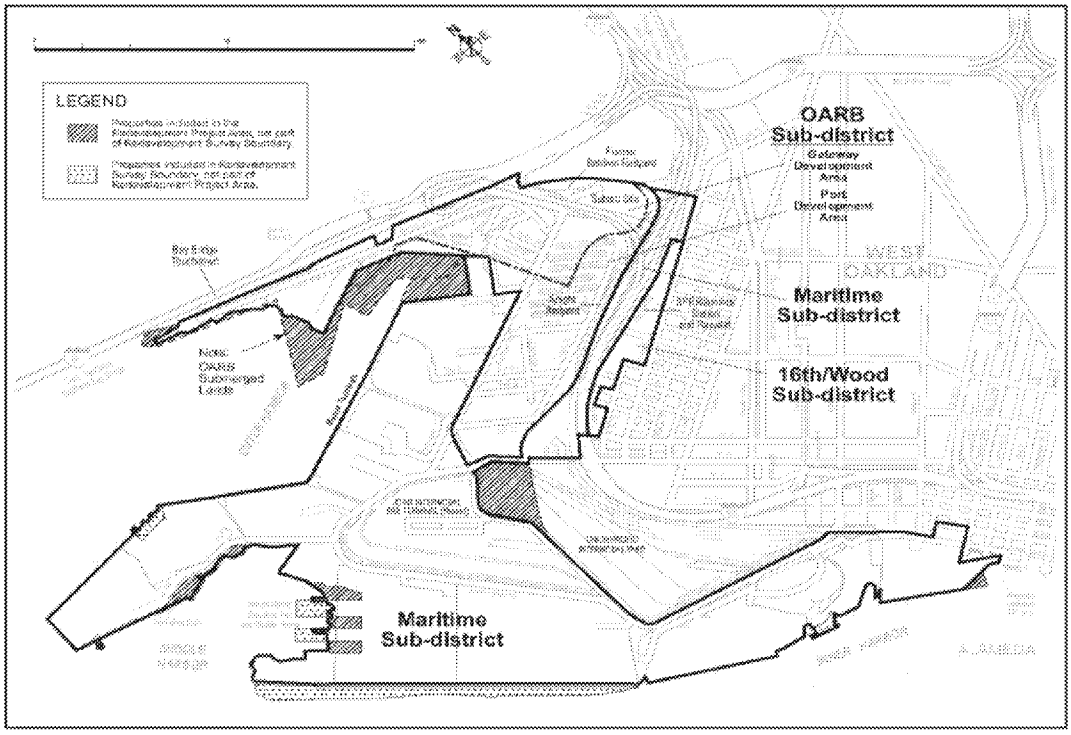

Figure 5 Oakland Army Base Redevelopment Area Sub-Districts, April 2002[52]

In 2002, the City approved a new and more detailed "Oakland Army Base Redevelopment Area Plan" and a supporting Environmental Impact Report (EIR) analyzing the effects of the OAB closure and the City's updated planning proposals for redevelopment on OAB property under the California Environmental Quality Act.[53] According to the City's 2002 approval, the Gateway Development Area would be redeveloped pursuant to a "flexible" alternative land use plan, which specifically contemplated the construction and operation of

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[50] *See* LSA Associates for City of Oakland, *2012 Oakland Army Base Initial Study/Addendum*, Ch. 2, pp. 19-20 (May 2012), *available at* http://www2.oaklandnet.com/oakca1/groups/ceda/documents/report/oak035061.pdf.
[51] *Id.*
[52] City of Oakland, *Oakland Army Base Project: Maps*, *available at* http://www2.oaklandnet.com/oakca1/groups/ceda/documents/image/dowd007621.jpg (last accessed April 4, 2017).
[53] *See* Oakland Base Reuse Authority, *Gateway to the East Bay: Final Reuse Plan for the Oakland Army Base*, p. 1 (July 31, 2002), *available at* http://www2.oaklandnet.com/government/o/CityAdministration/d/NeighborhoodInvestment/o/OaklandArmyBase/DOWD008829 (last accessed April 3, 2017).

waterfront light-industrial and flexible office space including research and development ("R&D") offices, as well as other "business-serving retail" and "high-end commercial development" spaces like a "Four Star Hotel."[54] While the 2002 plan also included some warehousing and distribution, as well as ancillary maritime support facilities, the majority of land uses specified in the plan consisted of light industrial development, so as to attract businesses focused on industries other than heavy freight industrial activities.[55]

Despite the generally beneficial land-uses considered and approved in the City's 2002 Redevelopment Plan approval, the community was concerned, at the time, that the Plan did not demonstrate an honest commitment by the City to redevelop the OAB in a way that would genuinely benefit surrounding residents in West Oakland. In 2002, the WOCAG issued recommendations in response to the City's EIR and proposed Redevelopment Plan, which expressed the community's concerns with the direction of the City's land use and planning decisions, and its displeasure with the way their recommendations had been treated up to that point.[56] Specifically, the WOCAG explained that the 2002 plan approval and related EIR did not provide enough detail regarding the City's proposed development plans to assure that the OAB redevelopment would confer tangible, direct community benefits.[57]

Just as feared by the community, as both the City and Port continued to receive federal land grants of former OAB land, they began discussions with potential developers seeking to expand Port-related freight activities at OAB, even though the approved Redevelopment Plan designated very limited land for such activities. Notably, these discussions were held while parallel discussions were still taking place among WOCAG members and City staff – thus, while the WOCAG was still developing its input on the OAB development process.[58]

Between 2006 and 2008, WOCAG continued to submit its recommendations to the City. During that time, the WOCAG focused its recommendations on the City prioritizing development proposals that result in less truck traffic through West Oakland, due to health

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[54] Oakland Base Reuse Authority, *Gateway to the East Bay: Final Reuse Plan for the Oakland Army Base*, Section 3.2.1, p. 27 (July 31, 2002), *available at* http://www2.oaklandnet.com/government/o/CityAdministration/d/NeighborhoodInvestment/o/OaklandArmyBase/DOWD008829 (last accessed April 3, 2017).

[55] *Ibid.*; *see also*, LSA Associates for City of Oakland, *2012 Oakland Army Base Initial Study/Addendum*, p. 20, Table 2-1 (May 2012), *available at* http://www2.oaklandnet.com/oakca1/groups/ceda/documents/report/oak035061.pdf (last accessed April 4, 2017) (comparing the land-use designations approved in 2002, with those considered and ultimately approved by the City a decade later).

[56] George M. Bolton III, West Oakland Community Advisory Group to Scott Gregory, EIR Project Manager, City of Oakland (June 11, 2002) (noting that "it is an insult to the many citizens of the City of Oakland who have given freely of their time and effort to serve the [Oakland Army Base Reuse Authority] and the City of Oakland in the base conversion process [only] to have their efforts ignored and not evaluated in this EIR").

[57] George M. Bolton III, West Oakland Community Advisory Group to Scott Gregory, EIR Project Manager, City of Oakland (June 11, 2002).

[58] West Oakland Community Advisory Group, *Community Recommendations for reuse of the City of Oakland "Gateway" Development Area*, pp. 4-5 (June 2008).

impacts many residents were already facing due to the Port's growing activity.[59] WOCAG wanted businesses such as truck servicing and truck parking to be relocated out of the community, and to "leave their former sites available for more appropriate, i.e. lower impact commercial use."[60]

Notwithstanding the input received from WOCAG, however, the City continued its discussions with Prologis and CCIG, and began negotiating an agreement with the developers, to build a large-scale warehouse and shipping development project for portions of all three sub-districts created under the City's prior approvals, which became jointly termed, the "Gateway Development Area," pictured in *Figure 6*, below.[61]

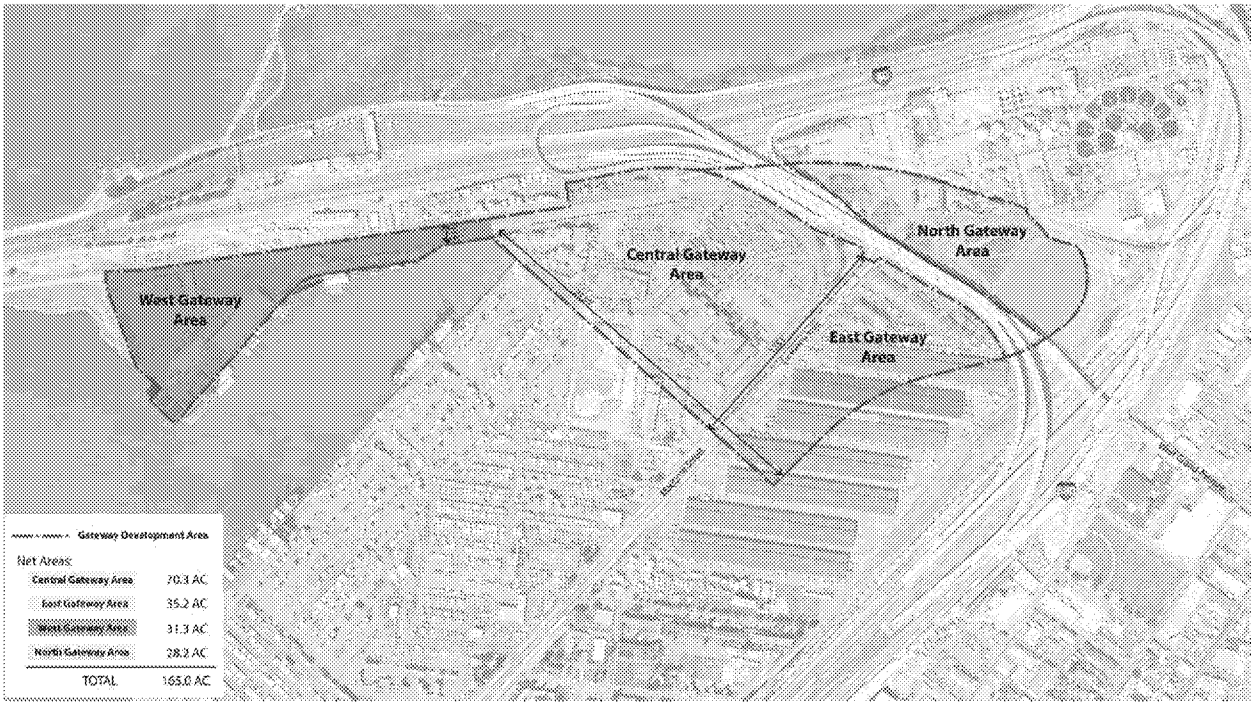

Figure 6 Gateway Development Area.[62]

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[59] West Oakland Community Advisory Group, *Re: Army Base-Economic Development* (February 20, 2006); West Oakland Community Advisory Group, *Community Recommendations for reuse of the City of Oakland "Gateway" Development Area* (June 2008).

[60] West Oakland Community Advisory Group, *Community Recommendations for reuse of the City of Oakland "Gateway" Development Area*, p. 7 (June 2008).

[61] LSA Associates for City of Oakland, *2012 Oakland Army Base Initial Study/Addendum*, Ch. 2, p. 21 (May 2012), *available at* http://www2.oaklandnet.com/oakca1/groups/ceda/documents/report/oak035061.pdf (last accessed April 4, 2017) ("in 2009 the joint venture between Prologis and [CCIG] was selected as the master developer").

[62] Oakland Redevelopment Agency, *Pre-Development Planning for the Oakland Army Base Gateway Development Area*, Figure 3-1, *available at* http://www2.oaklandnet.com/oakca1/groups/ceda/documents/report/dowd007624.pdf (last accessed April 4, 2017).

C. The City's Port Expansion and "Gateway Development", or 'Oakland Global", Approvals

The land uses proposed in the City's 2002 Redevelopment Plan included a "tech park" comprised of R&D office buildings, and light to moderate industrial and retail development including big box retail stores, hotels and a Cineplex.[63] These land uses did not include as the predominant use for the area the type of heavy industrial, large-scale warehouse, shipping, distribution and maritime activity that the City began to consider through its subsequent negotiations with Prologis and CCIG. Yet, in 2012, the same year the City received its $2 million comprehensive TIGER 2 planning grant from DOT, the City approved the "Oakland Army Base: Outer Harbor Terminal Project" and executed an exclusive development agreement with Prologis and CCIG to expand port-related maritime activities at OAB.[64] Rather than conduct a new environmental review, however, the City re-approved its decade-old environmental review document that the City's staff presented to the Council as a mere addendum to the EIR analysis prepared and approved in 2002.[65] Rather than designing new and more appropriate mitigation corresponding to the City's new development proposals, the City also claimed that specific mitigation would be determined at a later date, when specific projects were approved.

To give an example of the drastic deviation the City took from its prior approvals, the City's 2012 Redevelopment Plan for the Outer Harbor Terminal Project involved approximately 2.5 million square feet of warehouse/distribution and maritime-related logistics uses, as compared to only 175,000 square feet of office/R&D, where as its 2002 approvals involved only 300,000 square feet of warehouse and distribution development and approximately 1.5 million square feet of office/R&D. [66]

Unsurprisingly, BAAQMD as well as other agencies including ARB, as well as West Oakland residents expressed their concern with the City's proposed "Outer Harbor Terminal Project," which soon simply became known as the Gateway or Oakland Global Logistics Center development project. BAAQMD in particular encouraged the City to analyze how its new development plans would impact future residents near new and existing sources of pollution, and

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[63] *See*, LSA Associates for City of Oakland, *2012 Oakland Army Base Initial Study/Addendum*, Attachment B, p. 4 (May 2012), *available at* http://www2.oaklandnet.com/oakca1/groups/ceda/documents/report/oak035061.pdf (last accessed April 4, 2017) (summarizing the differences between the 2012 project, and the project analyzed and approved in 2002).

[64] *See*, Development Agreement By and Between the City of Oakland and Rpologis CCIG Oakland Global LLC, Regarding the Property and Project Known as "Gateways Development/Oakland Global, dated July 16, 2013, available at: http://www2.oaklandnet.com/oakca1/groups/ceda/documents/report/oak055211.pdf (last accessed, March 30, 2017).

[65] *See, ibid.* ("The primary difference between the 2012 Project and what was proposed for the same geographic location in the 2002 Project is a shift from office R&D to a greater amount of warehouse distribution and maritime logistics uses as the predominant use.")

[66] *See*, LSA Associates for City of Oakland, *2012 Oakland Army Base Initial Study/Addendum*, p. 4 (May 2012), *available at* http://www2.oaklandnet.com/oakca1/groups/ceda/documents/report/oak035061.pdf (last accessed April 4, 2017) (summarizing the differences between the 2012 project, and the project analyzed and approved in 2002).

provided specific suggestions for doing so.[67] But the City refused to conduct an additional impact analysis, again claiming that it was appropriate to defer any such analysis to a later time, and a later approval.[68]

On December 4, 2013, the City approved an "Army-Base Construction-Related Air Quality Plan," purporting to address construction related impacts but again declining to analyze or mitigate impacts from the long-term operation of the Gateway development projects, or the cumulative construction and operation of the related additional Gateway development projects. The City again received letters from BAAQMD and other agencies, identifying shortcomings in the City's proposed mitigation set forth in the "Construction-Related Air Quality Plan."[69] The City again refused to incorporate the types of analysis or mitigation suggested by the agencies.

Most recently, on October 4, 2016, the City approved an additional Northeast Gateway construction management plan allowing Prologis and CCIG to begin construction at the Northeast Gateway site on November 1, 2016, and to eventually operate a global trade and logistics complex that is worlds different than what the City proposed and approved in its initial land use decisions relating to the OAB, and greater "Redevelopment Area." After the City approved this most recent construction management plan, Prologis issued three "45-day notices" in the month of February, 2017, which relate to three additional air quality plans currently under review by the City: (1) an operations air quality plan for the Northeast Gateway project, which was issued on February 2, 2017; (2) a "Construction and Operations" air quality plan, for the Southeast and Central Gateway Projects, issued on February 3, 2017; and (3) a "Phase 3 Construction" air quality plan, issued on February 9, 2017. To this day, neither the City nor Port has updated the cumulative air quality analysis to analyze or mitigate, in a meaningful manner, the ongoing air pollutant emissions from the construction and operation of the full Gateway, or Oakland Global Logistics Center development project.

IV. LEGAL BACKGROUND

DOT regulations implementing Title VI state that "[n]o person in the United States shall, on the grounds of race, color, or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under, any program to which this part applies." 49 C.F.R. § 21.5(a).

These regulations also include the following prohibitions of specific discriminatory acts by recipients of federal funds:

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[67] Jean Roggenkamp, Bay Area Air Quality Management District to Ulla-Britt Jonsson, City of Oakland, *Subject: West Oakland Specific Plan Notice of Preparation of a Draft Environmental Impact Report* (November 21, 2012).
[68] *See* City of Oakland, *West Oakland Specific Plan: Final Environmental Impact Report*, pp. 4-21 to 4-22 (May 2014).
[69] *See, generally*, Rachel Flynn, Director, Department of Planning and Building to Deanna J. Santana, City Administrator, *Subject: Approval of Army Base Construction-Related Air Plan* (December 4, 2013), *available at* http://www2.oaklandnet.com/oakca1/groups/ceda/documents/report/oak044541.pdf (last accessed April 4, 2017).

> (2) A recipient, in determining the types of services, financial aid, or other benefits, or facilities which will be provided under any such program. . . may not, directly or through contractual or other arrangements, utilize criteria or methods of administration which have the effect of subjecting persons to discrimination because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program with respect to individuals of a particular race, color, or national origin.
>
> (3) In determining the site or location of facilities, a recipient or applicant may not make selections with the purpose or effect of excluding persons from, denying them the benefits of, or subjecting them to discrimination under any program to which this regulation applies, on the grounds of race, color, or national origin; or with the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of the Act or this part.

49 C.F.R. § 21.5(b).

> A recipient may not make a selection of a site or location of a facility if the purpose of that selection, or its effect when made, is to exclude individuals from participation in, to deny them the benefits of, or to subject them to discrimination under any program or activity to which this rule applies, on the grounds of race, color, or national origin; or if the purpose is to, or its effect when made will, substantially impair the accomplishment of the objectives of this part.

49 C.F.R. § 21.5(d).

EPA regulations implementing Title VI state that "[n]o person shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving EPA assistance on the basis of race, color, [or] national origin[.]" 40 C.F.R. § 7.30. The regulations also provide a non-exclusive list of specific, prohibited discriminatory acts:

> (b) A recipient shall not use criteria or methods of administering its program or activity which have the effect of subjecting individuals to discrimination because of their race, color, national origin, or sex, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program or activity with respect to individuals of a particular race, color, national origin, or sex.
>
> (c) A recipient shall not choose a site or location of a facility that has the purpose or effect of excluding individuals from, denying them the benefits of, or subjecting them to discrimination under any program or activity to which this part applies on the grounds of race, color, or national origin or sex; or with the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of this subpart.

40 C.F.R. § 7.35.

These regulations make clear that discrimination on the basis of race is a violation of Title VI whether it is the purpose of the decision or its effect. 49 C.F.R. § 21.5(d); 40 C.F.R. § 7.35(c).

V. VIOLATIONS OF TITLE VI

A. Discriminatory Acts

The City's approval of the Northeast Gateway Construction Management Plan on October 4, 2016 is the latest example of the City and Port's discriminatory actions regarding the development and expansion of harmful freight activities at the Port and OAB. The approval is part of a continuing pattern of actions utilizing criteria and methods that have the purpose or effect of subjecting the surrounding community of color to the disproportionate externalities of that freight activity.

Since 2012, the City, in particular, has sought to abandon the original commitment to develop the OAB in a way that would benefit the surrounding community. While the WOCAG was asked to provide input on recommendations for development early in the OAB Redevelopment process, the City proceeded with its own negotiations to expand freight-related activities notwithstanding the community recommendations, and notwithstanding the fact that such activities would add to the impacts on the already overburdened surrounding communities of color. The City has also consistently refused to consider the input of advisory and stakeholder groups including the WOCAG, who urged the City to prioritize development proposals that would result in less truck traffic through West Oakland.[70] At each step of the way, the City has declined to analyze the impacts of expanded freight activities, and has declined to adopt specific mitigation by claiming that such analysis and mitigations were not required or that they would be addressed at a later point.

Since the abrupt change in the proposed OAB redevelopment plan in 2012, the community and concerned agencies have been demanding analysis of the impacts, and assurances that the effects of expanding freight activities will be mitigated. At each step, the City has declined to do any more than assure that the project will comply with existing minimum regulatory requirements.

In 2013, BAAQMD wrote to the City to highlight the City's lax mitigation measures for the OAB redevelopment project, pointing out that the City's plan for reducing construction emissions from the OAB included mitigation measures with easy loopholes for industry. The plan required lower-emitting equipment to the extent that it was "readily available" in the Bay

[70] West Oakland Community Advisory Group, *Re: Army Base-Economic Development* (February 20, 2006); West Oakland Community Advisory Group, *Community Recommendations for reuse of the City of Oakland "Gateway" Development Area* (June 2008).

Area.[71] The BAAQMD noted that "the Plan does not include any guidance on how it will be determined if the equipment is 'readily available' or 'cost effective.'"[72] BAAQMD concluded its letter with a list of specific recommended requirements for all OAB construction activity. But the City declined to make any of the recommended changes.

In 2014, both BAAQMD and the Alameda County Public Health Department submitted letters raising new concerns with the City's planning activities. The Alameda County Public Health Department's letter urged the City to strengthen the proposed mitigation measures, because "[impacts from development at the Port and OAB] will further exacerbate existing health conditions in West Oakland."[73] BAAQMD contacted the City's Strategic Planning Division to recommend additional air quality controls, noting that the West Oakland community experiences a higher cancer risk than any other Bay Area community and compliance with minimum regulatory requirements will not be sufficient to reduce health risks in the community to a safe level.[74] Again, the City took no action.

In 2015, BAAQMD expressed concern about the Port's and the City's continued reliance on the environmental review conducted in 2002, and re-approved in 2012 as a basis for the continued expansion of port-related infrastructure development at OAB. Among other concerns, BAAQMD expressed serious trepidation regarding the facts that both the 2002 and 2012 reports were based on outdated national ambient air quality standards for fine particulate matter emissions.[75] In addition, the air quality analysis provided in the City's subsequent air quality management plan analyses only considered construction emissions, and not the long-term impacts from continued development at the Port and OAB.[76]

Most recently, in 2016, BAAQMD, ARB and WOEIP all submitted comments on the Northeast Gateway Construction Management Plan. In a letter addressed to the City, dated June 3, 2016, BAAQMD expressed its concern that, again, the City's proposed management plan exclusively dealt with the air quality impacts associated with construction, and failed to consider the long-term air quality impacts that would result from the project. BAAQMD also complained that even within its limited scope, the plan did not include air quality mitigation measures

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[71] Jean Roggenkamp, Bay Area Air Quality Management District to Alisa Shen, City of Oakland, *Subject: Comments on the Oakland Army Base Draft Mitigation Monitoring and Reporting Program (MMRP) Project Manual – Components for Complying With Construction Related Air Quality Requirements (Plan)* (July 22, 2013).
[72] Jean Roggenkamp, Bay Area Air Quality Management District to Alisa Shen, City of Oakland, *Subject: Comments on the Oakland Army Base Draft Mitigation Monitoring and Reporting Program (MMRP) Project Manual – Components for Complying With Construction Related Air Quality Requirements (Plan)* (July 22, 2013).
[73] Muntu Davis, Alameda County Health Care Services Agency, Public Health Department to Ulla-Britt Jonsson, City of Oakland, *Subject: Re: West Oakland Specific Plan Draft Environmental Impact Report and Public Health* (March 17, 2014).
[74] Jean Roggenkamp, Bay Area Air Quality Management District to Ulla-Britt Jonsson, City of Oakland, *Subject: Draft Environmental Impact Report for the West Oakland Specific Plan* (March 20, 2014).
[75] Jean Roggenkamp, Bay Area Air Quality Management District to Tim Leong, Port of Oakland, *Subject: Roundhouse Area Improvements Project Initial Study/Negative Declaration* (June 24, 2015).
[76] Jean Roggenkamp, Bay Area Air Quality Management District to Tim Leong, Port of Oakland, *Subject: Roundhouse Area Improvements Project Initial Study/Negative Declaration* (June 24, 2015).

necessary to protect health.[77] ARB's letter similarly detailed recommendations for additional mitigation measures that ARB described as "critical to reducing emissions and protecting public health." WOEIP also urged the City to commit to mitigation to address the adverse impacts its approval would have on the surrounding community. These included installing solar panels on warehouses that will be constructed as part of the Gateway project development, and requiring zero-emission technologies for short-haul trucks, including drayage trucks, and cargo handling equipment.[78] Despite the fact that the mitigation measures requested were consistent with the City's minimal mitigation measures approved in 2002, the City declined to include any of the recommended mitigation.

This history of rejecting recommended mitigation is the product of a piecemealed process that denies meaningful public participation by narrowing the scope of the issues that will be considered at each step of the development approvals. When WOEIP raised concerns about the lack of zero-emission technology requirements for the Northeast Gateway project, and the failure to create an emission reduction plan for the development,[79] Prologis, the developer of the Northeast Gateway/Global Logistics Center project, argued that these concerns were not appropriate for the air quality plan under consideration, and that they could be raised when the Air Quality Operations Plan is developed.[80] As a result, the City Administrator dismissed the community concerns in the approved plan.[81] All involved in these approvals, however, know that the opportunities to mitigate emissions from operations will be limited by the physical projects that have been built as a result of the October 4, 2016 approval.

The October 4, 2016 approval demonstrates that the City's promise of future analysis and mitigation are empty. It is not sufficient to consider mitigation after construction is complete because mitigation must be designed into the project, prior to its construction. The October 4, 2016 approval, and subsequent initiation of construction at the Northeast Gateway site show that the City intends to allow development that will disproportionately impact the surrounding communities of color without mitigation. Whether purposeful or just in effect, the City's October 4, 2016 approval denied the benefits of redevelopment investments to the surrounding communities of color. This decision, like the various decisions that have preceded it, was made with the clear intention to streamline approval of expanded freight activities by setting up a process that precluded meaningful public participation. The decision also avoided mitigation requirements that would minimize or prevent impacts on the surrounding communities of color.

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[77] Jean Roggenkamp, Bay Area Air Quality Management District to Darin Ranelletti, City of Oakland, *Subject: Northeast Gateway Construction Management Plan* (June 3, 2016).
[78] Heather Arias, California Air Resources Board to Darin Ranelletti, City of Oakland (May 31, 2016).
[79] Margaret Gordon, West Oakland Environmental Indicators Project to Darin Ranelletti, City of Oakland Bureau of Planning, *Subject: Comments Standard Conditions of Approval/Mitigation Measures for the Prologtis* [sic] (May 23, 2016); Ditching Dirty Diesel Collaborative to Robbie Morris, California Air Resources Board (May 25, 2016).
[80] Cory Chung, Development Manager, Prologis to Darin Ranelletti, City of Oakland Bureau of Planning, *Subject: RE: DRX151553 – Oakland Global Logistics Center #1 – Response to Air Quality Stakeholder Comments to SCA-MMRP Public Outreach Element (Mitigation Measure PO-1)* (August 30, 2016).
[81] Rachel Flynn, Director, Planning and Building Department to Sabrina B. Landreth, City Administrator, *Subject: Construction-Related Air Quality Plan by Prologis for Northeast Gateway at Army Base site,* p. 4 (September 8, 2016).

The City's October 4, 2016 approval is, moreover, a single component of the City's and Port's continuous, systemic pattern of approving, or directly engaging in, the expansion of port-related infrastructure development. This pattern will continue as the City and Port pursue their expansion goals in the OAB Gateway/Oakland Global Logistics Center development. This pattern of conduct results in direct and immediate adverse effects on West Oakland residents who are predominantly people of color, and therefore violates Title VI of the Civil Right Act of 1964.

B. Adverse Impacts

As outlined above, freight activity in and around the West Oakland community is responsible for a host of adverse impacts including elevated cancer risks, higher rates of asthma attacks, and disruption of the basic quality of life in the community.[82] The October 4, 2016 approval of the Northeast Gateway construction-related air quality plan and the City's ongoing approvals of the construction and operations of the full OAB Gateway/Oakland Global Logistics Center development area will add to the already adverse impacts suffered by the surrounding community as a result of freight activities. The October 4, 2016 approval was the first approval of one of several components to the Oakland Global Logistics Center project. This approval provided the City with an opportunity to ensure that the project was designed, and would be built in a way to limit impacts on the surrounding community, but the City refused to ensure that adequate health and safety protections were in place before allowing the developers to break ground on November 1, 2016.

In its 2008 Health Risk Assessment, ARB found that on-road heavy duty diesel trucks were the largest source of cancer risk in the community, followed by ocean going vehicles, harbor craft, locomotives, and cargo handling equipment.[83] All of these sources are associated with the Port's, and now with the OAB's, expanded activities.

While ARB's assessment indicated that emissions would decrease in the future as a result of regulatory actions, the assessment estimated that even after emissions reductions, "the remaining cancer risk will [still] be greater than 200 in a million in the West Oakland community," and that any reduction in emissions would not resolve the disparate impacts that West Oakland residents face when compared to residents living elsewhere throughout the City or the County.[84] ARB's assessment recommended "collective and innovative efforts" at all levels of government to reduce emissions and improve health outcomes in West Oakland, including a

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[82] Grace Rubenstein, *Air Pollution Controversy Swirls Around Oakland Army Base Development*, KQED (May 6, 2014), *available at* https://ww2.kqed.org/news/air-pollution-dispute-west-oakland-army-base/ (last accessed March 31, 2017); Katy Murphy, *Pollution takes heavy toll on Bay Area children with asthma*, The Mercury News (February 9, 2013), *available at* http://www.mercurynews.com/2013/02/09/pollution-takes-heavy-toll-on-bay-area-children-with-asthma/ (last accessed March 31, 2017).

[83] California Air Resources Board, *Diesel Particulate Matter Health Risk Assessment for the West Oakland Community*, p. 2 (December 2008).

[84] California Air Resources Board, *Diesel Particulate Matter Health Risk Assessment for the West Oakland Community*, p. 4 (December 2008).

transition to clean technologies.[85] The City's approval of the Northeast Gateway Construction Management Plan, however, fails to provide any innovative or good faith effort to reduce emissions at and around the project. The City's approval does the opposite by rubber stamping the construction and operation of new large-scale port related infrastructure that will only exacerbate the existing pollution burdens West Oakland residents face.

The Alameda County Public Health Department urged the City to require a more comprehensive evaluation of, and mitigation for, the Northeast Gateway Project's increase in diesel emissions, which are also a major concern given the existing health burdens in West Oakland. Yet the City, as always, refused to adhere to the County Public Health Department's recommendations, and instead chose to adhere to its construction-only approval decision.

C. Disproportionality

The October 4, 2016 approval of the Northeast Gateway construction-related air quality plan is the latest action by the City and Port to push through more freight-related development that already disproportionately impacts the communities of color in West Oakland. The Alameda County Public Health Department has found that racial disparities impact health outcomes throughout the county, and especially in West Oakland.[86] People of color are more likely to experience the negative health outcomes detailed above. As described by the Alameda County Public Health Department, "even at the same rung, African Americans typically have worse health and die sooner than their White counterparts. In many cases, so do other populations of color."[87]

As described above, West Oakland residents are also more likely to face decades of persistent poverty. Black people in Oakland are far more likely to be homeless than any other ethnic group.[88] These same factors are at play within West Oakland, a community that is predominantly populated by people of color. West Oakland faces higher rates of illness, crime, and higher death rates than predominantly White communities in Oakland. Residents of West Oakland face stresses that residents of other communities may never endure.

In recent years, various Bay Area media outlets have published heartbreaking stories of West Oakland residents who fear for their children's lives due to air pollution that triggers

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[85] California Air Resources Board, *Diesel Particulate Matter Health Risk Assessment for the West Oakland Community*, pp. 4-6 (December 2008).

[86] *See* Alameda County Public Health Department, *Life and Death from Unnatural Causes: Health and Social Inequity in Alameda County – Executive Summary* (2008); UC Berkeley Health Impact Group (UCBHIG), *Health Impact Assessment for the Port of Oakland*, p. ES-2 (March 2010), *available at* http://www.acphd.org/media/53628/unnatcs2008.pdf (last accessed April 4, 2017).

[87] Alameda County Public Health Department, *Life and Death from Unnatural Causes: Health and Social Inequity in Alameda County*, pp. 7-8 (2008), *available at* http://www.acphd.org/media/53628/unnatcs2008.pdf (last accessed April 4, 2017).

[88] Alameda County Public Health Department, *Life and Death from Unnatural Causes: Health and Social Inequity in Alameda County*, p. 71, Figure 33 (2008), *available at* http://www.acphd.org/media/53628/unnatcs2008.pdf (last accessed April 4, 2017).

possibly fatal asthma attacks.[89] These media reports, as well as anecdotal reports that have been relayed to WOEIP staff, describe parents making the difficult decision to uproot their lives in West Oakland and move to communities that are less polluted and less disrupted by truck traffic.[90] People want to build communities that allow them to connect with their neighbors, to enjoy parks, and to send their children to play outside. The land gifts of the former OAB properties along with multiple federal grants were intended to spur redevelopment that would benefit the surrounding communities. Instead, the City and Port have decided to "double-down" on the harmful activities that created the current conditions in West Oakland. The City and Port have manipulated their decision-making processes to prevent public participation and avoid costly mitigation investments that might interfere with such development. The October 4, 2016 approval is the latest in a string of decisions that, in purpose or effect, are destroying the vision of a sustainable and healthy West Oakland that residents want to see, and forcing those residents, mostly people of color, to either bear the disproportionate burdens or pack up and move elsewhere.

D. Less Discriminatory Alternatives

Throughout the various actions outlined above, the City and Port have declined to accept recommendations from either the community or expert agencies on process, analysis, and mitigations. The following less discriminatory alternatives were available, and continue to be available to both the City and Port:

1. The City and Port have the option and opportunity, but have continuously refused, to engage the community in a meaningful process by which to receive and incorporate their input, including their opposition to the Gateway and Oakland Global Logistics Center development proposals, and the continued expansion of the Port's activities.

   Specifically, the City has the opportunity, but has refused, to send notifications regarding each of its piecemealed construction and operation related approvals to all neighborhood residents. The City has also failed to provide clear and consistent opportunities for neighboring residents to provide their input regarding the City's process for ensuring that the immediate community health and safety concerns from its development approvals are addressed.

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[89] Grace Rubenstein, *Air Pollution Controversy Swirls Around Oakland Army Base Development*, KQED (May 6, 2014), *available at* https://ww2.kqed.org/news/air-pollution-dispute-west-oakland-army-base/ (last accessed March 31, 2017); Katy Murphy, *Pollution takes heavy toll on Bay Area children with asthma*, The Mercury News (February 9, 2013), *available at* http://www.mercurynews.com/2013/02/09/pollution-takes-heavy-toll-on-bay-area-children-with-asthma/ (last accessed March 31, 2017).

[90] Grace Rubenstein, *Air Pollution Controversy Swirls Around Oakland Army Base Development*, KQED (May 6, 2014), *available at* https://ww2.kqed.org/news/air-pollution-dispute-west-oakland-army-base/; *See also* City of Oakland, *West Oakland Specific Plan: Final Environmental Impact Report*, p. 4-6 (May 2014), *available at* http://www2.oaklandnet.com/oakca1/groups/ceda/documents/report/oak049140.pdf (last accessed April 4, 2017) ("While West Oakland's population has increased by nearly 2,000 people between 1990 and 2010 (at a rapid rate of 15%), the African American population of West Oakland has declined by nearly 5,000 people during the same time period.").

The City and Port also have the opportunity, but have refused, to post project-related approval documents at the various community organizations, institutions and gathering places around West Oakland, including but not limited to: the West Oakland Senior Center, city libraries, the West Oakland Youth Center and the Hoover Resident Action Council. The City has also refused to require the developers, Prologis/CCIG, to do the same.

The City has also consistently refused, despite being urged by various state, local, county and federal agencies, to convene a transparent interagency and community inclusive process by which to develop and implement a comprehensive assessment of the impacts caused by its land-use and development decisions at the Port and OAB and to both established and implement an updated mitigation, monitoring and reporting program that considers the level and extent of the full Gateway and Oakland Global Logistics Center and expanded Port operations.

2. The City has the option, but refuses, to consider the effects of the full operation of the Prologis and CCIG development of all three Gateway sub-areas prior to issuing its piecemealed approvals. The City and Port also have the option to update their analysis of impacts instead of relying on the outdated 2002 analyses for a redevelopment plan that was drastically different than the current development plans and approvals before the City.

3. The City and Port have had numerous opportunities, but have refused, to develop, or require the development of, a meaningful emissions reduction plan based on an accurate and updated assessment of the current and foreseeable levels of increased freight transport and other heavy infrastructure, maritime, shipping, distribution, storage and Port-related activities occurring at and along the Port and OAB including increases in rail and maritime emissions that are inconsistent with existing rail and maritime emission reduction standards.

4. The City and Port have had the option, but have failed, to produce or, at a minimum, require, a comprehensive truck management plan to address impacts from growing freight activities on the community of West Oakland.[91]

   Specifically, both the City and Port have had the opportunity to, but have refused, to develop any requirements for zero-emission technologies at OAB or the Port, which would alleviate some of the air pollution impacts of additional truck traffic in and near West Oakland neighborhoods. They have also refused to require stricter limits (e.g. two minute limits) on diesel truck idling times to address existing health burdens affecting West Oakland residents, and in particular school children throughout West Oakland.

[91] The Port's approval a drayage truck management plan for the Port fails to address the impacts that increased truck traffic has on the Port-*adjacent* roadways and trick traffic problems on off-Port property, e.g., the West Oakland community.

The City and Port also have the opportunity but refuse to require plug-in infrastructure as a design feature of all construction, for the Gateway and Oakland Global Logistics Center development to minimize emissions specifically caused by highly polluting refrigerated truck units serving the new Gateway developments.

The City and Port have also had the opportunity, but have refused, to engage in the planning, implementation and enforcement of Truck hauling routes that are designed to minimize community exposures to emissions, fugitive dust, potential hazardous materials, vibrations and traffic safety issues.

Both the City and Port have had the opportunity, but have refused, to enforce parking restrictions throughout the West Oakland residential community. The City has similarly refused to develop or require an enforceable West Oakland Truck Route as a part of its approved construction management Plan for the Northeast Gateway project, or as part of its ongoing approvals for the larger Gateway or Oakland Global Logistics Center project.

Both the City and Port have also had numerous opportunities, but have refused, to accept or apply for additional funding to support targeted emission reduction efforts at the Port, OAB and throughout West Oakland.

5. In large part due to their failure to require either a comprehensive truck management plan, or a meaningful emission reduction plan, both the City and Port have similarly refused to mitigate the negative air quality and resulting health impacts or other disruptions and adverse effects on the quality of life of West Oakland residents, caused by the continued increase in truck traffic to and from the Port and the OAB Gateway/Oakland Global Logistics Center properties.

VI. Relief

Complainant requests that the DOT Departmental Office of Civil Rights and the EPA Office of Civil Rights accept this complaint and investigate whether the City and Port have violated Title VI of the Civil Rights Act and its implementing regulations, and indeed whether they continue to violate Title VI of the Civil Rights Act.

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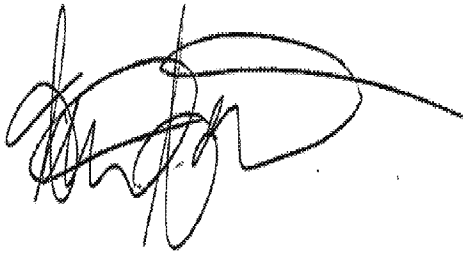
Complainant further requests that the City and Port be brought into compliance by: (a) requiring the City to withdraw its approvals of the Gateway construction management plans unless and until the City conducts a full review of the construction and long-term operation of all of the Gateway areas, and unless and until the City engages the surrounding community in a meaningful process by which to incorporate their input into new mitigation measures, emission controls, and conditions of approval for the development of the Gateway projects; (b) requiring the Port to coordinate with the City to develop a truly comprehensive truck management and Port emission reduction plan; and (c) Conditioning all future grants and awards from both EPA and DOT to both the City and Port on adequate assurances that the actions of both recipients will comply with Title VI as detailed above.

Sincerely,

Yana Garcia
Paul Cort
Attorneys for West Oakland Environmental Indicators Project



Adenike Adeyeye
Research and Policy Analyst

Earthjustice
50 California Street, Suite 500
San Francisco, CA 94111
ygarcia@earthjustice.org
pcort@earthjustice.org
adeyeye@earthjustice.org

Message

From: McGowan, Patricia [PMcGowan@oaklandnet.com]
Sent: 7/28/2017 12:18:12 AM
To: Brian Beveridge Personal Email / Ex. 6 Margaret Gordon' [margaret.woeip@gmail.com]; Robyn Hodges Personal Email / Ex. 6 Ken Housto Personal Email / Ex. 6 Jess Dervin-Ackerman Personal Email / Ex. 6 Jahmese Myres' [jahmese@workingeastbay.org]; Gene Hazzard Personal Email / Ex. 6 Ray Kidd Personal Email / Ex. 6 Steve Lowe Personal Email / Ex. 6 Kate O'Hara [kate@workingeastbay.org]; Libby Stahl [libby@impacttransportation.com]; 'Mark McClure' [mmcclure@californiagroup.com]; 'Megan Morodomi' [mmorodomi@californiagroup.com]; 'Cory Chung [cchung@prologis.com]; 'jmajor@prologis.com'; 'Maile.smith@ngem.com'; 'James Heilbronner' [jamesh@archdim.com]; 'Joanne Park' [joannep@archdim.com]; 'Brent Bucknum Personal Email / Ex. 6 Bill Aboudi [bill@oaklandmss.com']; Momina Jalil [momina@cecginc.com]; jbroadbent@baaqmd.gov; Henry Hilken [Hhilken@baaqmd.gov]; Alison Kirk [akirk@baaqmd.gov]; Jean Roggenkamp [jroggenkamp@baaqmd.gov]; 'David Vintze' [DVintze@baaqmd.gov]; Jack Kitowski [jkitowski@arb.ca.gov]; cmarvin@arb.ca.gov; 'robbie.morris@arb.ca.gov'; 'sydney.vergis@arb.ca.gov'; 'rebecca.flournoy@acgov.org'; 'Yura, Elizabeth' [eyura@arb.ca.gov]; 'Arias, Heather [Heather.Arias@arb.ca.gov]; Hector Castaneda [hcastane@arb.ca.gov]; Grow, Richard [Grow.Richard@epa.gov]; 'Anna.lee@acgov.org'; 'stew.sonnerberg@dot.gov'; McElhaney, Lynette [lmcelhaney@oaklandnet.com]; Cook, Brigitte [BCook@oaklandnet.com]; Wald, Zachary [ZWald@oaklandnet.com]; Kaplan, Rebecca [RKaplan@oaklandnet.com]; Thao, Sheng [SThao@oaklandnet.com]; Davenport, Kevin [KDavenport@oaklandnet.com]; Cole, Doug [DCole@oaklandnet.com]; Cappio, Claudia [CCappio@oaklandnet.com]; Monetta, John [JMonetta@oaklandnet.com]; Ranelletti, Darin [DRanelletti@oaklandnet.com]; McGowan, Patricia [PMcGowan@oaklandnet.com]; Wald, Mark [MWald@oaklandcityattorney.org]; rsinkoff@portoakland.com; Diane Heintz [dheintz@portoakland.com]; 'tleong@portoakland.com'; Spoerl, Peter [PSpoerl@oaklandcityattorney.org]; Andrea Gardner [agardner@portoakland.com]
Subject: Air Quality Plan: 45-day notice for operations of ConGlobal Container Depot and Maintenance Yard, 11 Burma Road, Oakland CA

To all Oakland Army Base Stakeholders:

This e-mail will serve as the 45-day notice, as required by OARB SCA/MMRP Mitigation PO-1, that the diesel emission reduction and air quality plan related to operations of the proposed ConGlobal Container Depot will be available for review around September 11, 2017 or shortly thereafter.

You previously received a 45-day notice about this, on February 3, 2017. We are re-issuing the 45-day notice, and starting the 45 days over, because submittal of the draft plan was delayed by the applicant until now.

ConGlobal is currently operating at the Port of Oakland at 555 Maritime St. They are proposing to relocate a portion of their operations to the City's portion of the former Oakland Army base. ConGlobal operates container storage yards where empty shipping containers are stacked and stored on a short-term basis, as well as doing light maintenance, repair, washing and touch-up painting of the containers. The proposed location is 11 Burma Road which is part of Prologis' New Central Gateway site. A location map as well as a more detailed description of their operations will be included in the draft Plan.

Please contact me if you have any questions,
Patricia McGowan

Patricia McGowan, Environmental Coordinator | City of Oakland | Bureau of Planning | 250 Frank H. Ogawa, Suite 3315 | Oakland, CA 94612 | Phone: (510) 238-3588 | Fax: (510) 238-6538 | Email: PMcGowan@oaklandnet.com | Website: www.oaklandnet.com/planning

Message

From: Alison Kirk [AKirk@baaqmd.gov]
Sent: 11/13/2017 5:35:16 PM
To: David Vintze [DVintze@baaqmd.gov]; Grow, Richard [Grow.Richard@epa.gov]
Subject: RE: Today's City meeting

Hello,

Yes, definitely referring to the 16 page doc.

I believe that we had a much longer doc circulating in house in Sept - it was about 120 pages, but I believe that has been shelved and replaced by the 16-pager.

Thanks.

Alison Kirk
Senior Environmental Planner
415-749-5169

-----Original Message-----
From: David Vintze
Sent: Wednesday, November 8, 2017 8:55 AM
To: Grow, Richard <Grow.richard@epa.gov>; Alison Kirk <AKirk@baaqmd.gov>
Subject: RE: Today's City meeting

Hi Richard - not sure about a 120 page document, I don't recall reference to that? Maybe Alison heard the reference? As far as what has changed, I think the City realizes that our stakeholder team is not going away, and in light of the title 6 complaint they cannot afford for our stakeholder group to be united against what they are or are not doing? Other than that not sure but we shall see if they have really changed soon. Dave

-----Original Message-----
From: Grow, Richard [mailto:Grow.Richard@epa.gov]
Sent: Tuesday, November 7, 2017 11:11 AM
To: David Vintze <DVintze@baaqmd.gov>; Alison Kirk <AKirk@baaqmd.gov>
Subject: Today's City meeting

Dave & Alison

So glad my other commitments got cancelled today and I was able to dial into the meeting with the City. Not going totally pollyanna here but it seemed to me this was the most motion we've seen from the City in quite a while. Together with the posture laid out in your comment letter to the Port last Friday it looks like you have succeeded in reframing the issues and getting some buy in, at least from the City. Have to be curious what has changed.

One question - "the document" or "action plan" that was referenced several times - should I assume that is the 16 page "BAAQMD emissions reductions actions for the Port of Oakland/Former OAB" document dated August 2017 ? I hear occasional references to a
120 page plus version of this. If that could be shared, subject to whatever groundrules required, that would be appreciated.

Thanks

Richard

Message

From: Temple, Kurt [Temple.Kurt@epa.gov]
Sent: 7/26/2017 9:01:59 PM
To: Grow, Richard [Grow.Richard@epa.gov]
Subject: Port - City Oakland JURISDICTIONAL REVIEW.pdf
Attachments: Port - City Oakland JURISDICTIONAL REVIEW.pdf

Richard: Just following up on your JR request. Kurt

Message

From: Reyes, Deldi [Reyes.Deldi@epa.gov]
Sent: 7/26/2017 3:35:57 PM
To: Grow, Richard [Grow.Richard@epa.gov]
Subject: RE: West Oakland convenings

I agree with you wholeheartedly. Shared your note with Kevin and suggested we talk with him and Yana. What's your day like on Friday? Perhaps an off the clock session?

From: Grow, Richard
Sent: Wednesday, July 26, 2017 8:31 AM
To: Reyes, Deldi <Reyes.Deldi@epa.gov>
Subject: West Oakland convenings

Deldi - Some thoughts on the suggestion for bringing in someone to facilitate or convene around Port/OAB issues, feel free to share with Kevin.

Deliberative Process / Ex. 5

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Much more could be said and discussed about these options, but for now I don't see how or where another facilitated convening fits into, or more specifically, adds momentum to any of the current avenues for proceeding.

Richard

Message

From: Nazmi, Niloufar [Nazmi.Niloufar@epa.gov]
Sent: 7/25/2017 9:01:12 PM
To: Grow, Richard [Grow.Richard@epa.gov]
Subject: RE: Oakland ? End of day -- July 24, 2017

Hmm… wonder why Michele didn't ask me! Odd. Thank you for pointing it out. Let me get back to you.

Niloufar Nazmi
Air Division, EPA Region 9
Desk: 415-972-3684; Cell: 415-328-1143

From: Grow, Richard
Sent: Tuesday, July 25, 2017 1:33 PM
To: Nazmi, Niloufar <Nazmi.Niloufar@epa.gov>
Subject: Oakland ? End of day -- July 24, 2017

Niloufar – the highlighted item below is the one I've been riding shotgun on here in Air and with Alexis' close involvement for the past long while. Do you need anything from me on this ? Is someone else in Air talking with OPA on this ? It's percolating quite a bit on a day to day basis since the complaint was formally accepted a week ago and if anyone here needs an update on the individuals and parties involved I'd be glad to talk with them, if Alexis hasn't already. Thx

Richard
7-4104

From: Zito, Kelly
Sent: Monday, July 24, 2017 4:28 PM
To: Huitric, Michele <Huitric.Michele@epa.gov>; Mogharabi, Nahal <MOGHARABI.NAHAL@EPA.GOV>; PerezSullivan, Margot <PerezSullivan.Margot@epa.gov>; Calvino, Maria Soledad <Calvino.Maria@epa.gov>; Keener, Bill <Keener.Bill@epa.gov>; Gaudario, Abigail <Gaudario.Abigail@epa.gov>; R9 Supervisors <R9_Supervisors@epa.gov>; Glenn, William <Glenn.William@epa.gov>
Cc: Barkett, Bonnie <Barkett.Bonnie@epa.gov>; Maier, Brent <Maier.Brent@epa.gov>; Higuchi, Dean <Higuchi.Dean@epa.gov>; Reyes, Deldi <Reyes.Deldi@epa.gov>; Nazmi, Niloufar <Nazmi.Niloufar@epa.gov>; Harris-Bishop, Rusty <Harris-Bishop.Rusty@epa.gov>; Ford, Margaret <Ford.Margaret@epa.gov>; Henderson, Alita <Henderson.Alita@epa.gov>; COHEN, Deborra <Cohen.Deborra@epa.gov>; Pratt, Kristen <Pratt.Kristen@epa.gov>; Meltzer, Kathy <Meltzer.Kathy@EPA.GOV>; Hood, Timonie <Hood.Timonie@epa.gov>; Blazej, Nova <Blazej.Nova@epa.gov>; Stollman, Scott <Stollman.Scott@epa.gov>; Amato, Paul <Amato.Paul@epa.gov>; Rao, Kate <Rao.kate@epa.gov>; Schmidt, David <Schmidt.David@epa.gov>; Ty, Fatima <Ty.Fatima@epa.gov>; Kao, Jessica <Kao.Jessica@epa.gov>; Karlson, Kristine <Karlson.Kristine@epa.gov>; CHENG, CHRISTINA <Cheng.Christina@epa.gov>; Yogi, David <Yogi.David@epa.gov>; Engelman, Alexa <ENGELMAN.ALEXA@EPA.GOV>; Sebastian, Chris <Sebastian.Chris@epa.gov>; Marincola, JamesPaul <Marincola.JamesPaul@epa.gov>; LUEHE, DOUGLAS <luehe.douglas@epa.gov>
Subject: End of day -- July 24, 2017

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Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Message

From: Richard Sinkoff [rsinkoff@portoakland.com]
Sent: 1/18/2018 6:09:19 AM
To: Brian Beveridge Personal Email / Ex. 6
CC: Scott McCreary [scott@concurinc.net]; Chris Lytle [clytle@portoakland.com]; Margaret Gordon Personal Email / Ex. 6 Grow, Richard [Grow.Richard@epa.gov]; David Vintze [DVintze@baaqmd.gov]; Lee, Anna, Public Health, CAPE [Anna.Lee@acgov.org]; Amy Tharpe [atharpe@portoakland.com]; Laura Arreola [larreola@portoakland.com]
Subject: Re: MAQIP engagement criteria

Brian and Ms. Margaret,
I reached out specifically to WOEIP in response to WOEIP's notice to the Port and MAQIP Co-Chairs on Monday evening. Because the other Co-Chairs participated on Tuesday, the Port is still very interested in dialogue with WOEIP. I am prepared to review the proposed engagement criteria together with WOEIP, which you presented as reflecting the perspective of other stakeholders as well. On behalf of the Port, I will not have a written response prepared for tomorrow. However, I have discussed it internally so can offer a first response.
Let's meet at 9:15 a.m.
When you both check in, the Lobby Security staff will notify me. On the Port team, I hope to be joined by my associate, Catherine Mukai (to be confirmed.)
Looking forward to our conversation.
Best,
Richard

On Jan 17, 2018, at 6:34 PM, Brian Beveridge Personal Email / Ex. 6 wrote:

> Richard
> Yes. I can meet you all at the Port. What office? Or whom should I call when I arrive? Will you have written responses to our criteria? Did we say 9:00 or 9:30?
>
> Also, are all the people in the address line of this email invited or expected to attend tomorrow?
> Brian
>
> "(Community) resilience can be understood as place-based cultural practice that defines how residents survive in neighborhoods that already look broken, yet function due to existing social networks, tacit knowledge, and local histories." - Hector Fernando Burga
>
> BRIAN BEVERIDGE, Co-Director
> West Oakland Environmental Indicators Project
> 349 Mandela Pkwy.
> Oakland, Ca. 94607
> 510-257-5645
> WWW.WOEIP.ORG
>
> On Wed, Jan 17, 2018 at 5:58 PM, Richard Sinkoff <rsinkoff@portoakland.com> wrote:
>
> > Hi Brian,
> >
> > Would you be able to come to the Port office?

Richard

From: Brian Beveridge [mailto: Personal Email / Ex. 6
Sent: Tuesday, January 16, 2018 3:29 PM

To: Richard Sinkoff <rsinkoff@portoakland.com>
Cc: Scott McCreary <scott@concurinc.net>; Chris Lytle <clytle@portoakland.com>; Margaret Gordon Personal Email / Ex. 6 Richard Grow <grow.richard@epa.gov>; David Vintze <DVintze@baaqmd.gov>; Lee, Anna, Public Health, CAPE <Anna.Lee@acgov.org>; Amy Tharpe <atharpe@portoakland.com>; Laura Arreola <larreola@portoakland.com>
Subject: RE: MAQIP engagement criteria

Hello all

Ms. Margaret is on the review panel interviewing applicants for the City's Chief Resilience Officer. The interviews are Thursday morning. So I'll meet with you all and hopefully report back progress to her.

Where would like to meet?

Brian

On Jan 16, 2018 3:07 PM, "Brian Beveridge" Personal Email / Ex. 6 wrote:

Richard

9am on Thursday, 01-18-18 will work for me. I'll verify it with Ms. Margaret and get back to you within the hour.

Brian

On Jan 16, 2018 1:48 PM, "Richard Sinkoff" <rsinkoff@portoakland.com> wrote:

Hi Brian,

How does 9:00 a.m. look on your schedule?

Richard

From: Brian Beveridge [mailto Personal Email / Ex. 6
Sent: Tuesday, January 16, 2018 1:47 PM
To: Richard Sinkoff <rsinkoff@portoakland.com>
Cc: Scott McCreary <scott@concurinc.net>; Chris Lytle <clytle@portoakland.com>; Margaret Gordon Personal Email / Ex. 6 Richard Grow <grow.richard@epa.gov>; David Vintze <DVintze@baaqmd.gov>; Lee, Anna, Public Health, CAPE <Anna.Lee@acgov.org>; Amy Tharpe <atharpe@portoakland.com>; Laura Arreola <larreola@portoakland.com>
Subject: Re: MAQIP engagement criteria

Richard

Sorry, I should have been more specific. Thursday at 2 I have a program meeting and at 4 the Jobs Commission. Any time before 2 is open.

Brian

"(Community) resilience can be understood as place-based cultural practice that defines how residents survive in neighborhoods that already look broken, yet function due to existing social networks, tacit knowledge, and local histories." - Hector Fernando Burga

BRIAN BEVERIDGE, Co-Director
West Oakland Environmental Indicators Project
349 Mandela Pkwy.
Oakland, Ca. 94607
510-257-5645
WWW.WOEIP.ORG

On Tue, Jan 16, 2018 at 12:06 PM, Richard Sinkoff <rsinkoff@portoakland.com> wrote:

> Hi Brian, Thanks for the quick response.
>
> Thursday at 2:00 p.m.?
>
> Richard
>
> **From:** Brian Beveridge [mailto Personal Email / Ex. 6
> **Sent:** Tuesday, January 16, 2018 12:00 PM
> **To:** Richard Sinkoff <rsinkoff@portoakland.com>
> **Cc:** Scott McCreary <scott@concurinc.net>; Chris Lytle <clytle@portoakland.com>; Margaret

Gordo Personal Email / Ex. 6 Richard Grow <grow.richard@epa.gov>; David Vintze <DVintze@baaqmd.gov>; Lee, Anna, Public Health, CAPE <Anna.Lee@acgov.org>; Amy Tharpe <atharpe@portoakland.com>; Laura Arreola <larreola@portoakland.com>
Subject: RE: MAQIP engagement criteria

Richard

I have meetings from 2 to 7 this afternoon. Wed between 1 and 3 would work. Or times on Thursday.

Thank you.

Brian

On Jan 16, 2018 11:53 AM, "Richard Sinkoff" <rsinkoff@portoakland.com> wrote:

Good morning, Brian,

Thank you for your e-mail. I am sorry that WOEIP elected to not join the conversation this morning; however, we do hear your concerns.

The Port is keenly interested in WOEIP's engagement and I trust that we can find common ground.

I will reach out to you by phone this afternoon. We are concurrently reviewing the engagement criteria that WOEIP presented to the Port last week.

Are you available this afternoon for a chat?

Best,

Richard

From: Brian Beveridge [mailto Personal Email / Ex. 6
Sent: Monday, January 15, 2018 7:16 PM
To: Richard Sinkoff <rsinkoff@portoakland.com>; Scott McCreary <scott@concurinc.net>; Chris Lytle <clytle@portoakland.com>

Cc: Margaret Gordon Personal Email / Ex. 6 Richard Grow <grow.richard@epa.gov>; David Vintze <DVintze@baaqmd.gov>; Lee, Anna, Public Health, CAPE <Anna.Lee@acgov.org>
Subject: MAQIP engagement criteria

Hello Richard and Scott

Unfortunately I will not be attending the interview co-chairs meeting on Tuesday, Jan 16. At our meeting on Monday, Jan 8, I presented a set of engagement criteria and requested that the Port address the issues listed. Perhaps a week was not enough time, but it makes little sense for us as representatives of the community to enter into yet another unilateral planning process with the Port.

Our attendance without a reply to our concerns and expectations would imply that we are satisfied with the process that has been initiated by the Port. Adding the stakeholders after the fact is unacceptable. The Port now wants to rush to judgement on many issues critical to the health of our West Oakland neighbors, all for the sake of meeting a last minute budget deadline. This work could have been undertaken months ago.

This delay, the self-imposed urgency, speaks volumes about the Port's real commitment to true action in the MAQIP Update. It appears that the purpose of this exercise is to get public money while making no real financial or policy commitment by the Port. This is all to familiar.

If the Port administration wishes to meet and discuss real community engagement, we are willing, but this process strikes us as being for appearance sake only and that is not in our interest.

Sincerely, Brian Beveridge

Message

From: Donez, Francisco [Donez.Francisco@epa.gov]
Sent: 7/25/2017 4:07:33 PM
To: Grow, Richard [Grow.Richard@epa.gov]
CC: McDaniel, Penelope [MCDANIEL.PENELOPE@EPA.GOV]; Machol, Ben [Machol.Ben@epa.gov]
Subject: RE: Port/OAB meeting highlights - 7/14/17

Thanks, Richard. I'm glad to see this effort moving forward for now. Please let us know when the next meetings are scheduled.

Francisco

From: Grow, Richard
Sent: Monday, July 24, 2017 4:37 PM
To: Donez, Francisco <Donez.Francisco@epa.gov>
Subject: Fw: Port/OAB meeting highlights - 7/14/17

From: Grow, Richard
Sent: Thursday, July 20, 2017 9:41 AM
To: McDaniel, Penelope
Subject: FW: Port/OAB meeting highlights - 7/14/17

Thoughts, reactions welcome…

From: Grow, Richard
Sent: Wednesday, July 19, 2017 12:13 PM
To: Strauss, Alexis <Strauss.Alexis@epa.gov>; Jordan, Deborah <Jordan.Deborah@epa.gov>; LUEHE, DOUGLAS <luehe.douglas@epa.gov>
Cc: Adams, Elizabeth <Adams.Elizabeth@epa.gov>; Matthew Lakin <Lakin.Matthew@epa.gov>
Subject: FW: Port/OAB meeting highlights - 7/14/17

Below is my report to Air management on last Friday's Interagency meeting on Port/OAB emissions reduction strategies. This initiative will likely become relevant to the upcoming T6 investigation in that it goes to the core issue underlying the complaint: the availability of further mitigation measures for the Port and OAB.

Richard

From: Grow, Richard
Sent: Wednesday, July 19, 2017 12:04 PM
To: Adams, Elizabeth <Adams.Elizabeth@epa.gov>; Matthew Lakin <Lakin.Matthew@epa.gov>
Cc: Machol, Ben <Machol.Ben@epa.gov>; BANDROWSKI, MIKE <Bandrowski.Mike@epa.gov>; Israels, Ken <Israels.Ken@epa.gov>; Reyes, Deldi <Reyes.Deldi@epa.gov>
Subject: Port/OAB meeting highlights - 7/14/17

All

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Richard

Message

From: Catherine Mukai [cmukai@portoakland.com]
Sent: 9/1/2017 8:16:23 PM
To: Grow, Richard [Grow.Richard@epa.gov]; dbreen@baaqmd.gov; ccappio@oaklandnet.com; mdnichols@oaklandnet.com; tlengyel@alamedaactc.org; adao@alamedaactc.org; abockelman@mtc.ca.gov; mmaloney@mtc.ca.gov; bsanchez@mtc.ca.gov; Cynthia.marvin@arb.ca.gov; Elizabeth.yura@arb.ca.gov; Matthew Davis [mdavis@portoakland.com]; Diego Gonzalez [dgonzalez@portoakland.com]; anna.lee@acgov.org; cclevenger@alamedaactc.org; rsinkoff@portoakland.com; Henry Hilken [HHilken@baaqmd.gov]; Personal Email / Ex. 6 sthao@oakland.net; Machol, Ben [Machol.Ben@epa.gov]
CC: Jack Broadbent [jack@baaqmd.gov]; Jean Roggenkamp [jroggenkamp@baaqmd.gov]; Maricela Martinez [mmartinez@baaqmd.gov]
Subject: RE: Update - Port of Oakland/Former Oakland Army Base Emissions Reductions Working Group

Hi Damian,

Thank you for the offer, I would also like to attend a pre-meeting or call.

Thanks!
Catherine

Catherine Mukai
(510) 627-1174
cmukai@portoakland.com

From: Grow, Richard [mailto:Grow.Richard@epa.gov]
Sent: Friday, September 01, 2017 8:44 AM
To: dbreen@baaqmd.gov; ccappio@oaklandnet.com; mdnichols@oaklandnet.com; tlengyel@alamedaactc.org; adao@alamedaactc.org; abockelman@mtc.ca.gov; mmaloney@mtc.ca.gov; bsanchez@mtc.ca.gov; Cynthia.marvin@arb.ca.gov; Elizabeth.yura@arb.ca.gov; Matthew Davis <mdavis@portoakland.com>; Diego Gonzalez <dgonzalez@portoakland.com>; anna.lee@acgov.org; cclevenger@alamedaactc.org; Richard Sinkoff <rsinkoff@portoakland.com>; Catherine Mukai <cmukai@portoakland.com>; Henry Hilken <HHilken@baaqmd.gov>; Personal Email / Ex. 6 sthao@oakland.net; Machol, Ben <Machol.Ben@epa.gov>
Cc: Jack Broadbent <jack@baaqmd.gov>; Jean Roggenkamp <jroggenkamp@baaqmd.gov>; Maricela Martinez <mmartinez@baaqmd.gov>
Subject: Re: Update - Port of Oakland/Former Oakland Army Base Emissions Reductions Working Group

Damian - Thank you for this. Our office would be interested in joining and technical discussions prior to the 9/15 meeting. I'm including Ben Machol who manages our Technology and Partnerships office.

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

From: Damian Breen <dbreen@baaqmd.gov>
Sent: Thursday, August 31, 2017 6:29 PM
To: ccappio@oaklandnet.com; mdnichols@oaklandnet.com; tlengyel@alamedaactc.org; adao@alamedaactc.org; abockelman@mtc.ca.gov; mmaloney@mtc.ca.gov; bsanchez@mtc.ca.gov; Cynthia.marvin@arb.ca.gov; Elizabeth.yura@arb.ca.gov; Grow, Richard; mdavis@portoakland.com; dgonzalez@portoakland.com; anna.lee@acgov.org; cclevenger@alamedaactc.org; rsinkoff@portoakland.com; cmukai@portoakland.com; Henry Hilken; kaplanforoakland@gmail.com; sthao@oakland.net

Cc: Jack Broadbent; Jean Roggenkamp; Maricela Martinez
Subject: Update - Port of Oakland/Former Oakland Army Base Emissions Reductions Working Group

Dear Colleagues,

In preparation for our upcoming meeting on September 15, 2017, the Bay Area Air Quality Management District (Air District) is providing the following attached materials:

- An excel spreadsheet containing a matrix of projects we discussed at our July 14, 2017 meeting.
- A detailed list of actions, prepared by the Air District (with input from the California Air Resources Board), that should be considered by the Port of Oakland (Port) and City of Oakland relative to reducing emission and health risk in:
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    - leasing of properties or letting of concessions; and
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Relative to the matrix itself, the Air District will be happy to host a premeeting to go over the technical assumptions prior to September 15. It should be noted that the table supposes an approximate contribution from the Air District of $54 million over a ten-year period including approximately $13 million in funds that have already been allocated.
Please let us know ASAP who would like to participate in the technical discussion and we will schedule a call.
Have a great holiday weekend, stay cool and spare the air!

Damian Breen
Deputy Air Pollution Control Officer
Bay Area Air Quality Management District
375 Beale Street, Suite 600
San Francisco, CA 94105
Tel: (415) 749-5041

Message

From: Donez, Francisco [Donez.Francisco@epa.gov]
Sent: 9/1/2017 4:39:47 PM
To: Machol, Ben [Machol.Ben@epa.gov]
CC: Grow, Richard [Grow.Richard@epa.gov]; McDaniel, Penelope [MCDANIEL.PENELOPE@EPA.GOV]; MIKULIN, JOHN [MIKULIN.JOHN@EPA.GOV]
Subject: RE: Update - Port of Oakland/Former Oakland Army Base Emissions Reductions Working Group

That is this year's (FY17) pending DERA award to BAAQMD, to replace an OGRE locomotive at the port/OAB.

(BAAQMD also has an FY16 award to replace a locomotive, but those are at Richmond Pacific and the Port of SF.)

From: Machol, Ben
Sent: Friday, September 01, 2017 8:59 AM
To: Donez, Francisco <Donez.Francisco@epa.gov>
Cc: Grow, Richard <Grow.Richard@epa.gov>; McDaniel, Penelope <MCDANIEL.PENELOPE@EPA.GOV>; MIKULIN, JOHN <MIKULIN.JOHN@EPA.GOV>
Subject: FW: Update - Port of Oakland/Former Oakland Army Base Emissions Reductions Working Group

Hi Richard,

Penny and Francisco would be your main points of contact in AIR9. I'm around on 9/15 and would be interested in attending (I think Penny is out), but do you have a time yet?

Francisco, this spreadsheet notes that EPA is providing $625k for a locomotive. Is that last year's DERA project?

Ben Machol, P.E.
Manager, Technology & Partnerships Office
U.S. Environmental Protection Agency, Region 9
75 Hawthorne St. (AIR-9)
San Francisco, CA 94105
machol.ben@epa.gov
(415) 972-3770

From: Grow, Richard
Sent: Friday, September 01, 2017 8:40 AM
To: Machol, Ben <Machol.Ben@epa.gov>
Cc: McDaniel, Penelope <MCDANIEL.PENELOPE@EPA.GOV>; MIKULIN, JOHN <MIKULIN.JOHN@EPA.GOV>
Subject: Fw: Update - Port of Oakland/Former Oakland Army Base Emissions Reductions Working Group

Ben - Here is what BAAQMD has sent out ahead of time for the 9/15 meeting. Copied it to Penny and John, pls let me know who else I should routinely include. Thanks

Richard

From: Damian Breen <dbreen@baaqmd.gov>
Sent: Thursday, August 31, 2017 6:29 PM
To: ccappio@oaklandnet.com; mdnichols@oaklandnet.com; tlengyel@alamedaactc.org; adao@alamedaactc.org; abockelman@mtc.ca.gov; mmaloney@mtc.ca.gov; bsanchez@mtc.ca.gov; Cynthia.marvin@arb.ca.gov; Elizabeth.yura@arb.ca.gov; Grow, Richard; mdavis@portoakland.com; dgonzalez@portoakland.com; anna.lee@acgov.org; cclevenger@alamedaactc.org; rsinkoff@portoakland.com; cmukai@portoakland.com; Henry Hilken; kaplanforoakland@gmail.com; sthao@oakland.net
Cc: Jack Broadbent; Jean Roggenkamp; Maricela Martinez
Subject: Update - Port of Oakland/Former Oakland Army Base Emissions Reductions Working Group

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Damian Breen

Deputy Air Pollution Control Officer

Bay Area Air Quality Management District

375 Beale Street, Suite 600

San Francisco, CA 94105

Tel: (415) 749-5041

Message

From: Machol, Ben [Machol.Ben@epa.gov]
Sent: 9/1/2017 4:13:45 PM
To: Grow, Richard [Grow.Richard@epa.gov]; Donez, Francisco [Donez.Francisco@epa.gov]
CC: McDaniel, Penelope [MCDANIEL.PENELOPE@EPA.GOV]; MIKULIN, JOHN [MIKULIN.JOHN@EPA.GOV]
Subject: RE: Update - Port of Oakland/Former Oakland Army Base Emissions Reductions Working Group

We were talking yesterday about how much money flows from the Port to the City. I found this chart from the port budget. All told, it was $18.7M last year, and a significant chunk of that is parking taxes, which I assume is tied to the airport.

FY 2016 Budgeted City Payments
($000s)

Aircraft Rescue and Fire Fighting Services	$6,024
General Services	1,226
Lake Merritt Maintenance	1,090
Maritime, Jack London Square And Contingent Police Services	1,018
Landscape Lighting Assessment District	663
Treasury Services	289
Personnel, City Clerk and KTOP Services	251
Jack London Improvement District	110
Edgewater Median Maintenance[15]	60
Fireboat/OPD Patrol Boat Maintenance	41
Total	$10,771
Parking Taxes	7,920
Total including Parking Taxes	$18,691

Ben Machol, P.E.
Manager, Technology & Partnerships Office
U.S. Environmental Protection Agency, Region 9
75 Hawthorne St. (AIR-9)
San Francisco, CA 94105
machol.ben@epa.gov
(415) 972-3770

From: Grow, Richard
Sent: Friday, September 01, 2017 9:01 AM
To: Machol, Ben <Machol.Ben@epa.gov>; Donez, Francisco <Donez.Francisco@epa.gov>

Cc: McDaniel, Penelope <MCDANIEL.PENELOPE@EPA.GOV>; MIKULIN, JOHN <MIKULIN.JOHN@EPA.GOV>
Subject: Re: Update - Port of Oakland/Former Oakland Army Base Emissions Reductions Working Group

No time yet. Last meeting was 12-2 Downtown Oakland (ACTC offices, Kaplan is chair) I have a call in to Damian but he may be out for weekend.

From: Machol, Ben
Sent: Friday, September 1, 2017 8:58 AM
To: Donez, Francisco
Cc: Grow, Richard; McDaniel, Penelope; MIKULIN, JOHN
Subject: FW: Update - Port of Oakland/Former Oakland Army Base Emissions Reductions Working Group

Hi Richard,

Penny and Francisco would be your main points of contact in AIR9. I'm around on 9/15 and would be interested in attending (I think Penny is out), but do you have a time yet?

Francisco, this spreadsheet notes that EPA is providing $625k for a locomotive. Is that last year's DERA project?

Ben Machol, P.E.

Manager, Technology & Partnerships Office

U.S. Environmental Protection Agency, Region 9

75 Hawthorne St. (AIR-9)

San Francisco, CA 94105

machol.ben@epa.gov

(415) 972-3770

From: Grow, Richard
Sent: Friday, September 01, 2017 8:40 AM
To: Machol, Ben <Machol.Ben@epa.gov>
Cc: McDaniel, Penelope <MCDANIEL.PENELOPE@EPA.GOV>; MIKULIN, JOHN <MIKULIN.JOHN@EPA.GOV>
Subject: Fw: Update - Port of Oakland/Former Oakland Army Base Emissions Reductions Working Group

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From: Damian Breen <dbreen@baaqmd.gov>
Sent: Thursday, August 31, 2017 6:29 PM
To: ccappio@oaklandnet.com; mdnichols@oaklandnet.com; tlengyel@alamedaactc.org; adao@alamedaactc.org; abockelman@mtc.ca.gov; mmaloney@mtc.ca.gov; bsanchez@mtc.ca.gov; Cynthia.marvin@arb.ca.gov; Elizabeth.yura@arb.ca.gov; Grow, Richard; mdavis@portoakland.com; dgonzalez@portoakland.com; anna.lee@acgov.org; cclevenger@alamedaactc.org; rsinkoff@portoakland.com; cmukai@portoakland.com; Henry Hilken; kaplanforoakland@gmail.com; sthao@oakland.net
Cc: Jack Broadbent; Jean Roggenkamp; Maricela Martinez
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Damian Breen

Deputy Air Pollution Control Officer

Bay Area Air Quality Management District

375 Beale Street, Suite 600

San Francisco, CA 94105

Tel: (415) 749-5041

Message

From: Donez, Francisco [Donez.Francisco@epa.gov]
Sent: 11/20/2017 7:00:14 PM
To: Grow, Richard [Grow.Richard@epa.gov]; Machol, Ben [Machol.Ben@epa.gov]; McDaniel, Penelope [MCDANIEL.PENELOPE@EPA.GOV]; Israels, Ken [Israels.Ken@epa.gov]; Buzzelle, Stanley [Buzzelle.Stanley@epa.gov]
Subject: RE: Advice needed: "BACT" for Ports/goods movement
Attachments: USEPA Everport DEIS Comments, 6.5.2017.pdf

Ex. 5 - Deliberative Process

Let me know if you need more information or would like to discuss.
Francisco

-----Original Message-----
From: Grow, Richard
Sent: Monday, November 20, 2017 8:10 AM
To: Machol, Ben <Machol.Ben@epa.gov>; McDaniel, Penelope <MCDANIEL.PENELOPE@EPA.GOV>; Donez, Francisco <Donez.Francisco@epa.gov>; Israels, Ken <Israels.Ken@epa.gov>; Buzzelle, Stanley <Buzzelle.Stanley@epa.gov>
Subject: RE: Advice needed: "BACT" for Ports/goods movement

Ben - sounds good. Can you forward some of the comment language we are using ? I'm trying to capture our rationale for how we decide what to require. Thanks _____
From: Machol, Ben
Sent: Monday, November 20, 2017 8:01 AM
To: Grow, Richard; McDaniel, Penelope; Donez, Francisco; Israels, Ken; Buzzelle, Stanley
Subject: RE: Advice needed: "BACT" for Ports/goods movement

Looping Stan back in...

Ex. 5 - Deliberative Process

Ben Machol, P.E.
Manager, Technology & Partnerships Office U.S. Environmental Protection Agency, Region 9
75 Hawthorne St. (AIR-9)
San Francisco, CA 94105
machol.ben@epa.gov
(415) 972-3770

-----Original Message-----
From: Grow, Richard
Sent: Monday, November 20, 2017 7:36 AM
To: buzzelle.stan@epa.gov; Machol, Ben <Machol.Ben@epa.gov>; McDaniel, Penelope <MCDANIEL.PENELOPE@EPA.GOV>; Donez, Francisco <Donez.Francisco@epa.gov>; Israels, Ken <Israels.Ken@epa.gov>
Subject: Advice needed: "BACT" for Ports/goods movement

Stan, Ben and others

Ex. 5 - Deliberative Process

Richard

BACT: The term “best available control technology” means an emission limitation based on the maximum degree of reduction of each pollutant…which the permitting authority, on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, determines is achievable for such facility through application of production processes and available methods, systems, and techniques, including fuel cleaning, clean fuels, or treatment or innovative fuel combustion techniques for control of each such pollutant.

LAER: The term "lowest achievable emission rate" means, for any source, the more stringent rate of emissions based on the following: "(A) The most stringent emissions limitation which is contained in the implementation plan of any State for such class or category of stationary source, unless the owner or operator of the proposed stationary source demonstrates that such limitations are not achievable; or (B) The most stringent emissions limitation which is achieved in practice by such class or category of stationary sources. This limitation, when applied to a modification, means the lowest achievable emissions rate for the new or modified emissions units within (the) stationary source. “

Message

From: Ross, Brian [Ross.Brian@epa.gov]
Sent: 8/30/2017 6:06:06 PM
To: Grow, Richard [Grow.Richard@epa.gov]
CC: Jackson, Julia [Jackson.Julia@epa.gov]; Siu, Jennifer [Siu.Jennifer@epa.gov]
Subject: Info on Port of Oakland EJ and Title VI complaint

Hi Richard,

Thanks in advance for sending along some summary info.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Brian D. Ross
Dredging & Sediment Management Team
US EPA Region 9 (WTR-2-4)
75 Hawthorne Street
San Francisco, CA 94105
415-972-3475

Note: EPA cannot receive attachments larger than 20 MB.

Message

From: Margaret Gordon Personal Email / Ex. 6
Sent: 8/18/2017 4:59:06 PM
To: Alison Kirk [AKirk@baaqmd.gov]
CC: Yura, Elizabeth [eyura@arb.ca.gov]; Brian Beveridge Personal Email / Ex. 6 Grow, Richard [Grow.Richard@epa.gov]; Anna Lee [Anna.Lee@acgov.org]; David Vintze [DVintze@baaqmd.gov]
Subject: Re: Proposed Comments on CE-2 and CC-1 Air Quality Construction Plan from BAAQMD

Good morning Allson,

Thank you from email and updated information. Can please provide comments, items that are not pleasing my BAAQMD, that are concerning, are including as projects or innovations what are in the funding incentive grants of BAAQMD. Here are more language or items that should include in the comments:

* Nothing about Public Health

* Zero Emission

* Proximity

* Sources

* Enforcement

In the future all such emails should be forward to all members of WOTRC.

Have a good day and nice weekend.

Ms.Margaret

On Fri, Aug 18, 2017 at 9:30 AM, Alison Kirk <AKirk@baaqmd.gov> wrote:

Hello all,

The purpose of this email is to share information with our partners about our review of the Diesel Emissions Reduction and Air Quality Plan for Construction of CE-2 Southeast Gateway Parcel and CC-1 New Central Gateway Parcel (Plan), in advance of the Stakeholders meeting scheduled for Wed. Aug 23 from 11 am to 1 p.m.

1. We are pleased to see that the Plan calls for limiting idling of commercial vehicles over 10,000 lbs. and off-road equipment over 25 horsepower to 3 minutes (items 3.1.h and i). However, this change was not made to item 3.4 a which limits unnecessary idling to 5 minutes. We hope that this is an error and that 3.4 a will be updated to be consistent with items 3.1h and i.

2. Item 3.3 a includes language drafted by ARB stating that contractors shall contact at least 3 rental agencies in the Bay Area when looking to rent Tier 4 equipment. We are pleased with this addition.

3. Item 3.3 e states that "All scissor lifts and small tools will be electric." In the previous draft of the Plan, electric equipment was voluntary, so we are also pleased to see this.

4. BAAQMD and ARB had recommended a commitment to model year 2010 or newer on-road trucks. Unfortunately, the Plan still states (Item 3.3.b) "All contractors will be encouraged to use post 2010 model water trucks, as available." We are disappointed and will continue to urge the City to require that all on-road trucks be model year 2010 or newer.

5. Finally, BAAQMD staff has many ongoing projects. In the interest of using staff time efficiently, rather than attending the Stakeholder's meeting in person, we are considering emailing these comments to the City before the meeting.

I look forward to your comments on these items.

Alison Kirk, AICP

Senior Environmental Planner

415-749-5169

The Bay Area Air Quality Management District

375 Beale Street, Suite 600

San Francisco, CA 94105

--

Ms. Margaret Gordon/Co-Director
West Oakland Environmental Indicators Project
349 Mandela Parkway
Oakland, CA 94607
510-257-5647 Direct line
www.woeip.org

Message

From: Buzzelle, Stanley [Buzzelle.Stanley@epa.gov]
Sent: 11/20/2017 4:27:57 PM
To: Machol, Ben [Machol.Ben@epa.gov]; Grow, Richard [Grow.Richard@epa.gov]; McDaniel, Penelope [MCDANIEL.PENELOPE@EPA.GOV]; Donez, Francisco [Donez.Francisco@epa.gov]; Israels, Ken [Israels.Ken@epa.gov]
Subject: RE: Advice needed: "BACT" for Ports/goods movement

Thanks, Ben.

Hi, Richard. I'm not aware of any past examples off the top of my head, but I will definitely give this

Deliberative Process / Ex. 5

Stan Buzzelle
Attorney-Advisor
U.S. Environmental Protection Agency
Office of Environmental Justice
(202) 564-2316

The preceding message (including any attachments) contains information that may be confidential, be protected by attorney work-product, attorney-client or other applicable privileges and may be exempt from disclosure under applicable law. It is intended to be conveyed only to the named recipient(s). If you received this message in error or if you are not the intended recipient, please notify the sender and delete the message from your system. Any use, dissemination, distribution or reproduction of this message by unintended recipients is not authorized and may be unlawful.

-----Original Message-----
From: Machol, Ben
Sent: Monday, November 20, 2017 11:02 AM
To: Grow, Richard <Grow.Richard@epa.gov>; McDaniel, Penelope <MCDANIEL.PENELOPE@EPA.GOV>; Donez, Francisco <Donez.Francisco@epa.gov>; Israels, Ken <Israels.Ken@epa.gov>; Buzzelle, Stanley <Buzzelle.Stanley@epa.gov>
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Looping Stan back in...

Deliberative Process / Ex. 5

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To: buzzelle.stan@epa.gov; Machol, Ben <Machol.Ben@epa.gov>; McDaniel, Penelope <MCDANIEL.PENELOPE@EPA.GOV>; Donez, Francisco <Donez.Francisco@epa.gov>; Israels, Ken <Israels.Ken@epa.gov>
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Deliberative Process / Ex. 5

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Thanks

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Message

From: McGowan, Patricia [PMcGowan@oaklandnet.com]
Sent: 8/30/2017 5:37:21 PM
To: Brian Beveridge [brian.woeip@gmail.com]; Margaret Gordor Personal Email / Ex. 6 Robyn Hodges Personal Email / Ex. 6 ; Ken Houston Personal Email / Ex. 6 Jess Dervin-Ackerman [Jess@sfbaysc.org]; Jahmese Myres [jahmese@workingeastbay.org]; Gene Hazzard [Personal Email / Ex. 6 Ray Kidd Personal Email / Ex. 6 Steve Lowe Personal Email / Ex. 6 Kate O'Hara [kate@workingeastbay.org]; Mark McClure [mmcclure@californiagroup.com]; Megan Morodomi [mmorodomi@californiagroup.com]; Cory Chung [cchung@prologis.com]; Jeff Major Personal Email / Ex. 6 Maile Smith [Maile.smith@ngem.com]; James Heilbronner [jamesh@archdim.com]; Joanne Park [joannep@archdim.com]; Brent Bucknum [brent@hyphae.net]; Bill Aboudi [bill@oaklandmss.com]; Momina Jalil [momina@cecginc.com]; jbroadbent@baaqmd.gov; Henry Hilken [Hhilken@baaqmd.gov]; Alison Kirk [akirk@baaqmd.gov]; Jean Roggenkamp [jroggenkamp@baaqmd.gov]; David Vintze [DVintze@baaqmd.gov]; Cynthia Marvin [cynthia.marvin@arb.ca.gov]; Robbie Morris [robbie.morris@arb.ca.gov]; Richard Boyd [richard.boyd@arb.ca.gov]; Elizabeth Yura [elizabeth.yura@arb.ca.gov]; Grow, Richard [Grow.Richard@epa.gov]; Anna Lee [Anna.lee@acgov.org]; Rebecca Flournoy [rebecca.flournoy@acgov.org]; Stewart Sonnenberg [stew.sonnenberg@dot.gov]; McElhaney, Lynette [lmcelhaney@oaklandnet.com]; Cook, Brigitte [BCook@oaklandnet.com]; Wald, Zachary [ZWald@oaklandnet.com]; Kaplan, Rebecca [RKaplan@oaklandnet.com]; Thao, Sheng [SThao@oaklandnet.com]; Davenport, Kevin [KDavenport@oaklandnet.com]; Cole, Doug [DCole@oaklandnet.com]; Cappio, Claudia [CCappio@oaklandnet.com]; Monetta, John [JMonetta@oaklandnet.com]; Ranelletti, Darin [DRanelletti@oaklandnet.com]; McGowan, Patricia [PMcGowan@oaklandnet.com]; Spoerl, Peter [PSpoerl@oaklandcityattorney.org]; rsinkoff@portoakland.com; Diane Heinze [dheinze@portoakland.com]; Andrea Gardner [agardner@portoakland.com]
Subject: Equipment Lists and Truck Logs for construction of Prologis' Northeast Gateway (CE-1) at the Oakland Army Base
Attachments: Prologis OGLC - Equipment List Log by Subcontractor_2017.07.31_Submitted.xlsx

Hello Stakeholders,

At the recent Stakeholder meeting on August 23, 2017, it was requested that the equipment list and truck logs for the Prologis building which is currently under construction at the former Oakland Army Base be circulated for information. Per that request, you will find attached the list of off-road equipment that was used to build the building. For the truck log please use the link contained in the e-mail below. This building, referred to as Prologis' CE-1 building on the Northeast Gateway parcel, started construction on late October 2016. The exterior of the building (all the walls, roof, doors and windows) plus the parking lot is now substantially complete (end of August, 2017). The work on the interior of the building, to meet the needs of a future tenant, has not yet been started, not has the planting/landscaping. So, the outside of the building is nearing completion and the interior will be started after they secure a tenant.

These equipment logs should not be confused with the draft air quality plan and draft construction management plan for Prologis' other two sites (CE-2 and CC-1) which have been released for public review. The equipment and truck logs herein are for the shell of the building that is almost finished, so the logs show what type of equipment was used to build it. Such logs will be required to be kept during the construction of future buildings, which is already stated in the draft plans that are currently under public review.

Please contact me if you have questions on this.

Best Regards,
Patricia

Patricia McGowan, Environmental Coordinator | City of Oakland | Bureau of Planning | 250 Frank H. Ogawa, Suite 3315 | Oakland, CA 94612 | Phone: (510) 238-3588 | Fax: (510) 238-6538 | Email: PMcGowan@oaklandnet.com | Website: www.oaklandnet.com/planning

From: Rodriguez, Steve [mailto:Steve.Rodriguez@whiting-turner.com]
Sent: Monday, August 28, 2017 4:47 PM
To: McGowan, Patricia <PMcGowan@oaklandnet.com>
Cc: Chung, Cory <cchung@prologis.com> (cchung@prologis.com) <cchung@prologis.com>
Subject: Prologis Northeast Gateway (CE-1) - Updated Equipment Lists and Truck Logs

Pat,

As discussed last week, please see the attached updated Equipment Lists through 7/31/17. Due to the file size of the truck logs I had to send using the link below. Please let me know if you have any issues accessing the truck logs.

Link to truck logs: https://whiting-turner.box.com/shared/static/ja13tr3xjh4t4n9ok4nl2f23zdwgww69.pdf

If you have any questions, please feel free to contact me.

Thanks,

Steve Rodriguez
Project Manager
The Whiting-Turner Contracting Company
4690 Chabot Drive, Suite 120
Pleasanton, California 94588
Phone: 925-271-6020
Mobile: 925-351-4622
www.whiting-turner.com

Message

From: Ross, Brian [Ross.Brian@epa.gov]
Sent: 8/17/2017 11:05:48 PM
To: Reyes, Deldi [Reyes.Deldi@epa.gov]
CC: Grow, Richard [Grow.Richard@epa.gov]; Siu, Jennifer [Siu.Jennifer@epa.gov]; Ota, Allan [Ota.Allan@epa.gov]; Jackson, Julia [Jackson.Julia@epa.gov]
Subject: RE: Update: West Oakland Title VI complaint

Thanks Deldi, and Hello Richard,

I forwarded the info below to Julia Jackson who is out attorney working on this case (we just had out first meeting this afternoon). We are in initial case development at this point, but we or Julia will loop back with you soon to confirm whether there is anything in particular we need to be cognizant of from your perspective. Thanks again!

Brian D. Ross
Dredging & Sediment Management Team
US EPA Region 9 (WTR-2-4)
75 Hawthorne Street
San Francisco, CA 94105
415-972-3475

Note: EPA cannot receive attachments larger than 20 MB.

From: Reyes, Deldi
Sent: Thursday, August 17, 2017 2:40 PM
To: Ross, Brian <Ross.Brian@epa.gov>
Cc: Grow, Richard <Grow.Richard@epa.gov>
Subject: FW: Update: West Oakland Title VI complaint

Brian, I'm not sure if we've met before. If so, my apologies for not remembering. Re our ports call today, Richard Grow is the best person for you to connect with. I gave him the gist of what I heard today and he didn't see it as an issue. But best if you two connect directly.

From: Grow, Richard
Sent: Thursday, August 10, 2017 8:58 AM
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>; Zimpfer, Amy <Zimpfer.Amy@epa.gov>; Reyes, Deldi <Reyes.Deldi@epa.gov>; Garnett, Desean <Garnett.Desean@epa.gov>; Israels, Ken <Israels.Ken@epa.gov>
Subject: Update: West Oakland Title VI complaint

Elizabeth & Matt

Following is a partial summary of events since the formal acceptance by DOT and EPA of the complaint on July 18.

- On August 2 DOT convened a first meeting of the two "teams" involved in resolving the complaint, with participants from DOT, EPA's ECRCO, Region 9 EPA and DOJ, approximately 14 people overall. Alexis, Desean Garnett and I sat in from R9 (Deborah had other commitments, Deldi was out). The main purpose of the

meeting was to sort out roles and responsibilities, and consider a draft investigative plan prepared by DOT (Ryan

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Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

- Deliberative Process / Ex. 5

More details available, I remain available to come talk with you at your convenience. Please pass this on to any of your staff you feel would be interested.

Richard

Message

From: McGowan, Patricia [PMcGowan@oaklandnet.com]
Sent: 8/17/2017 10:45:52 PM
To: Grow, Richard [Grow.Richard@epa.gov]
Subject: RE: Further follow-up: Question on CTMP

Hello Richard,
Sorry for my delay; I was out for a week, and lots going on around here…

Yes, we will certainly include you in the outreach we will do for truck management plan. The City and Port are both gearing up to start this planning effort. So far, we have been working on the in-house thinking it takes to begin a planning process like this, and how we will do public engagement for developing this plan.

This truck management plan will implement MM 4.3-7 which states "create a truck management plan designed to reduce the effects of trucks on local streets". So this plan will focus on addressing truck circulation and truck parking in West Oakland, improved enforcement, enhanced signage on truck routes and infrastructure improvements, per the MM. It will build upon but not replace, or re-do, the CTMP of 2009. So in clarification from your earlier e-mail, it is not a comprehensive truck management plan initiative but rather implementation of mitigation measure 4.3-7 which is about reducing the effects of trucks on local streets in West Oakland. The "comprehensive plan" is the combination of all the truck planning undertaken by the City and Port.

Hope to see you at next week's stakeholder meeting.

Patricia

Patricia McGowan, Environmental Coordinator | City of Oakland | Bureau of Planning | 250 Frank H. Ogawa, Suite 3315 | Oakland, CA 94612 | Phone: (510) 238-3588 | Fax: (510) 238-6538 | Email: PMcGowan@oaklandnet.com | Website: www.oaklandnet.com/planning

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From: Grow, Richard [mailto:Grow.Richard@epa.gov]
Sent: Thursday, August 17, 2017 10:15 AM
To: McGowan, Patricia <PMcGowan@oaklandnet.com>
Subject: Further follow-up: Question on CTMP

Greetings Patricia

Following up on my query last week, below, yesterday our agency received correspondence from the Port including the following statement:

"The Port is currently engaged with the City in the planning stages of developing a joint truck management plan, focused on West Oakland, the Port, and the OAB ("Truck Management Plan"). The Truck Management Plan will be developed over the next year, in a process that will involve meaningful communication and input from the West Oakland community and other interested stakeholders. The Port and the City are conducting outreach to WOEIP and numerous other West Oakland community groups to participate in the Truck Management Plan planning process."

We are not only an "interested stakeholder" in the upcoming process but were active participants in the 2007-2009 CTMP effort. Please include me to the extent you are able in outreach and discussions of this upcoming effort. In addition, I would still appreciate some sort of catch-up discussion per my earlier note.

Thanks again

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

From: Grow, Richard
Sent: Wednesday, August 09, 2017 12:16 PM
To: 'McGowan, Patricia' <PMcGowan@oaklandnet.com>
Subject: Question on CTMP

Patricia

I'm hearing that you are starting up a comprehensive truck management plan initiative. Could you let me know if my understanding is correct and, if so, how can I bet get informed on this effort ?

Thanks

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

Appointment

From: Donez, Francisco [Donez.Francisco@epa.gov]
Sent: 9/20/2017 4:33:35 PM
To: Grow, Richard [Grow.Richard@epa.gov]

Subject: Accepted: FW: West Oakland Port/OAB
Location: R9SF-Room-18420-4-Round Valley

Start: 9/20/2017 8:30:00 PM
End: 9/20/2017 9:00:00 PM
Show Time As: Busy

Message

From: Israels, Ken [Israels.Ken@epa.gov]
Sent: 11/20/2017 4:02:34 PM
To: Grow, Richard [Grow.Richard@epa.gov]
Subject: RE: Advice needed: "BACT" for Ports/goods movement

Richard -

Not replying all here because I wanted to bounce this concept off you. The SCAQMD website regarding regulations and other commitments as applicable to ports may be helpful maybe? See: http://www.aqmd.gov/home/library/clean-air-plans/air-quality-mgt-plan/facility-based-mobile-source-measures/regulations-other-commitments

Ken

-----Original Message-----
From: Grow, Richard
Sent: Monday, November 20, 2017 7:36 AM
To: buzzelle.stan@epa.gov; Machol, Ben <Machol.Ben@epa.gov>; McDaniel, Penelope <MCDANIEL.PENELOPE@EPA.GOV>; Donez, Francisco <Donez.Francisco@epa.gov>; Israels, Ken <Israels.Ken@epa.gov>
Subject: Advice needed: "BACT" for Ports/goods movement

Stan, Ben and others

Deliberative Process / Ex. 5

Richard

BACT: The term "best available control technology" means an emission limitation based on the maximum degree of reduction of each pollutant…which the permitting authority, on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, determines is achievable for such facility through application of production processes and available methods, systems, and techniques, including fuel cleaning, clean fuels, or treatment or innovative fuel combustion techniques for control of each such pollutant.

LAER: The term "lowest achievable emission rate" means, for any source, the more stringent rate of emissions based on the following: "(A) The most stringent emissions limitation which is contained in the implementation plan of any State for such class or category of stationary source, unless the owner or operator of the proposed stationary source demonstrates that such limitations are not achievable; or (B) The most stringent emissions limitation which is achieved in practice by such class or category of stationary sources. This limitation, when applied to a modification, means the lowest achievable emissions rate for the new or modified emissions units within (the) stationary source. "

Appointment

From: McDaniel, Penelope [MCDANIEL.PENELOPE@EPA.GOV]
Sent: 9/20/2017 4:06:47 PM
To: Grow, Richard [Grow.Richard@epa.gov]

Subject: Accepted: West Oakland Port/OAB
Location: R9SF-Room-18420-4-Round Valley

Start: 9/20/2017 8:30:00 PM
End: 9/20/2017 9:00:00 PM
Show Time As: Busy

Message

From: Temple, Kurt [Temple.Kurt@epa.gov]
Sent: 8/17/2017 10:25:39 PM
To: Grow, Richard [Grow.Richard@epa.gov]
Subject: Automatic reply: 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)

Thank you for your email. I am currently out of the office through Sunday August 17, 2017. I will review and respond to your message as soon as I am able.

Kurt T. Temple

Senior Advisor

ECRCO Office of General Counsel

Environmental Protection Agency

202-564-7299

Message

From: Machol, Ben [Machol.Ben@epa.gov]
Sent: 11/20/2017 4:01:33 PM
To: Grow, Richard [Grow.Richard@epa.gov]; McDaniel, Penelope [MCDANIEL.PENELOPE@EPA.GOV]; Donez, Francisco [Donez.Francisco@epa.gov]; Israels, Ken [Israels.Ken@epa.gov]; Buzzelle, Stanley [Buzzelle.Stanley@epa.gov]
Subject: RE: Advice needed: "BACT" for Ports/goods movement

Looping Stan back in...

While LAER and BACT are terms from the permitting world, and would apply to stationary sources, it seems like a good concept to consider here. Progress at LA/LB has certainly very strong, maybe not lowest achievable (they could always do more, faster), but certainly one of the best out there.

In NEPA we've giving comments to ports on best approaches, have you seen those comments? It's basically a suggestion to use the highest tiered engines + commitments to use more advanced technology whenever commercially available + do demonstrations of earlier stage technologies.

Ben Machol, P.E.
Manager, Technology & Partnerships Office
U.S. Environmental Protection Agency, Region 9
75 Hawthorne St. (AIR-9)
San Francisco, CA 94105
machol.ben@epa.gov
(415) 972-3770

-----Original Message-----
From: Grow, Richard
Sent: Monday, November 20, 2017 7:36 AM
To: buzzelle.stan@epa.gov; Machol, Ben <Machol.Ben@epa.gov>; McDaniel, Penelope <MCDANIEL.PENELOPE@EPA.GOV>; Donez, Francisco <Donez.Francisco@epa.gov>; Israels, Ken <Israels.Ken@epa.gov>
Subject: Advice needed: "BACT" for Ports/goods movement

Stan, Ben and others

Deliberative Process / Ex. 5

Richard

BACT: The term “best available control technology” means an emission limitation based on the maximum degree of reduction of each pollutant…which the permitting authority, on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, determines is achievable for such facility through application of production processes and available methods, systems, and techniques, including fuel cleaning, clean fuels, or treatment or innovative fuel combustion techniques for control of each such pollutant.

LAER: The term "lowest achievable emission rate" means, for any source, the more stringent rate of emissions based on the following: "(A) The most stringent emissions limitation which is contained in the implementation plan of any State for such class or category of stationary source, unless the owner or operator of the proposed stationary source demonstrates that such limitations are not achievable; or (B) The most stringent emissions limitation which is achieved in practice by such class or category of stationary sources. This limitation, when applied to a modification, means the lowest achievable emissions rate for the new or modified emissions units within (the) stationary source. “

Appointment

From: Microsoft Outlook [MicrosoftExchange329e71ec88ae4615bbc36ab6ce41109e@usepa.onmicrosoft.com]
Sent: 9/20/2017 3:40:15 PM
To: Grow, Richard [Grow.Richard@epa.gov]

Subject: Meeting Forward Notification: West Oakland Port/OAB
Location: R9SF-Room-18420-4-Round Valley

Start: 9/20/2017 8:30:00 PM
End: 9/20/2017 9:00:00 PM

Recurrence: (none)

Your meeting was forwarded

Machol, Ben has forwarded your meeting request to additional recipients.

Meeting

West Oakland Port/OAB

Meeting Time

Wednesday, September 20, 2017 1:30 PM-2:00 PM.

Recipients

Donez, Francisco

All times listed are in the following time zone: (UTC-08:00) Pacific Time (US & Canada)

Sent by Microsoft Exchange Server

Message

From: Grow, Richard [Grow.Richard@epa.gov]
Sent: 11/20/2017 3:36:20 PM
To: buzzelle.stan@epa.gov; Machol, Ben [Machol.Ben@epa.gov]; McDaniel, Penelope [MCDANIEL.PENELOPE@EPA.GOV]; Donez, Francisco [Donez.Francisco@epa.gov]; Israels, Ken [Israels.Ken@epa.gov]
Subject: Advice needed: "BACT" for Ports/goods movement

Stan, Ben and others

Deliberative Process / Ex. 5

Richard

BACT: The term "best available control technology" means an emission limitation based on the maximum degree of reduction of each pollutant…which the permitting authority, on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, determines is achievable for such facility through application of production processes and available methods, systems, and techniques, including fuel cleaning, clean fuels, or treatment or innovative fuel combustion techniques for control of each such pollutant.

LAER: The term "lowest achievable emission rate" means, for any source, the more stringent rate of emissions based on the following: "(A) The most stringent emissions limitation which is contained in the implementation plan of any State for such class or category of stationary source, unless the owner or operator of the proposed stationary source demonstrates that such limitations are not achievable; or (B) The most stringent emissions limitation which is achieved in practice by such class or category of stationary sources. This limitation, when applied to a modification, means the lowest achievable emissions rate for the new or modified emissions units within (the) stationary source. "

Appointment

From: Machol, Ben [Machol.Ben@epa.gov]
Sent: 9/20/2017 3:37:08 PM
To: Grow, Richard [Grow.Richard@epa.gov]

Subject: Accepted: West Oakland Port/OAB
Location: R9SF-Room-18420-4-Round Valley

Start: 9/20/2017 8:30:00 PM
End: 9/20/2017 9:00:00 PM
Show Time As: Busy

Message

From: BANDROWSKI, MIKE [Bandrowski.Mike@epa.gov]
Sent: 10/26/2017 3:17:16 PM
To: Reyes, Deldi [Reyes.Deldi@epa.gov]; Grow, Richard [Grow.Richard@epa.gov]
Subject: RE: Regroup: AB 617: Recent State and Bay Area toxics rules

Thanks. I saw that Amy is trying to reschedule.

Mike Bandrowski | Manager, Office of Air Toxics, Radiation and Indoor Air
U.S. Environmental Protection Agency | Region 9| Air Division, Air-6 | 75 Hawthorne St | San Francisco, CA 94105 |Tel 415.947-4194 | bandrowski.mike@epa.gov

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From: Reyes, Deldi
Sent: Wednesday, October 25, 2017 5:30 PM
To: Grow, Richard <Grow.Richard@epa.gov>; BANDROWSKI, MIKE <Bandrowski.Mike@epa.gov>
Subject: RE: Regroup: AB 617: Recent State and Bay Area toxics rules

For what it's worth, my conflict tomorrow is a soft one, so I could make the 1130 but I agree with Richard, Mike, why not wait for you?

From: Grow, Richard
Sent: Wednesday, October 25, 2017 5:22 PM
To: BANDROWSKI, MIKE <Bandrowski.Mike@epa.gov>; Reyes, Deldi <Reyes.Deldi@epa.gov>
Subject: Re: Regroup: AB 617: Recent State and Bay Area toxics rules

Mike - you'll see my note to Amy suggesting she wait to regroup until you and Deldi are available. We will be involved one way or another, I've already been invited to join EIP in working with UCB to tee up a proposal based on the WOTRC model. Between ours and BAAQMD's respective CARE models and South Coasts MATES studies (and BAAQMD's having weekly calls with SCAQMD on AB 617) this could evolve into some sort of national lessons for community scale work on EJ/toxics. From today's discussion it's obvious that Deborah sees us staying tuned to OEHHA's work, which I think implies involving staff such as Ken D and Chuck.

I thought your/our office had an assigned AD, no ?

RG

From: BANDROWSKI, MIKE
Sent: Wednesday, October 25, 2017 4:30 PM
To: Grow, Richard; Reyes, Deldi
Subject: RE: Regroup: AB 617: Recent State and Bay Area toxics rules

Yes, we did a pre-meeting before they went and I spoke with Matt and Amy after they returned. We are continuing to follow up at the Division level to determine how best to help provide support. There is not an AD responsible for Air Toxics. Let's plan to meet next week and talk about where we are on AB-617, as there are a lot of people doing different things. At this point there is no specific role for EPA, other than to provide support where we can.

Mike Bandrowski | Manager, Office of Air Toxics, Radiation and Indoor Air

U.S. Environmental Protection Agency | Region 9| Air Division, Air-6 | 75 Hawthorne St |

San Francisco, CA 94105 |Tel 415.947-4194 | bandrowski.mike@epa.gov

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From: Grow, Richard
Sent: Wednesday, October 25, 2017 4:05 PM
To: BANDROWSKI, MIKE <Bandrowski.Mike@epa.gov>; Reyes, Deldi <Reyes.Deldi@epa.gov>
Subject: Regroup: AB 617: Recent State and Bay Area toxics rules

Deliberative Process / Ex. 5

RG

From: BANDROWSKI, MIKE
Sent: Wednesday, October 25, 2017 3:37 PM
To: Grow, Richard <Grow.Richard@epa.gov>; Reyes, Deldi <Reyes.Deldi@epa.gov>
Subject: RE: AB 617: Recent State and Bay Area toxics rules

Thanks Richard. That would be great.

Mike Bandrowski | Manager, Office of Air Toxics, Radiation and Indoor Air

U.S. Environmental Protection Agency | Region 9| Air Division, Air-6 | 75 Hawthorne St |

San Francisco, CA 94105 |Tel 415.947-4194 | bandrowski.mike@epa.gov

From: Grow, Richard
Sent: Wednesday, October 25, 2017 2:52 PM
To: Reyes, Deldi <Reyes.Deldi@epa.gov>; BANDROWSKI, MIKE <Bandrowski.Mike@epa.gov>
Subject: RE: AB 617: Recent State and Bay Area toxics rules

Greg Nudd. I can get back to him if you want. Maybe think about who else from here ought to join the discussion with AT expertise – Ken D ? Chuck , Fatima ?

Azi and David Ralston on the community engagement front.

RG

From: Reyes, Deldi
Sent: Wednesday, October 25, 2017 2:46 PM
To: BANDROWSKI, MIKE <Bandrowski.Mike@epa.gov>; Grow, Richard <Grow.Richard@epa.gov>
Subject: RE: AB 617: Recent State and Bay Area toxics rules

Also, what about the BAAQMD invitation to brief us on 617? Mike, I though you or I was going to get back to this person, whose name escapes me currently. I got overwhelmed by the conference.

Let me dig that up because we need to respond to that.

From: BANDROWSKI, MIKE
Sent: Wednesday, October 25, 2017 2:29 PM
To: Grow, Richard <Grow.Richard@epa.gov>; Reyes, Deldi <Reyes.Deldi@epa.gov>
Subject: RE: AB 617: Recent State and Bay Area toxics rules

Richard- There has been a lot going on with AB617, as you noted. I sent Karen Magliano the NAPA report on CARE and offered to have EPA staff brief her staff on our experience with working with communities. She said she would get back to me. I mentioned this to Deldi, but maybe we should plan to get together and share information on what we have all

been hearing. If you or Deldi want to set something up, that would be good. I am in training today and Thursday, but will be around next week.

Mike Bandrowski | Manager, Office of Air Toxics, Radiation and Indoor Air

U.S. Environmental Protection Agency | Region 9| Air Division, Air-6 | 75 Hawthorne St |

San Francisco, CA 94105 |Tel 415.947-4194 | bandrowski.mike@epa.gov

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From: Grow, Richard
Sent: Wednesday, October 25, 2017 2:10 PM
To: BANDROWSKI, MIKE <Bandrowski.Mike@epa.gov>; Reyes, Deldi <Reyes.Deldi@epa.gov>
Subject: AB 617: Recent State and Bay Area toxics rules

Mike & Deldi

Deliberative Process / Ex. 5

Meet ? Talk ?

Richard

From: BANDROWSKI, MIKE
Sent: Thursday, September 21, 2017 1:32 PM

To: Grow, Richard <Grow.Richard@epa.gov>; Buss, Jeffrey <Buss.Jeffrey@epa.gov>; Chew, Andrew <Chew.Andrew@epa.gov>; Davidson, Ken <Davidson.Ken@epa.gov>; Donez, Francisco <Donez.Francisco@epa.gov>; Freed, Rachel <freed.rachel@epa.gov>; Gutierrez, Roberto <Gutierrez.Roberto@epa.gov>; Kelly, Shaheerah <Kelly.Shaheerah@epa.gov>; Law, Nicole <Law.Nicole@epa.gov>; Lopez, Mariela <Lopez.Mariela@epa.gov>; LOWE, DEBBIE (Separated 8/31/17) <Lowe.Debbie@epa.gov>; Mays, Rory <Mays.Rory@epa.gov>; Pathak, Priyanka <Pathak.Priyanka@epa.gov>; Reyes, Deldi <Reyes.Deldi@epa.gov>; Stewart, Kathleen <Stewart.Kathleen@epa.gov>; Vallano, Dena <Vallano.Dena@epa.gov>; Zellinger, Andrew <Zellinger.Andrew@epa.gov>; Dunning, Connell <Dunning.Connell@epa.gov>
Cc: Freed, Rachel <freed.rachel@epa.gov>; Nivolon, Monique <Nivolon.Monique@epa.gov>; Pathak, Priyanka <Pathak.Priyanka@epa.gov>
Subject: RE: Recent State and Bay Area toxics rules

Thanks Richard. I will put this on the agenda for our next AT-EJ meeting. We don't currently have anyone in the Division as the lead for tracking this, but it would be good if we could identify someone(s).

Mike Bandrowski | Manager, Office of Air Toxics, Radiation and Indoor Air

U.S. Environmental Protection Agency | Region 9| Air Division, Air-6 | 75 Hawthorne St |

San Francisco, CA 94105 |Tel 415.947-4194 | bandrowski.mike@epa.gov

From: Grow, Richard
Sent: Thursday, September 21, 2017 1:09 PM
To: BANDROWSKI, MIKE <Bandrowski.Mike@epa.gov>; Buss, Jeffrey <Buss.Jeffrey@epa.gov>; Chew, Andrew <Chew.Andrew@epa.gov>; Davidson, Ken <Davidson.Ken@epa.gov>; Donez, Francisco <Donez.Francisco@epa.gov>; Freed, Rachel <freed.rachel@epa.gov>; Gutierrez, Roberto <Gutierrez.Roberto@epa.gov>; Kelly, Shaheerah <Kelly.Shaheerah@epa.gov>; Law, Nicole <Law.Nicole@epa.gov>; Lopez, Mariela <Lopez.Mariela@epa.gov>; LOWE, DEBBIE (Separated 8/31/17) <Lowe.Debbie@epa.gov>; Mays, Rory <Mays.Rory@epa.gov>; Pathak, Priyanka <Pathak.Priyanka@epa.gov>; Reyes, Deldi <Reyes.Deldi@epa.gov>; Stewart, Kathleen <Stewart.Kathleen@epa.gov>; Vallano, Dena <Vallano.Dena@epa.gov>; Zellinger, Andrew <Zellinger.Andrew@epa.gov>; Dunning, Connell <Dunning.Connell@epa.gov>
Cc: Freed, Rachel <freed.rachel@epa.gov>; Nivolon, Monique <Nivolon.Monique@epa.gov>; Pathak, Priyanka <Pathak.Priyanka@epa.gov>
Subject: Recent State and Bay Area toxics rules

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Richard

Appointment

From: R9SF-Room-18420-4-Round Valley [R9SF-Room-18420-4-Round_Valley@epa.gov]
Sent: 9/20/2017 3:26:14 PM
To: Grow, Richard [Grow.Richard@epa.gov]

Subject: Accepted: West Oakland Port/OAB
Location: R9SF-Room-18420-4-Round Valley

Start: 9/20/2017 8:30:00 PM
End: 9/20/2017 9:00:00 PM

Recurrence: (none)

Your request was accepted.

Sent by Microsoft Exchange Server 2016

Message

From: Ralph Reynoso [rreynoso@portoakland.com]
Sent: 11/20/2017 3:26:09 PM
Subject: TWG Bulletin: Rain or Shine! Trucks in West Oakland - Community Workshop #2, 12/2/17

From: City of Oakland & Port of Oakland [mailto:community@portoakland.com]
Sent: Monday, November 20, 2017 3:01 AM
Subject: Rain or Shine! Trucks in West Oakland - Community Workshop #2, 12/2/17

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Taller comunitaro sobre los camiones que afectan el vencidario del oeste de Oakland

西屋崙货车管理社区会议

This is a mobile workshop with site tours to look at trucking problems in West Oakland

RAIN OR SHINE!

Date: Saturday, December 2, 2017

**Time: 10:00 AM- 1:00 PM (please see program info)*

Meet-up location: West Oakland Farm Park – City Slicker Farms
2847 Peralta Street, Oakland, CA 94608 (Cross: 28th St.)

Minibuses are provided for site tours.

Street parking. Public Transportation: BART West Oakland Station; AC Transit 29.

Please RSVP at: https://westoaklandtmp2.eventbrite.com

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Lunch & Debrief
12:00 to 1:00 PM @ West Oakland Farm Park

Please tell us on your RSVP if you need childcare, interpretation services, or any disability accommodation in order to participate

Councilmember McElhaney, City Administrator, and Board of Port Commissioners look forward to your participation in this planning effort.

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How do I get involved?
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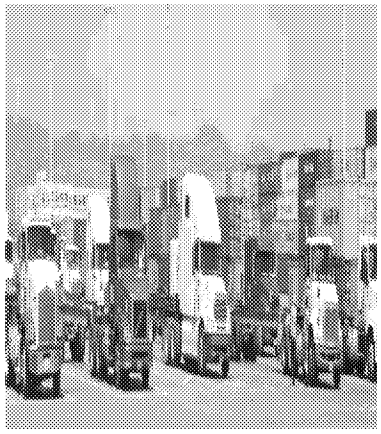
Past: Workshop 1: "Learning" on 10/11/2017

Please tell your neighbors and help us spread the word!

Click here to share this event

What is a Truck Management Plan?



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City of Oakland

PORT OF OAKLAND

Port of Oakland | 530 Water Street, Oakland, CA 94607

Unsubscribe rreynoso@portoakland.com

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Constant Contact

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Message

From: Reyes, Deldi [Reyes.Deldi@epa.gov]
Sent: 10/26/2017 12:29:31 AM
To: Grow, Richard [Grow.Richard@epa.gov]; BANDROWSKI, MIKE [Bandrowski.Mike@epa.gov]
Subject: RE: Regroup: AB 617: Recent State and Bay Area toxics rules

For what it's worth, my conflict tomorrow is a soft one, so I could make the 1130 but I agree with Richard, Mike, why not wait for you?

From: Grow, Richard
Sent: Wednesday, October 25, 2017 5:22 PM
To: BANDROWSKI, MIKE <Bandrowski.Mike@epa.gov>; Reyes, Deldi <Reyes.Deldi@epa.gov>
Subject: Re: Regroup: AB 617: Recent State and Bay Area toxics rules

Mike - you'll see my note to Amy suggesting she wait to regroup until you and Deldi are available. We will be involved one way or another, I've already been invited to join EIP in working with UCB to tee up a proposal based on the WOTRC model. Between ours and BAAQMD's respective CARE models and South Coasts MATES studies (and BAAQMD's having weekly calls with SCAQMD on AB 617) this could evolve into some sort of national lessons for community scale work on EJ/toxics. From today's discussion it's obvious that Deborah sees us staying tuned to OEHHA's work, which I think implies involving staff such as Ken D and Chuck.

I thought your/our office had an assigned AD, no ?

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Mike Bandrowski | Manager, Office of Air Toxics, Radiation and Indoor Air

U.S. Environmental Protection Agency | Region 9| Air Division, Air-6 | 75 Hawthorne St |

San Francisco, CA 94105 |Tel 415.947-4194 | bandrowski.mike@epa.gov

From: Grow, Richard
Sent: Wednesday, October 25, 2017 4:05 PM
To: BANDROWSKI, MIKE <Bandrowski.Mike@epa.gov>; Reyes, Deldi <Reyes.Deldi@epa.gov>
Subject: Regroup: AB 617: Recent State and Bay Area toxics rules

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Subject: RE: AB 617: Recent State and Bay Area toxics rules

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San Francisco, CA 94105 |Tel 415.947-4194 | bandrowski.mike@epa.gov

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Greg Nudd. I can get back to him if you want. Maybe think about who else from here ought to join the discussion with AT expertise – Ken D ? Chuck , Fatima ?

Azi and David Ralston on the community engagement front.

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Let me dig that up because we need to respond to that.

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Mike & Deldi

Deliberative Process / Ex. 5

Meet ? Talk ?

Richard

From: BANDROWSKI, MIKE
Sent: Thursday, September 21, 2017 1:32 PM
To: Grow, Richard <Grow.Richard@epa.gov>; Buss, Jeffrey <Buss.Jeffrey@epa.gov>; Chew, Andrew <Chew.Andrew@epa.gov>; Davidson, Ken <Davidson.Ken@epa.gov>; Donez, Francisco <Donez.Francisco@epa.gov>; Freed, Rachel <freed.rachel@epa.gov>; Gutierrez, Roberto <Gutierrez.Roberto@epa.gov>; Kelly, Shaheerah <Kelly.Shaheerah@epa.gov>; Law, Nicole <Law.Nicole@epa.gov>; Lopez, Mariela <Lopez.Mariela@epa.gov>; LOWE, DEBBIE (Separated 8/31/17) <Lowe.Debbie@epa.gov>; Mays, Rory <Mays.Rory@epa.gov>; Pathak, Priyanka <Pathak.Priyanka@epa.gov>; Reyes, Deldi <Reyes.Deldi@epa.gov>; Stewart, Kathleen <Stewart.Kathleen@epa.gov>; Vallano, Dena <Vallano.Dena@epa.gov>; Zellinger, Andrew <Zellinger.Andrew@epa.gov>; Dunning, Connell <Dunning.Connell@epa.gov>
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Subject: RE: Recent State and Bay Area toxics rules

Thanks Richard. I will put this on the agenda for our next AT-EJ meeting. We don't currently have anyone in the Division as the lead for tracking this, but it would be good if we could identify someone(s).

Mike Bandrowski | Manager, Office of Air Toxics, Radiation and Indoor Air

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Message

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Sent: 11/20/2017 11:00:29 AM
To: Grow, Richard [Grow.Richard@epa.gov]
Subject: Rain or Shine! Trucks in West Oakland - Community Workshop #2, 12/2/17

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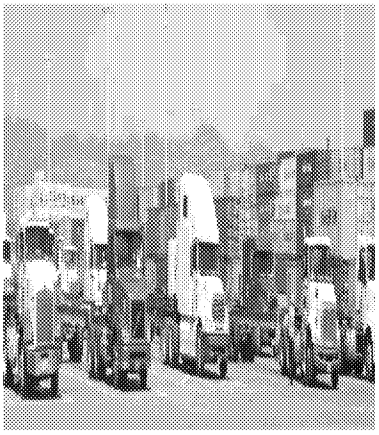

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City of Oakland

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Sent: 10/26/2017 12:23:22 AM
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Subject: RE: Regroup: AB 617: Recent State and Bay Area toxics rules

Sounds good. We have never really had an AD for ATRIA.

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Mike & Deldi

Deliberative Process / Ex. 5

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From: BANDROWSKI, MIKE
Sent: Thursday, September 21, 2017 1:32 PM
To: Grow, Richard <Grow.Richard@epa.gov>; Buss, Jeffrey <Buss.Jeffrey@epa.gov>; Chew, Andrew <Chew.Andrew@epa.gov>; Davidson, Ken <Davidson.Ken@epa.gov>; Donez, Francisco <Donez.Francisco@epa.gov>; Freed, Rachel <freed.rachel@epa.gov>; Gutierrez, Roberto <Gutierrez.Roberto@epa.gov>; Kelly, Shaheerah <Kelly.Shaheerah@epa.gov>; Law, Nicole <Law.Nicole@epa.gov>; Lopez, Mariela <Lopez.Mariela@epa.gov>; LOWE, DEBBIE (Separated 8/31/17) <Lowe.Debbie@epa.gov>; Mays, Rory <Mays.Rory@epa.gov>; Pathak, Priyanka <Pathak.Priyanka@epa.gov>; Reyes, Deldi <Reyes.Deldi@epa.gov>; Stewart, Kathleen <Stewart.Kathleen@epa.gov>; Vallano, Dena <Vallano.Dena@epa.gov>; Zellinger, Andrew <Zellinger.Andrew@epa.gov>; Dunning, Connell <Dunning.Connell@epa.gov>
Cc: Freed, Rachel <freed.rachel@epa.gov>; Nivolon, Monique <Nivolon.Monique@epa.gov>; Pathak, Priyanka

<Pathak.Priyanka@epa.gov>
Subject: RE: Recent State and Bay Area toxics rules

Thanks Richard. I will put this on the agenda for our next AT-EJ meeting. We don't currently have anyone in the Division as the lead for tracking this, but it would be good if we could identify someone(s).

Mike Bandrowski | Manager, Office of Air Toxics, Radiation and Indoor Air

U.S. Environmental Protection Agency | Region 9| Air Division, Air-6 | 75 Hawthorne St |

San Francisco, CA 94105 |Tel 415.947-4194 | bandrowski.mike@epa.gov

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Sent: Thursday, September 21, 2017 1:09 PM
To: BANDROWSKI, MIKE <Bandrowski.Mike@epa.gov>; Buss, Jeffrey <Buss.Jeffrey@epa.gov>; Chew, Andrew <Chew.Andrew@epa.gov>; Davidson, Ken <Davidson.Ken@epa.gov>; Donez, Francisco <Donez.Francisco@epa.gov>; Freed, Rachel <freed.rachel@epa.gov>; Gutierrez, Roberto <Gutierrez.Roberto@epa.gov>; Kelly, Shaheerah <Kelly.Shaheerah@epa.gov>; Law, Nicole <Law.Nicole@epa.gov>; Lopez, Mariela <Lopez.Mariela@epa.gov>; LOWE, DEBBIE (Separated 8/31/17) <Lowe.Debbie@epa.gov>; Mays, Rory <Mays.Rory@epa.gov>; Pathak, Priyanka <Pathak.Priyanka@epa.gov>; Reyes, Deldi <Reyes.Deldi@epa.gov>; Stewart, Kathleen <Stewart.Kathleen@epa.gov>; Vallano, Dena <Vallano.Dena@epa.gov>; Zellinger, Andrew <Zellinger.Andrew@epa.gov>; Dunning, Connell <Dunning.Connell@epa.gov>
Cc: Freed, Rachel <freed.rachel@epa.gov>; Nivolon, Monique <Nivolon.Monique@epa.gov>; Pathak, Priyanka <Pathak.Priyanka@epa.gov>
Subject: Recent State and Bay Area toxics rules

FYI a couple of background pieces on Bay Area Rule 11-18 (Public Hearing Notice) and at the State level AB 617 (Analysis for Senate Committee on Appropriations). AB 617 was seen as aimed in part at relieving the community impacts which resolution of the C&T program failed to address. Together these would appear to add some nifty new tools to the community air toxics arsenal. Do we all know who at R9 is tracking these closely ?

Richard

Message

From: BANDROWSKI, MIKE [Bandrowski.Mike@epa.gov]
Sent: 11/17/2017 12:42:31 AM
To: Grow, Richard [Grow.Richard@epa.gov]
Subject: RE: Update: West Oakland Title VI complaint resolution

Thanks Richard. Nice, succinct note. I am meeting with Matt tomorrow and will let you know if he offers any feedback.

Mike Bandrowski | Manager, Office of Air Toxics, Radiation and Indoor Air
U.S. Environmental Protection Agency | Region 9| Air Division, Air-6 | 75 Hawthorne St |
San Francisco, CA 94105 |Tel 415.947-4194 | bandrowski.mike@epa.gov

From: Grow, Richard
Sent: Thursday, November 16, 2017 3:14 PM
To: Lakin, Matt <Lakin.Matthew@epa.gov>
Cc: Valentine, Stephanie <Valentine.Stephanie@epa.gov>; BANDROWSKI, MIKE <Bandrowski.Mike@epa.gov>; Machol, Ben <Machol.Ben@epa.gov>; McDaniel, Penelope <MCDANIEL.PENELOPE@EPA.GOV>; Israels, Ken <Israels.Ken@epa.gov>; Garnett, Desean <Garnett.Desean@epa.gov>
Subject: Update: West Oakland Title VI complaint resolution

Matt and others

Deliberative Process / Ex. 5

Please let me know if you would like more detailed discussion.

Richard

From: Temple, Kurt
Sent: Monday, November 13, 2017 9:08 AM
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.

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Senior Advisor
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Room 2524R
Washington, D.C. 20460
202-564-7299

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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

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Message

From: Strauss, Alexis [Strauss.Alexis@epa.gov]
Sent: 11/16/2017 11:18:36 PM
To: Grow, Richard [Grow.Richard@epa.gov]; Jordan, Deborah [Jordan.Deborah@epa.gov]
Subject: RE: Update: West Oakland Title VI complaint resolution

Thx v much.

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

From: Grow, Richard
Sent: Thursday, November 16, 2017 3:15 PM
To: Strauss, Alexis <Strauss.Alexis@epa.gov>; Jordan, Deborah <Jordan.Deborah@epa.gov>
Subject: FW: Update: West Oakland Title VI complaint resolution

Alexis and Deborah - FYI, my report to Air Management.

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Sent: Thursday, November 16, 2017 3:13 PM
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Cc: Valentine, Stephanie <valentine.stephanie@epa.gov>; BANDROWSKI, MIKE <Bandrowski.Mike@epa.gov>; Machol, Ben <Machol.Ben@epa.gov>; McDaniel, Penelope <MCDANIEL.PENELOPE@EPA.GOV>; Israels, Ken <Israels.Ken@epa.gov>; Garnett, Desean <Garnett.Desean@epa.gov>
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Matt and others

Deliberative Process / Ex. 5

Please let me know if you would like more detailed discussion.

Richard

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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

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Thank you.

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202-564-7299

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> Michele Heffes
> Assistant Port Attorney

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Message

From: Jordan, Deborah [Jordan.Deborah@epa.gov]
Sent: 11/16/2017 11:17:02 PM
To: Grow, Richard [Grow.Richard@epa.gov]; Strauss, Alexis [Strauss.Alexis@epa.gov]
Subject: RE: Update: West Oakland Title VI complaint resolution

Thanks, Richard. I think the approach of focusing on these two substantive issues is sound.

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Sent: Thursday, November 16, 2017 3:15 PM
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Subject: FW: Update: West Oakland Title VI complaint resolution

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Deliberative Process / Ex. 5

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Message

From: Reyes, Deldi [Reyes.Deldi@epa.gov]
Sent: 10/25/2017 11:34:42 PM
To: BANDROWSKI, MIKE [Bandrowski.Mike@epa.gov]; Grow, Richard [Grow.Richard@epa.gov]
Subject: RE: Regroup: AB 617: Recent State and Bay Area toxics rules

As an example of support – or at least providing context,
At today's citizen science call, which was focused on QA, we heard an update about an effort led by Jay Benforado and a handful of regions to develop guidance on QA planning for citizen monitoring for air, water and land.

Jay noted that they'd had informal outreach with ECOS and the research subcommittee of ECOS called ERIS. I suggested he may want to think about CAPCOA and provided a short description of AB 617.

No doubt the districts will have the resources they need to develop their own QA plans, but depending on the final product, whatever it is that HQ is developing might have utility in educating community members about QA related to air monitoring.

From: BANDROWSKI, MIKE
Sent: Wednesday, October 25, 2017 4:30 PM
To: Grow, Richard <Grow.Richard@epa.gov>; Reyes, Deldi <Reyes.Deldi@epa.gov>
Subject: RE: Regroup: AB 617: Recent State and Bay Area toxics rules

Yes, we did a pre-meeting before they went and I spoke with Matt and Amy after they returned. We are continuing to follow up at the Division level to determine how best to help provide support. There is not an AD responsible for Air Toxics. Let's plan to meet next week and talk about where we are on AB-617, as there are a lot of people doing different things. At this point there is no specific role for EPA, other than to provide support where we can.

Mike Bandrowski | Manager, Office of Air Toxics, Radiation and Indoor Air
U.S. Environmental Protection Agency | Region 9| Air Division, Air-6 | 75 Hawthorne St |
San Francisco, CA 94105 |Tel 415.947-4194 | bandrowski.mike@epa.gov

---

From: Grow, Richard
Sent: Wednesday, October 25, 2017 4:05 PM
To: BANDROWSKI, MIKE <Bandrowski.Mike@epa.gov>; Reyes, Deldi <Reyes.Deldi@epa.gov>
Subject: Regroup: AB 617: Recent State and Bay Area toxics rules

At the refinery workgroup meeting just now I learned that Deborah, Matt L, Amy Z, Doris, Gerardo (and who else ?) went to Sacto last week and met with Karen M. and Veronica Eady on AB 617. Doesn't sound like they came out of that with a clear set of next steps, but my/our next step per today's refinery WG meeting is to sit down with Amy Z, per her request, and get her take on last week's meeting. Per DJ direction we need to get a handle on what this is, including what are the CARB, CalEPA and OEHHA pieces.

Within Air this needs a solid base in ATRIA and at the Regional level in with the EJ program, but first we need to get in synch with the folks who were at last week's meeting. Question for Mike – who is the AD for toxics ?

RG

From: BANDROWSKI, MIKE
Sent: Wednesday, October 25, 2017 3:37 PM
To: Grow, Richard <Grow.Richard@epa.gov>; Reyes, Deldi <Reyes.Deldi@epa.gov>
Subject: RE: AB 617: Recent State and Bay Area toxics rules

Thanks Richard. That would be great.

Mike Bandrowski | Manager, Office of Air Toxics, Radiation and Indoor Air
U.S. Environmental Protection Agency | Region 9| Air Division, Air-6 | 75 Hawthorne St |
San Francisco, CA 94105 |Tel 415.947-4194 | bandrowski.mike@epa.gov

From: Grow, Richard
Sent: Wednesday, October 25, 2017 2:52 PM
To: Reyes, Deldi <Reyes.Deldi@epa.gov>; BANDROWSKI, MIKE <Bandrowski.Mike@epa.gov>
Subject: RE: AB 617: Recent State and Bay Area toxics rules

Greg Nudd. I can get back to him if you want. Maybe think about who else from here ought to join the discussion with AT expertise – Ken D ? Chuck , Fatima ?

Azi and David Ralston on the community engagement front.

RG

From: Reyes, Deldi
Sent: Wednesday, October 25, 2017 2:46 PM
To: BANDROWSKI, MIKE <Bandrowski.Mike@epa.gov>; Grow, Richard <Grow.Richard@epa.gov>
Subject: RE: AB 617: Recent State and Bay Area toxics rules

Also, what about the BAAQMD invitation to brief us on 617? Mike, I though you or I was going to get back to this person, whose name escapes me currently. I got overwhelmed by the conference.

Let me dig that up because we need to respond to that.

From: BANDROWSKI, MIKE
Sent: Wednesday, October 25, 2017 2:29 PM
To: Grow, Richard <Grow.Richard@epa.gov>; Reyes, Deldi <Reyes.Deldi@epa.gov>
Subject: RE: AB 617: Recent State and Bay Area toxics rules

Richard- There has been a lot going on with AB617, as you noted. I sent Karen Magliano the NAPA report on CARE and offered to have EPA staff brief her staff on our experience with working with communities. She said she would get back to me. I mentioned this to Deldi, but maybe we should plan to get together and share information on what we have all been hearing. If you or Deldi want to set something up, that would be good. I am in training today and Thursday, but will be around next week.

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Subject: AB 617: Recent State and Bay Area toxics rules

Mike & Deldi

Deliberative Process / Ex. 5

Meet ? Talk ?

Richard

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Subject: RE: Recent State and Bay Area toxics rules

Thanks Richard. I will put this on the agenda for our next AT-EJ meeting. We don't currently have anyone in the Division as the lead for tracking this, but it would be good if we could identify someone(s).

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Subject: Recent State and Bay Area toxics rules

FYI a couple of background pieces on Bay Area Rule 11-18 (Public Hearing Notice) and at the State level AB 617 (Analysis for Senate Committee on Appropriations). AB 617 was seen as aimed in part at relieving the community impacts which resolution of the C&T program failed to address. Together these would appear to add some nifty new tools to the community air toxics arsenal. Do we all know who at R9 is tracking these closely ?

Richard

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To: Grow, Richard [Grow.Richard@epa.gov]; Reyes, Deldi [Reyes.Deldi@epa.gov]
Subject: RE: Regroup: AB 617: Recent State and Bay Area toxics rules

Yes, we did a pre-meeting before they went and I spoke with Matt and Amy after they returned. We are continuing to follow up at the Division level to determine how best to help provide support. There is not an AD responsible for Air Toxics. Let's plan to meet next week and talk about where we are on AB-617, as there are a lot of people doing different things. At this point there is no specific role for EPA, other than to provide support where we can.

Mike Bandrowski | Manager, Office of Air Toxics, Radiation and Indoor Air
U.S. Environmental Protection Agency | Region 9| Air Division, Air-6 | 75 Hawthorne St |
San Francisco, CA 94105 |Tel 415.947-4194 | bandrowski.mike@epa.gov

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From: Grow, Richard
Sent: Wednesday, October 25, 2017 4:05 PM
To: BANDROWSKI, MIKE <Bandrowski.Mike@epa.gov>; Reyes, Deldi <Reyes.Deldi@epa.gov>
Subject: Regroup: AB 617: Recent State and Bay Area toxics rules

At the refinery workgroup meeting just now I learned that Deborah, Matt L, Amy Z, Doris, Gerardo (and who else ?) went to Sacto last week and met with Karen M. and Veronica Eady on AB 617. Doesn't sound like they came out of that with a clear set of next steps, but my/our next step per today's refinery WG meeting is to sit down with Amy Z, per her request, and get her take on last week's meeting. Per DJ direction we need to get a handle on what this is, including what are the CARB, CalEPA and OEHHA pieces.

Within Air this needs a solid base in ATRIA and at the Regional level in with the EJ program, but first we need to get in synch with the folks who were at last week's meeting. Question for Mike – who is the AD for toxics ?

RG

From: BANDROWSKI, MIKE
Sent: Wednesday, October 25, 2017 3:37 PM
To: Grow, Richard <Grow.Richard@epa.gov>; Reyes, Deldi <Reyes.Deldi@epa.gov>
Subject: RE: AB 617: Recent State and Bay Area toxics rules

Thanks Richard. That would be great.

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From: Grow, Richard
Sent: Wednesday, October 25, 2017 2:52 PM
To: Reyes, Deldi <Reyes.Deldi@epa.gov>; BANDROWSKI, MIKE <Bandrowski.Mike@epa.gov>
Subject: RE: AB 617: Recent State and Bay Area toxics rules

Greg Nudd. I can get back to him if you want. Maybe think about who else from here ought to join the discussion with AT expertise – Ken D ? Chuck , Fatima ?

Azi and David Ralston on the community engagement front.

RG

From: Reyes, Deldi
Sent: Wednesday, October 25, 2017 2:46 PM
To: BANDROWSKI, MIKE <Bandrowski.Mike@epa.gov>; Grow, Richard <Grow.Richard@epa.gov>
Subject: RE: AB 617: Recent State and Bay Area toxics rules

Also, what about the BAAQMD invitation to brief us on 617? Mike, I though you or I was going to get back to this person, whose name escapes me currently. I got overwhelmed by the conference.

Let me dig that up because we need to respond to that.

From: BANDROWSKI, MIKE
Sent: Wednesday, October 25, 2017 2:29 PM
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Richard- There has been a lot going on with AB617, as you noted. I sent Karen Magliano the NAPA report on CARE and offered to have EPA staff brief her staff on our experience with working with communities. She said she would get back to me. I mentioned this to Deldi, but maybe we should plan to get together and share information on what we have all been hearing. If you or Deldi want to set something up, that would be good. I am in training today and Thursday, but will be around next week.

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Mike & Deldi

Deliberative Process / Ex. 5

Meet ? Talk ?

Richard

From: BANDROWSKI, MIKE
Sent: Thursday, September 21, 2017 1:32 PM
To: Grow, Richard <Grow.Richard@epa.gov>; Buss, Jeffrey <Buss.Jeffrey@epa.gov>; Chew, Andrew <Chew.Andrew@epa.gov>; Davidson, Ken <Davidson.Ken@epa.gov>; Donez, Francisco <Donez.Francisco@epa.gov>; Freed, Rachel <freed.rachel@epa.gov>; Gutierrez, Roberto <Gutierrez.Roberto@epa.gov>; Kelly, Shaheerah <Kelly.Shaheerah@epa.gov>; Law, Nicole <Law.Nicole@epa.gov>; Lopez, Mariela <Lopez.Mariela@epa.gov>; LOWE, DEBBIE (Separated 8/31/17) <Lowe.Debbie@epa.gov>; Mays, Rory <Mays.Rory@epa.gov>; Pathak, Priyanka <Pathak.Priyanka@epa.gov>; Reyes, Deldi <Reyes.Deldi@epa.gov>; Stewart, Kathleen <Stewart.Kathleen@epa.gov>; Vallano, Dena <Vallano.Dena@epa.gov>; Zellinger, Andrew <Zellinger.Andrew@epa.gov>; Dunning, Connell <Dunning.Connell@epa.gov>
Cc: Freed, Rachel <freed.rachel@epa.gov>; Nivolon, Monique <Nivolon.Monique@epa.gov>; Pathak, Priyanka <Pathak.Priyanka@epa.gov>
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Sent: Thursday, September 21, 2017 1:09 PM
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Richard

Message

From: City of Oakland & Port of Oakland [community@portoakland.com]
Sent: 11/16/2017 9:09:44 PM
To: Grow, Richard [Grow.Richard@epa.gov]
Subject: Trucks in West Oakland - Community Workshop #2, 12/2/17

Trucks in West Oakland-Community Workshop #2

Taller comunitaro sobre los camiones que afectan el vencidario del oeste de Oakland

西屋崙货车管理社区会议

This is a mobile workshop with site tours to look at trucking problems in West Oakland

Date: Saturday, December 2, 2017

**Time: 10:00 AM- 1:00 PM (please see program info)*

Meet-up location: West Oakland Farm Park – City Slicker Farms
2847 Peralta Street, Oakland, CA 94608 (Cross: 28th St.)

Minibuses are provided for site tours.

Street parking. Public Transportation: BART West Oakland Station; AC Transit 29.

Please RSVP at: https://westoaklandtmp2.eventbrite.com

Description: This is the second of five community workshops on the West Oakland Truck Management Plan (TMP). The first workshop introduced the TMP and public process. In the second workshop, we will observe the issues and problems identified in the first workshop together.

Please join us on December 2nd, to explore West Oakland and the Oakland Seaport area. Minibuses will be provided for the site tours- **we will depart from West Oakland Farm Park by 10:15 AM so please plan to arrive by then.**

Our day will conclude with a working lunch at the West Oakland Farm Park. If you aren't available to join us for the entire session, please consider joining us for the Site Tours or Lunch.

***Program:**

Site Tours
10:00 AM to 12:00 PM - Minibuses will depart from West Oakland Farm Park @ 10:15 AM

Lunch & Debrief
12:00 to 1:00 PM @ West Oakland Farm Park

Please tell us on your RSVP if you need childcare, interpretation services, or any disability accommodation in order to participate

Councilmember McElhaney, City Administrator, and Board of Port Commissioners look forward to your participation in this planning effort.

Community Engagement

How do I get involved?
Attend the community workshops. You can also go to the project website to learn more about other ways to get involved, https://goo.gl/eZkNC4

Upcoming Meetings:
Workshop 2: "Observing and Exlporing" on 12/2/2017
Workshop 3: "Sharing" on *TBD*
Workshop 4: "Co-Creating" on *TBD*
Workshop 5: "Joining Together" on *TBD*

Past: Workshop 1: "Learning" on 10/11/2017

Please tell your neighbors and help us spread the word!

Click here to share this event

What is a Truck Management Plan?

The City of Oakland and Port of Oakland invite you to participate in the "Trucks in West Oakland – Community Workshop" series. The City and Port are initiating a West Oakland Truck Management Plan for the development of the former Oakland Army Base lands. The City and Port seek your input to inform and develop the TMP.

Who will be involved?
West Oakland residents and businesses, Port truckers, Mayor's Office, Councilmember McElhaney, City of Oakland, and the Port of Oakland. We hope that you will participate!

Why are the City and Port doing this now?
The former Oakland Army Base is being redeveloped by the City of Oakland and Port of Oakland into new logistics and warehousing facilities.

The West Oakland Truck Management Plan is a requirement of the new development.

Where do we start?

The City of Oakland and Port of Oakland believe the four major areas to problem solve around are:

1. "Truck Circulation" means what streets are being used by trucks. It also contemplates where trucks are going to-and-from.
2. Truck Parking: are trucks parking in spaces that are allowed?
3. Community Infrastructure: is there proper street signage about parking and truck routes in your neighborhood?
4. Enforcement: how can we assist truckers to abide by the permitted truck routes and street-parking limits?

Visit the TMP project page for more information: www.oaklandnet.com

Hotline& Live Chat:

Call 1-844-OAKPORT (1-844-625-7678) or Live Chat on the Port of Oakland Website, M-F between 8:30am-5pm, for more information about the West Oakland Truck Management Plan

City of Oakland

PORT OF OAKLAND

Port of Oakland | 530 Water Street, Oakland, CA 94607

Unsubscribe grow.richard@epa.gov

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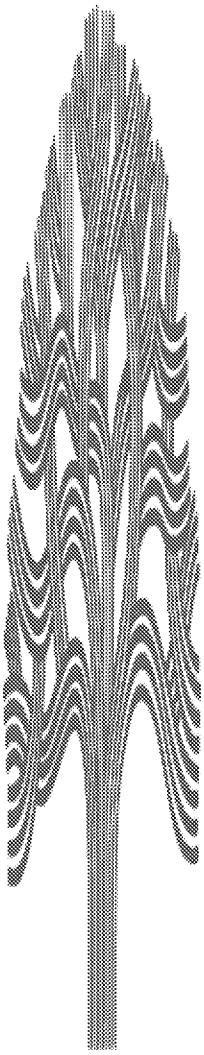
Message

From: Ralph Reynoso [rreynoso@portoakland.com]
Sent: 9/19/2017 3:39:36 PM
Subject: Port of Oakland Trucker Work Group (TWG) Bulletin- Trucks in West Oakland - Community Workshop 10/11/17



PORT OF OAKLAND

Trucks in West Oakland-Community Workshop

ARE TRUCKS IN YOUR NEIGHBORHOOD?
JOIN US TO LEARN HOW YOU CAN HELP!

Taller comunitaro sobre los camiones que afectan el vencidario del oeste de Oakland

西屋崙货车管理社区会议

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Wednesday, October 11, 2017
6:00PM – 8:30PM
(Light dinner & registration @ 6PM; Program starts @ 6:30PM)

Taylor Memorial United Methodist Church
1188 12th Street (multipurpose room), Oakland CA 94607; Cross: Adeline St.
Public Transportation: BART West Oakland Station; AC Transit 14 & 36
Parking available @ 12th & Magnolia St., bikes are welcome

Please RSVP at: https://trucksinwestoakland.eventbrite.com

To request childcare, interpretation services, or any disability accommodation, please contact us at least 72 hours prior to the meeting: community@portoakland.com

Councilmember McElhaney, City Administrator, and Board of Port Commissioners look forward to your participation in this planning effort.

The City and the Port are delighted to host this meeting with a light dinner and child care provided.

What is a Truck Management Plan?

The City of Oakland together with the Port of Oakland need your help to identify how trucks are impacting your neighborhood and find the best solution to those problems. This is what the Truck Management Plan (TMP) intends to do.

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Please tell your neighbors and help us spread the word!

Click here to share this event

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Unsubscribe rreynoso@portoakland.com

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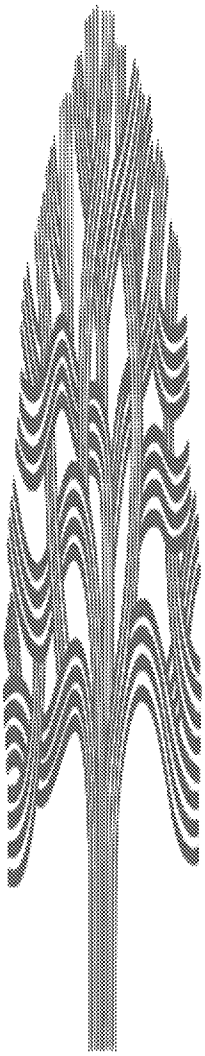
Message

From: Margaret Gordon [margaret.woeip@gmail.com]
Sent: 9/19/2017 3:16:16 PM
To: Grow, Richard [Grow.Richard@epa.gov]; Brian Beveridge [brian.woeip@gmail.com]; pcort@earthjustice.org; Aadeyeye@earthjustice.org; dvintze@baaqmd.gov; Lee, Anna, Public Health, CAPE [Anna.Lee@acgov.org]; Ray Kidd [draykidd@gmail.com]; Elizabeth Yura (elizabeth.yura@arb.ca.gov) [elizabeth.yura@arb.ca.gov]
Subject: Fwd: Trucks in West Oakland - Community Workshop 10/11/17

FYI,

Ms.Margaret Gordon
---------- Forwarded message ----------
From: **City of Oakland & Port of Oakland** <community@portoakland.com>
Date: T
ue
Sep 19, 2017 at 5:31 AM
Subject: Trucks in West Oakland - Community Workshop 10/11/17
To: **Personal Email / Ex. 6**



PORT OF OAKLAND

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Unsubscribe margaret.woeip@gmail.com

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Try it free today

--
Ms. Margaret Gordon/Co-Director
West Oakland Environmental Indicators Project
349 Mandela Parkway
Oakland, CA 94607
510-257-5647 Direct line
www.woeip.org

Message

From: BANDROWSKI, MIKE [Bandrowski.Mike@epa.gov]
Sent: 10/25/2017 10:37:11 PM
To: Grow, Richard [Grow.Richard@epa.gov]; Reyes, Deldi [Reyes.Deldi@epa.gov]
Subject: RE: AB 617: Recent State and Bay Area toxics rules

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Deliberative Process / Ex. 5

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<Dunning.Connell@epa.gov>
Cc: Freed, Rachel <freed.rachel@epa.gov>; Nivolon, Monique <Nivolon.Monique@epa.gov>; Pathak, Priyanka <Pathak.Priyanka@epa.gov>
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Richard

Message

From: Eventbrite [orders@eventbrite.com]
Sent: 9/19/2017 2:56:20 PM
To: Grow, Richard [Grow.Richard@epa.gov]
Subject: Your Tickets for TRUCKS IN WEST OAKLAND – COMMUNITY WORKSHOP
Attachments: 37952207073-672160803-ticket.pdf

Eventbrite

Find events My Tickets

Hi Richard, this is your order confirmation for TRUCKS IN WEST OAKLAND – COMMUNITY WORKSHOP

Organized by City of Oakland & Port of Oakland

Here are your tickets

Mobile Tickets

GET IT ON Google Play

Add to Wallet

...or...

Paper Tickets

Open the email attachment or download here

Questions about this event?

Contact the organizer

Order Summary

September 19, 2017

Order #: 672160803

Name	Type	Quantity
Richard Grow	RSVP	1

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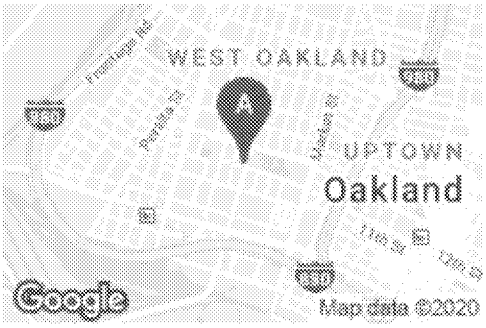
About this event

Wednesday, October 11, 2017
from 6:00 PM to 8:30 PM (PDT)

Taylor Memorial United Methodist Church
1188 12th Street (multipurpose room)
Oakland, CA 94607



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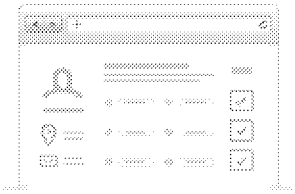

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Event

TRUCKS IN WEST OAKLAND – COMMUNITY WORKSHOP

Date+Time

Wednesday, October 11, 2017
from 6:00 PM to 8:30 PM (PDT)

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Name

Richard Grow

Payment Status

Free Order

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Order #672160803. Ordered by Richard Grow on September 19, 2017 7:56 AM

Type

RSVP

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Message

From: Reyes, Deldi [Reyes.Deldi@epa.gov]
Sent: 10/25/2017 10:06:51 PM
To: Grow, Richard [Grow.Richard@epa.gov]
Subject: RE: AB 617: Recent State and Bay Area toxics rules

Yeah, if you can call him, that'd be great.
From my end, me and Chuck. Perhaps Matt Plate?

You probably don't want to get all hung up with too many calendars. I do recall Amy Z expressing an interest, not so much in this particular invite, but in 617 overall. Who is the AD on deck for Bay Area?

Perhaps schedule around few then open it up to the Air toxics EJ team plus whoever?

Would be fun to invite them to meet us here in person. I'll bring snacks.

If you have time today for a quick chat, gimme a call.

From: Grow, Richard
Sent: Wednesday, October 25, 2017 2:52 PM
To: Reyes, Deldi <Reyes.Deldi@epa.gov>; BANDROWSKI, MIKE <Bandrowski.Mike@epa.gov>
Subject: RE: AB 617: Recent State and Bay Area toxics rules

Greg Nudd. I can get back to him if you want. Maybe think about who else from here ought to join the discussion with AT expertise – Ken D ? Chuck , Fatima ?

Azi and David Ralston on the community engagement front.

RG

From: Reyes, Deldi
Sent: Wednesday, October 25, 2017 2:46 PM
To: BANDROWSKI, MIKE <Bandrowski.Mike@epa.gov>; Grow, Richard <Grow.Richard@epa.gov>
Subject: RE: AB 617: Recent State and Bay Area toxics rules

Also, what about the BAAQMD invitation to brief us on 617? Mike, I though you or I was going to get back to this person, whose name escapes me currently. I got overwhelmed by the conference.

Let me dig that up because we need to respond to that.

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Mike Bandrowski | Manager, Office of Air Toxics, Radiation and Indoor Air
U.S. Environmental Protection Agency | Region 9| Air Division, Air-6 | 75 Hawthorne St |
San Francisco, CA 94105 |Tel 415.947-4194 | bandrowski.mike@epa.gov

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Subject: AB 617: Recent State and Bay Area toxics rules

Mike & Deldi

Deliberative Process / Ex. 5

Meet ? Talk ?

Richard

From: BANDROWSKI, MIKE
Sent: Thursday, September 21, 2017 1:32 PM
To: Grow, Richard <Grow.Richard@epa.gov>; Buss, Jeffrey <Buss.Jeffrey@epa.gov>; Chew, Andrew <Chew.Andrew@epa.gov>; Davidson, Ken <Davidson.Ken@epa.gov>; Donez, Francisco <Donez.Francisco@epa.gov>; Freed, Rachel <freed.rachel@epa.gov>; Gutierrez, Roberto <Gutierrez.Roberto@epa.gov>; Kelly, Shaheerah <Kelly.Shaheerah@epa.gov>; Law, Nicole <Law.Nicole@epa.gov>; Lopez, Mariela <Lopez.Mariela@epa.gov>; LOWE, DEBBIE (Separated 8/31/17) <Lowe.Debbie@epa.gov>; Mays, Rory <Mays.Rory@epa.gov>; Pathak, Priyanka <Pathak.Priyanka@epa.gov>; Reyes, Deldi <Reyes.Deldi@epa.gov>; Stewart, Kathleen <Stewart.Kathleen@epa.gov>; Vallano, Dena <Vallano.Dena@epa.gov>; Zellinger, Andrew <Zellinger.Andrew@epa.gov>; Dunning, Connell <Dunning.Connell@epa.gov>
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Richard

Message

From: City of Oakland & Port of Oakland [community@portoakland.com]
Sent: 9/19/2017 12:31:13 PM
To: Grow, Richard [Grow.Richard@epa.gov]
Subject: Trucks in West Oakland - Community Workshop 10/11/17

PORT OF OAKLAND

Trucks in West Oakland-Community Workshop

ARE TRUCKS IN YOUR NEIGHBORHOOD?

JOIN US TO LEARN HOW YOU CAN HELP!

Taller comunitaro sobre los camiones que afectan el vencidario del oeste de Oakland

西屋崙货车管理社区会议

The City of Oakland and Port of Oakland invite you to participate in the "Trucks in West Oakland – Community Workshop" series. The first workshop is on Wednesday, October 11th, between 6:00-8:30PM. The City and Port are initiating a Truck Management Plan for the development of the former Oakland Army Base lands. The City and Port want your input to inform and develop the Truck Management Plan.

Wednesday, October 11, 2017
6:00PM – 8:30PM
(Light dinner & registration @ 6PM; Program starts @ 6:30PM)

Taylor Memorial United Methodist Church
1188 12th Street (multipurpose room), Oakland CA 94607; Cross: Adeline St.
Public Transportation: BART West Oakland Station; AC Transit 14 & 36
Parking available @ 12th & Magnolia St., bikes are welcome

Please RSVP at: https://trucksinwestoakland.eventbrite.com

To request childcare, interpretation services, or any disability accommodation, please contact us at least 72 hours prior to the meeting: community@portoakland.com

Councilmember McElhaney, City Administrator, and Board of Port Commissioners look forward to your participation in this planning effort.

The City and the Port are delighted to host this meeting with a light dinner and child care provided.

What is a Truck Management Plan?

The City of Oakland together with the Port of Oakland need your help to identify how trucks are impacting your neighborhood and find the best solution to those problems. This is what the Truck Management Plan (TMP) intends to do.

Hotline& Live Chat:
Call 1-844-OAKPORT (1-844-625-7678) or Live Chat on the Port of Oakland Website, M-F between 8:30am-5pm, for more information about the City & Port Truck Management Plan

Visit the TMP project page for more information: www.oaklandnet.com

Community Engagement

Who will be involved?
West Oakland residents and businesses, Port truckers, Mayor's Office, Councilmember McElhaney, City of Oakland, and the Port of Oakland. We hope that you will participate!

Why are the City and Port doing this now?
The former Oakland Army Base is being redeveloped by the City of Oakland and Port of Oakland into new logistics and warehousing facilities. The Truck Management Plan is a requirement of the new development.

Where do we start?
The City of Oakland and Port of Oakland believe the four major areas to problem solve around are:
1. "Truck Circulation" means what streets are being used by trucks. It also contemplates where trucks are going to-and-from.
2. Truck Parking: are trucks parking in spaces that are allowed?
3. Community Infrastructure: is there proper street signage about parking and truck routes in your neighborhood?
4. Enforcement: how can we assist truckers to abide by the permitted truck routes and street-parking limits?

How do I get involved?

Attend the first community workshop on Wednesday, October 11th, 6:00-8:30PM at Taylor Memorial United Methodist Church (multi-purpose room). You can also go to the project website to learn more about other ways to get involved.

Please tell your neighbors and help us spread the word!

Click here to share this event

Port of Oakland | 530 Water Street, Oakland, CA 94607

Unsubscribe grow.richard@epa.gov

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Message

From: BANDROWSKI, MIKE [Bandrowski.Mike@epa.gov]
Sent: 10/25/2017 9:48:56 PM
To: Reyes, Deldi [Reyes.Deldi@epa.gov]; Grow, Richard [Grow.Richard@epa.gov]
Subject: RE: AB 617: Recent State and Bay Area toxics rules

Yes, I believe that it was Greg Nudd, who used to work in the Air Division. If you or Richard don't contact him this week, I can get in touch with him next week.

Mike Bandrowski | Manager, Office of Air Toxics, Radiation and Indoor Air
U.S. Environmental Protection Agency | Region 9| Air Division, Air-6 | 75 Hawthorne St |
San Francisco, CA 94105 |Tel 415.947-4194 | bandrowski.mike@epa.gov

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Deliberative Process / Ex. 5

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Richard

Message

From: McGowan, Patricia [PMcGowan@oaklandnet.com]
Sent: 9/18/2017 11:23:14 PM
To: Grow, Richard [Grow.Richard@epa.gov]
CC: Cappio, Claudia [CCappio@oaklandnet.com]; Ranelletti, Darin [DRanelletti@oaklandnet.com]
Subject: RE: Request for info on Truck Management Plan

Hello Richard,

Thanks for your e-mail and your interest in the truck management plan. For ease, I will reply in red within the text of your e-mail.

The text below is from Richard; my reply is in red. Patricia

At a meeting this afternoon of an interagency working group on OAB and Port issues I heard that the Truck Management Plan effort had been "launched", outreach was underway and focus groups were being convened.
City and Port staff have been working to organize the public engagement plan that will guide the preparation of this plan. Outreach has been underway to let community based organizations in West Oakland know that the public meetings for the development of this Plan will start in the Fall, 2017. Focus groups are not being convened; we do not plan to have focus groups. We are planning a series of 5 public meetings.

I had hoped after the discussion of the CTMP at the August 23 Air Quality Stakeholders meeting, and my emails regarding a truck managment plan to you prior to that meeting, that I would be kept informed of these efforts. I participated in the CTMP working group in 2007/8 and have been involved in or witness to literally dozens of discussions of such a plan since then. This is clearly a matter of some importance to the community as evidenced by its having been the subject of several pieces of correspondence by the community over the 2013-2017 time period, as well as being referenced in the recent Title VI complaint.
You will certainly receive e-mails about the public meetings. None have been sent yet, though we intend to email tomorrow or Wednesday, Sept. 19 or 20th, the announcement of the first public meeting. The date for that meeting has recently been finalized as Wed. Oct. 11, 2017, 6pm-8:30pm. I verified that your name and e-mail address is on the distribution list.
It may be that I have missed notices or emails from you which could have kept me better informed, but having combed my in box and archives, at this point I am not finding anything. Given the long running interest and concerns re a truck management plan, maximum transparency would seem to be called for.
I'm happy to let you know that you did not miss an announcement; none have been sent yet.
To try to be clear, my requests are (1) to be kept informed, contemporaneously, of the efforts underway for this initiative, (2) be invited to any and all which might be appropriate for my/our attendance, Yes, you are on the e-mail distribution list. and (3) a discussion with you in which you can provide details of the plans and status of the initiative. Some of this is included in the meeting announcement; more info. will be on our website within a day or two.
If you feel any of these requests are inappropriate, please let me know. I am copying Claudia Cappio, who was also in attendance at today's meeting, in case I may have misconstrued today's exchanges re the truck plan.

Best Regards,
Patricia

Patricia McGowan, Environmental Coordinator | City of Oakland | Bureau of Planning | 250 Frank H. Ogawa, Suite 3315 | Oakland, CA 94612 | Phone: (510) 238-3588 | Fax: (510) 238-6538 | Email: PMcGowan@oaklandnet.com | Website: www.oaklandnet.com/planning

From: Grow, Richard [mailto:Grow.Richard@epa.gov]
Sent: Friday, September 15, 2017 3:01 PM
To: McGowan, Patricia <PMcGowan@oaklandnet.com>
Cc: Cappio, Claudia <CCappio@oaklandnet.com>
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Thanks again,

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

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Sent: Thursday, September 21, 2017 1:09 PM
To: BANDROWSKI, MIKE <Bandrowski.Mike@epa.gov>; Buss, Jeffrey <Buss.Jeffrey@epa.gov>; Chew, Andrew <Chew.Andrew@epa.gov>; Davidson, Ken <Davidson.Ken@epa.gov>; Donez, Francisco <Donez.Francisco@epa.gov>; Freed, Rachel <freed.rachel@epa.gov>; Gutierrez, Roberto <Gutierrez.Roberto@epa.gov>; Kelly, Shaheerah <Kelly.Shaheerah@epa.gov>; Law, Nicole <Law.Nicole@epa.gov>; Lopez, Mariela <Lopez.Mariela@epa.gov>; LOWE, DEBBIE (Separated 8/31/17) <Lowe.Debbie@epa.gov>; Mays, Rory <Mays.Rory@epa.gov>; Pathak, Priyanka <Pathak.Priyanka@epa.gov>; Reyes, Deldi <Reyes.Deldi@epa.gov>; Stewart, Kathleen <Stewart.Kathleen@epa.gov>; Vallano, Dena <Vallano.Dena@epa.gov>; Zellinger, Andrew <Zellinger.Andrew@epa.gov>; Dunning, Connell <Dunning.Connell@epa.gov>
Cc: Freed, Rachel <freed.rachel@epa.gov>; Nivolon, Monique <Nivolon.Monique@epa.gov>; Pathak, Priyanka <Pathak.Priyanka@epa.gov>
Subject: Recent State and Bay Area toxics rules

FYI a couple of background pieces on Bay Area Rule 11-18 (Public Hearing Notice) and at the State level AB 617 (Analysis for Senate Committee on Appropriations). AB 617 was seen as aimed in part at relieving the community impacts which resolution of the C&T program failed to address. Together these would appear to add some nifty new tools to the community air toxics arsenal. Do we all know who at R9 is tracking these closely ?

Richard

Appointment

From: adeguzman@baaqmd.gov [adeguzman@baaqmd.gov]
Sent: 9/18/2017 9:50:21 PM
To: Jack Broadbent [jack@baaqmd.gov]; ccappio@oaklandnet.com; Catherine Mukai [cmukai@portoakland.com]; rsinkoff@portoakland.com; mmaloney@mtc.ca.gov; Diego Gonzalez [dgonzalez@portoakland.com]; Sheng Thao [sthao@oaklandnet.com]; Rebecca Kaplan [kaplanforoakland@gmail.com]; Rebecca Kaplan [rkaplan@oaklandnet.com]; Elizabeth.yura@arb.ca.gov; Machol, Ben [Machol.Ben@epa.gov]; Grow, Richard [Grow.Richard@epa.gov]; Tess Lengyel [tlengyel@alamedactc.org]; Carolyn Clevenger [cclevenger@alamedactc.org]; mdavis@portoakland.com; mdnichols@oaklandnet.com; adao@alamedactc.org; abockelman@mtc.ca.gov; bsanchez@mtc.ca.gov; cynthia.marvin@arb.ca.gov; Lee, Anna, Public Health, OOD [anna.lee@acgov.org]; Henry Hilken [HHilken@baaqmd.gov]; Ranyee Chiang [rchiang@baaqmd.gov]; Angie Ayers [aayers@alamedactc.org]; Maricela Martinez [mmartinez@baaqmd.gov]; Vanessa Johnson [vjohnson@baaqmd.gov]; Aloha de Guzman [adeguzman@baaqmd.gov]; Karen Schkolnick [kschkolnick@baaqmd.gov]; McDaniel, Penelope [MCDANIEL.PENELOPE@EPA.GOV]

Subject: Canceled: Port of Oakland Actions List discussion (ag)
Location: Conference Call hosted by Damian Breen

Start: 9/19/2017 5:00:00 PM
End: 9/19/2017 6:00:00 PM
Show Time As: Free

Importance: High

Recurrence: (none)

Due to a scheduling conflict, this meeting has been cancelled and will be rescheduled shortly.

Thank you for your patience.

--Aloha

** This meeting is to discuss the Emissions Reductions Actions for the Port of Oakland/OAB document that was provided a few weeks ago. If you would like to participate in this discussion, the information to call in is below **

Date: Tuesday, September 19, 2017

Time: 10 am – 11am

Conference Line/Code / Ex. 6

If you have any questions or concerns, please feel free to reach out to me directly.

Thank you!

Regards,
Aloha for Mr. Breen -

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 | Ce Personal Phone / Ex. 6
adeguzman@baaqmd.gov | www.baaqmd.gov

Message

From: Marvin, Cynthia@ARB [cynthia.marvin@arb.ca.gov]
Sent: 9/18/2017 9:18:20 PM
To: dbreen@baaqmd.gov; Jack Broadbent [jack@baaqmd.gov]; ccappio@oaklandnet.com; Catherine Mukai [cmukai@portoakland.com]; rsinkoff@portoakland.com; mmaloney@mtc.ca.gov; Diego Gonzalez [dgonzalez@portoakland.com]; Sheng Thao [sthao@oaklandnet.com]; Rebecca Kaplan [kaplanforoakland@gmail.com]; Rebecca Kaplan [rkaplan@oaklandnet.com]; Yura, Elizabeth@ARB [eyura@arb.ca.gov]; Machol, Ben [Machol.Ben@epa.gov]; Grow, Richard [Grow.Richard@epa.gov]; Tess Lengyel [tlengyel@alamedactc.org]; Carolyn Clevenger [cclevenger@alamedactc.org]; mdavis@portoakland.com; mdnichols@oaklandnet.com; adao@alamedactc.org; abockelman@mtc.ca.gov; bsanchez@mtc.ca.gov; Lee, Anna, Public Health, OOD [anna.lee@acgov.org]; Henry Hilken [HHilken@baaqmd.gov]; Ranyee Chiang [rchiang@baaqmd.gov]; Angie Ayers [aayers@alamedactc.org]; Maricela Martinez [mmartinez@baaqmd.gov]; Vanessa Johnson [vjohnson@baaqmd.gov]; Aloha de Guzman [adeguzman@baaqmd.gov]; Karen Schkolnick [kschkolnick@baaqmd.gov]; McDaniel, Penelope [MCDANIEL.PENELOPE@EPA.GOV]; Yura, Elizabeth@ARB [eyura@arb.ca.gov]
Subject: RE: Port of Oakland Actions List discussion (ag)

Liz and I are both traveling in Southern California during this time and will be unable to participate.
Cynthia @ CARB

-----Original Appointment-----
From: adeguzman@baaqmd.gov [mailto:adeguzman@baaqmd.gov] **On Behalf Of** Damian Breen
Sent: Monday, September 18, 2017 1:45 PM
To: Jack Broadbent; ccappio@oaklandnet.com; Catherine Mukai; Richard Sinkoff; mmaloney@mtc.ca.gov; Diego Gonzalez; Sheng Thao ; Rebecca Kaplan ; Rebecca Kaplan ; Yura, Elizabeth@ARB; machol.ben@epa.gov; Grow, Richard; Tess Lengyel; Carolyn Clevenger; mdavis@portoakland.com; mdnichols@oaklandnet.com; adao@alamedactc.org; abockelman@mtc.ca.gov; bsanchez@mtc.ca.gov; Marvin, Cynthia@ARB; Lee, Anna, Public Health, OOD; Henry Hilken; Ranyee Chiang; Angie Ayers; Maricela Martinez; Vanessa Johnson; Aloha de Guzman; Karen Schkolnick; McDaniel, Penelope
Subject: Port of Oakland Actions List discussion (ag)
When: Tuesday, September 19, 2017 10:00 AM-11:00 AM (UTC-08:00) Pacific Time (US & Canada).
Where: Conference Call hosted by Damian Breen

** This meeting is to discuss the Emissions Reductions Actions for the Port of Oakland/OAB document that was provided a few weeks ago. If you would like to participate in this discussion, the information to call in is below **

Date: Tuesday, September 19, 2017

Time: 10 am – 11am

Conference Line/Code / Ex. 6

If you have any questions or concerns, please feel free to reach out to me directly.

Thank you!

Regards,
Aloha for Mr. Breen -

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| C Personal Phone / Ex. 6
adeguzman@baaqmd.gov| www.baaqmd.gov

Message

From: Donez, Francisco [Donez.Francisco@epa.gov]
Sent: 7/24/2017 11:28:08 PM
To: Grow, Richard [Grow.Richard@epa.gov]
CC: McDaniel, Penelope [MCDANIEL.PENELOPE@EPA.GOV]; Machol, Ben [Machol.Ben@epa.gov]
Subject: RE: Kaplan/BAAQMD initiative: Solutions for Reducing and Preventing Emissions at the Port of Oakland and Oakland Army Base Working Meeting

Hi Richard: Just following up on this meeting scheduled for July 14. Were there any action items, or plans for further discussions?

Francisco

From: Grow, Richard
Sent: Tuesday, July 11, 2017 12:52 PM
To: Machol, Ben <Machol.Ben@epa.gov>
Cc: McDaniel, Penelope <MCDANIEL.PENELOPE@EPA.GOV>; Donez, Francisco <Donez.Francisco@epa.gov>
Subject: RE: Kaplan/BAAQMD initiative: Solutions for Reducing and Preventing Emissions at the Port of Oakland and Oakland Army Base Working Meeting

BTW Alexis' chief of staff Doug Luehe plans to attend and I have been providing him with general background on the players, likely attendees, background on the Port/OAB issues etc. Richard

---

From: Machol, Ben
Sent: Wednesday, June 28, 2017 10:53 AM
To: Grow, Richard <Grow.Richard@epa.gov>
Cc: McDaniel, Penelope <MCDANIEL.PENELOPE@EPA.GOV>; Donez, Francisco <Donez.Francisco@epa.gov>
Subject: RE: Kaplan/BAAQMD initiative: Solutions for Reducing and Preventing Emissions at the Port of Oakland and Oakland Army Base Working Meeting

Hi Richard,

Hopefully they will get more traction this time. I assume the port will be in attendance as well, correct? I couldn't tell from the email from Aloha.

Let's set up a time for you and Penny, Francisco, and me to talk beforehand, to make sure you're adequately prepared.

Ben Machol, P.E.
Manager, Technology & Partnerships Office
U.S. Environmental Protection Agency, Region 9
75 Hawthorne St. (AIR-9)
San Francisco, CA 94105
machol.ben@epa.gov
(415) 972-3770

From: Grow, Richard
Sent: Wednesday, June 28, 2017 10:16 AM
To: Machol, Ben <Machol.Ben@epa.gov>
Cc: McDaniel, Penelope <MCDANIEL.PENELOPE@EPA.GOV>; Adams, Elizabeth <Adams.Elizabeth@epa.gov>; Lakin, Matt <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
Cc: Sheng Thao <sthao@oaklandnet.com>
Subject: Solutions for Reducing and Preventing Emissions at the Port of Oakland and Oakland Army Base Working Meeting

Hello,

The Bay Area Air Quality Management District is inviting you – or a representative from your organization - to attend a working meeting on solutions for reducing emissions and health impacts in the West Oakland Community from current operations at the Port of Oakland and future operations at the former Oakland Army Base.

This meeting will be hosted by Oakland Council Member at Large, Rebecca Kaplan, at the Alameda County Transportation Commission, which is located at 11th and Broadway in Downtown Oakland on **Friday July 14, 2017 between 12 pm – 2 pm**.

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 | Personal Phone / Ex. 6
agalimba@baaqmd.gov | www.baaqmd.gov

Message

From: Margaret Gordon Personal Email / Ex. 6
Sent: 11/9/2017 1:16:09 AM
To: Alison Kirk [AKirk@baaqmd.gov]
CC: Grow, Richard [Grow.Richard@epa.gov]; Lee, Anna, Public Health, OOD [anna.lee@acgov.org]; Brian Beveridge Personal Email / Ex. 6
Subject: Re: FW: Port November 8 Response to BAAQMD Nov 3 Letter

Alison,

Thank you for the letter from Richard Sinkoff, this is a cut and paste from the playbook, " you can't make me (the Port of Oakland) do anything

we don't want to do." This is the same letter, both City and Port have produce every phase of the OAB project.

Ms.M

On Wed, Nov 8, 2017 at 4:18 PM, Alison Kirk <AKirk@baaqmd.gov> wrote:

Port's response to BAAQMD letter attached.

Alison Kirk

Senior Environmental Planner

415-749-5169

From: Richard Sinkoff [mailto:rsinkoff@portoakland.com]
Sent: Wednesday, November 8, 2017 4:10 PM
To: Alison Kirk <AKirk@baaqmd.gov>; Damian Breen <dbreen@baaqmd.gov>
Cc: elizabeth.yura@arb.ca.gov; robbie.morris@arb.ca.gov; Andrea Gardner <agardner@portoakland.com>; Diane Heinze <dheinze@portoakland.com>; Matthew Davis <mdavis@portoakland.com>
Subject: Port November 8 Response to BAAQMD Nov 3 Letter

Dear Alison and Damian,

Thank you for your November 3, 2017, letter regarding the Port CenterPoint Lease. We appreciate your comments, which we have reviewed carefully.

Please find attached the Port's response to each comment raised in the BAAQMD Letter.

As I have stated in the Port's response letter, the Port appreciates its close collaborative working relationship with BAAQMD and CARB on behalf of economic development, jobs and air quality.

Let me know if you have additional thoughts or comments. Also, please let me know if you plan to attend tomorrow's meeting and would like to speak.

I look forward to hearing from you.

Best,

Richard

--
Ms. Margaret Gordon/Co-Director
West Oakland Environmental Indicators Project
349 Mandela Parkway
Oakland, CA 94607
510-257-5647 Direct line
www.woeip.org

Message

From: Machol, Ben [Machol.Ben@epa.gov]
Sent: 9/1/2017 3:58:34 PM
To: Donez, Francisco [Donez.Francisco@epa.gov]
CC: Grow, Richard [Grow.Richard@epa.gov]; McDaniel, Penelope [MCDANIEL.PENELOPE@EPA.GOV]; MIKULIN, JOHN [MIKULIN.JOHN@EPA.GOV]
Subject: FW: Update - Port of Oakland/Former Oakland Army Base Emissions Reductions Working Group
Attachments: Port-OAB Mitigations 8-22.xlsx

<!--[if lte mso 15 || CheckWebRef]-->

Machol, Ben has shared a OneDrive for Business file with you. To view it, click the link below.

Port-OAB Action List_final.docx

<!--[endif]-->

Hi Richard,

Penny and Francisco would be your main points of contact in AIR9. I'm around on 9/15 and would be interested in attending (I think Penny is out), but do you have a time yet?

Francisco, this spreadsheet notes that EPA is providing $625k for a locomotive. Is that last year's DERA project?

Ben Machol, P.E.
Manager, Technology & Partnerships Office
U.S. Environmental Protection Agency, Region 9
75 Hawthorne St. (AIR-9)
San Francisco, CA 94105
machol.ben@epa.gov
(415) 972-3770

From: Grow, Richard
Sent: Friday, September 01, 2017 8:40 AM
To: Machol, Ben <Machol.Ben@epa.gov>
Cc: McDaniel, Penelope <MCDANIEL.PENELOPE@EPA.GOV>; MIKULIN, JOHN <MIKULIN.JOHN@EPA.GOV>
Subject: Fw: Update - Port of Oakland/Former Oakland Army Base Emissions Reductions Working Group

Ben - Here is what BAAQMD has sent out ahead of time for the 9/15 meeting. Copied it to Penny and John, pls let me know who else I should routinely include. Thanks

Richard

From: Damian Breen <dbreen@baaqmd.gov>
Sent: Thursday, August 31, 2017 6:29 PM

To: ccappio@oaklandnet.com; mdnichols@oaklandnet.com; tlengyel@alamedaactc.org; adao@alamedaactc.org; abockelman@mtc.ca.gov; mmaloney@mtc.ca.gov; bsanchez@mtc.ca.gov; Cynthia.marvin@arb.ca.gov; Elizabeth.yura@arb.ca.gov; Grow, Richard; mdavis@portoakland.com; dgonzalez@portoakland.com; anna.lee@acgov.org; cclevenger@alamedaactc.org; rsinkoff@portoakland.com; cmukai@portoakland.com; Henry Hilken; Personal Email / Ex. 6 sthao@oakland.net
Cc: Jack Broadbent; Jean Roggenkamp; Maricela Martinez
Subject: Update - Port of Oakland/Former Oakland Army Base Emissions Reductions Working Group

Dear Colleagues,

In preparation for our upcoming meeting on September 15, 2017, the Bay Area Air Quality Management District (Air District) is providing the following attached materials:

- An excel spreadsheet containing a matrix of projects we discussed at our July 14, 2017 meeting.
- A detailed list of actions, prepared by the Air District (with input from the California Air Resources Board), that should be considered by the Port of Oakland (Port) and City of Oakland relative to reducing emission and health risk in:
    - the development of infrastructure,
    - leasing of properties or letting of concessions; and
    - deployment of equipment (including recommendations on zero or near zero missions equipment) for Port cargo, goods movement and warehousing operations adjacent to the West Oakland community.

Please note that the matrix contained in the Excel spreadsheet has a number of blank areas relative to funding that could be contributed to reduce emissions at both the Port and former Oakland Army base. There also a number of data gaps where your input is needed. If you believe your agency can contribute to funding these projects or can assist with filling out some of the missing information, please let the Air District know and we will update the document.

Relative to the matrix itself, the Air District will be happy to host a premeeting to go over the technical assumptions prior to September 15. It should be noted that the table supposes an approximate contribution from the Air District of $54 million over a ten-year period including approximately $13 million in funds that have already been allocated.

Please let us know ASAP who would like to participate in the technical discussion and we will schedule a call.

Have a great holiday weekend, stay cool and spare the air!

Damian Breen

Deputy Air Pollution Control Officer

Bay Area Air Quality Management District

375 Beale Street, Suite 600

San Francisco, CA 94105

Tel: (415) 749-5041

Message

From: Damian Breen [dbreen@baaqmd.gov]
Sent: 9/1/2017 1:29:42 AM
To: ccappio@oaklandnet.com; mdnichols@oaklandnet.com; tlengyel@alamedaactc.org; adao@alamedaactc.org; abockelman@mtc.ca.gov; mmaloney@mtc.ca.gov; bsanchez@mtc.ca.gov; Cynthia.marvin@arb.ca.gov; Elizabeth.yura@arb.ca.gov; Grow, Richard [Grow.Richard@epa.gov]; mdavis@portoakland.com; dgonzalez@portoakland.com; anna.lee@acgov.org; cclevenger@alamedaactc.org; rsinkoff@portoakland.com; cmukai@portoakland.com; Henry Hilken [HHilken@baaqmd.gov]; Personal Email / Ex. 6 sthao@oakland.net
CC: Jack Broadbent [jack@baaqmd.gov]; Jean Roggenkamp [jroggenkamp@baaqmd.gov]; Maricela Martinez [mmartinez@baaqmd.gov]
Subject: Update - Port of Oakland/Former Oakland Army Base Emissions Reductions Working Group
Attachments: Port-OAB Mitigations 8-22.xlsx

<!--[if lte mso 15 || CheckWebRef]-->

Damian Breen has shared a OneDrive for Business file with you. To view it, click the link below.

Port-OAB Action List_final.docx

<!--[endif]-->

Dear Colleagues,

In preparation for our upcoming meeting on September 15, 2017, the Bay Area Air Quality Management District (Air District) is providing the following attached materials:

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    - the development of infrastructure,
    - leasing of properties or letting of concessions; and
    - deployment of equipment (including recommendations on zero or near zero missions equipment) for Port cargo, goods movement and warehousing operations adjacent to the West Oakland community.

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Relative to the matrix itself, the Air District will be happy to host a premeeting to go over the technical assumptions prior to September 15. It should be noted that the table supposes an approximate contribution from the Air District of $54 million over a ten-year period including approximately $13 million in funds that have already been allocated.

Please let us know ASAP who would like to participate in the technical discussion and we will schedule a call.

Have a great holiday weekend, stay cool and spare the air!

Damian Breen
Deputy Air Pollution Control Officer
Bay Area Air Quality Management District

375 Beale Street, Suite 600
San Francisco, CA 94105
Tel: (415) 749-5041

Message

From: Lee, Anna, Public Health, OOD [Anna.Lee@acgov.org]
Sent: 8/31/2017 8:46:45 PM
To: Yura, Elizabeth@ARB [eyura@arb.ca.gov]; Grow, Richard [Grow.Richard@epa.gov]; David Vintze [DVintze@baaqmd.gov]; Alison Kirk [akirk@baaqmd.gov]
Subject: RE: Checking in: Comment on piecemeal process for OAB plan review ?

Hi,

I am including a brief comment on this issue. My comments won't be done until tomorrow. Thanks for sharing your comment letter, Elizabeth!

Anna

Anna Lee, MS
Local Policy Coordinator/ Program Specialist
Alameda County Public Health Department
1000 Broadway, Suite 500
Oakland, CA 94607
anna.lee@acgov.org | Phone: (510) 267-8019

From: Yura, Elizabeth@ARB [eyura@arb.ca.gov]
Sent: Thursday, August 31, 2017 9:03 AM
To: Grow, Richard; Lee, Anna, Public Health, OOD; David Vintze; Alison Kirk
Subject: RE: Checking in: Comment on piecemeal process for OAB plan review ?

Hi all,

Our CARB comment letter does not contain anything re: the piecemeal process. We are already on the record for having requested this several times, so we tried to keep the focus of this comment letter on the " meat" of the document (i.e., the mitigation measures). However, we are in support of folks commenting on this issue if they choose to include it and will continue to support the push for a more cohesive process.

FYI, the cc:'s for our comment letter hit the mail this morning, and our bcc:'s were emailed out this AM as well. I've attached a copy so the cc:ed folks don't have to wait for snail mail. Let me know if you have any questions! Thanks!

Elizabeth Yura
Chief, Freight Activity Branch
California Air Resources Board
Direct: (916) 322-8277
Branch Line: (916) 323-4327
Elizabeth.Yura@arb.ca.gov<mailto:Elizabeth.Yura@arb.ca.gov>

From: Grow, Richard [mailto:Grow.Richard@epa.gov]
Sent: Thursday, August 31, 2017 8:41 AM
To: Lee, Anna, Public Health, OOD <Anna.Lee@acgov.org>; Yura, Elizabeth@ARB <eyura@arb.ca.gov>; David Vintze <DVintze@baaqmd.gov>; Alison Kirk <akirk@baaqmd.gov>
Subject: Checking in: Comment on piecemeal process for OAB plan review ?

All – With tomorrow's comment deadline (5 pm 9/1) upon us I'm curious whether anyone is planning to comment on the SCA AIR-1 and piecemealed process issue I raised in my notes below. I'm not inclined to jump out ahead of our state/local partners agencies if no one is really up for this issue.

Richard

From: Grow, Richard
Sent: Thursday, August 24, 2017 2:55 PM
To: 'Lee, Anna, Public Health, OOD' <Anna.Lee@acgov.org<mailto:Anna.Lee@acgov.org>>; Yura, Elizabeth@ARB <eyura@arb.ca.gov<mailto:eyura@arb.ca.gov>>; David Vintze <DVintze@baaqmd.gov<mailto:DVintze@baaqmd.gov>>
Subject: Chat with City: Comment on piecemeal process for OAB plan review ?

Just got off the phone with Pat McG and in her view the notice going out this afternoon (1) will address my question re SCA AIR-1 but (2) will only address the two parcels of immediate interest. Basically she reiterated what they said yesterday, that we get to see SCA AIR-1 in the project-specific pieces in which they release it, ie for CE-2, CC-1 etc. I told her my understanding was that the concern by some was the lack of a single overall SCA AIR-1 plan (ie covering the entire OAB redevelopment project), and she told me know such thing exists. I think this comes down to what do each of us/you mean by an overall plan which would be of sufficient scope to get away from a piecemeal process. In other words what is the

scope of the plan we expect to see all at one time for SCA AIR-1 ? Any thoughts or clarification would be welcome.

Thanks

Richard

From: Lee, Anna, Public Health, OOD [mailto:Anna.Lee@acgov.org]
Sent: Thursday, August 24, 2017 2:24 PM
To: Grow, Richard <Grow.Richard@epa.gov<mailto:Grow.Richard@epa.gov>>; Yura, Elizabeth@ARB <eyura@arb.ca.gov<mailto:eyura@arb.ca.gov>>; David Vintze <DVintze@baaqmd.gov<mailto:DVintze@baaqmd.gov>>
Subject: RE: Comment on piecemeal process for OAB plan review ?

Hi Richard,

I will be adding it to my draft comments to Dr. Davis. Just saw the email from Pat – now we have two deadlines to keep track of. It's getting confusing. Do you all have language from past letters that I can see on this issue?

Anna

From: Grow, Richard [mailto:Grow.Richard@epa.gov]
Sent: Wednesday, August 23, 2017 5:42 PM
To: Lee, Anna, Public Health, OOD <Anna.Lee@acgov.org<mailto:Anna.Lee@acgov.org>>; Yura, Elizabeth@ARB <eyura@arb.ca.gov<mailto:eyura@arb.ca.gov>>; David Vintze <DVintze@baaqmd.gov<mailto:DVintze@baaqmd.gov>>
Subject: Comment on piecemeal process for OAB plan review ?

Anna & others

I'm thinking about commenting on the issue Anna raised today regarding SCA AIR-1 and I tried to follow up on, which is regarding the portion of the plan for CE-2 and CC-1 which was discussed today and for which comments are due by 5 pm 9/1. The text in the plan reads:

2. SCA AIR-1: Construction Management Plan

2.1 Requirements

a. The project applicant shall submit to the Planning and Zoning Division and the Building Services Division for review and approval a construction management plan (CMP) that identifies the conditions of approval and mitigation measures to construction impacts of the project and explains how the project applicant will comply with these construction-related conditions of approval and mitigation measures.

2.2 CMP Response

b. Prologis will submit the CMP to the City of Oakland Planning and Building Departments during the plan check review process for site or building permits. Similar to the Northeast Gateway site, the CMP will include all of the AQ elements included this Construction AQ Plan.

As Elizabeth and others said during the meeting, the agencies have been requesting for quite some time the plan for the entire project and not just the pieces. This was stated again most clearly at the 5/9/17 meeting with Pat and Darin. Today I tried to find a hook in the current official (ie the City's) process by asking "if SCA AIR-1 is subject to measure PO-1 of the SCA ?" Pat answered yes and then provided a rationale that by this the City meant piece-by-piece. City staff at least had the grace to concede that in fact SCA AIR-1 was (1) subject to PO-1 and (2) it had never yet been distributed for review per PO-1. I've attached PO-1 in case any of us are rusty on what it says, however objectionable many of us have found it. At today's meeting Pat McG said she would circulate the SCA AIR-1 plan by the end of today to initiate the 17 day review process, she and John saying they had provided the required 45 day notice (which is to precede the 17 day review period) back in February. I need to go back and see what was said in February, not quite convinced they gave notice for SCA AIR-1 itself.

The comment I am considering relative to the current plan is that the section in the current plan discussing and responding to SCA AIR-1 cannot be approved as is, in that none of us have even seen the CMP required by SCA AIR-1. In making that comment it may be plausible to point out that the City's approach has led to the segmentation (piecemealization ?) of the stakeholder and public review process. Some might go further and maintain that the lack of an approved approach to SCA AIR-1 also hinders the approvability of the proposed plans (for CE-2 and CC-1) themselves. Frankly I don't now how to think about that.

I'm sharing this with you for any thoughts on commenting on this, whether there is any agreement among the agencies, but also to prepare for the subsequent commenting on SCA AIR-1 if and when the City puts it out for public review.

Richard

Appointment

From: ryan.fitzpatrick@dot.gov [ryan.fitzpatrick@dot.gov]
Sent: 8/31/2017 6:51:19 PM
To: yvette.rivera@dot.gov; deeana.jang@dot.gov; howard.caro-lopez@dot.gov; Terence.Carlson@dot.gov; hector.o.huezo@dot.gov; Rachel.Kizito-Ramos@dot.gov; 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: 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

Recurrence: (none)

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: Yura, Elizabeth@ARB [eyura@arb.ca.gov]
Sent: 8/31/2017 4:03:13 PM
To: Grow, Richard [Grow.Richard@epa.gov]; Lee, Anna, Public Health, OOD [Anna.Lee@acgov.org]; David Vintze [DVintze@baaqmd.gov]; Alison Kirk [akirk@baaqmd.gov]
Subject: RE: Checking in: Comment on piecemeal process for OAB plan review ?
Attachments: CARB Prologis SC NC AQ Comments 9.1.17.pdf

Hi all,

Our CARB comment letter does not contain anything re: the piecemeal process. We are already on the record for having requested this several times, so we tried to keep the focus of this comment letter on the "meat" of the document (i.e., the mitigation measures). However, we are in support of folks commenting on this issue if they choose to include it and will continue to support the push for a more cohesive process.

FYI, the cc:'s for our comment letter hit the mail this morning, and our bcc:'s were emailed out this AM as well. I've attached a copy so the cc:ed folks don't have to wait for snail mail. Let me know if you have any questions! Thanks!

Elizabeth Yura
Chief, Freight Activity Branch
California Air Resources Board
Direct: (916) 322-8277
Branch Line: (916) 323-4327
Elizabeth.Yura@arb.ca.gov

From: Grow, Richard [mailto:Grow.Richard@epa.gov]
Sent: Thursday, August 31, 2017 8:41 AM
To: Lee, Anna, Public Health, OOD <Anna.Lee@acgov.org>; Yura, Elizabeth@ARB <eyura@arb.ca.gov>; David Vintze <DVintze@baaqmd.gov>; Alison Kirk <akirk@baaqmd.gov>
Subject: Checking in: Comment on piecemeal process for OAB plan review ?

All – With tomorrow's comment deadline (5 pm 9/1) upon us I'm curious whether anyone is planning to comment on the SCA AIR-1 and piecemealed process issue I raised in my notes below. I'm not inclined to jump out ahead of our state/local partners agencies if no one is really up for this issue.

Richard

From: Grow, Richard
Sent: Thursday, August 24, 2017 2:55 PM
To: 'Lee, Anna, Public Health, OOD' <Anna.Lee@acgov.org>; Yura, Elizabeth@ARB <eyura@arb.ca.gov>; David Vintze <DVintze@baaqmd.gov>
Subject: Chat with City: Comment on piecemeal process for OAB plan review ?

Just got off the phone with Pat McG and in her view the notice going out this afternoon (1) will address my question re SCA AIR-1 but (2) will only address the two parcels of immediate interest. Basically she reiterated what they said yesterday, that we get to see SCA AIR-1 in the project-specific pieces in which they release it, ie for CE-2, CC-1 etc. I told her my understanding was that the concern by some was the lack of a single overall SCA AIR-1 plan (ie covering the entire OAB redevelopment project), and she told me know such thing exists. I think this comes down to what do each of us/you mean by an overall plan which would be of sufficient scope to get away from a piecemeal process. In other words what is the scope of the plan we expect to see all at one time for SCA AIR-1 ? Any thoughts or clarification would be welcome.

Thanks

Richard

From: Lee, Anna, Public Health, OOD [mailto:Anna.Lee@acgov.org]
Sent: Thursday, August 24, 2017 2:24 PM
To: Grow, Richard <Grow.Richard@epa.gov>; Yura, Elizabeth@ARB <eyura@arb.ca.gov>; David Vintze <DVintze@baaqmd.gov>
Subject: RE: Comment on piecemeal process for OAB plan review ?

Hi Richard,

I will be adding it to my draft comments to Dr. Davis. Just saw the email from Pat – now we have two deadlines to keep track of. It's getting confusing. Do you all have language from past letters that I can see on this issue?

Anna

From: Grow, Richard [mailto:Grow.Richard@epa.gov]
Sent: Wednesday, August 23, 2017 5:42 PM
To: Lee, Anna, Public Health, OOD <Anna.Lee@acgov.org>; Yura, Elizabeth@ARB <eyura@arb.ca.gov>; David Vintze <DVintze@baaqmd.gov>
Subject: Comment on piecemeal process for OAB plan review ?

Anna & others

I'm thinking about commenting on the issue Anna raised today regarding SCA AIR-1 and I tried to follow up on, which is regarding the portion of the plan for CE-2 and CC-1 which was discussed today and for which comments are due by 5 pm 9/1. The text in the plan reads:

2. SCA AIR-1: Construction Management Plan

2.1 Requirements

a. The project applicant shall submit to the Planning and Zoning Division and the Building Services Division for review and approval a construction management plan (CMP) that identifies the conditions of approval and mitigation measures to construction impacts of the project and explains how the project applicant will comply with these construction-related conditions of approval and mitigation measures.

2.2 CMP Response

b. Prologis will submit the CMP to the City of Oakland Planning and Building Departments during the plan check review process for site or building permits. Similar to the Northeast Gateway site, the CMP will include all of the AQ elements included this Construction AQ Plan.

As Elizabeth and others said during the meeting, the agencies have been requesting for quite some time the plan for the entire project and not just the pieces. This was stated again most clearly at the 5/9/17 meeting with Pat and Darin. Today I tried to find a hook in the current official (ie the City's) process by asking ***"if SCA AIR-1 is subject to measure PO-1 of the SCA ?"*** Pat answered yes and then provided a rationale that by this the City meant piece-by-piece. City staff at least had the grace to concede that in fact SCA AIR-1 was (1) subject to PO-1 and (2) it had never yet been distributed for review per PO-1. I've attached PO-1 in case any of us are rusty on what it says, however objectionable many of us have found it. At today's meeting Pat McG said she would circulate the SCA AIR-1 plan by the end of today to initiate the 17 day review process, she and John saying they had provided the required 45 day notice (which is to precede the 17 day review period) back in February. I need to go back and see what was said in February, not quite convinced they gave notice for SCA AIR-1 itself.

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I'm sharing this with you for any thoughts on commenting on this, whether there is any agreement among the agencies, but also to prepare for the subsequent commenting on SCA AIR-1 if and when the City puts it out for public review.

Richard

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

August 30, 2017

Ms. Patricia McGowan
Environmental Coordinator
City of Oakland
Planning and Building Department
250 Frank H. Ogawa Plaza, Suite 3315
Oakland, California 94612

Dear Ms. McGowan:

Thank you for providing the California Air Resources Board (CARB) the opportunity to comment on the Diesel Emissions Reduction and Air Quality Plan (AQ Plan or Plan) for Construction of CE-2: Southeast Gateway Parcel and CC-1: New Central Gateway Parcel (Project Site or Site). The AQ Plan provides an opportunity to ensure the cleanest possible construction practices and equipment are utilized while developing the Project Site. Eliminating and minimizing air quality impacts from the construction of this project is vital to protecting the health of nearby communities.

The AQ Plan outlines the requirements and mitigations that Site contractors will comply with to achieve emission reductions generated by on Site construction activity. CARB previously submitted comments on May 31, 2016, on the Northeast Gateway Construction Management Plan, and we acknowledge that the City of Oakland (City) staff modified several measures in this Plan based on those comments. However, CARB staff finds that several requirements in the AQ Plan need further clarification and strengthening in order to ensure proper implementation and that the Plan achieves the less-than-significant impacts determination made in the 2012 Oakland Army Base Project Initial Study/Addendum. These clarifications or strengthened requirements will help ensure that construction of the Project Site ultimately avoids or substantially lessens the significant and unavoidable impact to air quality identified in the 2002 Final Environmental Impact Report, by requiring all feasible[1] mitigation measures be incorporated (see Cal. Pub. Resources Code § 21081; 14 CCR § 15126.2(b).

[1]For the purposes of CEQA, "feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors. (California Code of Regulations, title 14, section 15364.)

To that end, CARB staff recommends the following clarifications or modifications:

1. Section 3.1.w.: Reference to CARB's Regulation for In-Use Off-Road Diesel Fueled Fleets (Off-Road Regulation) for performance requirements one year in advance of the regulation is confusing and irrelevant since the City is specifying specific tiers of equipment to be used on Site. Such language should be omitted from future air quality or construction plans subject to Mitigation PO-1.

2. Section 3.3.a.: This measure indicates that all contractors will be encouraged to use Tier 4 off-road engines for all equipment brought on Site, as available, and at minimum Tier 3 off-road engines. In addition, only the two most used pieces of equipment on Site are required to be Tier 4. To achieve the most diesel emission reductions from off-road equipment, the City should require that all off-road construction equipment used on Site, greater than 25 horsepower, meet U.S. EPA Tier 4 emission standards. Tier 4 equipment became available as early as 2008 for some horsepower categories, with the rest being made available in the 2012 timeframe. Therefore, CARB believes it is very unlikely there will be a shortage of Tier 4 equipment, and that it is technically feasible to require all Tier 4 equipment be used on Site. In addition, the City should require that Prologis enter into contractual agreements with construction companies capable of meeting this requirement. This would increase the enforceability of this mitigation and minimize potential construction delays as a result of subcontractors seeking Tier 4 rental equipment once construction has started.

3. Section 3.3.b.: This measure indicates that all contractors will be encouraged to use post-2010 model water trucks, as available. To be most protective of the local community from construction diesel emissions, the City should strengthen this measure to require, not encourage, that all water trucks and all other heavy-duty diesel trucks greater than 14,000 gross vehicle weight rating used on Site be equipped with 2010 or newer engines. Emissions from truck traffic (including construction trucks) severely impact the surrounding communities, and the City should take additional steps beyond CARB regulatory requirements and require the use of 2010 or newer engines. In a memo to "Staff of the Air Quality Agencies and Stakeholders", dated August 15, 2017, the City stated that "the trucks...are all independent truckers who are not hired by the general contractor...such a requirement imposed by [Prologis] on the general contractor/sub-contractors would be unenforceable and unrealistic." CARB disagrees with this statement, and believes it can be enforceable by requiring that Prologis enter into contractual agreements with construction

companies capable of meeting this requirement. In addition, an independent trucker could easily supply a print out of the truck's information (including engine model year and license plate) currently reported in CARB's Truck and Bus Reporting System (TRUCRS) and a Certificate of Reported Compliance in order to verify it has a 2010 or newer engine and is part of a compliant fleet.

4. Section 3.3.d.: This measure indicates that alternative fuel construction equipment (i.e., compressed natural gas, liquid petroleum gas, and unleaded gasoline) will be utilized on Site to the extent that the equipment is readily available and cost-effective in the Bay Area. For enforceability, the City should require that Prologis enter into contractual agreements with construction companies capable of meeting this requirement.

5. Section 3.4.a.: Sections 3.4.h. and 3.4.i. limit idling to 3 minutes. However, this section states that "equipment operators must limit their unnecessary idling to 5 minutes." CARB believes this was most likely an error, and therefore should be corrected to limit idling to 3 minutes.

6. Sections 3.5.a. and b.: These sections are reiterating the requirements for selling and reporting off-road vehicles per CARB's Off-Road Regulation. CARB recommends removing these sections, as they are paraphrasing the requirements and could contain inaccuracies and cause confusion for off-road fleets. If the City includes information on reporting and labeling for off-road vehicles, direct fleets to the website for the Off-Road Regulation, available at: www.arb.ca.gov/ordiesel.

7. Section 3.5.c.: CARB recommends removing the language paraphrasing the labeling requirements of the Off-Road Regulation. Instead, this section should point to the regulation language, by stating: "All fleet equipment used on Site shall be properly reported and labeled, as required per CCR Title 13, Section 2449 (CARB's Off-Road Regulation)."

8. Section 3.6: This section, in general, describes components of CARB's Off-Road Regulation regarding adding older equipment to a fleet. Similarly to comment 1, above, including this information is confusing. The adding vehicles requirements are irrelevant, since the City is specifying specific tiers to be used on site. Such language should be omitted from future air quality or construction plans subject to Mitigation PO-1.

9. Section 3.7.a.: Again, meeting the requirements of the Off-Road Regulation one year in advance is irrelevant, therefore signage indicating this requirement is not needed.

10. Section 3.7.c.: This section refers to Exhibit C, which shows a sign stating that idling must be limited to three minutes or less. However, the language in this section references limiting idling to five minutes or less. This language should be corrected to say three minutes or less, which makes it consistent with the referenced Exhibit C.

CARB staff believes our recommended changes will further reduce harmful diesel emissions from the Site construction activities and reduce impacts to the nearby communities. In addition, we understand that the AQ Plan relates solely to the construction activities at the Project Site and that other plans for operations are forthcoming. We look forward to engaging on those plans as well, and hope that the City will commit to releasing the most robust, health protective plans possible for this and future projects. We are available to provide further assistance or clarify our comments as needed.

If you have questions, please contact Robbie Morris, Air Pollution Specialist, at (916) 327-0006 or robbie.morris@arb.ca.gov.

Sincerely,

Elizabeth Yura, Chief
Freight Activity Branch
Transportation and Toxics Division

cc: See next page

cc: Ms. Margaret Gordon
Co-Director
West Oakland Environmental
Indicators Project
349 Mandela Parkway
Oakland, California 94607

Brian Beverage
Co-Director
West Oakland Environmental
Indicators Project

Mr. Richard Grow, Lead
Environmental Justice Workgroup
U.S. Environmental Protection Agency, Region 9
75 Hawthorne Street, ENF-4-2
San Francisco, California 94105

Ms. Anna Lee
Work Group Coordinator
Alameda County Public Health Department
1000 Broadway, Suite 500
Oakland, California 94607

Mr. Dave Vintze
Air Quality Planning Manager
Bay Area Air Quality Management District
939 Ellis Street
San Francisco, California 94109

Message

From: Kristen Law [klaw@baaqmd.gov]
Sent: 2/1/2018 5:05:43 PM
To: Grow, Richard [Grow.Richard@epa.gov]
CC: Gregory H. Nudd [gnudd@baaqmd.gov]
Subject: PowerPoint slides from January 31, 2018
Attachments: AB 617 BAAQMD-CARB Presentation.pdf; AB 617_Community Workshop Presentation-BAAQMD.PDF

Dear Richard,

I am so pleased that you enjoyed the kick-off event last night. Please find attached to this email the BAAQMD and CARB slide decks.

Warmly,
Kristen Law

Kristen Law, MA | Community Engagement Specialist
Community Engagement Office
The Bay Area Air Quality Management District
375 Beale St, Suite 600| San Francisco, CA 94105 – 2097
Phone: 415.749.4653
www.baaqmd.gov

Update on AB 617 Community Air Protection Program

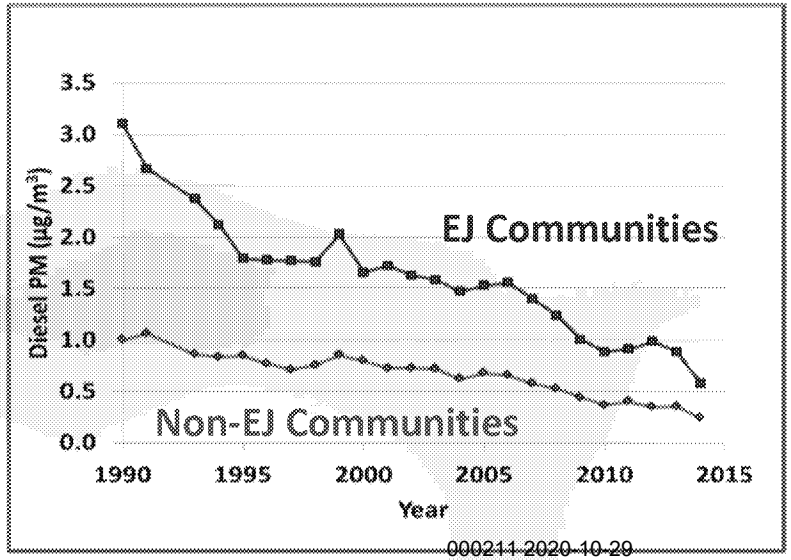
CALIFORNIA
AIR RESOURCES BOARD

January 31, 2018

000210 2020-10-29

Motivation for AB 617

- Historical focus on regional air quality
- Significant improvement, but disproportionate burdens remain
- Need for community-level focus
- Address cumulative exposure
- Take advantage of advances in monitoring technologies



000211 2020-10-29

CARB

Focus on Community Action

- Most significant air quality legislation in decades
- Establishes community focused framework
  - Enhanced information on community level air pollution
  - Community specific emission reduction programs
  - Focus on early actions
  - Emphasis on community participation
  - Builds on existing community level efforts

Joint Implementation of Program Elements

MONITORING

- Identify communities for monitoring
- Statewide Monitoring Plan
- District and community operated networks
- Statewide data display

EMISSIONS

- Statewide reporting system
- Statewide pollution mapping tool

FUNDING

- Incentive funding
- Community assistance grants

ACTION PLANS

- Identify communities for emission reduction programs
- Statewide Strategy
- District Community Emission Reduction Programs
- District BARCT implementation
- State and district strategies

CARB

Community Identification

- Prioritize communities with highest exposure burdens
  - Deployment of community air monitoring
  - Development of community emission reduction programs
- Focus on disadvantaged communities and sensitive receptor locations

Statewide Monitoring Plan

- Review capabilities of air monitoring technologies
- Review existing community air monitoring systems
- Provide recommendations for additional air monitoring
- Establish guidance on best practices

Statewide Reduction Strategy

- Methods for assessment of community exposure and contributing sources
- Strategies for reducing emissions
- Criteria for community emissions reduction programs

000216 2020-10-29

CARB

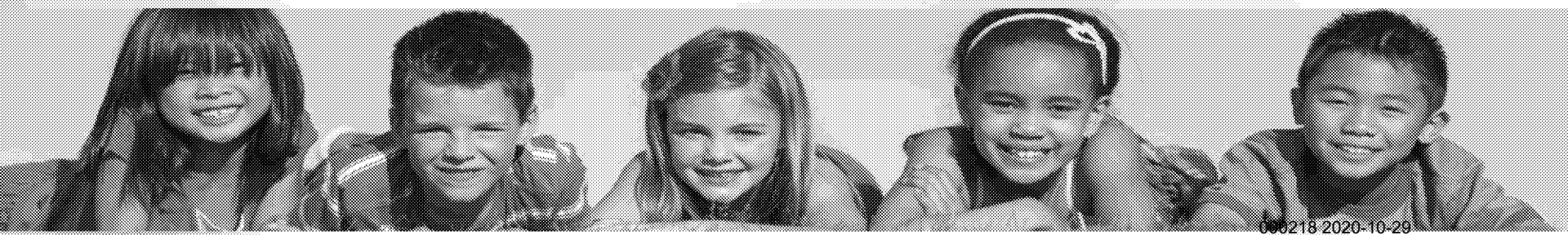
$250M for Targeted Incentive Funding to Support Early Actions

- Provides demonstrated commitment to deliver on goals of AB 617
- Focus on communities with highest pollution burdens
- Target mobile sources spending substantial portion of time within communities

CARB

$5M for Community Assistance Grants

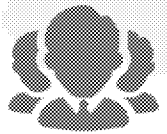
- Developing process for grant program
- Funding to support
  - Capacity building – training and support
  - Assistance for community led air monitoring
  - Technical assistance



Commitment to Ongoing Public Engagement

- Comprehensive and collaborative public process involving all stakeholders
- Ongoing opportunities throughout all stages of program development and implementation
- Multiple forums for technical and policy discussion

LOCAL AIR DISTRICTS



COMMUNITY GROUPS

ENVIRONMENTAL ORGANIZATIONS

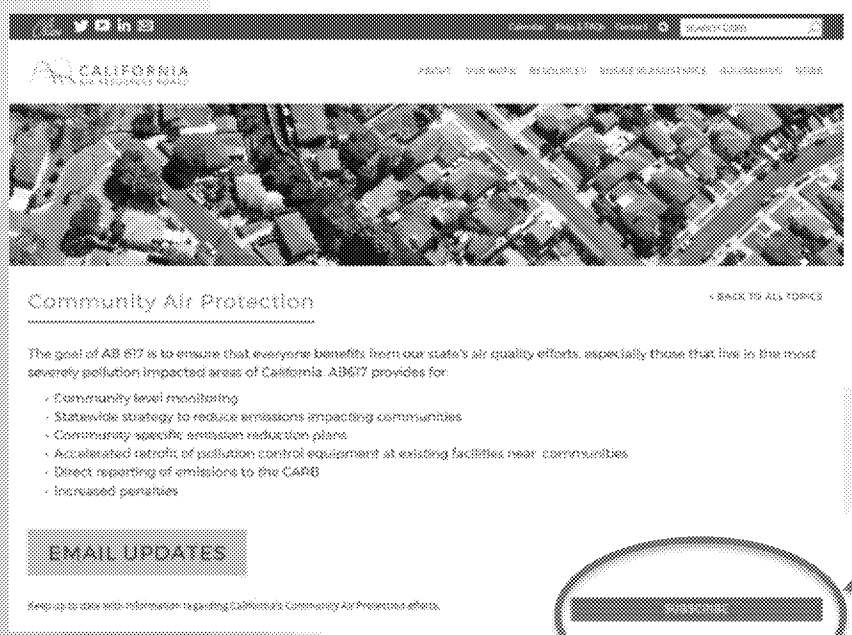
INDUSTRY

Next Steps

Winter 2018	• Draft Concepts; Consultation Group, Summit and Community Meetings
March 2018	• Board Meeting Update
May 2018	• Draft Planning Documents
June 2018	• Workshops and Community Meetings
September 2018	• Board Meeting to consider Final Planning Documents

Contact Us

CARB Office of Community Air Protection



- Website:
  - ww2.arb.ca.gov/our-work/topics/community-air-protection
- Email
  - CommunityAir@arb.ca.gov
  - AireComunitario@arb.ca.gov
- Click “Subscribe” for listserve:
  - Community Air (or) airecomunitario

AB617 Protecting Community Health

Regional Workshop
January 31, 2018

Greg Nudd
Deputy Air Pollution Control Officer

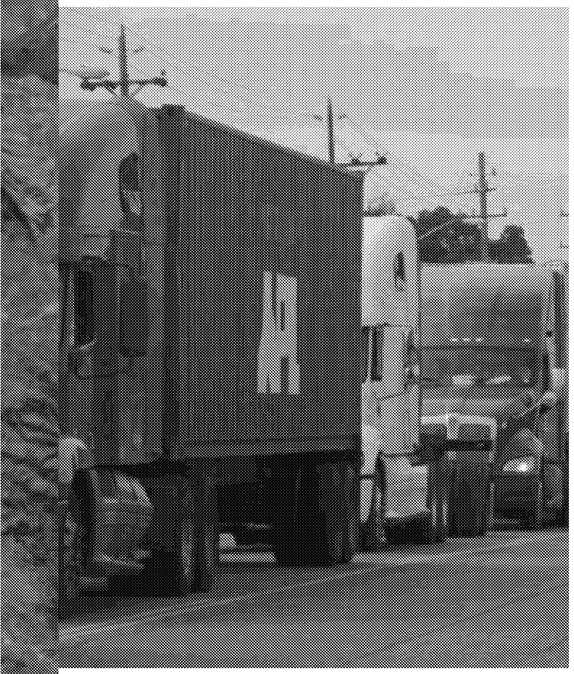
BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Overview

- Community Health Protection in Bay Area
- CARE Program
- AB 617 Process in Bay Area
- Community Selection Criteria
- Getting Started
- Next Steps

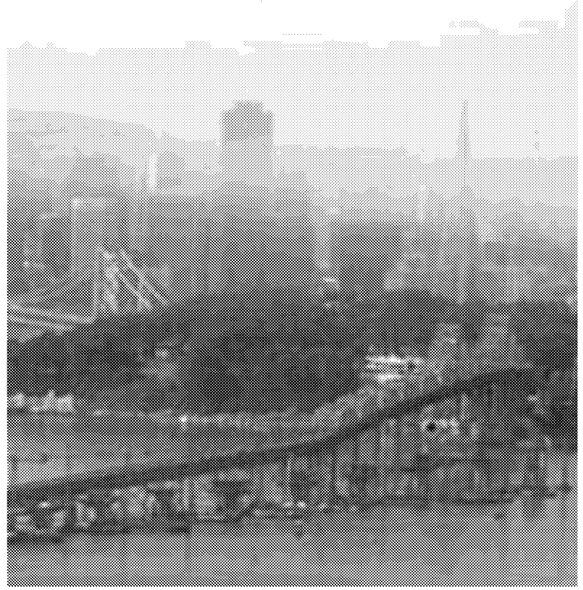
Community Health Protection: An Air Quality Lens

Air Quality Pollutants



- emission rates
- types of emissions

Ambient Concentration



- types of pollutants
- topography
- wind patterns

Exposure and Dose

- breathing rate
- location
- time

Health Effects

- dose
- susceptibility

Community Health Protection in the Bay Area

- Regional
- Facilities
- Communities

Regional-scale

- Considers regional population exposure to common sources
- Focus on carbon monoxide, lead, nitrogen dioxide, ozone, fine particles, sulfur dioxide
- Meeting ambient air quality standards

Facility-scale

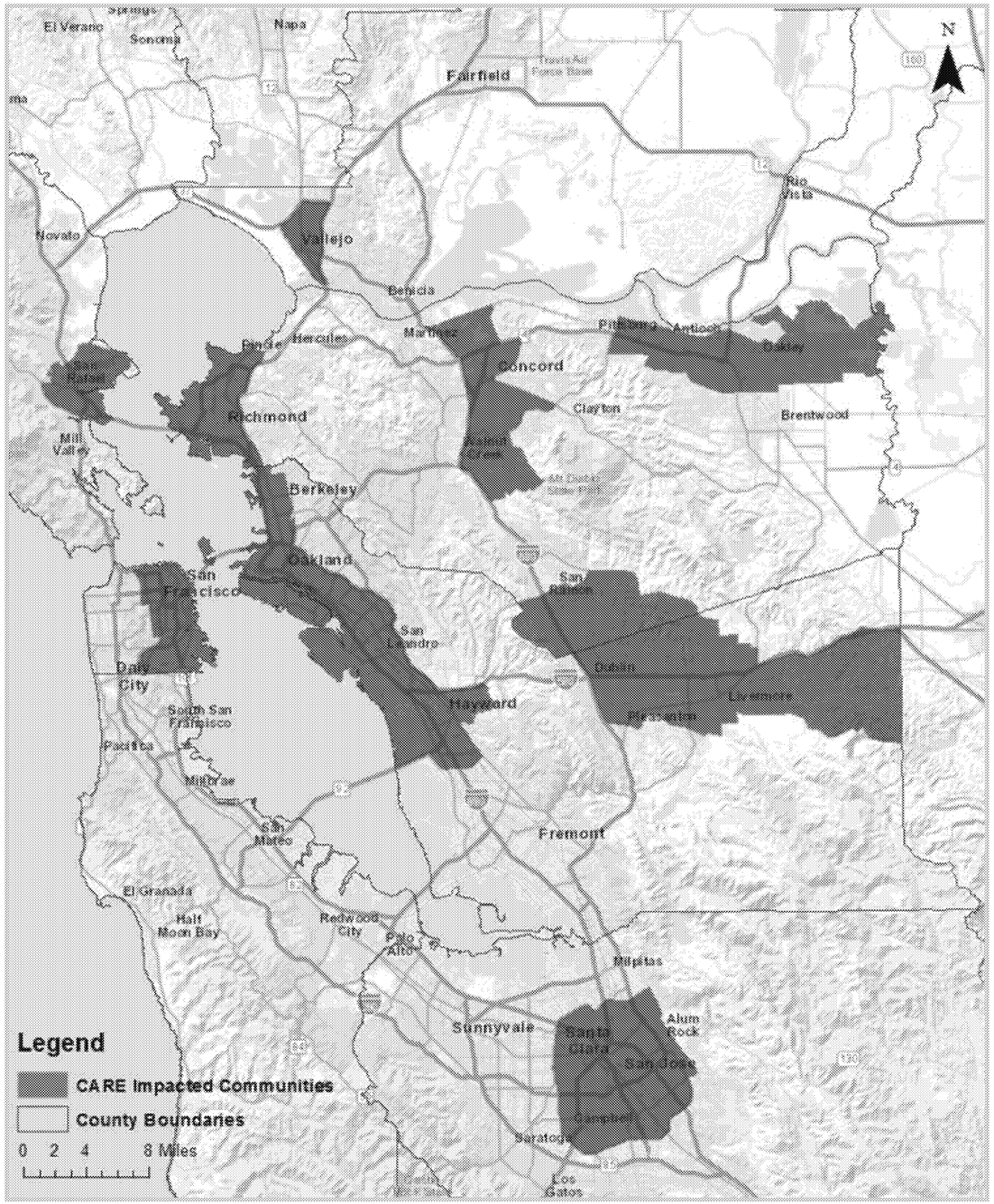
- Single-source focused
- Focus on toxics
- Health risk assessments

Community-scale

- CARE program (2008)
- Focuses on cumulative impacts and community health
- Bridges gap between regional and facility planning
- AB 617 (2017)

CARE Program

- Complements traditional air quality planning
- Highlights communities most affected by high exposure and those vulnerable to air pollution
  - Maps areas of greater health impact based on cumulative air pollution levels and existing adverse health outcomes
  - Identifies **vulnerable communities**
- Strives to fill a gap in health protection between regional and facility-scale assessments



http://www.baaqmd.gov/research-and-data/interactive-data-maps

000229 2020-10-29

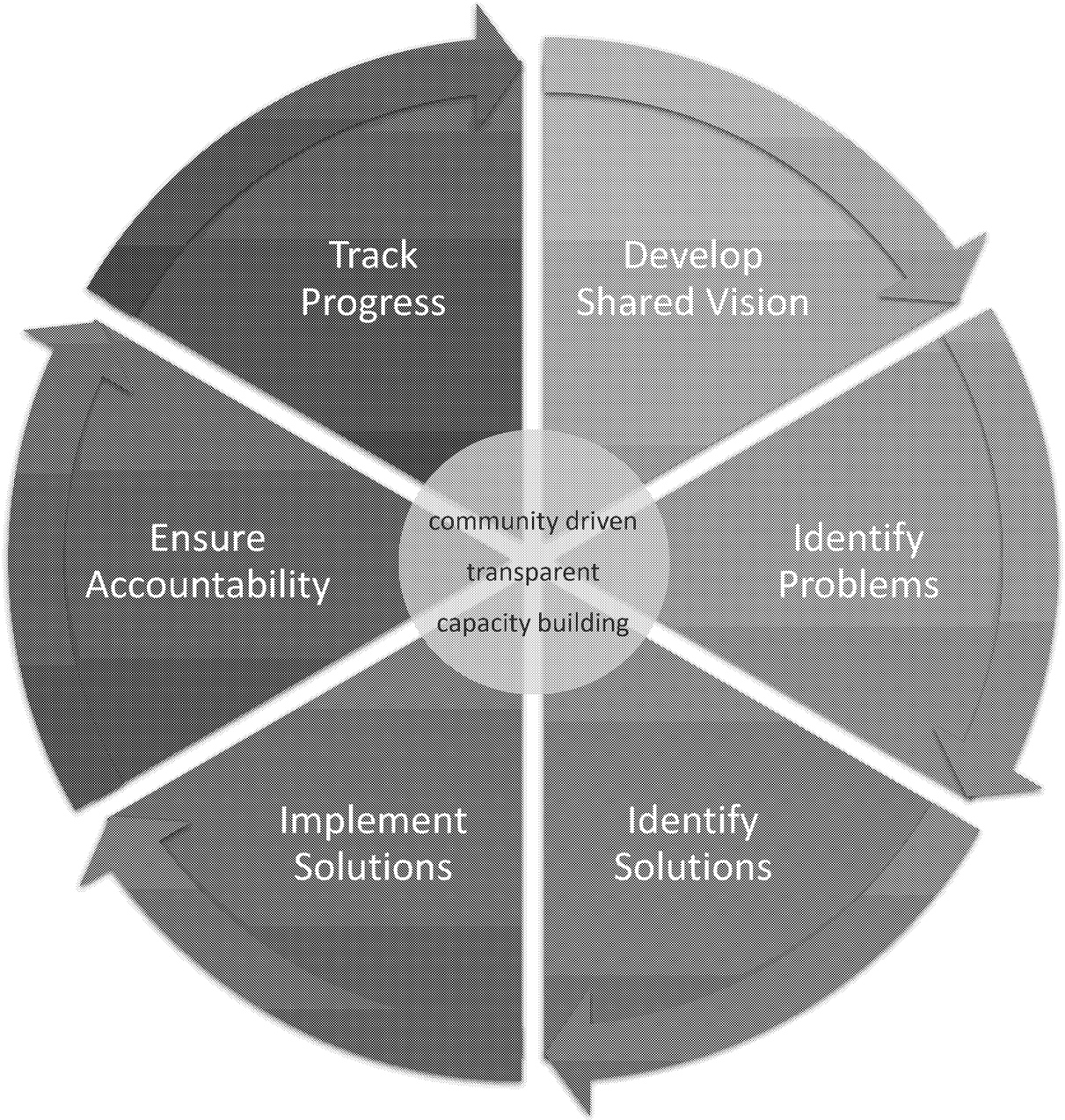
AB 617 Principles

- Community Driven
- Transparency
- Capacity Building

AB 617 Program Goals

- Community Participation
- Eliminate Air Quality Disparities
- Continuous Evaluation and Improvement

AB 617
A Community-Driven Process



Community Selection

*State requires districts to work with communities to select all areas in the region that have a **"high cumulative exposure burden"** and therefore require community monitoring and/or actions plans.*

Criteria Under Consideration

CARE

- High pollutants
  - fine particles
  - toxics
  - Ozone
- Mortality
- Cancer risk
- Hospitalization and ER visits due to air pollution

Additional Impacts[1]

- Asthma
- Cardiovascular
- Low birth weight
- Diesel Exhaust
- Traffic

Other Large Sources

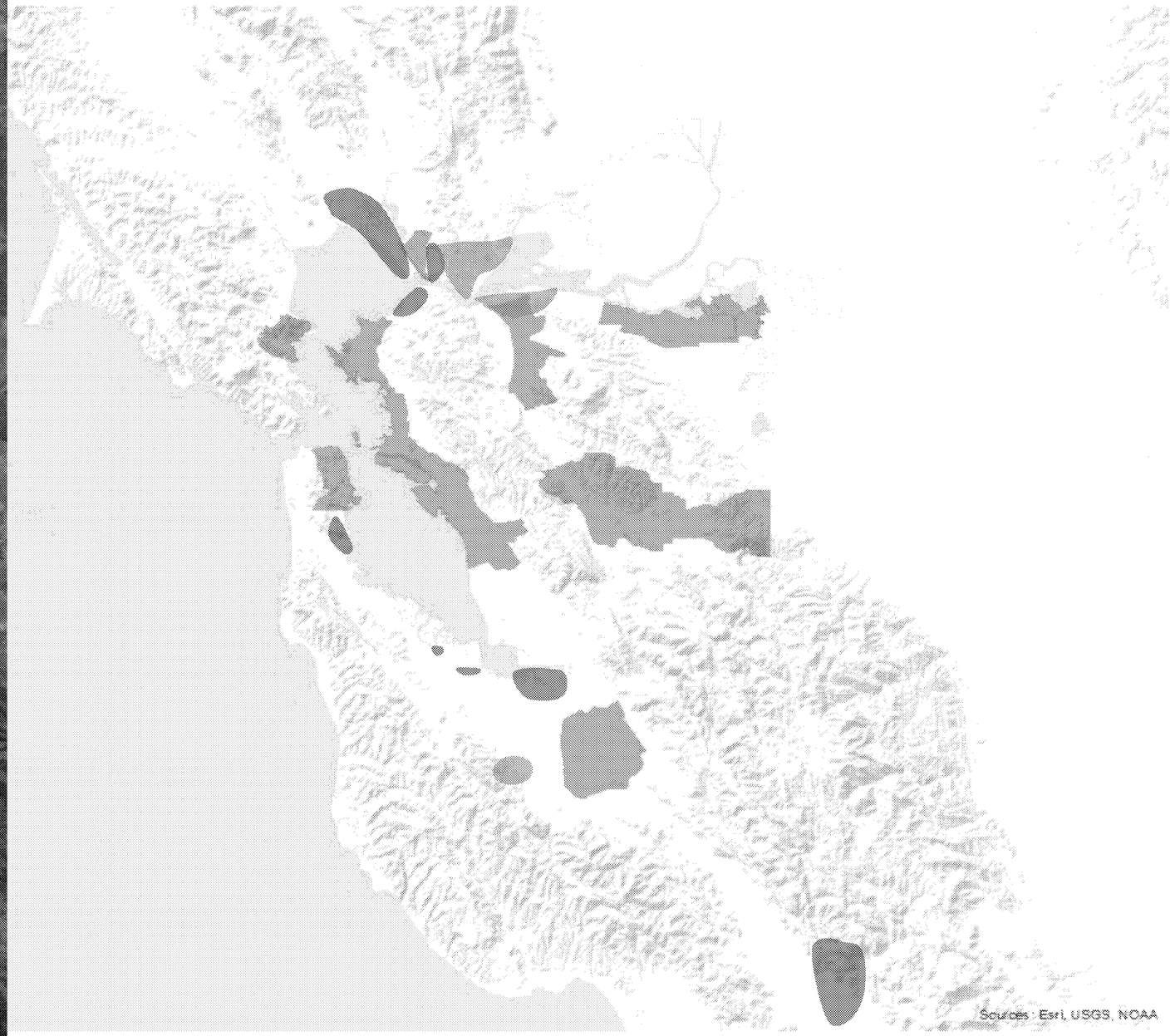
- Oil refineries
- Cement plants
- Others?

1. As determined per CalEnviroScreen and Health Disadvantage Index

CARE Areas

Additional Impact Areas

Other Large Sources

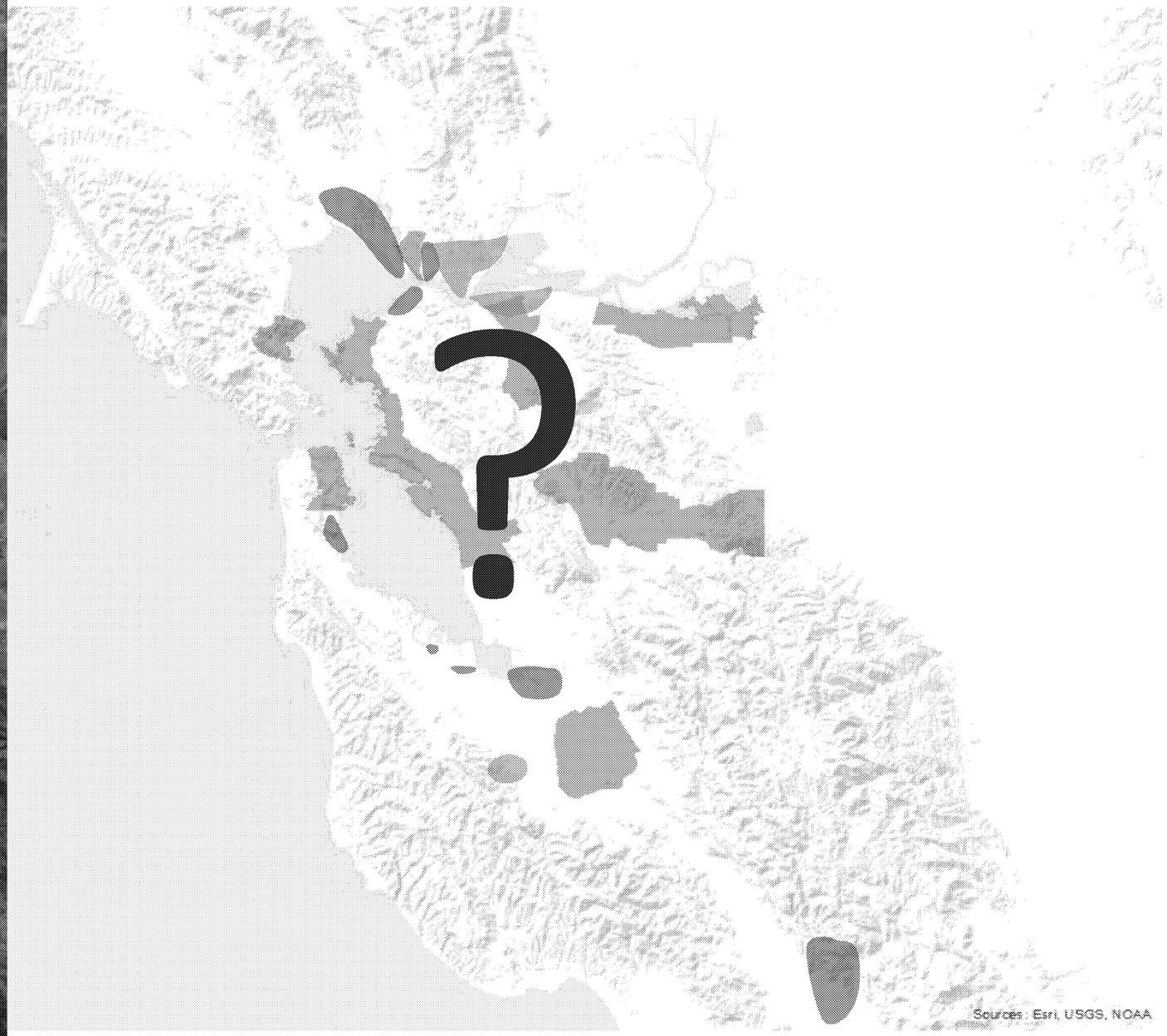


CARE Areas

Additional Impact Areas

Other Large Sources

? Other areas



Getting Started

- Incentives
- Early Actions

Incentives

Ample opportunity for community participation

- Community survey (ongoing): **https://www.peakdemocracy.com/5809**
- Feb 26th Oakland workshop with Air Resources Board
- Future AB 617 community workshops
- Input will be used to inform outreach and project identification processes

Incentives

- Newly available $50 million through Carl Moyer and Goods Movement Program
- Reduce diesel from mobile sources
- Prioritize impacted communities
- Dirty fleet replacement
- Voluntary participation
- Under contract by June 30, 2019; spent by June 30, 2021

West Oakland

- High $PM_{2.5}$ concentrations
- Very high mobile source emissions
  - Port of Oakland largest single source of DPM
  - Roadways contribute significantly to $PM_{2.5}$
- Low stationary source emissions

- High health burden
- High socio-economic vulnerability
- Concerns about new development at Port of Oakland and Oakland Army Base

Richmond

Monitoring

- Moderate $PM_{2.5}$ concentrations
- Very high stationary source emissions
  - Chevron refinery, chemical plant, landfills, water treatment facility
- High mobile source emissions
- High health burden
- High socio-economic vulnerability

Questions

- What do you think about the draft criteria?
- What other areas should be included and why?
- How can we help you participate?

Feb 2018

Begin Community Meetings

Feb 2018

Outreach Plan

Feb/March 2018

Air District Board Meeting

State Community Meetings

April 2018

Final Selection of ALL Possible Communities

July 2018

Final Selection of Priority Communities

Thank you for being here

Greg Nudd
Deputy Air Pollution Control Officer
gnudd@baaqmd.gov

Message

From: Temple, Kurt [Temple.Kurt@epa.gov]
Sent: 2/1/2018 1:51:02 PM
To: Grow, Richard [Grow.Richard@epa.gov]
Subject: FW: Oakland Draft Informal Resolution Agreement EPA and DOT reconciliation 2018.1.30.docx
Attachments: Oakland Draft Informal Resolution Agreement EPA and DOT reconciliation 2018.1.30.crpg.docx

Richard: In the interest of keeping this moving, I got additional comments back from CRFLO based on the version that Ryan and I created on Monday during our work session. Could you take a look and see if any can be addressed from R9's perspective? It may help your review to simply focus on Mary and Julia's comments from "Tuesday." Also, to help expedite, don't worry so much about the procedural and boilerplate stuff. Perhaps just those comments in the Background and the Specific Commitments sections. Unfortunately, I'm still out of the office due to illness. Thanks.

Kurt

From: O'Lone, Mary
Sent: Wednesday, January 31, 2018 4:15 PM
To: Temple, Kurt <Temple.Kurt@epa.gov>
Cc: Keeler, Katsumi <Keeler.Katsumi@epa.gov>; Rhodes, Julia <Rhodes.Julia@epa.gov>
Subject: RE: Oakland Draft Informal Resolution Agreement EPA and DOT reconciliation 2018.1.30.docx

Kurt-
Julia & I have both reviewed the draft West Oakland Agreement you circulated yesterday.
Our comments & suggested edits are included on the draft.
Please let me know if you have any 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, January 30, 2018 11:38 AM
To: O'Lone, Mary <OLone.Mary@epa.gov>
Cc: Keeler, Katsumi <Keeler.Katsumi@epa.gov>
Subject: Oakland Draft Informal Resolution Agreement EPA and DOT reconciliation 2018.1.30.docx

Deliberative Process / Ex. 5

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: Morris, Robbie@ARB [robbie.morris@arb.ca.gov]
Sent: 9/22/2017 6:49:54 PM
To: Alison Kirk [AKirk@baaqmd.gov]
CC: David Vintze [DVintze@baaqmd.gov]; Lee, Anna, Public Health, OOD [anna.lee@acgov.org]; 'Margaret Gordon' Personal Email / Ex. 6 Brian Beveridge Personal Email / Ex. 6 Yura, Elizabeth@ARB [eyura@arb.ca.gov]; Grow, Richard [Grow.Richard@epa.gov]
Subject: RE: Port of Oakland Board meeting Sept 28 - Oakland Army Base Lease pulled from Agenda

Good to hear. Thank you for the update. Robbie

From: Alison Kirk [mailto:AKirk@baaqmd.gov]
Sent: Friday, September 22, 2017 11:40 AM
To: Lee, Anna, Public Health, OOD <anna.lee@acgov.org>; Grow, Richard <Grow.richard@epa.gov>; 'Margaret Gordon' Personal Email / Ex. 6 Brian Beveridge Personal Email / Ex. 6 Yura, Elizabeth@ARB <eyura@arb.ca.gov>
Cc: David Vintze <DVintze@baaqmd.gov>; Morris, Robbie@ARB <robbie.morris@arb.ca.gov>
Subject: RE: Port of Oakland Board meeting Sept 28 - Oakland Army Base Lease pulled from Agenda

Update – Ms. Margaret just alerted us this item to be pulled from agenda for 28th, to be heard on Oct.12. (sorry if you all already heard, I didn't see you on the distribution list)

I just spoke with Port Clerk and she anticipates official announcement expected by 4 p.m. today.

Alison Kirk
Senior Environmental Planner
415-749-5169

From: Alison Kirk
Sent: Thursday, September 21, 2017 8:45 AM
To: Anna Lee <Anna.Lee@acgov.org>; Richard Grow <grow.richard@epa.gov>; 'Margaret Gordon' Personal Email / Ex. 6 Brian Beveridge Personal Email / Ex. 6 Yura, Elizabeth <eyura@arb.ca.gov>
Cc: David Vintze <DVintze@baaqmd.gov>; 'Morris, Robbie@ARB' <robbie.morris@arb.ca.gov>
Subject: Port of Oakland Board meeting Sept 28 - Oakland Army Base Lease on Agenda
Importance: High

Hello,

After years of closed-door negotiations, OAB is finally on the Port agenda, item 5.2 at the Thursday, Sept. 28 Board meeting.

Item 5.2 is an Ordinance and Resolution to enter into a ground lease with CenterPoint-Oakland Development I, LLC for 66 years.

As you might expect, the Port's lease with CenterPoint calls for CenterPoint to meet the requirements of the OAB CEQA documents. As we all know, these requirements are vague and do not meet the standards we have been recommending to the City over the years.

I'll be drafting a letter from BAAQMD for the Sept. 28 meeting, urging the Port to implement measures consistent with our recommendations, etc.

Let me know if you have any questions or comments!

Thanks,

Alison Kirk, AICP
Senior Environmental Planner
415-749-5169

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

Message

From: Alison Kirk [AKirk@baaqmd.gov]
Sent: 9/22/2017 6:39:39 PM
To: Lee, Anna, Public Health, OOD [anna.lee@acgov.org]; Grow, Richard [Grow.Richard@epa.gov]; 'Margaret Gordon' Personal Email / Ex. 6 ; Brian Beveridge Personal Email / Ex. 6 ura, Elizabeth [eyura@arb.ca.gov]
CC: David Vintze [DVintze@baaqmd.gov]; Morris, Robbie@ARB [robbie.morris@arb.ca.gov]
Subject: RE: Port of Oakland Board meeting Sept 28 - Oakland Army Base Lease pulled from Agenda

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Sent: Thursday, September 21, 2017 8:45 AM
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Cc: David Vintze <DVintze@baaqmd.gov>; 'Morris, Robbie@ARB' <robbie.morris@arb.ca.gov>
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Let me know if you have any questions or comments!

Thanks,

Alison Kirk, AICP
Senior Environmental Planner
415-749-5169

The Bay Area Air Quality Management District

375 Beale Street, Suite 600
San Francisco, CA 94105

Message

From: Marvin, Cynthia@ARB [cynthia.marvin@arb.ca.gov]
Sent: 7/19/2017 7:05:10 PM
To: Grow, Richard [Grow.Richard@epa.gov]
Subject: Re: West Oakland Title VI complaint accepted for investigation

Thanks for keeping us all in the loop on this process Richard.

On July 19, 2017 at 9:33:52 AM PDT, Grow, Richard <Grow.Richard@epa.gov> wrote:

> Late yesterday EPA and DOT issued a formal "acceptance for investigation" letter to the City and Port, attached. Per the letter the City and Port may respond if they choose within the next 30 days. During that time EPA and DOT will be putting together their investigative plan. EPA's procedures are described in the Case Resolution Manual, a link to which is included in the letter. Keep in mind this is a joint DOT-EPA investigation and that the complainants suggested in their complaint that DOT take a lead role.
>
> Richard

Message

From: Port of Oakland [community@portoakland.com]
Sent: 7/21/2017 5:00:32 PM
To: Grow, Richard [Grow.Richard@epa.gov]
Subject: Port in the Community July e-Newsletter

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You are receiving this email because you have expressed an interest in the Port of Oakland. Don't forget to add community@portoakland.com to your address book so we'll be sure to land in your inbox!

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Community Highlights

Port Launches Free Harbor Tours

Port Celebrates Independence Day

Port of Oakland Welcomes Summer Interns

Port of Oakland Employees' Scholarship

July 21, 2017

Community Highlights

Program Awards College Scholarships

Local Students Gain Hands on Experience at Aviation Day

Port's Asian Employees' Association Awards College Scholarships

Port Celebrates Asian Heritage Month

Cypress Mandela Training Center Awarded $70,000

Amy Tharpe: Stories of the Port

Buoyant Ecologies Community Engagement Project Presents at Oakland City Hall

Volunteers Celebrate Earth Day at Middle Harbor Shoreline Park

Oakland Youth Careers Expo 2017

Follow Your Port!

Block Party Event Series

CUESA's Jack London Square Farmers Market

Dancing Under the Stars at Foot of Broadway

Jack of All Trades

Pedal Fest

Waterfront Flicks

Working with the Port

How to do business

Port Launches Free Harbor Tours
May - Oct., 2017

The Port of Oakland is sponsoring free harbor tours from May through October 2017 on the Blue & Gold Fleet. 90-minutes tours are held twice a month. Visitors will learn about the Port, its operations and economic impact on the region. The excursions are a great way to give visitors a close-up look at how the Oakland seaport works. Click here to register for a tour.

Port Celebrates Independence Day
Jul. 4, 2017

The Port celebrated Independence Day with a festive photo booth at Jack London Square 4th of July Backyard BBQ!

Business opportunities

Port "Contracting 101" handouts

Stay Connected

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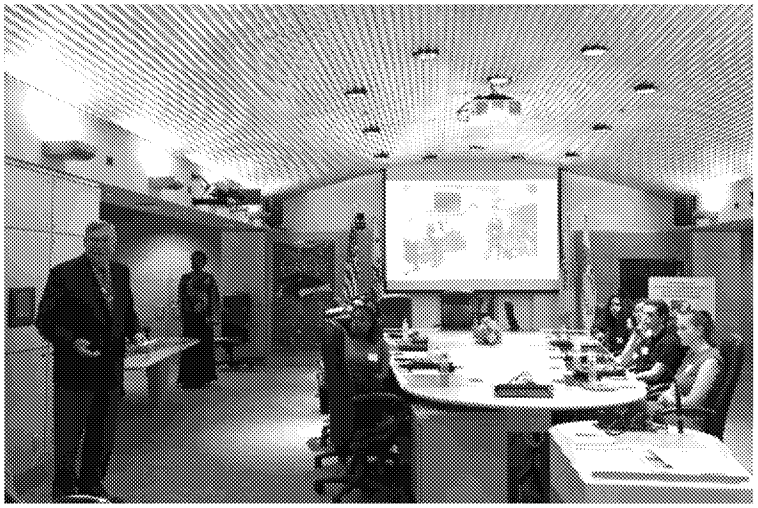
Port of Oakland Welcomes Summer Interns
Jun. 12, 2017

The Port welcomed 26 college and high school interns. This summer, the interns will learn about the Port's maritime, aviation, and commercial real estate businesses.



Port of Oakland Employees' Scholarship Program Awards College Scholarships
Jun. 6, 2017

Congratulations to this year's Port of Oakland Employees' Scholarship Program recipients! This year, the Port awarded 13 scholarships, totaling $38,000. To date, 270 scholarships totaling $886,000 have been awarded to Oakland high school seniors.

Local Students Gain Hands-on Experience at Aviation Day
May 20, 2017

Oakland International Airport and the Federal Aviation Administration partnered to bring "Oakland Aviation Day" to elementary and middle school students from the Oakland Unified School District. The students were thrilled to gain hands-on experience within the aviation industry.

Port's Asian Employees' Association Awards College Scholarships
May 19, 2017

The Port's Asian Employees' Association (AEA) awarded 15 scholarships to totaling $11,500 to Oakland high school students.

The Port Celebrates Asian Heritage Month
May 18, 2017

The Port celebrated Asian Heritage Month at the Port Board meeting with special guest, former Port Commissioner Henry Chang honoring the Port's first Asian Commissioner, Herbert Eng.

Cypress Mandela Training Center Awarded $70,000
May 11, 2017

Cypress Mandela Training Center was awarded $70,000 to prepare local workers in the building trades and fund apprenticeship training. The grant was made possible through a project labor agreement Social Justice Fund, and collected from contractors who work on Port projects.

Amy Tharpe: Stories of the Port
May 3, 2017

"Stories from the Square" blogger Alessia Brisbin from Craig Communications interviewed the Port's Social Responsibility Director Amy Tharpe on how the Port gives back to the community in various ways. Read more here.

Buoyant Ecologies Community Engagement Project Presents at Oakland City Hall
May 2, 2017

The Port partnered with the Buoyant Ecologies Community Engagement Project to bring Oakland High School students to the Port's Middle Harbor Shoreline Park. The students learned about wetland ecology from the Park's naturalist, researched how to design floating structures to reduce climate change effects, and presented their proposals at Oakland City Hall.

Volunteers Celebrate Earth Day at Middle Harbor Shoreline Park
April 22, 2017

Earth Day cleanup at the Port's Middle Harbor Shoreline Park was filled with fun activities, including bird watching, dune planting, trash collecting from the shoreline, as well as snacks and prizes for 120 volunteers!

Oakland Youth Careers Expo 2017
April 13, 2017

The Port of Oakland met the next generation of leaders at the 2017 Oakland Youth Careers Expo. Port staff spoke to more than 200 students about career pathways in engineering, environmental science and international trade.

FOLLOW YOUR PORT IN THE COMMUNITY!

JACK LONDON square

- Block Party Event Series throughout Jack London Square

- Grilled Cheese Block Party Sat., 8/19/17

- CUESA's Jack London Square Farmers Market
  - Sundays
- Dancing Under the Stars at Foot of Broadway
  - Merengue Fri., 8/4/17
  - East Coast Swing Fri., 8/11/17
  - Zouk Fri., 8/18/17
  - Salsa Fri., 8/25/17
- Jack of All Trades throughout Jack London Square
  - Sat., 8/12/17
- Pedal Fest throughout Jack London Square
  - Sat., 7/22/17
- Waterfront Flicks at Ferry Lawn
  - *Selena* Thurs., 8/3/17
  - *Moana* Thurs., 8/17/17

Social Responsibility Division | community@portoakland.com | http://www.portofoakland.com

Port of Oakland
530 Water Street
Oakland, CA 94607

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Port of Oakland, Social Responsibility Division, 530 Water Street, Oakland, CA 94607

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Message

From: City of Oakland [oakland@service.govdelivery.com]
Sent: 7/20/2017 11:42:07 PM
To: Grow, Richard [Grow.Richard@epa.gov]
Subject: Equity-Based Relaunch of Downtown Plan

Dear Community Member,

The City of Oakland is excited to announce a relaunched and expanded process for developing a specific plan for downtown Oakland. The City began the Downtown Oakland Specific Plan process in fall of 2015 to create a vision and guiding policy to shape the downtown. The City then paused the process to hire a consulting team of local specialists in both social equity policy and community engagement to address the community's concerns about racial disparities and displacement.

This Equity Team will supplement the work of the existing planning team by applying a social and racial equity lens to the process of developing a specific plan for downtown Oakland and deepening meaningful engagement of historically-underserved communities.

The expanded public process will include activities beginning this summer and continuing through the end of 2017, and will re-engage stakeholders and incorporate stakeholders from underrepresented communities. It has started with a series of activities targeted to leaders in communities of color and other communities whose voices are often not included in policy decisions.

Working Groups – Coming Soon!
The next phase is a series of working group meetings on four topic areas based on issues the community identified during the first phase of the specific plan process:

- Housing, Affordability, Jobs, Training & Economic Opportunity Working Group
- Arts & Culture Working Group
- Streets, Connectivity & Built Environment Working Group
- Sustainability, Health, Safety, Recreation & Open Space Working Group

Community members interested in one of these topics are invited to join a working group. The first round of working group meetings will focus on **social equity**, the second on **technical analysis**, and the final round on **implementation and prioritization**. We encourage participants to commit to attending all three meetings for their working group topic.

If you would like to join one of the four working groups that will be meeting over the next several months, **RSVP to the first meeting of that working group here** to receive more details. The first round of meetings are the first week of August, from 5:30-8:00pm, at a downtown location near transit (specific location to be confirmed):

Social Equity Working Group Meetings

- Monday, July 31: Housing, Affordability, Jobs, Training & Economic Opportunity
- Tuesday, August 1: Arts & Culture
- Wednesday, August 2: Streets, Connectivity & Built Environment
- Thursday, August 3: Sustainability, Health, Safety, Recreation & Open Space

Other Opportunities
If these more intensive working groups are not for you, there will be other opportunities to participate in the planning process. There will be a series of neighborhood design meetings in October and public workshops in late 2017/early 2018 to help develop the draft plan. Stay tuned for more information!

More Information
The new EQTDTO (Equity in Downtown Oakland) outreach website for the Downtown Oakland Specific Plan is now live! Be sure to check it for more updates: https://www.eqtdto.com/

For plan documents and more information about the Downtown Oakland Specific Plan, please visit the following link: http://www.oaklandnet.com/plandowntownoakland

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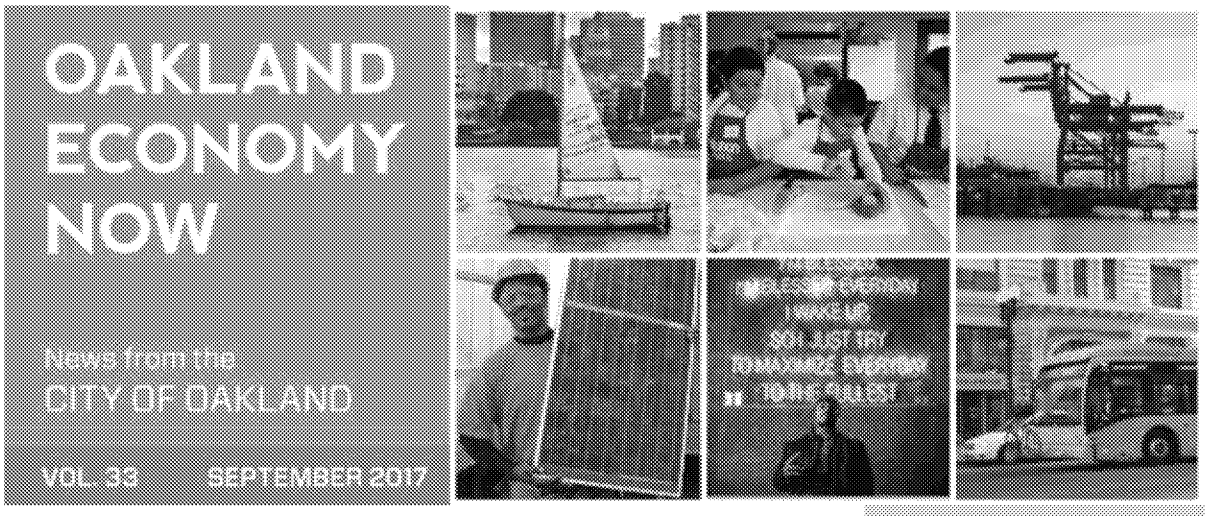
Message

From: City of Oakland [oakland@service.govdelivery.com]
Sent: 9/8/2017 9:20:14 PM
To: Grow, Richard [Grow.Richard@epa.gov]
Subject: Oakland Economy Now - News from the City of Oakland - September Issue Vol. 33



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ARTS

Oakland Launches Citywide Cultural Plan

The City of Oakland's Cultural Affairs Division invites the public to engage in the creation of Belonging in Oakland: A Cultural Development Plan, Oakland's first comprehensive citywide plan focused on arts and culture. This plan will create a snapshot of Oakland's unique cultural assets, define cultural priorities for the city, foster opportunities for economic benefit and community engagement, and enhance the quality of life for Oakland residents, businesses and visitors. The plan launches this month with a series of community conversations and cultural dialogues to envision how to support and strengthen the cultural and creative life of Oakland. For the schedule, locations, and additional ways to participate, visit www.oaklandnet.com/culturalplan.

RESOURCES

Opening a Business?
Contact us!

Business Assistance Center

Zoning & Permits

KivaZip Oakland Interest-free Business Loans

Nominate a Business for the East Bay Innovation Awards!

Foreign Trade Zone

Quarterly Economic Dashboard

Minimum Wage & Employment Laws

NEW BUSINESS HIGHLIGHTS

Ability Now Bay Area
Atomic Fiction
Bentley Systems
Breezy
Clean 360
Craft & Spoon
CyArk
Grocery Café (relocation)

Alice Street Mural by the Community Rejuvenation Project. Photo by Vanessa Whang.

SMALL BUSINESS

Spotlight on Small Business Resources: Oakland Grown

Oakland Grown works to grow the market share of locally-owned businesses through professional development, strategic networking, and marketing. "We bring the world to Oakland businesses, and bring Oakland businesses to the world," says CEO Jody Colley. Oakland Grown accomplishes that through individual attention to business members, its website and social media channels, guides, digital galleries, cooperative branding, and messaging campaigns, sharing the stories behind beloved local businesses, innovative and diverse entrepreneurs and the creative tastemakers that make Oakland so vibrant and unique. For more information or to join, please visit www.OaklandGrown.org or email OaklandGrown@gmail.com.

Find more resources for small businesses and join City Business Development staff at the Small Business & Nonprofit Fair hosted by the Oakland Metropolitan Chamber of Commerce on September 13. Register here.

Hugo's Tours & Travel
Humphry Slocombe Ice Cream
just Be Oak
The Landing Cafe
Oakland Sharp
Paradise Park Cafe
Paylocity
Shinmai
Sideshow

UPCOMING EVENTS

Uptima Business Bootcamp Application Deadline
Sept 8 @ Impact Hub Oakland

Oakland Pride
Sept 10 @ Downtown

Tell Your Story Oakland: Storytelling for Business and Job Opportunities
Sept 12 @ Impact Hub Oakland

Demo Oakland
Sept 12 @ The New Parkway Theater

Legal Services for Entrepreneurs Advice Clinic
Sept 14 @ Oakland Business Assistance Center

Doing Business with the Oakland Unified School District
Sept 15 @ Oakland City Hall

Entrepreneurship Readiness Program
Sept 15 @ Centro Community Partners

Inclusion in Entrepreneurship Summit: accessing federal funds
Sept 15 @ UC Berkeley

Circuit Launch Grand Opening
Sept 18 @ 8000 Edgewater

OPIC 2017 Expanding Horizons Conference
Sept 19 @ Oakland Marriott

Business Referral Network
Sept 20 @ Oakland Metropolitan Chamber

Finance Your Business panel discussion
Sept 20 @ Oakland Business Assistance Center

oakland grown

Join the Plaid Friday Weekend Promotion!

A holiday season shopping campaign to encourage shoppers to discover Oakland's many commercial neighborhoods - and meet the merchants that make our city a special place to live and shop - kicks off with Plaid Friday Weekend, November 24-26. Studies have shown that retailers in cities with a "buy local" campaign do significantly better in sales than ones in cities without one. It is free for merchants to join the campaign and receive marketing toolkits and ideas on how to make the most out of Plaid Friday Weekend and the holiday season. The roster of special offers, entertainment and activities will be hosted on www.OaklandGrown.org starting in November, with updates posted throughout the holiday season. Registration closes on September 22. For more information on registration, please contact Townsquared Community Manager Kira Pascoe.

Eat Real Fest
Sept 22-24 @ Jack London Square

Oaklanders Talk Tech
Sept 29 @ Pandora

OAKLAND IN THE NEWS

Oakland airport adds new East Coast flights
Aug 29, East Bay Times

Longtime jewelry store Folks Art relocates to Montclair Village
Aug 29, East Bay Times

Oakland tower site for sale in hot downtown district
Aug 28, San Francisco Business Times

Oakland comes out ahead despite Uber's exit
Aug 28, San Francisco Business Times

Lane Partners' Oakland Towers Project for 344 Units Advances
Aug 24, The Registry

Hawker Fare to see new life as Oakland pop-up
Aug 23, San Francisco Chronicle

KBS Capital Advisors Buys Downtown Oakland Office Towers
Aug 22, BisNow

Why This Cycle Is Different For Oakland Multifamily
Aug 21, BisNow

Oakland: Next Phase Of Brooklyn Basin Project OK'd
Aug 21, East Bay Times

An East Bay business on the go
Aug 22, East Bay Times

Investors flip Oakland office towers three times in four years
Aug 21, San Francisco Business Times

Red Door Catering in Oakland opens an unexpected career

Downtown and Lake Merritt Uptown Community Benefit Districts Seeking Feedback

Oakland has 11 community benefit and business improvement districts, formed by businesses and/or property owners in special commercial areas to assess themselves for maintenance, security, management and physical improvements beyond those normally provided by the City. Among these are the Downtown Oakland Association and the Lake Merritt/Uptown District Association, which first formed in 2009 and are set to be renewed in 2019. As part of their renewal process, Downtown and Lake Merritt/Uptown are seeking feedback on priorities and improvements. Please complete their survey by September 15 and share your thoughts on the future of Downtown and Uptown Oakland. In appreciation, the districts will enter you into a drawing for a gift certificate from a fabulous local, independently-owned business!

To learn more about how the City of Oakland helps facilitate the creation of business districts in neighborhood commercial areas, please contact Business Development Coordinator Aliza Gallo.

Aug 15, San Francisco Chronicle

Here are the next hottest retail markets in the Bay Area
Aug 11, San Francisco Business Times

A Modern Guide to Jack London Square: Hearty Eats, Strong Drinks, History on the Side
Aug 11, 7x7

What Gets Shipped Through the Port of Oakland?
Aug 10, KQED

Three Oakland artisans stake their claim in the East Bay
Aug 10, San Francisco Chronicle

Port of Oakland sets all-time record for imports in a month
Aug 9, American Journal of Transportation

Federation Brewing Settles in to Oakland's Jack London Neighborhood, a Burgeoning Brew District
Aug 9, East Bay Express

How Oakland housing developers are avoiding escalating fees
Aug 7, San Francisco Business Times

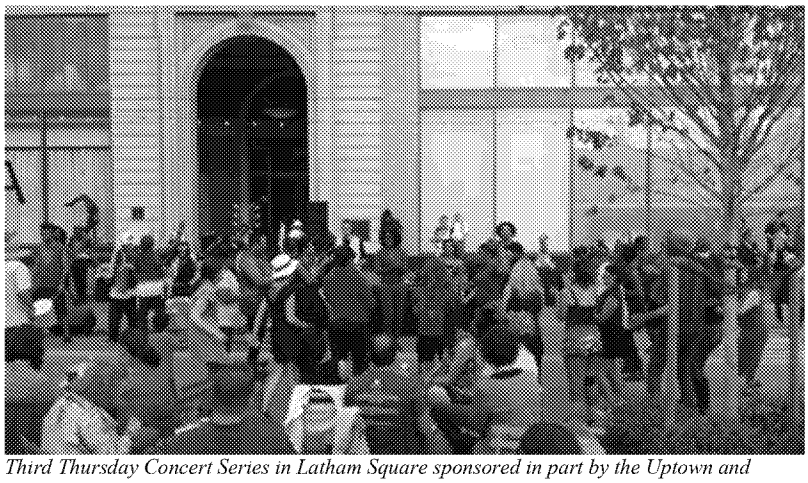
16-Story Residential Tower Proposed For Jack London Square
Aug 7, Hoodline

Early Stage: Oakland startup delivers lunch, pulls young people out of poverty
Aug 6, The Mercury News

West Oakland Acreage to Be Auctioned next Month
Aug 4, SocketSite

West Coast landlord proposes tower near Oakland's Jack London Square
Aug 4, San Francisco Business Times

Closed Oakland fire station to become restaurant
Aug 4, East Bay Times

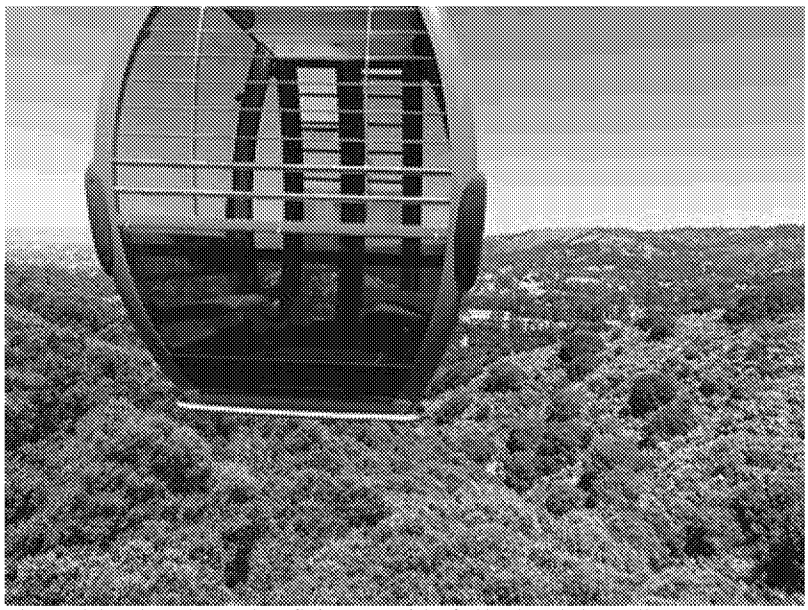


Third Thursday Concert Series in Latham Square sponsored in part by the Uptown and Downtown business districts.

FOOD & DRINK

Unique Restaurant Openings in New Neighborhoods

Answering a request for more dining options in the Dimond District, the City of Oakland is selling its former Fire Station No. 14 to Domenica Rice-Cisneros, the owner of the popular Cosecha restaurant at Swan's Market. The remodeled fire station will house a new full-service, 4,500-square-foot restaurant, named Bombera Bar & Grill, that will specialize in Latin fusion dishes. Meanwhile, as part of the Oakland Zoo's $80 million expansion, the newly-opened Landing Café, accessed by a gondola ride over the Oakland Hills, provides diners on its observation deck with panoramic views of six Bay Area counties. For more information on City-owned Real Estate opportunities, please contact Real Estate Manager James Golde.



The gondola ride to the Landing Cafe is part of the Oakland Zoo's $80 million expansion.

NONPROFITS

Port Workspaces CEO Joel Pool predicts coworking market could increase by 30x
Aug 3, San Francisco Business Times

Made in the Bay Area: Dozens of cities have banded together to help revitalize local makers
Aug 3, San Francisco Business Times

These 10 zip codes are the hardest places to build housing in the Bay Area
Aug 2, San Francisco Business Times

Oakland Launches Downtown Plan 2.0
Aug 2, Next City

Oakland airport expands as international arrivals increase
July 28, East Bay Times

Another San Francisco office tenant gears up for major Oakland expansion
July 27, San Francisco Business Times

Oakland to improve pathways from downtown, Chinatown to waterfront
July 27, East Bay Times

Can Chinese developer bring $565 million megaproject to an Oakland BART station?
July 26, San Francisco Business Times

Bay Area home prices hit another record in June
July 26, San Francisco Chronicle

Bay Area real estate: Home prices leap to yet another record high
July 26, East Bay Times

Visit Our Newsletter Archive

CITY OF OAKLAND

Oakland Nonprofit Goes Solar By Crowdfunding

As commercial real estate becomes more expensive, nonprofits are finding innovative ways to save costs. One such organization, Harbor House, has served the Oakland community since 1972, offering after-school programs, youth leadership trainings, English-as-a-Second-Language classes, job skills training, and a food pantry. In partnership with RE-volv, another nonprofit organization that brings solar to under-served communities through crowdfunding campaigns, Harbor House successfully raised $26,620 to install a new 11.76kW photovoltaic system. This system will save them 39% of their electric bill in the first year and around $110,000 over its lifespan. Harbor House is now offering excess office space to other local nonprofits. For more information on nonprofits in Oakland, please contact Economic Analyst Marisa Raya.

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Message

From: McDaniel, Penelope [MCDANIEL.PENELOPE@EPA.GOV]
Sent: 9/8/2017 9:04:00 PM
To: Machol, Ben [Machol.Ben@epa.gov]; Grow, Richard [Grow.Richard@epa.gov]
Subject: FW: Discussion re; table for Ports Oakland Army Base Mitigation Table (ag)
Attachments: Port-OAB Mitigations 8-22.xlsx; Port-OAB Action List_final.docx

Penny McDaniel
Director, U.S.-China Green Ports and Vessels Initiative
Lead, West Coast Collaborative & DERA
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From: Aloha de Guzman [mailto:adeguzman@baaqmd.gov]
Sent: Friday, September 8, 2017 2:02 PM
To: McDaniel, Penelope <MCDANIEL.PENELOPE@EPA.GOV>; dbreen@baaqmd.gov
Subject: RE: Discussion re; table for Ports Oakland Army Base Mitigation Table (ag)

Hello,

Please see attached.

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
adeguzman@baaqmd.gov

From: McDaniel, Penelope [mailto:MCDANIEL.PENELOPE@EPA.GOV]
Sent: Friday, September 8, 2017 2:01 PM
To: Damian Breen <dbreen@baaqmd.gov>; Aloha de Guzman <adeguzman@baaqmd.gov>
Subject: RE: Discussion re; table for Ports Oakland Army Base Mitigation Table (ag)

Hi Damian and Aloha,
Would you be able to send the word document as an attachment for this meeting. We cannot access on the share drive.

Thank you,

Penny McDaniel

Director, U.S.-China Green Ports and Vessels Initiative
Lead, West Coast Collaborative & DERA
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-----Original Appointment-----
From: dbreen@baaqmd.gov
Sent: Wednesday, September 6, 2017 10:43 AM
To: dbreen@baaqmd.gov; McDaniel, Penelope; Donez, Francisco; Israels, Ken; CCappio@oaklandnet.com; MDNichols@oaklandnet.com; Tess Lengyel; adao@alamedactc.org; abockelman@mtc.ca.gov; Matt Maloney; Beba Sanchez; Jack Broadbent; Aloha de Guzman; cynthia.marvin@arb.ca.gov; elizabeth.yura@arb.ca.gov; Grow, Richard; mdavis@portoakland.com; anna.lee@acgov.org; Carolyn Clevenger; rsinkoff@portoakland.com; Henry Hilken; Maricela Martinez; Vanessa Johnson; Sheng Thao ; Rebecca Kaplan ; Catherine Mukai; Diego Gonzalez (dgonzalez@portoakland.com)
Subject: FW: Discussion re; table for Ports Oakland Army Base Mitigation Table (ag)
When: Friday, September 8, 2017 2:00 PM-3:30 PM (UTC-08:00) Pacific Time (US & Canada).
Where: Conference Call hosted by Mr. Breen

This is to discuss the document and tables distributed by Damian Breen last week.

-----Original Appointment-----
From: Damian Breen [mailto:dbreen@baaqmd.gov]
Sent: Tuesday, September 05, 2017 10:46 AM
To: Damian Breen; CCappio@oaklandnet.com; MDNichols@oaklandnet.com; Tess Lengyel; adao@alamedactc.org; abockelman@mtc.ca.gov; Matt Maloney; Beba Sanchez; Jack Broadbent; Aloha de Guzman; cynthia.marvin@arb.ca.gov; elizabeth.yura@arb.ca.gov; Grow, Richard; mdavis@portoakland.com; anna.lee@acgov.org; Carolyn Clevenger; rsinkoff@portoakland.com; Henry Hilken; Maricela Martinez; Vanessa Johnson; Sheng Thao ; Rebecca Kaplan ; Catherine Mukai; Diego Gonzalez (dgonzalez@portoakland.com)
Subject: Discussion re; table for Ports Oakland Army Base Mitigation Table (ag)
When: Friday, September 08, 2017 2:00 PM-3:30 PM (UTC-08:00) Pacific Time (US & Canada).
Where: Conference Call hosted by Mr. Breen

** This meeting is to discuss the Mitigation table that was sent out last week. If you would like to participate in this discussion, the information to call in is below **

Date: Friday, September 8. 2017

Time: 2 pm – 3:30 pm

Conference Line/Code / Ex. 6

If you have any questions or concerns, please feel free to reach out to me directly.

Thank you!

Regards,

Aloha for Mr. Breen -

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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Oakland Seaport Facilities

Siting or expanding seaport facilities, in, or near, communities already highly impacted by diesel pollution, carries a responsibility to build and operate a state-of-the-art facility with emissions as close to zero as technologically possible. Future port projects should include emerging zero emission technology for the trucks, locomotives, ship, tug boats, transport refrigeration units and support equipment that may serve, or operate, at ports. The City of Oakland (City) and Port of Oakland (Port) should take advantage of the planned construction and operational expansion to introduce changes that will lay the foundation for this technology and reduce regional emissions, minimize criteria pollutants and toxic air contaminants as well as the localized health risk from the Port's current and future operations. All projects should require the use of the cleanest technologies, support and encourage the development and demonstration of advanced technologies, with the ultimate goal of requiring the use of zero and near-zero emission technologies as soon as they are available. This requirement for the cleanest equipment is consistent with the City and the Port commitments made in the 2010 document, *A Bold Vision: Redeveloping the Former Oakland Army Base* ("*A Bold Vision*") and the 2009 *Maritime Air Quality Improvement Plan* (MAQIP).

The following actions need to be taken to ensure that Port operations or construction activities do not increase cumulative air quality impacts now or in the future.

1. <u>Port-Wide Actions</u>

   1.1. Require that all tenants and onsite construction contractors comply with and monitor compliance with all applicable air quality regulations for heavy duty-diesel trucks, including the Air Resources Board's (ARB) Tractor-Trailer Greenhouse Gas Reduction Regulation, Period Smoke Inspection Program, Off-Road Regulation, and Statewide Truck and Bus Regulation. To document compliance, require that fleets provide ARB Certificates of Compliance for the equipment regulations and copies of annual smoke test results.

   1.2. Incorporate contractual language into tenant lease agreements to ensure that tenants comply with all applicable air quality regulations, are using the cleanest technologies for their equipment (in both construction and operations) and understand their responsibilities of building and maintaining a green facility as well as compliance with diesel regulations.

   1.3. Require that the cleanest possible construction practices and equipment are utilized. This should include eliminating idling of diesel powered equipment, requiring the use of zero and near-zero emission equipment and tools to the greatest extent feasible, and providing the necessary infrastructure, like electric hookups, to support that equipment.

   1.4. Implement and plan accordingly for the necessary infrastructure to support zero emission and near-zero emission technology vehicles and equipment at

the Port. This includes physical, energy, and fueling infrastructure for construction equipment, on-site vehicles, and equipment, and medium-heavy and heavy-heavy duty trucks. 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 [HYPERLINK "http://www.arb.ca.gov/msprog/tech/tech.htm"].

At a minimum, both the Port and City should adopt targets for electric raceway circuit installation as part of initial facility construction. This will ensure sufficient electrical power is available for EV charging at sites under development and minimizes future costs to install infrastructure for zero and near zero emissions vehicles.

1.5. Develop a Sustainable Leasing Program whereby the Port and City shall work with tenants to develop and implement a policy incentive-based sustainable leasing program to attract the cleanest ships, ships that utilize shore power, zero and near-zero technologies, and otherwise incorporate technological and operational practices that reduce freight related emissions.

1.6. Require tenants to use cleaner technologies over time as they become available and feasible. This can be accomplished by requiring tenants to develop an annual Technology Review Program to identify any new emissions-reduction technologies that may reduce emissions at the Port, including the feasibility of zero and near-zero emissions technologies for heavy-duty trucks, yard equipment, tugs, vessels, and bulk handling equipment. If the technology review demonstrates the new technology will be effective in reducing emissions and the Port or City determines that installation or use of the technology is feasible, the tenant shall implement such technology within 12 months of the Port or City's determination (see Appendix A for examples of possible Technology Review Program projects).

1.7. Ensure existing and future tenants are compliant now and in the future with ARB's Transport Refrigeration Regulation. If not already implemented, incorporate operating practices that eliminate the amount of time that a transport refrigeration system powered by a fossil-fueled internal combustion engine can operate utilizing the combustion system at the Port. Furthermore, plan and design cold storage facilities that incorporate zero emission all-electric plug-in transport refrigeration systems, hydrogen fuel cell transport refrigeration, and cryogenic transport refrigeration sufficient to meet Port growth.

1.8. Require the use of cargo handling equipment (CHE), including yard trucks, handlers, gantry cranes, fork lifts, that is the cleanest available technology (LPG/LNG, renewable diesel, electric, hydrogen, electric hybrid) and use zero and near- zero emission technology for equipment that is commercially

available now and in the future, as more zero-emission equipment becomes commercially available, as committed to in *A Bold Vision*. ARB's Technology Assessment: Mobile Cargo Handling Equipment, provides information on current and projected development of CHE, including current and anticipated costs at widespread development. This assessment can be found at [HYPERLINK "https://www.arb.ca.gov/msprog/tech/techreport/che_tech_report.pdf"]. Additionally, tenants should be required to demonstrate how their yard lay out maximizes their ability to use zero emissions equipment such as electric rail mounted gantry cranes.

1.9. Require the use of commercial harbor craft (CHC) technologies that exceed the Tier 2 or 3 requirements of CARB's CHC Regulation. There are some zero and near- zero emissions technology for equipment that is commercially available now, and additional projects are underway demonstrating the capability of CHC to achieve emission lower than Tier 4 marine and off-road emission standards. Some of these solutions may require retrofit with aftermarket emission control devices. ARB's Technology Assessment: Commercial Harbor Craft, provides information on current and projected development of CHC, including current and anticipated costs at widespread development. This assessment can be found at [HYPERLINK "https://www.arb.ca.gov/msprog/tech/techreport/draft_chc_technology_assessment.pdf"].

1.10. Require that all medium-heavy and heavy-heavy duty on-road and yard trucks, including any alternative fuel vehicles, meet or exceed the 2010 emission standards. Support the deployment of zero and near-zero technologies including utilizing zero emission (such as battery electric or fuel cell electric) forklifts, electrified rail mounted gantry cranes, and battery electric and hybrid electric medium-duty trucks to the fullest extent feasible. At a minimum, all forklifts should be required to meet a zero emission standard. As it becomes available, require that medium-heavy and heavy-heavy duty trucks traveling within 100 miles of the site use zero and near-zero technology and require that yard trucks with similar duty cycles (less than hundred miles daily) convert to zero and near-zero technology. 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 [HYPERLINK "http://www.arb.ca.gov/msprog/tech/tech.htm"].

1.11. During all construction activities, require that off-road construction equipment meet Tier 4 engine standards, if not available, require equipment that meets Tier 3 engine standards. Tenants shall keep a list of available equipment and submit to the Port or City upon request.

1.12. Require that all on-site service vehicles, light-duty vehicles and equipment

(operational and during construction activities), and property maintenance equipment use zero emission technology and, if zero-emission technology is unavailable, that all vehicles and equipment meet the cleanest applicable emission standard.

1.13. Require that all projects include a robust traffic plan that moves truck traffic away from residents reducing truck traffic in neighborhoods, reduces and enforces truck speeds to reduce exposure to noise and increase safety, and discourages new development near truck routes. Coordinate and consult with the West Oakland community on site-wide truck traffic circulation.

1.14. Properly integrate truck parking, terminal parking, security systems, electronic gates systems, and other freight transport infrastructure to maximize achievable efficiencies.

1.15. Require future project design plans include operational support to demonstrate and deploy zero and near-zero emission freight equipment.

1.16. Require ships that enter the Port area pay emissions-based berthing fees or other user fees. The fees shall be used to reduce emissions and exposure in West Oakland.

1.17. Require that ocean-going vessels comply with fuel requirements for both the California Ocean-Going Vessel Regulation and the North American Emission Control Area Requirements.

1.18. Provide support (logistical and financial) for demonstration projects to encourage the use of alternative and/or advanced technologies. ARB's Technology and Fuels Assessments provide information on the current and projected development of mobile source and port equipment technologies and fuels, including current and anticipated costs at widespread deployment. The assessments can be found at [HYPERLINK "http://www.arb.ca.gov/msprog/tech/tech.htm"].

1.19. Utilize concepts to enhance community engagement as outlined in the U.S. Environmental Protection Agency Draft Environmental Justice Primer for Ports, "The Good Neighbor Guide to Building Partnerships and Social Equity released in July 2016. This document provides a road map to assess current community engagement and outlines strategies to assist the City and the Port to enhance neighboring community relationships. The document can be found at https://www.epa.gov/ports-initiative/draft-environmental-justice-primer-ports

1.20. Utilize grant funding from Federal, State and local programs to reduce air pollution emissions and health risk from diesel exhaust. Incorporate a collaborative process between tenants and the Port and/or the City to apply for funding to support zero-emission freight related diesel equipment technologies.

1.21. Require that all recycling facilities and metal melting facilities that include re-melting furnaces for the melting of alloys, within the Port, the OAB project area, and within 1,000 feet of the West Oakland community meet the best available control technology (BACT) standards as defined by the BAAQMD.

2. Former OAB – Both City of Oakland and Port Owned Areas

Below are measures that will help the City and Port meet the requirements of the Oakland Army Base 2013 Standard Conditions of Approval and Mitigation Monitoring and Reporting Program (SCA/MM). *Note:* the City and Port must reduce emissions at the OAB property *beyond* what is required by CARB regulations to meet the requirements of the SCA/MM. These measures also are consistent with measures in the *Maritime Air Quality Improvement Plan* (MAQIP), A Bold Vision, the City of Oakland's Standard Condition of Approval, and air quality mitigation measures in the Environmental Impact Report for 2013 *Plan Bay Area*. When measures are adapted from specific sources, these sources are noted in parenthesis.

The City and Port shall implement all measures listed under Item 1 Port-Wide Activities as applicable, and in addition shall implement the following measures:

2.1. All trucks shall be prohibited from idling more than two minutes when loading and unloading, staging or when not in active use for extended periods of time. Exemptions from the two-minute idling rule would be allowed when required for safety or when equipment is in use. (Plan Bay Area)

2.2. An appointment/ITS system shall be implemented that minimizes truck idling and queuing for the movement of containers.

2.3. Prior to implementation of zero-emission harbor craft described in Item 1.9 above:

2.3.1. Prior to 2023, all CHC accessing the new OAB port facilities will meet USEPA Tier 4 standards (or cleaner) for both propulsion and auxiliary engines, or or zero emissions technologies such as: batteries, shorepower, or hydrogen fuel cell.

2.3.2. NOx emissions can be controlled with selective catalytic reduction systems. For example, implement emission reduction control measures to replace tugboat engines with low NOx technology (for example, through the expansion of the existing cargo handling equipment re-powering and retrofitting program, part of the Berths 55-58 Project air quality mitigation program).

2.4. All the mobile cargo handling equipment will be electric equipment. (MAQIP) The Air District suggest this be broadened to allow for other zero emissions fuels (Hydrogen) and for near zero emissions equipment in the event that full zero emissions equipment in not commercially available.

2.5. Buildings shall meet LEED Platinum certification standards. All buildings shall provide sources of energy. Solar, wind, mechanical, tidal or solar generated hydrogen systems will be investigated to determine their feasibility.

2.6. The developer shall be required to plant trees and/or vegetation throughout the OAB. Trees that are best suited to trapping PM shall be planted, including one or more of the following: Pine (Pinus nigra var. maritima), Cypress (X Cupressocyparis leylandii), Hybrid popular (Populus deltoids X trichocarpa), and Redwoods (Sequoia sempervirens). (Plan Bay Area)

2.8. All existing land uses serving sensitive receptors within 1,000 feet of the Project boundaries shall be equipped with HEPA air filtration systems rated MERV 13 or better. The Port and City will establish a fund and contribute on a fair share basis to the cost of installing and maintaining the MERV 13 systems and provide educational materials to owners and occupants explaining how to maximize the benefits of these systems.

2.9. Consistent with SCA/MM 4.4-5, when redevelopment activity generates more than 20,000 square feet of employment-generating land uses, or generates 100 or more local jobs, the City, Port and developers will fund on a fair share basis Transportation Control Measures (TCMs) for reducing vehicle emissions from commercial, institutional, and industrial operations. See SCA/MM 4.4-5 for a full list of TCMS and include the following:

2.10. Commute Benefits Program

2.10.1 To design and implement a Commute Benefits Program, the City, Port, and private developers need to form a committee and assign a representative to the committee. Committee representatives will include two West Oakland community members, an employee representative, and a representative from the Port and from the City. (Note that all employers with 50 or more full-time employees in the Bay Area are subject to the Bay Area Commuter Benefits Program [BAAQMD regulation 14, Rule 1]. For more information, please see [HYPERLINK "https://commuterbenefits.511.org"])

2.10.2 Design and locate buildings to facilitate transit access, e.g., locate building entrances near transit stops, and eliminate building setbacks. Construct transit facilities such as bus turnouts/bus bulbs, benches, shelters, and improving transit bus service to the area. Provide on-site services, such as cafeterias, banks, dry cleaners, and convenience market so that

employees can walk to these services. Include bicycle and pedestrian facilities in the design.

2.10.3 Transit, Bicycle and Pedestrian Access: Include sidewalks, multi-use paths and bike lanes in the project design. Provide secure, weather-protected bicycle parking for employees, Provide showers and lockers for employees bicycling or walking to work. Provide safe, direct access for bicyclists to adjacent bicycle routes. Provide direct, safe, attractive pedestrian access from project to transit stops and adjacent development.

2.10.4 Mange Travel Demand and Provide Transit Service: Encourage OAB tenants to use carpools, vanpools, and public transit by providing incentives. Provide a shuttle to and from the West Oakland BART station. Establish mid-day shuttle service for worksite to food service establishments/commercial areas. Provide preferential parking for carpool and vanpool vehicles. Implement parking fees for single occupancy vehicle commuters.

2.11. New Stationary Sources

2.11.1 On the OAB property, new stationary sources that are added as part of the project must reduce emissions beyond what is required by CARB and BAAQMD, whenever possible. For example, the cleanest available stand-by diesel generators and portable generators will be required. The City and Port shall fund this on a fair share basis.

3. Former OAB -City of Oakland Owned Areas

West Gateway Bulk Terminal (Marine Terminal and Rail Expansion)

3.1. Implement all applicable site-wide actions based on specific operations in this subject area.

3.2. 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, or project developer, prior to when they are scheduled according to the approved SCA/MM. The list of Subject Plans can be found on page 46 in SCA/MM at [HYPERLINK "http://www2.oaklandnet.com/oakca1/groups/ceda/documents/report/oak042281.pdf"]

3.3. Require that berths providing shore power now or in the future, can accommodate changes to vessel sizes and various berthing configurations.

The ARB At-Berth Regulation currently requires 80% compliance of ocean going vessels by 2020. Vessel operations should meet 100 percent shore power compliance rate for all vessels or incorporate other technologies, such as emissions capture and control systems, to maximize emission reductions from all vessels in advance of the regulation. ARB's Sustainable Freight: Pathways to Zero and Near-Zero Emissions Discussion Document has identified the development and proposal of amendments to the At-Berth that could expand the regulation to include smaller fleets and/or additional vessel types to the current At Berth Regulation. Additionally, hybrid technologies have shown success at achieving emission reductions in certain tugs based on duty, engine size, and location and should be incorporated into operations, where possible.

Accelerate the turnover of line-haul locomotives servicing the Port to Tier 4 line-haul, ARB proposed Tier 5, or Zero emissions locomotives as expeditiously as possible, with the goal of 95 percent of operations to be performed at a minimum Tier 4 standard by 2023In addition establish standards that require:

3.4.1. All diesel switch engines to have 15-minute idling limit devices installed and operational; and to use emulsified fuels or other equivalently clean alternative diesel fuel.

3.4.2. No non-essential idling. Class 1 helper locomotives will be turned off while on OAB properties. If, for safety reasons, helper locomotives need to be on then they will meet similar control requirements as line haul locomotives.

3.4. The Port, Union Pacific (UP) Railway, and/or BNSF Railway should commit to providing co-funding, facility access, and operational support for the development and demonstration of interstate line-haul locomotive technology with zero-emission capability. This would include, but is not limited to, a hybrid-electric locomotive with all electric capability. ARB's Technology Assessment: Freight Locomotives, provides information on current and projected development of freight locomotives, including current and anticipated costs at widespread development. This assessment can be found at [HYPERLINK "https://www.arb.ca.gov/msprog/tech/techreport/freight_locomotives_tech_report.pdf"]

3.5. Incorporate conditions into lease agreements with BNSF and/or UP to ensure that switch locomotives meet a minimum Tier 4 emissions level by 2023.

3.6. Phase in the replacement of diesel powered switcher locomotives with electric rail car movers, within the Port or City owned rail properties.

Prologis East and Central Gateway (Ambient Transload/Warehouse/Truck Services)

3.7. Implement all applicable site-wide actions based on specific operations in this subject area.

North Gateway (Recycling and Rail Right Of Way Expansion)

3.8. Implement all applicable site-wide actions based on specific operations in this subject area.

4. Former OAB Port of Oakland Owned Areas

Central Gateway (Ambient Transload/Warehouse/Rail Yard /Port Logistics/Warfs)

4.1. Implement all applicable site-wide actions based on specific operations in this subject area.

4.2. 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, or project developer, prior to when they are scheduled per the SCA/MM. The list of Subject Plans can be found on page 46 in SCA/MM at [HYPERLINK "http://www2.oaklandnet.com/oakca1/groups/ceda/documents/report/oak042281.pdf"].

5. Port of Oakland (Non-Former OAB Areas)

Cool Ports Oakland, LLC (Temperature Controlled Transload/Warehouse/Rail Expansion)

5.1. Implement all applicable site-wide actions based on specific operations in this subject area.

5.2. Ensure existing and future tenants are compliant now and in the future with ARB's Transport Refrigeration Regulation. Incorporate operating practices that eliminate the amount of time that a transport refrigeration system powered by a fossil-fueled internal combustion engine can operate utilizing the combustion system while at the Port. Require the use of zero emission all-electric plug-in transport refrigeration systems and ensure the design plan includes the necessary infrastructure. ARB's Technology Assessment: Transport Refrigerators, provides information on the current and projected development for transport refrigerators, including current and anticipated costs at widespread deployment. This assessment can be found at [HYPERLINK "https://www.arb.ca.gov/msprog/tech/techreport/tru_07292015.pdf"].

5.3. Accelerate the turnover of line-haul locomotives servicing the Port to Tier 4,

ARB proposed Tier 5, or Zero emissions locomotives as expeditiously as possible, with the goal of 95 percent of operations to be performed at a minimum Tier 4 standard by 2023 Furthermore, the Port, Union Pacific (UP) Railway, and/or BNSF Railway should commit to providing co-funding, facility access, and operational support for the development and demonstration of interstate line-haul locomotive technology with zero-emission capability. This would include, but is not limited to, a hybrid-electric locomotive with all electric capability. ARB's Technology Assessment: Freight Locomotives, provides information on current and projected development of freight locomotives, including current and anticipated costs at widespread development. This assessment can be found at [HYPERLINK "https://www.arb.ca.gov/msprog/tech/techreport/freight_locomotives_tech_report.pdf"].

5.4. Incorporate conditions into lease agreements with BNSF and/or UP to ensure that switch locomotives meet a minimum Tier 4 emissions level by 2023..

5.5. Phase in the replacement of diesel powered switcher locomotives with electric rail car movers, within the Port or City owned rail properties.

5.6. Plan and design for the necessary infrastructure to ensure 100 percent, plug-in equipped, to accommodate future growth volumes of TRU's or expansion of this area.

5.7. Implement a policy that limits the amount of time that a transport refrigeration system powered by a fossil-fueled internal combustion engine can operate utilizing the combustion system while on Site.

5.8. Encourage the use of zero emission all-electric plug-in refrigeration systems, hydrogen fuel cell and cryogenic transport refrigeration systems.

5.9.

Port Terminal/Maritime Operations (Inner, Middle, Outer Harbors, and Seventh Street)

5.10. Implement all applicable site-wide actions based on specific operations in this subject area.

5.11. Accelerate the turnover of line-haul locomotives servicing the Port to Tier 4, ARB proposed Tier 5, or Zero emissions locomotives as expeditiously as possible, with the goal of 95 percent of operations to be performed at a minimum Tier 4 standard by 2023 Furthermore, the Port, Union Pacific (UP) Railway, and/or BNSF Railway should commit to providing co-funding, facility access, and operational support for the development and demonstration of interstate line-haul locomotive technology with zero-emission capability. This would include, but is not limited to, a hybrid-electric locomotive with all electric

capability. ARB's Technology Assessment: Freight Locomotives, provides information on current and projected development of freight locomotives, including current and anticipated costs at widespread development. This assessment can be found at [HYPERLINK "https://www.arb.ca.gov/msprog/tech/techreport/freight_locomotives_tech_report.pdf"].

Incorporate conditions into lease agreements with BNSF and/or UP to ensure that switch locomotives meet a minimum Tier 4 emissions level by 2023.

5.12. Phase in the replacement of diesel powered switcher locomotives with electric rail car movers, within the Port or City owned rail properties.

5.13. Require that berths providing shore power now or in the future, can accommodate changes to vessel sizes and various berthing configurations. The ARB At-Berth Regulation currently requires 80% compliance of ocean going vessels by 2020. Vessel operations should meet 100 percent shore power compliance rate for all vessels or incorporate other technologies, such as emissions capture and control systems, to maximize emission reductions from all vessels in advance of the regulation. ARB's Sustainable Freight: Pathways to Zero and Near-Zero Emissions Discussion Document has identified the development and proposal of amendments to the At-Berth that could expand the regulation to include smaller fleets and/or additional vessel types to the current At Berth Regulation. Additionally, hybrid technologies have shown success at achieving emission reductions in certain tugs based on duty, engine size, and location and should be incorporated into operations, where possible.

Appendix A

Technology Review Program

Development of a Technology Review Program is consistent with the requirements of Mitigation Measures in the Oakland Army Base 2013 Standard Conditions of Approval and Mitigation Monitoring and Reporting (SCA/MM) Program. Below are recommended Technology Review Programs that can be implemented to reach the goals of the SCA/MM.

In consultation with regional agencies and stakeholders, the City and Port shall implement Technology Review Programs, such as:

- The City and Port should administer a minimum of a one year demonstration project, prior to 2020, of zero and near-zero emission truck technology. This demonstration project shall be conducted in cooperation with regional and state agencies and stakeholders.

- Research and funds shall be used to identify and test hybrid diesel electric locomotives and conduct a demonstration of locomotive DOC or DPF retrofits.

- Feasibility studies of electrification of freight/passenger rail from Port intermodal yards to the Bay Area Air Quality Management District's boundaries conducted in conjunction with the Metropolitan Transportation Commission, Capital Corridor JPA, Union Pacific, and Burlington Northern Santa Fe railroads.

- Investigation of renewable energy generation via mechanical systems that utilize truck weight to generate electricity.

- Study of a "virtual container yard" system that integrates truck movements with container moves to minimize emissions and maximize efficient use of trucking fleets.

Example TAP Studies

As a possible framework for the Technology Review Program, consider the work of the San Pedro Ports Technology Advancement Program (TAP). TAP is a joint program of the Ports of Long Beach and Los Angeles through the Ports' joint Clean Air Action Plan (CAAP) adopted in 2006. The CAAP guides the Ports in their commitment to reduce the health risks and air emissions associated with port-related operations, while allowing port development and growth to continue. The CAAP focuses on near-term strategies, targeting significant reductions in diesel PM, nitrogen oxides (NOx), and sulfur oxides (SOx). The following is a selected list of demonstration projects completed through the TAP program:

- Balqon E-30 Electric Terminal Tractor Development and Demonstration Project

This vehicle was built as a demonstration vehicle and designed specifically for drayage operations. The prototype E-30 all-electric terminal tractor successfully completed cargo terminal tests in 2008.

Following the completion of cargo terminal tests during 2008, the Los Angeles Harbor Commission approved the purchase of 20 electric trucks from the manufacturer as part of the "Green Terminal" program. The Green Terminal program will also include the production of five on-road electric trucks.

This demonstration project was followed with a project to evaluate and demonstrate a lithium-ion battery as a technological upgrade to the lead-acid battery pack used in the previous TAP demonstration. The advanced technology lithium-ion batteries were anticipated to provide more than double the vehicle range, without adding additional weight. A one-day demonstration of the Nautilus E30 confirmed a range

of over 150 miles on a single charge with unloaded conditions at 80% depth of discharge. However, this project was never completed.

- Capacity Plug-In Hybrid Electric Terminal Tractor (2010)

The TAP program conducted a three-week trial of a diesel-electric plug-in hybrid terminal tractor that uses a small diesel generator and a large lead-acid battery pack to provide power for vehicle operation. While this demonstration showed a 44 percent reduction in NOx emissions and a 56 percent reduction in PM emissions, compared to 2009 diesel yard tractors, the demonstration utilized a Tier 4-interim generator drive engine, and therefore does not meet CARB's Cargo Handling Equipment regulation of Tier 4 engines.

- Hybrid Yard Tractor Development & Demonstration (2010)

This TAP study investigated the feasibility and commercial viability of using advanced technology drive systems in cargo handling equipment. The three hybrid yard hostlers underwent six months of operation and in-use testing and could perform all the tasks required of yard hostlers in real-world port operations, and were well accepted by drivers and maintenance staff. Fuel economy and emissions benefits were evaluated, but a difference discovered in the mechanical specifications of the vehicles limited comparability. Based on all the evaluations and analyses conducted, the hybrid system is estimated to provide a 12 percent to 18 percent improvement in fuel economy. Further development of the hybrid system is underway to improve fuel economy and emissions reductions. A follow-up study was conducted entitled "Hybrid Yard Tractor Development and Demonstration – Beta Test".

- Alternative Petroleum Technologies (APT) Emulsified Biodiesel Fuel Demonstration (2011)

To demonstrate the viability and effectiveness of the emulsified biodiesel fuel in cargo handling equipment, APT performed a two-phased demonstration that consisted of an evaluation of the emulsified fuel with and without a diesel oxidation catalyst (DOC) in a laboratory setting and a real-time demonstration of the fuel in yard equipment at a port terminal.

The demonstration successfully proved that APT's emulsified B-20 blend mitigated an increase in NOx emissions, while also providing additional reductions in PM when coupled with a verified diesel emissions control system. This provides port drayage operators an alternative fuel selection for their existing fleet of container yard equipment.

As of April 2014, APT planned to pursue CARB verification of the emulsified biodiesel fuel for sale to existing cargo handling equipment fleet operations in the State.

- Liquefied Natural Gas Yard Tractor Demonstration (2007)

This Project was designed to develop, test and design a business case for LNG yard tractors. Phase 1 focused on development of LNG yard tractor specifications, procurement, and installation of temporary LNG refueling. Phase 2 included operation of the LNG yard tractors at a marine terminal for a period of eight months. Phase 3 of the project was the development of a business case assessment to determine the cost effectiveness and return on investment of using LNG equipment as opposed to diesel.

During emissions testing, the LNG yard tractor produced lower PM emissions than on-road diesel engine equipped with a diesel oxidation catalyst and closed crankcase ventilation system. However, NOx emissions from the LNG yard tractor were approximately 21 percent higher than NOx emissions from this same on-road diesel engine configuration.

- ACTI Advanced Maritime Emission Control System (AMECS) Project (2008)

ACTI developed the AMECS as an alternative pollution control method for ocean-going vessels that are not configured to use shore power, also known as “cold ironing”, while at berth. The goal was to demonstrate pollution reduction efficiencies equal to cold ironing for nitrogen oxides (NOx), sulfur oxides (SOx), and particulate matter (PM). The AMECS was demonstrated at Metropolitan Stevedore/Port of Long Beach on multiple vessels with varying exhaust stack configurations. During the demonstration period, two full-scale emission reduction efficiency tests were conducted, the results of which were independently verified by two testing laboratories. During emissions testing, NOx and PM emissions were reduced by 99 percent and 95.5 percent, respectively. In addition, sulfur oxides (SOx) were reduced by 99 percent, and volatile organic compound (VOC) emissions were reduced by greater than 97 percent. Further demonstration of this technology is necessary to determine how it functions in day-to-day operations, including evaluation of costs, durability, integration into operations.

- APL Singapore Slide Valve & Water-In-Fuel (WiFE) Emulsion Demonstration Program (2009)

Two emission control technologies were demonstrated - the use of slide valves in the vessel’s main engines, and water-emulsified bunker fuel using an innovative onboard water in fuel emulsifier. The primary objectives of the demonstration projects were to a) evaluate the particulate matter (PM) emission reduction effectiveness of retrofitting OGV main engines with an improved injector design known as a slide valve; and b) demonstrate demand-based onboard water in fuel emulsification system and measure the NOx reduction effectiveness of varying the water content.

Project test conditions resulted in an evaluation that indicated the benefits of slide valves appear to be limited. Testing of the WiFE system aboard the APL Singapore showed water concentrations as high as 48 percent were successfully demonstrated, yielding NOx reductions on the order of 30 percent. A further study was completed in 2012.

- Bluefield Holdings Krystallon Ocean Going Vessel Scrubber (2013)

The primary focus of this project was to demonstrate the reduction of emissions of sulfur oxides (SOx) from an Ocean Going Vessel using an exhaust gas cleaning device to meet the International Maritime Organization (IMO) fuel sulfur limits in Emission Control Areas (ECA) and further to reduce particulate matter (PM), and volatile organic compound (VOC) emissions. This project demonstrated the potential for PM and SOx reductions that can be achieved through OGV retrofit using commercially available scrubbing technology. Additional research is needed further evaluate the potential for OGV engine emission reductions from scrubbers on main engines to comply with IMO ECA regulations.

- Foss Maritime Green Assist™ Hybrid Tugboat (2010)

Foss Maritime developed this diesel electric hybrid tugboat and named it the *Carolyn Dorothy*. The *Carolyn Dorothy* became a full working member of the Foss Maritime tug fleet on March 1, 2009. Since this time, the hybrid tug demonstrated performance comparable to a conventional Dolphin Class tugboat. The hybrid tugboat achieved emission reductions that exceed original targets (to reduce both NOx and PM by approximately 44 percent) when compared with the Dolphin tugs currently operating in the San Pedro Bay. The *Carolyn Dorothy* reduced PM, NOx and CO2 emissions by 73 percent, 51 percent and 27 percent, respectively. Based on this evaluation, there is evidence that this technology reduces fuel consumption by approximately 20 to 30 percent.

- OGV Slide Valve Low-Load Emissions Evaluation (2013)

This project is a follow up to the 2008 demonstration of a slide-type fuel values, and sought to test a new type of OGV main engine fuel valve (SV C36) designed to improve combustion properties by eliminating sac volume (i.e., fuel drips) at the valve nozzle. The elimination of the sac volume results in lower fuel oil consumption. In addition, slide valve nozzles incorporate an optimized spray pattern designed to improve the combustion process - this is intended to reduce overall emissions, including hydrocarbon, NOx and particulate matter. The visible smoke level is also greatly reduced because of the improved combustion. Among other findings, results showed that SV C26 nozzles did emit less diesel particulate matter (DPM) at low loads compared to the two conventional fuel valve configurations. At low loads, SV emits up to 50 percent less DPM than conventional C3 and C11 fuel valves and up to 65 percent less DPM for cylinder-lubrication-corrected particulate-

emission results. Overall, SV C26 nozzles emit over 90 percent less total hydrocarbons compared to the two conventional fuel valve configurations.

California Energy Commission Projects

In addition to the emissions reduction studies that are being undertaken as part of the TAP, the California Energy Commission (Energy Commission) released a Grant Solicitation for "Sustainable Freight Transportation Projects" under the Alternative and Renewable Fuel and Vehicle Technology Program (ARFVTP). This grant solicitation funded projects that demonstrate medium- and/or heavy-duty advanced vehicle technologies at California seaports. The three projects selected as part of this solicitation propose to demonstrate:

- 9 zero emissions rubber tired gantry cranes
- 15 battery electric yard tractor's
- 7 natural gas hybrid electric trucks
- 3 zero emissions top handlers
- 20 near zero natural gas trucks

Results of these demonstrations should inform the Technology Review Program established as part of the Oakland Army Base 2013 SCA/MM Program.

Message

From: McDaniel, Penelope [MCDANIEL.PENELOPE@EPA.GOV]
Sent: 9/8/2017 7:22:54 PM
To: Grow, Richard [Grow.Richard@epa.gov]
CC: Machol, Ben [Machol.Ben@epa.gov]; Donez, Francisco [Donez.Francisco@epa.gov]
Subject: RE: Update - Port of Oakland/Former Oakland Army Base Emissions Reductions Working Group
Attachments: Port-OAB Mitigations 8-22.xlsx

<!--[if lte mso 15 || CheckWebRef]-->

McDaniel, Penelope has shared a OneDrive for Business file with you. To view it, click the link below.

Port-OAB Action List_final.docx

<!--[endif]-->

Richard,
Can you resend the word doc as an attachment. I can't access it via the sharedrive . It will not allow me to open it for some reason. I can see the xls.

Thank you,

Penny McDaniel
Director, U.S.-China Green Ports and Vessels Initiative
Lead, West Coast Collaborative & DERA
Technology & Partnerships Office
U.S. Environmental Protection Agency
phone: 415-947-4203 | www.westcoastcollaborative.org
Click here to sign up, unsubscribe or update your contact information for the WCC email lists

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From: Grow, Richard
Sent: Friday, September 1, 2017 8:40 AM
To: Machol, Ben <Machol.Ben@epa.gov>
Cc: McDaniel, Penelope <MCDANIEL.PENELOPE@EPA.GOV>; MIKULIN, JOHN <MIKULIN.JOHN@EPA.GOV>
Subject: Fw: Update - Port of Oakland/Former Oakland Army Base Emissions Reductions Working Group

Ben - Here is what BAAQMD has sent out ahead of time for the 9/15 meeting. Copied it to Penny and John, pls let me know who else I should routinely include. Thanks

Richard

From: Damian Breen <dbreen@baaqmd.gov>
Sent: Thursday, August 31, 2017 6:29 PM
To: ccappio@oaklandnet.com; mdnichols@oaklandnet.com; tlengyel@alamedaactc.org; adao@alamedaactc.org; abockelman@mtc.ca.gov; mmaloney@mtc.ca.gov; bsanchez@mtc.ca.gov; Cynthia.marvin@arb.ca.gov; Elizabeth.yura@arb.ca.gov; Grow, Richard; mdavis@portoakland.com; dgonzalez@portoakland.com; anna.lee@acgov.org; cclevenger@alamedaactc.org; rsinkoff@portoakland.com; cmukai@portoakland.com; Henry Hilken; kaplanforoakland@gmail.com; sthao@oakland.net
Cc: Jack Broadbent; Jean Roggenkamp; Maricela Martinez
Subject: Update - Port of Oakland/Former Oakland Army Base Emissions Reductions Working Group

Dear Colleagues,

In preparation for our upcoming meeting on September 15, 2017, the Bay Area Air Quality Management District (Air District) is providing the following attached materials:

- An excel spreadsheet containing a matrix of projects we discussed at our July 14, 2017 meeting.
- A detailed list of actions, prepared by the Air District (with input from the California Air Resources Board), that should be considered by the Port of Oakland (Port) and City of Oakland relative to reducing emission and health risk in:
    - the development of infrastructure,
    - leasing of properties or letting of concessions; and
    - deployment of equipment (including recommendations on zero or near zero missions equipment) for Port cargo, goods movement and warehousing operations adjacent to the West Oakland community.

Please note that the matrix contained in the Excel spreadsheet has a number of blank areas relative to funding that could be contributed to reduce emissions at both the Port and former Oakland Army base. There also a number of data gaps where your input is needed. If you believe your agency can contribute to funding these projects or can assist with filling out some of the missing information, please let the Air District know and we will update the document.

Relative to the matrix itself, the Air District will be happy to host a premeeting to go over the technical assumptions prior to September 15. It should be noted that the table supposes an approximate contribution from the Air District of $54 million over a ten-year period including approximately $13 million in funds that have already been allocated.

Please let us know ASAP who would like to participate in the technical discussion and we will schedule a call.

Have a great holiday weekend, stay cool and spare the air!

Damian Breen

Deputy Air Pollution Control Officer

Bay Area Air Quality Management District

375 Beale Street, Suite 600

San Francisco, CA 94105

Tel: (415) 749-5041

Message

From: Morris, Robbie@ARB [robbie.morris@arb.ca.gov]
Sent: 8/31/2017 3:58:47 PM
To: Grow, Richard [Grow.Richard@epa.gov]
Subject: re; CARB comment letter of City of Oakland's Prologis Air Quality Plan Gateway Parcels
Attachments: CARB Prologis SC NC AQ Comments 9.1.17.pdf

Hi Richard,

Attached are our comments sent on the subject plan. Thanks for your continue involvement on this project.

I am available if you have any questions and a hard copy is going out as well.

Sincerely,

Robbie Morris, MSPH
California Air Resources Board
Risk Reduction Branch
Transportation and Toxics Division

If you would like to learn more about California's sustainable freight efforts, information is available at http://www.casustainablefreight.org/

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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

August 30, 2017

Ms. Patricia McGowan
Environmental Coordinator
City of Oakland
Planning and Building Department
250 Frank H. Ogawa Plaza, Suite 3315
Oakland, California 94612

Dear Ms. McGowan:

Thank you for providing the California Air Resources Board (CARB) the opportunity to comment on the Diesel Emissions Reduction and Air Quality Plan (AQ Plan or Plan) for Construction of CE-2: Southeast Gateway Parcel and CC-1: New Central Gateway Parcel (Project Site or Site). The AQ Plan provides an opportunity to ensure the cleanest possible construction practices and equipment are utilized while developing the Project Site. Eliminating and minimizing air quality impacts from the construction of this project is vital to protecting the health of nearby communities.

The AQ Plan outlines the requirements and mitigations that Site contractors will comply with to achieve emission reductions generated by on Site construction activity. CARB previously submitted comments on May 31, 2016, on the Northeast Gateway Construction Management Plan, and we acknowledge that the City of Oakland (City) staff modified several measures in this Plan based on those comments. However, CARB staff finds that several requirements in the AQ Plan need further clarification and strengthening in order to ensure proper implementation and that the Plan achieves the less-than-significant impacts determination made in the 2012 Oakland Army Base Project Initial Study/Addendum. These clarifications or strengthened requirements will help ensure that construction of the Project Site ultimately avoids or substantially lessens the significant and unavoidable impact to air quality identified in the 2002 Final Environmental Impact Report, by requiring all feasible[1] mitigation measures be incorporated (see Cal. Pub. Resources Code § 21081; 14 CCR § 15126.2(b).

[1]For the purposes of CEQA, "feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors. (California Code of Regulations, title 14, section 15364.)

To that end, CARB staff recommends the following clarifications or modifications:

1. Section 3.1.w.: Reference to CARB's Regulation for In-Use Off-Road Diesel Fueled Fleets (Off-Road Regulation) for performance requirements one year in advance of the regulation is confusing and irrelevant since the City is specifying specific tiers of equipment to be used on Site. Such language should be omitted from future air quality or construction plans subject to Mitigation PO-1.

2. Section 3.3.a.: This measure indicates that all contractors will be encouraged to use Tier 4 off-road engines for all equipment brought on Site, as available, and at minimum Tier 3 off-road engines. In addition, only the two most used pieces of equipment on Site are required to be Tier 4. To achieve the most diesel emission reductions from off-road equipment, the City should require that all off-road construction equipment used on Site, greater than 25 horsepower, meet U.S. EPA Tier 4 emission standards. Tier 4 equipment became available as early as 2008 for some horsepower categories, with the rest being made available in the 2012 timeframe. Therefore, CARB believes it is very unlikely there will be a shortage of Tier 4 equipment, and that it is technically feasible to require all Tier 4 equipment be used on Site. In addition, the City should require that Prologis enter into contractual agreements with construction companies capable of meeting this requirement. This would increase the enforceability of this mitigation and minimize potential construction delays as a result of subcontractors seeking Tier 4 rental equipment once construction has started.

3. Section 3.3.b.: This measure indicates that all contractors will be encouraged to use post-2010 model water trucks, as available. To be most protective of the local community from construction diesel emissions, the City should strengthen this measure to require, not encourage, that all water trucks and all other heavy-duty diesel trucks greater than 14,000 gross vehicle weight rating used on Site be equipped with 2010 or newer engines. Emissions from truck traffic (including construction trucks) severely impact the surrounding communities, and the City should take additional steps beyond CARB regulatory requirements and require the use of 2010 or newer engines. In a memo to "Staff of the Air Quality Agencies and Stakeholders", dated August 15, 2017, the City stated that "the trucks...are all independent truckers who are not hired by the general contractor...such a requirement imposed by [Prologis] on the general contractor/sub-contractors would be unenforceable and unrealistic." CARB disagrees with this statement, and believes it can be enforceable by requiring that Prologis enter into contractual agreements with construction

companies capable of meeting this requirement. In addition, an independent trucker could easily supply a print out of the truck's information (including engine model year and license plate) currently reported in CARB's Truck and Bus Reporting System (TRUCRS) and a Certificate of Reported Compliance in order to verify it has a 2010 or newer engine and is part of a compliant fleet.

4. Section 3.3.d.: This measure indicates that alternative fuel construction equipment (i.e., compressed natural gas, liquid petroleum gas, and unleaded gasoline) will be utilized on Site to the extent that the equipment is readily available and cost-effective in the Bay Area. For enforceability, the City should require that Prologis enter into contractual agreements with construction companies capable of meeting this requirement.

5. Section 3.4.a.: Sections 3.4.h. and 3.4.i. limit idling to 3 minutes. However, this section states that "equipment operators must limit their unnecessary idling to 5 minutes." CARB believes this was most likely an error, and therefore should be corrected to limit idling to 3 minutes.

6. Sections 3.5.a. and b.: These sections are reiterating the requirements for selling and reporting off-road vehicles per CARB's Off-Road Regulation. CARB recommends removing these sections, as they are paraphrasing the requirements and could contain inaccuracies and cause confusion for off-road fleets. If the City includes information on reporting and labeling for off-road vehicles, direct fleets to the website for the Off-Road Regulation, available at: www.arb.ca.gov/ordiesel.

7. Section 3.5.c.: CARB recommends removing the language paraphrasing the labeling requirements of the Off-Road Regulation. Instead, this section should point to the regulation language, by stating: "All fleet equipment used on Site shall be properly reported and labeled, as required per CCR Title 13, Section 2449 (CARB's Off-Road Regulation)."

8. Section 3.6: This section, in general, describes components of CARB's Off-Road Regulation regarding adding older equipment to a fleet. Similarly to comment 1, above, including this information is confusing. The adding vehicles requirements are irrelevant, since the City is specifying specific tiers to be used on site. Such language should be omitted from future air quality or construction plans subject to Mitigation PO-1.

9. Section 3.7.a.: Again, meeting the requirements of the Off-Road Regulation one year in advance is irrelevant, therefore signage indicating this requirement is not needed.

10. Section 3.7.c.: This section refers to Exhibit C, which shows a sign stating that idling must be limited to three minutes or less. However, the language in this section references limiting idling to five minutes or less. This language should be corrected to say three minutes or less, which makes it consistent with the referenced Exhibit C.

CARB staff believes our recommended changes will further reduce harmful diesel emissions from the Site construction activities and reduce impacts to the nearby communities. In addition, we understand that the AQ Plan relates solely to the construction activities at the Project Site and that other plans for operations are forthcoming. We look forward to engaging on those plans as well, and hope that the City will commit to releasing the most robust, health protective plans possible for this and future projects. We are available to provide further assistance or clarify our comments as needed.

If you have questions, please contact Robbie Morris, Air Pollution Specialist, at (916) 327-0006 or robbie.morris@arb.ca.gov.

Sincerely,

Elizabeth Yura, Chief
Freight Activity Branch
Transportation and Toxics Division

cc: See next page

cc: Ms. Margaret Gordon
Co-Director
West Oakland Environmental
Indicators Project
349 Mandela Parkway
Oakland, California 94607

Brian Beverage
Co-Director
West Oakland Environmental
Indicators Project

Mr. Richard Grow, Lead
Environmental Justice Workgroup
U.S. Environmental Protection Agency, Region 9
75 Hawthorne Street, ENF-4-2
San Francisco, California 94105

Ms. Anna Lee
Work Group Coordinator
Alameda County Public Health Department
1000 Broadway, Suite 500
Oakland, California 94607

Mr. Dave Vintze
Air Quality Planning Manager
Bay Area Air Quality Management District
939 Ellis Street
San Francisco, California 94109

Message

From: Port of Oakland [community@portoakland.com]
Sent: 9/7/2017 9:04:48 PM
To: Grow, Richard [Grow.Richard@epa.gov]
Subject: Port in the Community September e-Newsletter

Having trouble viewing this email? Click here

You are receiving this email because you have expressed an interest in the Port of Oakland. Don't forget to add community@portoakland.com to your address book so we'll be sure to land in your inbox!

You may unsubscribe if you no longer wish to receive our emails.

Community Highlights

Arts & Crafts at Oakland Chinatown StreetFest

Port Helps Local Companies Enter Global Shipping Business

Legislative Panel Discussion with Port's Summer Interns

Community Harbor Tour Day

September 7, 2017

Community Highlights

Girls Inc. Behind the Scenes at Oakland Airport

Port Supports Early Math Skills Development at the East Bay CIRCle Labs

Follow Your Port!

California Coastal Cleanup

Contracting 101 with the Port of Oakland

Block Party Event Series

CUESA's Jack London Square Farmers Market

Eat Real Festival 2017

Jack of All Trades

Working with the Port

How to do business

Business opportunities

Port "Contracting 101" handouts

Stay Connected

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Arts & Crafts at Oakland Chinatown StreetFest
August 27, 2017

The Port's booth was a fun place for art, crafts, games and Port information at the Oakland Chinatown StreetFest. Volunteers from the Port, Asian Employees Association, Lincoln Square Boy Scouts Troop 201, and Lincoln Elementary School partnered together to help kids make paper lanterns and fidget spinners! For everyone, there was Plinko, a fun game of chance.

Port Helps Local Companies Enter Global Shipping Business
August 17, 2017

At the California Black Chamber of Commerce's Business and Economic Summit & Women's Symposium in Oakland, Port Maritime Marketing and Commodities Representative Ron Brown moderated a panel of trade experts, giving small and local businesses a course in exporting local products. In addition, the Port's Social Responsibility Division provided on-site certification for small and local businesses.

Forward to a Friend

Contact Us

Legislative Panel Discussion with Port's Summer Interns
August 7, 2017

The Port's Government Affairs interns, Molly Curley O'Brien and Jack Wellman, arranged the Path to Civic Engagement Panel for Port Summer Interns. They heard from professionals in government and politics, and how their internship experiences helped guide them to their positions today.

Special thanks to our esteemed guest panelists: Michelle Thomas-Shaw, Legislative Director, Office of Alameda County District Attorney Nancy O'Malley; Jose Hernandez, Senior Congressional Aide, Office of US Congresswoman Barbara Lee; Jamila English, Senior Policy Analyst and Community Liaison, Office of City of Oakland; Councilmember Annie Campbell Washington; Brandon Baranco, Senior Field Representative, Office of State Assemblymember Tony Thurmond; and Michael J. Hunt, Special Assistant, Office of the Mayor Libby Schaaf at City of Oakland.

Community Harbor Tour Day
July 31, 2017

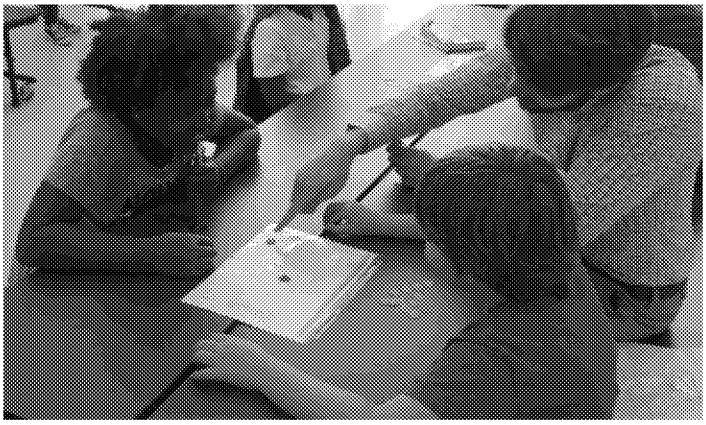
The Port hosted a Community Harbor Tour Day and invited our local community groups and the individuals they serve for a close-up look at how the Oakland seaport works.

Here's a partial list of all the community groups represented:

- Meals on Wheels of Alameda County
- East Bay Spanish Speaking Citizens' Foundation
- Rose Foundation for Communities & the Environment
- Children's Fairyland
- Oakland Housing Authority
- Lincoln
- Peralta Colleges Foundation
- EMPOWER ME ART
- National Coalition of 100 Black Women
- Oakland Tsunami
- League of Women Voters Oakland

Girls Inc. Behind the Scenes at Oakland Airport
July 24, 2017

The Port of Oakland and Women's Transportation Seminar (WTS) enjoyed hosting Girls Inc. of Alameda County for a Day of Aviation Career Exploration at Oakland International Airport (OAK). The girls toured OAK, the Airport Fire Station, Southwest Airlines, and the Oakland Aviation Museum. In addition, Port and WTS role models shared their educational and career experiences and helped the girls to create a career map to achieve their goals.



Port Supports Early Math Skills Development at the East Bay CIRCle Labs
July 2017

Port employees and summer interns supported early math skills development through educational activities with 3rd to 5th graders at the East Bay CIRCle Labs. These activities are a partnership between the Emeryville Parks & Recreation Department, the East Bay YMCA, the Institute for STEM Education at Cal State East Bay, Community Resources for Science, and Tech Exchange.

FOLLOW YOUR PORT IN THE COMMUNITY!

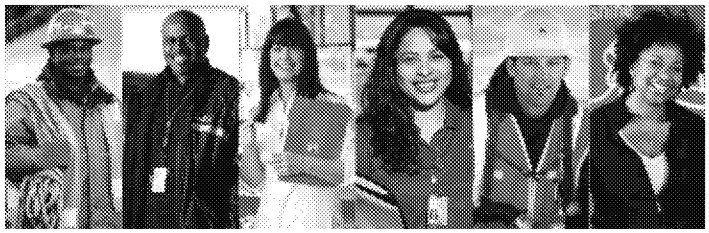
Sign-up for California Coastal Cleanup Day at East Creek Slough or Middle Harbor Shoreline Park
September 16, 2017

Join us for our annual 2017 California Coastal Cleanup Day at East Creek Slough on Saturday, September 17, 2017 from 9:00 am to 12:00 pm or Middle Harbor Shoreline Park from 9:00 am to 1:00 pm.

Volunteers will help cleanup trash and debris to beautify our local waterways.

East Creek Slough
Please, RSVP to David Swartz, Port Associate Environmental Planner/Scientist at dswartz@portoakland.com or 510-627-1180.

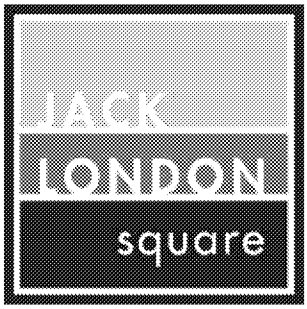
Middle Harbor Shoreline Park
Please, RSVP to Ramon Dixon, Middle Harbor Shoreline Park Manager at mhsp@portoakland.com or 510-627-1434.



Sign-up for Contracting 101 with the Port of Oakland
October 17, 2017

Join us for Contracting 101 with the Port of Oakland at Merritt College from 8:30 am to 11:30 am on October 17, 2017. The general session will cover the basics of bidding public works projects with the Port. Please, RSVP

here.



- Oyster Oyster Block Party Event Series throughout Jack London
  - Sat., 9/16/17
- CUESA's Jack London Square Farmers Market
  - Sundays
- Eat Real Festival 2017 throughout Jack London Square
  - Fri. - Sun., 9/22/17 - 9/24/17
- Jack of All Trades throughout Jack London Square
  - Sat., 9/9/17
  - Sat., 10/14/17

Social Responsibility Division | community@portoakland.com | http://www.portofoakland.com

Port of Oakland
530 Water Street
Oakland, CA 94607

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Port of Oakland, Social Responsibility Division, 530 Water Street, Oakland, CA 94607

SafeUnsubscribe™ grow.richard@epa.gov

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Message

From: Wellstone Democratic Renewal Club [info@wellstoneclub.org]
Sent: 9/7/2017 6:59:08 PM
To: Grow, Richard [Grow.Richard@epa.gov]
Subject: Prop 13 Reform; Wellstone Club Update

Action Updates

Saturday, Sept 9; 10:30AM - 12:30PM

please click for tickets

Town Hall in Oakland in Oakland on Prop. 13 Reform

Join Senators Nancy Skinner and Scott Weiner
First Congregational Church; Harrison and 27th; Oakland

using AC Transit
#33 goes down Oakland Ave right by the church.
#12 goes along Grand; get off at Harrison and walk one block north to the church.
#51A goes down Broadway, get off at 27th and walk one block to the church .

Stop Urban Shield

Friday, September 8; 4PM
Alameda County Offices; 12th and Oak; Oaklan
http://stopurbanshield.org

BBBON

Block By Block Organizing Committee
"Homelessness grew in Oakland by 30% last year.
What can be done to house unsheltered Oaklanders while providing them necessary services?"
Thursday, Sept 14; doors open 5:30PM; Panel at 7PM. St. Mary's Center; finger food and potluck
925 Brockhurst St., West Oakland
Panelists include former Council Member Nancy Nadel of the Homeless Advocacy Working Group, Janny Castillo of St Mary's Center, and Joe de Vries, Assistant City Manager, City of Oakland.

Wellstone Club Biannual Dinner

Sunday, October 22
Honoring Kevin de Leon, California State Senate President pro tem
more information below

Wellstone Democratic Renewal Club

September 7, 2017

Wellstone Club Meeting
Thursday, September 28
potluck at 6PM - meeting at 6:45PM
please bring something to share

Topic to Be Announced

Humanist Hall; 390 27th St.
(between Telegraph and Broadway)

Wellstone Club Coordinating Committee
Monday, September 11; 7PM
Niebyl - Proctor Library, 6501 Telegraph Ave
all members invited

A New Start for Health Care Reform in California?
LA Times Article

The Immigration Detention Syllabus
Readings for Activists

Visit our Website

Join the Wellstone Club

Save the Date

Sunday, October 22; 6PM - 9PM

Wellstone Democratic Renewal Club
Bi-Annual Celebration and Dinner

honoring

California State Senate President pro tem
Kevin de Leon

Peony Seafood Restaurant
388 9th St #288, Oakland, CA

Buy Your Tickets Online

Flipping CD-10 From Red to Blue

CD10 includes Tracy, Manteca, Modesto, Turlock

How You Can Help

Join With Wellstone Club Members
for door-to-door canvassing in Tracy
Saturday, September 23
contact jack.kurzweil@gmail.com
for more information

What's Happening in CD-10
by Vincent Casalaina

Swing Left Research Article on CD-10

Indivisible Berkeley Calendar

Canvass in Tracy with Indivisble and Wellstone

in coordination with the Tracy Democratic Club

Saturday, October 14; 2PM - 5PM
Saturday, December 9; 2PM - 5PM
contact Jeff Carlock **or** Billy McDonald **for carpooling**

Anti-Islamophobia / Pro-Immigrant Canvassing: SUNDAY, SEPTEMBER 17, Pinole!

Are you concerned about anti-Muslim & anti-immigrants edicts from Washington, the bombing of a mosque in Minnesota, and the 91% increase in bullying & harassment of our Muslim neighbors since last year?

Join Jewish Voice for Peace/Bay Area, Christ The Lord Episcopal Church, Episcopal Peace Fellowship,and the Interfaith Movement for Human Integrity-- in an anti-Islamophobia / pro-Immigrant community canvas in PINOLE!

Come canvas Pinole shops and homes, (in pairs) and ask them to post signs, **"We Stand With Our Muslim, Arab & Immigrant Neighbors,"** plus a brief *Bystander Training*. Meet neighbors and hear their concerns. We'd love to have you join us, everyone welcome!

SUNDAY, SEPTEMBER 17, 11am - 1pm
Gather: in the Sanctuary of Christ The Lord Episcopal Church--
592A Tennent Ave., Pinole (I-80 Pinole Valley Road exit; turn left; driving west Pinole Valley Road becomes Tennent Ave.) The church is a non-desript building at the corner of Park St., across from Fernandez Park baseball field, one block West of San Pablo Ave. There is a bus along San Pablo and parking at the church and in the area.

11am Sharp: Gather, brief Orientation & Bystander Training
11:30am Canvas Pinole homes & shops
1pm: Return & debrief

PLEASE RSVP (or ask questions) to bayarea@JVP.org **with "SEPT. 17" in the subject line** -- so that we know how many to expect, and can notify you of changes. Fliers, canvassing routes, & tape provided.

https://www.facebook.com/events/269501720211084/?active_tab=about

Participating Organizations:
Islamophobia Research & Documentation Project/UC Berkeley, Kehilla Community Synagogue, Showing Up for Racial Justice (SURJ), Wellstone Democratic Renewal Club, Oakland Neighbors Inspiring Trust (ONIT).

Walking on Both Legs

How Progressive Activists Are Leading the Resistance Against Trump

Centrist Democrats Look to Broaden the Base

The Fossil Fuel Factor in American Politics

Michael Klare: The Battle Lines of the Future

Michael Klare: Spreading the Cult of Carbon

Oil Companies Spent Millions to Pass Cap and Trade in California

America's Blue/Red Divide on Climate

Congressional Progressive Caucus Alternative National Budget

The Congressional Progressive Caucus Alternative Budget is a benchmark for national resistance against Trump and the Republican Congress.

Worth a deep read and focus for national action

STAY CONNECTED

Wellstone Democratic Renewal Club | PO Box 9572, Berkeley, CA 94709 www.wellstoneclub.org

Unsubscribe grow.richard@epamail.epa.gov

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Message

From: Ken Alex [Ken.Alex@GOV.CA.GOV]
Sent: 7/20/2017 2:07:18 AM
To: Grow, Richard [Grow.Richard@epa.gov]
CC: Olp, Kevin@EPA [kevin.olp@calepa.ca.gov]
Subject: Re: West Oakland Title VI complaint accepted for investigation

Thanks Richard. I'm having trouble getting responses from Oakland, but I will keep at it. Ken

---
Sent from VMware Boxer

On July 19, 2017 at 9:39:12 AM PDT, Grow, Richard <Grow.Richard@epa.gov> wrote:

FYI

Late yesterday EPA and DOT issued a formal "acceptance for investigation" letter to the City and Port, attached. Per the letter the City and Port may respond if they choose within the next 30 days. During that time EPA and DOT will be putting together their investigative plan. EPA's procedures are described in the Case Resolution Manual, a link to which is included in the letter. Keep in mind this is a joint DOT-EPA investigation and that the complainants suggested in their complaint that DOT take a lead role. Please feel free to call me to discuss this further.

Richard

Office: (415) 947-4104

Personal Matters / Ex. 6

Message

From: Lee, Anna, Public Health, OOD [Anna.Lee@acgov.org]
Sent: 7/19/2017 11:55:36 PM
To: Grow, Richard [Grow.Richard@epa.gov]
Subject: RE: West Oakland Title VI complaint accepted for investigation

Thanks, Richard.

From: Grow, Richard [mailto:Grow.Richard@epa.gov]
Sent: Wednesday, July 19, 2017 9:34 AM
To: cynthia.marvin@arb.ca.gov; dbreen@baaqmd.gov; David Vintze <DVintze@baaqmd.gov>; Yura, Elizabeth@ARB <eyura@arb.ca.gov>; Alison Kirk <AKirk@baaqmd.gov>; Lee, Anna, Public Health, OOD <Anna.Lee@acgov.org>
Subject: West Oakland Title VI complaint accepted for investigation

Late yesterday EPA and DOT issued a formal "acceptance for investigation" letter to the City and Port, attached. Per the letter the City and Port may respond if they choose within the next 30 days. During that time EPA and DOT will be putting together their investigative plan. EPA's procedures are described in the Case Resolution Manual, a link to which is included in the letter. Keep in mind this is a joint DOT-EPA investigation and that the complainants suggested in their complaint that DOT take a lead role.

Richard

Message

From: BANDROWSKI, MIKE [Bandrowski.Mike@epa.gov]
Sent: 7/19/2017 9:44:11 PM
To: Grow, Richard [Grow.Richard@epa.gov]; Adams, Elizabeth [Adams.Elizabeth@epa.gov]; Lakin, Matt [Lakin.Matthew@epa.gov]
CC: Machol, Ben [Machol.Ben@epa.gov]; Israels, Ken [Israels.Ken@epa.gov]; Reyes, Deldi [Reyes.Deldi@epa.gov]
Subject: RE: Port/OAB meeting highlights - 7/14/17

Thanks Richard for the update. Sounds like the potential for progress. Keep us informed as this continues to develop.

Mike Bandrowski | Manager, Office of Air Toxics, Radiation and Indoor Air
U.S. Environmental Protection Agency | Region 9| Air Division, Air-5 | 75 Hawthorne St |
San Francisco, CA 94105 |Tel 415.947-4194 | bandrowski.mike@epa.gov

From: Grow, Richard
Sent: Wednesday, July 19, 2017 12:05 PM
To: Adams, Elizabeth <Adams.Elizabeth@epa.gov>; Lakin, Matt <Lakin.Matthew@epa.gov>
Cc: Machol, Ben <Machol.Ben@epa.gov>; BANDROWSKI, MIKE <Bandrowski.Mike@epa.gov>; Israels, Ken <Israels.Ken@epa.gov>; Reyes, Deldi <Reyes.Deldi@epa.gov>
Subject: Port/OAB meeting highlights - 7/14/17

All

On Friday July 14 I attended the "*Interagency Meeting on Emissions reductions for the Port of Oakland/Former Army Base Development*", co-convened by BAAQMD and Councilwoman Rebecca Kaplan at the offices of the Alameda County Transportation Commission. Attached are the (1) agenda, (2) BAAQMD "Proposal" presentation ("BAAQMD Port_OAB…"), (3) BAAQMD's "Strawman" and (4) a list of additional "Potential Projects" prepared by ACTC staff for Kaplan. Kaplan has a number or roles, all relevant to the Port/OAB situation, as a Councilperson (areawide representative), BAAQMD Board member and chair of the ACTC. In attendance were representatives from CARB, BAAQMD, City staff (Claudia Cappio, Matt Nichols), Port (Sinkoff et al), MTC and ACTC, approximately 20 attendees overall.

The District and Kaplan walked through a dozen or more proposals, many including emissions reduction and cost estimates. The overall direction is captured in the BAAQMD PPT (attached) and summarized by the recommended "Policy Direction" to "Require Zero of Near Zero equipment as part of any new operations" and "Port and OAB to achieve Zero of Near Zero operations for all equipment by 2030" (slide 13). Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

One point I raised during the meeting, and followed up on afterwards with Rebecca Kaplan and Jack Broadbent, was the importance as the group proceeds over the next several weeks to discuss the proposals, to clarify as much as possible the barriers to the specific measures, whether they are legal, technical, economic etc. so that at the end of the day, for any proposals rejected, there will also be clarity as to the justification for the rejection.

Next: Over the next weeks participating agencies are to provide additional detail regarding costs, emissions reductions and other relevant factors. The interagency group is scheduled to meet again on September 15, following which it will schedule a broader meeting including WOEIP, possibly other stakeholders.

Richard

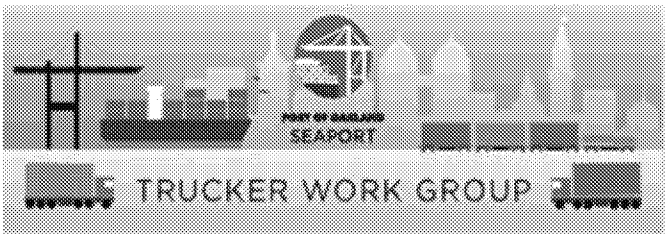
Message

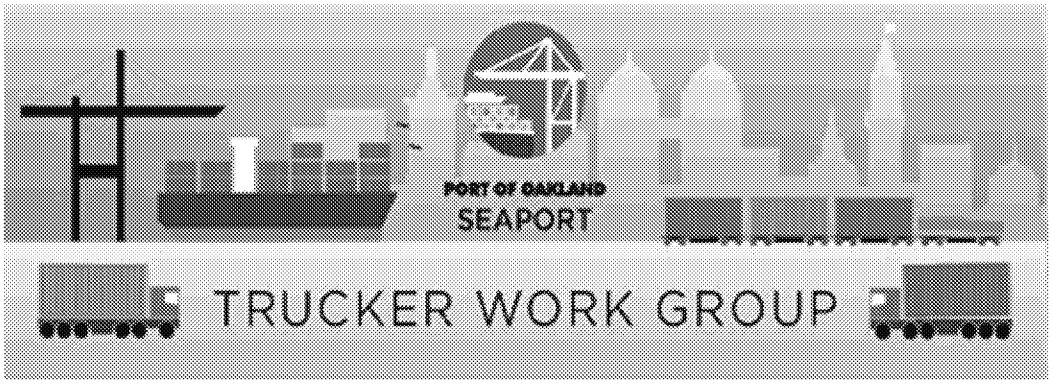
From: Ralph Reynoso [rreynoso@portoakland.com]
Sent: 11/8/2017 12:25:27 AM
Subject: Port of Oakland Terminal Gate Holiday Schedule- Veterans Day
Attachments: Veterans Day 2017.pdf

Dear Port of Oakland Trucker Work Group Participants & Port Customers,

See attachment to view Terminal Yard and Gate Operations that will be closed on Monday, November 13th for Veterans Day.

Thank You,





Port of Oakland Terminal Gate Schedule

Veterans Day – Monday November 13, 2017

Terminal/Depot:	Day Shift	Night Shift
Everport	CLOSED	-
TraPac	OPEN for **MOL, K-Line & NYK** only Export Receiving, Empty & Chassis In/Out	**TBD**
OICT	CLOSED	OPEN
Matson	OPEN	OPEN
Shippers Transport	OPEN	OPEN

*Schedules and SSCO participation subject to change
**Visit terminal operator websites or contact terminal customer service for updated information
Note: **Anticipate higher than normal gate volume preceding and following holidays.**

Message

From: City of Oakland & Port of Oakland [community@portoakland.com]
Sent: 11/7/2017 9:48:36 PM
To: Grow, Richard [Grow.Richard@epa.gov]
Subject: Trucks in West Oakland - Community Workshop #2, 12/2/17

Trucks in West Oakland-Community Workshop #2

Taller comunitaro sobre los camiones que afectan el vencidario del oeste de Oakland

西屋崙货车管理社区会议

This is a mobile workshop with site tours to look at trucking problems in West Oakland

Date: Saturday, December 2, 2017

**Time: 10:00 AM- 1:00 PM (please see program info)*

Meet-up location: West Oakland Farm Park – City Slicker Farms
2847 Peralta Street, Oakland, CA 94608 (Cross: 28th St.)

Minibuses are provided for site tours.

Street parking. Public Transportation: BART West Oakland Station; AC Transit 29.

Please RSVP at: https://westoaklandtmp2.eventbrite.com

Description: This is the second of five community workshops on the West Oakland Truck Management Plan (TMP). The first workshop introduced the TMP and public process. In the second workshop, we will observe the issues and problems identified in the first workshop together.

Please join us on December 2nd, to explore West Oakland and the Oakland Seaport area. Minibuses will be provided for the site tours- **we will depart from West Oakland Farm Park by 10:15 AM so please plan to arrive by then.**

Our day will conclude with a working lunch at the West Oakland Farm Park. If you aren't available to join us for the entire session, please consider joining us for the Site Tours or Lunch.

***Program:**

Site Tours
10:00 AM to 12:00 PM - Minibuses will depart from West Oakland Farm Park @ 10:15 AM

Lunch & Debrief
12:00 to 1:00 PM @ West Oakland Farm Park

Please tell us on your RSVP if you need childcare, interpretation services, or any disability accommodation in order to participate

Councilmember McElhaney, City Administrator, and Board of Port Commissioners look forward to your participation in this planning effort.

Community Engagement

How do I get involved?
Attend the community workshops. You can also go to the project website to learn more about other ways to get involved, https://goo.gl/eZkNC4

Upcoming Meetings:
Workshop 2: "Observing and Exlporing" on 12/2/2017
Workshop 3: "Sharing" on *TBD*
Workshop 4: "Co-Creating" on *TBD*
Workshop 5: "Joining Together" on *TBD*

Past: Workshop 1: "Learning" on 10/11/2017

Please tell your neighbors and help us spread the word!

Click here to share this event

What is a Truck Management Plan?

The City of Oakland and Port of Oakland invite you to participate in the "Trucks in West Oakland – Community Workshop" series. The City and Port are initiating a West Oakland Truck Management Plan for the development of the former Oakland Army Base lands. The City and Port seek your input to inform and develop the TMP.

Who will be involved?
West Oakland residents and businesses, Port truckers, Mayor's Office, Councilmember McElhaney, City of Oakland, and the Port of Oakland. We hope that you will participate!

Why are the City and Port doing this now?
The former Oakland Army Base is being redeveloped by the City of Oakland and Port of Oakland into new logistics and warehousing facilities.

The West Oakland Truck Management Plan is a requirement of the new development.

Where do we start?

The City of Oakland and Port of Oakland believe the four major areas to problem solve around are:

1. "Truck Circulation" means what streets are being used by trucks. It also contemplates where trucks are going to-and-from.
2. Truck Parking: are trucks parking in spaces that are allowed?
3. Community Infrastructure: is there proper street signage about parking and truck routes in your neighborhood?
4. Enforcement: how can we assist truckers to abide by the permitted truck routes and street-parking limits?

Visit the TMP project page for more information: www.oaklandnet.com

Hotline& Live Chat:

Call 1-844-OAKPORT (1-844-625-7678) or Live Chat on the Port of Oakland Website, M-F between 8:30am-5pm, for more information about the West Oakland Truck Management Plan

City of Oakland

PORT OF OAKLAND

Port of Oakland | 530 Water Street, Oakland, CA 94607

Unsubscribe grow.richard@epa.gov

Update Profile | About our service provider

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Message

From: Margaret Gordon Personal Email / Ex. 6
Sent: 10/25/2017 9:29:37 PM
To: Brian Beveridge Personal Email / Ex. 6 Grow, Richard [Grow.Richard@epa.gov]; Aadeyeye@earthjustice.org; pcort@earthjustice.org; Lee, Anna, Public Health, CAPE [Anna.Lee@acgov.org]; Ray Kidd Personal Email / Ex. 6
Subject: Fwd: CCAEJ Warehouse Report & Good Neighbor Agreement
Attachments: good_neighbor.pdf; CCAEJ Warehouses Report.pdf

FYI,

Ms.Margaret

---------- Forwarded message ----------
From: **Joe Lyou** <joe@ccair.org>
Date: Thu, Oct 19, 2017 at 2:24 PM
Subject: CCAEJ Warehouse Report & Good Neighbor Agreement
To: "Margaret Gordon Personal Email / Ex. 6

Here you go.

Joe

Joseph K. Lyou, Ph.D.

President and CEO, Coalition for Clean Air

Governor's Appointee, South Coast Air Quality Management District Governing Board
660 South Figueroa Street | Suite 1140 | Los Angeles, CA 90017
(213) 223-6866 | ccair.org | aqmd.gov | @joe_lyou | @CleanairCA

--
Ms. Margaret Gordon/Co-Director
West Oakland Environmental Indicators Project
349 Mandela Parkway
Oakland, CA 94607
Personal Phone / Ex. 6 direct line
www.woeip.org

Message

From: BANDROWSKI, MIKE [Bandrowski.Mike@epa.gov]
Sent: 8/10/2017 11:33:19 PM
To: Lakin, Matt [Lakin.Matthew@epa.gov]; Grow, Richard [Grow.Richard@epa.gov]
CC: Douglass, Norma [Douglass.Norma@epa.gov]
Subject: RE: Update: West Oakland Title VI complaint

Sounds good. My calendar is up to date.

Mike Bandrowski | Manager, Office of Air Toxics, Radiation and Indoor Air
U.S. Environmental Protection Agency | Region 9| Air Division, Air-6 | 75 Hawthorne St | San Francisco, CA 94105 |Tel 415.947-4194 | bandrowski.mike@epa.gov

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From: Lakin, Matt
Sent: Thursday, August 10, 2017 4:02 PM
To: Grow, Richard <Grow.Richard@epa.gov>
Cc: Douglass, Norma <Douglass.Norma@epa.gov>; BANDROWSKI, MIKE <Bandrowski.Mike@epa.gov>
Subject: RE: Update: West Oakland Title VI complaint

I'd like a chance to talk about this, even for a few minutes, to ask a few questions. Do you mind if I have Norma set up 30 minutes for us sometime next week?
Thanks,
Matt

_____
Matthew Lakin, Ph.D.
Acting Deputy Director, Air Division
US EPA, Region 9 (AIR-1) | 75 Hawthorne St. | San Francisco, CA 94105
P: 415.972.3851 | E: Lakin.Matthew@epa.gov

From: Grow, Richard
Sent: Thursday, August 10, 2017 8:58 AM
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>; Zimpfer, Amy <Zimpfer.Amy@epa.gov>; Reyes, Deldi <Reyes.Deldi@epa.gov>; Garnett, Desean <Garnett.Desean@epa.gov>; Israels, Ken <Israels.Ken@epa.gov>
Subject: Update: West Oakland Title VI complaint

Elizabeth & Matt

Following is a partial summary of events since the formal acceptance by DOT and EPA of the complaint on July 18.

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

More details available, I remain available to come talk with you at your convenience. Please pass this on to any of your staff you feel would be interested.

Richard
7-4104

Message

From: BANDROWSKI, MIKE [Bandrowski.Mike@epa.gov]
Sent: 10/25/2017 9:29:22 PM
To: Grow, Richard [Grow.Richard@epa.gov]; Reyes, Deldi [Reyes.Deldi@epa.gov]
Subject: RE: AB 617: Recent State and Bay Area toxics rules

Richard- There has been a lot going on with AB617, as you noted. I sent Karen Magliano the NAPA report on CARE and offered to have EPA staff brief her staff on our experience with working with communities. She said she would get back to me. I mentioned this to Deldi, but maybe we should plan to get together and share information on what we have all been hearing. If you or Deldi want to set something up, that would be good. I am in training today and Thursday, but will be around next week.

Mike Bandrowski | Manager, Office of Air Toxics, Radiation and Indoor Air
U.S. Environmental Protection Agency | Region 9| Air Division, Air-6 | 75 Hawthorne St | San Francisco, CA 94105 |Tel 415.947-4194 | bandrowski.mike@epa.gov

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From: Grow, Richard
Sent: Wednesday, October 25, 2017 2:10 PM
To: BANDROWSKI, MIKE <Bandrowski.Mike@epa.gov>; Reyes, Deldi <Reyes.Deldi@epa.gov>
Subject: AB 617: Recent State and Bay Area toxics rules

Mike & Deldi

Not obvious from my in box whether this discussion happened. But in just the few days since I have been back it has been obvious AB 617 has taken over a lot of territory and will be the locus of a lot of activity over the next while. Specifically it came up in (1) the meeting with BAAQMD last Thursday (10/10) between our freight staff and BAAQMD, (2) the BAAQMD-Kaplan Port/OAB interagency group on Friday, brought up by both ARB and BAAQMD, (3) my encounter with Azibuike (BAAQMD) Friday afternoon at the EJ conference Deldi pulled together, (4) yesterday afternoon in talking with CalEPA and (5) this morning in an update meeting with WOEIP in which they described being approached by UCBerkeley to put together a partnership/project under AB 617 based on the WOTRC model and partnering agreement. Basically I'm seeing a number of efforts and issues being reframed in the context of AB 617.

Hoping either or both of you have additional info and that you can catch me up soon so we can see where it is landing at R9 in the EJ and air programs. Also could benefit from a better understanding of who is who on this at the CalEPA, CARB, BAAQMD and other agencies (OEHHA ?) offices. I know CARB has created a new Division and the staffing is still filling out, and assume we will want to be (or already have started ?) coordinating with Veronica Eady and Yana Garcia.

Meet ? Talk ?

Richard

From: BANDROWSKI, MIKE
Sent: Thursday, September 21, 2017 1:32 PM
To: Grow, Richard <Grow.Richard@epa.gov>; Buss, Jeffrey <Buss.Jeffrey@epa.gov>; Chew, Andrew <Chew.Andrew@epa.gov>; Davidson, Ken <Davidson.Ken@epa.gov>; Donez, Francisco <Donez.Francisco@epa.gov>; Freed, Rachel <freed.rachel@epa.gov>; Gutierrez, Roberto <Gutierrez.Roberto@epa.gov>; Kelly, Shaheerah <Kelly.Shaheerah@epa.gov>; Law, Nicole <Law.Nicole@epa.gov>; Lopez, Mariela <Lopez.Mariela@epa.gov>; LOWE, DEBBIE (Separated 8/31/17) <Lowe.Debbie@epa.gov>; Mays, Rory <Mays.Rory@epa.gov>; Pathak, Priyanka <Pathak.Priyanka@epa.gov>; Reyes, Deldi <Reyes.Deldi@epa.gov>; Stewart, Kathleen <Stewart.Kathleen@epa.gov>; Vallano, Dena <Vallano.Dena@epa.gov>; Zellinger, Andrew <Zellinger.Andrew@epa.gov>; Dunning, Connell <Dunning.Connell@epa.gov>
Cc: Freed, Rachel <freed.rachel@epa.gov>; Nivolon, Monique <Nivolon.Monique@epa.gov>; Pathak, Priyanka

<Pathak.Priyanka@epa.gov>
Subject: RE: Recent State and Bay Area toxics rules

Thanks Richard. I will put this on the agenda for our next AT-EJ meeting. We don't currently have anyone in the Division as the lead for tracking this, but it would be good if we could identify someone(s).

Mike Bandrowski | Manager, Office of Air Toxics, Radiation and Indoor Air
U.S. Environmental Protection Agency | Region 9| Air Division, Air-6 | 75 Hawthorne St | San Francisco, CA 94105 |Tel 415.947-4194 | bandrowski.mike@epa.gov

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From: Grow, Richard
Sent: Thursday, September 21, 2017 1:09 PM
To: BANDROWSKI, MIKE <Bandrowski.Mike@epa.gov>; Buss, Jeffrey <Buss.Jeffrey@epa.gov>; Chew, Andrew <Chew.Andrew@epa.gov>; Davidson, Ken <Davidson.Ken@epa.gov>; Donez, Francisco <Donez.Francisco@epa.gov>; Freed, Rachel <freed.rachel@epa.gov>; Gutierrez, Roberto <Gutierrez.Roberto@epa.gov>; Kelly, Shaheerah <Kelly.Shaheerah@epa.gov>; Law, Nicole <Law.Nicole@epa.gov>; Lopez, Mariela <Lopez.Mariela@epa.gov>; LOWE, DEBBIE (Separated 8/31/17) <Lowe.Debbie@epa.gov>; Mays, Rory <Mays.Rory@epa.gov>; Pathak, Priyanka <Pathak.Priyanka@epa.gov>; Reyes, Deldi <Reyes.Deldi@epa.gov>; Stewart, Kathleen <Stewart.Kathleen@epa.gov>; Vallano, Dena <Vallano.Dena@epa.gov>; Zellinger, Andrew <Zellinger.Andrew@epa.gov>; Dunning, Connell <Dunning.Connell@epa.gov>
Cc: Freed, Rachel <freed.rachel@epa.gov>; Nivolon, Monique <Nivolon.Monique@epa.gov>; Pathak, Priyanka <Pathak.Priyanka@epa.gov>
Subject: Recent State and Bay Area toxics rules

FYI a couple of background pieces on Bay Area Rule 11-18 (Public Hearing Notice) and at the State level AB 617 (Analysis for Senate Committee on Appropriations). AB 617 was seen as aimed in part at relieving the community impacts which resolution of the C&T program failed to address. Together these would appear to add some nifty new tools to the community air toxics arsenal. Do we all know who at R9 is tracking these closely ?

Richard

City of OAKLAND California

Message

From: McGowan, Patricia [PMcGowan@oaklandnet.com]
Sent: 1/29/2018 7:08:29 PM
To: Margaret Gordon Personal Phone / Ex. 6 Brian Beveridge Personal Phone / Ex. 6 Robyn Hodges Personal Phone / Ex. 6 Ken Houston Personal Phone / Ex. 6 Jess Dervin-Ackerman [Jess@sfbaysc.org]; Jahmese Myres [jahmese@workingeastbay.org]; Gene Hazzard Personal Phone / Ex. 6 Ray Kidd Personal Phone / Ex. 6 Steve Lowe Personal Phone / Ex. 6 Kate O'Hara [kate@workingeastbay.org]; Michael Hudson Personal Phone / Ex. 6 ; Mark McClure [mmcclure@californiagroup.com]; Megan Morodomi [mmorodomi@californiagroup.com]; Cory Chung [cchung@prologis.com]; Jeff Major Personal Phone / Ex. 6 Maile Smith [Maile.smith@ngem.com]; James Heilbronner [jamesh@archdim.com]; Joanne Park [joannep@archdim.com]; Brent Bucknum [brent@hyphae.net]; Bill Aboudi [bill@oaklandmss.com]; Momina Jalil [momina@cecginc.com]; jbroadbent@baaqmd.gov; Henry Hilken [Hhilken@baaqmd.gov]; Alison Kirk [akirk@baaqmd.gov]; Jean Roggenkamp [jroggenkamp@baaqmd.gov]; David Vintze [DVintze@baaqmd.gov]; Cynthia Marvin [cynthia.marvin@arb.ca.gov]; Robbie Morris [robbie.morris@arb.ca.gov]; Richard Boyd [richard.boyd@arb.ca.gov]; Elizabeth Yura [elizabeth.yura@arb.ca.gov]; Grow, Richard [Grow.Richard@epa.gov]; Anna Lee [Anna.lee@acgov.org]; Rebecca Flournoy [rebecca.flournoy@acgov.org]; Stewart Sonnenberg [stew.sonnenberg@dot.gov]; Aadeyeye@earthjustice.org; McElhaney, Lynette [lmcelhaney@oaklandnet.com]; Cook, Brigitte [BCook@oaklandnet.com]; Wald, Zachary [ZWald@oaklandnet.com]; Kaplan, Rebecca [RKaplan@oaklandnet.com]; Thao, Sheng [SThao@oaklandnet.com]; Davenport, Kevin [KDavenport@oaklandnet.com]; Cole, Doug [DCole@oaklandnet.com]; Monetta, John [JMonetta@oaklandnet.com]; Ranelletti, Darin [DRanelletti@oaklandnet.com]; Gilchrist, William [WGilchrist@oaklandnet.com]; McGowan, Patricia [PMcGowan@oaklandnet.com]; Patel, Bijal [BPatel@oaklandcityattorney.org]; rsinkoff@portoakland.com; Diane Heinze [dheinze@portoakland.com]; Andrea Gardner [agardner@portoakland.com]; Ellen Wyrick-Parkinson Personal Phone / Ex. 6
Subject: Informational Report to City Council Committee regarding the approved construction-related Air Quality Plan for the Southeast and Central Gateway sites of the former Oakland Army Base

January 29, 2018

Dear Oakland Army Base Air Quality Stakeholders,

On February 13, 2018, the Community and Economic Development Committee (CED) of the Oakland City Council will receive an informational report regarding the approved Construction-Related Air Quality Plan for the Southeast and Central Gateway sites of the former Oakland Army Base.
The CED meeting on Tuesday February 13, 2018, is scheduled to begin at 1:30 p.m. in Sgt. Mark Dunakin Room on the first floor of Oakland City Hall located at 1 Frank H. Ogawa Plaza in downtown Oakland.

As specified in the Mitigation Monitoring and Reporting Program (MMRP) for the Oakland Army Base Redevelopment Project the City Administrator has the authority to approve this Plan, followed by an informational report to the City Council. The City Administrator approved the Construction-Related Air Quality Plan for the Southeast and Central Gateway sites of the former Oakland Army Base on November 30, 2017 and this notice is to inform you of the date when the informational report will be received by the CED Committee of the City Council.

Should the CED Committee decide to forward the informational report to the full City Council, the item would additionally be scheduled for the February 20, 2018 meeting of the City Council, to begin at 5:30 p.m. in Oakland City Hall.

The written report for the item will be posted by the City Clerk on or after February 2, 2018, on the City Council webpage located at the following address:
http://www2.oaklandnet.com/Government/o/CityClerk/s/AgendaManagement/index.htm

Please contact me if you have any questions. Pmcgowan@oaklandnet.com; 510-238-3588.

Best Regards,

Patricia McGowan

Patricia McGowan, Environmental Coordinator | City of Oakland | Bureau of Planning | 250 Frank H. Ogawa, Suite 3315 | Oakland, CA 94612 | Phone: (510) 238-3588 | Fax: (510) 238-6538 | Email: PMcGowan@oaklandnet.com | Website: www.oaklandnet.com/planning

Message

From: Lakin, Matt [Lakin.Matthew@epa.gov]
Sent: 8/10/2017 11:01:41 PM
To: Grow, Richard [Grow.Richard@epa.gov]
CC: Douglass, Norma [Douglass.Norma@epa.gov]; BANDROWSKI, MIKE [Bandrowski.Mike@epa.gov]
Subject: RE: Update: West Oakland Title VI complaint

I'd like a chance to talk about this, even for a few minutes, to ask a few questions. Do you mind if I have Norma set up 30 minutes for us sometime next week?
Thanks,
Matt

Matthew Lakin, Ph.D.
Acting Deputy Director, Air Division
US EPA, Region 9 (AIR-1) | 75 Hawthorne St. | San Francisco, CA 94105
P: 415.972.3851 | E: Lakin.Matthew@epa.gov

From: Grow, Richard
Sent: Thursday, August 10, 2017 8:58 AM
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>; Zimpfer, Amy <Zimpfer.Amy@epa.gov>; Reyes, Deldi <Reyes.Deldi@epa.gov>; Garnett, Desean <Garnett.Desean@epa.gov>; Israels, Ken <Israels.Ken@epa.gov>
Subject: Update: West Oakland Title VI complaint

Elizabeth & Matt

Following is a partial summary of events since the formal acceptance by DOT and EPA of the complaint on July 18.

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

More details available, I remain available to come talk with you at your convenience. Please pass this on to any of your staff you feel would be interested.

Richard
7-4104